

Agenda for Planning Committee Wednesday, 10th March, 2021, 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,
G Pook, G Pratt, P Skinner, J Whibley,
T Woodward and J Bailey

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, 25 February 2021

**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 Planning 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 1 March 2021 up until 12 noon on Thursday 4 March 2021 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 order for the applications

The speakers' list and revised order for the applications has been removed.

2 Minutes of the previous meeting (Pages 4 - 15)

Minutes of the Planning Committee meeting held on 10 February and 15 February 2021.

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 16 - 25)

Update from the Development Manager

8 Cranbrook Monkerton District Heating (Pages 26 - 36)

Applications for Determination

PLEASE NOTE - If needed the meeting will be adjourned at approximately 1pm for a 30 minutes break

- 9 **20/1838/MFUL & 20/1839/LBC (Major) EXMOUTH LITTLEHAM** (Pages 37 - 115)
Land At The Former Rolle College, Exmouth, EX8 2BL.
- 10 **19/2710/MFUL (Major) EXMOUTH WITHYCOMBE RALEIGH** (Pages 116 - 171)
Site of Redgate & Land At Tesco, Salterton Road, Exmouth.
- 11 **19/0101/FUL (Minor) DUNKESWELL AND OTTERHEAD** (Pages 172 - 199)
Greenways, Awliscombe, Honiton, EX14 3PJ
- 12 **20/2563/FUL (Minor) DUNKESWELL AND OTTERHEAD** (Pages 200 - 211)
St Isidore Farm, Combe Raleigh, Honiton, EX14 4TG.
- 13 **20/2265/FUL (Minor) SIDMOUTH TOWN** (Pages 212 - 223)
Flat, Sheffield House, Church Street, Sidmouth, EX10 8LX.
- 14 **20/2551/VAR (Minor) YARTY** (Pages 224 - 236)
Axe View Solar Farm, Wadbrook, EX13 7AS.
- 15 **20/2543/OUT (Minor) EXE VALLEY** (Pages 237 - 246)
The Retreat, Stoke Canon, Exeter, EX5 4EG.

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

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Planning Committee held at online via the zoom app on 10 February 2021****Attendance list at end of document**

The meeting started at 10.03 am and ended at 3.00 pm. (The Committee adjourned at 11.52am and reconvened at 12.10pm and adjourned again at 1.38pm and reconvened at 2.09pm)

205 Minutes of the previous meeting

The minutes of the meetings held on 6 January and 7 January 2021 were agreed as true records.

206 Declarations of interest

Minute 208. 20/0993/MRES (Major) – WOODBURY & LYMPSTONE.

Councillors Bruce De Saram, Olly Davey, Steve Gazzard, Tony Woodward, Personal, Exmouth Town Councillor.

Minute 208. 20/0993/MRES (Major) - WOODBURY & LYMPSTONE.

Councillor Eileen Wragg, Personal, Several months ago had met with a resident in Marley Road with two members of Exmouth Town Council and District Council, Councillor Davey and Councillor Whibley to discuss the access route to Goodmores Farm. The planning application itself was not discussed.

Minute 208. 20/0993/MRES (Major) - WOODBURY & LYMPSTONE.

Councillor Olly Davey, Personal, Known to the two public speakers speaking on the application and had a short conversation on the telephone with one of the public speakers.

Minute 208. 20/0993/MRES (Major) - WOODBURY & LYMPSTONE.

Councillor Tony Woodward, Personal, Known to three of the Directors of Goodmores Farm for over 30 years.

Minute 209. 19/2829/MFUL & 19/2830/LBC - (Major) EXMOUTH TOWN.

Councillors Bruce De Saram, Olly Davey, Steve Gazzard, Tony Woodward, Personal, Exmouth Town Councillor.

Minute 209. 19/2829/MFUL & 19/2830/LBC - (Major) EXMOUTH TOWN.

Councillor Olly Davey, Personal, Attended an exhibition at the church to view the early designs of the redevelopment.

Minute 209. 19/2829/MFUL & 19/2830/LBC - (Major) EXMOUTH TOWN.

Councillor Eileen Wragg, Personal, Was a member of Tower Street Methodist Church and was married there 28 years ago.

In accordance with the code of good practice for Councillors and Officers dealing with the planning matters as set out in the Constitution, Councillor Wragg advised that she was the Ward Member in respect of this application so the Vice Chair chaired the item.

Minute 210. 18/1653/MOUT (Major) - BROADCLYST.

Councillor Sarah Chamberlain, Personal, Broadclyst Parish Councillor.

Minute 211. 20/2585/FUL (Minor) - EXMOUTH HALSDON.

Councillors Bruce De Saram, Olly Davey, Steve Gazzard, Tony Woodward, Personal, Exmouth Town Councillor.

Minute 211. 20/2585/FUL (Minor) - EXMOUTH HALSDON.

Councillor Eileen Wragg, Personal, Went to see the applicant at the request of a Ward Member and suggested to the applicant that he discuss the application with the Development Manager.

Minute 211. 20/2585/FUL (Minor) - EXMOUTH HALSDON.

Councillor Olly Davey, Personal, Known to the applicant as a pupil at Exeter Road Primary School while employed as a teacher at the school.

207 **Planning appeal statistics**

The Committee received and noted the Development Manager's report setting out three appeal decisions notified, of which two had been dismissed.

The Development Manager drew Members' attention to the two appeal decisions dismissed. The first appeal for planning application 20/0946/FUL had been dismissed because the Inspector had agreed with Members' concerns about the visual impact and amenity concerns. The second appeal for planning application 20/0643/FUL for the construction of a detached dwelling and associated driveway was also dismissed because the Inspector considered it was in an unsustainable location.

The Development Manager also drew Members' attention to the appeal decision allowed for planning application 19/0078/FUL for demolition of former cottage and construction of a new dwelling advising that the Inspector had considered that the visual impact was acceptable.

208 **20/0993/MRES (Major) - WOODBURY & LYMPSTONE**

Applicant:

Joanna Fowler (Eagle Investments Ltd.)

Location:

Goodmores Farm, Hulham Road, Exmouth, EX8 5BA.

Proposal:

Reserved matters application (layout, scale, appearance and landscaping) pursuant to outline planning permission 14/0330/MOUT for 303 residential units including 16 affordable units, associated roads, open space (formal and informal) and an attenuation basin. The provision of serviced land for mixed-use employment/commercial users and land for the provision of a primary school.

RESOLVED:

Approved as per officer recommendation but with following additional and amended conditions:

Additional conditions 7 and 8:

With the exception of works to form the creation of the accesses into the site, no site works shall commence until an ecological impact and mitigation assessment (EIA) has been submitted and approved in writing by the Local Planning Authority. The assessment shall include measures for safeguarding wildlife during construction in accordance with the EIA and the monitoring and reporting arrangements for this. Thereafter the development shall be carried out in accordance with the approved details.

(Reason: In the interests of the protection of wildlife on the site in accordance with Policy EN5 – Wildlife Habitats and Features of the adopted East Devon Local Plan.)

With the exception of works to form the creation of the accesses into the site, and notwithstanding the submitted landscaping details hereby approved, no site works shall commence until the following have been submitted and approved in writing by the Local Planning Authority:

- i) detailed hard landscape proposals have been submitted and approved to include details of individual plot boundaries, pavings, surfacings and edgings, walls, retaining structures and site furniture.
- ii) detailed levels plans and minimum of 2 sections provided (existing and proposed) to include details of embankments and any retaining structures and means of enclosure to the SUDs features.
- iii) landscape strategy and design code
- iv) detailed planting plans

(Reason: In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan.)

Amended conditions 3 and 6 to read:

3. Prior to the football pitch being brought into use details including design, sections, earthworks, height, materials and a maintenance schedule for ball stop fencing around the football pitch, together with any lighting design shall be submitted to and approved in writing by the Local Planning Authority.

(Reason: To ensure the fencing is suitable given the proximity to highways and third party properties in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

6. Prior to occupation of the first dwelling on site a detailed Landscape and Ecology Management Plan (LEMP) for a minimum period of 25 years shall be submitted and should include the following details:

- Aims and objectives of the management plan;
- Extent, ownership and responsibilities for management and maintenance;
- Details of how the management and maintenance of open space will be funded for the life of the development;
- Details of bat and bird boxes to the dwelling;
- Inspection and reporting arrangements for existing and proposed trees and hedgerows and monitoring of bio-diversity net-gain;
- Management and maintenance of trees and hedgerow;
- Management and maintenance of shrub, herbaceous and grass areas.
- Management of ecological habitat, maintenance of any ecological mitigation measures and further measures for enhancement of biodiversity value;

- Management and maintenance of any boundary structures, drainage swales and other infrastructure/ facilities within public areas.

Maintenance shall be carried out in accordance with the approved plan.

(Reason - In the interests of the protection of wildlife on the site and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy EN5 (Wildlife Habitats and Features), Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan.)

209 **19/2829/MFUL & 19/2830/LBC - (Major) EXMOUTH TOWN**

Applicant:

Mr B Male (Hansard Ltd.)

Location:

Tower Street Methodist Church, Tower Street, Exmouth, EX8 1NT.

Proposal:

Part demolition and redevelopment and part conversion of vacant buildings to create 19 residential units plus development to provide two retail units.

RESOLVED:

19/2829/MFUL – Approved as per officer recommendation.

19/2830/LBC – Approved as per officer recommendation.

210 **18/1653/MOUT (Major) - BROADCLYST**

Applicant:

Johnstone Land (South West) Ltd.

Location:

Land North Of Moonhill Copse, West Clyst, Exeter.

Proposal:

Outline planning application (appearance, landscaping, layout and scale reserved) for up to 71 dwellings, together with access and associated infrastructure, landscaping and drainage.

RESOLVED:

Deferred until the meeting of the 15 February 2021.

(Reason – Lack of highway information and impacts on planning obligations is central to consideration of this item that we defer for consideration of all issues.)

211 **20/2585/FUL (Minor) - EXMOUTH HALSDON**

Applicant:

Mr Mark Philp.

Location:

59 Mount Pleasant Avenue, Exmouth, EX8 4QR.

Proposal:

Front and rear hip to gable extension with side dormer to form new first floor living space and associated works.

RESOLVED:

Refused as per officer recommendation.

212 **20/1807/VAR (Minor) - FENITON**

Applicant:

Mr and Mrs Goodall.

Location:

Treasure Lake Farm, Buckerell, Honiton, EX14 3EP.

Proposal:

Variation of condition 3 of planning permission 99/P0774 (Adapt one holiday let into two lets, convert garage to office and new garage/store and holiday let) to allow Owl Cottage to be used as an unrestricted residential dwelling and to amend the holiday restriction on Squirrel Cottage and Mallard Cottage.

RESOLVED:

Approved as per officer recommendation.

213 **20/0652/FUL (Minor) - SIDMOUTH TOWN**

Applicant:

Lily and Violeta Lunan.

Location:

6 Willoughby House, Peak Hill Road, Sidmouth, EX10 0NW.

Proposal:

Proposed terrace, access bridge and balustrade. Alteration and new door and new rooflights to north elevation.

RESOLVED;

Approved as per officer recommendation.

214 **20/2171/FUL (Minor) - AXMINSTER**

Applicant:

Mr Allen.

Location:

Bonnars Causeway, Axminster, EX13 5EN.

Proposal:

Formation of bin store.

RESOLVED:

Approved as per officer recommendation.

Attendance List

Councillors present:

E Wragg (Chair)
S Chamberlain (Vice-Chair)
K Bloxham
C Brown
O Davey
B De Saram
S Gazzard
M Howe
D Key
G Pook
G Pratt
P Skinner
T Woodward

Councillors also present (for some or all the meeting)

F Caygill
M Chapman
B Ingham
G Jung
P Millar
A Moulding

Officers in attendance:

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

Councillor apologies:

A Colman

Chairman

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Planning Committee held at online via the zoom app on 15 February 2021

Attendance list at end of document

The meeting started at 10.00 am and ended at 12.05 pm.

In the absence of Councillor Chamberlain the Committee agreed to Councillor Olly Davey being Vice Chair for this meeting.

215 Declarations of interest

Minute 218. 20/1953/VAR (Major) - OTTERY ST MARY.
Councillor Geoff Pratt, Personal, Regular customer of Sainsburys at Ottery St Mary.

Minute 218. 20/1953/VAR (Major) - OTTERY ST MARY.
Councillor Philip Skinner, Personal, Customer of Sainsburys in Ottery St Mary.

Minute 220. 20/2256/FUL (Minor) - HONITON ST MICHAELS.
Councillor Colin Brown, Personal, Known to the applicant.

Minute 221. 20/2496/COU (Minor) - AXMINSTER.
Councillor Kim Bloxham, Personal, As Vice Chair of Licensing and Enforcement Committee advised she would abstain on this planning application.

Minute 222. 20/2799/FUL (Minor) DUNKESWELL AND OTTERHEAD.
Councillor Bruce De Saram, Personal, Known to the applicant.

Minute 222. 20/2799/FUL (Minor) DUNKESWELL AND OTTERHEAD.
Councillor Geoff Pook, Personal, Known to the architect and had worked with him on other projects at least five years ago.

Minute 223. 20/2785/FUL (Minor) - CLYST VALLEY.
Councillors Kim Bloxham, Olly Davey, Bruce De Saram, Steve Gazzard, David Key, Philip Skinner, Cllr Wragg Personal, Known to applicant as a member of this council.

Minute 223. 20/2785/FUL (Minor) - CLYST VALLEY.
Councillor Mike Howe, Pecuniary, In accordance with the code of good practice for Councillors and Officers dealing with the planning matters as set out in the Constitution, Councillor Howe advised that he was the applicant in respect planning application 20/2785/FUL and was removed to the virtual lobby while this application was being discussed and did not participate in the debate or vote.

Non-Committee Members

Minute 219. 20/1958/FUL (Minor) - YARTY.
Councillor Paul Hayward, Personal, Clerk to Chardstock Parish Council.

Minute 220. 20/2256/FUL (Minor) - HONITON ST MICHAELS.
Councillor Phil Twiss, Personal, Lives within the Blackdown Hills Area of Outstanding Natural Beauty and advised he was very protective of this area.

216 18/1653/MOUT (Major) - BROADCLYST

Applicant:

Johnstone Land (South West) Ltd.

Location:

Land North Of Moonhill Copse, West Clyst, Exeter.

Proposal:

Outline planning application (appearance, landscaping, layout and scale reserved) for up to 71 dwellings, together with access and associated infrastructure, landscaping and drainage.

RESOLVED:

Approved as per officer recommendation but with the following changes to the planning obligations and the following additional and amended conditions:

Planning obligations secured as follows:

- Habitat mitigation contribution of £354 per residential unit
- Connection to the district heating system as advocated by Strategy 40 of the EDDC Local Plan.
- 50% affordable housing to be 70% rented and 30% shared ownership
- Provision of an on-site locally area for play (LAP);
- Provision and maintenance of protected bat corridors;
- Financial contribution of £3250 per dwelling towards highway improvements (including £500 per dwelling Travel Plan contribution).

Additional and Amended conditions:

1. Conditions numbered in order sequence;

2. Condition 12 to read:

Prior to the commencement of any works on site to the relevant element (including demolition and site clearance or tree works), details of the design of building foundations, access roads and car park surface construction (temporary and permanent) the layout (with positions, dimensions and levels) of service trenches, ditches, drains and other excavations on site (insofar as they may affect trees on or adjacent to the site), shall be submitted to and approved in writing by the Planning Authority. (Reason: To ensure the continued well being of retained trees in the interests of the amenity of the locality in accordance with Policy D3 (Trees and Development Sites) of the East Devon Local Plan.

3. Condition 14 deleted;

4. Condition 15 to read:

The reserved matters application(s) shall be submitted in accordance with the recommendations of Section 6 of the Ecological Impact Assessment undertaken by Clarkson and Woods Ecological Consultants dated November 2019, or any addendum to the report approved in writing by the Local Planning Authority. and the development shall thereafter be carried out in accordance with the recommendation set out therein. Reason: To ensure that the protected species found to be on

site/have the potential to be on site are dealt with in an appropriate and sensitive manner to safeguard their future and to replace lost habitats in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan.

5. Condition 21 to read as follows:

Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- (a) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with our DCC groundwater monitoring policy.
- (b) A detailed drainage design based upon the approved Flood Risk Assessment & Drainage Strategy Taverner's Field Broadclyst 30th October 2019 v5 and Drainage Addendum dated 8th February 2021 and the results of the information submitted in relation to (a) above.
- (c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (e) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.

(Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with Policy EN22 – Surface Run-Off Implications of New Development of the East Devon Local Plan, SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.)

6. Additional two conditions as follows:

The site access and visibility splays shall be constructed, laid out and maintained for that purpose where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be at least 43 metres in both directions.

(Reason: To provide a satisfactory access to the site with and to provide adequate visibility from and of emerging vehicles in accordance with Policy TC7 – Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031).

The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 20 metres back from its junction with the public highway.

(Reason: To prevent mud and other debris being carried onto the public highway in accordance with Policy TC7 – Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031).

217 **19/1161/OUT (Minor) - EXE VALLEY**

Applicant:

Mr & Mrs Reeves.

Location:

Land West Of Kilmore House, Poltimore, EX4 0AT.

Proposal:

Outline application with all matters reserved for the erection of five affordable dwellings and three open market dwellings.

RESOLVED:

Refused as per officer recommendation.

218 **20/1953/VAR (Major) - OTTERY ST MARY**

Applicant:

Sainsburys Supermarkets Limited.

Location:

Sainsburys, Hind Street, Ottery St Mary, EX11 1BW.

Proposal:

Variation of Condition 14 (yard usage hours) of planning permission 09/2354/MFUL (erection of Class A1 food store, customer car parking, service access and associated development, as varied by 11/1173/VAR) to allow use of the yard from 6am (instead of 7am) Monday to Saturday for a temporary period of one year from the date of decision, formally extending the earlier start which began temporarily on 3 August 2020 as a result of the Government's response to the Coronavirus pandemic.

RESOLVED:

Approved as per officer recommendation.

219 **20/1958/FUL (Minor) - YARTY**

Applicant:

Alistair Rattenbury.

Location:

1A Green Lane, Chardstock, Axminster, EX13 7BL.

Proposal:

Construction of garden studio/office and decking.

RESOLVED:

Approved as per officer recommendation.

220 **20/2256/FUL (Minor) - HONITON ST MICHAELS**

Applicant:

Richard Hooper.

Location:

Middle Hill House, Church Hill, Honiton, EX14 9TE.

Proposal:

Proposed conversion of agricultural building to form residential dwelling and associated works.

RESOLVED:

Approved as per officer recommendation.

221 **20/2496/COU (Minor) - AXMINSTER**

Applicant:

Andrew Swann.

Location:

2 & 4 St Georges, Chard Street, Axminster, EX13 5DL.

Proposal:

Change of use of ground floor of buildings from shops (Class E) to micropub (sui generis)

RESOLVED:

Approved as per officer recommendation.

222 **20/2799/FUL (Minor) DUNKESWELL AND OTTERHEAD**

Applicant:

Mr N Chapman.

Location:

Higher Northcott Farm, Blackborough, Cullompton, EX15 2JF.

Proposal:

Construction of single and two storey rear extensions.

RESOLVED:

Approved as per officer recommendation.

223 **20/2785/FUL (Minor) - CLYST VALLEY**

Applicant:

Mr Michael Howe (The Stores Mills & Son).

Location:

The Stores, Clyst St Mary, Exeter, EX5 1BR.

Proposal:

Replacement of existing flat roof to store and raising roof height by 150mm.

RESOLVED:

Approved as per officer recommendation.

Attendance List

Councillors present:

E Wragg (Chair)
K Bloxham
C Brown
A Colman
O Davey
B De Saram
S Gazzard
M Howe
D Key
G Pook
G Pratt
P Skinner

Councillors also present (for some or all the meeting)

P Hayward
A Moulding
P Twiss

Officers in attendance:

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

Councillor apologies:

S Chamberlain
T Woodward

Chairman

Date:

East Devon District Council List of Planning Appeals Lodged

Ref: 20/1380/PDQ **Date Received** 26.01.2021
Appellant: Mr Braddick
Appeal Site: Land North Of Hamlet House Hamlet House Weston
Proposal: Conversion of agricultural building to dwelling
Planning Inspectorate Ref:

Ref: 20/1510/FUL **Date Received** 27.01.2021
Appellant: Mr and Mrs Kerr
Appeal Site: Highfield Higher Way Harpford Sidmouth EX10 0NJ
Proposal: Construction of dormer windows to front and rear, raising of roof to provide additional 1st floor accommodation, veranda and render finishes (revision of 20/0784/FUL)
Planning Inspectorate Ref: APP/U1105/D/21/3267759

Ref: 20/1481/FUL **Date Received** 29.01.2021
Appellant: Ms A Cole
Appeal Site: 18 Fore Street Seaton EX12 2LA
Proposal: To demolish the later read additions and erect a three storey building to form 3 x 1 bedroom apartments; carry out internal alterations to existing property to create additional 1 bedroom dwelling
Planning Inspectorate Ref: APP/U1105/W/21/3267933

Ref: 20/2043/VAR **Date Received** 02.02.2021
Appellant: Philip and Christine Potter
Appeal Site: April Rise Crewkerne Road Axminster EX13 5SX
Proposal: Variation of condition 3 of permission 18/1425/FUL (Retention of garage as built, and change of use to create holiday accommodation) to allow building to be used as an unrestricted dwelling
Planning Inspectorate Ref: APP/U1105/W/21/3268125

Ref: 20/1251/TEL **Date Received** 04.02.2021
Appellant: Telefonica Limited
Appeal Site: Stantyway Recreation Ground Otterton
Proposal: The erection of an 18m high lattice tower supporting 3no. antennas and 1no. microwave dish, the installation of 1no. equipment cabinet and 1no. meter cabinet on new concrete base and the installation of ancillary equipment
Planning Inspectorate Ref: APP/U1105/W/21/3268338

Ref: 20/1129/FUL **Date Received** 11.02.2021
Appellant: Mr & Mrs Hignett
Appeal Site: Greystones Salcombe Regis Sidmouth EX10 0JQ
Proposal: Construction of two storey side extension, incorporating first floor extension to existing single storey rear lean-to, and single storey front extension. Removal of existing garden buildings
Planning Inspectorate Ref: APP/U1105/D/21/3268793

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

Ref: 20/0833/FUL **Appeal Ref:** 20/00049/REF
Appellant: Mr N M Eyres
Appeal Site: 26 & 26A Mill Street Ottery St Mary EX11 1AD
Proposal: Sub-division of existing vacant retail shop unit (26), new internal staircase to modified flat unit (26A) and alterations to existing shop front. Part retrospective.
Decision: **Appeal Dismissed** **Date:** 28.01.2021
Procedure: Written representations
Remarks: Delegated refusal, shopping policy reasons upheld (EDLP Policy E10 and NP Policy NP18).
BVPI 204: **Yes**
Planning APP/U1105/W/20/3258150
Inspectorate Ref:

Ref: 20/0943/FUL **Appeal Ref:** 20/00050/REF
Appellant: Mr N M Eyres
Appeal Site: 26 & 26A Mill Street Ottery St Mary EX11 1AD
Proposal: Conversion of part existing vacant shop unit (26) and part first floor flat (26A) into one bedroom town house
Decision: **Appeal Dismissed** **Date:** 28.01.2021
Procedure: Written representations
Remarks: Delegated refusal, shopping policy reasons upheld (EDLP Policy E10 and NP Policy NP18).
BVPI 204: **Yes**
Planning APP/U1105/W/20/3258355
Inspectorate Ref:

Ref: 20/0846/FUL **Appeal Ref:** 20/00055/REF
Appellant: Mr S Thorneywork
Appeal Site: Lloyds Tsb Bank Plc 8 Fore Street Budleigh Salterton EX9 6NQ
Proposal: Construction of 1 bed cottage
Decision: **Appeal Dismissed** **Date:** 08.02.2021
Procedure: Written representations
Remarks: Delegated refusal, amenity and flooding reasons upheld (EDLP Policies D1 & EN21)
BVPI 204: **Yes**
Planning APP/U1105/W/20/3260621
Inspectorate Ref:

Ref:	20/0988/FUL	Appeal Ref:	20/00059/HH
Appellant:	Mr Ian Connock		
Appeal Site:	Abbotsford Longmeadow Road Lympstone Exmouth EX8 5LE		
Proposal:	Creation of a means of access to a highway (part retrospective)		
Decision:	Appeal Allowed (with conditions)	Date:	08.02.2021
Procedure:	Written representations		
Remarks:	<p>Delegated refusal, Highway safety and tree amenity reasons overruled (EDLP Policies TC7 & D3).</p> <p>The Inspector considered that the proposal would not be likely to increase opportunity for conflict between vehicles, and between vehicles and pedestrians and would not have a harmful effect with regards to highway safety. Having regard to the trees on the site, he considered that that the hedge or the saplings which it currently contains, do not make any significant positive contribution to the character or appearance of the surrounding area and do not have any significant amenity value.</p> <p>The Inspector concluded that the proposed development would not be detrimental to the safe and satisfactory operation of the local or wider highway network and would not result in any net loss of the quality of trees or hedgerow on the site. The proposal would therefore comply with Policies TC7 & D3 of the Local Plan.</p>		
BVPI 204:	Yes		
Planning	APP/U1105/D/20/3261816		
Inspectorate Ref:			

East Devon District Council List of Appeals In Progress

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: 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: 16 March 2021

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: 19/2591/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
Site visit: 5 January 2021

App.No: 20/0848/FUL
Appeal Ref: APP/U1105/W/20/3260272
Appellant: Mr Thomas Lowday
Address: 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
Start Date: 18 November 2020
Procedure: Written reps.
Questionnaire Due Date: 25 November 2020
Statement Due Date: 23 December 2020

App.No: 15/F0020
Appeal Ref: APP/U1105/C/20/3248557
Appellant: Ms Charmaine Lee
Address: Hawkwell Park, Hawkchurch
Proposal; Appeal against the serving of an enforcement notice in respect of the non - compliance with a condition on a planning permission restricting the occupation of caravans on the site to gypsies and travellers.
Start Date: 8 December 2020
Procedure: Inquiry
Questionnaire Due Date: 22 December 2020
Statement Due Date: 19 January 2021
Inquiry Date: 6 July 2021

App.No: 20/0668/PDQ
Appeal Ref: APP/U1105/W/20/3261197
Appellant: Terry Grandfield
Address: 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)
Start Date: 8 December 2020
Procedure: Written reps.
Questionnaire Due Date: 15 December 2020
Statement Due Date: 12 January 2021

App.No: 20/1624/PDQ
Appeal Ref: APP/U1105/W/20/3261200
Appellant: Terry Grandfield
Address: 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).
Start Date: 8 December 2020
Procedure: Written reps.
Questionnaire Due Date: 15 December 2020
Statement Due Date: 12 January 2021

App.No: 20/1779/FUL
Appeal Ref: APP/U1105/W/20/3261920
Appellant: Mr John Lomax
Address: Water Tower At Mount Pleasant Exmouth Road Aylesbeare
Proposal; Provision of additional secure storage space adjacent and within structure
Start Date: 21 December 2020
Procedure:
Written reps.
Questionnaire Due Date: 28 December 2020
Statement Due Date: 25 January 2021

App.No: 20/0507/FUL
Appeal Ref: APP/U1105/W/20/3262604
Appellant: Mr S James
Address: Hookmills Chardstock Axminster EX13 7DD
Proposal; Change of use of single storey office building to dwelling; store building to associated domestic use and adjoining land to garden
Start Date: 21 December 2020
Procedure:
Written reps.
Questionnaire Due Date: 28 December 2020
Statement Due Date: 25 January 2021

App.No: 20/0572/FUL
Appeal Ref: APP/U1105/W/20/3262750
Appellant: Mr J Lacey
Address: Land At Woodhouse Lyme Road Uplyme
Proposal; Change of use of agricultural land for siting of static caravan and construction of generator housing (retrospective).
Start Date: 21 December 2020
Procedure:
Written reps.
Questionnaire Due Date: 28 December 2020
Statement Due Date: 25 January 2021

App.No: 20/0411/LBC
Appeal Ref: APP/U1105/Y/20/3262597
Appellant: Mr David Holt
Address: Berry Cottage Longmeadow Road Lymington Exmouth EX8 5LW
Proposal; Remove existing rear porch and construct extension to the rear (north) elevation
Start Date: 30 December 2020
Procedure:
Written reps.
Questionnaire Due Date: 6 January 2021
Statement Due Date: 3 February 2021

App.No: 20/1632/FUL
Appeal Ref: APP/U1105/W/20/3264008
Appellant: Mr Robert Lester
Address: Woolbrook Reservoir Balfours Sidmouth EX10 9EF
Proposal; Construction of single storey dwelling
Start Date: 5 January 2021
Procedure:
Written reps.
Questionnaire Due Date: 12 January 2021
Statement Due Date: 9 February 2021

App.No: 20/0078/CPE
Appeal Ref: APP/U1105/X/20/3263779
Appellant: Mr Colin Bloomfield
Address: Stream Wood Land NW Of Yawl Cross St Marys Lane Uplyme
Proposal; Certificate of Lawfulness for an existing use and operation consisting of the erection of 2no. buildings and their use for a mixed residential, workshop and storage use in connection with management of surrounding woodland
Start Date: 8 January 2021
Procedure:
Written reps.
Questionnaire Due Date: 22 January 2021
Statement Due Date: 19 February 2021

Ref.No: 18/F0494
Appeal Ref: APP/U1105/C/20/3262840
Appellant: Malcolm John Burrough
Address: Thorn Park Family Golf Centre, Salcombe Regis, Sidmouth
Proposal; Appeal against the serving of an enforcement notice in respect of the siting of two caravans on the land.
Start Date: 11 January 2021
Procedure:
Written reps.
Questionnaire Due Date: 25 January 2021
Statement Due Date: 22 February 2021

App.No: 19/2283/COU
Appeal Ref: APP/U1105/W/20/3264784
Appellant: Mr I Chubb
Address: The Big Office Chubbs Yard Chardstock Axminster EX13 7BT
Proposal; Change of use from office to dwelling (retrospective)
Start Date: 22 February 2021
Procedure:
Written reps.
Questionnaire Due Date: 1 March 2021
Statement Due Date: 29 March 2021

App.No: 20/1149/FUL
Appeal Ref: APP/U1105/W/20/3264705
Appellant: Mrs N Bayliss
Address: Land Opposite Exton Lane Exmouth Road Exton
Proposal; Construction of two dwellings and creation of new vehicular access
Start Date: 23 February 2021
Procedure:
Written reps.
Questionnaire Due Date: 2 March 2021
Statement Due Date: 30 March 2021

Report to: Planning Committee

Date of Meeting 10th March 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Towards Zero Carbon Development in the West End

Report summary:

There is a long standing ambition to support the large scale delivery of low and zero carbon development in the West End of the District. In the case of Cranbrook a strategic choice was made over a decade ago to underpin the achievement of this ambition through the roll out of a district heating network with associated obligations in terms of the installation of a biomass fuelled combined heat and power plant.

Much has changed over the past decade since the development of Cranbrook began. But now, in the context of the government's commitment to the introduction of the Future Homes Standard in 2025 and endorsement of the ongoing roll out of district heating network to serve the expansion areas by the Inspector for the Cranbrook Development Plan Document, there is an opportunity to complete this journey. This will serve to both decarbonise existing homes at both Cranbrook and Monkerton/Tithebarn and support new development that achieves at least 75% carbon savings relative to current build standards as part of an overall requirement to deliver net zero development

The reports put forward a framework for a Deed of Variation to the current section 106 agreement attached to the energy centre at Skypark with the overall intent that this will move away from biomass CHP to utilising waste heat from the forthcoming Energy from Waste at Hill Barton. This change will align with the updated strategy for supporting the delivery of low and zero carbon development in the West End that will ultimately comprise of over 12,000 homes and 2m sq ft of commercial space.

Recommendation:

It is recommended that members;

- Note the further technical work that has been undertaken to support the delivery of low and zero carbon development in the West End of the District
- Agree the principle of the proposed Deed of Variation based on the core provisions set out in paragraph 6.2
- Delegate authority to the Service Lead (Strategic Planning and Development Management) in consultation with the Chair of Planning Committee and the ward members to agree the detailed provisions of the Deed of Variation

Reason for recommendation:

To ensure that there is a clear pathway for achieving large scale low and zero carbon development in the West End of the District.

Officer: Andrew Wood, Service Lead (Growth, Development & Prosperity), Tel 01395 571743, adwood@eastdevon.gov.uk

Portfolio(s) (check which apply):

☒ Climate Action

☐ Corporate Services and COVID-19 Response and Recovery

☐ Democracy and Transparency

- ☒ Economy and Assets
- ☒ Coast, Country and Environment
- ☒ Finance
- ☒ Strategic Planning
- ☒ Sustainable Homes and Communities

Financial implications:

Financial details are contained in the report. There is a complex and specialist nature to this report, the deed of variation with a £6m negotiated sum for EON in lieu of s.106 obligation has been advised through suitable legal, technical and financial advice.

Legal implications:

Modifications to planning obligations fall under section 106A of the Town and Country Planning Act 1990 (as amended) and obligations may be modified by agreement of the parties. If approved by planning committee full instructions as to the modifications required to fulfil the core provisions as set out within paragraph 6.2 will have to be confirmed to the legal department under the delegated authority.

Equalities impact Low Impact

Climate change High Impact

The vision for Cranbrook to develop as a zero carbon town is clearly stated in the Cranbrook Development Plan Document. The continued role out of district heating and the connection to a low carbon energy source has the potential to secure very substantial carbon savings. This will make a major contribution to achieving this objective.

Risk: High Risk. This is a complex project involving a wide range of different actors, both public and private. The role for the Council is potentially multi-faceted, from regulatory through to becoming a potential investor. The application to the Heat Network Investment Programme includes to secure funding for technical support, such as legal and financial advice, to ensure that all relevant risks can be identified and managed going forward.

Links to background information

[Zero Carbon Development in the West End, Cabinet Report July 2019](#)

[Cranbrook Development Plan Document](#)

[The Future Homes Standard: changes to Part L and Part F of the Building Regulations for new dwellings](#)

[Towards Zero Carbon Development in the West End, Cabinet Report, September 2020, item 14](#)

[Towards Zero Carbon Development in the West End, Cabinet Report January 2021 item 26](#)

Link to [Council Plan](#):

Priorities (check which apply)

- ☒ Outstanding Place and Environment
- ☒ Outstanding Homes and Communities
- ☒ Outstanding Economic Growth, Productivity, and Prosperity
- ☒ Outstanding Council and Council Services

1.1 In recognition of the large scale and long term nature of the developments in the West End of the District, the need to factor in increasingly stringent environmental and carbon performance standards has been a key tenet of the adopted approach. In the case of Cranbrook the initial planning took account of the Code for Sustainable Homes and the anticipated timetable for progressing to Code 6 and net zero carbon development in 2016.

1.2 Element Energy were commissioned in 2008 to undertake a study to understand how best to meet these more demanding standards over time. This study demonstrated that it would be much more cost effective to install a district energy network to meet the zero carbon standard rather than rely on fabric and renewable energy measures on each home. Subsequently a requirement for all homes to be connected to a district heating network became a key part of the planning strategy for Cranbrook and the neighbouring Skypark commercial development. Funding made available by the Regional Development Agency to bring forward key infrastructure (such as St Martin's school) was also made contingent upon this network being rolled out.

1.3 Following a competitive exercise E.ON were selected by the Cranbrook developer consortium as the preferred energy company/operator for the network and an 80 year concession agreement was negotiated. It should be remembered that such a large network on a relatively low density greenfield site had never been delivered before in the UK. This was very much viewed as a 'lighthouse' project and significant public sector investment was required to make the scheme viable. This took the form of a £3.8m grant from the government's Low Carbon Infrastructure Fund plus a further £100k each from the Council, County Council and City Council.

1.4 A second network serving the Monkerton/Pinhoe/Mosshayne area together with the Science Park was negotiated in 2013. This was achieved on a purely commercial basis with no grant. Together there are now over 100km of heat pipe in the ground with a capex of circa £50m. The first permanent energy centre at Skypark was commissioned in 2013 and a second energy centre, currently under construction at Monkerton, is due to be commissioned later this year.

1.5 Ultimately it is expected that over 12,000 homes and 2m sq. ft. of commercial space will be served by these networks. Given the length of the concession agreements this is a long term commitment. It should also be remembered that these heat networks are effectively local monopolies – it is only the concession holder that can supply the heat and, unlike the electricity network, there is no ability for heat customers to swap to a different provider. Price controls and wider service guarantees therefore form an important part of the concession agreement.

2. Part L and the Future Homes Standard

2.1 The wider legislative backdrop for and pathway towards zero carbon development has been set back in the intervening period since construction of Cranbrook started in 2011, not least through the abolition of the Code for Sustainable Homes and the scrapping of zero carbon homes target in 2015. During 2019 the Government did commit to there being no fossil fuelled homes from 2025. This is to be enshrined within a new 'Future Homes Standard' for new build homes to be future-proofed with low carbon heating and world-leading levels of energy efficiency.

2.2 The Government consulted on proposed changes to Part L '*Conservation of fuel and power*' of the Building Regulations during October 2019. To meet the Future Homes Standard by 2025 it was recognised that industry will need to develop the necessary supply chains, skills and construction practices to deliver low-carbon heat, and highly energy efficient new homes. The first steps in facilitating these changes is to provide a clear vision for implementing the Future Homes Standard and to set an ambitious uplift to the current energy performance requirements in the Building Regulations for new homes.

2.3 Two options were set out for tightening Part L of the Building Regulations as follows;

Option 1: 20% reduction in carbon emissions compared to the current standard for an average home. It was anticipated this could be delivered by very high fabric standards (typically with triple glazing and minimal heat loss from walls, ceilings and roofs).

Option 2: 31% reduction in carbon emissions compared to the current standard. It was anticipated that this could be delivered based on the installation of carbon-saving technology such as photovoltaic (solar) panels and better fabric standards, though not as high as in option 1 (typically double not triple glazing).

It was made clear that Option 2 was the preferred option.

2.4 In relation to district heating the consultation document included the following paragraph;

Heat networks (sometimes referred to as district heating) are a distribution system that takes heat from a centralised source and delivers it to a number of different buildings. These heat networks also form an important part of our plan in the future of low carbon heat, in particular in cities and high-density areas. Heat networks can decarbonise more easily compared to most other heat sources because new technologies can be added to the system with little disruption to individual householders. They provide a unique opportunity to exploit larger scale, renewable and recovered heat sources that can't be accessed at an individual building level. Heat networks also provide system benefits such as thermal storage and reducing the energy demand of the grid at peak times. It is estimated by the CCC that around 18% of UK heat will need to come from heat networks by 2050 if the UK is to meet its carbon targets cost-effectively. We expect that heat networks will have a strong role to play in delivering low carbon heat to new homes in future

2.5 MHCLG published the response to the 2019 consultation on Part L on the 19th January 2021. The key provisions of this are set out below;

- From 2025, the Future Homes Standard will deliver homes that are zero-carbon ready
- These homes will be future-proofed with low carbon heating and high levels of energy efficiency
- New homes built to the Future Homes Standard will have carbon dioxide emissions at least 75% lower than those built to current Building Regulations standards.
- There will be consultation on a full technical specification for the Future Homes Standard in 2023 with a commitment to introduce the necessary legislation in 2024, ahead of implementation in 2025
- Local authorities will retain powers to set local energy efficiency standards for new homes.
- A 2021 interim uplift will deliver high-quality homes that are in line with the broader housing commitments and encourage homes that are future-proofed for the longer-term. These homes will be expected to produce 31% less CO₂ emissions compared to current standards.

2.6 In the context of the development of Cranbrook the changes to the national timetable for achieving zero carbon development have been deeply frustrating not least as a result of the abolition of the Code for Sustainable Homes. Critically though the recent response to the Part L consultation and the confirmation of the timetable for the introduction of the Future Homes Standard does now re-establish this policy foundation. The expectation that an average home built to the Future Homes Standard will have at least 75% less carbon emissions than one built to current energy efficiency requirements (Approved Document L 2013) is clear. Equally the expectation is that this will be achieved through high fabric standards and a low carbon heating system. In the words of the 2019 consultation, this will ensure that new build homes 'will be fit for the future, better for the environment and affordable for consumers to heat'.

3. Cranbrook/Skypark District Heating

3.1 It is in this context that the district heating network at Cranbrook needs to be considered. Policy CB13 (see Appendix A) of the draft Cranbrook Development Plan Document sets out a

policy to achieve the vision of delivering a truly zero carbon new town. This includes ensuring connections to an expanded district heating network. The availability of a decentralised energy network is a core sustainability credential. Clearly this in turn relies on a low carbon energy source to provide both the heat and the power that is generated. This is particularly the case given the decreasing carbon factor of the wider electricity grid as, for example, coal is phased out and additional large scale offshore wind and other renewable electricity generating capacity is brought on stream.

Section 106 obligation

3.2 Planning permission for the energy centre was granted on the 30th June 2010 (Application no. 09/2460/MFUL). In recognition of the need to ensure that the district heating network would meet increasingly stringent carbon performance standards for the first 2,900 homes at Cranbrook, the s.106 agreement attached to the planning permission included the following provisions;

1. The Facility is to be a solid biomass Combined Heat and Power (CHP) system with supplemental gas boilers and supplemental gas combined heat and power engines (definition of District Heating Facility).
2. Clear direction that the facility shall supply 'heat' to the whole of both Cranbrook and Skypark (paragraph 6.1).
3. Clear direction that the biomass CHP shall be constructed as part of the Facility (para 6.3). It is acknowledged that temporary facilities may have needed to be provided during construction depending how quickly Cranbrook / Skypark developed (paragraph 6.2) but this didn't avoid the need to construct the facility with the biomass CHP as part of it.
4. The Facility needs to be supplying 'heat' to the majority of the buildings granted permission at Cranbrook and Skypark prior to or at occupation of 2,000 dwellings at Cranbrook (definition of Fully Operational and paragraph 6.6).
5. By the same time, the biomass CHP needs to be of sufficient capability (capacity) to be able to supply electricity (2MWe) and heat (2.4MWth), although the latter is predicated on the demand for the heat being sufficient to warrant the capability (paragraph 6.4).
6. If the heating demand is such that running the biomass CHP would result in '*wasting excessive quantities of heat*' then the supplemental gas boiler / gas combined heat and power engines can be used to provide heating to Cranbrook (paragraph 6.5). Once there wouldn't be excessive wasted quantities of heat then the biomass CHP should be used to provide the base heat load with the supplemental equipment being used to provide heat at peak times or during maintenance / repair of the biomass CHP.

3.3 Of particular significance is the 2,000 occupations trigger. Notification was received in 2020 that point had been reached at Cranbrook. In anticipation of this, work had been ongoing over the preceding two years to understand whether there was a technically and financially feasible solution to meeting the obligations of the s.106 agreement - essentially a solid biomass fuelled combined heat and power plant capable of generating 2MW electric and 2.4 MW thermal.

3.4 With the benefit of further technical advice it was accepted that the gasification and pyrolysis technologies, which it was hoped would be scalable to 2MW as well as being more efficient and lower cost than traditional steam based technology, had not matured sufficiently in the decade since the s.106 agreement was negotiated to provide a reliable way forward. However, the expansion of Cranbrook to circa 8,000 homes in line with policies set out in the Local Plan and Cranbrook Development Plan Document and the potential for further strategic development coming through the next Local Plan provides an opportunity to reconsider the strategic basis for the choice of technology.

3.5 A report considered by EDDC's Cabinet in July 2019 ([Zero Carbon Development in the West End, Cabinet Report July 2019](#)) sought authority to commit funding of up to £30k to support an application to Round 9 of Heat Networks Delivery Unit funding. The Heat Networks Delivery Unit (HNDU) is part of, and directly funded by, the Department for Business, Energy and Industrial Strategy (BEIS). The bid was submitted and was successful. Subsequently a detailed techno-economic study was commissioned from consultants WSP.

4. Techno-economic study

4.1 WSP were commissioned in December 2019 to undertake the techno-economic study. The primary aim for this feasibility work was to build from the existing strategy work that has been undertaken to date and to create a framework for achieving zero carbon development for Cranbrook/Skypark and provide a clear pathway for supporting the large scale delivery of zero carbon development that will ultimately comprise around 8,000 homes and 1.4 m sq. ft. of commercial space. The study addressed a number of key areas including;

- heat demand
- energy source(s)
- choice of technology(ies)
- heat network pressure/temperature regimes
- associated cost/project economics/techno-economic cash flow modelling
- funding requirements
- risks.

4.2 The study identified six potential local heat supply opportunities. An alternative commercially available and technically proven biomass CHP option (based on Organic Rankine Cycle) was considered as part of this and excluded on both financial and local environmental impact grounds. Subsequently three options were modelled in detail. These were;

- The energy from waste (EfW) plant at Hill Barton
- The convertor station for France-Aldernay-Britain (FAB) project connected to a water source heat pump
- Solar thermal with seasonal pit thermal storage

The first two of these involve harnessing waste heat. With regard to the FAB project two sub-options were identified – with and without a second energy centre. A second energy centre would be in addition to the one currently located at Skypark and would need to be positioned towards the eastern end of Cranbrook. This would facilitate a lower temperature network to serve the eastern expansion areas.

4.3 The overall energy balance from the four scenarios is set out below. This includes accounting for the energy consumption required to run gas boilers and/or heat pumps in order to raise temperatures, meet peak demand and account for periods when the primary heat source is not available.

Energy Balance Results

Parameter	Scenario 1	Scenario 2	Scenario 3	Scenario 4
Primary Plant	EfW	FAB Link	FAB Link	Solar Thermal
Thermal MW _{th}	15	9	9	30
Heat output				
Primary heat source output (MWh)	62,187	50,634	51,365	56,269
ASHP output (MWh)	5,685	12,111	12,469	5,958
Gas boiler output (MWh)	3,106	6,643	6,656	8,823
Proportion of low carbon heat supplied	95.6%	90.4%	90.6%	87.4%
Carbon emissions				
Emission savings over 25years, compared to gas boilers	83%	78%	78%	83%

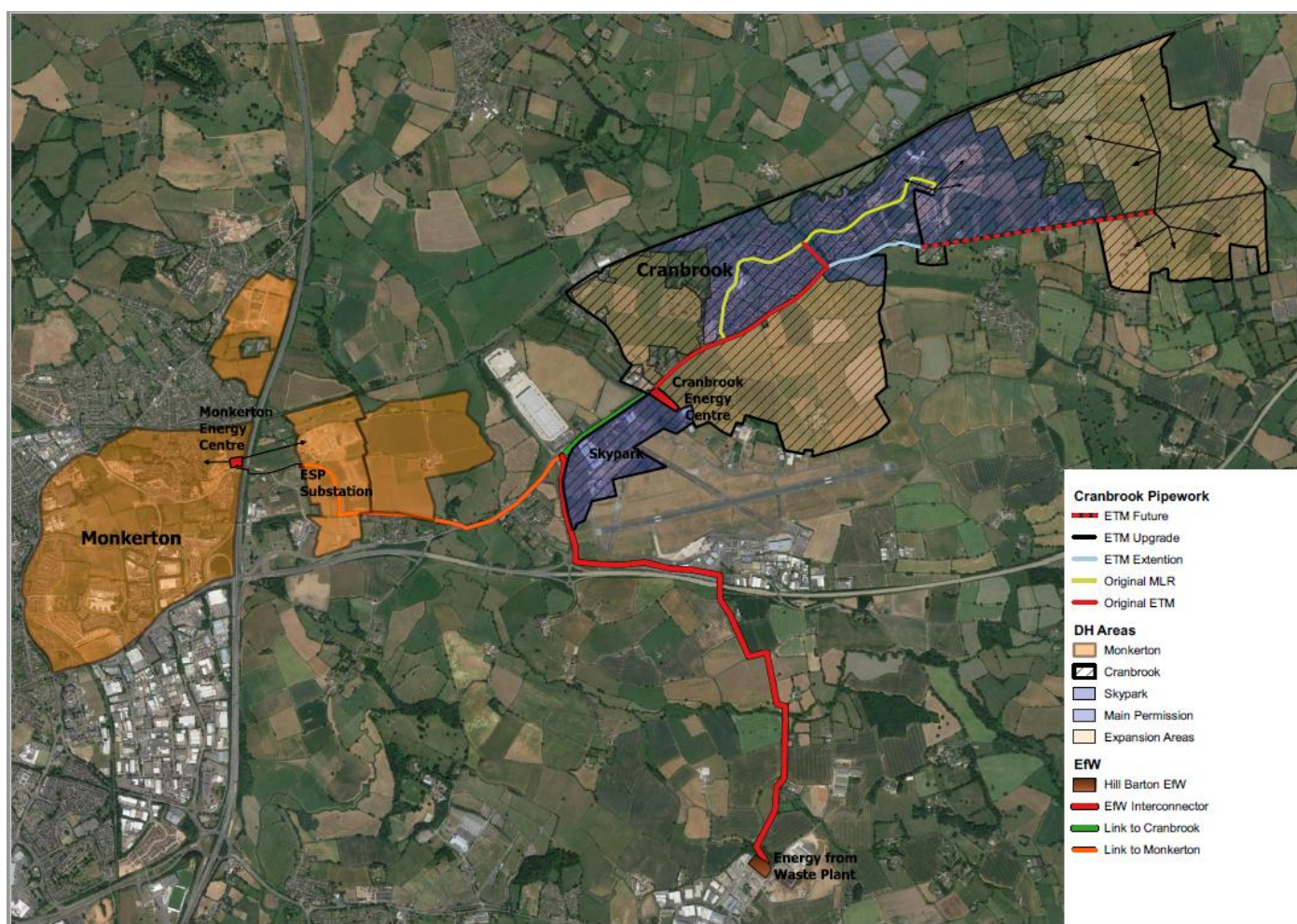
4.4 The outcomes of the study demonstrate that it is possible to secure large scale carbon savings by utilising alternative technologies to the biomass solution that was originally negotiated a decade ago. This would equate to around an 80% reduction relative to using gas boilers which, critically, will also ensure compliance with the forthcoming Future Homes Standard. It is anticipated that other provisions within the Cranbrook Plan such as fabric energy efficiency

measures and on-plot renewable energy generation will, in combination with the district heat network, deliver net zero carbon development at Cranbrook.

5. Heat Network Investment Programme Application

5.1 The outcome of the feasibility study was reported to Cabinet in September 2020. Since this point a project team including representation from BEIS, EON, University of Exeter and City and County Councils had been meeting weekly to work up a detailed proposal. This was based on the preferred option arising from the feasibility study, namely utilising waste heat from the forthcoming Energy from Waste (EfW) plant at Hill Barton that is due to start construction during the summer of 2021 and be operational by the summer of 2023.

5.2 The government's Heat Networks Investment Programme (HNIP) is a £320m capital programme designed to support the roll out of district heating networks. A proposal was submitted to Round 8 of this programme in January 2021 based on securing a connection from the EfW plant to both the Cranbrook/Skypark and Monkerton networks. This would take the form of a trunk heat main carrying hot water under pressure and is hereafter referred to as the interconnector. The proposed alignment is set out on the plan below. This will enable connections to the two existing concession agreement totalling circa 8,000 homes and 2m sq ft of commercial space as well as the potential to serve the Cranbrook expansion areas (an additional 4,000 homes).



5.3 The HNIP is a competitive programme. Key metrics by which applications are measured and evaluated are value for money and carbon savings. The overall financial breakdown of the bid is given below.

Source	£
Contribution from EON in lieu of s.106 obligation	£6m

Enterprise Zone (to be confirmed)	£4m
Council/Third party finance	£3.3m
HNIP grant	£8m

5.4 A decision on the bid is expected to be confirmed in April. In anticipation of a successful outcome it is important to ensure that the various ingredients, including the section 106 position, are aligned.

6. Deed of Variation

6.1 In order to reflect the change in the preferred energy source for the district heating network and to secure the financial contribution anticipated by the HNIP application, it is proposed to pursue a Deed of Variation to the current section 106 agreement for the Energy Centre. This will also need to ensure various legal safeguards including in relation to the alignment and use of what is known as the Eastern Transmission Main. This is needed to reinforce the current network including serving the easternmost parts of the area of the current outline planning permission. By upgrading and rerouting this heat main it is possible to also ensure that this is future proofed so as to be capable of serving the eastern expansion areas of Cranbrook.

6.2 The core provisions of the Deed of Variation would be to;

- Convert the obligation to install solid biomass CHP in to a financial obligation to be fixed at £6m
- This to be taken as;
 - A payment in kind in relation to the extra over costs for the rerouting/future proofing of the Eastern Transmission Main – to be delivered in 2021/22.
 - A capital contribution for the balance of the £6m to the interconnector project
- Legal safeguards to include;
 - Use of system including supply to the expansion areas
 - A requirement to share facilities at the Skypark energy centre – including space, utility connections, thermal storage and boilers etc. all subject to appropriate cost sharing – for use to supply new development
 - Timing regarding ending of use of the current gas CHP engines (2027) or their conversion to a zero carbon energy source
- An obligation to ensure that the Monkerton network connects to the interconnector and associated conditions around the installation of infrastructure and the use of gas CHP
- A fall-back position covering the ‘what if’ scenario if the interconnector project to utilise waste heat from the EfW plant does not proceed. As well as the financial contribution this would need to consider how an alternative technology/solution would be facilitated on a reasonable endeavours basis including requirements around the timing of delivery to ensure ongoing compliance with Building Regulations.

6.3 Following extensive negotiations the proposed contribution of £6m is considered to be a fair contribution to the interconnector project for the following reasons;

- It is reasonably related to the avoided cost of installing the biomass CHP plant and the loss of income from the expected cessation of the use of the current private wire connection.
- The future proofing of the Eastern Transmission Main and its use to serve the expansion areas is critical to making sure that a key policy provision of the Cranbrook Plan can be achieved and that the ongoing roll out of district heating is both seamless and cost effective.
- The inclusion of the Monkerton network, which will ultimately serve 4,600 homes as well as Exeter Science Park, will both add scale, thereby improving the overall business case for the interconnector project, and achieve accelerated carbon savings. Unlike for Cranbrook, the principle energy centre serving this network is not subject to an equivalent legal agreement governing the transition to a low carbon energy source. Utilising waste heat from the EfW plant will therefore bring forward the timing of the transition away from gas.

6.4 It is a specific recommendation of this report that the provisions set out in paragraph 6.2 are worked up into a detailed deed of variation to the current section 106 agreement. This would need to be informed by further technical assessment, for example to verify the costs associated with future proofing the Eastern Transmission Main.

7. Assessment

7.1 The vision for Cranbrook to develop as a zero carbon town is clearly stated. A strategic decision was made over a decade ago to pursue the roll out of a heating network to underpin this ambition. Despite some frustrations, particularly around the abolition of the Code for Sustainable Homes, and the technological challenges in the intervening period there is now the opportunity to complete this journey.

7.2 The report sets out changes to the current section 106 agreement attached to the energy centre that would facilitate this in the context of utilising waste heat from the forthcoming EfW plant. This would serve not only to decarbonise the current network, thereby avoiding the need to retrofit individual homes, but would also support the cost effective roll out of a Future Homes Standard compliant solution to serve the expansion areas.

7.3 The policy requirement regarding connecting to the district heating network has recently been considered by the Inspector in relation to the Cranbrook DPD examination. The relevant extract from her letter of the 20th January 2021 is set out below. In conjunction with the Government's response to the Part L consultation, there is now a solid foundation and alignment between national and local policy to support the continued roll out of district heating.

The provision of connections to Combined Heat and Power (CHP)

49. The vision for Cranbrook as a zero-carbon development is stated as being based on a connection to a district heating network served by combined heat and power and private wire electricity connections. This was the subject of some debate earlier in the examination process and again during the viability hearing sessions when the Council outlined the updated position. The concerns related to establishing costs and that any substantive increases would not impact on the estimated 106 contribution of £5,000 per plot. From the evidence regarding external funding bids and the progress which has been made to bring this forward the Council's approach to the requirements and the safeguarding of land appear realistic. The provision of energy efficient heating networks supports objectives set out in paragraph 148 of the Framework in relation to the transition to low carbon future. As such provision for district heating connections as part of Policy CB13 is justified and consistent with national policy.

50. The examination heard evidence from the Council regarding the funding bids to support the provision of CHP which indicated that national funding to assist delivery would be sought. Whilst costs cannot be guaranteed it seems to me that any assistance with funding from external sources would be likely to decrease costs rather than increase them and £5k per plot would be a reasonable figure for this provision.

7.5 In addition to Cranbrook and Skypark this approach will also support the decarbonisation of the Monkerton network which straddles the M5. The ability to support the delivery of 12,000 homes and circa 2m sq ft of commercial space makes the West End one of the largest low carbon development areas in the country. The requirement for the new homes in the expansion areas of Cranbrook to be delivered to a net zero standard in terms of carbon emissions is a particularly stretching and ambitious target and one that is in advance of national standards.

7.6 There is clearly still the risk that the interconnector project does not proceed. The outcome of the funding bid will be known in April in this respect. The proposed Deed of Variation will need to make provision for a fall-back position should this project not proceed. The alternative solution will then need to be reported back to Committee.

8. Conclusion

8.1 District heating is a key foundation of the sustainability credentials for Cranbrook. Originally this was in the context of increasingly demanding standards being introduced through the Code for Sustainable Homes. Arguably the significance of district heating has only increased in the context of a declared climate emergency, the need to support a green recovery and the forthcoming introduction of the Future Homes Standard.

8.2 The further feasibility work demonstrates that it is possible to secure large scale carbon savings through pursuing a connection to the forthcoming Energy from Waste plant. Any solution will need to be cost effective and deliverable to a timescale that accords with wider development programmes. As well as making a major contribution to achieving the policy requirement for housing in the expansion areas at Cranbrook to be delivered to a net zero standard, this connection will also support the delivery of low carbon development across the wider West End. The proposed framework for the Deed of Variation will enable this project to move forward.

Appendix A

CB13. Delivering Zero Carbon

CB13 Delivering Zero Carbon

All development at Cranbrook will be designed, constructed and perform to the highest practicable and viable whole life sustainability standards possible.

Detailed development proposals will be required to submit for approval a Carbon Reduction Plan that sets out how the development will deliver carbon savings contributing towards the overall plan vision to “**deliver a truly zero carbon new town**” in line with the **Energy Hierarchy**.

Unless specified by policy elsewhere, all developments which propose the construction of new homes or non-residential floorspace must demonstrate that they:

1. **Minimise the need to travel** and where necessary enable travel by low carbon means through:
 - a) Designing neighbourhoods around 400m walkable zones so that occupiers are located within walking distance of basic services and facilities*;
 - b) Being served by good quality walking and cycling links and regular public transport routes;
 - c) Having high quality gigabit-capable digital connectivity in-built; and
 - d) Being effectively masterplanned in accordance with active design principles.

2. **Minimise energy demand and carbon emissions** through:

- a) Use of passive design, solar masterplanning and effective use of on-site landscaping and Green Infrastructure;
 - b) Achieving a minimum **19%** carbon reduction improvement over Building Regulations Part L (2013) on a building-by-building basis through fabric energy efficiency measures and on-plot renewable energy generation, with preference being for the “fabric first” approach;
 - c) Use of low carbon solutions where additional energy is required for building services such as heating, ventilation and air conditioning.
3. **Maximise the proportion of energy from renewable or low carbon sources** through:
- a) Exploring opportunities for, and implementing private wire arrangements from renewable sources where practical and viable;
 - b) Ensuring connection to the District Heating network delivers the necessary uplifts over and above the carbon reductions achieved through 3(a), to achieve **zero carbon** across the development; and
 - c) Ensuring that, where not provided as standard, the ability to install future Solar PV or Vehicle-to-Grid connections is not precluded.
4. **Ensure in-use performance** of buildings is as close as possible to designed intent through:
- a) **Use of a recognised quality regime** and consistent approach to calculating at design and in-use performance, which ensures that in-use performance is as close as possible to the at-design calculation; and
 - b) **Ensuring at least 10% of buildings deliver in-use energy performance and generation and carbon emissions data** to home owners, occupiers, developers and the planning authority for a period of 5 years after first occupation clearly identifying regulated and unregulated energy use and any performance gap. Where a performance gap is identified in the regulated use, appropriate remedial action will be required.

*Basic services and facilities are taken to refer to educational facilities (pre-school/nursery, primary and secondary schools), convenience shop, employment opportunities and open space/sports provision.

Ward Exmouth Littleham

Reference 20/1838/MFUL &
20/1839/LBC

Applicant Acorn Property Group

Location Land At The Former Rolle College Exmouth
EX8 2BL

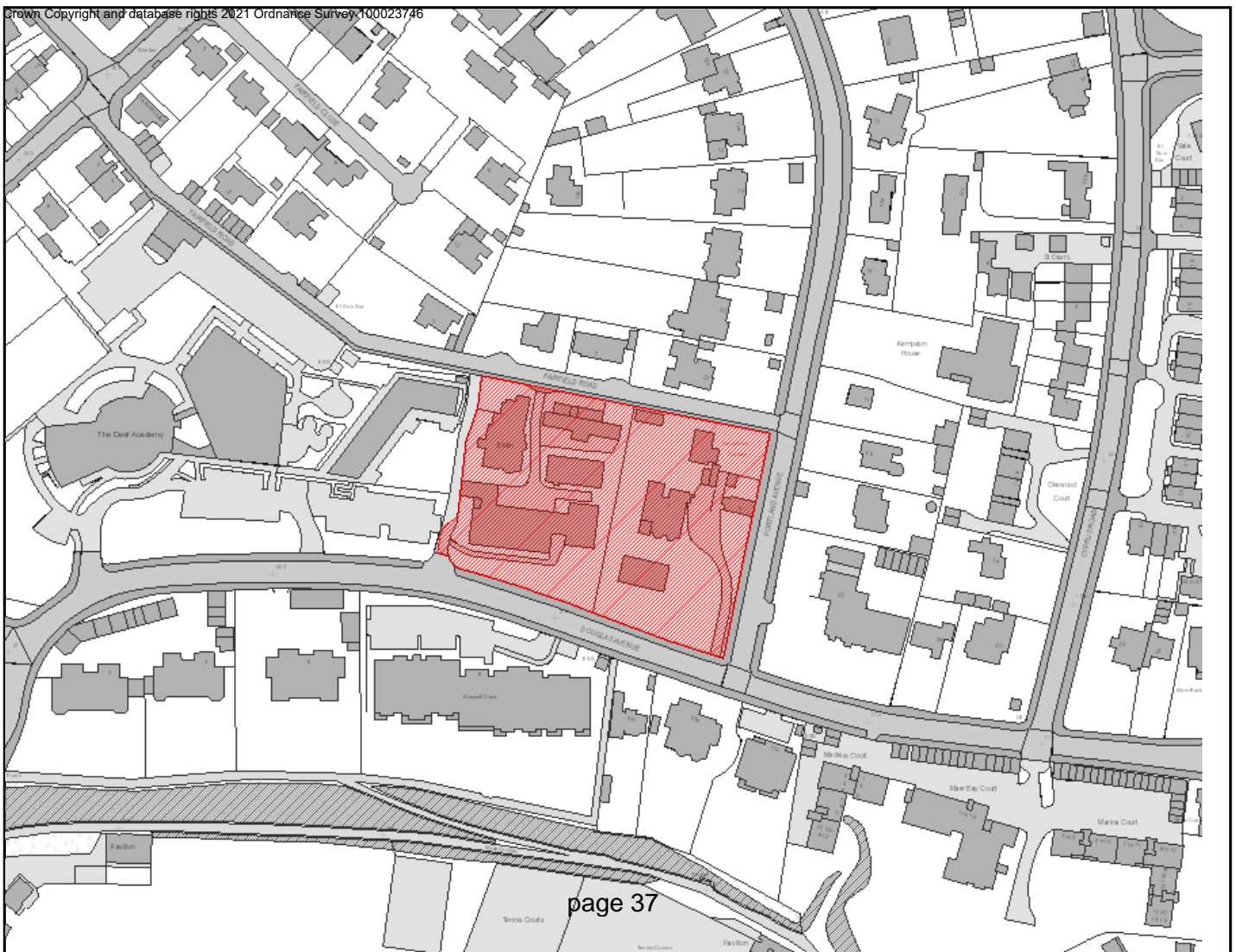
Proposal (20/1838/MFUL) Demolition of existing buildings and the residential development of 33 new homes in a mix of 10 no. dwellings and 19 apartments and the conversion and refurbishment of Eldin House to create 4 apartments, partial demolition of potting shed and greenhouse and extensions to create dwelling, together with vehicle and pedestrian accesses, landscaping and associated infrastructure (20/1839/LBC) Conversion and refurbishment of Eldin House into four self-contained flats, partial demolition of potting shed and greenhouse and extensions to create dwelling.



RECOMMENDATION 20/1838/MFUL:

1. Adopt the appropriate assessment within the report
2. Approve with conditions

RECOMMENDATION 20/1839/LBC: Approve with conditions



		Committee Date: 10th March 2021
Exmouth Littleham (Exmouth)	20/1838/MFUL	Target Date: 11.12.2020
Applicant:	Acorn Property Group	
Location:	Land At The Former Rolle College Exmouth	
Proposal:	Demolition of existing buildings and the residential development of 33 new homes in a mix of 10 no. dwellings and 19 apartments and the conversion and refurbishment of Eldin House to create 4 apartments, partial demolition of potting shed and greenhouse and extensions to create dwelling, together with vehicle and pedestrian accesses, landscaping and associated infrastructure	

RECOMMENDATION:

- 1. Adopt the appropriate assessment within the report**
- 2. Approve with conditions**

		Committee Date: 10th March 2021
Exmouth Littleham (Exmouth)	20/1839/LBC	Target Date: 29.10.2020
Applicant:	Acorn Property Group	
Location:	Land At The Former Rolle College Exmouth	
Proposal:	Conversion and refurbishment of Eldin House into four self-contained flats, partial demolition of potting shed and greenhouse and extensions to create dwelling.	

RECOMMENDATION: Approve with conditions

EXECUTIVE SUMMARY

The applications are before Planning Committee because the officer recommendation differs from that of the ward councillors.

Planning permission and listed building consent is sought for the demolition of a number of vacant buildings on the former Plymouth University site and for the residential re-development of the site to provide 33 new homes in a mix of 10 no. dwellings and 19 apartments and the conversion and refurbishment of the grade II listed Eldin House to create 4 apartments.

This brownfield site occupies a sustainable location within the built-up area boundary of Exmouth and has a number of complex heritage constraints which include the setting of the grade II listed Eldin House and the Beacon and Louise Terrace Conservation Area as well as the constraints of a number of mature trees on the site which are protected by a Tree Preservation Order.

Through extensive negotiations with officers, the Council's Urban Designer, Landscape Officer, Tree Officer and Conservation Officer during the application process, the final design, layout, height, scale and form of the proposed development is now considered to be appropriate for the heritage and tree constraints of the site, its surroundings and its historic context.

It is accepted that a residential development of a new 3.5 storey apartment block and a small cluster of dwellings on this site would alter its visual amenity and the character of the site in terms of views from Douglas Avenue, Fairfield Road and Portland Avenue and it is accepted that introducing residential development in the form proposed coupled with the significant loss of tree canopy from the removal of less significant trees on the site would transform the character of the site.

Whilst this is the case, the existing site is vacant and run down and its number of derelict and vandalised buildings currently detract from the character and appearance of the area. On balance, it is considered that the proposed design, layout and form of development has been largely sensitive to the topography of the site whilst addressing the complex constraints posed by the retained trees. The development is considered to be acceptable in terms of its impact on the character and appearance of the area and the wider Conservation Area whilst being appropriate and sensitive in terms of its relationship and improving the setting of Eldin House.

The removal of a number of vacant and vandalised buildings on the site and its residential re-development in a sensitive layout and form also provides an opportunity to enhance the setting of Eldin House and to safeguard its future use which would be of benefit to both the listed building and the setting of the Conservation Area.

Officers are of the opinion that the proposals would result in less than substantial harm to the character of the Conservation Area and the setting of Eldin House where there are considered to be a number of heritage benefits arising from the proposal in terms of improving and enhancing the setting of Eldin House through demolition of existing unsightly buildings along with a number of public benefits that are considered to outweigh the less than substantial harm - a key test within the National Planning Policy Framework.

In the absence of any significant harm to the character and appearance of the area, the residential amenities of the occupiers of surrounding properties, trees, highway safety, ecology, or flood risk, it is considered that on balance, the proposed development is acceptable and would comply with both the strategic and development management policies contained within the East Devon Local Plan and the policies contained within the Exmouth Neighbourhood Plan.

It is recommended that planning permission and listed building consent are granted and accordingly these applications are both recommended for approval.

CONSULTATIONS

Local Consultations

Exmouth Littleham - Cllr Nick Hookway

While this development is to be welcomed on this site as it replaces a number of derelict buildings, there are a number of concerns over the suggested layout of the buildings on the site, especially the apartment block. Drawing A-P21-004 clearly shows that this block to be much too high as the red dotted lines show that it would be an entire storey higher than the existing block. The ridge height is up to the top of the chimney at Eldin house and considerably above the ridge height of the neighbouring Deaf Academy. A concern here is that residents on the fifth floor of these apartments could overlook the Deaf Academy. The Deaf Academy would therefore suffer Harm due to a loss of privacy, which would be of great concern considering the fact that The Deaf Academy is in essence, a school for vulnerable children.

I am also of the opinion that the apartment block is in the wrong place on this site. If an apartment block of this size is necessary for the viability of the site should it not be placed at the eastern end of the site next to Portland Avenue? The eastern side of the site is lower and therefore such a large block of apartments would be less dominating on the skyline. Doing that would prevent the blocking of Eldin house allowing it to be viewed from Douglas Avenue as was intended when Eldin House was originally built. It is unfortunate that, with the present plans the apartment block effectively screens out a grade II listed building.

There is also the question of Harm caused by the adverse visual impact of the apartment block, any apartment block of 5 storeys will dominate the western end of Douglas Avenue, it is out of proportion to other residential blocks on Douglas Avenue and will overlook such residential blocks on the southern side of Douglas Avenue. It may well be visible from the Exe Estuary and the Seafront and thereby impair the vista looking northwards from the seafront. This apartment block is also sited by the entrance to the site which also does not help the visual appeal.

The three houses to the east of the apartment block do seem to be in a most unenviable position due to the shading provided by the apartment block. Surely these houses should face south not west? Is it not essential that good levels of daylight and sunlight area allowed into and between buildings to minimise the need for powered light? This brings me onto the issue of Climate Change. How will the apartment block and the houses be heated and designed to minimise CO2 emissions?

Therefore I am objecting to this application due to the Harm that the apartment Block would cause in terms of Scale, Massing, and Height.

I notice that there is only one main entrance onto the site. This is bound to lead to issues at certain times of the day as well as causing disruption during construction. I would have expected that with a development of this size that an entrance onto Portland Avenue would have been provided. I'm glad to see that access to Fairfield Road has been restricted.

I am also concerned that no provision has been made for affordable housing. The proposed development seems to be designed for a premium market. Affordable housing developments have taken place in recent years in the Avenues, Why not here? I would expect that given the expected growth of the Deaf Academy that there would be a need for affordable housing for those who work in the Deaf Academy, at the very least.

In terms of the Exmouth Neighbourhood plan this application fails to meet the following objective "To ensure the conservation and/or enhancement of areas, buildings and other features which for historic or architectural reasons are distinctive parts of the built environment, including all.. listed buildings." The keyword here is "Enhancement", how does the application enhance Eldin house as a Grade II listed building?

The Avenues Design Statement is also relevant with this application. Although the Design and Access statement attempts to justify the application in terms of the Avenues Design Statement I don't feel that the mass, style and height of the Apartment Block meet the appropriate criteria. Please note that I have referred consistently to a "Block", that's what it is, a block. To meet the Avenues Design Statement the Apartment Block should "develop the richness of the existing built environment" which the proposed design does not do.

This is a major development in this locality which should be outstanding in every sense of the word. Exmouth is extremely fortunate in having the Deaf Academy relocate to its present site. I fully expect that The Deaf Academy will gain national recognition over time. Such recognition will be, in part, due to its outstanding location and thereby it will become a major asset to the Town. Any development next to the Deaf Academy will gain kudos, prestige and value for a long time to come. It's a pity that the design of the present application does not seem to reflect this and that the presence of a Grade II listed building has not been given the prominence that it deserves.

07/10/2020

Exmouth Littleham - Cllr Bruce De Saram

I understand from having read the submitted Design and Access Statement that this proposal is for Residential development of 39 new homes (including conversion and refurbishment of Eldin House and demolition of existing buildings), together with vehicle and pedestrian accesses, landscaping and associated infrastructure.

With associated infrastructure covering vehicle and cycle parking, refuse storage and surface water drainage.'

The new homes comprise of both new build apartments and detached houses as well as converted apartments within the refurbished Grade II Listed Eldin House.

As residents and members are aware, the application site is located within the built-up area boundary for Exmouth close to the Avenues area of Littleham, and there is therefore no 'in-principle' objection to additional residential development with Exmouth identified as a sustainable location for new development under the provisions of Strategy 6 (Development within Built-Up Area Boundaries), and Strategy 22 (Development at Exmouth) of the East Devon Local Plan including the Exmouth Neighbourhood Plan. I would suggest that the site could be considered to be particularly sustainable being located on a main transport route, with easy access to a range of services, shops and other facilities.

Having also had the opportunity to visit this site myself, along with Cllr Hookway just before lockdown began around February time I would argue that the proposal before planners looks to bring back a disused and vandalised site to life. This is because it's very clear to see that it's suffered from antisocial behaviour, vandalism and unmanaged vegetation growth for several years. It is regrettable that the site's previous owner the Exeter Royal Academy for Deaf Education has not been able to retain the entire site for future community or educational uses as was originally the intention. However the fact is that this proposal today will at least provide the benefit of utilising what is left of the site to provide a wide range of housing stock as is pointed out in the application whilst being supportive at the same time to the needs, comfort and safety of its nearest neighbours in the Academy with its young students whose needs are considered and respected.

I note that for Eldin House which is a Grade II Listed building the proposed layout should aim to improve and enhance the setting of the listed building. The applicant points out that the site lies partially within and alongside the Conservation Area. So as it says it will be important to ensure the character of the Avenues is preserved and enhanced through the development proposal.

Therefore I believe based on the proposal that this application conforms to Strategies 48 and 49 and Policy EN10 as well as The Avenues Design Statement.

Furthermore all dwellings are designed in line with National Space Standards. A total of 64 no. car parking spaces are provided (of which 5 no. are visitor spaces) are provided which again responds to the needs of the site.

In conclusion having visited the site and read through the Design Statement I would agree with the comment made that for this proposal generally, across the site, the site levels have been rationalised to ensure appropriate access to dwellings whilst ensuring the buildings sit comfortably within the site in relation to surrounding buildings and to ensure trees are retained and not impacted by the development which is in keeping with Policies D1 and D3.

So on balance based on the known facts I would as one of the Ward Members fully support this application for approval for the reasons as stated.

Planning Disclaimer: should this application come to Committee I do reserve an open mind on it as new information becomes available. I have not predetermined this

application but will examine it based on the known planning guidance made available to me.

14/10/2020

Adjoining Ward Member (Exmouth Town) Cllr Olly Davy

I am appalled by the number of trees proposed for removal. I note that most of these are category 2 and 3 trees, but I cannot accept the removal of trees to facilitate vehicle access. As a former employee and student at Rolle College, I recollect an existing access from Douglas Avenue towards Eldin House, and I cannot see why this cannot be used. It seems to me that in order to fit in the maximum number of units, the developers have been too willing to remove trees. I accept that some trees are now too close to each other, and shrubs have been allowed to become overgrown, and I realise that some removal of these will be required, but I cannot accept the loss of large, reasonably healthy category B mature trees, particularly T906. I reserve my final position on this application until I have seen all reports and heard all arguments.

Parish/Town Council
Meeting 28.09.2020

No objection to the application subject to comments and recommendations from the Exmouth Wildlife Group were considered (attached separately). It was noted that the proposal was contrary to Exmouth Neighbourhood Plan policy H2 and members expressed frustration that development rarely delivered the minimum affordable units.

Further comments:

No objection to the amended plans subject to previous comments and recommendation from the Exmouth Wildlife Group as before. Ward members felt it would be useful to meet with the developer regarding the CEMP to discuss access to the site and the lessons learnt members had learnt from previous development in the area.

Technical Consultations

20/10/2020

EDDC Urban Designer

The following comprises a design assessment of the redevelopment of the part of the former Rolle College site in the corner of Douglas Avenue, Portland Avenue and Fairfield Road. These comments will assess the development using EDDC Local Plan policy and recognised design guidance including Building for a Healthy Life, the latest version of the Building for Life series.

Context and site as existing

Douglas Avenue was built during the tourist heyday of Exmouth when wealthy visitors from London built large villas set within generous grounds as summer retreats. With Exmouth's tourist decline many of these villas have been replaced by retirement flats, hotels and care homes, some of which attempt Victorian pastiche but succeed only in

looking like concrete boxes in fancy dress. Other retirement flats and apartments are 1980's and 1990's brick boxes with mansard roofs, often with concrete garages along the road edge. It says a lot for the original architecture and design of the gardens and boundary walls that Douglas Avenue still remains attractive, tree-lined and tranquil. The streets around Douglas Avenue have not suffered as much and many original buildings have aged in place in their tree shaded gardens alongside more sensitive modern additions.

Immediately adjacent to the site is the campus of the Exeter Royal Academy for Deaf Education. This is still under construction but is mostly complete and already in use. The campus buildings are largely white or grey rendered but have a wide variety of forms, roof lines, façade and glazing designs, none of which really hang together to form any coherence on site (a shame given the proposals put forward in 2010 by DrMM). A dormitory building with a relatively traditional extruded pitch-roofed cross-section is closest to the site boundary with a gable facing Eldin House. Despite its relatively simple form, this building manages to maintain the incoherence seen in the rest of the campus having five different materials finishes to its elevations. There is little or nothing on this site that provides helpful design cues on how to work successfully with the context.

On the site itself, Eldin House is Grade 2 listed and is a typical stone-built house of its age with decorative timberwork. It is fairly substantial, having been built for a local clergyman and will become more attractive with sensitive refurbishment. Sadly, the boundary created between the college site and this development site separates the house from what would have been its driveway and access, condemning it to forever appear to be facing the wrong way. This, combined with the poorly judged architecture on the college site heavily compromises the setting of this building. The other smaller buildings on site, such as the glass house and Eldin Cottage, are soft red brick and while they may not be regarded as having design or architectural merit are still attractive in their own modest right including Eldin Cottage and the glass-house and potting shed.

The brick boundary wall along Douglas Avenue, Portland Avenue and Fairfield Road stands over 2m for most of its length. Although the main body of the wall is Victorian some parts along Portland Avenue have been raised, with the added bricks suggesting this happened during WW2. With openings in it and by forming part of the gable end of Eldin Cottage the wall has more animation than might be expected. This look of an 'inhabited wall' is a feature of this part of Exmouth with the boundary wall along the opposite side of Fairfield road being a good example. Softening by overgrowing vegetation completes an attractive environment.

There are three main entrances to the site, two onto Douglas Avenue with one next to the college site and the other on the corner of Douglas and Portland avenue. The other onto Fairfield Road gives access to Eldin House. The entrance on the corner Douglas and Portland avenue, is unused as a vehicular access and blocked with steel railings.

The main remaining former college building is a 1960s-70s three storey block running parallel to Douglas Avenue between 10m and 15m back from the back of the pavement where the boundary wall also forms a retaining wall as the site rises up from the road. The ground level at the building base is just over 2.2m above pavement level so this

set back helps reduce the perceived scale of the building. The building has a shallow pitched roof and extensive bands of windows on both long elevations (running East West). Since the college closed there has been extensive vandalism leaving the building with few, if any, intact windows.

Proposal

The proposal is to renovate and convert Eldin House into four flats, demolish all other buildings on site and replace them with ten houses and 25 apartments in a single block. The site layout places the apartments along Douglas Avenue, replacing the existing college building but much closer to the road edge. The houses are a mix of 1x 1 storey bungalow, 2x 1.5 storey bungalows and 7x 2 storey houses. These all look to be well designed and aimed at the upper end of the market, especially given the generous footprints these houses have where the ground floor area extends beyond the roofline providing more space while reducing the visual impact outside the site.

By contrast, the apartment building is five storeys with a footprint that is around double that of the existing building college building. It is 5m back from the road edge of Douglas Avenue, 10m closer to the road than the existing building. The fifth storey is set back to provide a perimeter balcony while all the flats on the floors below have balconies with railings. The elevations are otherwise plain with brick finish apart from two protrusions running up the east and west elevations that have hanging red tiles. The fifth storey is finished in bronze coloured rain-screen cladding.

Vehicle and pedestrian access to the site uses two of the existing three entrances; the entrance at the corner of Douglas and Portland Avenue remains closed with the existing steel fence retained. All the houses on site have two parking spaces along with 15 of the flats in the main block and in Eldin House, the remaining flats having one space each. For the whole site there are 3 visitor parking spaces.

Relationship to context and site

Apartment building

The greatest storey height along Douglas Avenue is 4 storeys and although the precedent is hardly pretty it should be pointed out that these buildings are set back from the road and almost all are built on sites that are below the level of the road, reducing their visual impact to the equivalent of a three or two storey building.

The existing college building is 3 storeys and 10-15m back from the pavement and is still very prominent, especially as the site is above the level of the road. However, this prominence is considerably softened by the established trees around it that in most cases, certainly when seen from ground level, appear taller than the building.

At five storeys on elevated ground and only 5m back from the pavement the apartment building will have considerably more visual impact on its surroundings than any nearby building and far greater impact than the existing college building it replaces. As the application looks to remove many of the trees on site the visual softening they provide will no longer be there and the proposed building would dwarf the remaining trees anyway. It has a deep floorplate and much larger footprint than the existing building

making the east elevation facing up Douglas Avenue is also significantly wider than the current building.

The LVIA states that the apartment building is of ‘...better quality and aesthetic [than the existing building] improving the relationship with Eldin House so will not be a dominant feature’. Improved aesthetic and quality are unrelated to whether or not it is a dominant feature. It will be a dominant feature because what is relevant is that it is very much bigger than anything around and right next to the road. It is arguable whether it is of better quality and aesthetic as it is very poor design and aesthetic given where it is. I also do not see how it is improving the relationship with Eldin House unless Eldin House is masochistic.

- Any building replacing the college building should not go much beyond the existing visual massing from Douglas Avenue. To do so would be to fundamentally misread the nature of its context.
- Putting the proposed scale of building elsewhere on the site would simply move the problem to where it would affect more sensitive areas off Portland Avenue and Fairford Road. In addition, the site rises up from Douglas Avenue towards Fairfield Road so such a building would continue to dominate Douglas Avenue.
- The building itself, notwithstanding the scale and massing, has single aspect flats served off a spine corridor. This arrangement creates the large footprint of the building making its massing more problematic, especially as it rises in height.
- The flats, being single aspect, result in many being relatively deep plan and potentially needing artificial light in some of the living spaces during daytime throughout the year, particularly those facing north. The apartments will also not be able to benefit from cross-flow ventilation which will make them more dependent on mechanical ventilation.
- It is good that all flats above ground floor level have balconies that are meaningful in size but the choice of open railings may put some people off using them, particularly on the upper levels. Using a solid or perforated barrier would provide greater privacy and sense of safety.
- Flats at ground floor level should open directly onto private outdoor space. This would provide valuable outdoor space to the residents and create defensible space, reducing the chances of break-ins and other unwanted behaviour around the base of the building.
- The cycle store should be next to the entrance and ideally accessible internally from the entrance lobby. This would improve both user comfort and security.
- Reducing the scale of the building would reduce the parking load on the site freeing space for more accommodation, more green space, and allow a different arrangement that may help retain some of the established trees that are currently set to be cut down.

Housing

The houses are well designed and clearly intended for a more wealthy client base than average. They have fairly large footprints due to extended ground floors which helps to increase internal space while avoiding increased massing and height so reducing the visual impact for people seeing them over the wall. The ground floors would effectively be hidden by the angle of view relative to the height of the boundary wall around Fairfield Road and Portland Avenue.

The set-back from the wall of the houses varies from around 1.5m to upwards of 15m. This misses an opportunity to use the boundary more creatively, following the precedent set by Eldin Cottage and using the boundary wall as part of the structure of some of one or two of the houses or garages. Garage access could also be placed through the wall following the precedent set on Fairfield road. These moves would free space within the site overall. The 1.5m space between the wall and the houses along the Fairfield Road is not particularly usable so it may help to move it elsewhere. Garage access through the boundary wall would help reduce the amount of tarmac necessary within the site itself, perhaps not by much but in a constrained site every little helps.

Eldin House

This is all very sad as the division of the old college site has cut Eldin House off from its access, made it look like it is facing backwards and then, to add insult to injury, the residential block of the college peers at it like a curious and overfriendly ugly dog sniffing at a rather splendid old tortoise.

The decision to access Eldin House from Fairfield Road compounds this by making residents squeeze between the north elevation and the bin store to get to the entrances to the building. This really makes no sense apart from the house being nearer to Fairfield Road than Douglas Avenue. It would be far better to have access, certainly on foot, from the Douglas Road entrance to the site to there is a more open, attractive and natural approach. This would follow the more probable desire-line of people wanting to go to the town centre from the house and would remove the need to patch the grass that would be inevitable should a path not be made to the Douglas Road entrance.

Site Access and Layout

Most of the road access to the site is through the eastern Douglas Road entrance. Four parking spaces serving an Eldin House flat and the bungalow that replaces the potting shed open off the existing Fairfield Road entrance. A large area of parking serves the apartment building.

The decision to treat the site as one creates the long internal drive that makes it feel more urban and car dependent than it needs to. Separating the site into two, certainly for vehicle access, using the existing boundary would transform the way each side reads and create much more welcoming and intimate spaces. It may also reduce the amount of tarmac and earth movement. Site access would retained from the eastern Douglas Avenue entrance with a new entrance off Fairfield Avenue. The eastern and western halves of the site have very different characters and this vehicular separation would be a more natural, comfortable and convenient arrangement for both.

As mentioned above, using the precedent of living walls set by the boundary walls in the area, having elevations of garages or houses built as part of the boundary could free additional land within the site, could produce a more attractive and interesting end result and reduce the amount of space given over to vehicle circulation internally if garages doors open out of the wall. Garages could open off the Fairfield Road, as

seen in the wall opposite. This would not work on the Portland Avenue, but a house elevation forming part of the wall would.

Overall

The proposal is a mixture of very well designed, thoughtful houses and some really odd design decisions that don't work at all.

The apartment building has to be rethought in its entirety. The building is too big, too close to the road and creates too much parking pressure within the site. At a smaller scale, that of the existing building, and with more thoughtful elevations an apartment building would be fine. A reduced section could also enable the building to extend within the site, moving to accommodate what is already there.

The entry to Eldin house should move to give access from the Douglas Avenue entrance. Not doing so simply reinforces all the bad things that have happened to the building already.

Splitting the site in two along the existing north south wall would help it form two spaces with much better characters. It would create much more logical access that would reduce the feeling of it being a transplanted housing estate, albeit quite a nice one.

Using the precedent of the living boundary walls could create something really interesting and attractive while benefitting the spaces within the site.

Further comments:

The following comprises Urban Design comments for revised drawings submitted 18th December 2020.

MAIN POINTS

Apartment buildings

The revised scale and design of the apartment buildings are effective in addressing the comments made previously on massing and scale. The design is understated without being dull and does not revert to slavish pastiche while still referencing its Victorian context in the scale and rhythm of windows etc. The building is now well suited to the context and setting and does not, in my view, negatively affect the setting of Eldin House nor distract from it.

The floor-plans indicate that one cycle store can be accessed from the internal circulation and one can't. Is there a reason for this? Otherwise it would be better to see both accessible from inside or that they could perhaps be rearranged into a single store.

The ground floor flats with garden access would benefit from storage space in the gardens so that the tools and garden machinery can be stored securely.

Flats 11 and 14 have an odd entrance arrangement where people entering come through the most private areas of bedrooms and bathrooms rather than there being a public / semi-private transition. It makes for an awkward entry for anyone visiting.

Using the projecting part of the building to house an entrance and hallway would enable a better journey into these homes as it is more central.

It might be good to have balcony access from the bedrooms to the apartments on the third floor as although these face north it would still be good for occupants to have that choice. I sense it would be frustrating to be there and see the flat roof area immediately outside the bedroom window and not be able to access it.

Eldin House

Changes have addressed previous comments. No more to add.

Site Access and Layout

Reduced apartment units have reduced parking pressure allowing a far better site layout.

It would be good to see a detailed landscape design that enables the available spaces to be used by residents to socialise and relax, especially for occupants of units without their own outdoor spaces.

The applicant has explored options to provide new access points to Portland Avenue and these will not work technically. The site performs perfectly well.

There is a new pedestrian entrance using the existing gateway at the eastern end of the site at Douglas Avenue. This is a good addition.

Potting Shed Bungalow

The revised proposal does a lot to reference the existing potting shed and glass house in its design and makes good use of this in its architecture. This is a real improvement on the previous bungalow that was already attractive and well-designed but didn't reference the existing buildings.

I would prefer more of the height of the existing spine wall to be retained as a strong visual feature that would do more to carry the history of the site forward. It would also make a good visual play of the two sides of the new building, hiding each from view until rounding the wall.

The opening in the fin wall between the parking spaces is not necessary and it would be better removed. This only serves to allow people to see each others cars from their parking space and little else, while also being a fairly major intervention in the structure of the wall. Retaining a solid wall at this point would be preferred by the eventual occupants, certainly of the potting shed bungalow, as this opening is onto their private space. A solid wall gives greater privacy and ownership for the users of all parking spaces here.

The pitched roof might benefit from some reduction in height, perhaps by reducing the angle of either both pitches, or the one facing Fairfield Road. This would bring the overall height more in line with what exists at the moment on site.

Providing a glazed entrance structure that fills the space between the south façade facing into the car-port and the first timber element of said car port would strengthen visual and functional reference to the site history while also providing a useful utility space for future occupants.

The way the building meets the boundary wall appears well designed, though details are unavailable at the moment, reducing the visual impact without detriment to the internal spaces.

Conclusion

The landscaping element to the design is as yet unresolved but this will clearly evolve as work progresses on site and a more detailed knowledge of opportunities and constraints become apparent. It would be good to see spaces designed that would encourage residents to use them for socialising and relaxing, perhaps just sitting on the grass in landscape design that provides some enclosure.

In all, this revised design of the site and the buildings within it successfully addresses the comments made previously while making all attempts to explore any comments or suggestions that have not been taken up. From an urban design point of view there is little to criticise and much to praise in the approach taken and efforts made by the applicant and design team.

Conservation

20/1838/MFUL

This application relates to two aspects. The conversion and refurbishment of Eldin House into 4no. flats and the development of the remainder of the site for redevelopment for housing comprising 10no. new house and 25no. apartments. Detailed comments are set out under 20/1839/LBC relating specifically to the listed building. Within the context of the remainder of the site, the proposed development for housing is considered here. The site layout places the apartments along Douglas Avenue, replacing the existing college building but much closer to the road. The houses are a mixed development including 1no. bungalow, 1.5 storey dwellings and two storey houses.

There are a number of principal issues and comments as set out below:

- o The development is in two halves, east and west of the site. Whilst, the eastern side of the site is more domestic in scale and appearance, there are some minor issues, see below. However, the western side of the scheme appears to be less successful and has considerable impact on the setting of the listed building;
- o The overall scheme is dominated by the road layout with one main vehicular access from Douglas Avenue and a secondary access from Fairfield Road. Concerns have already been raised under 20/1839/LBC regarding the widening of the existing entrance and if this is to be acceptable, more should be done to minimise the harm by creating a more pedestrian orientated approach with stronger links to Eldin House from Douglas Avenue;

- o Is there scope to provide a third vehicular access into the eastern side of the site? It is appreciated that this is an awkward site, but currently the proposed road layout dominates the development giving a more urban feel rather than the intimate residential character of the housing design;
- o The proposed apartment block is out of scale, too high and too close to the road, having a detrimental visual impact. It is out of keeping with the character and appearance of the site, the setting of the listed building and the wider Conservation Areas. In addition, in the context of the streetscene. It is not just about views of Eldin House, but also about the site as a whole and how it fits in with the surrounding development;
- o In conjunction with this, the car parking to the north of the apartment block dominates the western side of the site and has a detrimental impact on the setting of the listed building. Eldin House has become isolated from the rest of the site by virtue of the parking, access road etc and needs better integration, landscaping etc to provide a more appropriate setting;
- o Re-thinking the apartment block, access and parking provides an opportunity to improve upon, not only the setting of the listed building, but also the site as whole, its appearance in the context of the streetscene and its contribution to the wider Conservation areas and surrounding development;
- o There is no pedestrian access to the eastern side of the development. Could this be provided by utilising the existing access on the corner of Douglas Avenue and Portland Avenue?
- o The potting shed/greenhouse is to be replaced by 1no. bungalow, see comments under 20/1839/LBC and it is already noted that they contribute to the building group and setting of the principal house. Their removal will result in some harm. It is considered that they could be utilised for bin store and cycle shed, but that this may not be the preferred option. Further discussion regarding their significance to the setting and therefore their retention or loss is required. Any discussion will need to consider harm, cumulative harm and any public benefits afforded by their use or removal.

Conclusion: whilst there is merit in the proposals for the repair and refurbishment of Eldin House, and scope to improve its setting and to develop the site for housing, there are a number of concerns, see above. The proposals are therefore not currently supported, but it is considered that further discussion and amendment will hopefully lead to a successful and acceptable scheme.

PROVISIONAL RECOMMENDATION - PROPOSAL
UNACCEPTABLE see comments above

Further comments:

Amended plans received 21st December 2020:

The comments below relate to the key relevant changes to the scheme as detailed in the Heritage Addendum:

- o Redesign of the scale, height and materiality of the apartment block addressing Douglas Avenue
- o New designs for the proposed new one storey dwelling on the site of the potting shed associated with Eldin House
- o Redesign of the soft and hard landscaping adjacent to the Eldin House resulting in the reduction of car parking close to the Listed Building

It is also noted that the site layout has been amended to include a footpath linking Eldin House to Douglas Avenue, shared surface detailing, a pedestrian access from Douglas Avenue on the eastern side of the site and minor amendments to the housetypes/reconfiguration of footprints etc.

20/1839/LBC

Greenhouse/Potting shed: the amended plans show new designs for the proposed new one storey dwelling on the site of the potting shed associated with Eldin House. It is appreciated that the potting shed is in poor condition and that it does not lend itself easily to conversion. It contributes to the setting of the principal heritage asset and its removal therefore needs sufficient justification.

The revised scheme has been carefully designed to retain the historic brick spine wall between the potting shed and later greenhouse and echoes the overall aesthetic of the original structure. The remaining concerns relate to the opening in the brick wall between the parking and pergola, is this necessary? and the view of the lower roof over Bedroom 1 & 2 from Fairfield Road. See also comments from Urban Design. However, it is accepted that this approach is justified.

The redesign of the soft and hard landscaping adjacent to the Eldin House resulting in the reduction of car parking close to the listed building and the footpath linking Eldin House to Douglas Avenue are an improvement to address previous concerns relating its isolation within the development and are welcomed;

Gate piers and boundary wall: no changes appear to have been made to this aspect of the scheme. It is still considered that this will result in some harm to the current domestic and intimate scale of the opening, which contributes to the approach and therefore the perceived experience of Eldin House.

20/1838/FUL

Apartment block: the amended plans show a redesign of the scale, height and materiality of the apartment block addressing Douglas Avenue. This addresses the considerable concerns previously raised and is much improved. Now sitting below the ridge line of Eldin House and in conjunction with the materials, subject to samples etc, and the revised parking/landscaping will have less detrimental impact on its setting;

Road layout: there is still only one main vehicular access from Douglas Avenue and a secondary access from Fairfield Road. However, the changes to create shared surface

detailing and the introduction of pedestrian accessibility to both Eldin House itself and the eastern side of the site help to mitigate this aspect;

The pedestrian access from Douglas Avenue on the eastern side of the site is welcomed.

Conclusion: there is considerable merit in the proposals for the repair and refurbishment of Eldin House, and scope to improve its setting and to develop the site for housing. Following discussion, the amendments have provided a more appropriate and acceptable scheme. Whilst there are still some minor concerns it is considered that overall the scheme has addressed the concerns raised and that the works will result in less than substantial harm to the listed building and the wider Conservation Areas.

Contaminated Land Officer

I have considered the application 20/1838/MFUL and I recommend approval with the following conditions in relation to contaminated land.

Where there's a risk of pollution/contamination being caused by the demolition of structures from the development site the developer must undertake a risk assessment identifying the potential risks for airborne nuisance, additional land/water contamination and/or the creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors.

The demolition should be carried out in such a manner as to minimise the potential for airborne nuisance, additional land contamination and/or the creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors.

Natural England

Thank you for your consultation.

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 29 September 2020 (our ref: 328371).

The advice provided in our previous response applies equally to this amendment.

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

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

Environmental Health

I have considered the application and note that this site is close to nearby residents who may be impacted during the construction process. I therefore recommend the following condition:

NO(B)2

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

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

EDDC Landscape Architect - Chris Hariades

1 INTRODUCTION

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

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

2 LOCATION, SUMMARY PROPOSALS, SITE DESCRIPTION AND CONTEXT

2.1 Location and brief description of proposals and means of access

The site is situated within the centre of Exmouth on a relatively prominent, elevated site bounded by Douglas Avenue to the south, Portland Avenue to the east and Fairfield Road to the north. The western boundary abuts the Deaf Academy. The eastern part of the site lies within the Beacon and Louise Terrace Conservation Area. The proposals comprise demolition of a redundant teaching block and late 19th century villa and cottage together with a potting shed and other minor buildings; conservation and conversion of grade II listed Eldin House to four apartments; construction of a five storey apartment block, together with five bungalows and a further five detached two storey dwellings with associated infrastructure, parking and open space. Access is from existing entrances off Douglas Avenue and Fairfield Road.

The site has a southeasterly aspect and contains a number of large mature trees which are notable landscape features. It is contained within a part stone and part brick, high wall forming the boundary to the adjacent streets and which contributes positively to local character.

3 REVIEW OF SUBMITTED LANDSCAPE RELATED INFORMATION

3.1 Landscape and visual impact Assessment (LVIA)

3.1.1 Generally

The submitted assessment is difficult to follow, does not follow the usual sequence of stages set out in the industry standard Guidance for Landscape and Visual Impact Assessment 3rd edition (GLVIA3) and is missing some important detail. There is a lack of transparency as to how some of the results have been arrived at and its objectivity is questionable. While some elements of the proposal could be considered to have landscape and visual benefits such as conservation of Eldin House and demolition of the redundant teaching block, the overall finding that the scheme would have a beneficial effect on the character of the area is not justified.

3.1.2 Description of development

There is no description of the construction phase that would allow assessment of the likely landscape and visual effects of the proposal as outlined in GLVIA3 (4.17).

3.1.3 Baseline landscape data and evaluation of value, sensitivity and capacity

In consideration of landscape/ townscape sensitivity it is unclear how the assessment of **medium to low sensitivity** has been arrived at. Given the assessment of the site and its contribution to local character as being of **local value**, in accordance with the submitted methodology in Appendix A of the assessment this should give a **high to medium** value overall. Considering the overall increase in built form and increase in height by two additional storeys in comparison with existing buildings on and adjacent to the site the susceptibility to change of the type proposed should be considered **medium to high** rather than **medium to low** as stated.

3.1.4 Baseline data on site visibility and evaluation of visual sensitivity

A Zone of Theoretical Visibility extending to a 2m radius from the centre of the site and based on the height of the proposed apartment block should have been provided as the basis for assessment of likely visual receptors. Consequently it is possible that the full visual extent of the proposal has not been adequately considered.

The assessment of visual receptors should have included residents along each of the adjacent roads.

GLVIA3 para 6.33 states that residents at home are amongst the most susceptible to change.

3.1.5 Identification of effects on landscape receptors

The statement in section 4.3, 5th bullet point that the 5 storey apartment block '*will not be a dominant feature*' despite being two storeys taller and 5m closer to the boundary than the existing teaching building is disputed and contradicts the Constraints Plan appended to the Assessment which states '*The existing college building in this location currently presents a prominent and dominant element within the site presenting a detracting feature in the street scene.*' The Heritage Statement also acknowledges that the new building will have some detrimental effect on local character and the setting of Eldin House.

Existing trees and vegetation contribute positively to the character of the site. While key trees are to be retained removal of lesser quality trees and other vegetation will open up views into the site particularly from Douglas Avenue and Portland Avenue and the impact of this should be assessed more thoroughly.

It is stated in section 4.3 of the Assessment that new trees and planting will be characteristic of the area. However new trees are entirely fastigate which are not characteristic features of the locality.

The assessment should have also considered the likely effects on the existing boundary wall.

3.1.6 Identification of effects on Visual Receptors (those using or living/ passing by the site)

The assessment should include a map showing the locations of viewpoint photographs.

The magnitude of change experienced by residents is likely to be least for those living along Portland Avenue and highest for those along Douglas Avenue and Fairfield Road who are likely to experience a moderate to high adverse visual effect as a result of the proposal.

There is a lack of clarity as to how the assessment of **negligible magnitude** of change for people along the sea front has been determined.

Given the scale and potential impact of the apartment block in particular, accurate photomontages should be provided from key viewpoints to demonstrate the visual impact of the proposals.

Viewpoints that should be included are 1B, 2B and 4 from the LVIA. A further photomontage should be provided from a viewpoint midway along the southern boundary looking northwest, the exact location to be agreed with the LPA. All photomontages should be Type 4 to AVR level 2 prepared in accordance with Visual Representation of Development Proposals, Landscape Institute, Technical Guidance Note 06/19 17.9.2019 and be based on good quality photographs taken in winter using a 50mm lens (or equivalent) to provide a 49 degree horizontal field of view and should be presented as a single shot image on a full A3 page. Photomontages should show the scheme at completion (year 0) and after 15 years from completion when mitigation planting will have had time to develop.

3.1.7 Mitigation measures

In section 4.2 of the assessment it is not clear what the difference between primary and secondary measures signifies. Under GLVIA3 primary mitigation measures are those that are incorporated into the final scheme proposals while secondary measures are those that are off site or have not been incorporated into the proposals.

There is no assessment of the residual effects of the development that would be evident once the primary mitigation is implemented.

3.2 Reports and surveys

3.2.1 Ecological survey

a) The ecological assessment includes the following mitigation and enhancement measures which should be included in detail landscape and building plans should the application be approved:

Mitigation measures

- ☐ Compensatory artificial nest sites will be provided within the development.

- Vegetation in the north-east corner of the site will be cleared under an ecological watching brief to avoid potential disturbance to reptiles. A log pile will be provided as compensatory habitat.
- Non-native invasive plants will be eradicated from the site prior to vegetation clearance.
- The landscaping scheme will retain a band of trees and shrubs on the south and east boundaries and include small copses, street trees and areas of wildflower grassland to compensate for vegetation removal and also enhance habitat diversity and connectivity.

Enhancement measures

Positive measures to enhance biodiversity will be included in the scheme to achieve an overall net gain for biodiversity, including:

- Using plant species in the landscaping scheme which are beneficial to pollinators and other invertebrates, so enhancing foraging opportunities for bats, birds and other wildlife.
- Providing additional bat and boxes in trees and new housing which supplement the required compensatory bat roosts and bird nest sites; these will enhance habitats for protected species throughout the development.
- Installing bee bricks within the fabric of the new dwellings to improve habitat for pollinators.
- Maintaining hedgehog access to gardens by creating a 13cm x 13cm gap in garden fencing at ground level.

b) In respect of the proposed log pile this is currently indicated to be in the rear garden of plot 6 and should be moved into an area of public open space where its maintenance will be the responsibility of the site management company.

c) In its conclusion the report states that the proposals result in a bio-diversity net gain although this is not quantified. The percentage improvement and details of how net gain has been calculated should be provided prior to determination of the application.

3.2.2 Design and Access Statement (DAS)

The visualisations contained within the DAS are of very dubious accuracy especially the before and after images of Douglas Avenue as shown on page 30, where the proposed five storey apartment actually appears lower than the existing three storey building it is replacing. Superimposing the before and after images at correct scale (see figure 1 below) shows much more accurately the before and after effects of the proposal in this view. The representation of proposed trees which are shown at mature height and larger than the existing 100+ year old conifers and holm oaks on site are also highly misleading.

3.3 Layout and landscape details

3.3.1 Proposed levels

There is no clear information provided on proposed site levels. Given the extent of level changes across the site a detailed proposed levels plan is essential to developing an effective site layout and to demonstrate that the proposals meet accessibility standards without compromising root protection areas and site features to be retained and avoiding creation of unnecessary/ visually intrusive retaining structures. In relation to the perimeter wall to Portland Avenue this is part retaining and part free standing and clarity is needed as to how existing and proposed site levels work adjacent to it.

3.3.2 Car parking

Due to the proposed density of development the internal site layout is dominated by car parking which would have an adverse impact on the setting of Eldin House and greatly restricts opportunities for creation of incidental open space and structure planting that is required to soften the built form of the development generally and break up and screen parking areas.

The design of the small parking court accessed from Fairfield Road is space inefficient. Grouping the four parking bays it serves together against the western boundary of the adjacent bungalow would reduce the extent of hard paving required and enable wider planting beds and a better path alignment to the west of the main car park.

3.3.3 Public Open Space and pedestrian circulation

a) Public open space provision within the site is heavily compromised by over development of the site, the only space of any size being under the canopy spread of the large holm oak in the centre of the site where it will be heavily shaded at all times and is surrounded by car parking. Access to the central open space is also awkward and uninviting, and the narrow grass paths indicated are unlikely to withstand regular trampling.

b) The proposed seating area to the south of Eldin House is unlikely to have much appeal and should be reduced/ omitted.

c) A pedestrian link is provided between the apartment block and Fairfield Road that is indirect and which compromises the privacy for occupants of the ground floor bay window to Eldin House. Redesign of the Fairfield Road parking court will allow the path to be straightened and moved further away from Eldin House at its northern end.

3.3.4 Soft Landscape

a) As noted above opportunities for planting within the centre of the site are heavily constrained by car parking and many proposed planting beds are unfeasibly narrow to sustain vigorous, healthy plant growth. Particularly bad examples of this are:

- ☐ Proposed planting strip to the west side of the main car park and rear of parking bays 38/39 which are less than 1m wide. Allowing for haunching to pavings to either side the effective bed width in these locations is likely to be only 500mm.

- ☐ Awkward strip to northwest corner of apartment block.

- ☐ Ultra narrow strips between parking bays 29/26 and 26/V.

- ☐ Side accesses to detached dwellings appear to be shown as grass. This is not practical and these accesses should be paved. The extent of rear paved patio areas should also be shown.

b) Proposed trees are all very narrow columnar varieties. While the use of such fastigate species could be acceptable as part of the overall design, larger canopy trees should also be provided where space permits such as to either side of the main car park entrance and to the eastern side of the development.

c) Planting design should seek to create a more unified frontage to the Douglas Avenue boundary.

d) Beds to front of the apartment block should have be planted rather than grassed.

3.3.5 Play provision

There is no indication in the submitted details of how play and open space requirements in accordance with Strategy 43 (Open Space Standards) of the Local Plan will be met and this should be clarified.

3.3.6 Perimeter boundary walls

a) It is recognised by all parties that the perimeter boundary walls to Douglas and Portland Avenues and Fairfield Road are a key element of the site/ local character and their retention is important. The LVIA makes reference to a wall condition survey that has been undertaken but this does not appear to be included in the submitted details. The report should be provided together with detailed information on any proposed works to it which should include details of how demolition of the gable end of Langstone Cottage will be made good and how existing openings onto Fairfield Road will be treated.

b) The proposed bricking up of the attractive historic gateway to the southeast corner of the site is unjustified and would have a negative impact on the streetscape and site heritage.

3.4 Green Infrastructure

☐ Cycle parking: The provision of suitably located cycle stores for the flats/ apartments is welcome. Provision should be made for electric bike charging points.

☐ Rainwater collection – all private dwellings should be provided with water butts to collect roof rainwater.

☐ Green roofs – A detailed specification for proposed green roofs should be required as a condition of any approval.

☐ Renewable energy – The proposals should include provision for solar panels.

☐ Bio-diversity – The landscape strategy should include biodiversity mitigation/ enhancement measures as identified in the ecological assessment.

4 CONCLUSIONS & RECOMMENDATIONS

There is likely to be little dispute that the application site is suitable for redevelopment for residential use and that the sensitive conversion of Eldin House and removal of the ugly and prominent redundant teaching block and its replacement with an appropriate and sensitively designed building would improve the quality of the site.

In terms of landscape and visual impact and design the key issues of concern in the submitted proposals are the scale of the proposed apartment block, its impact on local character and the loading it places on the site in order to accommodate the required number of parking spaces. The resultant layout, particularly to the western side of the site, is dominated by car parking, provides poor amenity for residents and limits opportunities for tree planting that would help to integrate the development with its surroundings. These issues can only be addressed through a down scaling of the apartment block.

Further issues with the submitted information are noted in section 4 above and should also be satisfactorily addressed prior to determination of the application. Otherwise the application should be refused as contrary to NPPF paragraph 127 especially items a), b), c) and e) and Local Plan policies: Strategy 5 (Environment), Strategy 43 (Open space standards), D1 (Design and local distinctiveness) and D2 (Landscape requirements).

Further comments:

1 INTRODUCTION

This report forms the EDDC's landscape response to amended landscape related information recently submitted for the above application.

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

2 REVIEW OF AMENDED/ ADDITIONAL DETAILS

The reduced height and greater set back of the apartment block is a big improvement from the original proposal and overall the landscape and visual impact of the amended scheme is considered acceptable.

The amended site plan is generally acceptable but some refinement and further detail is required which could be secured by condition.

The amended drainage plan still shows new foul and storm sewers passing through the RPA of tree T908. While this is covered in the Arboricultural Method Statement there is no mention of the storm flow control chamber which is also sited within the RPA. Preferably the control chamber should be re-sited outside of the RPA extent, which seems possible by moving the attenuation tanks slightly. Alternatively an arboricultural method statement for it should be provided for approval.

The proposed levels plan, drawing no. 2401 rev. P03, shows significant level changes proposed within the RPAs of trees T908 and G3.6. This does not appear to be covered by the arboricultural method statement and further details for this should also be submitted.

The proposed cycle and bin store should have green roofs to provide additional bio-diversity value and charging points should be provided for e-bikes.

3 LANDSCAPE CONDITIONS

Should the application be approved it is recommended that the following conditions are imposed:

1 Notwithstanding the submitted details no development work shall commence on site until the following information has been submitted and approved:

- a) A full set of hard landscape details covering proposed earthworks, walls, retaining structures, fencing and railings, pavings and edgings, site furniture and signage.
- c) Details of locations, heights and specifications of proposed external lighting including wall mounted fittings.
- d) Detailed elevations and sections of existing external boundary walls showing the extent of repairs and alterations proposed together with samples of proposed brick types for any infill/ repair and details of proposed mortar mixes which should closely match existing.
- e) Detailed plans and elevations of proposed bin and cycle stores.
- f) Locations and details of proposed water butts to collect roof water for garden irrigation.
- g) Details and locations of proposed bio-diversity enhancement and mitigation measures.
- h) A soil resources plan which should include:

☐ a plan showing topsoil and subsoil types, and the areas to be stripped and left in-situ.

☐ *methods for stripping, stockpiling, re-spreading and ameliorating the soils.*

☐ *location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).*

☐ schedules of volumes for each material.

☐ *expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas or used as structural fill.*

☐ identification of person responsible for supervising soil management.

i) A full set of soft landscape details including:

i) Planting plan(s) showing locations and number of new trees, amenity planting, type and extent of new grass/ wild flower areas, existing vegetation to be retained and removed.

ii) Plant schedule indicating the form, size, numbers and density of proposed planting.

iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period and 5 year maintenance schedule.

iv) Tree pit and tree staking/ guying details and soil volume calculations for proposed trees within/ adjacent to hard paving.

2 The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use.

3 No development shall take place until a landscape management plan for a minimum period of 15 years has been submitted and approved in writing by the Local Planning Authority which should include the following details:

☐ Extent, ownership and responsibilities for management and maintenance.

☐ *Details of how the management and maintenance of open space/ communal areas will be funded for the life of the development.*

☐ Inspection and management arrangements for existing and proposed trees.

☐ *Management and maintenance of amenity planting, grass and wildflower areas in communal space.*

☐ Management and enhancement of biodiversity value.

☐ *Management and maintenance of any boundary structures, drainage swales and other infrastructure/ facilities within public areas.*

Maintenance shall be carried out in accordance with the approved plan.

4 Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

South West Water

I refer to the above where amended plans have been submitted and would advise that South West Water has no objection.

Devon County Highway Authority

The proposed site layout indicates dedicated off-carriageway parking, turning heads and a footway along the primary link road, with a shared space format for the rest of the site.

The site sits on the junction with Douglas Avenue, C595 and Portland Avenue L3917, the site is also proposed to have a minor access from Fairfield Road L3919, this link however will be limited to four vehicle parking spaces with no vehicular link through to the rest of the site.

The site is a brownfield site with a permitted former residential use, though this layout slightly increases the amount of residencies. Exmouth is a sustainable transport town with regular bus services, the train station and the Exe-estuary trail, to make the most of this trail, I would recommend that a secure cycle storage facility is provided on the site, either as a whole or individual basis.

It is however due to the built-up location that I would recommend, a construction and environment management plan is produced in order to mitigate the construction process impact upon the surrounding community as much as possible.

The access will be widened slightly even though it is an existing established access. The application has come with with long and cross-sections of the internal carriageway and they do conform with our latest design guide, as do the proposed parking spaces.

Therefore the County Highway Authority has no objection to this planning application.

Recommendation:

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

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

REASON: To promote sustainable travel to in accordance with the East Devon local plan 2013-2031.

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

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6 pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.

Housing Strategy Officer

If the principle of residential development is accepted on this site, strategy 34 sets the policy target for affordable housing provision and for Exmouth a target of 25% affordable housing is required. This equates to 9.75 dwellings.

The applicants in their planning statement are claiming that because the site contains vacant buildings then vacant building credit should be applicable. To support the re-use of brownfield land, national policy permits the reduction of affordable housing contributions where vacant buildings are being reused or redeveloped, known as 'vacant building credit' (VBC). In such cases, the affordable housing requirement should be reduced by a proportionate amount, equivalent to the existing gross floor space of existing buildings. If the total floor space of existing buildings to be reused or redeveloped is equal to or exceeds the total floor space created, then no affordable housing would be required.

Based on the floor areas provided by the applicant the GIA of the existing buildings totals 3,180 sq m and the proposed floor area following redevelopment is 3,802 sq m.

This results in a reduction of the affordable housing provision to 1.6 units or 4.09%. The existing and proposed floor areas should be checked to confirm accuracy.

The applicant goes on to say that providing 1 or 2 units on site will be difficult as there is unlikely to be a registered provider (RP) willing to take on 1 or 2 units. I tend to agree with the applicant on this. Whilst there is a pressing need for affordable homes in Exmouth there needs to be a provider to actually deliver them. Having only 1 or 2 units on a site is not costs effective for a RP.

The applicant is instead proposing to pay a commuted sum towards the provision of affordable housing. The commuted sum payable is £71,507. This commuted sum takes into account the reduction in affordable housing due to the application of VBC and the areas detailed above. Should the areas of the existing or proposed accommodation change then this may affect the commuted sum payable.

EDDC Trees

Tree Retention/Loss

The retained trees concur with those discussed as being the key trees on the site during pre-app meetings. However, on initial review the proposed site layout might seem to have taken little account of the identified root protection areas (RPA) of these trees.

There is a the potential impact on the RPA of the following trees:-

- o T 903 Holm Oak. The RPA of this tree is encroached on by the construction of units 9 and 10 along with the car parking spaces to the west and south.
- o T908 Monterey Pine. The RPA of this tree is offset to the north, south and west and is significantly encroached on by the proposed construction of units 5, 6 and 7 along with the associated access and landscaping.
- o T 912 Austrian Pine (?) The RPA of this tree is encroached on by the proposed construction of the apartment block, unit 8 and the car parking to the north.
- o G 3.6 Holm Oak. The RPA of this tree is offset to the north and is encroached on by the proposed construction of units 6 and 7.

RPA issues aside the proximity of the building on plot 8 to the canopy of the retained pine T912 might give rise to additional concerns. Similarly the proximity of the building on plot 6 to the canopy of T908 appears less than optimal. I would recommend that prior to occupation of this property that the branches of the tree have the cones removed in order to improve the safety of future occupants.

The above issues have been addressed within the arboricultural impact assessment (AIA) submitted with the application. The relevant section is 5.4

5.4 Encroachment into the Root Protection Areas of Arboricultural Features

This is a complex Site with trees intimately linked with historic structures, changes in ground levels, installation of underground services and asymmetrical rooting due to planting close to retaining walls around the Sites boundaries.

On this basis a precautionary approach has been adopted by the design team. Root Protection Areas have been offset to represent theoretical rooting area of retained trees. Where development is proposed within these enhanced root protection areas, tree sensitive construction measures have been adopted.

The main access onto the Site utilises the position of the historic access to Eldin House and the footprint of the former college building to minimise impact on the adjacent Atlantic cedar T905. To establish the principle of development and the reduction in ground levels necessary to achieve this; two 5 metre root investigation trenches were excavated (Appendix 3). Both trenches found little rooting from the adjacent Atlantic cedar and evidence of extensively made up ground. The methodology for excavating within root protection areas to install the main access can be found in the Arboricultural Method Statement (1054-AMS-SB).

The road and parking areas have then been designed to be constructed using no dig methodology, such as to the west of the Monterey pine T908. To ensure that the roots remain undisturbed and the rooting medium is not compacted, the hard surfacing within the root protection areas shall be constructed to a permeable, no-dig specification. The final specification for the permanent surfacing will be provided by a structural engineer but will adhere to the following principles:

- o The new surface should not require excavation or lowering of levels beyond that of removing the turf/vegetation layer which should only be undertaken using hand tools.
- o The new surfacing should avoid localised compaction of the rooting medium beneath by distributing weight evenly over its surface e.g. CellWeb TRP cellular confinement system or similar three dimensional support structure.
- o The surface should be permeable and incorporate a geotextile membrane capable of preventing potentially polluting contaminants reaching the rooting medium below.
- o The new surface should be resistant to deformation from tree roots and be no closer than 500mm to the tree stem and buttress to allow adequate room for future growth.
- o Traditional kerbing that requires excavation should be avoided. Non-invasive edge treatments e.g. pinned wooden sleepers or gabions should be used.

Finished floor levels and gardens have been adjusted to reflect the average ground level within the root protection area of retained trees with minor cuts and fills to achieve flat useable garden surfaces.

Where buildings fall within the offset Root Protection Areas of retained trees, the building footings shall be constructed to a no-dig specification. The final specification

for the building footings will be provided by a structural engineer and will accord to chapter 4.2 of the NHBC guidelines. In addition, the footings will also adhere to the following principles:

- o Traditional trench foundations should be avoided.
- o Use of piled foundations, the optimal location of which (whilst avoiding tree roots) is determined following on site investigation works.
- o The piles should be installed using hand tools or a compressed air soil displacement system to a minimum depth of 600mm. The smallest practical pile diameter should be used thus reducing the potential of damaging major roots and reducing the size of rig required to install the piles.
- o The beams attached to the piles should be at or above ground level.
- o The floor slab should be constructed with a ventilated air space between the slab and existing soil surface. A specialist irrigation system should be implemented to maintain the hydrological regime at the soil surface beneath the new structure.

Service runs through the Root Protection Areas of Arboricultural Features

This issue is partially addressed within section 5.5 of the AIA:-

5.5 Routing of Services and Utilities

The storm water drainage strategy has been designed to avoid the root protection area of retained trees. The installation of pipework within the root protection area of the stone pine T912 shall be undertaken under the supervision of the project arboriculturalist. The methodology for undertaking such excavations can be found in the arboricultural method statement (1054-AMS-SB). Further details of the routing of services have not been provided at this stage. When details of the routing of services become available, they will be reviewed by the project arboriculturalist. The arboriculturalist shall then confirm to the local authority arboricultural officer either that no works will be carried out within root protection areas, or provide details of the methodology required to ensure the works are carried out in accordance with NJUG Vol. 4 'Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees' and BS5837: 2012.

However, the indicative drainage strategy drawing shows the both the surface water and foul water drains for the site, crossing through the middle of the root protection area (RPA) of the trees T908 and 909. Whilst the lower section of the foul water drain already exists, the need for remedial work to this pipe is suggested in the drainage strategy. There is no arboricultural method statement (AMS) to explain how this work or the laying of the new surface water drain is going to be implemented in order to avoid severe damage to the roots and rooting environment of these trees.

In the absence of information to the contrary it is appropriate to apply the precautionary principle and assume that these trees are likely to be lost through

damage to their roots. Such damage and loss will not be acceptable in arboricultural terms.

Conclusion

The retained trees concur with those discussed as being the key trees on the site during pre-app meetings. The AIA describes the principles of how the apparent impact of the proposed development on the RPA's of these retained trees will be addressed and mitigated. These methods are all recognised industry standard. However, there are no specific details provided to ensure appropriate implementation and construction is carried out. Therefore, I recommend that the following conditions are applied to any forthcoming planning consent.

TR02 Full details of the method of construction of hard surfaces in the vicinity of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any works on site (including demolition). The method shall adhere to the principles embodied in BS 5837:2012 and AAIS Arboricultural Practice Note 1 (1996) and involvement of an arboricultural consultant and engineer is recommended. The development shall be carried out strictly in accordance with the agreed details.

(Reason - To ensure retention and protection of trees on the site during and after construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2016.)

TR05 Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed Construction Specification / Method Statement for footings and floor slabs shall be submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the trees and detail the means by which any necessary root severance and soil disturbance is minimised by providing a specification for root pruning in accordance with BS 3998: 2010. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.

(Reason - To ensure retention and protection of trees on the site during and after construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3

TR07 No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, willfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness

Mitigation/landscape Tree Planting

Significant numbers of lesser quality, but none the less significant trees, are proposed for removal. Collectively, the removal of these trees represents a considerable loss of canopy. The current proposal does not provide suitable mitigation in either numbers, form or size of trees.

Overall, there is too much use of fastigate trees and a lack of diversity in species. If fastigate trees are to be considered a design theme on the Douglas Road frontage, then space needs to be provided for the planting of fastigate forms of larger canopy species such as Quercus, Carpinus, Pinus, Acer, Cupressus, Taxus, Ginkgo, etc. Smaller canopy species such as Liquidamber, Crataegus and Sorbus along with lower shrubs can be used to complement and add diversity to a strong and coherent road frontage landscape. The presence of evergreen species is characteristic of this locality.

There is a need to replace the P. radiata which is being removed from the SW corner of the site with a species of similar stature not only to mitigate the removal of the existing tree but also to provide succession for the nearby Cedar.

Internally there is a need to provide far greater shade canopy around the parking courts. The two fastigate Oaks to the south of the main parking court should be replaced with species that can deliver full canopy large trees. Appropriate soil volumes for rooting can be provided by the use of rootcells under the parking areas. These could be incorporated into a local SUDS for the parking court areas. <https://greenblue.com/gb/product-category/stormwater-management/>

Within the internal landscape fastigate trees should only be used as accent planting or where there is genuine constricted space.

Further comments:

The updated documents have addressed the issues discussed at our meeting of the 18th Feb.

On the basis of these updates I am satisfied that the previously outstanding arboricultural concerns have been addressed. The AIA and AMS correctly identify the underlying arboricultural reasoning, the potential impact, and the appropriate mitigation measures for the proposed development. Through the use of appropriate and defined mitigation measures, the implementation and construction of the proposed development will have minimal impact on the important retained trees.

Some points of detail remain outstanding and I have already given you my suggested conditions that should be attached to any decision.

Contaminated Land Officer

We note that a Phase 1 Desk Study has been included with the application and that several potential sources of contamination have been identified. Therefore, to ensure the site is fully investigated and any appropriate remedial measures taken, we recommend that condition CT3 is applied to any permission granted.

DCC Flood Risk Management Team

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with our DCC groundwater monitoring policy.

(b) A detailed drainage design based upon the approved Flood Risk Statement Land Off Douglas Avenue, Exmouth and the approved Drainage Strategy Plan 1001 Rev P03 and the results of the information submitted in relation to (a) above.

(c) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(d) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(e) A plan indicating how exceedance flows will be safely managed at the site. No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations:

Following my previous consultation response FRM/ED/1838/2020, dated 8/10/2020, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

- Micro Drainage Output 010_DO1_FEH dated 11/06/2020
- Email from SWW to Sands Consulting Ltd dated 13/05/2020

The applicant has rerun the hydraulic model using more up to date rainfall dataset. The results indicate that the drainage strategy is robust and does not need upsizing in light of the updated rainfall dataset.

The applicant has confirmed that SWW are acceptable to a connection into their 375 mm dedicated surface water sewer in Douglas Avenue which will remove runoff from the existing combined system.

We would require that the applicant fully explores infiltration at the detailed design stage in line with the principles of the surface water management hierarchy. We are also keen that the green roofs are secured through to the detailed design stage. In conclusion the proposed surface water strategy will provide a betterment to the existing scenario at the site in line with best practice.

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

Observations:

The applicant has produced a feasible surface water drainage strategy which will provide a betterment compared to the existing scenario where runoff drains to the combined sewer. The applicant is proposing to attenuate runoff in an underground tank with a restricted discharge into a nearby surface water sewer.

We are delighted to see that sedum roofs are being proposed on some of the buildings providing source control at the site. We would require the following information:

- The applicant should revise the attenuation calculation to be based on FEH dataset rather than FSR.
- The applicant should provide evidence that South West Water are happy with the connection into their network at a rate of 17 l/s.

We would be happy to provide another review if additional information is submitted to the local planning authority.

Other Representations

36 letters of objection have been received at the time of writing this report raising concerns which can be summarised as:

- Removal of several healthy and mature protected trees is unacceptable and will change character of the area. Tree removal will set a precedent
- Lack of parking and visitor parking spaces
- Greenhouse/ potting shed should be retained
- The dwellings would be out of character with surrounding properties
- Apartment block is too high
- Impact on wildlife and ecology
- Highway safety and safety concerns for students of the Deaf Academy
- Impact of construction traffic on Fairfield Road
- Consideration should be given to the privacy of students of the Deaf Academy
- No affordable housing
- A disused and vandalised site is not a reason to support this application
- Too high density of housing
- Increased pressure on foul and surface water drainage

PLANNING HISTORY

Reference	Description	Decision	Date
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15/2778/LBC	Removal of potting shed and greenhouse, widening of existing breach in boundary wall, alteration of entrance on Douglas Ave	Refusal	16.02.2016
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POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

EN5 (Wildlife Habitats and Features)

EN6 (Nationally and Locally Important Archaeological Sites)

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

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Exmouth Neighbourhood Plan (Made)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Site Location and Description

The site is situated within the centre of Exmouth on a relatively prominent, elevated site bounded by Douglas Avenue to the south, Portland Avenue to the east and Fairfield Road to the north. The western boundary abuts the Deaf Academy. The eastern part of the site lies within the Beacon and Louise Terrace Conservation Area. The site was formerly used as an educational campus and since the campus closure, the brownfield site has fallen into disrepair.

On the site itself, Eldin House is Grade 2 listed and is a typical stone-built house of its age with decorative timberwork. The other smaller buildings on site, such as the glass house and potting shed and Eldin Cottage, are soft red brick and while they may not be regarded as having design or architectural merit are still attractive in their own modest right as curtilage listed buildings to Eldin House.

The main remaining former college building is a 1960s-70s three storey block running parallel to Douglas Avenue between 10m and 15m back from the back of the pavement where the boundary wall also forms a retaining wall as the site rises up from the road. The ground level at the building base is just over 2.2m above pavement level so this set back helps reduce the perceived scale of the building. The building has a shallow pitched roof and extensive bands of windows on both long elevations (running East West). Since the college closed there has been extensive vandalism leaving the building with few, if any, intact windows.

The site has a south easterly aspect and contains a number of large mature trees which are notable landscape features and are subject to Tree Preservation Orders. The site is contained within a part stone and part brick, high wall forming the boundary to the adjacent streets and which contributes positively to local character.

There are three main entrances to the site, two onto Douglas Avenue with one next to the college site and the other on the corner of Douglas and Portland Avenue. The other onto Fairfield Road gives access to Eldin House. The entrance on the corner Douglas and Portland Avenue, is unused as a vehicular access and blocked with steel railings.

The site is located within the built-up area boundary of Exmouth and falls within the Beacon and Louise Terrace Conservation Area.

Proposed Development

Planning permission and listed building consent is sought for the demolition of a redundant teaching block and late 19th century cottage together with the partial demolition and extension of the potting shed to form a bungalow, the conversion of the grade II listed Eldin House into four apartments and for the construction of a 3.5 storey apartment block together with five bungalows and a further 5 detached two storey dwellings with associated infrastructure, parking and open space. The application proposes a total of 33 residential units across the site in a mix of 23 apartments and 10 no dwellings.

The proposal is to demolish a total of 10 derelict buildings on the site which include the greenhouse / potting shed; Langstone House; Langstone Cottage; the outhouse to the cottage; two buildings which operated as offices for the College; a garage for the site; a building which operated as a classroom for the College; and two teaching buildings – one of which is in the form of a substantial three storey block. The proposals can be broken down into the following:

Apartment Block

The proposed apartment block would be 3.5 stories in height constructed in predominantly buff brick for the main façade. It would provide 19 apartments across the 3.5 floors and would be set back from Douglas Avenue running parallel to the front boundary of the site. The building would have a stepped back mansard style roof design and form.

Eldin House Conversion

Planning permission and listed building consent is sought for the proposed conversion of the grade II listed Eldin House into 4 apartments with 2 apartments being provided on each floor. With the exception of unblocking some existing window openings, the external elevations would remain the same. Internal alterations would be made to facilitate the sub-division of the building into 4 apartments. Four car parking spaces would be provided for future occupiers along with a bun store and cycle store to the north of the building.

Potting Shed

Planning permission and listed building consent is sought for the demolition of the potting shed building and the greenhouse and the retention of the dividing fin wall which sits between them. The proposal is to construct a new bungalow off of the fin wall with a pitched roof design to replicate the existing potting shed with a number of mono-pitched extensions to provide additional living space. A timber pergola structure would be constructed to replicate the massing of the existing greenhouse.

Residential Dwellings

It is proposed to re-develop the eastern part of the site with houses in a mix of 1 x 1 storey bungalow, 2 x 1.5 storey bungalows and 7 x 2 storey houses providing a mix of 2 and 3 bedroom properties. These dwellings would be arranged around a new estate road that would run through the site from the existing vehicular access on Douglas Avenue. The dwellings would be a contemporary interpretation of architecture in the area being of traditional pitched roof design with feature gables and dormer windows incorporating features such as steeper roof pitches, clay tile hanging and brick detailing. Flat sedum roofs would also be features on some of the dwellings and garages on this part of the site. The dwellings would be constructed from a selection of materials which include cream brick and clay hanging and slate tiles.

Vehicular Access

The primary vehicular access into the site would be via the existing entrance off Douglas Avenue. Planning permission and listed building consent is sought for the widening of this access which would include the re-positioning of a stone pier. An existing secondary access off Fairfield Road would also be utilised which is also proposed to be widened.

Issues and Assessment

Having regard for the Strategic and Development Management policies within both the East Devon Local Plan and the made Exmouth Neighbourhood Plan (ENP), the main issues to consider in determining this application are as follows:

- Principle of Development
- Loss of Employment
- Affordable Housing Provision/ Vacant Building Credit
- Urban Design and Impact on the Character and Appearance of the Area
- Heritage Impact

- Residential Amenity
- Highway Safety and Parking Provision
- Arboricultural Impact
- Ecological Impact
- Appropriate Assessment
- Surface Water Drainage

ANALYSIS

Principle of Development

The site lies within the built-up area boundary of Exmouth where the principle of residential development is supported under the provisions of Strategy 6 (Development within Built-up Area Boundaries) of the East Devon Local Plan. Strategy 22 (Development at Exmouth) has an expectation that Exmouth will see larger scale development as a Local Plan strategy which seeks to promote:

1. New Homes - Moderate new housing provision
2. Jobs - significant new employment provision in the town.
3. Town Centre - significant investment in new retail and commercial facilities in the town centre.

Policy EN1 of the ENP states that proposals for development within the built-up area boundary will generally be supported. Development will only be permitted where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

The site is located within the heart of the town in a highly sustainable location with good access to shops, services and everyday facilities all of which are accessible on foot as well as excellent public transport links again accessible on foot. The principle of development in location terms is considered to be acceptable and in compliance with the Strategic policies within the Local Plan and the ENP.

Loss of Employment/Community facilities

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) states that in order to ensure that local communities remain vibrant and viable and are able to meet the needs of residents we will resist the loss of employment, retail and community uses. This will include facilities such as buildings and spaces used by or for job generating uses and community and social gathering purposes, such as pubs, shops and Post Offices.

Permission will not be granted for the change of use of current or allocated employment land and premises or social or community facilities, where it would harm social or community gathering and/or business and employment opportunities in the area, unless:

1. Continued use (or new use on a specifically allocated site) would significantly harm the quality of a locality whether through traffic, amenity, environmental or other associated problems; or

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

As the site and buildings constitute a former educational use which would have been an employment generator, Strategy 32 of the Local Plan is engaged which requires justification for the loss of such facilities and in the event that the loss would harm employment opportunities, up to date marketing information is required together with identification of surplus of land provision for such a use in the locality.

It is understood that the buildings on the application site (previously used by Plymouth University) have been vacant for over 12 years since 2008 when Plymouth University put the site to market. In 2016 the Exeter Royal Academy for Deaf Education purchased the site and following re-development of the adjacent site the application was surplus to their requirements. The site has been vacant for a number of years and is falling into a state of disrepair, attracting anti-social behaviour and as it has been vacant for over 10 years it is accepted that it hasn't contributed to employment opportunities for some time.

It is therefore accepted that the proposal does not conflict with the policy in so far as it does not result in the loss of an existing employment site and as such it is not necessary to consider the development against the remaining four criteria set out within Strategy 32 of the Local Plan- a position that has been supported by a Planning Inspector at a recent appeal for the Doyle Centre (ref APP/U1105/W/18/3201622).

Furthermore, and as discussed later in this report, there are a number of heritage benefits to be derived from the re-development of the site and from the restoration and conversion of Eldin House and the removal of the unsightly education buildings which affords additional protection and safeguarding of the listed building which weigh in favour of re-development of the site within the overall planning balance.

Affordable Housing/ Vacant Building Credit

This application would provide 33 new residential units across the site through conversion and new build. Under strategy 34 (District Wide Affordable Housing Provision Targets) of the Local Plan there is a requirement to provide 25% on-site affordable housing which equates to 8.25 dwellings. This is supported by ENP policy H2 which seeks 25% affordable housing on housing developments within the built-up area boundary on sites of more than 10 properties.

The applicant is claiming Vacant Building Credit (VBC). Guidance states that where there is an overall increase in floor space in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be

applied which is the equivalent of the gross floor space of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.

Based on the floor areas proposed, applying VBC would reduce the requirement for affordable housing to 2.25 units or 6.82%. The Council's Housing Enabling Officer has advised that a commuted sum rather than on-site provision would be more appropriate as providing 1 or 2 units on site will be difficult as there is unlikely to be a registered provider (RP) willing to take on 1 or 2 units within the wider scheme. Whilst there is a pressing need for affordable homes in Exmouth there needs to be a provider to actually deliver them. Therefore it is accepted that having only 1 or 2 units on a site is not cost effective for a RP and that a commuted sum that takes into account the reduction in affordable housing due to the application of VBC is more appropriate. In this case the affordable housing contribution would equate to £25,098 and has been secured through a Unilateral Undertaking.

Urban Design and Impact on the Character and Appearance of the Area

Strategy 6 of the Local Plan states that within the boundaries development will be permitted if:

1. It would be compatible with the character of the site and its surroundings and in villages with the rural character of the settlement.
2. It would not lead to unacceptable pressure on services and would not adversely affect risk of flooding or coastal erosion.
3. It would not damage, and where practical, it will support promotion of wildlife, landscape, townscape or historic interests.
4. It would not involve the loss of land of local amenity importance or of recreational value;
5. It would not impair highway safety or traffic flows.
6. It would not prejudice the development potential of an adjacent site.

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.
3. Do not adversely affect:
 - a) The distinctive historic or architectural character of the area.
 - b) The urban form, in terms of significant street patterns, groups of buildings and open spaces.
 - c) Important landscape characteristics, prominent topographical features and important ecological features.
 - d) Trees worthy of retention.
 - e) The amenity of occupiers of adjoining residential properties.
 - f) The amenity of occupants of proposed future residential properties, with respect to access to open space, storage space for bins and bicycles and prams and other uses;

these considerations can be especially important in respect of proposals for conversions into flats.

Policy EB2 of the ENP requires new developments to be designed to be mindful of surrounding building styles and to ensure a high level of design as exemplified in the Avenues Design Statement (2005).

In conjunction with advice from the Council's Urban Designer and the Conservation Officer as part of this application, a number of amendments have been made to the submitted scheme to address concerns that were expressed about the scale and design of the originally proposed 5 storey apartment block and its impact on the visual amenity of the site, the character and appearance of the area and the setting of Eldin House, the impact of car parking and hard landscaping adjacent to Eldin House, the unjustified loss of historic fabric through the demolition of the potting shed and its replacement with a new bungalow as well as concerns about the impact of the proposals on the health and well-being of a number of mature trees on the site.

Amended plans have been received in an attempt to address the concerns raised by officers through the following changes:

- A reduction in the height of the apartment building from 5 to 3.5 storeys and the massing reconfigured with the southern projection removed. This has resulted in a reduction in the number of apartment units from 25 to 19. The reduction in height to 3.5 storeys includes the loss of a typical floor with a mansard roof form applied to the top floor to lower the eaves. The massing of the building has been reconfigured with the southern projection removed to improve the relationship with Douglas Avenue. The building alignment has been adjusted to run alongside Douglas Avenue to provide more of a consistent setback.
- The reduction in the amount of apartment units requires fewer parking spaces which in-turn has allowed for the amount of parking to the east of Eldin House to be reduced and reconfigured with the addition of a grasscrete surface and additional trees and planting between parking spaces. A footpath has been added to the south of Eldin House, providing pedestrian access to and from Douglas Avenue. Increased planting and a grassed area in front of Eldin House, including the introduction of additional trees between parking spaces;
- Where previously the existing listed potting shed was to be completely demolished and replaced by a new bungalow it is now proposed to retain the key historic element of the existing building in the form of the fin wall with the addition of extensions around it which take cues from the extant building on the site, including the re-creation of its pitched roof form and linearity of the potting shed as one section of an articulated three section building.
- Additional footpaths throughout the proposed layout to improve circulation and connectivity as well as an increase in the amount of shared surface areas with space for additional planting.

- Minor alterations to house types including building footprints avoiding being located under tree canopies that will improve the relationship between these properties and ensure the retention of existing mature trees on site.

Apartment Block

Concerns were raised about the height, bulk and massing of the 5 storey apartment block and the impact it would have on the character and appearance of the area. The greatest storey height along Douglas Avenue is 4 storeys however these buildings are set back from the road and almost all are built on sites that are below the level of the road, reducing their visual impact to the equivalent of a three or two storey building.

The existing college building is 3 storeys and set 10-15m back from the pavement and is still very prominent in the streetscene especially as the site is above the level of the road. However, this prominence is considerably softened by the established trees around it that in most cases, certainly when seen from ground level, appear taller than the building.

At five storeys on elevated ground and only 5m back from the pavement officer's raised serious concerns about the originally proposed apartment building that would have had considerably more visual impact on its surroundings than any nearby building and far greater impact than the existing college building it is intended to replace.

The amended plans have significantly reduced the height, bulk and massing of the proposed building from 5 to 3.5 stories which is considered to be a significant improvement to the overall scheme in terms of reducing its visual impact and dominance within the site and in terms of its reducing its impact in views from Douglas Avenue, the Conservation Area and the setting of Eldin House.

Whilst the apartment block would still be a dominant feature in the streetscene, it would replace an existing building that has been vandalised and is an eyesore in views from Douglas Avenue. The revised scale and design of the apartment building is considered to address the concern raised about the massing and scale. The Urban Designer has advised that the design is understated but not pastiche whilst still referencing its Victorian context in the scale and the rhythm of windows. On balance, following its re-design, having regard for the existing building it is intended to replace, the apartment building is considered to be better suited to the context of the site and its setting and more sensitive in its size and scale to the setting of Eldin House (discussed later in the report).

Housing

The eastern half of the site is proposed as a cluster of 9 dwellings in a mix of two storey dwellings and chalet bungalows. This part of the site was originally a separate property to Eldin House, the old stone boundary wall of which still runs through the centre of the site from north to south. The ground level is substantially lower in this part of the site and the site is sensitive in terms of views from both Portland Avenue and Fairfield Road owing to its corner plot position at the junction of these two roads and being in the Conservation Area.

The proposed layout has been designed to work with the existing ground levels where possible to reduce the amount of earth movement. The proposed dwellings are designed to work with the site context and the site itself, especially working with the boundary wall surrounding the site so that they are not visually intrusive. Many of the houses have been designed with a flat-roofed extended ground floor to gain the desired internal floor area without resulting in more visual massing and intrusiveness in terms of views from outside the site. This is considered to be a successful element of the scheme and the use of sedum on the flat-roofed areas will gain some, albeit limited, bio-diversity benefit.

The architecture of the housing is clearly modern but does successfully reflect the context in material choice, roof pitches and proportions. The dwellings would be a contemporary interpretation of architecture in the area being of traditional pitched roof design with feature gables and dormer windows incorporating features such as steeper roof pitches, clay tile hanging and brick detailing. The dwellings would be constructed from a selection of materials which include cream brick and clay hanging and slate tiles.

The construction of the bungalow around the retained historic fin wall of the potting shed has been the subject of particular attention to historic and site context, where plans have been amended so as to retain as much of the existing potting shed and glass house as possible and referencing this in the final design of the building. This is discussed in more detail in the heritage section of this report.

The layout of the housing is fairly conventional and will have a feel of a secluded cluster of houses. It has had to respond to the topography, the existing trees that will be retained and their rooting areas, which are extensive, that all constrain how the site can be developed. It should be noted that a higher density of houses in this conservation area would have been difficult to achieve especially given the site history and precedent and re-positioning the apartment block to the Portland Avenue side would have been significantly more intrusive than what is being proposed.

The layout of the dwellings have, for the most part, been set back from the site boundary which further reduces the visual impact from the road and beyond the boundary wall. In doing so, the proposals partly reflect the nature of what was on site originally and the character that the conservation area aims to maintain, which is of well-designed houses set back within landscaped areas with mature trees. Internally, the front gardens of the houses have been shaped and planted to reduce the visibility of car parking, where possible and to maintain the impression of a relatively green site.

It is accepted that a residential development of new 3.5 storey apartment block and a small cluster of dwellings on this site would alter its visual amenity and the character of the site in terms of views from Douglas Avenue, Fairfield Road and Portland Avenue and it is accepted that introducing residential development in the form proposed coupled with the significant loss of tree canopy would transform the character of the site. Whilst this is the case, the existing site is run down and its number of derelict and vandalised buildings do detract from the character and appearance. On balance, it is considered that the proposed design, layout and form of development is largely sensitive to the topography of the site whilst addressing the complex constraints posed by retained trees on the site. The development is considered to be acceptable in terms

of its impact on the character and appearance of the area and the wider Conservation Area whilst being appropriate and sensitive in terms of its relationship and improving the setting of Eldin House.

Issues regarding landscaping of the site have been adequately dealt with and will result in a suitable layout subject to details secured by condition.

Heritage Impact

In determining this application under the statutory duty of section 66(1) and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the LPA has to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Furthermore, there is a requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Paragraphs 193-196 of the NPPF deal with the assessment of harm to designated heritage assets and which advises that great weight should be given to an asset's conservation and this should be proportionate to the importance of the asset. The NPPF requires that any development within a conservation area should look to preserve or better reveal the significance of the affected heritage assets (Para 200).

Relevant policies for an assessment of the impact of proposals from the East Devon Local Plan and the ENP are considered to be:

Policy EN10 (Conservation Areas) of the Local Plan which states that proposals for development, including alterations, extensions and changes of use, or the display of advertisements within a Conservation Area, or outside the area, but which would affect its setting or views in or out of the area, will only be permitted where it would preserve or enhance the appearance and character of the area. Favourable consideration will be given to proposals for new development within conservation areas that enhance or better reveal the significance of the asset, subject to compliance with other development plan policies and material considerations. Loss of a building or other structure that makes a positive contribution to the significance of a Conservation Area will be considered against the criteria set out in Policy EN9.

Policy EN9 (Development Affecting a Designated Heritage Asset) of the Local Plan which states that the Council will not grant permission for developments involving substantial harm or total loss of significance of a designated heritage asset unless it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site.
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation.
 - c) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible.
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest

significance should be wholly exceptional. Where total or partial loss of a heritage asset is to be permitted the Council may require that:

- e) A scheme for the phased demolition and redevelopment of the site providing for its management and treatment in the interim is submitted to and approved by the Council. A copy of a signed contract for the construction work must be deposited with the local planning authority before demolition commences.
- f) Where practicable the heritage asset is dismantled and rebuilt or removed to a site previously approved.
- g) Important features of the heritage asset are salvaged and re-used.
- h) There is an opportunity for the appearance, plan and particular features of the heritage asset to be measured and recorded.
- i) Provision is made for archaeological investigation by qualified persons and excavation of the site where appropriate.

Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm will be weighed against the public benefits of the proposal, including securing its optimum viable use. Favourable consideration will be given for new development within the setting of heritage assets that enhance or better reveal the significance of the asset, subject to compliance with other development plan policies and material considerations.

Listed Building Consent

Eldin House

Eldin House is a Gothic Revival house built in the mid-C19. The architect is unknown but likely to be John Hayward. Constructed of square uncoursed rubble limestone with Beer stone dressings, it has a steeply pitched slate roof. The two storey house is a roughly square block with a former service range to the north. It was built for the unbeneficed Rev'd Henry Clarke who lived at the property until the early C20. The house then became a dormitory for Southlands School which was made up of three buildings, Fairfield House, Brockhurst House and Eldin House. The two other buildings have been demolished. Eldin House then became the social club for Rolle College which was inherited by the University of Plymouth.

Eldin House is designated at Grade II for the following principal reasons: Competently designed mid-C19 Gothic Revival house with three principal elevations and a largely intact interior demonstrating a quality and thoroughness to the treatment of the whole building * Rich stone carving particularly to the capitals to the windows and porch * Richly detailed and unusual fittings such as the doors, doorcases and principal staircase which demonstrate careful consideration and craftsmanship of a high quality * Up-to-date use of materials such as plate glass and the round arch fireplace.

The proposed conversion of Eldin House would provide four flats, with two on the ground floor and two on the first floor of the building. Overall it is considered that the proposed conversion would be sensitive to the architectural and historic character and appearance of the building requiring minimal external changes to the building which would preserve its character. Bringing the building into a residential use would help to

safeguard its future use which would be of benefit to the long term future of the building as a heritage asset.

The revised landscaping designs that have been submitted have significantly reduced the amount and position of parking away from the listed building thereby providing an area of soft landscaping adjacent to the former principal south and eastern rooms of the house. This coupled with additional soft landscaping would allow the building to sit within a larger soft green space and would be a significant enhancement to the current setting of the building which is mainly tarmacked.

Potting Shed

The structures subject to the listed building consent application are considered curtilage as they are ancillary to the principal building and were in the same ownership at the time of listing. The potting shed and greenhouse are very close to the rear corner of Eldin House and the potting shed is constructed in Flemish-bonded brick with timber windows and doors. The greenhouse backs onto this and is a mid C20 replacement of a former greenhouse which is evident on the 1890 OS map but on the original footprint. While these structures are utilitarian in nature officers are of the opinion that they do contribute to the building group and setting of the principal house.

The Heritage Assessment accompanying the application describes the significance of the potting shed and greenhouse structure as being mainly related to the contribution it makes to the historic interest of Eldin House, as a structure which assists in understanding and interpreting the history of the building. The assessment is clear that it has no architectural or artistic value in its own right due to the functional appearance of the plain potting shed, and the fact that the extant greenhouse is a modern replacement of the former 19th century greenhouse.

The existing building is made up of primarily 3 elements, the potting shed building (pitched roof), the greenhouse lying to the south and the dividing fin wall which sits between them. Of these elements only the fin wall is suitable for retention.

The potting shed has been the subject of considerable discussion with the applicant as it does contribute to the setting of the principal heritage asset and therefore its removal requires sufficient justification. It was previously proposed to demolish the building in its entirety however amended plans have been submitted which have demonstrated to the satisfaction of the Conservation Officer and Urban Designer that the building is not suitable for conversion and that the existing construction in terms of the building's size and dimensions does not lend itself to conversion into a dwelling. This has been confirmed by a detailed inspection of the building by officers.

Instead of complete demolition, the amendments now seek to retain a greater aspect of the Potting Shed to ensure the essence of the building is respected and maintained. It is proposed to demolish the existing structures and retain the historic brick spine wall which is to be incorporated into the new design. The new building has been designed to reference the existing potting shed building through the recreation of its pitched roof form and its linearity as one section of an articulated three section building. The greenhouse form is also recreated through the construction of a pergola structure which would link to the fin wall which is to be retained. The construction would seek to

re-use the existing red brick which would allow for a new dwelling to be created which in terms of its design, form and massing would result in a building that would be appropriate for the site and the context of Eldin House itself.

Whilst the loss of the potting shed is regrettable it is accepted that that the potting shed is in poor condition and that it does not lend itself easily to conversion. The revised scheme has been carefully designed to retain the historic brick spine wall between the potting shed and later greenhouse and echoes the overall aesthetic of the original structure whilst retaining the original historic fabric of the building. The Conservation Officer accepts that this approach has now been justified however the loss of the historic structure does result in some heritage harm which needs to be weighed against the public benefits that would be derived from the scheme as a whole which is discussed in the next section of the report.

Alterations to gate piers and boundary wall

The existing entrance onto Douglas Avenue is formed by a curved splayed limestone wall with stone gate piers of a design relating to the Gothic C19 architecture of Eldin House. The design and workmanship of this access is of high quality and is visually prominent within the streetscene. Much of the stone boundary wall is to be retained and repaired. However, it is proposed to widen the opening of the original entrance on Douglas Avenue by re-locating the eastern pier.

The proposed alterations to the original entrance to Eldin House would have a material impact in addition to a visual impact upon the proportions and character of the entrance. It is therefore accepted that the widening of the opening will result in some harm to the current domestic and intimate scale of the opening, which contributes to the approach and therefore the perceived experience of Eldin House.

The proposed widening of the access has been the subject of much discussion with the applicant and further justification for why this particular entrance needs to be widened and why other alternative accesses to the site are unsuitable or have been discounted has been requested.

The applicant has explored the potential to create an additional vehicular access from Portland Avenue however the difference in levels between the site and Portland Avenue meant that this would have only been possible if Category A tree T908 were removed. Given the importance of this tree to the Conservation Area and wider area, and the fact that the proposed access arrangements are supported by the Highway Authority, it is accepted that a further access point could not be introduced without additional significant impact.

As the primary access into the site, it is accepted that the widening of the access is critical to the re-development of the site and that other options have been discounted. The widening of the access would result in the loss of the current domestic and intimate scale of the opening onto Douglas Avenue and would therefore result in a degree of harm to the setting of Eldin House. This harm needs to be weighed against the public benefits that would be derived from the scheme as a whole which is discussed in the next section of the report.

Impact on Setting

Being a prominent and important site within the streetscape, the eastern portion of which is within the Conservation Area and given the grade II Eldin House, re-development of this brownfield site has the potential to impact on heritage assets and this needs to be carefully assessed. The previous detailed section and assessment of the impact on character and appearance of the area and listed building consent assessment is relevant to the assessment of the impact on both the setting of the Eldin House and Conservation Area insofar as the amended proposals have been put forward to address concerns about the height, bulk and massing of the proposed apartment building, how to better incorporate the potting shed into the scheme and the hard surfacing and parking around Eldin House in an attempt to minimise the impact the proposals would have on both the setting of Eldin House and the Conservation Area.

Officers are of the view that there is considerable merit in the proposals for the repair and refurbishment of Eldin House, and the scope to improve its setting and to develop the site for housing. Following extensive discussions with the applicant, the Conservation Officer and Urban Designer are of the view that the amendments have provided a more appropriate and acceptable scheme for the heritage constraints of the site. Whilst there are still some minor concerns it is considered that overall the scheme has addressed the concerns raised and that the proposals would result in less than substantial harm to the listed building and the wider Conservation Area when viewed in the round of the overall scheme.

When considering the impacts of a proposed development on the significance of a designated heritage asset paragraph 193 of the NPPF states that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

In this case, it is considered that the proposed re-development of the site would result in less than substantial harm to both the setting of the Conservation Area and the grade II listed Eldin House. In these circumstances under the provisions of paragraph 196 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

It is considered that there are a number of public benefits that would be derived from this proposal which include:

- The site is currently vacant and has attracted anti-social behaviour and vandalism. Re-development of this brownfield site and introducing a residential use would stop this.
- The existing buildings are in a state of disrepair and the site is an eyesore. This sensitively designed residential proposal would significantly improve the visual amenity of the site from public vantage points outside of the site and would be

of benefit to the character and appearance of the area and adjacent Conservation Area.

- The proposal would make a small financial contribution towards affordable housing.
- The proposal would provide residential accommodation on a windfall site within the built-up area boundary of the town in a sustainable location helping to contribute to the Council's 5 year housing land supply.
- The proposal would safeguard the future use of the listed building and would improve the setting for the public to enjoy in terms of views within and outside of the site.

In addition to these public benefits it is considered that re-development of the site would also be of some benefit to the setting of the grade II listed Eldin House and the wider Conservation Area meeting the provisions of para 200 of the NPPF that requires that any development within a conservation area should look to preserve or better reveal the significance of the affected heritage assets (Para 200). It is considered that the proposal would be of benefit to heritage assets in terms of the following:

- Removal of the former campus buildings and other vacant vandalised buildings on the site would significantly improve the setting of Eldin House and better reveal its significance.
- Removal of the former campus building the site would better reveal the significance of Eldin House and improve its setting.
- The sensitive conversion of Eldin House would help to restore the listed building and safeguard its future use.
- Redevelopment of this brownfield site and the design and layout of the scheme in the immediate vicinity of Eldin House would enhance its setting whilst creating extra green space within the site to enjoy the building within its new setting.
- The main historic fabric of the potting shed would be retained and incorporated into the proposed bungalow.

On balance, and having regard for the above, it is considered that the public benefits that would be derived from the proposal and the benefits to heritage assets would outweigh the less than substantial harm that would be caused by the proposal to the setting of both the Conservation Area and the grade II listed Eldin House.

Residential Amenity

Policy D1 of the Local Plan states that proposals should not adversely affect the residential amenity of existing residents. It also states that the amenity of occupants of proposed future residential properties with respect to open space, storage space for bins and bicycles etc.

The site is surrounded by residential properties on all its north (Fairfield Road), east (Portland Avenue) and southern (Douglas Avenue) sides with its western side being the new Deaf Academy development. Whilst the site is separated from surrounding properties by intervening public highways, it is accepted that bringing the site back into re-use and for residential purposes has the potential to impact on the residential amenities of the occupiers of surrounding properties and therefore careful assessment is required as follows:

Douglas Avenue

The properties on the opposite side of the site on Douglas Avenue most likely to be affected by the proposals are the flatted scheme at Roswell Court, the flatted scheme at 10 Douglas Avenue and no 10A Douglas Avenue which is a residential dwelling. These properties are all south of the application site and are set back from Douglas Avenue by varying amounts.

The proposal would introduce a substantial 3.5 storey apartment building and three detached dwellings onto the southern part of the site which would have a degree of impact on the occupiers of the properties on the opposite side of the road which have windows facing in this direction. Views from these properties and their outlook would therefore change. However the proposed apartments and dwellings would be set well back from the boundary of the site where it is considered that this coupled with the intervening Douglas Avenue and the set back of the properties on Douglas Avenue would result in a distance of over 30 metres between properties which would result in an acceptable relationship between them even with the apartment windows, balconies and the first floor windows of dwellings facing toward them. Whilst there will be a degree of noticeable change in the character of the site for residents on Douglas Avenue, it isn't considered that there would be any significant harm in terms of the physical impact from the new buildings, loss of light or loss of privacy to sustain an objection. The development on the southern side of the site would not result in a relationship that would be unacceptable in planning terms for a built-up environment.

Portland Avenue

The properties on the eastern side of the site separated by Portland Avenue most likely to be affected by the proposals are the flatted property at 23 Portland Avenue, and no's 21 and 19 Portland Avenue as single dwellings. The properties are all to the east of the application site and are set back from Portland Avenue by at least 15 metres and the boundary of the site by at least 25 metres.

The proposal would introduce three dwellings on the eastern side of the site, one of which would be a full two stories in height and the others detached chalet style bungalows. Owing to their modest height and single storey form and because of the separation between the buildings and the properties on the opposite side of Portland Avenue, it isn't considered that there would be any significant harm in terms of an overbearing or over dominant impact or through loss of light. The bungalows would have large first floor windows in the gable ends facing Portland Avenue which would serve a bedroom however at a distance of over 30 metres between properties it isn't considered that this would result in an unacceptable level of overlooking or loss of privacy in a built-up area. The two storey dwelling would also have a first floor gable

window facing Portland Avenue but at a similar distance and with the window serving a bedroom (i.e. a room not in use at all times of the day), it isn't considered that this would result in any significant harm to residential amenity.

Fairfield Road

The properties on the northern side of the site, separated by Fairfield Road, most likely to be affected by the proposals are the flatted property at 22 Portland Avenue, and no's 7 and 5 Fairfield Road as detached bungalows. The properties to the north of the application site are set back from the site by approximately 6.0 metres with no's 5 and 7 having ground floor windows on their front elevations facing towards the site. No 22 Portland Avenue has a number of ground and first floor windows on its southern elevation which face the site.

The proposal would see the conversion of Eldin House into 4 apartments and the construction of a new single storey dwelling in place of the potting shed, a two storey dwelling and a bungalow constructed close to the northern boundary of the site all of which would have a degree of impact on the occupiers of the properties on the opposite side of Fairfield Road.

The Eldin House conversion would utilise the existing building which has a number of small first floor windows on the northern elevation facing towards Fairfield Road. The windows nearest the road would serve a bedroom and a bathroom and as non-habitable rooms would not give rise to any significant levels of overlooking from a residential use. The first floor window on the part of the building which is recessed back would be a secondary window to a living room however given its set back and size, it isn't considered that this window facing over Fairfield Road would give rise to any significant overlooking or loss of privacy.

Similarly, the modest size and height of the building proposed to replace the potting shed would not be significantly harmful in terms of being overbearing or over dominant owing to its single storey form where the roof of property would slope away from the brick boundary wall. Ground floor windows would be positioned behind the wall and would not create any overlooking issues.

The part of the scheme that would have its greatest impact is the two properties that would be positioned at the eastern end of the application site; a chalet bungalow and a two storey dwelling which would have their rear elevations facing towards no 22 Portland Avenue, a large villa style property sub-divided into 4 flats which occupies a prominent and elevated position on the opposite side of Fairfield Road with a number of ground and first floor windows facing the site serving a ground and first floor flat within the building.

The two storey dwelling would be positioned in front of the southern elevation of no 22 and owing to its height and form would have a degree of impact on the rooms these windows serve for the flats at ground and first floor level. Outlook from these windows would be significantly changed where they would face towards the rear elevation of the two storey dwelling. Whilst this would be the case the dwelling would be positioned around 12 metres from the southern elevation of no 22 separated by Fairfield Road and it would be set down within the site such that only the first floor of the dwelling

would be visible above the boundary wall. This coupled with the fact that no 22 is already in an elevated position would ensure that the physical impact of the dwelling would not be so significant in terms of an overbearing or over dominant impact to sustain an objection. The chalet bungalow would be positioned adjacent to the front parking area of no 22 and would not result in any significant amenity harm.

Both the two storey dwelling and chalet bungalow have been designed such that the first floor windows facing Fairfield Road would serve bathrooms and a stairwell. The bathroom windows would be fitted with obscure glass and the other first floor windows would serve a stairwell i.e. not a habitable room that would not give rise to any overlooking or privacy issues notwithstanding the distance between the development and no 22.

Deaf Academy

The recently constructed halls of residence to the west of the site are three stories with south and east facing windows. Eldin House has a number of first floor windows that would serve bedrooms and bathrooms and a living room to the apartment. These are existing window which face towards the Deaf Academy site. Whilst introducing a residential use into the building and these rooms would have a degree of impact, at a distance of over 20.0 metres window to window with the residence block, it isn't considered that there would be any significant amenity to the residents to sustain an objection.

The proposed apartment block would be positioned over 40 metres at its nearest point from the halls of residence and whilst there would be windows on all floors on the northern elevation of the building, these would be facing into the application site allowing only oblique views back towards the Deaf Academy site. Windows on the west elevation would be smaller openings and would face towards a parking area on the adjacent site.

Having regard for the distance, orientation and relationship with the Deaf Academy site, it isn't considered that the proposals would give rise to any significant harm in terms overlooking, loss of privacy or in terms of the physical impact of the buildings and loss of light.

On balance, it is considered that the proposed residential development would intensify the use of this vacant site but that it has been designed to be set back from the boundaries on all sides so as not to significantly harm the amenities of the occupiers of surrounding properties. Local residents will also benefit from re-development of this vacant brownfield site which has historically attracted vandalism and anti-social behaviour.

Given the proximity of the site to residential properties it is accepted that construction and construction traffic could give rise to noise, dust and traffic issues such that it is considered necessary to impose a condition that requires the submission of a Construction Environment Management Plan (CEMP) and a Construction Traffic Plan (CTP) prior to commencement of any development on the site.

Highway Safety and Parking Provision

Policy TC7 (Adequacy of Road Network and Site Access) states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

The County Highway Authority have raised no objections to the proposal on the basis that the site is a brownfield site with a permitted former educational use, though it is acknowledged that this proposal would increase the number of traffic movements to and from the site.

The CHA are satisfied that the proposed site layout indicates dedicated off-carriageway parking, turning heads and a footway along the primary link road, with a shared space format for the rest of the site. The site sits on the junction with Douglas Avenue, C595 and Portland Avenue L3917, the site is also proposed to have a minor access from Fairfield Road L3919, this link however will be limited to four vehicle parking spaces with no vehicular link through to the rest of the site.

The access will be widened slightly even though it is an existing established access. The application has been submitted with long and cross-sections of the internal carriageway which conform with the County Highway's latest design guide, as do the proposed parking spaces.

Therefore the County Highway Authority has no objection to this planning application.

Policy TC9 (Parking Provision in New Development) states that spaces will need to be provided for parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home.

The proposal makes provision for a total of 55 car parking spaces within the site. Whilst this doesn't strictly comply with the policy requirement of policy TC9 of the Local Plan that requires as a guide two car parking spaces per 2 bedroom dwelling, having regard for the site's proximity and accessibility to the town centre and wide choice of public transport, coupled with the fact that there are no parking restrictions on the surrounding roads, it isn't considered that the failure to provide 66 car parking spaces would give rise to any highway safety concerns.

The CHA have recommend that as a result of the built-up nature of the area that a condition is imposed that requires the submission of a construction and environment management plan to mitigate the impact of the construction process upon the surrounding community.

Arboricultural Impact

The application site contains a number of trees, all of which are protected by a Tree Preservation Order (TPO). Additionally, those trees which sit within the east portion of the site are afforded protection as a result of being situated within the Conservation Area.

Policy D3 - Trees and Development Sites states that permission will only be granted for development, where appropriate tree retention and/or planting is proposed in conjunction with the proposed nearby construction. The council will seek to ensure, subject to detailed design considerations, that there is no net loss in the quality of trees or hedgerows resulting from an approved development. The development should deliver a harmonious and sustainable relationship between structures and trees. The recommendations of British Standard 5837:2012 (or the current revision) will be taken fully into account in addressing development proposals.

In order to inform the layout, the applicant has engaged with the Council's Tree Officer prior to the submission of the application and a detailed Arboricultural Assessment has been submitted alongside the application. The report outlines the quality of trees on the site and provides details on the trees to be removed and the justification for their removal. It outlines that a total three category B trees (T904, T906, and T907), part of one (G3) and one whole category B tree group (G1), two category C trees (T902 and T911), part of two category C tree groups (G2 and G4) and three whole category C tree groups (G5, G6 and G8) are to be removed to facilitate the development.

The removal of the Monterey pine T906 and Atlantic cedar T904 are considered to be the most significant individual tree removals. The Council's tree officer agrees that the removals are proposed on the basis on their sensitivity to disturbance and their intertwined relationship with the existing site structures. Both trees show reduced vigour and low vitality; the Monterey pine has chlorotic foliage and the Atlas cedar a thin, weak crown. It is accepted that even with sensitive demolition and construction methods these trees are unlikely to adapt to changes in their growing environment.

The removal of the mixed species tree group G1, part removal of the holm oak group G3 and the mixed species tree groups G4 and G5 will have the greatest short-term visual impact on the site and surrounding area as they are prominent from Douglas Avenue and Portland Avenue as vertical green mass. It is accepted that individually the trees within these groups are poor quality overgrown evergreen boundary plantings at a relatively large scale, due to a lack of positive management over many years.

It is accepted that removal of such a number of trees will alter the character of the site. Collectively, the removal of these trees will represent a considerable loss of canopy and the opening up of the site has the potential to impact on the setting of the Conservation Area. Therefore justification for tree removal and for the applicant to demonstrate that the proposals will not adversely affect the rooting environment of trees that are to be retained in the site has to be robust.

The arboricultural constraints of this site are complex with trees intimately linked with historic structures, changes in ground levels, installation of underground services and asymmetrical rooting due to planting close to retaining walls around the sites boundaries. The Council's Tree Officer is satisfied that the retained trees concur with those discussed as being the key trees on the site during pre-app meetings. The Arboricultural Impact Assessment submitted with the application describes the principles of how the apparent impact of the proposed development on the RPA's of these retained trees will be addressed and mitigated. These methods are all recognised industry standard and include a no dig methodology for the access road

and parking areas where encroaching into the RPA's of trees, adjusting finished floor levels and gardens with minor cuts and fills to achieve usable garden areas, and where buildings fall within the offset RPA's of retained trees no dig specification for the building footings.

Some initial concerns raised by the tree officer with regards to the indicative drainage strategy which showed both the surface water and foul water drains for the site crossing through the middle of the RPA of trees and changes to levels for some of the plots has been addressed through the submission of amended plans which have re-positioned these drainage features outside of the rooting environment of the trees and reduced the level changes to reduce the impact.

On balance, trees are a significant constraint to development on this site however having worked closely with the Council's tree officer and subject to the imposition of a condition that requires detailed construction and method statements for various aspects of the development that will encroach into the RPA's of retained trees on the site, it is considered that the proposals are acceptable on arboricultural grounds. Furthermore, the removal of the trees will also be compensated by the implementation of a tree replacement strategy that will be the subject of a soft landscaping condition and landscape management plan which will be important to the successful enhancement of the visual amenity of the site following its residential re-development.

Ecological Impact

Policy EN5 (Wildlife Habitats and Features) of the Local Plan states that wherever possible sites supporting important wildlife habitats or features not otherwise protected by policies will be protected from development proposals which would result in the loss of or damage to their nature conservation value, particularly where these form a link between or buffer to designated wildlife sites. Where potential arises positive opportunities for habitat creation will be encouraged through the development process.

The application is accompanied by an Ecological Survey prepared by Tamar Ecology which concludes that the majority of the application site is of low ecological value. Habitats are dominated by buildings and hardstanding, including older properties at Eldin House and Langstone House. The site also has amenity grassland, scattered exotic shrubberies and trees and a small area of native scrub. The trees on site are protected by a Tree Preservation Order.

The application site does however support legally protected bats and nesting birds, and low numbers of reptiles may also be present. Further bat surveys of the buildings confirmed three small roosts of one or two individuals, located in Eldin House (grey long-eared and brown long-eared bats), Langstone House (brown long-eared bat) and a modern educational buildings (common pipistrelle bats). It is accepted that the proposal will involve the renovation of Eldin House, demolition of the remaining buildings and vegetation clearance, all of which will cause the direct loss of, and disturbance to, habitats which support legally protected bats and nesting birds. A bat mitigation licence will be required before any building works commence.

The following mitigation and compensation measures have been put forward by the ecologist to minimise impacts to important ecological features which include:

- A European Protected Species bat mitigation licence will be obtained from Natural England before any building works commence. The licence will include a detailed Method Statement which will outline appropriate construction methods and timing of works to minimise disturbance, and also how roosting bats will be accommodated during the construction phase. In the long-term, a permanent roost for long-eared bats will be designed into part of the roof space in Eldin House and integral bat boxes will be provided for common pipistrelle bats in new buildings.
- A Construction Environmental Plan will be prepared to demonstrate how ecological impacts will be avoided or reduced during the construction phase.
- Demolition and vegetation clearance will be timed to avoid disturbance to nesting birds (or carried out under an ecological watching brief). Compensatory artificial nest sites will be provided within the development.
- Vegetation in the north-east corner of the site will be cleared under an ecological watching brief to avoid potential disturbance to reptiles. A log pile will be provided as compensatory habitat.
- Closure of a fox earth in the north-east corner of the site will be carried out under ecological supervision.
- A lighting plan will be prepared in consultation with a bat ecologist to avoid disturbance to the new roost sites and vegetation along the south and east boundaries.

In addition a number of measures to enhance biodiversity have been put forward to achieve an overall net gain for biodiversity which include:

- Using plant species in the landscaping scheme which are beneficial to pollinators and other invertebrates, so enhancing foraging opportunities for bats, birds and other wildlife.
- Providing additional bat and boxes in trees and new housing which supplement the required compensatory bat roosts and bird nest sites; these will enhance habitats for protected species throughout the development.
- Installing bee bricks within the fabric of the new dwellings to improve habitat for pollinators.
- Maintaining hedgehog access to gardens by creating a 13cm x 13cm gap in garden fencing at ground level.

Subject to a condition requiring the development being carried out in accordance with the mitigation and ecological enhancement measures contained within the ecology report, it is considered that the proposal complies with the provisions of policy EN5 (Wildlife Habitats and Features) of the Local Plan.

Appropriate Assessment

Natural England has advised that an Appropriate Assessment must be carried out as the site lies within close proximity of the Exe Estuary and Pebblebed Heaths, this assessment must consider whether the proposal will adequately mitigate any likely significant effects of the aforementioned areas. The Appropriate Assessment is attached to this report.

The delivery of SANGS is critical within East Devon, Exeter and Teignbridge; they are required to deliver a genuine alternative to visiting the Exe Estuary and Pebblebed Heaths for local residents to exercise, walk dogs, etc.

In protecting land for SANGS, it is critical to ensure that it is deliverable and provides the best use of resources. Work has taken place on delivery of such SANGs across the three authorities. The joint strategy between the authorities proposes 4 SANGS across the area these being at the following locations:

- o Dawlish Warren
- o South West Exeter
- o Cranbrook
- o Exmouth

The delivery of the mitigation strategy is overseen by the South East Devon Habitat Regulations Partnership which includes representatives from East Devon, Exeter and Teignbridge Councils. Significant progress is being made with delivery of the first two of these spaces with monies having been identified for purchase of these sites and in the case of the Dawlish Warren SANGS work is understood to be underway for its delivery. Negotiations are on-going with the Cranbrook consortium regarding the third SANGS area but it is envisaged that the necessary SANGS area will be delivered as part of the expansion areas. This just leaves the Exmouth SANGS, however Natural England are content that the required mitigation is being delivered across the wider area through the partnership and acknowledge that the Exmouth SANGS can come forward later in the plan period. It is considered to be the least significant of the 4 in mitigation terms because of the relatively modest levels of housing development proposed in the Local Plan for Exmouth compared to the other areas where SANGS are required. This is not however to diminish its importance in terms of delivery of the overall strategy.

The site itself is not considered to be a suitable area for SANGS due to its restricted size and interconnectivity with other such areas.

Given that SANGS is being provided within the area to mitigate development, and given that the development will contribute financially to the provision of these area through CIL payments, it is considered that the proposal adequately mitigates any impacts upon the Pebblebed Heaths and Exe Estuary and will not result in any likely significant effects.

Natural England have advised that, on the basis of the appropriate financial contributions being secured to the South-east Devon European Sites Mitigation Strategy (SEDESMS), they concur with the authority's conclusion that the proposed development will not have an adverse effect on the integrity of Dawlish Warren SAC,

the Exe Estuary SPA and Exe Estuary RAMSAR site. The appropriate financial contributions have been secured through the submission of a Unilateral Undertaking that has been submitted with the application.

Surface Water Drainage

Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan requires that:

1. The surface water run-off implications of the proposal have been fully considered and found to be acceptable, including implications for coastal erosion.
2. Appropriate remedial measures are included as an integral part of the development, and there are clear arrangements in place for ongoing maintenance over the lifetime of the development.
3. Where remedial measures are required away from the application site, the developer is in a position to secure the implementation of such measures.
4. A Drainage Impact Assessment will be required for all new development with potentially significant surface run off implications.
5. Surface water in all major commercial developments or schemes for 10 homes or more (or any revised threshold set by Government) should be managed by sustainable drainage systems, unless demonstrated to be inappropriate.

A Flood Risk Statement and Drainage Strategy has been submitted as part of the application which proposes that the surface water will be collected into an attenuation tank before being fed into the existing public surface water system. Foul drainage would be discharged into the existing network.

The County Council's Flood Risk Management Team has considered the drainage strategy and has advised that it is feasible surface water drainage strategy which will provide a betterment compared to the existing scenario where runoff drains to the combined sewer. The applicant is proposing to attenuate runoff in an underground tank with a restricted discharge into a nearby surface water sewer.

DCC are satisfied that the applicant has rerun the hydraulic model using a more up to date rainfall dataset and that the results indicate that the drainage strategy is robust and does not need upsizing in light of the updated rainfall dataset. The applicant has confirmed that SWW are acceptable to a connection into their 375 mm dedicated surface water sewer in Douglas Avenue which will remove runoff from the existing combined system.

Subject to a pre-commencement condition that requires the submission of a detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy the proposal is considered to be acceptable.

Planning Balance and Conclusions

These applications propose the demolition of a number of vacant buildings on a brownfield site within the centre of Exmouth which makes little positive contribution to the character and appearance of the area, the wider Conservation Area or the setting of the grade II listed Eldin House. The proposed re-development of the site would

make re-use of this brownfield site, within the built-up area boundary of Exmouth in a sustainable location and would contribute to the Council's 5 year housing land supply.

It is accepted that a residential development of a new 3.5 storey apartment block and a small cluster of dwellings on this site would alter its visual amenity and the character of the site in terms of views from Douglas Avenue, Fairfield Road and Portland Avenue and it is accepted that introducing residential development in the form proposed coupled with the significant loss of tree canopy from the removal of less significant trees on the site would transform the character of the site.

Whilst this is the case, the existing site is vacant and run down and its number of derelict and vandalised buildings do detract from the character and appearance of the area. It is considered that the proposed design, layout and form of development has been largely sensitive to the topography of the site whilst addressing the complex constraints posed by the retained trees. In doing so, the proposals partly reflect the nature of what was on site originally and the character that the conservation area aims to maintain, which is of well-designed houses set back within landscaped areas with mature trees. The development is considered to be acceptable in terms of its impact on the character and appearance of the area and the wider Conservation Area whilst being appropriate and sensitive in terms of its relationship and improving the setting of Eldin House.

The removal of a number of vacant and vandalised buildings on the site and its residential re-development in a sensitive layout and form also provides an opportunity to enhance the setting of Eldin House and to safeguard its future use which would be of benefit to both the listed building and the setting of the Conservation Area.

The proposals would result in less than substantial harm to the setting for heritage assets where there are considered to be a number of both heritage and public benefits that weigh in favour of the scheme.

The lack of on-site affordable housing provision within the scheme is regrettable however in line with national planning guidance, the applicant has demonstrated through the application of vacant building credit that affordable housing provision should be reduced taking into account the existing floor space of buildings on the site. Registered Providers are unlikely to take the reduced number of affordable units on the site such that a financial contribution towards affordable housing is considered to be appropriate.

On balance, it is considered that the proposals would provide a well-designed and well thought out residential scheme that would be positively contribute to the character and appearance of the area whilst safeguarding the future use of Eldin House. Any less than substantial harm to heritage assets that is derived from the development itself would be outweighed by the public benefits and from the benefits to the setting of the Eldin House and the wider Conservation Area. The proposals are therefore recommended for approval.

RECOMMENDATION 1

For the 20/1838/MFUL planning application:

- 1. Adopt the appropriate assessment attached to this report**
- 2. Approve subject to the following conditions:**

Time Limit:

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).

Approved Plans:

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.)

Materials:

3. Notwithstanding the submitted details, no development above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings, apartment block and garages hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area and the setting of the grade II listed building in accordance with Policies D1 - Design and Local Distinctiveness, EN9- Development Affecting a Designated Heritage Asset and EN10- Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)
4. Notwithstanding the submitted details, no development above foundation level of the bungalow in place of the greenhouse/ potting shed (plot 1 House type HT-D) shall take place until samples of the materials to be used in the construction of its external surfaces have been submitted to and approved in writing by the Local Planning Authority. The greenhouse/potting shed, excluding the brick fin wall shall be removed as agreed as part of this approval and the reclaimed bricks and other salvageable materials shall be re-used in the construction of the building. Development shall be carried out in accordance with the approved details. (Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area and the setting of the grade II listed building in accordance with Policies D1 - Design and Local Distinctiveness, EN9- Development Affecting a Designated Heritage Asset and EN10- Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)

Construction Management Plan:

5. Prior to commencement of development on any part of the site a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority which shall include the following information:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.

The development shall thereafter be carried out in accordance with these details.

(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance and in the interests of highway safety in accordance with policies D1 (Design and Distinctiveness) and EN14 (Control of Pollution) and TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013 - 2031.)

CEMP:

6. A Construction and Environment Management Plan shall be submitted to and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.
- (Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with policies

D1 (Design and Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013 - 2031.)

Hard and Soft Landscaping:

7. Notwithstanding the submitted details and prior to the commencement of any soft or hard landscaping works the following information shall be submitted to and approved in writing by the Local Planning Authority:

- a) A full set of hard landscape details covering proposed earthworks, walls, retaining structures, fencing and railings, pavings and edgings, site furniture and signage.
- b) Details of locations, heights and specifications of proposed external lighting including wall mounted fittings.
- c) Detailed elevations and sections of existing external boundary walls showing the extent of repairs and alterations proposed together with samples of proposed brick types for any infill/ repair and details of proposed mortar mixes which should closely match existing.
- d) Detailed plans and elevations of proposed bin and cycle stores.
- e) Locations and details of proposed water butts to collect roof water for garden irrigation.
- f) Details and locations of proposed bio-diversity enhancement and mitigation measures.
- g) A soil resources plan which should include:
 - a plan showing topsoil and subsoil types, and the areas to be stripped and left in-situ.
 - methods for stripping, stockpiling, re-spreading and ameliorating the soils.
 - location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
 - schedules of volumes for each material.
 - expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas or used as structural fill.
 - identification of person responsible for supervising soil management.
- i) A full set of soft landscape details including:
 - i) Planting plan(s) showing locations and number of new trees, amenity planting, type and extent of new grass/ wild flower areas, existing vegetation to be retained and removed.
 - ii) Plant schedule indicating the form, size, numbers and density of proposed planting.
 - iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period and 5 year maintenance schedule.

iv) Tree pit and tree staking/ guying details and soil volume calculations for proposed trees within/ adjacent to hard paving.

8. The hard landscaping works approved shall be carried out in accordance with the approved drawings and details and shall be completed prior to first occupation of on the site. The approved planting shall be carried in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained in accordance with the approved landscape management plan.

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

Landscape Management Plan:

9. Notwithstanding the submitted details and prior to the commencement of any soft or hard landscaping works a landscape management plan for a minimum period of 15 years shall be submitted to and approved in writing by the Local Planning Authority which should include the following details:

- Extent, ownership and responsibilities for management and maintenance
- Details of how the management and maintenance of open space/ communal areas will be funded for the life of the development.
- Inspection and management arrangements for existing and proposed trees.
- Management and maintenance of amenity planting, grass and wildflower areas in communal space.
- Management and enhancement of biodiversity value.
- Management and maintenance of any boundary structures, drainage swales and other infrastructure/ facilities within public areas.

Maintenance shall be carried out in accordance with the approved plan.

Ecology:

10. The development hereby approved shall be carried out in accordance with the recommendations and mitigation, compensation and enhancement measures contained within the ecological report prepared by Tamar Ecology ref TE 702/20/02 dated August 2020.

(Reason: In the interests of ecology and biodiversity in accordance with policy EN5- Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031).

Trees:

11. Full details of the method of construction of hard surfaces in the vicinity of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any works on site (including demolition). The method shall adhere to the principles embodied in BS 5837:2012 and AAIS Arboricultural Practice Note 1 (1996) and involvement of an arboricultural consultant and engineer is recommended. The development shall be carried out strictly in accordance with the agreed details.

(Reason - To ensure retention and protection of trees on the site during and after construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 – Design and Local Distinctiveness and D3 – Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031)

12. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed Construction Specification / Method Statement for footings and floor slabs shall be submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the trees and detail the means by which any necessary root severance and soil disturbance is minimised by providing a specification for root pruning in accordance with BS 3998: 2010. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.

(Reason - To ensure retention and protection of trees on the site during and after construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 – Design and Local Distinctiveness and D3 – Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031)

13. No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, willfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 – Design and Local Distinctiveness and D3 – Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031)

14. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details.

The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process.

Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

(Reason - To ensure retention and protection of trees on the site during and after construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 – Design and Local Distinctiveness and D3 – Trees and Development Sites of the Adopted New East Devon Local Plan 2016.)

Surface Water:

15. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with our DCC groundwater monitoring policy.

(b) A detailed drainage design based upon the approved Flood Risk Statement Land Off Douglas Avenue, Exmouth and the approved Drainage Strategy Plan 1001 Rev P03 and the results of the information submitted in relation to (a) above.

(c) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(d) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(e) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.

(Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed in accordance

with policy EN22- Surface Water Run-Off Implications of New Development) of the East Devon Local Plan 2013-2031).

Permitted Development Rights:

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule Part 1 Classes A, B, C or D 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.
(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 and EN10- Conservation Areas of the Adopted New East Devon Local Plan 2013-2031.)
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule Part 1 Class E for the provision within the curtilages of the dwellinghouses hereby permitted of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouses as such.
(Reason - To protect the character and appearance of the area in accordance with Policy D1 – Design and Local Distinctiveness and EN10- Conservation Areas of the Adopted New East Devon Local Plan 2013-2031)
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse.
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 – Design and Local Distinctiveness, D2 – Landscape Requirements, EN9- Development Affecting a Designated Heritage Asset and EN10- Conservation Areas of the Adopted East Devon Local Plan 2013-2031).

Plans relating to this application:

1003 P03 : flood routing plan	Other Plans	18.12.20
micro drainage File 010_D02.MDX	Specifications or technical data	18.12.20
A-P10-001	Location Plan	18.12.20
A-P10-006 : Eldin House	Proposed Combined Plans	18.12.20

A-P19-APT P2 : apartments	Proposed Combined Plans	18.12.20
A-P19-ELD : Eldin House	Proposed Combined Plans	18.12.20
A-P19-GAR P2 : garage	Proposed Combined Plans	18.12.20
A-P19-HTA-01 P2 : house type A-01	Proposed Combined Plans	18.12.20
A-P19-HTA-02 P2 : house type A-02	Proposed Combined Plans	18.12.20
A-P19-HTB P2 : house type B	Proposed Combined Plans	18.12.20
A-P19-HTC-01 P2 : house type C	Proposed Combined Plans	18.12.20
A-P19-HTD- P2 : house type D	Proposed Combined Plans	18.12.20
A-P19-HTE- P2 : house type E	Proposed Combined Plans	18.12.20
A-P19-HTF- P2 : house type F	Proposed Combined Plans	18.12.20
A-P19-ST : refuse+recycling store	Other Plans	18.12.20
PS-01-P2 : parking schedule	Other Plans	18.12.20

A-P19-ST P1	Proposed Combined Plans	04.09.20
A-P19-HTC 02 P1	Proposed Combined Plans	04.09.20
A-P19-ELD P1	Proposed Combined Plans	04.09.20
A-P21-010 P3 : ground	Proposed Floor Plans	11.02.21
A-P19-HTD-P3 : potting shed housetype D	Proposed Combined Plans	11.02.21
2401 P04 : external levels	Other Plans	22.02.21
1001 P05: drainage strategy	Other Plans	22.02.21
2101 P04 : highway	Layout	22.02.21
2201 P04 : highway long	Sections	22.02.21
2402 P01 : root protection area sections	Sections	22.02.21
1054-AI SB rev C	Arboriculturist Report	22.02.21
1054-AMS-SB rev B	Arboriculturist Report	22.02.21
A-P21-001 P3 : proposed site	Layout	22.02.21

A-P21-002 P5 : proposed site	Sections	22.02.21
A-P21-003 P4 : proposed site	Sections	22.02.21
A-P21-004 P4 : proposed	Street Scene	22.02.21
A-P21-010 P4 : ground	Proposed Floor Plans	22.02.21
A-P21-011 P3 : first	Proposed Floor Plans	22.02.21

List of Background Papers

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

RECOMMENDATION 2

For the 19/2830/LBC listed building consent application:

Approve subject to the following conditions:

Time Limit:

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted.
(Reason - To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)

Approved Plans:

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.)

Partitions:

3. Where partitions are to be removed, the work shall be made good to match the original.

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

4. Where new partitions are constructed they shall be scribed around (not cut into) existing cornices, skirtings or other features.

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

Damage:

5. Any damage caused by or during the course of the carrying out of the works hereby permitted shall be made good after the works are complete in accordance with a specification to be submitted to approved in writing with the Local Planning Authority. (Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 – Development Affecting a Designated Heritage Asset of the Adopted New East Devon Local Plan 2013-2031.)

Safety and Stability:

6. Before any work is undertaken to remove any part of the building, the applicant shall take such steps and carry out such works as shall, during the process of the works permitted by this consent, secure the safety and the stability of that part of the building which is to be retained. Such steps and works shall, where necessary, include, in relation to any part of the building to be retained, measures as follows:-
 - a) to strengthen any wall or vertical surface;
 - b) to support any wall, roof or horizontal surface;
 - c) to provide protection for the building against the weather during the progress of the works.

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

Repairs:

7. Details of any additional necessary repairs required as a result of the works, including methodology, specification or schedule shall be submitted to and approved in writing by the Local Planning Authority before continuing with the works.

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

Greenhouse/ Potting Shed:

8. The greenhouse/potting shed, excluding the brick fin wall shall be removed as agreed as part of this approval and the reclaimed bricks and other salvageable materials stored under cover (or in a location approved in writing by the Local Planning Authority) for re-use in the building as part of the works permitted in this consent or in a location to be agreed by the Local Planning Authority.

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

Widening of Access:

9. A Method Statement for the widening of the entrance opening onto Douglas Avenue and the re-location of the distinctive Eldin entrance gates and stone walling and for the widening of the access onto Fairfield Road shall be submitted and approved in writing by the Local Planning Authority prior to the work commencing. All stonework repointing shall be carried out using a lime based mix, the specification of which shall be submitted to and approved in writing by the Local Planning Authority. The colour, texture, type of bond and joint, and finish shall match original work, and a small trial area shall be prepared in a non-prominent location for inspection and approval by the Local Planning Authority prior to commencement of the works.

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

Schedule of Works:

10. A detailed Schedule of Works including repairs, renovation and restoration of both the external and internal structure of Eldin House shall be submitted and agreed in writing by the Local Planning Authority prior to the commencement of any works.

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

Other Works:

11. Before the relevant parts of the works begin on the items specified below, the following details and specification for these items shall be submitted to and approved in writing by the Local Planning Authority:

- New doors including sections, mouldings, profiles and paint colour. Sections through panels, frames and glazing bars should be at a scale of 1:2 or 1:5.
- Section (elevation/vertical) to show the dividing wall and details of the doors between the Living/Dining Room & Kitchen in Flat 1
- New lobby/screen at first floor.
- External vents, flues and meter boxes.

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

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

Exploratory Works:

12. Only exploratory opening up is to be carried out of the closed/boarded fireplaces in Living/Dining Room Flat 1, Bedroom 2 & Living Room Flat 2, Living/Dining Room & Bedroom 2 Flat 3, and Kitchen/Dining & Living Room Flat 4 as shown on Drawing No. A-P19-ELD Rev 1 before obtaining further written approval of the Local Planning Authority for the completion of the works.

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

Plans relating to this application:

A-P10-001	Location Plan	18.12.20
A-P10-006 : Eldin House	Proposed Combined Plans	18.12.20
A-P19-ELD : Eldin House	Proposed Combined Plans	18.12.20
A-P21-001 P3 : proposed site	Layout	22.02.21
A-P21-002 P4 : proposed site	Sections	22.02.21

A-P21-003 P4 : proposed site	Sections	22.02.21
A-P21-004 P4	Street Scene	22.02.21
A-P21-010 P4 : ground	Proposed Floor Plans	22.02.21
A-P19-HTD P3 : housetype D	Proposed Combined Plans	11.02.21

List of Background Papers

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

Appropriate Assessment		
The Conservation of Habitats and Species Regulations 2017, Section (63)		
Application Reference	20/1838/MFUL	
Brief description of proposal	Demolition of existing buildings and the residential development of 33 new homes in a mix of 10 no. dwellings and 19 apartments and the conversion and refurbishment of Eldin House to create 4 apartments, partial demolition of potting shed and greenhouse and extensions to create dwelling, together with vehicle and pedestrian accesses, landscaping and associated infrastructure	
Location	Land at Former Rolle College, Exmouth	
Site is:	<p>Within 10km of Dawlish Warren SAC and the Exe Estuary SPA site</p> <p>Within 10km of the Exe Estuary SPA site alone (UK9010081)</p> <p>Within 10km of the East Devon Heaths SPA (UK9010121)</p> <p>Within 10km of the East Devon Pebblebed Heaths SAC (UK0012602)</p> <p>Within 10km of the Exe Estuary Ramsar (UK 542)</p> <p>(See Appendix 1 for list of interest features of the SPA/SAC)</p>	
Step 1 Screening for Likely Significant Effect on Dawlish Warren SAC, Exe Estuary SPA or Pebblebed Heaths SPA/SAC or Exe Estuary Ramsar sites		
Risk Assessment		
<p>Could the Qualifying Features of the European site be affected by the proposal?</p> <p>Consider both construction and operational stages.</p>	<p>Yes - additional housing within 10km of the SPA/SAC will increase recreation impacts on the interest features.</p>	
Conclusion of Screening		

Is the proposal likely to have a significant effect, either 'alone' or 'in combination' on a European site?	<p>East Devon District Council concludes that there would be Likely Significant Effects 'alone' and/or 'in-combination' on features associated with the proposal at land at the former Rolle College in the absence of mitigation.</p> <p>See evidence documents on impact of development on SPA/SAC at: East Devon District Council - http://eastdevon.gov.uk/media/369997/exe-overarching-report-9th-june-2014.pdf</p> <p>An Appropriate Assessment of the plan or proposal is necessary.</p>	
Local Authority Officer		Date:

Step 2

Appropriate Assessment

NB: In undertaking the appropriate assessment, the LPA must ascertain whether the project would adversely affect the integrity of the European site. The Precautionary Principle applies, so to be certain the authority should be convinced that no reasonable scientific doubt remains as to the absence of such effects.

In-combination Effects

Plans or projects with potential cumulative in-combination impacts. How impacts of current proposal combine with other plans or projects individually or severally.	<p>Additional housing or tourist accommodation within 10km of the SPA/SAC add to the existing issues of damage and disturbance arising from recreational use.</p> <p>In –combination plans/projects include around 29,000 new dwellings allocated around the estuary in Teignbridge, Exeter and East Devon Local Plans. This many houses equates to around 65,000 additional people contributing to recreational impacts.</p>
Mitigation of in-combination effects.	<p>The Joint Approach sets out a mechanism by which developers can make a standard contribution to mitigation measures delivered by the South East Devon Habitat Regulations Partnership.</p> <p>Residential development is also liable for CIL and a proportion of CIL income is spent on Habitats Regulations Infrastructure. A Suitable Alternative Natural Green Space (SANGS) has been delivered at Dawlish and a second is planned at South West Exeter to attract recreational use away from the Exe Estuary and Dawlish Warren.</p>

Assessment of Impacts with Mitigation Measures

Mitigation measures included in the proposal.	<p>Joint approach standard mitigation contribution required</p> <ul style="list-style-type: none"> Residential units £354 x 33 (the additional number of units)= £11,682
Are the proposed mitigation measures sufficient to overcome the likely significant effects?	Yes - the Joint Approach contribution offered is considered to be sufficient.

Conclusion		
List of mitigation measures and safeguards	Total Joint Approach contribution of £11,682 <i>here</i> will be secured through a Unilateral Undertaking	
The Integrity Test	Adverse impacts on features necessary to maintain the integrity of Dawlish Warren SAC, Exe Estuary SPA or Pebblebed Heaths SPA/SAC or Exe Estuary Ramsar sites can be ruled out.	
Conclusion of Appropriate Assessment	East Devon District Council concludes that there would be NO adverse effect on integrity of Dawlish Warren SAC, Exe Estuary SPA or Pebblebed Heaths SPA/SAC or Exe Estuary Ramsar sites provided the mitigation measures are secured as above.	
Local Authority Officer		Date:
21 day consultation to be sent to Natural England Hub on completion of this form.		

Appendix 1. List of interest features:

Exe Estuary SPA

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

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

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

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

Aggregation of non-breeding birds: Dunlin *Calidris alpina alpina*

Aggregation of non-breeding birds: Black-tailed Godwit *Limosa limosa islandica*

Aggregation of non-breeding birds: Brent Goose (dark-bellied) *Branta bernicla bernicla*

Wintering populations of Slavonian Grebe *Podiceps auritus*

Wintering populations of Oystercatcher *Haematopus ostralegus*

Waterfowl Assemblage

>20,000 waterfowl over winter

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

Sheltered muddy shores (including estuarine muds; intertidal boulder and cobble scars; and seagrass beds)

Saltmarsh NVC communities: SM6 *Spartina anglica* saltmarsh

SPA Conservation Objectives

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

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

☐ ☐ **The extent and distribution of the habitats of the qualifying features**

☐ ☐ **The structure and function of the habitats of the qualifying features**

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

Dawlish Warren SAC

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

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

SD1 *Rumex crispus-Glaucium flavum* shingle community

SD2 *Cakile maritima-Honkenya peploides* strandline community

SD6 *Ammophila arenaria* mobile dune community

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

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

SD8 *Festuca rubra-Galium verum* fixed dune grassland

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

SD19 *Phleum arenarium-Arenaria serpyllifolia* dune annual community

Annex I habitat: Humid dune slacks.

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

SD16 *Salix repens-Holcus lanatus* dune slack community

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

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

Petalwort (*Petalophyllum ralfsii*)

SAC Conservation Objectives

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change; Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

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

List of interest features:

East Devon Heaths SPA:

A224 Caprimulgus europaeus; European nightjar (Breeding) 83 pairs (2.4% of GB population 1992)

A302 Sylvia undata; Dartford warbler (Breeding) 128 pairs (6.8% of GB Population in 1994)

Objectives:

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

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

East Devon Pebblebed Heaths SAC:

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

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

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

H4030. European dry heaths

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

S1044. *Coenagrion mercuriale*; Southern damselfly

Objectives:

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

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

Exe Estuary SPA

Qualifying Features:

A007 *Podiceps auritus*; Slavonian grebe (Non-breeding)

A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)

A130 *Haematopus ostralegus*; Eurasian oystercatcher (Non-breeding)

A132 *Recurvirostra avosetta*; Pied avocet (Non-breeding)
A141 *Pluvialis squatarola*; Grey plover (Non-breeding)
A149 *Calidris alpina alpina*; Dunlin (Non-breeding)
A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)
Waterbird assemblage

Objectives:

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

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

Exe Estuary Ramsar

Principal Features (updated 1999)

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

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

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

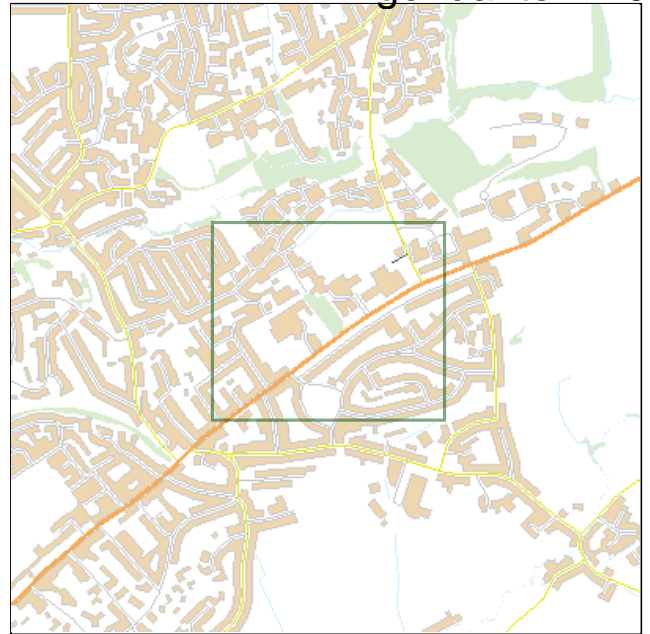
Ward Exmouth Withycombe Raleigh

Reference 19/2710/MFUL

Applicant S Paull (Yourlife Management Services Ltd)

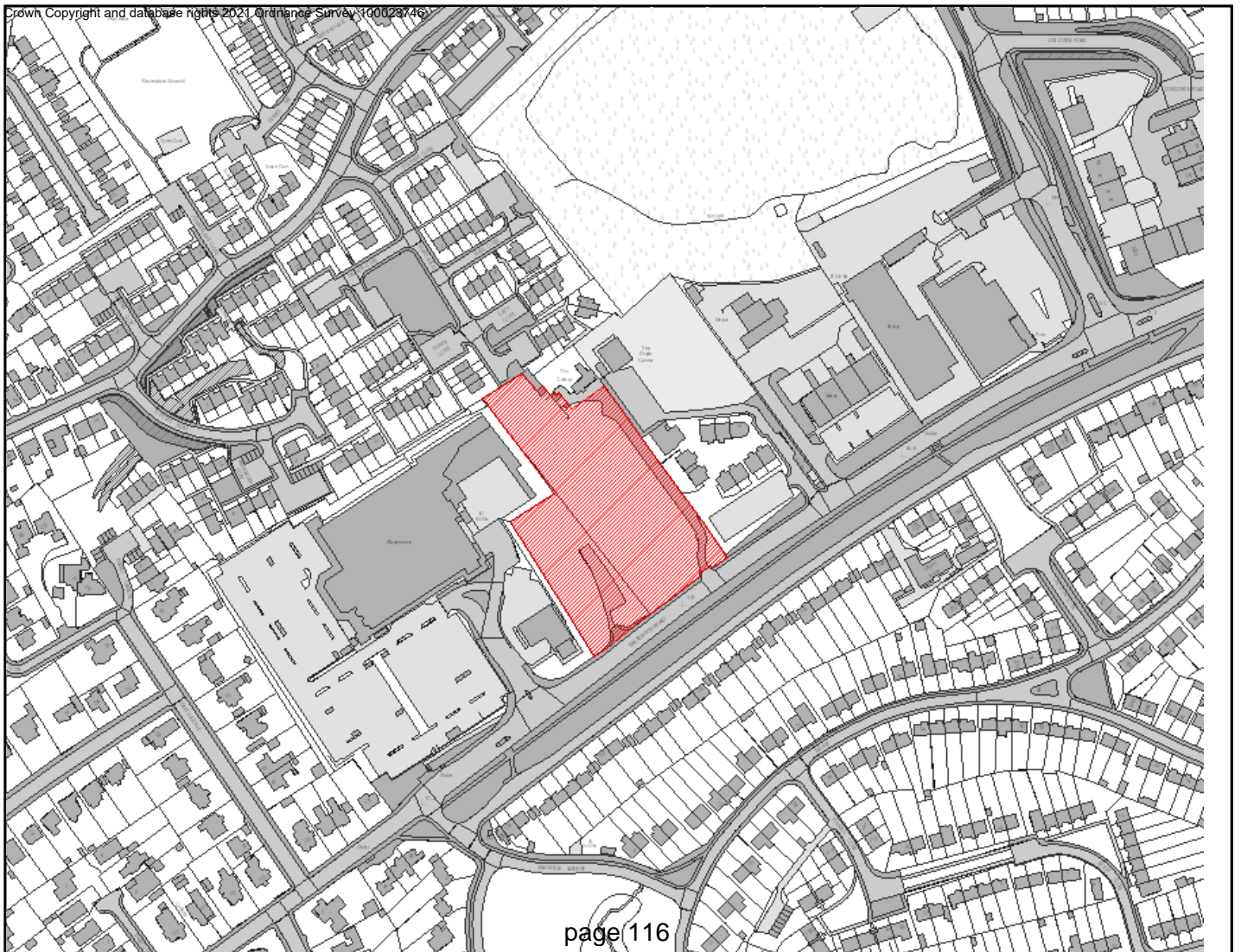
Location Site Of Redgate & Land At Tesco Salterton Road Exmouth

Proposal Erection of extra care/assisted living accommodation (Class C2) with communal facilities and car parking; erection of Class B1(b) or B1(c) accommodation (322 sqm employment floorspace) with associated car parking; development to be accessed from Salterton Road.



RECOMMENDATION:

1. **Adopt the Appropriate Assessment attached to this report**
2. **APPROVE** subject to the following matters to be secured by a Section 106 Legal Agreement
 - care package
 - delivery of business units
 - habitats mitigation contribution
3. **APPROVE** subject to conditions



		Committee Date: 10th March 2021
Exmouth Withycombe Raleigh (Exmouth)	19/2710/MFUL	Target Date: 23.03.2020
Applicant:	S Paull (Yourlife Management Services Ltd)	
Location:	Site Of Redgate & Land At Tesco Salterton Road	
Proposal:	Erection of extra care/assisted living accommodation (Class C2) with communal facilities and car parking; erection of Class B1(b) or B1(c) accommodation (322 sqm employment floorspace) with associated car parking; development to be accessed from Salterton Road.	

RECOMMENDATION:

- 1. Adopt the Appropriate Assessment attached to this report**
- 2. APPROVE subject to the following matters to be secured by a Section 106 Legal Agreement**
 - **care package**
 - **delivery of business units**
 - **habitats mitigation contribution**
- 3. APPROVE subject to conditions**

EXECUTIVE SUMMARY

This application is before Committee because it is a major application and the Officer recommendation is contrary to the views of the Town Council.

Members will recall that an application for the development of an Extra Care/Assisted Living Home on part of this site was refused planning permission and a subsequent appeal dismissed in 2019. The appeal was dismissed due to the loss of employment land and concerns regarding the marketing of the site for employment uses.

Around half of the application site is allocated for employment use under Strategy 22 (Development at Exmouth) of the Local Plan and whilst the application proposes to deliver part of the site for specific employment uses, this amounts to around 25% of the site. As such the application fails to fully comply with the provisions of both Strategy 22, and Strategy 32 (Resisting Loss of Employment,

Retail and Community Sites and Buildings) of the Local Plan, and EE2 and EE3 of the Exmouth Neighbourhood Plan.

Strategy 36 of the Local Plan recognises a need for the provision of additional Care/Extra Care spaces within Exmouth which the proposal would help to deliver.

Overall the application needs to be determined, not only in light of the local and neighbourhood plan, but also as a balancing exercise and within the context of the current economic situation. The proposal will deliver some constructed and serviced employment units and some further employment would be generated by the operation of the Extra Care home. Additional evidence has been provided to demonstrate that there is little prospect of any speculative office building being financially viable at the present time, particularly given the changing nature of working practices with significant trends towards home working and falling demand for office space.

The application is considered to be acceptable in terms of its design, access, ecology and impact on trees and residential amenity and whilst it does not offer the most desirable form of employment generating use it will nevertheless bring some economic benefit and a productive use to a site which has been vacant for many years.

On balance, whilst the proposal would conflict with certain elements of the development plan, the economic benefits and the creation of additional jobs, particularly in this time of significant economic difficulty is considered to outweigh the loss of a relatively small area of allocated employment land. Subject to an appropriate legal agreement to ensure the delivery of the business units, and care provision for the occupiers of the units, and suitable planning conditions to ensure that protection is afforded to amenity, highway safety, trees and ecology, the application is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

Objection on the grounds that this proposal for extra care homes with a provision of office accommodation at the rear of the site to mitigate against the land as employment use would be harmful to the interests of Exmouth. It had only been 10 months since the appeal decision, and nothing had been done to address the planning inspectorates concerns over marketing of the site. There were only two sites in Exmouth allocated for employment use and the loss of this site for meaningful employment was considered unacceptable.

Amended Plans

Objection sustained; the amended plans further undermine and reduce the employment use of the site. The East Devon Local Plan strategy 22 recognised the state of Exmouth's economy and allocated the site for employment. Exmouth's

Neighbourhood Plan, policies EE2 and EE3 and Action EEA1 seek the prevention of change of use of allocated employment land. It was also noted that the development would increase pressure on the already overburdened health services in the town and that EDDC should perhaps consider a new strategy in terms of marketing employment land in Exmouth

Further Amendments

Objection sustained; the amended plans did not alter previous concerns raised. Members questioned the morality of the LPA determining the application when they were being offered the employment land.

Technical Consultations

EDDC Trees

In the broadest principle I feel the development could go ahead, however I have the following points of concern: -

- The office block and Flats 5 + 6 and the adjacent access path to the west are too close to the western boundary and their construction is likely to adversely impact the RPA of tree group T1 especially as it appears that it is proposed to raise existing levels by over 1m within the RPA. It is also likely that they will block light to the flats resulting in pressure to reduce their canopies to allow more light. This would have a very adverse effect on the tree group which is prominent from Salterton Road and the Tesco site. To prevent this the layout should be amended by moving the flats sufficiently away from the boundary
- There appears to be extensive grading work which will adversely affect the RPA of T1 and the RPA appears inaccurate
- T44 should be retained and protected accordingly
- The landscaping replacement trees should include large growing trees to the road frontage to screen the site
- The new access road appears to be affecting T23, T24, T37 further details on this are required.
- Protective fencing near T1, T5 and unnamed group by the office block should be to the edge of the rpa's or ground protection used
- Ground levels near T14 do not have enough detail to agree a no-dig and consideration should be given to no parking in this area due to the future pressures on pruning

Natural England

DESIGNATED SITES [EUROPEAN] - FURTHER INFORMATION REQUIRED **Habitats Regulations Assessment - Recreational Impacts on European Sites**

This development falls within the 'zone of influence' for the East Devon Pebblebed Heaths SAC/SPA and Exe Estuary SPA, as set out in the Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by that development.

We advise that it will be necessary for you to check whether the extra care/assisted living accommodation proposed falls into the categories of development requiring mitigation under the SEDEMS and the Joint Approach of Exeter City Council, Teignbridge District Council and East Devon District Council. We note that Teignbridge Council advise that care homes for elderly or infirm who have significantly reduced mobility are exempt, while housing for the 'mobile' elderly is included. <https://www.teignbridge.gov.uk/planning/biodiversity/exe-estuarydawlish-warren-habitat-mitigation/what-types-of-development-have-to-provide-mitigation/>

If this type of housing falls within the category requiring mitigation, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Other advice

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Annex - Generic advice on natural environment impacts and opportunities

Sites of Special Scientific Interest (SSSIs)

Local authorities have responsibilities for the conservation of SSSIs under s28G of the Wildlife & Countryside Act 1981 (as amended). The National Planning Policy

Framework (paragraph 175c) states that development likely to have an adverse effect on SSSIs should not normally be permitted. Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal. Our initial screening indicates that one or more Impact Risk Zones have been triggered by the proposed development, indicating that impacts to SSSIs are possible and further assessment is required. You should request sufficient information from the developer to assess the impacts likely to arise and consider any mitigation measures that may be necessary.

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

Protected Species

Natural England has produced standing advice¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity 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, geoconservation groups 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. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. The list of priority habitats and species can be found [here](#)². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Ancient woodland, ancient and veteran trees You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and

ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

1 <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

2 <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
 - Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
 - Planting additional street trees.
 - Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Further Comments

Natural England has previously commented on this proposal and made comments to the authority in our letters dated 10th January, 17th September and 7th October 2020.

The advice provided in our previous response applies equally to this amendment.

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

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

Environmental Health

I have assessed the above application the application and note the following:

This site was subject to a recent planning appeal on planning application reference 17/1539/MFUL, which was dismissed. We made the following comments regarding the previous application (17/1539/MFUL):

Environmental Health notes that the proposal is a sensitive residential development in a mixed commercial/residential area adjacent to a busy road. We have concerns that there will be potential noise impact from traffic, extract systems and a petrol station nearby. We need to be satisfied that the building design has incorporated appropriate mitigation against the existing noise sources. Therefore a noise report is needed which must include an evaluation of the existing noise climate and the measures included in the building design and facilities to mitigate against any intrusive noise.

A noise report by HRS services Ltd, HRS reference 127118-AC-1v2 dated 25 September 2017 was submitted at this time. The report states:

"The site was observed to be exposed to moderate to low noise levels from traffic on Salterton Road and works within the Tesco yard during the day.

Noise sources during the night along the southern boundary comprised traffic on Salterton Road in addition to building services noise from the surrounding commercial plots, although such noise during this period was moderate. Low noise levels were also experienced along the northern site perimeter during the night time period with noise arising from infrequent traffic along Salterton Road and to a lesser extent Prince of Wales Drive and the surrounding road networks, in addition to building services from the surrounding commercial plots.

The survey data and observations have been used to determine broadly anticipated façade acoustic performances in line with the guidance provided in BS 8233:2014. Standard non-acoustic glazing and ventilate ventilation elements will be acoustically sufficient.

The use of opening windows provide rapid ventilation (should this be an option on this particular development) has been identified as a low risk strategy for the client based on the existing in external noise levels at the site."

My comments on the current application

I note the following from the 2017 HRS report:

- o Measurements were made over a limited time period and paragraph 3 titled "noise survey" states the measurements were taken from 1500 to 1800 Wednesday, 6 September and from 2300 to 0200 from the 6 September - 7 September 2017

- o Table 2 states that LA MAX measurements made between 2300 and 0200 varied between varied between 67 and 74

- o Appendix 1 of the report states that measurements were also made on the 14th and 15th of November 2016 and these measurements varied from approximately 63 dB to 88

- o Paragraph 4.5 states "However a specific maximum LAF Max value is not given by BS 8233:2014. HRS proposes that for bedrooms at night, individual noise events should not normally exceed 45 dB LAF Max.

Please also note that measurement positions equate to the nearest residential façades of the proposed application site. This is important as internal noise levels are recommended not to exceed 45 dB LA Max. The World Health Organisation noise guidelines for Europe states that internal noise levels greater than 42 dB LA Max causes people to wake up during the night and/or wake up too early in the morning.

From the data submitted in this noise assessment, it would seem likely that during the time 2300 to 0700 that this criteria will be exceeded assuming windows open which provides between 10 and 15 dB of sound reduction.

Acoustic design statements should provide a detailed assessment individual noise and events like to exceed 45 dB LA Max more than 10 times per night. This report does nothing to address this likely exceedance, despite the inclusion of paragraph 4.5 (mentioned above).

Given these exceedances, and the nature of the development, bedrooms should ideally be sited away from these noisy night time noise sources or appropriate levels

of mitigation are undertaken. Such mitigation may include mechanical ventilation systems and/or air conditioning to enable windows to be kept closed during the hot summer months. This is particularly relevant in Exmouth, as the town is busier during the summer.

Given the close proximity of the nearest residential units to the petrol filling station I would recommend an odour impact assessment is also undertaken.

I hope the above is self-explanatory. Please do not hesitate to contact me for further advice or information.

Further Comments:

Please see Environmental Health comments for:

19/2710/MFUL - amended

Erection of extra care/assisted living accommodation (Class C2) with communal facilities and car parking; erection of Class B1 office accommodation and car parking; development to be accessed from Salterton Road

I have assessed the application and details submitted and recommend the phased contaminated land condition, CT3, which I have copied out below:

CT3 Phased Condition:

Unless otherwise agreed by the Local Planning Authority, development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination.

(ii) an assessment of the potential risks to:

Human health,

Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

Adjoining land,

Groundwaters and surface waters,

Ecological systems,
Archeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

2. Submission of Remediation Scheme

Where identified as necessary as a result of the findings of the investigation above, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and submitted for approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development (other than any part of the development required to carry out remediation), unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and will be subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 above and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of condition 2. This must be subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance

Where identified as necessary, a monitoring and maintenance scheme to include monitoring the longterm effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of reports on the same must be prepared, both of which will be subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN16.

Further Comments:

Erection of extra care/assisted living accommodation (Class C2) with communal facilities and car parking; erection of Class B1(b) or B1(c) accommodation (322 sqm employment floorspace) with associated car parking; development to be accessed from Salterton Road.

The application proposes new industrial and business use premises within close proximity to proposed and existing residential properties. We have concerns about the noise impact on proposed and existing properties caused by the juxtaposition of the two different use classes. The site layout shows that the proposed industrial and business use premises could result in noise breakout to the proposed and existing residential properties, particularly the nearest residential property which is located opposite and within fifty metres. Vehicle access and parking for the proposed industrial and business use premises will also result in noise to the proposed and existing residential properties. Should the Planning Authority be minded to grant permission for this application, restrictions would be necessary to control noise from business activity outside the proposed buildings, operating times, vehicular access, and plant and machinery. We would therefore recommend the following conditions:

Conditions relating to the use of B1 element accommodation:

The B1 premises shall not be open for business except between the hours of 8am - 6pm Monday to Friday, or 8am-1pm on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of local residents from noise.

No machinery shall be operated, no processes carried out and no deliveries accepted or despatched except between the hours of 8am - 6pm Monday to Friday, or 8am - 1pm on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of local residents from noise.

No work activities or storage shall be carried on outside the buildings. All activities which involve noise with the potential to be audible off-site, including hammering, banging, sawing and the use of mechanical plant, shall be undertaken within the building with all doors and windows closed.

Reason: To protect the amenity of local residents from noise and/or dust.

A 2.5 metre close boarded acoustic fence shall be erected on the rear boundary within 1 month of any planning approval and maintained throughout the life of this use. This should be erected between the single dwelling to the east of the site, and also between the carpark of the proposed industrial unit and the proposed flats on the southern boundary of the industrial units. Fencing shall be imperforate and a surface density greater than 10kg/m²

Reason : To protect the amenities of local residents.

We also anticipate that there may be impacts from light intrusion from the industrial units, which would need to be addressed by the applicant. We would therefore recommend the following condition:

A lighting scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable.

Reason: To comply with Policy EN15 for the avoidance of light pollution.

Conditions relating the proposed living accommodation, class C2:

The proposal site is situated next to a Tesco store with a service yard located to the north-west of the proposal site, a petrol station to the south-west, and Salterton Road to the south. The HRS Noise Report, reference HRS-127118-AC-1v2, states that night time noise monitoring occurred over a four hour period from 23.00 to 02.00 from 6 September to 7 September 2017. The report identifies that the predominant noise sources during the night-time arose from occasional traffic on Salterton Road and building services surrounding the commercial units, with LAf Max measurements varying between 67 and 74. The Tesco store does not have time restrictions relating to the movement of HGVs for the delivery of goods. Monitoring location N2 at the northern edge of the site would have received acoustic benefits of the Tesco's building and may not have picked up noise from movement of HGVs and the delivery of goods into the Tesco store during the short monitoring period.

In order to mitigate against disturbance caused by the LAf Max levels, we recommend that the following conditions are both applied:

A suitable mechanical ventilation system should be installed within residential dwellings of the proposed development in order to afford future residents thermal comfort and cooling during warmer months, without the need for opening windows. The scheme shall be submitted and approved by the Local Planning Authority prior to commencement of construction.

Reason: To protect the amenities of future residents from excessive noise.

Windows situated on the façade of residential dwellings of the proposed development should be acoustically treated in order to improve the acoustic performance of the building design. The scheme shall be submitted and approved by the Local Planning Authority prior to commencement of construction.

Reason: To protect the amenities of future residents from excessive noise.

Comments from Environmental Health previously recommended that an odour management report was submitted with the application to determine the impact from the petrol filling station. However, we have not yet received this report and we would recommend a condition requesting one.

Comments relating to the construction phase of the development:

We recommend the following condition to request a Construction Environmental Management Plan for the construction phase of the development:

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

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

Further Comments:

Erection of extra care/assisted living accommodation (Class C2) with communal facilities and car parking; erection of Class B1(b) or B1(c) accommodation (322 sqm employment floorspace) with associated car parking; development to be accessed from Salterton Road.

Thank you for consulting Environmental Health on the recently submitted Odour Report, Noise Report and acoustic fence specification.

The submitted Noise Report by 'Stroma Built Environment', Ref 10-20-852-63-AC-lv3, recommends that based on the noise measurements a mechanical ventilation with heat recovery system is installed to prevent overheating in summer should windows need to be kept closed. We therefore recommend that the following condition is applied:

A suitable mechanical ventilation system should be installed within residential dwellings of the proposed development in order to afford future residents thermal comfort and cooling during warmer months, without the need for opening windows. The scheme shall be submitted and approved by the Local Planning Authority prior to commencement of construction.

Reason: To protect the amenities of future residents from excessive noise.

The Noise Report shows that standard non-acoustic glazing and ventilation elements will be sufficient based on recommendations of BS8233:2014. We are therefore satisfied that condition requesting acoustically treated windows can be removed.

The submitted Odour Report, Ref J0478/1/F1, assesses the risk of odour effects from the neighbouring petrol station and shows that there is slight risk to residents at the proposed development and this is not considered to be significant. We therefore do not wish to recommend further conditions relating to odour.

Some of our previous comments relating to the use of the B1 accommodation, submitted on 16.11.2020, are still current. These recommended conditions are as follows:

The B1 premises shall not be open for business except between the hours of 8am - 6pm Monday to Friday, or 8am-1pm on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of local residents from noise.

No machinery shall be operated, no processes carried out and no deliveries accepted or despatched except between the hours of 8am - 6pm Monday to Friday, or 8am - 1pm on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of local residents from noise.

No work activities or storage shall be carried on outside the buildings. All activities which involve noise with the potential to be audible off-site, including hammering, banging, sawing and the use of mechanical plant, shall be undertaken within the building with all doors and windows closed.

Reason: To protect the amenity of local residents from noise and/or dust.

We have had correspondence with the planning agent and accept that the proposed B1 industrial units should not have detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. We do have concern that noise and light from vehicles accessing the industrial units will affect the amenity of existing and proposed properties. We therefore recommend the following condition:

We recommend that a 2 metre imperforate fence is erected between the single dwelling to the east of the site, and also between the carpark of the proposed industrial unit and the proposed flats on the southern boundary of the industrial units. This should be installed before the first occupation of the industrial units.

Reason : To protect the amenities of local residents.

A lighting scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable.

Reason: To comply with Policy EN15 for the avoidance of light pollution.

Our comments relating to the construction phase of the development are still current. This condition is as follows:

A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be

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

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

Contaminated Land Officer

I have assessed the application and details submitted and recommend the phased contaminated land condition, CT3.

Devon County Highway Authority

This site underwent a planning application in 2006 (06/1933/MFUL) and 2017 (17/1539/MFUL).

The proposal intends to retain the existing main vehicular access onto Salterton Road (B3178) with improvements to the visibility than the current layout gives. A secondary pedestrian access for connectivity will also lead directly to the heart of the accommodation centre. The parking numbers do not quite allow for a dedicated parking space per accommodation unit, however due to the type of occupants predicted, I do not believe this presents a particular problem, especially due to the nearby facilities and services together with the local bus service. Parking numbers is a policy for East Devon District Council to regulate though the parking geometry appears to standard with extra spaced disabled bays and sufficient room for vehicles to turn and re-enter the carriageway in a forward facing motion.

The employment building and parking layout towards the rear of the site seems coherent in terms of parking layout and turning space. The access, leads on from the residential access. I would recommend the provision of secure cycle storage to encourage employees to sustainable travel especially with the near Exe-estuary trail.

Overall, however the County Highway Authority has no objection this planning application.

Recommendation:

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

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

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;

- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.

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

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

South West Water

I refer to the above application and would advise that South West Water has no objection subject to surface water being managed in accordance with the submitted Flood Risk Assessment.

DCC Flood Risk Management Team

Recommendation:

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

Observations:

The Proposed Impermeable Areas Drawing (Drawing No. 17169-052, Rev. D, dated 15th November 2019) shows the total impermeable areas of 4,938m² but the MicroDrainage model uses an overall impermeable areas of 0.463ha. The applicant would need to check and confirm the correct total impermeable areas.

The proposed off-site discharge rate is 5 l/s, but this does not match the submitted greenfield runoff rates. Indeed, on small sites where the greenfield runoff rates are very low, we still wish to see discharge rates as close as possible to the greenfield performance, whilst also ensuring that a maintainable control structure can be provided. This is due to the fact that modern control structures can now facilitate discharge rates lower than 5 l/s, and as a result the minimum 5 l/s discharge rate recommendation is being phased out of national best-practice.

The applicant should therefore provide confirmation from South West Water regarding the acceptable minimum size of the orifice for this site and that they have agreement in principle to discharge into their network.

The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

Further Comments

Recommendation:

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

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The applicant should therefore provide confirmation from South West Water regarding the acceptable minimum size of the orifice for this site and that they have agreement in principle to discharge into their network.

The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

EDDC Landscape Architect - Chris Hariades

Full comments on the website, planning policies and suggested conditions have been removed from the response below.

1 INTRODUCTION

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

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

2 LOCATION, SUMMARY PROPOSALS, SITE DESCRIPTION AND CONTEXT

2.1 Location and brief description of proposals

The proposal is for the development of a four storey apartment block for supported living and separate B1 office accommodation and associated parking off Salterton Road towards the eastern edge of Exmouth. This will require the removal of a number of mature trees within the centre of the site and in the vicinity of the existing entrance.

2.2 Site description and context

The site was formerly a detached dwelling set in its own grounds extending to 0.7Ha but is now a vacant plot with a number of mature trees around the boundaries and within the centre of the site. Site access is from the south directly off Salterton Road. The land slopes gently to the south. A small house is situated immediately to the north east of the site served by an access drive that runs through the site along the eastern boundary.

A Tesco superstore abuts the western boundary. Land to the north, and south is residential. Land to the east is light industrial/ commercial with a small housing development to the southeast.

The site lies within the Exmouth BUAB. Most of the trees within the site are protected by a blanket TPO.

There is no public access within the site. Salterton Road runs immediately adjacent to the southern boundary.

The site is presently well screened from public vantage points and there are no views in other than glimpse views from Salterton Road through existing site entrances, although it is overlooked to some degree by residential properties to the north and south.

3 REVIEW OF SUBMITTED INFORMATION

3.1 Trees

It is unclear from the Site Plan - Ground and part first floor - whether trees T44, 45 and 46 to the southern boundary are to be retained or removed. Subject to agreement with the EDDC Tree Officer it is suggested that trees T45 and 46, which are category C, should be removed to facilitate the planting of a strong line of large growing trees to the road frontage. T44 (Cat B ash) should be retained and the RPA correctly plotted on the layout plan.

There are a number of potential conflicts in the proposed layout with root protection areas (RPAs) of existing trees. In particular the following points are noted:

There appears to be extensive grading works proposed within the RPA of T44 with levels being built up by 0.8m. To avoid this a retaining wall should be provided along the southern edge of the adjacent footpath to the north.

The RPA of the existing tree belt identified as T1 on the tree survey appears to be incorrectly drawn. Based on the information shown on the Tree Constraints Plan the RPA should be offset 3m from the site boundary, whereas it is shown as only 1.2m on the site plan. The RPA on the site plan and other landscape plans should be adjusted accordingly.

Flats 5 and 6 and the adjacent access path to the west are too close to the western boundary and their construction is likely to adversely impact the RPA of tree group T1 especially as it appears that it is proposed to raise existing levels by over 1m within the RPA. It is also likely that they will block light to the flats resulting in pressure to reduce their canopies to allow more light. This would have a very adverse effect on the tree group which is prominent from Salterton Road and the Tesco site. To prevent this the layout should be amended by moving the flats sufficiently away from the boundary.

It is noted that grading works are required to reduce levels of the rear garden area relative to the western boundary. The extent of grading works should be clearly indicated on the layout drawing with additional levels to demonstrate that the RPA of tree group T1 will not be adversely effected.

The proposed gazebo and associated paving within the rear garden should be shifted southwards to ensure that associated grading works do not encroach the RPA of tree group T5 to the north. Further levels and grading information should be included on the drawing to demonstrate that the RPA will not be affected by this or construction of the link path between the gazebo and side of flat 22.

Construction of the site access road requires a reduction of existing levels by up to 2m and consequently a retaining wall is proposed to the east side. However, it does not appear that this extends far enough to prevent adverse impact on the RPAs of trees T23, 24 and 37. The wall should be extended accordingly or proposed levels and grading information provided to demonstrate that this will not be the case.

The proposed office building is situated between 1.8 and 2.2m off the western boundary which in this location currently comprises a close board fence, beyond which is a group of ash, sycamore and elder. Although these trees are indicated on the tree constraints plan and tree protection plan and shown as overhanging the boundary by

up to 2m they are not included in the tree survey. There is potential for construction of the proposed office building to adversely impact on their RPAs and canopies which needs to be properly considered. It is also likely that due to the large windows proposed to the west elevation of the office block that there will be pressure to reduce the tree canopies to allow more light in to the building. The building should be offset further from the site boundary to avoid these impacts.

The tree protection plan, drawing no. TPP01 Rev 0 indicates that no-dig construction methods should be adopted where proposed office parking bays encroach on the RPA of tree T14. Due to a lack of proposed and existing levels information on the layout it is not possible to verify whether this can effectively be achieved and further levels information should be provided in respect of this. In any event it would be better to reconfigure the parking to create extra spaces to the north of bay 1 and west of bay 15 instead, to avoid any incursion into the RPA of T14.

Protective fencing should be indicated on the tree protection plan, to the edge of the RPAs of tree groups T1 and T5 and to the unnamed group to the west of the proposed office building.

3.2 Layout generally - refer Site plan ground & part first floor

The width of the planting bed to the south of office parking bay 14 should be increased by shifting bays 10-14 northwards by 2 metres. This would allow a large tree to be planted (with appropriate soil volume provision) in this location as a focal point for the site access road.

The proposed planting strips on the centre line of the double parking bays to the front of the apartment building scale at 0.6m width. It is very doubtful that this will allow sufficient soil to sustain healthy plant growth especially factoring in the additional width taken out by kerb haunching. It is suggested that the layout is amended to omit these beds from parking bays 7-17 and 28-32 and to use the saved width to increase the width of the bed to the centre of parking bays 18-23 which could then also support the planting of two trees.

The siting of the sub-station is unfortunate. Is there scope to reposition it to somewhere less prominent such as set into the bank to the north of flat 23? This would allow additional planting to be provided adjacent to the access road.

3.3 Levels

More detailed levels information (existing and proposed) is required to be shown on the site layout plan particularly around the office building and associated car park where no proposed levels information is currently provided. The extent of grading works all embankments and slopes steeper than 1:3 and any retaining structures should be clearly indicated on the site and landscape plans.

3.4 Drainage - Refer Proposed drainage strategy drawing no. 17169-050 Revision D

The proposed outlet from the storm water attenuation tanks should be realigned so as to avoid the RPA of tree T44.

Contrary to good SuDS design practice (refer Devon CC SuDS Manual 2015), storm water management is entirely dealt with through underground attenuation tanks. There is scope to provide infiltration from roofs and hard surfaces through swales and soft landscape areas to the south and west sides of the apartment block which would reduce offsite outflow and add biodiversity benefit. The provision of a pond in the rear garden area which also add visual and biodiversity interest. Such measures should be considered and incorporated into the drainage strategy.

3.5 Landscape proposals (Swan Paul Partnership drawings)

3.5.1 Generally

- There is variation in the Swan Paul drawings in the plotting of trees T44, 45 & 46. These should be checked and amended to show clearly and consistently trees to be removed and trees to be retained.
- Three plans have been submitted titled Detailed Planting and numbered 007, 007.1 and 007.2 respectively. The layout shown on drawing 007 does not reflect the other scheme drawings and to avoid confusion this drawing should be withdrawn.

3.5.2 Fences, steps and rails drawing, no. SW-2427-03-LA-005 Revision D

- The drawing only covers the southern area of the site and further detail should be provided in respect of proposed treatments to the northern area.
- A proposed 2m high acoustic fence is shown on the line of the western site boundary. This seems unnecessary. It will have an adverse visual impact in views from Salterton Road and the Tesco site and its installation is likely to have an adverse impact on the RPAs and canopies of tree groups 1 and 5. The fence should be omitted and, if a new fence is required, it should be provided on the site side of the tree canopy extent and comprise a suitable proprietary dark coloured wire mesh.
- Construction details are required for the proposed retaining walls indicated on the drawing including any associated safety barriers. These could be provided by condition should the application be approved.

3.5.3 General arrangements drawing no. SO-2427-03-LA-002

- The proposed security fence and gate to the side of flat 5 should not encroach on the RPA of tree group T1.
- Grass areas to the east of the access road, the southern site boundary and the north of flat 23 should be sown and managed as wildflower meadow areas in accordance with recommendations in the ecological survey.
- Proposed trees to the east of the site access road are located too close to existing trees and should be moved out closer to the road.

3.5.4 Detailed planting drawings 1/2 and 2/2, drawing nos. SW-2468-03-LA-007.1 and 007.2

- As noted above grass areas to the east of the access road, southern site boundary and north of flat 23 should be sown and managed as wildflower meadow areas in accordance with recommendations in the Ecological survey.

- Proposed trees to the east of the site access road are located too close to existing trees and should be moved out closer to the road. The proposed species are too small and should be replaced with large trees.
- Planting to the perimeter of the office building comprises trees in grass. Further native planting should be provided to soften the boundaries and provide screening and bio-diversity value.
- There is a discrepancy between the General Arrangements drawing which indicates a native hedgerow to the southern edge of the office car park in accordance with the recommendations of the ecological survey and the detailed planting plans which show this as a single species ornamental hedge. The detailed planting plans should be amended to revert to a native hedgerow in this location.
- Proposed tree planting to the street frontage should comprise a line of large trees such as *Tilia cordata*.
- The proposed hedge to the street frontage comprises blocks of single species including *Sarcococca* which is very slow growing. The planting should be replaced with a suitable single species or uniform mix of suitable shrubs to be maintained as a hedge.
- Planting specification
 - o BS Topsoil should be multi-purpose grade
 - o In relation to sub-soil preparation a note should be added that no machine works to be undertaken within RPA of trees to be retained.
 - o Tree pits in extensive areas of soft landscape should be excavated to a depth no greater than necessary to accommodate the depth of the root-ball. Backfill should comprise excavated soil to reflect existing soil horizons. There should be no need for the addition of compost or fertilizer.
 - o The tree pit detail in soft ground, dwg. no. SW-03-LA-008-Tree Pits, should also be amended accordingly.
 - o A specification should be provided for wildflower areas including soil, cultivation and sowing.
- Maintenance specification
 - o Allow for topping up bark much to 75mm at end of first year.
 - o Include for maintenance of wildflower areas and grass areas with bulbs.
- Plant schedule
 - o The schedule included on the drawings is too small to read and a larger version should be provided.

3.6 Design and Access Statement (DAS)

Page 1 of the DAS makes reference to a Devon hedgebank to be provided on the northern boundary of the site as indicated on drawing LA-009. This does not appear to be included with the application. Please provide.

3.7 Ecological survey

The ecological survey makes the following recommendations for biodiversity mitigation/ enhancement which need to be reflected in the submitted details:

- Creation of 1135m² of species rich grassland.
- Creation of 50 metres of native hedgebank.
- Provision of bat and bird boxes on proposed buildings/ existing trees

- Clearance of invasive non-native species (cotoneaster and cherry laurel) from site. An eradication plan should be provided plotting the locations of these.
- Limiting light spill from the development. Detailed external lighting proposals and impact assessment should be required to be submitted as a condition of approval.

3.8 Green Infrastructure

- Details of the proposed secure cycle store should be provided. This should include charging points for electric bikes. A cycle store should also be provided to serve the office building.
- Rainwater butts should be provided to collect roof rainwater for garden watering.
- Solar panels should be included on suitable roofs.
- Electric vehicle charging points should be provided to both car parks.

4 CONCLUSIONS & RECOMMENDATIONS

4.1 Acceptability of proposals

In principal the proposed use and scale of development could be considered acceptable in terms of landscape and visual impact. However, in terms of detail design, impact on site trees and green infrastructure provision the proposals fail to meet the requirements of Local plan policies - Strategy 3, D2 and D3 and amendments are required as noted at section 3 above. Subject to amended details being received that address the above issues the scheme could be considered for approval.

Further Comments:

1 INTRODUCTION

This report forms the EDDC's landscape response to recently submitted additional information relating to the full application for the above site.

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

2 REVIEW OF SUBMITTED LANDSCAPE DETAILS

2.1 Submitted details

- General arrangement Rev. ?
- General paving details Rev. D
- Kerbs and Edges Rev. ?
- Fences steps and rails sheet 1 of 2 Rev. C
- Acoustic fence sheet 2 Rev. B
- Planters seating and street furniture 1 of 2 Rev. A
- Planting seating and street furniture 2 of 2 Rev. -
- Detailed planting sheet 1 Rev. ?
- Detailed planting sheet 2 Rev. ?
- Tree pit details Rev. A
- Devon hedgebank sheet 3 of 3 Rev. -

2.2 Issues identified

Generally the submitted landscape details are acceptable but the following issues are identified that require amendment/ further information:

Proposed road frontage and access ramp

No construction detail is provided for the proposed access ramp leading on to Salterton Road, but it is awkwardly arranged and prevents a continuous treatment of the road frontage planting and the design should be re-considered. The two proposed trees sandwiched between the two ramps are unlikely to have sufficient soil volume to support sustained, healthy growth and the planting between the footway and the lower ramp section tapers to an unfeasibly narrow width to support proposed shrub planting. The access ramp seems unnecessary and a better access arrangement is shown in the over-marked drawing extract below. This would be easier for mobility scooter and wheelchair users, avoiding acute turns. With this alternative, for users heading to/ arriving from the east the travel distance is much shorter while for users heading to/ arriving from the west it is only slightly longer. It also provides a better connection to the proposed footway to the east side of the proposed access road. This arrangement is also likely to be less costly.

Industrial unit car park

The eastern end of the industrial unit car park encroaches into the RPA of a mature tree to the east. It is unclear from the levels details provided to what extent ground excavations/ fill will be required within the RPA. An arboricultural method statement should be provided as a condition of any approval to show detailed proposed and existing levels and required construction measures to avoid adverse impact on the RPA.

Proposed acoustic fence

A proposed 2m high acoustic fence is indicated on the landscape drawings through the established tree belt on the western site boundary and illustrated in the aerial photograph below.

It is likely that the installation of such a fence would require significant cutting back of branches and disturbance of tree roots. A solid barrier this high will also deprive understorey vegetation of light.

I would question the need for an acoustic barrier in this situation and recommend that, if a fence is to be provided to this boundary, it comprises a suitable wire or steel mesh type located outside of the RPA of the existing treeline.

Trees in hard paving

Three *Pyrus c. Calleryana* trees are proposed within the front car park. In order to ensure adequate soil volume the entire beds within which they are to be planted should be made up with 500mm topsoil on 150mm subsoil and the tree pit detail, planting plans and specification should be amended to reflect this.

Proposed Devon hedgebank

I have concerns about the proposed hedgebank detail particularly the proposed inclusion of geo-grid layers which are likely to constrict hedge plant roots. The detail

should be amended to reflect guidance provided by the Devon Hedge Group, refer Appendix 1. I would suggest that a height of 1.2m would be sufficient.

Cycle storage

The only cycle storage proposed is a semi-open shelter with a capacity for 6 bikes. This is barely likely to be sufficient for staff use let alone residents'. A larger, secure cycle store is required to accommodate a minimum of 20 bikes for residents use, laid out in accordance with SusTrans standards. The store should be provided with a secure lock and include internal lighting and e-bike charging points. A suitable location would be to the north of the main block between the side access path and proposed Devon hedgebank.

Adequate cycle storage provision is also required for the proposed industrial units.

3 CONCLUSION AND RECOMMENDATIONS

Subject to receipt of satisfactory amended details addressing the above issues the submitted landscape could be considered acceptable

Further Comments:

My response dated 14.1.2021 raised a number of landscape related issues to be addressed by the applicant. Amendments have been made in some instances to the submitted details. Other issues raised have been addressed in a response from the applicant's landscape architect dated 28.1.2021 and my further response to these is as follows:

1) Proposed access ramp from Salterton Road – Having visited site again I note that the large roadside ash tree (T44) to the west of the proposed site entrance is not in the best condition and there is a fair likelihood that it could succumb to Ash die-back in the next few years requiring its felling. Given its condition, likely limited life, the greater difficulty of felling it once the scheme is complete and the gap it would leave in the roadside frontage, it seems sensible that it should be felled on commencement of site works. I have discussed this matter with the District Tree Officer who agrees with this approach. Removal of the tree should enable a reconfiguration of the pedestrian access arrangements from Salterton Road to create a better frontage arrangement and line of new trees that would make a positive contribution to the street scene.

2) Tree RPA to north east corner of industrial units car park – As a condition of approval detailed levels information and an AMS is required in respect of the proposed industrial units car park levels adjacent to the RPAs of trees T14 and T15 as a condition of approval.

3) Acoustic barrier to western site boundary – Having revisited the site to assess the existing arrangement to this boundary I confirm that the proposed acoustic fence is acceptable provided that it is located on the existing fence line and that as far as possible it utilises existing post holes in order to minimise impact on adjacent trees. The proposed fence line should be indicated on the landscape drawings and a note provided to confirm this.

4) Trees in hard paving – The proposed *Pyrus calleryana* have an average mature spread of 5.5 m which would require a soil volume of 14m³ equivalent to an area of 23m² x 600mm deep. There is insufficient soil volume within the bed adjacent to parking bay 17 to provide this and a crated soil system would be required under adjacent paving to extend this. Alternatively use of a slightly smaller growing species such as *Acer campestre* Streetwise or *Sorbus aria* *Lutescens* could be accommodated within the proposed planting bed without extending the soil volume.

5) Devon Hedgebank reinforcement mesh – the revised detail would be acceptable subject to confirmation that the mesh would have an aperture of at least 75mm (100mm preferably) in order to ensure roots are not constricted.

6) Cycle stores – The revised details for the proposed cycle stores are generally acceptable. However in respect of the one serving the retirement home the manufacturer's recommend a clear space of 1.5m in front of the shelter for ease of access. There is currently only 1m allowed and this should be increased accordingly. Provision should also be made for internal lighting and two charging points for e-bikes.

7) Entrance road levels – I have just noticed that there appear to be errors in the existing and proposed levels at the site entrance shown on the landscape drawings and proposed site plan, which do not correspond with the topographic survey. The drawings should be checked and corrected as necessary. In particular the level of 60.67 shown on the site plan at the junction with the street footway appears to be some 280mm above existing level, which is unworkable. (Refer drawing extracts below).

NHS Royal Devon & Exeter NHS Foundation Trust

This is a consultation response to the planning application ref: 19/2710/MFUL in relation to Erection of extra care/assisted living accommodation (Class C2) with communal facilities and car parking. Erection of Class B1 office accommodation and car parking. Development to be accessed from Salterton Road

Introduction

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The creation and maintenance of healthy communities is an essential component of sustainability as articulated in the Government's National Planning Policy Framework, which is a significant material consideration. Development plans have to be in conformity with the NPPF and less weight should be given to policies that are not consistent with the NPPF. Consequently, local planning policies along with development management decisions also have to be formulated with a view to securing sustainable healthy communities. Access to health services is a fundamental part of sustainable healthy community. As the attached document demonstrates, University Hospitals of Leicester NHS Trust (the Trust) is currently operating at full capacity in the provision of acute and planned healthcare.

It is further demonstrated that this development will create potentially long term impact on the Trust ability provide services as required.

The Trust's funding is based on previous year's activity it has delivered subject to satisfying the quality requirements set down in the NHS Standard Contract. Quality requirements are linked to the on-time delivery of care and intervention and are evidenced by best clinical practice to ensure optimal outcomes for patients.

The contract is agreed annually based on previous year's activity plus any pre-agreed additional activity for clinical services. The Trust is unable to take into consideration the Council's housing land supply, potential new developments and housing trajectories when the contracts are negotiated. Further, the following year's contract does not pay previous year's deficit retrospectively. This development creates an impact on the Trust's ability provide a services required due to the funding gap it creates. The contribution sought is to mitigate this direct impact.

CIL Regulation 122 and 123

The Trust considers that the request made is in accordance with Regulation 122:

"(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development."

S 106

S 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request a developer to contribute towards the impact it creates on the services. The contribution in the amount £21,489.00 sought will go towards the gap in the funding created by each potential patient from this development. The detailed explanation and calculation are provided within the attached document.

Without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed development due to conflict with NPPF and Local Development Plan policies as explained in the attached document (under "view associated documents" tab)

Other Representations

A total of 19 representations have been received, 12 raising objections, 5 in support and 2 making observations. These are summarised below:

Objections

- Parking problems will be exacerbated
- Increase in noise
- Effect on trees
- Additional sewage problems
- Further risk of flooding
- Design
- Access arrangements

- Already four elderly accommodation on Salterton Road
- Additional traffic creating highway safety issue
- Further light pollution
- Not in compliance with local or neighbourhood plan
- Loss of employment land
- Additional demands on healthcare and other services
- No range or mix of dwellings
- Fails to respect key characteristics of the area
- Need more affordable accommodation
- Accommodation for young people needed
- Special needs accommodation required
- Employment element has been reduced and insufficient
- Lack of turning provision for existing dwelling

Support

- Additional retirement accommodation is needed
- Extended care provides opportunity for anticipatory care
- Convenient for shopping
- Good use of the land
- Convenient for public transport
- Provide employment
- Offering variety of care options

Representation

- Existing access and turning arrangements need to be maintained
- No details of the boundary treatment with existing property

PLANNING HISTORY

Reference	Description	Decision	Date
17/1539/MFUL	Erection of a three and four storey building housing an extra care scheme (Class C2) comprising 59 one and two bedroom units with associated communal lounges, restaurant, wellness room, guest suite, house manager and care support accommodation, car parking, communal rechargeable scooter store, access and communal landscaped gardens and structures.	Refused Appeal dismissed	01.03.18 20.03.2019

10/2016/MFUL	Proposed extension to existing A1 retail store, re-location of petrol filling station, new access, re-configured car park, landscaping and associated works (amended scheme to permission 09/0428/MFUL).	Approved	18.11.2010
09/0428/MFUL	Proposed extension to the existing A1 retail store, new church, new access, reconfigured car park, landscaping and associated works	Approved	24.07.2009

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)
 Strategy 2 (Scale and Distribution of Residential Development)
 Strategy 3 (Sustainable Development)
 Strategy 4 (Balanced Communities)
 Strategy 5 (Environment)
 Strategy 6 (Development within Built-up Area Boundaries)
 Strategy 22 (Development at Exmouth)
 Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)
 Strategy 34 (District Wide Affordable Housing Provision Targets)
 Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)

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

H2 (Range and Mix of New Housing Development)

EN14 (Control of Pollution)
 EN22 (Surface Run-Off Implications of New Development)

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

Exmouth Neighbourhood Plan (Made)

EN1 – Development within the Built-up Area Boundary
 EE2 - Supporting increased employment opportunities

EE3 - Change of use from employment land to residential

Action EEA1 - Support EDDC in preventing the change of use of allocated employment land

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

BACKGROUND TO THE PROPOSAL

The application site has been vacant for a number of years. Part of the site (that to which the application submitted under reference 17/1539/MFUL related) is allocated (allocation 040A) in the East Devon Local Plan 2013-2031 (LP) under Strategy 22 (Development at Exmouth) for employment uses – a total of 0.5ha.

In considering the previous appeal (resulting from the refusal of the above application) the Inspector was not convinced that the site had been fully marketed as an employment site as required by local plan policy Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings), and found that it had not been demonstrated that there was a surplus of employment land in the locality as the policy required. Whilst the Inspector recognised that the proposed Extra Care facility would provide some employment, other potential uses would generate significantly more. Overall the Inspector concluded that whilst the allocated site 040A makes only a modest contribution to employment allocations in Exmouth its loss would undermine LP policy.

Following the appeal decision this application seeks to address the reasons for the dismissal. The application site has now been increased to an area of 1ha and includes the land to the north which did not form part of the original application. As submitted the application proposes that a Class B1 use office building (646 square metres) would be constructed on that part of the site.

During the course of the application, the intended occupier of the office building withdrew from the proposal. As a result of this and the current Coronavirus situation, an alternative proposal has been put forward on the northern part of the site.

It is proposed that this part of the site (extending to an area of 0.194ha) be developed as industrial units Class B1(b) or B1(c) (4 are indicated on the submitted plans) with a floor area of 322 square metres, together with associated parking.

Site Location and Description

The application site comprises a piece of land extending to 1.00 hectare located on the northern side of Salterton Road, one of the main arterial roads into Exmouth. It is located around 2km to the north east of the town centre, and has a large supermarket and associated petrol station to the south west.

Immediately beyond the north eastern boundary of the site is a driveway access leading to a residential property located to the north of the site. To the north east,

beyond the driveway leading to Redgate Cottage, is a small development of assisted living properties, and a piece of land that has been cleared, which was formerly occupied as a Devon County Council resource centre. There are residential properties to the north-west and on the opposite side of Salterton Road to the south east.

The land rises from the road to the north-west, and was previously occupied by a church with associated parking, and a residential property and garden known as Redgate although both of the buildings have been demolished and the site has been generally cleared. The site has been vacant for a number of years.

There are a number of protected mature trees both within and on the boundaries of the site which is otherwise somewhat overgrown.

An existing access is located towards the centre of the road frontage which has been temporarily blocked and the remainder of the frontage has been fenced off.

Proposed Development

Planning permission is sought for the redevelopment of the site to provide extra care/assisted living accommodation with communal facilities and car parking, together with the construction of a new building to the north of the site providing B1(b) or B1(c) accommodation (322 sqm employment floorspace) with associated car parking.

Permission is also sought for alterations to the access to the site from Salterton Road.

The residential development comprises a three and four storey building housing 59 one and two bedroom apartments together with communal lounges, a restaurant, wellness room, guest room, house manager and care support accommodation and a communal rechargeable scooter store.

The residential accommodation is arranged with three storey accommodation fronting Salterton Road and to the northern part of the site where the land rises, with some four storey accommodation within the centre of the site. The ground floor accommodation includes 8 apartments together with communal facilities, and the kitchen and staff accommodation. The other floors are essentially apartments, with a laundry and cleaning room on the first and second floors and a guest suite on the third floor.

Each of the apartments has either a private patio area or a small balcony area associated with it.

The industrial building comprises a single storey structure offering 332 square metres of B1(b) or B1(c) accommodation within the northern part of the site. The submitted plans indicate that 4 units are proposed within the building together with associated parking. The application proposes that the serviced business units would be constructed prior to the occupation of the residential building to ensure that the employment element of the development is delivered, with this being proposed to be secured through a legal agreement.

It is proposed to close the existing central access to the site and to widen an existing driveway adjacent to the eastern boundary which currently serve the residential

property located to the north east of the site. Parking for 37 cars is proposed for the residential accommodation including 3 disabled spaces, together with 10 bicycle spaces and associated landscaping. 23 parking spaces, including 2 disabled spaces are provided for the business units.

CONSIDERATION AND ASSESSMENT

The main issues in the determination of this application relate to the policy context and principle of the development, both residential and business uses. Consideration also needs to be given to the nature of the proposed residential use and whether it would fall within a Class C2 Use Class, the design and scale of the buildings and relationship with surrounding development, any impact on residential amenity, highway safety, trees, ecology, flood risk and drainage issues, and the need for affordable housing and any other obligations.

Policy Context

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council formally adopted the East Devon Local Plan 2013-2031 on 28th January 2016 and the policies contained within it are those against which applications are being determined. The Exmouth Neighbourhood Plan has been 'made' and carries full weight alongside the Local Plan.

Principle of the Development

Strategy 1 of the adopted Local Plan sets out the spatial development strategy for the District. Paragraphs 6.6- 6.9 set out the background to the Council's approach to employment land. It explains that the focal point for new growth, new employment land allocations (for B1, B2, and B8 uses) are focused in the West End. In the rest of the district (which includes Exmouth) as para 6.9 explains the Council will "take a broad view of the types of activity (retail, commercial, industrial, service sector, etc) that can be classed as employment in making our land allocations". Although it is clear that the Council sees "future B1 employment development (office developments) and jobs in this class, as being key".

Strategy 22 (Development at Exmouth) allocates part of the site (0.5ha) for employment purposes,

In addition to Strategy 22, Strategy 32 relates to the loss of employment, retail and community sites and buildings and states:

"Strategy 32 - Resisting Loss of Employment, Retail and Community Sites and Buildings

In order to ensure that local communities remain vibrant and viable and are able to meet the needs of residents we will resist the loss of employment, retail and community uses. This will include facilities such as buildings and spaces used by or for job generating uses and community and social gathering purposes, such as pubs, shops and Post Offices.

Permission will not be granted for the change of use of current or allocated employment land and premises or social or community facilities, where it would harm social or community gathering and/or business and employment opportunities in the area, unless:

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

Employment uses include those falling into Class B of the Use Classes Order or similar uses classified under planning legislation as 'Sui Generis' uses. Redundant petrol filling stations and associated garage facilities will fall within the scope of this policy as do public and community uses and main town centre uses and other uses that directly provide jobs or employment, community meeting space or serve a community or social function."

Since the previous application was determined, and also since this application was submitted there have been significant changes in working practices following the start of the Covid 19 pandemic, with more companies adopting home working or reduced office time working arrangements. As a result the demand for office spaces is understood to have declined, and there appears to be little prospect of pre-pandemic demand for this type of office accommodation. The withdrawal of the interest of the intended occupier of the proposed office building (Devon and Cornwall Constabulary) has further questioned the viability of the provision of a speculative B1(a) office building on the site.

As a result the revised scheme has been submitted with a view to achieving the delivery of meaningful and viable employment on part of the site through the provision of constructed and serviced units on the site.

In assessing the current application, it is therefore important to recognise the value of the provision of the employment units in addition to any employment generated by the proposed Extra Care home. In this respect it is estimated that the delivery of the units would facilitate the provision of 10-15 jobs. Whilst this is less than the number likely to be generated by a B1 office use on the site, it would also be in addition to the estimated 17-20 full time equivalent jobs created by the residential element of the proposal.

It needs to be recognised that the area proposed for the business units falls considerably short of that allocated within the local plan, although it should also be recognised that the site has been allocated for such uses for many years and has remained vacant, notwithstanding the previous marketing of the site. In the current

climate and particularly in light of the current economic situation amid the global pandemic, the benefits of providing any meaningful employment opportunities is considered to be a key consideration in the determination of the application.

Data from Economic Development also shows a clearly evidenced demand for small workshop and office development across the district. However, securing the delivery of this on smaller allocated sites, and even sites in the ownership of the District Council is, and remains, challenging, with external funding being sought in order for it to be viable to set rents at the level that local businesses can afford. In this respect the delivery of serviced units and the provision of some employment on the site is considered to weigh heavily in favour of the proposal.

Policy EE2 of the Exmouth Neighbourhood Plan supports new development which delivers an increase in workspace within the town and generates increased employment opportunities, and seeks to use previously developed land (Brownfield sites) within the BUAB wherever possible.

Policy EE3 states that applications for a change of use from an employment use to residential, leading to a reduction of employment will only be supported if the existing site is no longer economically viable and the site has been marketed at a realistic price for a minimum of one year.

The above policies are reflective of those in the Local Plan in seeking to prevent the change of use of the allocated employment land.

There is considered to be some conflict with adopted planning policy in terms of the nature and extent of the employment uses proposed and the amount of land which would be developed for a 'traditional' economic use, however the creation of the business units, in conjunction with employment associated with the proposed Extra Care facility is considered to weigh in favour of the principle of the development.

Although it is not considered that the proposal meets the full criteria identified in Strategy 32 it would provide employment and bespoke employment units rather than being a wholly residential use of the land with some incidental jobs as previously proposed. The provision of the employment units and the jobs created by the care home in combination are considered to go a significant way to achieving the policy aims of generating employment from the use of this site. On this basis, and subject to other design, scale and amenity issues being considered to be appropriate, it is considered that the principle of the proposed development can be accepted.

Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes) of the Local Plan specifically identifies the provision of Care/Extra Care Homes and Other Forms of Specialist Older Person's Housing as being acceptable on sites allocated for residential development. The submitted Marketing Report confirms the current proposal as being from the residential sector.

Assessment of Residential Use

The application states that the residential element of the site is for an extra care development with associated care and communal facilities. This is considered to fall

within a Class C2 use, and in support of this a weight of appeal decisions, legal opinions and other information has been submitted relating to other developments which operate under the same extra care model. All of the evidence submitted indicate that the nature of the development proposed would fall within Class C2.

A Class C2 use is defined in the Use Classes Order as *“Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)”*

In essence the submitted information seeks to differentiate between the additional facilities and care/dependency of the residents of this use and that of general Category II sheltered accommodation. A number of differences are identified which are summarised below.

Extra Care Development

- Minimum age 70+ (unless otherwise agreed in writing on a care needs basis)
- All care and communal accommodation focussed in one location on ground floor
- Average entry age 85
- Service charge typically £120-130 per week for 1 bed flat, £165-175 for 2 bed flat.
- Apartments are larger to meet wheelchair rather than general mobility standards
- Management staff 24 hour cover consisting of Manager, team of Deputy Managers
- Other care staff providing set care through service charge and also provide tailored care to residents.
- Compulsory service charge includes some care in the form of domestic assistance in apartment
- Availability of additional on-site Yourlife Extra Care packages to suit individual needs
- Staff on site throughout day and night providing immediate “on hand” support and assistance
- 365 days 7 days a week availability of meals cooked/prepared on site
- Catering staff including trained chef and grounds management staff
- Equivalent 17 full time persons after opening
- Staff levels rise as additional care needed

Sheltered Accommodation

- Minimum age 60+
- Average entry age 74
- Service charge typically £40-50 per week for 1 bed flat, £60-70 for 2 bed flats
- More couples
- Staffing limited to Day Manager and occasional groundsmen and maintenance
- Day Manager full time (Monday to Friday 37 hours per week), but some other operators part time (i.e. 22 hours)

- Outside of these hours emergency support provided by “cord pull” system to central support service (summon either relatives or emergency services)

In addition to the above the residents of the extra care development pay a considerably higher service charge which is reflective of the additional staffing and facilities offered. In order to ensure that the premises remain as a Class C2 use the applicants are offering an agreement which requires that all primary residents enter into a health needs package which would include the provision of a minimum of 2 hours a week personal care. The nature of the personal care required will obviously vary between residents according to their individual requirements, but may include assistance with:

- personal hygiene; including washing, shaving, toileting;
- dressing and undressing;
- getting in and out of bed
- planning and preparation of meals;
- feeding and drinking;
- ordering and collection of prescriptions;
- technology, payment of bills, keeping in contact with family, pursuit of hobbies;
- organising GP/hospital/consultancy visits for medical appointments, including accompanying residents to visits and the provision of emotional and psychological support and physical care following any hospital discharge;
- collection and parking of vehicles for those with impaired mobility
- arranging visitor access in order to maintain social interaction;

It is recognised by a number of appeal decisions and as confirmed in the appeal decision relating to the former Council Offices at The Knowle, Sidmouth, that the provision of a personal care package would be reasonable to ensure that the use of the development falls within a Class C2 use. In order to ensure that an appropriate level of care is provided, future residents would have to sign up to a minimum 2 hours per week care package as part of the occupancy agreement.

Design, Scale and Impact of the Proposed Development

The proposal is essentially in two parts. The residential development fronting Salterton Road, and the business units to the rear. The residential element comprises development over three/four floors, essentially a split level building with Salterton Road frontage being three storey, albeit with the ground floor being higher than the road level due to the rising topography. The block then has four floors in the central part of the site part of which is cut into the land with the northern element of the development again being on three levels.

The building has been articulated with projecting gables, balconies and a variety of roof forms breaking up the bulk of the structure. Because of the width of the building, despite the use of pitched roofs there is a central element of flat roof, although this would not be apparent from ground level.

Proposed materials are predominantly brick and render, with some cladding panels, and decorative brick banding and window detailing. Roofing materials are suggested as a mixture of concrete plain tiles and concrete slates. The proposed balconies would

have simple metal balustrades. Notwithstanding these details a more detailed schedule of materials is proposed to be agreed by condition in the event that planning permission is to be granted.

The building is a roughly handed 'L' shape with the bottom leg fronting Salterton Road and extending back from the road into the site. It would generally be viewed as a three storey building from the entrance to the site. The main entrance to the building would be located within the eastern elevation of the building with the parking area in front. Access to both the care home and employment spaces would be the existing access onto the Salterton Road that serves the residential property located to the north east of the site albeit the access point would be widened.

Whilst it is a large building, there are a number of protected trees on the boundary and within the site, the majority of which are to be retained, and the necessary root protection areas assist to reduce the apparent scale of the development by maintaining an open area, particularly to the eastern side of the site.

The design of the building evolved during pre-application discussions, and it is somewhat larger than other development in the immediate vicinity. However it is next to the large Tesco store, and is located in an area of mixed development styles and the resultant proposal is considered to offer a reasonable design solution within this context.

The business units are housed within a functional single storey building, having a brick plinth, with profiled sheeting walls and roofing. The overall height is such that it will not be prominent from outside of the site, and any glimpses would be seen within the context of the existing trees and boundary planting.

Residential Amenity

There are relatively few residential properties within the vicinity of the site that would be affected by the proposed development. The properties on the southern side of Salterton Road are over 60m from the frontage of the development. The bungalows to the east are well screened by the protected trees on the eastern boundary and their amenity is not considered to be compromised. The only property which may be affected is that known as The Cottage to the north east of the site due to the shared entrance onto Salterton Road and the proposed siting of the industrial units, where the use of the units will introduce further activity where none exists at the present time. The activity within these units can, however, be controlled by appropriate conditions to ensure that the occupation is restricted to those processes which are appropriate to a residential area and which attract limited vehicular movements to reduce any potential impact.

Whilst there is the potential for some loss of amenity due the additional traffic arising from the proposed development, this is not considered to be likely to be such as to be considered to be unreasonable.

The other potential disturbance is for any future occupiers of proposed accommodation arising from the activities on the Tesco site. The store and petrol station are understood to be open for 24 hours and the petrol station and service area

are adjacent to the western side of the site. Having said this the existing planting to this boundary is well established and is proposed to be retained, and subject to appropriate protection of this and where appropriate some additional planting this is not considered to be an unreasonable relationship.

Highway Issues and Parking

It is proposed to close the existing central access point to the site and to remodel the entrance in the south eastern corner of the site that currently serves the dwelling to the north known as The Cottage. The access driveway to the Cottage will remain separate to that serving the residential use and the business units to the north of the site, which will have a shared through drive and separate designated parking areas.

No objections are raised from a highway safety aspect and adequate sight splays can be accommodated with little removal of the frontage vegetation. The Highway Authority are also satisfied that the amount of traffic generated by the proposal can be accommodated within the road network.

37 parking spaces are proposed for the care home including three disabled spaces adjacent to the entrance. This is considerably lower than that required for unrestricted residential development where a minimum of 2 spaces for a two bedroom property would be required. The lower level of parking provision is reflective of the nature of the development and the low levels of car ownership within extra care accommodation and is considered to be reasonable to serve the development.

23 spaces are proposed for the industrial units, mainly to the south of the building, with 2 disabled spaces to the front of the building.

Trees and Landscaping

The majority of the application site is the subject of a blanket Tree Preservation Order which extends to the area where the care home is proposed. Whilst most of the trees on the site are to be retained by the proposed development the submitted layout would involve the removal of some large trees within the centre the site.

In responding to the concerns raised by the Council's Arboricultural Officer the position of the business units has been moved away from the western boundary and to the north out of the root protection area of the trees to the south and to protect tree group T1.

Flat 6 has been altered to a one bedroom unit and the building consequently moved away from the western boundary of the site and alternative surface treatment used to protect the trees on the south western boundary of the site.

There has been considerable discussion regarding the hard and soft landscaping of the site during the course of the application and a number of changes made to the submissions to overcome the concerns raised and achieve an acceptable proposal. These include additional protection measures and amended construction methods to protect retained trees, significant replacement planting, amendments to parking

arrangements, repositioning of landscape features and structures, and alterations to the ramped access to afford better tree protection the front of the site.

Whilst the Councils Landscape Architect still has some more minor reservations it is considered that these can be addressed through a condition requiring a revised landscaping scheme. It is regrettable that some trees will need to be felled, the revised layout and landscaping proposals have addressed the Arboricultural Officers reservations and are now considered to be acceptable, subject to appropriate conditions.

Flood Risk and Surface Water Drainage

The site lies within an area identified as being of low risk in terms of flooding, and there are no objections from this perspective subject to appropriate surface water drainage arrangements.

This has been the subject of some discussion and a revised Surface Water Management Plan has been prepared which is now considered to be acceptable. Subject to the installation of the measures proposed within this, which can be conditioned, it has overcome previous concerns from DCC in relation to surface water drainage.

Ecology

Policy EN5 (Wildlife Habitats and Features) of the Local Plan states that wherever possible sites supporting important wildlife habitats or features not otherwise protected by policies will be protected from development proposals which would result in the loss of or damage to their nature conservation value, particularly where these form a link between or buffer to designated wildlife sites. Where potential arises positive opportunities for habitat creation will be encouraged through the development process.

The submitted Ecology report concluded that the loss of grassland and hedgerows should be mitigated and that a Reptile Mitigation Strategy, including translocation, be implemented to ensure the protection of the identified Slowworms on the site. Subject to this and other mitigation works identified in the submitted ecological survey the proposal is considered to be acceptable.

A separate appropriate assessment under the Habitat Regulations has been undertaken and is appended to this report. It considers the impact of the proposals on protected habitats in the area in particular the Exe Estuary and Pebblebed Heaths. It concludes that provided the required financial contribution towards the joint habitat mitigation strategy is secured through a Section 106 agreement then the likely significant effects of the development due to recreational activities on the habitats will be appropriately mitigated.

Other Matters

There are a number of issues raised by objectors to the development that have not been directly addressed elsewhere in this report and so are responded to below:

Concerns have been raised about additional parking, noise and nuisance arising from the proposal and whilst the development will increase activity on the site it will also bring a long vacant site back into use. There is a suitable level of parking provision within the site and given the nature of the proposed residents' car ownership levels are very low. It is not considered that the levels of noise and activity within the site would unreasonable impact on the amenities of the area.

It is recognised that there is a need for other forms of accommodation in the town including affordable housing, accommodation for young people and specialist accommodation for those with physical or mental difficulties. There are also a high number of developments for the elderly in the area however the application has to be determined on the basis of the proposal and in light of current planning policy. Permission cannot be refused because there is a preference for other types of accommodation on the site particularly as there is a recognised need for extra care facilities.

It is understood that at the present time the existing turning arrangements for the dwelling to the north eastern boundary of the site may be over part of the application site. However the property is outside of the application site and any informal arrangement or right of way/access arrangements are not able to be considered as part of the assessment of the planning application. Whilst the concerns regarding this issue are understood, they are civil matters which lie outside of the planning remit and will need to be addressed separately.

Planning Obligations

NHS England has requested a contribution towards the cost of care of new residents for 1 year following occupation of each dwelling as there is a lag between housing completions and receiving NHS funding. Based on a decision made by the Secretary of State in Teignbridge the request for funding on non-allocated sites can be justified in principle. However the request must be evidenced and the evidence behind the amount requested from the NHS in this case is not in sufficient detail to ascertain how the money will be spent and if the amount requested is correct given that different patients would require care others would not. Accordingly, for both reasons the NHS England request for £21,489.00 is not justified at the present time and does not met the tests for securing a financial contribution.

Officers have been working with the staff at the RD&E NHS Trust for some time to help them to understand the requirements for securing financial contributions through Section 106 agreements. This work is on-going in the hope that the evidence requirements can be met and contributions can be secured where appropriate towards the important work of the NHS in the future.

A draft Section 106 agreement has been submitted providing assurance that the development will remain a C2 Use. This includes the important restrictions on the use for Extra Care housing, including the age restriction and appropriate care package. With these measures in place and given the layout of the development and the extent of communal facilities it is considered that the care home would be secured as a C2 use. Under the principles established as part of the appeal at the former Council Offices, The Knowle, Sidmouth it is considered that affordable housing cannot be

secured in this case given the proposed use. A C2 use by definition is a residential institution rather than separate dwellings.

The draft Agreement sets out the proposed arrangements for the construction and delivery of the proposed business unit, by ensuring that the building is delivered as a serviced unit, prior to the occupation of 50% of the residential units. It is proposed that the units would initially be offered at no cost to EDDC to either hold as a long term investment, or further marketed if this was not considered viable.

In addition the Agreement makes an appropriate financial contribution to mitigate any habitat impact.

CONCLUSION

Around half of the application site is allocated for employment use under Strategy 22 (Development at Exmouth) of the Local Plan and whilst the application proposes to deliver part of the site for specific employment uses, this amounts to around 25% of the site area. As such the application fails to fully comply with the provisions of both Strategy 22, and would be in conflict with Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the Local Plan. The proposal does however secure the delivery of employment units on the 25% part of the site committed to such uses and the remainder of the site would be used for a care home which in itself delivers a not insignificant number of jobs. Although marketing of the site for employment purposes has been limited it has been vacant for some time and there is significant benefit in bringing it back into use.

Strategy 36 of the Local Plan recognises need for the provision of additional Care/Extra Care spaces within Exmouth which the proposal would help to deliver.

Overall the application needs to be determined, not only in light of the local and neighbourhood plan, but as a balancing exercise and within the context of the current economic situation. The proposal will deliver some constructed and serviced employment units and some further employment would be generated by the operation of the Extra Care home.

The application is considered to be acceptable in terms of its design, access, ecology and impact on trees and residential amenity and whilst it does not offer the most desirable form of employment generating use it will nevertheless bring some economic benefit and a productive use to a site which has been vacant for many years.

On balance, whilst the proposal would conflict with certain elements of the development plan, the economic benefits and the creation of additional jobs, particularly in this time of significant economic difficulty is considered to outweigh the loss of a relatively small area of allocated employment land, and subject to an appropriate legal agreement to ensure the delivery of the business units, and care provision for the occupiers of the units, and suitable planning conditions to ensure that protection is afforded to amenity, highway safety, trees and ecology, the application is recommended for approval.

RECOMMENDATION

- 1. Adopt the Appropriate Assessment attached to this report**
- 2. APPROVE subject to the following matters to be secured by a Section 106 Legal Agreement**

- care package
- delivery of business units
- habitats mitigation contribution

3. 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. Drawing No: SO-2427-03-AC-00 RevA, Location Plan is approved apart from the proposed configuration of the access ramp between the frontage of the building and Salterton Road.
(Reason - For the avoidance of doubt and to ensure adequate details of the access are submitted in the interests of the amenity of the area and protection of trees in accordance with Policies D1, D2 and D3 of the adopted Local Plan.)
3. A Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority prior to any works commencing on site, and must be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.
(Reason: A pre-commencement condition is required to ensure that the details are agreed before the start of works to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)
4. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such

vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

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

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

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

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

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

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

(k) details of wheel washing facilities and obligations

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

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

Reason: A pre-commencement condition is required to ensure that traffic attracted to the site is managed in an appropriate manner and the times of construction are suitably controlled from the outset of the works and to their completion in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.

5. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 – 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:
o human health,

- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- o adjoining land,
- o groundwaters and surface waters,
- o ecological systems,
- o archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the requirements of Policy EN16 - Contaminated Land of the Adopted East Devon Local Plan 2013-2031.)

6. The development shall be carried out in full accordance with the Surface Water Management Plan forming part of the application.
(Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG and in accordance with Policy EN22- Surface Water Run-Off Implications of New Development) of the East Devon Local Plan 2013-2031).
7. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details. The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process.
Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.
The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. The condition is required in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

8. A suitable mechanical ventilation system should be installed within residential dwellings of the proposed development in order to afford future residents thermal comfort and cooling during warmer months, without the need for opening windows. The scheme shall be submitted and approved by the Local Planning Authority prior to commencement of construction.

(Reason: To protect the amenities of future residents from excessive noise and in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031)

9. Before development above foundation level is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

10. Notwithstanding the submitted landscaping details a revised landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The revised scheme shall include:

- The reconfiguration of the proposed access ramp from Salterton Road to enable an improved landscape frontage arrangement and convenient access to the building for those with mobility difficulties.
- Further details of the proposed acoustic barrier including its exact siting and how it is to be constructed in order to minimise its impact on adjacent trees.
- A revised scheme for tree planting within the hard paved car parking area to the care home to ensure that planting is appropriate to the location and available soil volume.
- Revisions to ensure that there is adequate space for ease of access to the proposed cycle store to serve the care home.
- Ensure that all levels match those on the submitted topographical survey.

The landscaping of the site shall be undertaken in accordance with the approved details and implemented in accordance with the approved schedule. No development above foundation level shall take place until a schedule of landscape maintenance for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

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

11. No development shall take place above foundation level until details of arrangements for the storage of refuse have been submitted to and approved in writing by the Local Planning Authority. The approved refuse storage facilities shall be made available before any of the approved flats are occupied and retained thereafter.

(Reason - To ensure that early consideration is given to the provision of adequate refuse provision for the residents is in the interest of health and hygiene in accordance with Policies D1- Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)

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

(Reason: To promote sustainable travel to in accordance with Policy TC9 - Parking Provision in New Development of the Adopted East Devon Local Plan 2013-2031 and the guidance contained in the National Planning Policy Framework.)

13. Prior to the occupation of any of the buildings a lighting scheme shall be submitted to and approved in writing for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable. The approved scheme shall be implemented prior to the occupation of the buildings on the site.

Reason: To protect the amenities of local residents from light pollution in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031

14. The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures contained within the ecological report prepared by Devon Wildlife Consultants dated June 2017.

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

15. The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures contained within the Odour Assessment prepared by Air Quality Assessments Ltd, and dated 11 December 2020.

(Reason – In the interests of pollution control and in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.

16. The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures contained within the Environmental Noise Assessment prepared by Stroma Built Environment Ltd, Revised 2 December 2020.
(Reason – In the interests of pollution control and in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.
17. The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures contained within the Tree Survey and Impact Assessment (Rev.B) prepared by Keen Consultants dated 23 November 2020.
(Reason – In the interests of ecology and biodiversity in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031.
18. The B1 premises shall not be open for business except between the hours of 8am - 6pm Monday to Friday, or 8am-1pm on Saturdays, and not at all on Sundays or Bank Holidays. No machinery shall be operated, processes carried out and no deliveries accepted or despatched outside of these times.
(Reason: To protect the amenities of local residents from excessive noise in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.
19. No work activities or storage shall be carried on outside the B1 premises. All activities which involve noise with the potential to be audible off-site, including hammering, banging, sawing and the use of mechanical plant, shall be undertaken within the building with all doors and windows closed.
Reason: To protect the amenity of local residents from noise and/or dust in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

SO-2427-03-AC-00 RevA	Location Plan	03.01.20
SO-2427-03-AC-02 F	Proposed Site Plan	04.02.21
17.169/001 Rev D: Proposed	Other Plans	11.12.19

Access Arrangement

17169/010 Rev A: Refuse Vehicle Swept Path Analysis	Other Plans	11.12.19
SO-2427-03-AC- 84	Proposed Elevation	10.08.20
SO-2427-03-AC- 12-REV A : second	Proposed Floor Plans	10.12.20
SO-2427-03-AC- 10-REV B : ground	Proposed Floor Plans	10.12.20
SO-2427-03-AC- 11-REV B : first	Proposed Floor Plans	10.12.20
SO-2427-03-AC- 13-REV A : third	Proposed Floor Plans	10.12.20
SO-2427-03-AC- 60-REV B	Sections	10.12.20
SO-2427-03-AC- 80-REV B : north/east	Proposed Elevation	10.12.20
SO-2427-03-AC- 81 rev C : south/west	Proposed Elevation	10.12.20
SO-2427-03-AC- 82-REV F : street contextual	Proposed Elevation	10.12.20
1344-KC-XX- YTREE- TPP01RevB	Tree Protection Plan	10.12.20

List of Background Papers

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

Appropriate Assessment The Conservation of Habitats and Species Regulations 2017, Section (63)		
Application Reference	19/2710/MFUL	
Brief description of proposal	Erection of extra care/assisted living accommodation (Class C2) with communal facilities and car parking; erection of Class B1 office accommodation and car parking; development to be accessed from Salterton Road	
Location	Site of Redgate & Land at Tesco, Salterton Road, Exmouth	
Site is:	<p>Within 10km of Dawlish Warren SAC and the Exe Estuary SPA site</p> <p>Within 10km of the East Devon Heaths SPA (UK9010121)</p> <p>Within 10km of the East Devon Pebblebed Heaths SAC (UK0012602)</p> <p>Within 10km of the Exe Estuary Ramsar (UK 542)</p> <p>(See Appendix 1 for list of interest features of the SPA/SAC)</p>	
Step 1 Screening for Likely Significant Effect on Site of Redgate & Land at Tesco, Salterton Road, Exmouth		
Risk Assessment		
<p>Could the Qualifying Features of the European site be affected by the proposal?</p> <p>Consider both construction and operational stages.</p>	<p>Yes - additional housing within 10km of the SPA/SAC will increase recreation impacts on the interest features.</p>	
Conclusion of Screening		
Is the proposal likely to have a significant effect, either 'alone' or 'in combination' on a European site?	<p>East Devon District Council concludes that there would be Likely Significant Effects 'alone' and/or 'in-combination' on features associated with the proposal at site of Redgate and land at Tesco, Salterton Road, Exmouth in the absence of mitigation</p> <p>See evidence documents on impact of development on SPA/SAC at: East Devon District Council - http://eastdevon.gov.uk/media/369997/exe-overarching-report-9th-june-2014.pdf</p> <p>An Appropriate Assessment of the plan or proposal is necessary.</p>	

Local Authority Officer		Date:
Step 2 Appropriate Assessment NB: In undertaking the appropriate assessment, the LPA must ascertain whether the project would adversely affect the integrity of the European site. The Precautionary Principle applies, so to be certain the authority should be convinced that no reasonable scientific doubt remains as to the absence of such effects.		
In-combination Effects		
Plans or projects with potential cumulative in-combination impacts. How impacts of current proposal combine with other plans or projects individually or severally.	Additional housing or tourist accommodation within 10km of the SPA/SAC add to the existing issues of damage and disturbance arising from recreational use. In –combination plans/projects include around 29,000 new dwellings allocated around the estuary in Teignbridge, Exeter and East Devon Local Plans. This many houses equates to around 65,000 additional people contributing to recreational impacts.	
Mitigation of in-combination effects.	The Joint Approach sets out a mechanism by which developers can make a standard contribution to mitigation measures delivered by the South East Devon Habitat Regulations Partnership. Residential development is also liable for CIL and a proportion of CIL income is spent on Habitats Regulations Infrastructure. A Suitable Alternative Natural Green Space (SANGS) has been delivered at Dawlish and a second is planned at South West Exeter to attract recreational use away from the Exe Estuary and Dawlish Warren.	
Assessment of Impacts with Mitigation Measures		
Mitigation measures included in the proposal.	Joint approach standard mitigation contribution required <ul style="list-style-type: none"> • Draft Heads of terms submitted indicating an out dated amount of £201.61 per dwelling. Required figure is £354 per dwelling 	
Are the proposed mitigation measures sufficient to overcome the likely significant effects?	Not at the present time, however if the Joint Approach contribution offered is revised to reflect the current situation, payment of the contribution is considered to be sufficient.	
Conclusion		
List of mitigation measures and safeguards	Total Joint Approach contribution of £20,886 is required and will be secured as part of the S.106 Agreement	
The Integrity Test	Adverse impacts on features necessary to maintain the integrity of Site of Redgates and land at Tesco, Salterton Road, Exmouth can be ruled out on the basis of the appropriate contribution.	

Conclusion of Appropriate Assessment	East Devon District Council concludes that there would be NO adverse effect on integrity of Dawlish Warren SAC, Exe Estuary SPA or Pebblebed Heaths SPA/SAC or Exe Estuary Ramsar sites provided the mitigation measures are secured as above.	
Local Authority Officer		Date:
21 day consultation to be sent to Natural England Hub on completion of this form.		

Appendix 1. List of interest features:

Exe Estuary SPA

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

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

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

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

Aggregation of non-breeding birds: Dunlin *Calidris alpina alpina*

Aggregation of non-breeding birds: Black-tailed Godwit *Limosa limosa islandica*

Aggregation of non-breeding birds: Brent Goose (dark-bellied) *Branta bernicla bernicla*

Wintering populations of Slavonian Grebe *Podiceps auritus*

Wintering populations of Oystercatcher *Haematopus ostralegus*

Waterfowl Assemblage

>20,000 waterfowl over winter

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

Sheltered muddy shores (including estuarine muds; intertidal boulder and cobble scars; and seagrass beds)

Saltmarsh NVC communities: SM6 *Spartina anglica* saltmarsh

SPA Conservation Objectives

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

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

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

Dawlish Warren SAC

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

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

SD1 *Rumex crispus*-*Glaucium flavum* shingle community

SD2 *Cakile maritima*-*Honkenya peploides* strandline community

SD6 *Ammophila arenaria* mobile dune community

SD7 *Ammophila arenaria-Festuca rubra* semi-fixed dune community
 Annex I habitat: Fixed dunes with herbaceous vegetation ('grey dunes').
 SD8 *Festuca rubra-Galium verum* fixed dune grassland
 SD12 *Carex arenaria-Festuca ovina-Agrostis capillaris* dune grassland
 SD19 *Phleum arenarium-Arenaria serpyllifolia* dune annual community
 Annex I habitat: Humid dune slacks.
 SD15 *Salix repens-Calliergon cuspidatum* dune-slack community
 SD16 *Salix repens-Holcus lanatus* dune slack community
 SD17 *Potentilla anserina-Carex nigra* dune-slack community

Habitats Directive Annex II species that are a primary reason for selection of this site:
 Petalwort (*Petalophyllum ralfsii*)

SAC Conservation Objectives

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;
 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

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

List of interest features:

East Devon Heaths SPA:

A224 *Caprimulgus europaeus*; European nightjar (Breeding) 83 pairs (2.4% of GB population 1992)

A302 *Sylvia undata*; Dartford warbler (Breeding) 128 pairs (6.8% of GB Population in 1994)

Objectives:

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

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

East Devon Pebblebed Heaths SAC:

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

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

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

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

H4030. European dry heaths

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

S1044. *Coenagrion mercuriale*; Southern damselfly

Objectives:

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

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

Exe Estuary SPA

Qualifying Features:

A007 *Podiceps auritus*; Slavonian grebe (Non-breeding)

A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)

A130 *Haematopus ostralegus*; Eurasian oystercatcher (Non-breeding)

A132 *Recurvirostra avosetta*; Pied avocet (Non-breeding)

A141 *Pluvialis squatarola*; Grey plover (Non-breeding)

A149 *Calidris alpina alpina*; Dunlin (Non-breeding)

A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)

Waterbird assemblage

Objectives:

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

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

Exe Estuary Ramsar

Principal Features (updated 1999)

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

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

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

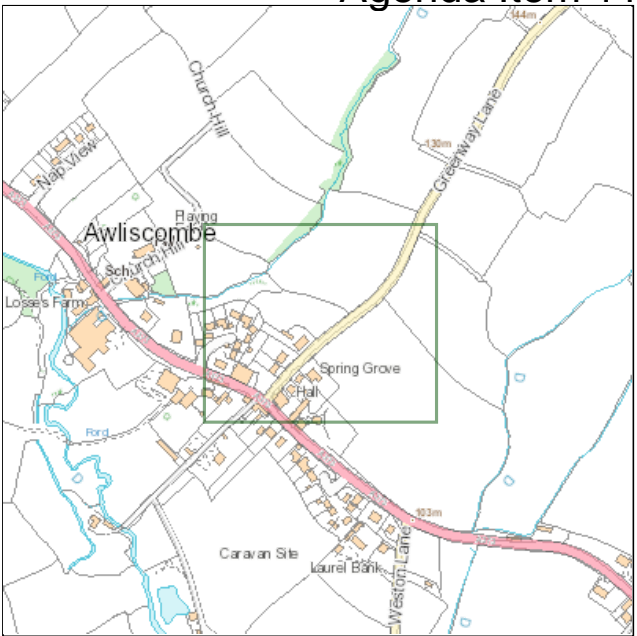
Ward Dunkeswell And Otterhead

Reference 19/0101/FUL

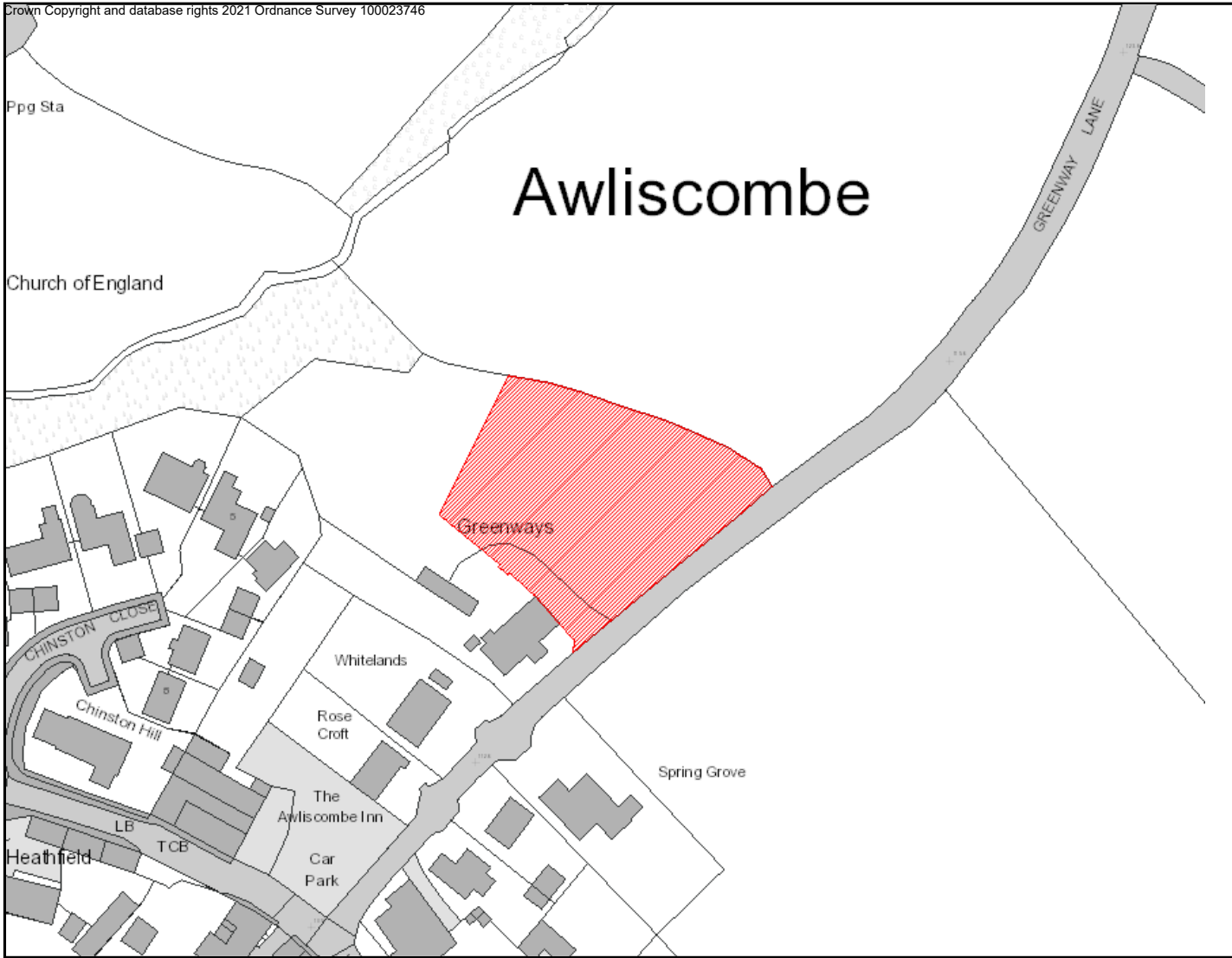
Applicant Cutler

Location Greenways Awliscombe Honiton EX14 3PJ

Proposal Construction of 5 no dwellings (comprising a mix of affordable and market dwellings)



RECOMMENDATION: Refusal



UPDATE REPORT

		Committee Date: 10th March 2021
Dunkeswell And Otterhead (Awliscombe)	19/0101/FUL	Target Date: 14.03.2019
Applicant:	Cutler	
Location:	Greenways Awliscombe	
Proposal:	Construction of 5 no dwellings (comprising a mix of affordable and market dwellings)	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application was considered by the then Development Management Committee on 19 July 2019 (original report attached) when it was resolved to grant planning permission subject to a legal agreement securing the provision of three affordable dwellings and a commuted sum of £17,374.80 to make the on-site provision of 60% affordable housing up to the policy requirement of 66%. Since that time the developer has been unable to find a Registered Provider willing to take on the affordable housing and therefore the legal agreement has not been completed.

The proposal is now before the Planning Committee because the developer has found a Registered Provider that is willing to take on the three affordable dwellings but only if they are all for shared ownership. This would not meet the need identified in the Housing Needs Survey undertaken in 2018, which was for two homes for affordable rent and one for shared ownership. Consequently the proposal has been reassessed against the provisions of the Local Plan, Affordable Housing SPD and the NPPF.

The revised proposal would meet the identified need of one household by way of the provision of one shared ownership dwelling but alongside that it would provide two open market houses and two further shared ownership houses for which a need has not been identified.

The NPPF advises that a proposal which conflicts with an up-to-date Local Plan should not usually be granted, unless material considerations indicate otherwise. While the proposal would deliver one dwelling for which a need has been identified, this is not considered sufficient justification for the delivery of four further dwellings that would not meet an identified need in this location. Even

though local needs may have changed since 2018, there is no new evidence to justify the proposed change. Moreover, providing houses in Awliscombe to meet a general need for affordable housing across the District would not be in accordance with the NPPF, Local Plan or Council Statement of Intent, all of which seek to ensure that affordable housing is delivered in the right location.

Further to the above, as the proposal does not meet the identified need, a further site in the countryside would need to be found and developed in order to meet that outstanding need.

Consequently the proposal is now recommended for refusal.

FURTHER CONSULTATIONS SINCE CONSIDERATION OF THE ORIGINAL RESOLUTION

Local Consultations

Dunkeswell And Otterhead - Cllr David Key

I am in full support of the amended application for Greenways, Awliscombe.

Further comments:

This application was granted approval by the Parish Council and the two Ward members with the stated affordable situation and so this application has to go to committee as the original application was granted approval. I want this to come to Committee.

Parish/Town Council

The Parish Council support this amended application. However we would like to request that the 3 no Shared ownership houses are offered to local residents within the Parish of Awliscombe & Weston as a priority. We would like to see this made legally binding

Technical Consultations

Housing Enabling Officer

We are finding it increasingly difficult to secure registered providers for small rural schemes brought forward under strategy 35. I expressed these concerns early on with this application and advised the applicant to contact registered providers early on. The applicant has done this but unfortunately none of the RPs in the area are interested in this scheme with the current tenure, mainly due to the low number of affordable units and mixed tenure. The applicant has submitted the responses of the RPs to substantiate their claim. There has been interest for the units from a provider but only if all three are shared ownership. This site was brought forward based on the Housing Needs Survey which was completed in April 2018. It should be remembered that these surveys are a snapshot in time and people's circumstances can change. The survey identified a need for 3 affordable homes, 2 for affordable rent and 1 for shared ownership. Devon Communities Together, who completed the survey, have looked at the responses from those identified as in housing need to check their responses. Both responders who qualified for affordable rent actually wanted shared ownership

however it was assessed that their income was either too low or that they didn't have a sufficient deposit at that time.

In the grouped parishes, Payhembury had a survey in 2019 and no need was identified, Broadhembury have recently had a survey and 4 rented units are required which the recently formed CLT are hoping to meet and Plymtree has not had a survey.

This site will only come forward for development if an RP for the affordable units is secured. The one interested RP will only do the scheme if the units are shared ownership. Therefore if this scheme is to come forward for development then flexibility on the tenure of the affordable units is required to enable them to all be for shared ownership.

In certain designated rural areas there is a restriction on shared ownership units preventing owners from being able to purchase 100%, instead it is capped at 80%. This was designed to protect the supply of shared ownership and came in at a time when there were very few shared ownership units. However this restriction has affected the availability of mortgages with many lenders either not willing to lend or requesting high deposits and uncompetitive interest rates. This is making these affordable units unaffordable. As a result RPs will not buy shared ownership units with this restriction.

Other Representations

No comments received in respect of the amended application.

PLANNING HISTORY

Reference	Description	Decision	Date
14/1157/MFUL	Construction of 15 no. dwellings (comprising mixed open market and affordable) and associated access and landscaping works	Withdrawn	01.04.2015
15/1067/MFUL	Construction of 15no dwellings (comprising 10no affordable and 5no open market units) and associated access and landscaping works.	Refusal	17.07.2015
16/3042/MFUL	Construction of 12no dwellings (comprising a mix of affordable and market dwellings) together with associated landscaping and access.	Withdrawn	28.06.2018

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 35 (Exception Mixed market and Affordable Housing at Villages, Small Towns and Outside Built-up Area Boundaries)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

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

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Supplementary Planning Documents

Affordable Housing SPD, adopted November 2020

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

ANALYSIS

This application was considered by the then Development Management Committee on 19 July 2019 (original report attached) when it was resolved to grant planning permission subject to a legal agreement securing the provision of three affordable dwellings and a commuted sum of £17,374.80 to make the on-site provision of 60% affordable housing up to the policy requirement of 66%.

The recommendation to approve was based on the proposal providing three affordable dwellings with a tenure split of one shared ownership property and two properties for affordable rent to match the need identified in the housing needs survey that was carried out in 2018.

In the 18 months since the resolution to approve, the applicant has approached 8 Registered Providers (RPs) but has been unable to find one that is willing to take on a small development and provide houses for rent. All of the offers from RPs have been on the strict condition that all three affordable dwellings would be made available as shared ownership properties and at least one has said that they will not take on a site with less than 10 affordable dwellings. Consequently the legal agreement has not been completed and the planning permission has not been issued.

In spite of the broad lack of interest from a number of RPs, one provider has come forward that is willing to deliver three shared ownership houses. This would mean that the development would only meet the evidenced housing need of one local household while providing two open market houses and two further affordable houses which would not meet the identified need.

Because the developer is unable to bring forward a scheme which would meet the need identified in the housing needs survey, the proposal is now in conflict with Strategy 35 of the Local Plan which deals with affordable housing exception sites. This policy offers one of the limited exceptions to the presumption against residential development in the countryside and only supports development if it matches the identified local need. Failure to comply with Strategy 35 means that the Local Plan no longer supports the principle of the development, even though the proposal complies in all other respects.

In response to the change in tenure the Housing Enabling Officer has advised that it is increasingly difficult to secure registered providers for small rural sites such as this, as demonstrated by the applicant's experience. Devon Communities Together have also reviewed the responses to the housing needs survey and advised that both responders who qualified for affordable rent actually wanted shared ownership but it was assessed that their income was either too low or that they didn't have a sufficient deposit at that time. In the nearly three years since the housing needs survey was undertaken it is quite possible that the needs or circumstances of those households may have changed, although there is no evidence to demonstrate this, and that other households in need of affordable housing may have emerged, or there may no longer be a need.

Notwithstanding the potential for the need to have changed over time, for the purposes of Strategy 35 the Affordable Housing SPD indicates that the current housing needs survey should be considered up to date. Paragraph 6.4 of the SPD explains:

"Housing need surveys represent a snapshot in time, and will become out of date as housing circumstances change. Therefore, an "up to date" housing needs survey is one that has been completed within the last five years; unless there has been significant development of affordable housing subject to a local connection within this period, in which case an update of the survey is likely to be necessary."

In summary the proposal would:

- Provide a tenure of affordable housing which does not meet the local identified need

- Does not propose a development in accordance with Local Plan policy
- Extend the built form of the village
- Develop agricultural land
- Affect the setting of the Blackdown Hills AONB
- Create car-dependent households
- If approved, result in the need for another site in the countryside, and more open market dwellings required to subsidise it, in order to meet the identified need

However, the following points weigh in favour of the scheme:

- Two surveys since 2012 have shown a general need for affordable housing in the village
- A housing provider is willing to take on the houses on a shared ownership basis in spite of the small number
- This site is available, suitable and deliverable
- This development would partially meet the evidenced need
- Without this development the need would be unmet
- There is no evidence that any other site will bring forward affordable housing within the next 5 years

These factors need to be considered in the context of the relevant policies in the Local Plan and the NPPF. The latter advises that “where a planning application conflicts with an up-to-date development plan, permission should not usually be granted”, unless material considerations indicate otherwise.

Strategy 35, in particular, is considered to be up-to-date and in line with paragraph 77 of the NPPF which says that “Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs.” In view of this, there would need to be other material considerations weighing in favour of the scheme to justify taking a decision which is not in accordance with the development plan. And an acknowledgment that approval of permission does not meet the identified need and as such further sites in the countryside would need to come forward to meet those needs.

In all other regards the proposal remains acceptable with the assessments of impacts unchanged from the attached original report in terms of design, visual impact, highway safety etc.

Summary and Conclusion

The planning system seeks to ensure that housing of the right kind is delivered in the right places at the right time. This is given a local dimension in Appendix 2 of the Council Statement of Intent which says:

“We believe that as the planning authority we have a crucial role to play in delivering better quality homes, ensuring the right homes in the right places and enforcing high build standards.”

The Local Plan sets out in policy terms what this means, balancing protection of the outstanding environment against the housing needs of the local population. The policy tests play an important role in ensuring that these objectives are met. Failure to comply with Strategy 35 is not just a technical objection, it undermines the basis of the housing delivery strategy encompassed in the Local Plan. In this case there is insufficient evidence that the scheme would deliver the right kind of houses in the right place. However, for those who have responded to the last two housing needs surveys, there is no doubt that this is the right time.

The determination of this application comes down to whether the provision of affordable housing to meet the evidenced need of one household justifies the provision of four additional houses in the countryside. Although this proposal offers the only realistic prospect of any affordable housing need being met in the village, there is an imbalance between what is needed, based on the available evidence, and what is being proposed. The provision of one shared ownership dwelling on its own would satisfy Strategy 35 but provision of three shared ownership dwellings and two open market dwellings would not.

Ultimately, approval of this application would ensure that some of the identified need would be met but on balance this is insufficient to outweigh the conflict with Strategy 35 and therefore the proposal is now recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposal would not deliver the type of affordable housing required to meet the local need identified in the latest Housing Needs Survey and therefore it would result in unjustified loss of agricultural land, intrusion into the countryside and reliance on travel by car, contrary to Strategies 7 - Development in the Countryside and 35 - Exception Mixed Market and Affordable Housing At Villages, Small Towns and Outside Built-up Area Boundaries and Policy TC2 - Accessibility of New Development of the East Devon Local Plan 2013-2031.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

A5 Unit 1 - 2	Proposed Floor Plans	17.01.19
A7 Unit 3 - 4 - 5	Proposed Floor Plans	17.01.19

PW02 Prelim Junction Layout & Visibility	Other Plans	17.01.19
T2	Location Plan	29.04.19
S1	Existing Site Plan	29.04.19
A6 Units 1, 2	Proposed Elevation	29.04.19
A8 Units 3,4,5	Proposed Elevation	29.04.19

List of Background Papers

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

ORIGINAL REPORT

		Committee Date: 9 th July 2019
Dunkeswell And Otterhead (Awliscombe)	19/0101/FUL	Target Date: 14.03.2019
Applicant:	Cutler	
Location:	Greenways Awliscombe	
Proposal:	Construction of 5 no dwellings (comprising a mix of affordable and market dwellings)	

RECOMMENDATION: Approval with conditions subject to a legal agreement securing the provision of three affordable dwellings and a commuted sum of £17,374.80.

EXECUTIVE SUMMARY

This application is before Members because it is a departure from the development plan.

The proposal seeks permission for an exception site development of five dwellings, three of which would be affordable to meet a need identified in a recent housing needs survey. They would be located on a field adjoining the edge of the village which is outside but adjacent to the Blackdown Hills AONB.

Strategy 35 of the Local Plan requires exception site development to provide 66% affordable housing on site whereas this scheme would only deliver 60% and is therefore a departure from the Plan. To make up the shortfall the applicant is offering a financial contribution of £17,374.80, which is equivalent to 6% or 0.3 of a dwelling. However, the Strategy does not allow such an approach and therefore the proposal remains a departure. In other respects the proposal satisfies the requirements of Strategy 35.

Three previous applications for larger scale development incorporating additional land, including land within the AONB, have been withdrawn or refused within the last five years. This reduced scheme would be outside the AONB, well related to the village and contained within existing field boundaries. The landscape impacts in this case are limited and considered acceptable.

To accommodate the additional traffic using the junction of Greenway Lane and the A373 the scheme includes highway works which have been developed in consultation with the Highway Authority. There has been local opposition to this

element of the scheme since it was first introduced in a 2014 application. Concerns are centred on whether narrowing the carriageway would adversely affect highway safety and whether vehicles emerging from Mill Lane onto the A373 would be at greater risk of an accident. However, these concerns are not shared by the Highway Authority and therefore are not considered to be grounds for refusal.

In conclusion the affordable housing offer, although not strictly policy compliant, is a significant factor in favour of the scheme. In the absence of any landscape or other concerns, the proposal is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

25/02/2019 - This application is far more acceptable than all the previous applications for developing this site. Mainly because of its much reduced size. The Parish Council are prepared to support this application, mainly because it is supported by the recent housing needs survey we have carried out.

However we still have several reservations concerning this application.

The access from Greenway lane onto the A373 has always been one of our main concerns. Any additional properties on Greenway lane will only exacerbate problems at the junction. Highways feel that repositioning the road markings will improve the situation and are not objecting to the application. We would like to point out that moving the dotted stop line towards the middle of the road will in turn force the traffic against the houses on the other side. The residents have asked that you take this concern into consideration.

Regardless, there should be no future development on this site. Five dwellings is more than enough.

The inclusion of a drainage tank in the area behind the properties should be reconsidered. A pond would be more preferable. It would benefit the natural environment and increase biodiversity.

It seems a pity not to increase two of the affordable units from one bedroom to two. Further it must be a condition that the affordable units are made available ONLY to eligible villagers as a priority.

Further comments 15/04/2019:

Although we have responded positively to this application previously, we have concerns about the proposed alterations to the junction where Greenway lane meets the A373.

It has been brought to our attention that Devon County Highways are considering moving the hatched stop line 1.5 metres out into the main road.

Having observed the passing traffic it is clear that the vehicles tend to gravitate towards the middle of the road when travelling from the Cullompton direction. This means that oncoming vehicles coming from the Honiton direction are forced against the houses opposite the junction. This also makes exiting from Mill lane extremely dangerous. Moving the white line is only going exacerbate an already difficult situation.

We have requested that Philip Morgan from Highways investigate the case. It appears that not only has a MSSA not taken place, but that the Building Control Manager may have been considering a completely different site.

Technical Consultations

Housing Strategy Officer Melissa Wall

08/02/2019 - Awliscombe is not identified in Strategy 27 and therefore does not have a built up area boundary. The site is located adjoining the built form of the village and there are a range of services provided within Awliscombe.

This application is being brought forward under Strategy 35 'exception mixed market and affordable housing and is proposing to provide 3 (60%) affordable units together with 2 open market units. Strategy 35 states that at least 66% should be affordable housing therefore to make this application policy compliant a commuted sum will be required. This will amount to £17,375.

The applicant did not submit the most recent housing needs survey with their application but their proposal does meet the most recent identified need. A housing needs survey was undertaken in April 2018 which identified a need for 3 affordable units. The need was for 2 x 1 bedroom homes and 1 x 2 bedroom home. Two of those in need required rented accommodation and 1 may be able to afford a shared ownership property.

The proposal is to provide 2 x 1 bedroom single storey units and 1 x 2 bedroom two storey house located in a terrace. This will meet the need identified in the survey. The unit sizes are good and there is plenty of parking.

The heads of terms states that the affordable units will be for rent however it then states that the tenures for each unit are identified on the plans. Confirmation is sought on the proposed tenures.

Once completed the affordable homes should be transferred to and managed by a preferred Registered Provider. To ensure that the affordable units can be delivered a registered provider should be sought at an early stage.

All the affordable homes should be tenure blind. The affordable units are not dispersed or pepper-potted throughout the development however with small sites it is not always possible. There are also management benefits to having all the affordable units in one terrace.

Applicants for the completed affordable units should come through Devon Home Choice for the rented accommodation and Help to Buy South West for the shared

ownership. A local connection criteria will be applied with preference going to those with a local connection to Awliscombe, then cascading to immediately adjoining parishes and finally the district. The site is located in a Designated Protected Area (DPA) and therefore staircasing should be restricted to 80% on the shared ownership units.

Further comments 17/05/2019:

Following previous comments concerning the proposed tenure of the affordable units, the applicant has now confirmed that 2 of the units will be for shared ownership (units 3 & 5) and one will be for rent (unit 4). The housing needs survey identified a need for 2 x rented units with only 1 respondent potentially being able to afford a shared ownership property.

The tenures proposed by the applicant do not reflect the need identified in the survey. Ideally at least 2 of the units should be for rented accommodation. Given the small number of affordable units proposed and the designated protected area status which restricts staircasing to 80%, it may be more appealing to a registered provider if all the units were for affordable rent. Affordability of shared ownership units in rural locations where house prices tend to be high is also a concern. We would recommend approaching registered providers early on to ensure that these units can be delivered.

Environmental Health

I have assessed the application and in line with comments on previous applications, I would suggest the following planning condition:

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

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

EDDC Landscape Architect - Chris Hariades

13/02/2019 -

5 CONCLUSIONS & RECOMENDATIONS

5.1 Recommendation

On the basis of the details submitted the scheme could be considered acceptable in terms of landscape design/ impact subject to the above points being satisfactorily addressed.

In the event that amended information as noted above is secured and approval is recommended, the following conditions should be imposed:

5.2 Landscape conditions

1) No development work shall commence on site until the following information has been submitted and approved:

- a) A full set of hard landscape details covering earthworks, walls, retaining structures, fencing, pavings and edgings, site furniture and signage.
- b) Details of existing and proposed levels and drainage scheme incorporating appropriate SuDS features.
- c) Details of locations, heights and specifications of proposed external lighting.
- d) Samples of the following proposed hard landscape materials shall be submitted for approval prior to commencement of site works:
 - Stone samples for use in external masonry walls.
 - Gravel aggregate to be used in wearing course for site roadways.
- e) A full set of soft landscape details including planting plans showing locations and number of new tree, shrub and herbaceous planting, type and extent of new grass areas, existing vegetation to be retained and removed and means of protection.
- f) Plant schedule indicating form size and density of planting
- g) Specification for soil quality, cultivation, planting/ sowing, mulching and means of plant support and protection during establishment period.
- h) Measures for protection of ground and existing perimeter trees during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.

2) In addition, the following standard EDDC landscape conditions should apply:

L01N, Landscaping - full permissions

L02N Landscaping - groundworks

L06N Landscaping - fences and boundaries

L11N Landscaping – landscape management which should include the following details:

- *Extent, ownership and responsibilities for management and maintenance.*
- *Details of how the management and maintenance of open space will be funded for the life of the development.*
- *Inspection and management arrangements for existing and proposed trees and hedgerows.*
- *Management and maintenance of grass areas.*
- *Management and enhancement of biodiversity value.*
- *Management and maintenance of any boundary structures, drainage swales and other infrastructure/ facilities within public areas.*

L15N Landscape condition for full planning permissions (omitting non relevant parts/sections)

04/06/2019 - This note has been prepared in response to changes in supporting information recently submitted for the above application and should be read in conjunction with the previous EDDC Landscape Response dated 19.2.2019.

Comments on amended proposals

The change in the proposed rear garden boundary to units 3-5 from close boarded timber to 1.4m high masonry as shown on the amended site layout plan is noted although this has not been picked up in the latest visualisations.

Amendments to the proposed site access road are an improvement but should provide for planting to the south side of the proposed parking area to screen parked cars in views from Greenway Lane.

If a cattle grid is to be provided at the site entrance, an adjacent pedestrian gate will be required. This should be accommodated within a maximum overall 4.5m road width by creation of a pinch point or recessing the gate into the boundary bank to unit 2.

An indicative location and size are provided for a surface water detention basin within the public open space which is preferable to the buried attenuation crates previously proposed. The basin design will need to be refined at detail design stage to provide appropriate amenity and bio-diversity value in accordance with the SuDS Manual, CIRIA, 2015. The design of the basin and inlets and outlets should be carefully considered to avoid excessive engineering structures.

Should the proposed scheme be recommended for approval then this should include the conditions set out in the EDDC Landscape Response dated 13.2.2019.

County Highway Authority

23/01/2019 - Still not able to view any plans on EDDC's website; however we would still wish to see the improvements to the Greenway Lane/main road junction along with a Stage 1 RSA which was outlined in and agreed in the previous application 15/1067/MFUL (refused).

Even though this application is for only 5 dwellings and 15/1067/MFUL was for 15 dwellings, the relatively low cost improvements to the junction in the form of reducing the lane widths on the main road and bringing the stop line forward at the junction will greatly improve visibility in both directions. The recommendation from the previous S1 RSA to provide a white line next to the low wall on the main road would bring improvements in road safety.

12/02/2019 - Observations:

The Road sits on the class Lane W1513 with a national speed limit of 60mph. The proposed layout includes dedicated off-carriageway parking, a mixture of shared space and footways. 4.8m and 6m wide Roads, which conforms to our current guidance the Manual For Streets. Each dwelling is to have two dedicated parking spaces. Manoeuvring room is also allowed in order for vehicles to turn and re-enter the carriageway in a forward gear motion.

Similar applications have come forward on this site previously, out of this process a safety audit has established that it is necessary for the junction with A373 to be re-aligned in order to produce a suitable visibility, appropriate for the increased use this development site is likely to produce. It important these works are carried out before dwellings are occupied as the current Junction is sub-standard, this will require liaison with the Local Highway Authority and likely uptake of a section 278 agreement.

Overall however the County Highway Authority has no objection to this application.

Recommendation:

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

1. No development shall take place until the junction with Greenway Lane and the A373 visibility splays have been constructed, laid out and maintained for that purpose, where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.600 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in both directions.

Blackdown Hills AONB Project Partnership

Thank you for requesting comments from the Blackdown Hills AONB Partnership on the above application and subsequent amendments. Noting the amendments to be in response to officer comments, I can confirm that we do not wish to comment on this occasion.

EDDC Trees

27/02/2019 - I have no objection on arboricultural grounds for this development, the only observation is the detailing of the future tree planting within the development, and the selected species should be more fastigiated as there isn't a lot of space for them to develop alongside the dwellings

Further comments 11/06/2019:

I have no objection in principle to the development, I have one concern is the installation of the surface water drainage from the water retention basin and the existing stream as it appears to go through the RPA of retained trees, which with apologies was missed on the first consultation and has not been mentioned in the arboricultural survey

Other Representations

9 comments have been received raising the following concerns:

- An up-to-date road safety audit is required
- Moving the white lines closer to the cottages facing Greenway Lane would lead to damage to those properties and endanger users of Mill Lane
- The cattle grid will need a pedestrian gate alongside
- Drainage is needed to prevent runoff into A373
- Discharge to the watercourse could lead to flooding downstream
- Local sewerage system needs upgrading before more houses are built
- The site is not within the building boundary and development would set a precedent
- Design is not in keeping

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 35 (Exception Mixed market and Affordable Housing at Villages, Small Towns and Outside Built-up Area Boundaries)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

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

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Site Location and Description

The site is about a third of a hectare and forms part of a field located on the north western side of Greenway Lane on the edge of Awliscombe. The site occupies a hillside that rises gently from south west to north east and lies just outside of the designated Blackdown Hills Area of Outstanding Natural Beauty (AONB). The established hedge that separates the site from the adjacent field forms the AONB boundary at this point.

Greenway Lane extends out of the village to the north east from its junction with the A373 which is positioned between the village hall and its car park. The Honiton Inn public house is located adjacent to the car park. Opposite but slightly offset from Greenway Lane is lane leading to Lower Mill which forms a staggered junction.

Proposed Development

The application is for a mixed affordable and open market housing scheme of 5 units together with the provision of a retention basin as part of a drainage scheme. It would comprise 3 affordable units and 2 open market dwellings. The tenure of the affordable housing units is proposed to be flexible but the drawing indicates two shared ownership and one affordable rent property.

The submitted layout shows the two open market dwellings at the front of the site with the affordable dwellings at the rear separated by a road. The open market dwellings would be two storey 4-bed detached houses with a frontage onto the internal site road and parking for two cars each. The affordable dwellings would be arranged in a terrace facing away from the road and would be accessed via a path leading off a communal parking area. The middle unit would be two storeys and have two bedrooms and the end units would be single storey and have one bedroom each.

Each of the proposed dwellings would be of gabled form with pitched roofs. The two detached units would feature subservient two storey gabled side projections and a projecting brick surround of two storey height containing a ground and first floor window. The terraced dwellings would have a double pitched roof with the raised central section having a perpendicular ridge. All units are designed with the addition of enclosed recycling and bicycle storage facilities.

Externally, it is proposed that the open market dwellings would have brick lower walls with render above and an artificial slate roof. The affordable dwellings would be finished in brick and an artificial slate roof except for the raised central section which would be clad with timber boarding.

The existing access to Greenways would be adapted to serve the development, requiring little change other than improvement of visibility to the north east. A cattle grid would be situated at the entrance to the site.

Planning history and background

Applications for the development of this site date back to 1992 but the recent history is of one refusal and two withdrawn applications. To date no applications have been approved.

In 2014 an application for 15 dwellings, 7 of which were to be affordable, was submitted. This was before the adoption of the EDLP and at a time when the Council could not demonstrate a 5-year housing land supply. Although the application was withdrawn before a decision could be made, a committee report had been published and concerns centred around lack of accessibility to services and also landscape harm, having regard to the location of the site in and adjacent to the AONB.

In 2015 another application for 15 dwellings was submitted, with ten of the houses being affordable on this occasion. By the time of the decision in July 2015 the EDLP had still not been adopted and there was still no 5-year housing land supply but the increased affordable housing offer was not enough to overcome the concerns previously identified.

A third application was made in 2016, this time for 12 houses, of which 8 were to be affordable. By this time, the EDLP had been adopted and the Council was able to demonstrate a 5-year housing land supply. However, although adopted Strategy 35 allowed for 'exception site' development, the housing needs survey upon which the application was based was six years old and considered to be out of date. To satisfy the requirement of Strategy 35 to have an 'up to date robust housing needs survey', there followed a long hiatus while new survey was carried out. The outcome of this survey was a need for only three affordable dwellings and consequently the application was withdrawn.

The current application is for a much reduced scheme which does not now extend into the AONB and seeks to provide only what is evidenced by the latest housing needs survey.

ANALYSIS

Introduction

Planning permission is sought for a development of five houses on a site on the edge of Awliscombe, a village which does not have a Built-up Area Boundary. Three of the houses, or 60%, would be affordable. Because the site is not within a Built-up Area Boundary and the scheme does not provide 66% affordable housing, as required by Strategy 35 of the East Devon Local Plan 2013-2031 (EDLP), it is considered to be a departure from the development plan.

Main issues

The main issues in the determination of this application are:

- Whether the proposal satisfies the requirements of Strategy 35
- The landscape impact, having regard to the setting of the AONB
- Design and impact on the character and appearance of the area
- Highway safety

Strategy 35 of the EDLP

Ordinarily, residential development is not permitted outside Built-up Area Boundaries but the EDLP makes a number of exceptions, including to allow for the delivery of affordable housing on exception sites where there is a genuine need. Strategy 35 sets out the parameters for such development.

First, the development should be for up to or around 15 dwellings. As five dwellings are proposed in this application, the first requirement is satisfied.

Second, there must be a proven local need for affordable housing, demonstrated through an up-to-date robust housing needs survey. As indicated above, a survey was carried out in April 2018 and the results were used to set the amount of development proposed in this application. The survey identified a need for 3 affordable units in the next five years, comprising 2 x 1 bedroom homes and 1 x 2 bedroom home. Two of those in need required rented accommodation and one may be able to afford a shared

ownership property. The scheme indicated in the drawings is for one rented property and two shared ownership properties but the applicant has since confirmed in writing that they are happy to offer the properties to accord with the survey. Following this statement, the scheme has the support of the Housing Enabling Officer. The second requirement of the Strategy is therefore satisfied.

Third, affordable housing must account for at least 66% of the houses built. To satisfy this requirement, four out of the five houses (80%) would need to be affordable but this would lead an over-provision of affordable housing compared to the identified need and would not comply with the Strategy. To achieve strict compliance would mean reducing the total number of dwellings to four such that the three affordable dwellings amounted to 75% of the development. As it stands, only three out of five dwellings (60%) would be affordable and therefore the proposal does not satisfy the third requirement of the Strategy.

To address the shortfall in on-site provision of affordable housing the applicant has offered a financial contribution which is equivalent to 6% (or 0.3 of dwelling) and amounts to £17,374.80. While this approach is not advocated in the Strategy, it is a proportionate response compared to a strictly compliant scheme which would have to reduce the total number of dwellings to four in this case. The acceptability of this offer is addressed in the overall balance below, recognising that there are benefits associated with the proposal in spite of the conflict with the Strategy.

Fourth, as Awliscombe does not have a Built-up Area Boundary, the scheme should be physically very well related to the built form of the village. This requirement is considered to be satisfied owing to the fact that the site is directly adjacent to the houses which extend up Greenway Lane and is close to the central amenities.

Fifth, evidence is needed that the affordable housing need would not otherwise be met. While no evidence has been submitted, there are no permitted schemes in Awliscombe that would deliver any affordable housing, nor any prospect of a community led scheme coming forward under Strategy 27. Although there is a current application for 15 dwellings on land west of Hillcrest in Awliscombe, it would not deliver 66% affordable housing, is in a less favoured location in relation to local amenities and raises landscape concerns (as evidenced by a previous refusal on the site in 2015).

Sixth, the village must have a population that falls below 3000 persons, the scheme must be well designed using local materials, close to a range of community services and facilities (including four or more of a school, pub, village hall, shop/post office, doctors surgery, place of worship or public transport service) and sympathetic to the character of the settlement and have a satisfactory highway access. The last two points, as well as the design of the scheme, are addressed in more detail below where it is concluded that the requirements are met. In terms of population, the electoral roll is under 500 persons so this requirement is met. Finally, the development would be close to the school, pub, village hall, church and the (very limited) public transport service (the village was considered to be unsustainable in transport terms in the Small Towns and Villages Development Suitability Assessment 2014 which informed the EDLP). All requirements are therefore met.

To conclude, the scheme satisfies all of the requirements of Strategy 35 except the key requirement to deliver 66% affordable housing on the site. The shortfall in on-site provision is addressed in the overall balance below.

Landscape impact

Previous schemes have been for larger scale development, parts of which extended into the AONB. Amongst other concerns, the earlier schemes were all considered to harm the landscape of the AONB and its setting. The current scheme is much reduced in scale and contained within a single field which lies outside the AONB.

The site occupies an elevated and open position within the landscape to the north east of Greenways and the broader concentration of built development that forms the village. There are close range views of the site from Greenway Lane immediately adjacent to the site as well as medium distance views from its junction with the A373 to the south west.

In addition, and more significantly, there are longer distance views of the site, as well as wider ranging views of the village and its landscape setting, available from public footpath no. 1 that ascends the hillside of Bushy Knap to south and west.

The site occupies elevated and sloping land that rises to the north east towards St. Cyres' Hill. The landscape character of the adjacent AONB and its immediate setting is open and generally pastoral with fields interspersed by a network of mature hedgerows. The development would extend the built form of existing development and represent a physical and visual incursion into green fields which are clearly distinguishable as part of the attractive surrounding countryside that encircles the village. However, there would be no incursion into the AONB and the development would be well related to the built-form of the village and contained by an established hedgerow boundary. In distant views this visual incursion would be minor relative to the more prominent built-form of the village. While there would be encroachment into the green space between the village and the AONB, this in itself would not result in harm to the setting of the AONB given how well-related the development would be to the village.

At close range in Greenway Lane there would clearly be an impact on the character of the area owing to the extension of development into the countryside. However, the change to the roadside boundary would be limited given that no new access through the roadside hedgerow would be required. Furthermore, the density of development and landscaping of the site would mean that the scheme would appear compatible with other development in Greenway Lane.

In conclusion, the significant reduction in scale and the containment of the development within established field boundaries outside the AONB is considered to overcome previous concerns about harm to the landscape.

Design

The design is deliberately contemporary in appearance but still reflects more traditional building forms and scale. Greenway Lane is characterised by a mix of

materials including brick, render and tile and in the wider area local stone is used as well as slate. The two detached dwellings at the front of the site would be prominent in views from the road but the use of render, brick and slate would be sympathetic to the local area. Although the drawings appear to indicate a pale coloured brick, a materials condition could be imposed to secure the use of a brick which is more similar to the red bricks used locally.

The terrace of dwellings at the rear of the site would include timber boarding of the raised central section which is intended to reference barns and agricultural sheds. Again, details of the finish are required and could be secured by condition but there is no objection in principle to the materials proposed for the terrace.

The layout of the frontage development reflects the pattern of development in Greenway Lane but avoids breaking through the hedgerow to create individual accesses. While this means that they present their rear elevations to the lane, this would cause no significant harm to the streetscene bearing in mind that the site transitions between the built-form of the village and the countryside.

Negotiations have led to some layout changes, including a narrowing of the access to better reflect the rural location and small scale of the development. However, some minor changes are still required, including the addition of landscaping to screen the car park and close off the view into the site from Greenway Lane. Further detail of the layout around the site entrance is also required. A suitable landscaping condition can be used to secure these details.

Subject to consideration of materials and landscaping, the design of the scheme is considered appropriate for the site.

Highway safety

This application carries over proposed highway improvements which were negotiated in the previous scheme. Following extensive negotiations with the County Highway Authority (CHA), including the provision of both a safety audit and the results of a speed survey, amended junction layout details at the junction of Greenway Lane and the A373 were agreed. These envisage the movement of the existing lines at the junction further out into the carriageway of the A373 to enable improved visibility in the south easterly direction for, and of, vehicles approaching it. Carriageway widths on the A373 of 3.3 metres would be maintained. A 1.5 metre width footway would also be laid out alongside the A373 from the Greenway Lane junction in a north westerly direction alongside the existing village hall car park to connect with an existing footway that extends past the public house towards Chinston Close and the primary school beyond.

Although these arrangements have also prompted a number of objections centred upon concerns at the dangers arising from the decrease in the operational width of the road carriageway of the A373 and the new junction layout forcing traffic towards Mill Lane, crucially no objection is raised by the CHA. Furthermore, the CHA do not consider there is a need for a new road safety audit. While local concerns are acknowledged, in the absence of an objection from the CHA, they cannot reasonably form the basis for a ground upon which to resist the proposal.

There are no other highway, access or parking-related concerns raised to the application by the Highway Authority subject to the imposition of appropriate conditions and the applicants entering into a Highway Agreement in respect of the works to the public highway.

Other matters

A surface water drainage scheme was initially submitted showing underground attenuation tanks discharging to a watercourse to the north west of the site. Following negotiation, the underground tanks have now been replaced with a retention basin with approximately 80 cubic metres of storage capacity. This would discharge via an open swale to the same watercourse at greenfield runoff rates. Foul sewage would discharge to the existing combined sewer in Greenway Lane.

The swale would be routed through an area of trees and no details have been provided to demonstrate that there would be no damage to tree roots. However, the levels are such that a no-dig construction is likely to be feasible and this could reasonably be secured by condition.

An ecological walkover survey has been undertaken which updates the findings of the last ecology survey. While there would be no loss of habitats for which mitigation would be required, a number of ecological enhancements are recommended. These can be secured by condition.

The dwellings would not intrude on the privacy or outlook from any nearby property and would provide a good level of amenity for the occupants of the new dwellings.

Local concern regarding the capacity of the local sewerage system is not supported by any comment or objection from South West Water.

CONCLUSION

The scheme is informed by an up-to-date housing needs survey and the applicant has confirmed that he is willing to deliver the housing required to meet the identified need.

However, to be strictly compliant with Strategy 35 the development should only deliver one open market house rather than two, which would result in 75% affordable housing provision in excess of the 66% policy requirement. The proposal currently proposing 60%.

In these circumstances it is not considered that the offer of a financial contribution in lieu of the extra 6% required to make the scheme compliant with Strategy 35 of the Local Plan represents an unreasonable approach. In contrast, it is considered that it would be unreasonable to insist upon either the provision of a fourth affordable unit (a rate of 80% provision, which would exceed the identified housing need of only three units) or a reduction in the total number of dwellings proposed from five to four (leading to 75% affordable housing provision).

Being mindful of the extremely limited nature of the shortfall in on-site provision in this case, together with and the social/community benefits to be gained from permitting a

scheme that meets the identified affordable housing need, it is not considered that the failure to provide the minimum 66% affordable housing on site required by Strategy 35 should itself be regarded as weighing strongly against the scheme.

Having regard to the reduced landscape impact compared to earlier schemes, and subject to certain conditions, in the overall planning balance the benefits of the scheme outweigh the on-site shortfall and justify departing from the development plan.

RECOMMENDATION

APPROVE subject to a legal agreement securing the provision of three affordable dwellings, a commuted sum of £17,374.80 and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development above foundation level shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:
 - a) A full set of hard landscape details covering earthworks, walls (including materials), retaining structures, fencing, pavings and edgings, site furniture and signage, to include provision for a pedestrian gate adjacent to the cattle grid; and
 - b) Details of locations, heights and specifications of proposed external lighting.Development shall be carried out in accordance with the approved details.
(Reason - To preserve and enhance the character and appearance of the area in accordance with Policy D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)
4. Notwithstanding the approved site plan, no development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed, to include an area of landscaping on the south east side of the visitor parking spaces. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

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

5. No development shall take place until details of proposed groundworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the following:
 - Plans showing the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform.
 - Sections showing the proposed grading and mounding of land areas including the levels to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Each section shall include the existing site levels as a red dashed line.Development shall be carried out in accordance with the approved details prior to the occupation of the development.

(Reason - To preserve and enhance the character and appearance of the area in accordance with Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031. These details are required prior to the beginning of construction as groundworks will take place at the start.)
6. Before any development commences, details of existing ground levels and final finished floor levels in relation to a fixed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - A pre-commencement condition is required to ensure that adequate details of levels are available and considered at an early stage in the interest of the character and appearance of the locality in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
7. Before development above foundation level is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the approved development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
8. Full details of the construction of the swale connecting the retention basin to the watercourse shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that part of the development. No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction in accordance with

Policy D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

9. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority based on the principles outlined in the amended Flood Risk Assessment and Drainage Strategy prepared by Clarke Bond (dated April 2019, report no. WE03259/FRA, revision V8) and indicated in drawing number A3 (proposed site plan). Unless it is demonstrated that it is unfeasible to do so, the scheme shall incorporate a detention basin and swale. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.
(Reason: The details are required prior to commencement to ensure that they fit efficiently within the site layout, protect water quality and minimise flood risk in accordance with Policy EN22 - Surface Run-Off Implications of New Development of the Adopted East Devon Local Plan 2013-2031 and the guidance contained with the National Planning Policy Framework.)
10. No part of the development hereby permitted shall be commenced until details of the adoption and maintenance arrangements for the entire site's permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority.
(Reason - The details are required prior to commencement to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage system. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development in accordance with Policy EN22 - Surface Run-Off Implications of New Development of the Adopted East Devon Local Plan 2013-2031 and the guidance contained with the National Planning Policy Framework.)
11. A Construction and Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.
(Reason - To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policy EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)
12. No development shall take place until visibility splays have been constructed and laid out at the junction of Greenway Lane and the A373 where the visibility splays shall provide intervisibility between any points on the X and Y axes at a height of 0.600 metres above the adjacent carriageway level and the distance

back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in both directions. The visibility splays shall thereafter be maintained for that purpose in perpetuity.

(Reason - A pre-commencement condition is required to ensure that the road works are planned and approved in good time in the interests of highway safety for construction and other vehicles in accordance with the requirements of Policy TC7 - Adequacy of Road Network and Site Access of the Adopted East Devon Local Plan 2013-2031.)

13. No dwelling hereby permitted shall be occupied until the access, turning space, garaging and parking for that property shown on the approved plan have been provided in accordance with the approved details. These shall thereafter be retained and kept available for those purposes at all times.

(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with the requirements of Policies TC7 - Adequacy of Road Network and Site Access and TC9 (Parking Provision in New Development) of the Adopted East Devon Local Plan 2013-2031.)

14. Notwithstanding the provisions of Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the roof of units 1 and 2 shall not be enlarged without the prior express consent of the Local Planning Authority.

(Reason - In the interests of the character and appearance of the area and the setting of the AONB in accordance with Strategy 46 - Landscape Conservation and Enhancement and AONBs and Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

15. Notwithstanding the provisions of Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within 2 metres of the boundary of the curtilage of units 1 and 2 with Greenway Lane without the prior express consent of the Local Planning Authority.

(Reason - To retain the character of the landscaped frontage in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

16. Development shall be carried out in accordance with the recommendations listed in the Ecological Walkover Survey letter from Richard Green Ecology Ltd dated 9 November 2018.

(Reason - In the interests of protecting and enhancing wildlife habitats in accordance with Policy EN5 - Wildlife Habitats and Features 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:

A5 Unit 1 - 2	Proposed Floor Plans	17.01.19
A7 Unit 3 - 4 - 5	Proposed Floor Plans	17.01.19
PW02 Prelim Junction Layout & Visibility	Other Plans	17.01.19
T2	Location Plan	29.04.19
S1	Existing Site Plan	29.04.19
A3	Proposed Site Plan	29.04.19
A6 Units 1, 2	Proposed Elevation	29.04.19
A8 Units 3,4,5	Proposed Elevation	29.04.19

List of Background Papers

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

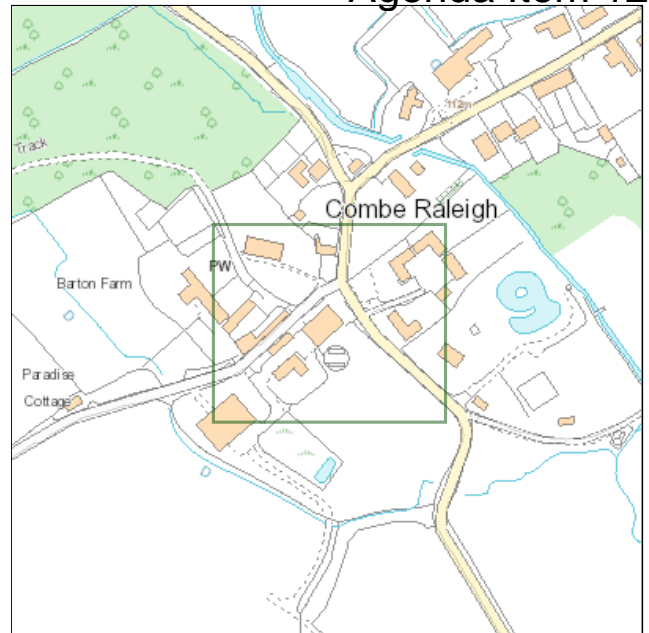
Ward Dunkeswell And Otterhead

Reference 20/2563/FUL

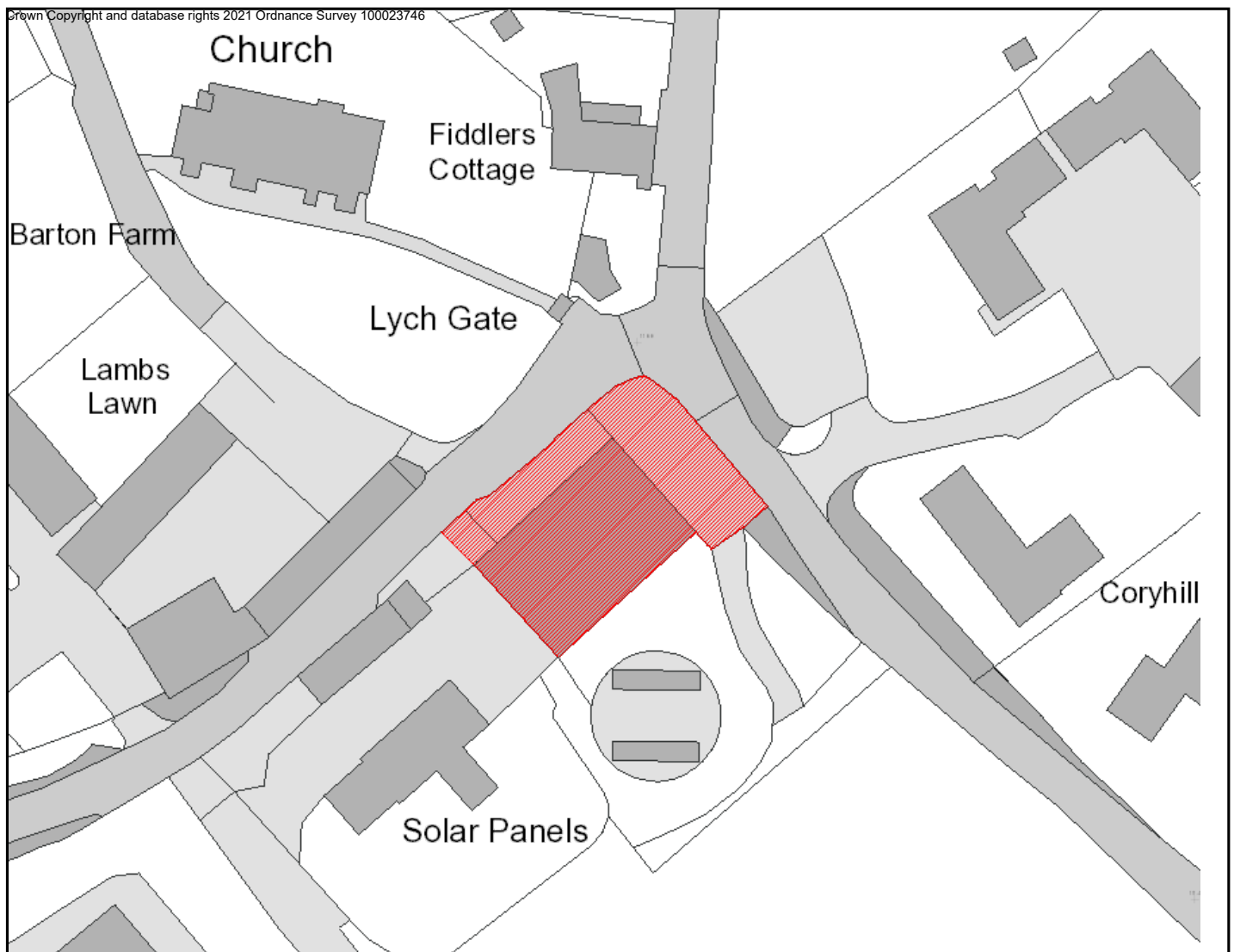
Applicant Mr & Ms Groombridge & Lozinska

Location St Isidore Farm Combe Raleigh Honiton EX14 4TG

Proposal Associated operational development in conjunction with the approval 20/0686/PDR for the change of use of an existing agricultural building to a shop



RECOMMENDATION: Approval with conditions



		Committee Date: 10th March 2021
Dunkeswell And Otterhead (Combe Raleigh)	20/2563/FUL	Target Date: 25.01.2021
Applicant:	Mr & Ms Groombridge & Lozinska	
Location:	St Isidore Farm Combe Raleigh	
Proposal:	Associated operational development in conjunction with the approval 20/0686/PDR for the change of use of an existing agricultural building to a shop	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the Committee because the recommendation is contrary to the views of the Ward Members.

The proposal is for alterations to a farm building to facilitate a previously permitted use as a farm shop. The use was granted prior approval in 2020 under Class R of the GPDO and as such the current application is therefore limited to consideration of the external alterations proposed and is not seeking consent for the retail use already permitted.

The changes would include insertion of a door in the front elevation and doors and windows in the rear elevation. In addition, the metal cladding on the rear elevation would be replaced with timber, and the fibre cement roof would be replaced with corrugated metal.

The building is within the Blackdown Hills AONB and within the setting of a number of listed buildings/structures, including the grade 2 star parish church. The proposal has been amended to include replacement of the metal cladding with timber, which would improve the appearance of the building, and to provide a screen in front of the rear first floor window. In view of the limited extent of the changes proposed and the sensitive use of materials, the development would preserve the setting of the listed buildings and the character of the AONB.

Subject to a number of conditions to secure details of matters such as materials and lighting the proposal is supported.

CONSULTATIONS

Local Consultations

Dunkeswell And Otterhead - Cllr Colin Brown

I object to this application for a farm shop, it will be contrary to East Devon local plan E15 Retail development in rural areas E4. Rural diversification
D8 Re-use of rural buildings outside of settlements.

Dunkeswell And Otterhead - Cllr David Key

I totally object to this application for shop development as I stated in my previous report. The need for a shop in a tiny hamlet is unnecessary as the town of Honiton is within walking distance. The roads to this proposed shop are very narrow with very few passing places and so completely unsustainable.

Further comments:

As previously stated I strongly objected to this application and I am still of the same opinion that after 120 objections from the parishioners the parish meeting and both Ward members this has to go to Committee. I strongly object to your decision.

Parish/Town Council

I strongly object to the barn at St. Isidore Farm obtaining permission for use as a farm shop.

The increase of traffic being one of the greatest concerns.

There are a good number of children living in the village now, plus many people who enjoy walking their dogs in Combe Woods etc

The safety aspect of emergency vehicles such as fire engines, ambulances etc. trying access their destination in the village is a major concern.

Clapper Lane leading to Combe Raleigh is a very difficult road to negotiate already particularly mornings and afternoons due to children being taken and collected from Honiton Primary School.

I would like to impress the fact that Combe Raleigh is a small rural village within walking distance of Honiton with its good selection of shops.

Combe Raleigh does not need the development of a large farm shop.

There is also a great concern that it may develop into something even more intrusive in the future.

Technical Consultations

Historic England

Thank you for your letter of 6 January 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

Conservation

CONSULTATION REPLY TO PLANNING CENTRAL PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: St Isidore Farm, Combe Raleigh

GRADE: Adj II & II* APPLICATION NO: 20/2563/FUL

PROPOSAL: Associated operational development in conjunction with the approval 20/0686/PDR for the change of use of an existing agricultural building to a shop

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

The agricultural barn is located opposite St Nicholas's Church on the corner of the lane where it adjoins St Nicholas Rise, the main route from Honiton to Combe Raleigh. The barn is open sided and partially open fronted with corrugated fibre cement roof and slightly set back from the lane. There are several listed buildings within close proximity to the site:

St Nicholas's Church: listed Grade II*
Lych Gate to Churchyard: listed Grade II
Fiddlers Cottage: listed Grade II
Several headstones: listed Grade II

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

This application relates to the operational development of the approval given under 20/0686/PDR for a change of use of the existing agricultural barn to a farm shop. The heritage issues relate to whether the proposed treatment of the elevations have an impact on the setting of the listed buildings and detailed comments are set out below:

Site plan: the farm shop is contained within the envelope of the existing structure with parking to the front (North West) elevation. It is appreciated that there is already existing space for parking adjacent to the lane, but the use will presumably intensify this, possibly along with parking on the opposite side of the road, currently used in conjunction with visitors to the Church, and to the side of the barn;

Ground floor: no comments;

First floor: no comments;

North West elevation: this elevation faces directly towards the Church within its Churchyard setting and obliquely across to Fiddlers Cottage. This elevation is therefore the most prominent adjacent to the lane and within views towards the listed buildings from the lane. In particular, from St Nicholas Rise with pleasant pastoral views of the lych gate and raised churchyard above the stone boundary wall, the Church beyond and framed by Fiddlers Cottage.

The proposed materials reflect the agricultural style of the building using timber boarding to infill the upper, currently open, part of the barn and corrugated metal roofing sheets. There is some concern relating to the main glazed entrance to the farm shop which is out of keeping with the overall agricultural style. Would timber shutters/doors in front of the glazing help both aesthetically and from a security point of view?

North East elevation: the materials reflect the agricultural style of the building and will have no impact on the listed buildings;

South West elevation: the materials and open nature of the barn reflect the agricultural style of the building and will have no impact on the listed buildings;

South East elevation: no impact on the listed buildings;

Conclusion: the proposed conversion to facilitate the farm shop will be entirely within the constraints of the existing agricultural building. There are no changes to its scale or massing and as such, the proposal will not impact on the surrounding area in this respect. However, there will be some changes to the front (North West) elevation, including probable intensification of parking, which may alter the experience of the setting of the heritage assets at peak times. No mention of signage is made and it is likely that there will need to be some form of name/use or directional signage. However, even with these considerations, it is likely that the impact on the setting of the listed buildings will be less than substantial and will have little visual impact on the wider rural setting.

NB. Please consult Historic England as St Nicholas's Church is Grade II*

PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

SUGGESTED CONDITIONS: materials, preferred traditional wavy edge profile corrugated roofing

Devon County Highway Authority

Observations:

Associated operational development in conjunction with the approval 20/0686/PDR.

In considering an application we must have regard to the National Planning Policy Framework (<https://www.gov.uk/government/publications/national-planning-policy-framework--2>), most notably paragraph 109. This states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This also has to be taken in the context that the Government has put in place potential relaxations on some aspects of planning with the clear intent of reusing buildings in the countryside.

Historically many applications were recommended for refusal because of the inconvenience of increased traffic on rural roads and lanes, but I am afraid such refusals are no longer sustainable. Planning Inspectors are increasingly looking for

hard evidence to justify reasons for refusal. We certainly do not shy away from going to appeal where it is reasonable to do so and we believe we have an evidenced based case. I am afraid that we do not have the evidence to support a sustainable reason for refusal here. Whilst the site may currently be relatively dormant it could generate traffic within its existing planning use.

It is for these reasons that we have raised no objections to this application, and the one that preceded it a few years ago.

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

Campaign To Protect Rural England

Devon CPRE have studied the documentation submitted in respect of the above application and make the following comments.

We understand that Application 20/0686/PDR established that the change of use could take place under permitted development (class R of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)).

The current application seeks planning permission for the physical alterations of the building to enable the change of use.

However, we question why no wildlife survey has been carried out - the current proposal does involve the physical alteration to the roof space. It is therefore imperative that the correct surveys are undertaken.

In terms of impact upon the AONB, hard/soft landscaping details are scarce and to ensure that the development sits well within its context, submission of further details could be conditioned.

Other Representations

18 Objections have been submitted raising the following concerns:

- Lack of need for a shop
- Inadequate highway network
- Insufficient parking
- Impact on the setting of listed buildings
- Impact on the AONB
- Impact on wildlife
- Noise pollution
- Light pollution
- Out of character with the area
- Design lacks local distinctiveness
- Impact of future signage
- Loss of privacy

PLANNING HISTORY

Reference	Description	Decision	Date
20/0686/PDR	Prior approval for proposed change of use of agricultural building to a Shop (A1) Under Class R of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)	Prior approval granted	08.07.2020

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

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

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset)

EN14 (Control of Pollution)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Site Location and Description

The site is located opposite the village church in Combe Raleigh and is occupied by a 1970s barn which is typical of modern farm buildings in scale and materials. It is enclosed on three sides and the open side faces the farmhouse. Between the building and the road there is an area of compacted soil/hardstanding and there is a track on the north east side leading to the land at the rear. It forms part of a holding which was separated from Barton Farm several years ago and has changed hands again since then.

The village is located within the Blackdown Hills AONB and there are listed buildings situated to the north of the application site, namely St Nicholas' Church, which is grade 2 star, and Glebe Cottage and Fiddlers Cottage which are grade 2. In addition to these buildings there are four grade 2 tombs or headstones within the churchyard and the lychgate is also grade 2.

Proposal

This application seeks planning permission for external alterations to a barn which already has planning permission (via prior approval) to be used as a farm shop. This application is not, therefore, an opportunity to revisit the issue of whether or not the retail use is acceptable. The only matters for consideration are those related to the physical alterations to the building.

The changes would include insertion of a door in the front elevation and doors and windows in the rear elevation. In addition, the metal cladding on the rear elevation would be replaced with timber, and the fibre cement roof would be replaced with corrugated metal.

ANALYSIS

The main issues to consider are therefore the impact of the alterations on the landscape and scenic beauty of the Blackdown Hills AONB and on the setting of the various listed buildings and structures to the north.

AONB

The barn is enclosed on three sides and open on the fourth which faces south west. The main public views are therefore of an enclosed barn although there are views of the interior on approach from the south west. The lower half of the barn is enclosed with solid boarding whereas the upper half is clad with Yorkshire boarding on the north west and north east elevations and metal sheeting on the south east elevation. The roof and gables are covered with fibre cement sheeting. The building therefore has a utilitarian appearance which reflects its agricultural origins.

The proposal is to maintain the existing appearance of the building but replace the metal cladding on the south east elevation with timber cladding and to replace the fibre cement roof sheeting with metal roof sheeting. To allow for access and light there would be a limited number of new openings inserted in the north west and south east elevations. In the north west elevation facing the church the change would be limited to the insertion of a glazed door with a sliding timber outer door, the latter being in line with the Conservation Officer's suggestion. In the south east elevation, which faces the field and is visible on approach from Honiton, a large set of folding doors would be inserted at ground floor level and an equally wide row of windows would be inserted at first floor level. To mitigate the visual impact of the first floor windows, which would be the most prominent, it is also now proposed to screen it with hit and miss boarding.

The addition of shutters/screens over the front door and rear first floor window would help to minimise the visual impact of the alterations to building and largely conserve its current appearance. The rear ground floor glazed doors would not have a similar treatment but they would be less prominent in views from the road on approach from Honiton. Overall, the alterations would be compatible with the conservation of the landscape and scenic beauty of the surrounding countryside.

Setting of listed buildings

Commenting on the listed buildings and their setting, the Conservation Officer has drawn attention to the pleasant pastoral views of the lych gate and raised churchyard above the stone boundary wall, with the Church beyond. These are framed by Glebe and Fiddlers Cottages on one side and the unlisted traditional stone barns of The Barton on the other. The significance of the listed buildings and structures is therefore derived not just from their architectural and historic interest but also from their churchyard setting and composition as a group.

The application building also forms part of the setting and is seen alongside some or all of the listed buildings in views from nearly all directions. Owing to its size, elevation and prominent position the barn competes with the listed buildings and is an intrusive and unwelcome feature in their setting and is at odds with the traditional architecture of surrounding buildings.

When it comes to determining applications for development affecting the setting of a listed building, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." The key test, therefore, is whether the proposed alterations would preserve the setting of the listed buildings.

The materials used in the external elevations of the building would be similar to existing and there would be an improvement on the south east elevation where metal cladding would be replaced with timber. Subject to securing details of the new or replacement wall or roof cladding there would be no fundamental change to the outward appearance of the building. One aspect which did raise concern with the Conservation Officer, however, was the new glazed entrance door in the elevation facing the church. This has subsequently been amended to include a sliding timber shutter over the glazed door and this would screen the door outside shop hours, thereby preserving the current sense of enclosure. Other elevation changes are not considered to have any adverse impact on the setting of the listed buildings. Although the Conservation Officer has commented on the potential for an increase in the number of cars parked outside the building, there would be no change as a result of this application for external alterations.

Having regard to the limited changes proposed to the external elevations of the building and the addition of a sliding timber shutter over the glazed front door, it is concluded that the proposal would preserve the setting of the listed buildings and structures and cause no harm.

Other matters

It is likely that some signage will be required but this would be subject to regulation under the Advertisement Regulations and in this regard it is noted that the site is in an Area of Special Control of Advertising which limits the size and position of signs.

There are currently no proposals for external illumination of the building or surrounding land but it is reasonable in the interests of the AONB to impose a condition requiring details to be agreed before any lighting is installed.

Light spill from the windows is not expected to be excessive and would be limited to shop hours (which can be conditioned). Nevertheless it is reasonable to impose a condition requiring lights to be switched off at night.

The building is considered to offer very limited potential as a wildlife habitat owing to its modern construction and open or part open sides creating a draughty environment. There is no evidence of wildlife using/living in the building. However it is reasonable in accordance with Policy EN5 to secure enhancements by way of provision of bat and bird boxes.

There would be no direct overlooking of any neighbouring property from any of the new windows or doors and therefore no loss of privacy.

Concerns raised by local residents regarding the lack of need for a shop and the impact of the shop on highway safety were addressed in the previous application for prior approval for the use. They are not relevant to this application for external alterations to the building.

CONCLUSION

The external alterations proposed to facilitate the permitted use of the building as a shop are limited in extent and would conserve the existing character and appearance of the building. Likewise they would preserve the landscape and scenic beauty of the AONB and the setting of the nearby listed buildings. Subject to conditions regarding materials, lighting, use of the shutter and wildlife enhancements, the proposal is acceptable.

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. No development to the exterior of the building shall take place until a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls, roof, windows and doors of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the existing building and the surrounding area in accordance

with Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013-2031.)

4. Notwithstanding the drawings hereby permitted no development to the exterior of the building shall take place until detailed design drawings for the entrance door and sliding timber shutter in the north west elevation of the building and the first floor window and 'hit & miss boarding' in the south east elevation of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To resolve differences between the approved floor plan and elevation drawings and to ensure that the sliding shutter is capable of operation in the interests of preserving the setting of nearby listed buildings and the character of the AONB in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset and Strategy 46 - Landscape Conservation and AONBs of the East Devon Local Plan 2013-2031.)
5. No development to the exterior of the building shall take place until a scheme for the provision of bat and bird boxes on the building, including the timing of their provision, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.
(Reason - To ensure that development enhances the availability of wildlife habitats in accordance with Policy EN5 - Wildlife Habitats and Features of the East Devon Local Plan 2013-2031.)
6. No external lighting shall be installed other than in accordance with a lighting scheme which has first been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall comply with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused.
(Reason - In the interests of the character and appearance of the Blackdown Hills Area of Outstanding Natural Beauty in accordance with Strategy 46 - Landscape Conservation and Enhancement and AONBs and Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013-2031.)
7. Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Services Engineers Environmental Design Guide. Details of the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises. Development shall thereafter be carried out in accordance with the approved details.
(Reason - To protect local residents from noise in accordance with Policy EN14 - Control of Pollution of the East Devon Local Plan 2013-2031.)

8. No lights shall be on within the building outside the hours of 7am to 9pm on any day.
(Reason - To limit light spill from the windows and doors hereby permitted in the interests of protecting the character of the AONB in accordance with Strategy 46 - Landscape Conservation and Enhancement and AONBs of the East Devon Local Plan 2013-2031.)
9. The timber sliding shutter shall be closed to conceal the glazed door in the north west elevation of the building at all times when the building is closed to the public.
(Reason - In the interests of preserving the setting of nearby listed buildings and the character of the AONB in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset and Strategy 46 - Landscape Conservation and AONBs of the East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

2020_01 : site/location	Proposed Combined Plans	18.11.20
2020_05	Proposed Floor Plans	30.11.20
2020_04	Proposed Site Plan	18.11.20
2020_06 Rev B	Proposed Elevation	15.02.21

List of Background Papers

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

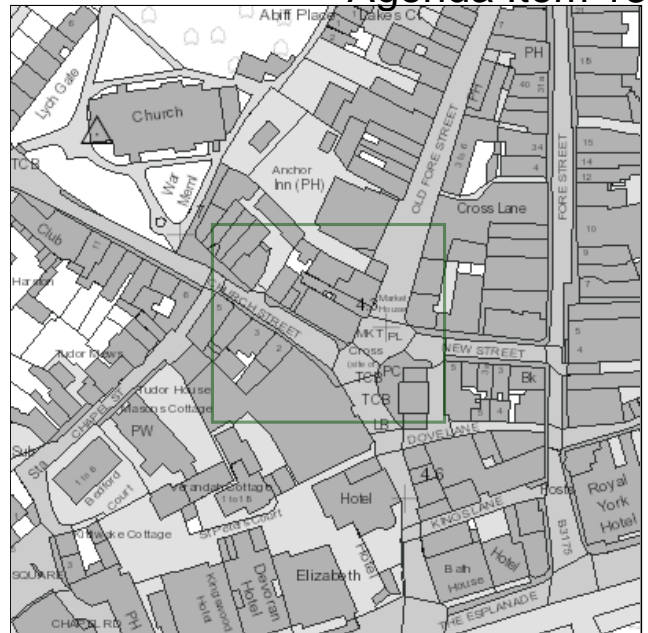
Ward Sidmouth Town

Reference 20/2265/FUL

Applicant Mr R and C Gliddon

Location Flat Sheffield House Church Street Sidmouth
EX10 8LX

Proposal Change of use from one flat to two flats and alterations.



RECOMMENDATION: Refusal



		Committee Date: 10th March 2021	
Sidmouth Town (Sidmouth)	20/2265/FUL	Target	Date:
		17.12.2020	
Applicant:	Mr R and C Gliddon		
Location:	Flat Sheffield House		
Proposal:	Change of use from one flat to two flats and alterations.		

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before the Planning Committee as the officer recommendation if contrary to the view of a Ward Member.

The application involves, principally, the internal reorganisation of an existing maisonette above a ground floor commercial premises in Sidmouth town centre to form an addition residential unit. The site is located within flood zones 2 and 3, as defined by the Environment Agency. This puts the site at significant risk of flooding. Consequently, flood risk is the key consideration, and it is necessary to undertake assessment of the proposal having regard to the sequential test. The sequential test seeks to avoid development in areas where there is a risk of flooding.

The proposal relates to the creation of one additional unit. Whilst, in common with the present accommodation, its position above the ground floor of the building would ensure that satisfactory refuge would be available to the occupiers of during an extreme event, it is considered that the provision of further units would be unacceptable since it potentially places a greater number of people at risk with attendant pressures placed upon emergency services. As such, notwithstanding the availability of safe refuge, as a matter of principle further intensification of units and occupancy within the flood zone should be avoided.

Furthermore, there are other locations within the District, which are outside flood zones 2 and 3, where one flat can be provided. Consequently, it is considered that the proposal fails the sequential test and, therefore, is unacceptable in flood risk terms.

The proposal, which also incorporates modest external operations in the form of the installation of 2no roof lights and the addition of a small dormer on the rear elevation, is considered to be acceptable in all other regards. However, due to the

failure of the proposal to meet the sequential test for flood risk, it is recommended that the application be refused.

CONSULTATIONS

Local Consultations

Parish/Town Council
SUPPORT

Sidmouth Town - Cllr Cathy Gardner

I know that other applications in town have been refused due to flood risk but in this case refusal seems odd. There is a flat there already so the risk to people is no different is it?

I would be happy to change my comment to support.

Technical Consultations

Environment Agency

CHANGE OF USE FROM ONE FLAT TO TWO FLATS AND ALTERATIONS FLAT,
SHEFFIELD HOUSE, CHURCH STREET, SIDMOUTH, EX10 8LX

Thank you for consulting us on this application.

Environment Agency position

We object to the proposal until the following points are addressed below.

Reason

The development site falls within Flood Zone 3. The flood risk commentary for the proposal, contained within the Design & Access Statement, does not constitute an appropriate flood risk assessment as required by planning guidance. This provides grounds for the Environment Agency to refuse the application.

However, basic considerations show that there will be no significant change over the existing situation, beyond the potential for increased occupancy within a similar 'more vulnerable' residential development. The site is noted to benefit from both tidal and fluvial defences, and the elevated nature shows that safe refuge during times of flooding can be provided.

Prior to committing further resource to this application, the Environment Agency would wish to seek the views of the planning authority as to whether the proposals are deemed to satisfy the Sequential Test. The outcome of the Sequential Test will be key to influencing the Environment Agency's thoughts on any further information required to provide a satisfactory flood risk assessment.

Conservation

CONSULTATION REPLY TO CENTRAL TEAM
PLANNING APPLICATION AFFECTING KEY BUILDING AND CONSERVATION
AREA

ADDRESS: Flat, Sheffield House, Church Street, Sidmouth

GRADE: Key building APPLICATION NO: 20/2265/FUL

CONSERVATION AREA: Sidmouth Town Centre & Seafront

PROPOSAL: Change of use from one flat to two flats and alterations

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

Sheffield House is located within the Sidmouth Town Centre & Seafront Conservation Area and identified as a key building within the Character Appraisal as being of architectural importance or which make a significant contribution to the townscape. This prominent building is at the junction of several streets in Market Place in the heart of Sidmouth constructed in buff brick with red brick detailing, prominent original fenestration, including first floor bay windows, and arched margin pane windows and slate roof.

Its significance derives from the age and appearance of the property dating from the late C19, and the use of traditional materials and intricate design features and detailing; and its contribution to the street scene and wider Conservation Area.

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

This application relates to the change of use from 1no. flat to 2no. flats. There is no objection in principle to this intensification. The proposed works include the provision of 2no. conservation roof lights on the principal south west elevation and a new dormer and sun pipe on the rear north east elevation. The latter will mainly be hidden from view and only glimpses of the new dormer and capped chimney maybe seen from Church Street. In addition, the 2no. roof lights, due to the pitch of the roof and the narrowness of the street will be visible, but only in wider views when approaching from the seafront (south)/ Market Place.

Whilst the roof lights will have some impact on this key building it is considered that this will be minimal. Overall the proposed works will not adversely affect the character or appearance of the key building or the wider Conservation Area.

PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

Environmental Health

Thank you for consulting Environmental Health.

I have considered the application and note that this site is close to nearby residents who may be impacted during the construction process. We would request the applicant to consult and follow the council's Construction Sites Code of Practice prepared by Environmental Health and adopted by the council in order to ensure that any impacts are kept to a minimum. This is available on the council's website.

I have liaised with the Council's Private Sector Housing Team and they have advised that they do not have any concerns as development should conform to Building Regulations. Private Sector Housing have also advised that the applicant should consult with the Fire and Rescue service on fire compartmentalisation; fire escapes and fire detection.

Other Representations

No third party representations have been made in respect of the application proposal.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 4 (Balanced Communities)

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 26 (Development at Sidmouth)

Strategy 43 (Open Space Standards)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

H3 (Conversion of Existing Dwellings and Other Buildings to Flats)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

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

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

E9 (Town Centre Vitality and Shopping Areas)

E13 (Use of Upper Floors in Shopping Developments)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Made Sid Valley Neighbourhood Plan 2018-2032 Policies

1 (Sid Valley Development Principles)

6 (Infill Development, Extensions and Trees)

7 (Local Distinctiveness)

9 (Residential Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Site Location and Description

Sheffield House is a two storey building, also incorporating accommodation within the roof space, of Victorian construction prominently located within the town centre at the junction of Church Street with Market Place. It presents elevations to both streets.

Although not listed as being of special architectural or historic interest, it is located within the designated Sidmouth Town Centre and Seafront Conservation Area, occupies a position within the defined Town Centre Shopping Area and forms part of a Primary Shopping Frontage.

It exhibits various detailed elements of architectural interest, including: a predominantly white brick external wall finish with red brick detailing beneath the eaves and over arch-headed window openings; the openings themselves, which contain timber windows; a total of five large bays on both road elevations, each with timber sliding sash windows (with three on the Church Street elevation on bracketed supports), and a shop entrance doorway on the corner of the building flanked by decorative columns. In addition, the Church Street elevation incorporates a hip-roofed projection with brick detailing and a tall arch-headed window that extends up beyond the eaves of the main roof of the building and encloses an internal staircase. The roof itself, which is steeply pitched and finished with natural slate, features a pair of hip-roofed dormers, one on each street elevation.

The premises house a retail unit on the ground floor with a four bedroom maisonette over both the first floor level and within much of the roof space. Access to both levels of the residential accommodation is via an entrance door in the Church Street elevation of the building and the internal staircase set within the hip-roofed projection referred to above.

The premises are also within flood zones 2 and 3.

Relevant Planning History

There is no previous history relating to the site that is material to consideration of the current application proposal.

Proposed Development

The application proposal principally involves internal modifications to adapt and sub-divide the living accommodation on the first and second floors of the building in order to form an additional flat.

The submitted floor plan details show the intended introduction of a second staircase off of the existing first floor corridor that would provide independent access to a proposed living room at this level (in place of an existing kitchen) and accommodation within the roof space in the form of two bedrooms and a bathroom. This maisonette would form one unit while the remainder of the first floor level accommodation would be adapted to form the other unit, incorporating a living room with kitchenette, a bedroom, a 'bedroom/study' and a shower room.

The only external operations would comprise the installation of a pair of 'conservation' roof lights in the Church Street elevation, to serve the bathroom and one of the bedrooms within the proposed maisonette, alongside the removal of an existing capped chimney and the addition in its place of a small flat-roofed slate hung dormer, with PVCu window, on the rear (north east) elevation of the building to house the proposed new internal staircase connecting the first and second floor level accommodation within the maisonette.

The application submissions advise that as the existing flat is large and now in need of modernisation, having had little upgrading in many years, the proposal is to make the most of the space available by dividing the two storey flat into two units.

ANALYSIS

The main issues for consideration are the principle of development, impact upon the character and appearance of the area, impact upon residential amenity, highway safety and flood risk.

Principle of Development

The site is located within the Built-up Area Boundary of Sidmouth as defined in the adopted Local Plan where Strategy 6 applies. Its provisions consider it an appropriate location through strategic policy to accommodate growth and development subject to specified criteria being satisfied. As such, the fundamental principle of provision of an additional residential unit in this town centre location is acceptable.

The proposal would also meet a number of the criteria set out in Policy E13, relating to the change of use of upper floors in defined Town Centre Shopping Areas for (among others) residential purposes, insofar as it would both avoid undermining the viability of the existing ground floor retail use of the building and preserve the existing separate access to its first and second floors.

Impact upon Character and Appearance of Area

The external alterations and enlargement of the building proposed are modest in nature and it is not considered therefore that they would result in any significant impact upon its character or appearance or that of the designated conservation area in which it is situated. Moreover, the broader heritage significance of the conservation area as a designated heritage asset would not be adversely affected.

The proposed conservation roof lights would occupy a steeply sloping roof pitch that would not materially impact the appearance of the building when viewed from street level; indeed, they would be screened in part from such views up and down Church Street by the existing dormer and projecting staircase enclosure. They would also be of modest size and therefore proportionate to the area of the roof plane that they would occupy.

Equally, the proposed rear dormer would be of very limited scale and, notwithstanding its flat-roofed form, would be largely hidden from all but limited view from a short length of Church Street owing to its modest size and its positioning set in from the hip end of the building and below the main roof ridge. As such, it would not detract from the character or appearance of the building, street scene or wider conservation area.

Impact upon Neighbour Amenity

Given the limited nature of the proposed modifications to the building in order to facilitate the 'conversion', it is not thought that the proposed intensification in residential occupancy of the upper floors of the building that would in all likelihood result from the proposed development would result in any detrimental impact upon the living conditions of the occupiers of any neighbouring or nearby residential properties through overlooking/loss of privacy or through being unduly physically intrusive or dominating as to cause any material loss of light, aspect or outlook.

Access/Parking/Highways

The site occupies a sustainable town centre location amidst services and facilities with ready access to both public car parks and good public transport links; the main bus terminus is a short walk away from the site. In such circumstances, it is not considered that the absence of any parking spaces within the site for use in conjunction with a potentially more intensive occupation of the building weighs against the proposal.

Flood Risk

As stated above, the site is located within flood zones 2 and 3.

The submission is accompanied by a flood risk assessment which concludes the following:

- Church Street rises away from the town centre and market place and the premises have never flooded.
- Since flooding of the town centre during the 1960s there have been improvements to the flood protection of the river by lowering the bed, slowing the flow and increasing the height and adding flanking walls. The sea defences have also been improved with the addition of the rock groynes and plans are in hand and funding secured for further

protection work within the next few years. As such, there is a low risk of flooding from the sea and the Sid river.

- The access stair terminates at pavement level, which is in Church Street and raised from the market square, and it is estimated that for the entrance door to flood then the market square would need to be flooded to a depth in excess of 375mm; that is approximately 225mm deeper than the 1960s flood events.

- With regard to increased occupancy, whereas currently the existing large 4 bedroomed flat could be occupied by a family with possibly two adults and two or three children, the smaller flats would most likely be occupied by couples or individuals, therefore the total occupancy would be similar.

- The existing and proposed flats, being on the first and second floor, are at no risk of flooding and in any event offer a safe refuge area.

However, no evidence has been submitted to prompt the Environment Agency (EA) to conclude that the site should be regarded as being within flood zone 1.

It is therefore necessary, in line with the relevant guidance set out in the NPPF and the provisions of Local Plan Policy EN21, to apply the sequential test in order to determine whether the provision of an additional unit of residential accommodation would be acceptable in this case.

The sequential test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding, as described in paragraph 158 of the National Planning Policy Framework (NPPF). As stated, the application building lies within flood zones 2 and 3. The aim of the sequential test is to steer new development to flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in flood zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in flood zone 2 (areas with a medium probability of river or sea flooding). Only where there are no reasonably available sites in flood zones 1 or 2 should the suitability of sites in flood zone 3 (areas with a high probability of river or sea flooding) be considered.

It is for local planning authorities, taking advice from the EA as appropriate, to consider the extent to which sequential test considerations have been satisfied, taking into account the particular circumstances in any given case.

Paragraph 155 of the NPPF advises that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."

As residential accommodation is considered to be a high risk use, it is considered to be inappropriate in a location at risk of flooding.

Under the sequential test, development should not be permitted if there are reasonably available sites with appropriate in areas with a lower probability of flooding; the fundamental principle of this being to avoid placing additional people at risk of being flooded.

In this particular case, no information has been provided by the applicants' agent about the availability of other sites at lower risk of flooding.

However, it is considered that the appropriate area for application of the sequential test would be the entire District of East Devon. Such an approach has been considered to be acceptable by the respective planning inspectors when determining appeals against the Authority's refusals of applications for residential development at land to the rear of Sam's Funhouse, St. Andrews Road, Exmouth (application ref. 17/2498/FUL, relating to change of use of offices/store rooms and extensions to provide 6no. flats) and flat 1, 6 Alston Terrace, Exmouth (application 19/1267/FUL, involving regularisation of the subdivision of one flat into two flats) where this issue was central to determination of both proposals.

In any event, even if the geographic area for applying the test were limited to Sidmouth, the Council currently has a 5 year housing supply of land and it is considered that there would be land and/or buildings available for an additional flat to be provided elsewhere that would not be in flood zones 2 or 3.

As the proposed development similarly involves the creation of additional residential development that would be located with flood zones 2 and 3, and there are other locations where the development could be provided that are within flood zone 1, and therefore not at risk of flooding, it is felt that the proposal fails the sequential test.

In, most recently, dismissing the appeal against the Council's refusal of application 19/1267/FUL, the Inspector considered the issue of occupation and a reduction in the number of bedrooms proposed from four, within the larger single unit, to two (one in each unit). He found that 'the evidence does not show that the number of bedrooms within a dwelling is determinative as to the number of future occupants. Furthermore, the number of occupants in a given dwelling is not a matter that could be reasonably controlled by planning condition.'

Significantly, the Inspector also opined that 'the subdivision of dwellings increases the density of development, whereby land tends to be occupied more intensively or efficiently. This is reinforced by the approach in the PPG (Planning Practice Guidance) which makes it clear that the subdivision of dwellings is explicitly covered by the sequential test. Moreover, it is clear from the PPG that the approach to flood risk set out in the Framework (NPPF) is not just applicable to people but also to the property itself. Sub-division is likely to increase the number of kitchens, bathrooms and overall household contents that might be affected. In this case, two households will be disrupted and displaced in the event of a flood and given that they are located on the ground floor and basement, this represents the greatest risk within the building. These factors in combination indicate that subdivision does increase the extent of harm should flooding occur.'

His conclusion was that 'on the basis of the evidence before me I am not satisfied that the sequential test has been passed and therefore the proposal would conflict with Policy EN21 of the Local Plan as well as the Framework and PPG which seek to direct new development, in the first instance, to areas at the lowest risk of flooding.'

Although finding that the proposal would provide an additional small dwelling in an accessible location that would make more efficient use of land, given its modest scale such benefits would be limited in nature and would not outweigh the harm on account of increased flood risk.

It is considered that many of the same conclusions can be drawn in the case of the proposed development at Sheffield House. Furthermore, while there is a difference in the fact that the residential accommodation would be on the first and second floors of the building and would, as such, provide a means of refuge during and extreme flood event, it is maintained that the proposed increase in the number of residential units would result in additional development that is within the 'more vulnerable' classification - in flood risk terms - being located within flood zones 2 and 3 with the potential for increased occupancy overall. This in turn would potentially place more pressure upon emergency services during an extreme event.

As reflected in the appeal decisions referenced above, the provision of such additional accommodation within these flood zones would be contrary to the broader sequential approach, set out both nationally and locally, that seeks to direct new development to areas with the lowest risk of flooding.

Moreover, in line with the approach set out in paragraph 190 of the NPPF, it is concluded that there are reasonably available sites that are appropriate for residential development in areas with a lower risk of flooding in many locations elsewhere across the District; this being the appropriate area of examination in applying the sequential test.

In the light of the failure of the proposal to meet the requirements of the sequential test, it is not necessary to apply the exception test.

It is considered therefore that the site is not an appropriate location for further residential development and that the increased flood risks associated with the proposed sub-division of the existing accommodation would outweigh the absence of any objection to the proposal on the basis of the other material issues set out above and that, accordingly, planning permission should be refused for the development on this basis.

Habitat Regulations Assessment and Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designation is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-

combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of the designation. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

RECOMMENDATIONS

- 1. That the Habitat Regulations Appropriate Assessment be adopted; and**
- 2. That the application be REFUSED for the following reason:**

1. The application site is located in flood zones 2 and 3 where there is a higher probability of flood risk. In the opinion of the Local Planning Authority, there are other reasonably available sites within the district of East Devon with a lower probability of flooding that would be appropriate for residential development. The proposed development therefore fails to satisfy the sequential test for flood risk and, as such, would be contrary to the provisions of Policy EN21 (River and Coastal Flooding) of the adopted East Devon Local Plan 2013-2031 as well as guidance set out in the National Planning Policy Framework and Planning Policy Guidance.

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:

242-53	Proposed Elevation	19.10.20
242-52A	Proposed Floor Plans	19.10.20
242-LOC	Location Plan	19.10.20

List of Background Papers

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

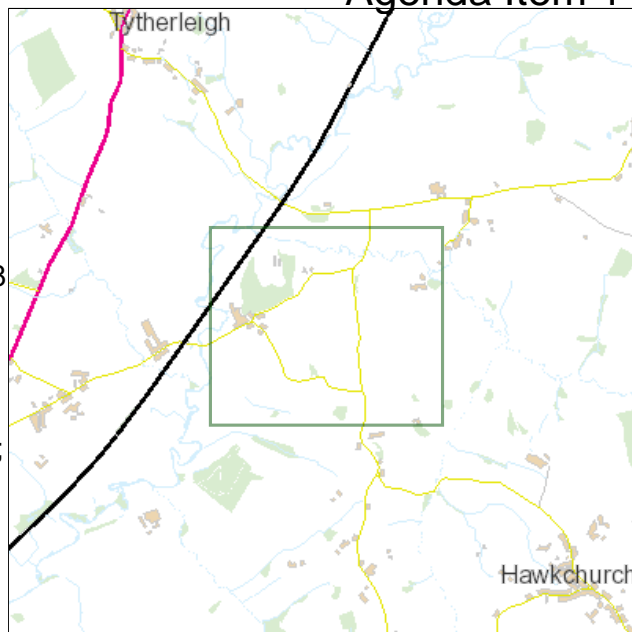
Ward Yarty

Reference 20/2551/VAR

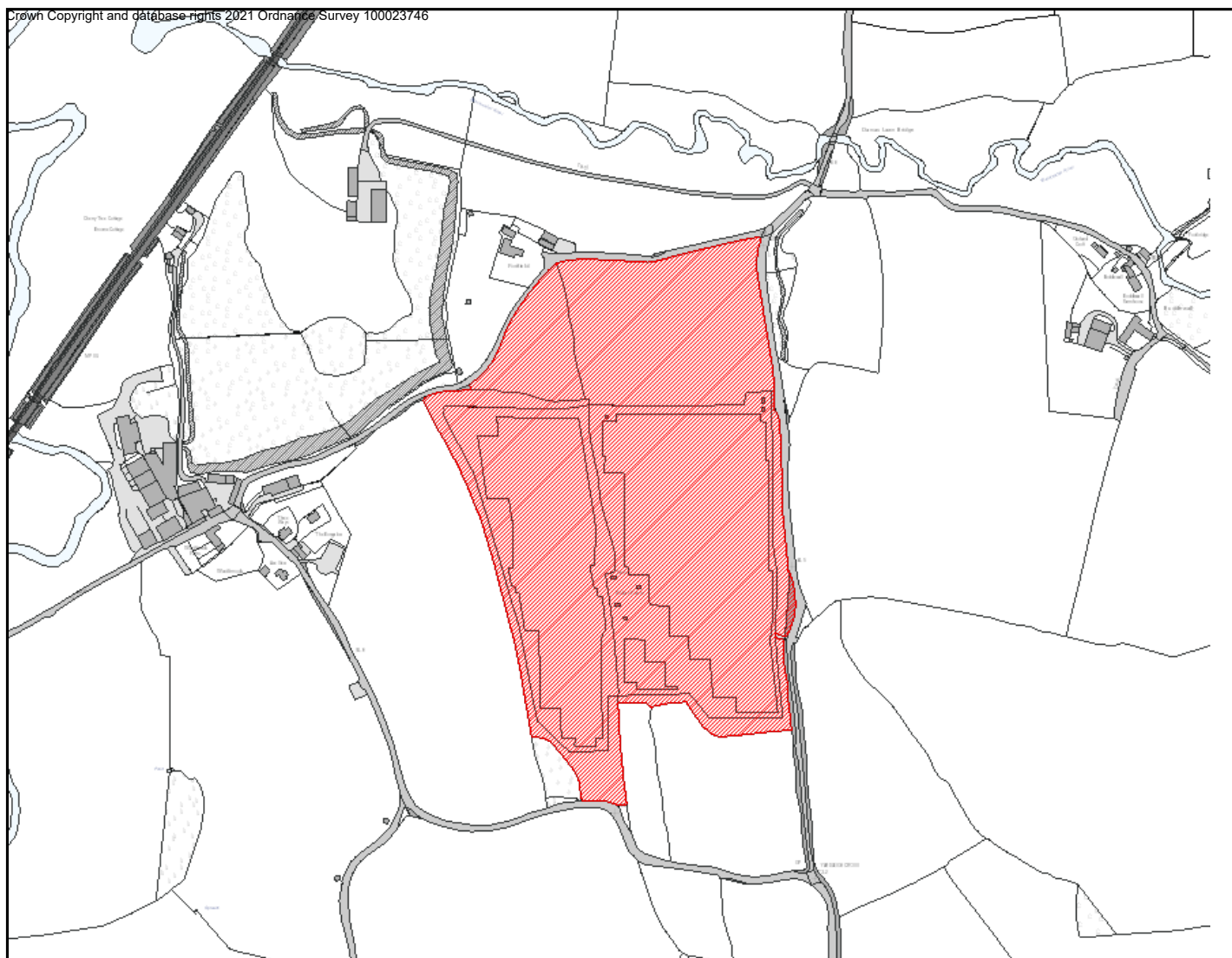
Applicant Maria Baci

Location Axe View Solar Farm Wadbrook EX13 7AS

Proposal Variation of conditions 2 (Approved Plans) and 8 (Inverter station and CCTV details) of application 19/1056/VAR (Installation of ground mounted photovoltaic solar arrays with transformer stations; internal access track; biodiversity enhancement; landscaping; fencing; security measures; access gate and ancillary infrastructure (without complying with Condition 16 of planning permission 17/1378/VAR, to extend the operational lifespan of solar farm to 40 years) to reflect changes to layout, fencing, infrastructure specification and appearance, and to allow siting of an additional storage container



RECOMMENDATION: Approval with conditions



		Committee Date: 10th March 2021
Yarty (Hawkchurch)	20/2551/VAR	Target Date: 11.03.2021
Applicant:	Maria Baci	
Location:	Axe View Solar Farm Wadbrook	
Proposal:	Variation of conditions 2 (Approved Plans) and 8 (Inverter station and CCTV details) of application 19/1056/VAR (Installation of ground mounted photovoltaic solar arrays with transformer stations; internal access track; biodiversity enhancement; landscaping; fencing; security measures; access gate and ancillary infrastructure (without complying with Condition 16 of planning permission 17/1378/VAR, to extend the operational lifespan of solar farm to 40 years) to reflect changes to layout, fencing, infrastructure specification and appearance, and to allow siting of an additional storage container	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is before committee because officer recommendation differs to that of the Ward Member and Parish Council.

The application relates to an existing solar farm occupying two fields on a site in open countryside to the north of Hawkchurch.

The development was originally granted permission at appeal in 2016 (15/0645/MFUL) and has subsequently been amended several times both through applications for non-material amendments and s.73 applications to vary conditions on earlier permissions. The most recent variation application was granted in 2019 (19/1056/VAR) and allowed for an extension to the operational lifespan of the solar farm to 40 years.

The current application seeks further alterations to the approved development in the form of relatively minor changes to the fencing and infrastructure specification and appearance and to allow siting of an additional storage container and CCTV camera. It also seeks to amend the approved plans condition so as to reference plans previously approved as non-material amendments and those relating to the changes now proposed.

In relation to the scale of the approved development the overall effect of the changes, including the addition of a storage container in the central part of the site, is considered to be minimal and not to result in any additional landscape or visual impact or for that matter other harm. As such, the application is recommended for approval subject to the imposition of original conditions, amended as necessary.

CONSULTATIONS

Local Consultations

Hawkchurch Parish Council

Hawkchurch Parish council does not support this application because it feels that extending the life of this operation to 40 years will mean the loss of agricultural land for a far longer period of time than the original planning application. It also feels that the adding of additional structures on the site adds to a permanent industrial site in what is a very rural and otherwise scenic location.

Yarty - Cllr Paul Hayward

I regret that I am unable, and unwilling, to support this application and share the concerns of the Parish Council.

Further comments:

Sadly, still opposed as poor Hawchurch really has suffered enough from this blight. Each application in this regard just piles on a little more woe and even though I know in my heart that it will go through, I still must oppose on principle of yet more damage and blight to this beautiful parish that sadly was never included in the AONB.

Technical Consultations

Landscape Architect

I have no comments on the current application per se in terms of landscape design/impact. However having visited site yesterday and reviewed the approved Landscape Proposals Plan I have great concerns about the implemented landscape scheme which does not meet the requirements of the specification and has very high failure rates. Where new planting survives growth is generally very poor.

I attach a detailed defects report and over-marked site plan and have made recommendations for addressing the defects noted and requirements for future inspection and monitoring. These should be undertaken either through enforcement procedures or as a condition of approval of the above application or possibly through combination of both.

Devon County Archaeologist

My ref: Arch/DM/ED/36165a

I refer to the above application. The initial proposed construction details as set out in the drawings referred to in Condition 2 (drawings refs: PV-0171-01 and PV-0171-07)

did not involve any disturbance to the known Bronze Age archaeological deposits on site. As such, The Historic Environment Team did not advise that any consent granted should be conditional upon a programme of archaeological work, and instead advised the following worded condition, which is reflected in the wording of Condition 2 on the appeal decision for application 15/0645/MFUL

'The development shall take place in accordance with (i) the site layout plan (Drawing number PV-0171-01) and (ii) Non-Intrusive installation method cross section (Drawing ref: PV-0171-07) that have been submitted to the Local Planning Authority.'

Reason

To ensure, in accordance with Policy EN7 of the Est Devon Local Plan, the preservation in situ of known archaeological sites (heritage assets with archaeological interest) within the development site.

During the course of the construction of the solar farm construction the construction methodology was altered to one that did have an impact upon the known archaeological deposits within the site - see attached email. At that time and in consideration of this impact the applicant commissioned AC Archaeology to undertake the required archaeological mitigation in agreement with a Written Scheme of Investigation prepared in consultation with this office.

However, while the fieldwork has been completed some time ago the required post-excavation assessment, analysis, publication and archiving has yet to be undertaken. As such, I would advise that the completion of these outstanding tasks is secured either by the submission of a Written Scheme of Investigation (WSI) - prior to determination of the application - setting out a programme of post-excavation archaeological work to be undertaken to ensure that the information gained during the course the archaeological fieldwork is appropriately analysed, reported and archived as part of the mitigation for the loss of the heritage assets within the development, or by the application of an appropriately worded condition to any consent granted - see below. 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:

'Within three months of consent being granted, the developer shall secure the implementation of a timetabled programme of post-excavation 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 the results of the archaeological fieldwork already undertaken are appropriately analysed, reported and archived to create a publicly accessible record of the archaeological evidence affected by the development'

Please note that this is a variation of the usually recommended worded archaeological condition.

I would envisage a suitable programme of work as taking the form of the post-excavation assessment, appropriate analysis and archiving of the results of the archaeological fieldwork undertaken. The results of the fieldwork and the post-excavation analysis undertaken will 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/>.

Environmental Health

I have considered the application 20/2551/VAR and I have no objections to the proposals.

Other Representations

None received.

PLANNING HISTORY

Reference	Description	Decision	Date
15/0645/MFUL	Installation of ground mounted photovoltaic solar arrays with transformer stations, internal access track, biodiversity enhancement, landscaping, fencing, security measures, access gate and ancillary infrastructure	Refusal Allowed at appeal	05.11.2015 15.04.16
16/2784/OHL	Erection of 33kV overhead line termination supported by wooden poles	Circular 14/90 - No objections	20.12.2016

17/1378/VAR	Variation of condition 16 (site restoration) of planning permission 15/0645/MFUL (for installation of solar PV arrays and associated infrastructure) to extend the generating period from 25 to 30 years	Approval with conditions	01.08.2017
19/1056/VAR	Installation of ground mounted photovoltaic solar arrays with transformer stations; internal access track; biodiversity enhancement; landscaping; fencing; security measures; access gate and ancillary infrastructure (without complying with Condition 16 of planning permission 17/1378/VAR, to extend the operational lifespan of solar farm to 40 years).	Approval with conditions	30.07.2019

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

Strategy 5 (Environment)

Strategy 47 (Nature Conservation and Geology)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN13 (Development on High Quality Agricultural Land)

EN14 (Control of Pollution)

EN22 (Surface Run-Off Implications of New Development)

EN5 (Wildlife Habitats and Features)

EN6 (Nationally and Locally Important Archaeological Sites)

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

Government Planning Documents
National Planning Practice Guidance

Government Planning Documents
NPPF (National Planning Policy Framework 2019)

Site Location and Description

The site is formed of two main fields extending in total to 9.5 hectares with solar arrays running east to west across the land. There is a small compound area with substations located in the northeast corner of the site adjacent to the site access. The land on site slopes gently from south to north. The fields and indeed site boundaries are generally formed by hedgebanks and some screening is provided to the south by a small copse. Within the site security fencing runs inside the hedgerows. There are a number of public footpaths in the surrounding area but none that cross the site itself. Residential dwellings are found within the vicinity of the site, the closest being 'Fortfield' to the north and the small group of dwellings that form the hamlet of Wadbrook to the west of the site. Three listed Buildings have been identified within the immediate vicinity, the closest being Wadbrook Farm 240m to the west of the site, in addition Buddlewell farm house lies approximately 350m to the east and Castle House 295m to the south.

The character of the area is defined by the agricultural land, made up of fields of varying size and generally defined with hedgebanks/hedges. There are no international or national ecological designations on the site, but the Dorset Area of Outstanding Natural Beauty lies approximately 100m north of the site and Broom Gravel Pits SSSI is located less than 100 metres to the west of the site and The River Axe SAC (Special Area of Conservation) and SSSI (Site of Special Scientific Interest) is located over 300m west of the site. The Blackdown Hills Area of Outstanding Natural Beauty lies approximately 1.3 km further to the west.

Background

Permission was originally granted at appeal in April 2016 for: '*The Installation of ground mounted photovoltaic solar arrays with transformer stations, internal access track, biodiversity enhancement, landscaping, fencing, security measures, access gate and ancillary infrastructure*'(15/0645/MFUL).'

That permission was subject to a condition requiring the removal of the equipment and site restoration works after 25 years. A number of non-material amendments were subsequently granted to the permission relating to minor changes to proposed landscaping; substation details; internal access and specification details for pv modules, inverters and CCTV.

Subsequently permission was granted in 2017 (17/1378/VAR) to extend the permission period from 25 to 30 years.

In 2019 permission was granted for a further extension to the lifespan of the permission under Section 73 of the Town and Country Planning Act, with condition 3 of the 17/1378/VAR varied to extend the operational lifespan of the solar farm to 40 years.

Proposal

The current application seeks to vary 2 no. conditions on the most recent approval (19/1056/VAR), those being; condition 2 (Approved Plans), and; 8 (Inverter station and CCTV details). These variations are sought to regularise minor changes to: the layout of the arrays; the fencing design; 2 additional CCTV cameras; the appearance and the specification of various infrastructure, and; to allow siting of an additional storage container within the existing compound area in the northeast corner of the site.

The comments of the parish council and ward member are noted with regards to the extension to the operational lifespan of the solar farm to 40 years, however that is not something that is sought under this application, having already been approved under a previous permission (19/1056/VAR).

ANALYSIS

Taking into account the above the principle of development and the permitted lifespan of the permission are already established with the development constructed on site, the main issue to be considered in the determination of the application is therefore the impact of the proposed changes on the character and appearance of the area and wider landscape. Consideration is also given to whether the proposal would result in any other impacts.

Visual Impact

The layout changes to the pv arrays and the reduction in number and changes to the inverter stations have already been approved under earlier non-material amendment applications but this application includes these in order that any decision notice issued, should approval be granted, reflects the 'as-built' situation. Similarly, the addition of inverter rack system to the PV support frame is considered to be non-material but has not previously been approved as such.

In terms of the fencing design the change proposed primarily relates to changes to the access gates which have been widened, however the overall layout of the fencing, its height and appearance are largely unaltered. In relation to condition 8 of the original approval the changes proposed relate to a different shade of green having been used on the transformers and sub-stations and the CCTV poles having a galvanized steel finish, there are no objections to these finishes. There is no objection to the 2 additional CCTV cameras given the number originally approved as part of the appeal and thie locations.

The most significant change and one which is considered to be material is the inclusion of an additional storage container to house maintenance equipment in the central part

of the site. This container is positioned close to the existing hedge boundary separating the two fields and in relatively close proximity to 2 no. existing inverter stations, these being structures of a similar size. The original approved scheme in fact had 4 no. inverter stations in this area but their number was reduced through an earlier non-material amendment. Whilst the proposal would represent further development that requires planning permission in the context of the site as a whole and the position of the container in the centre of the site it is not considered it would give rise to any additional landscape or visual impacts and would, together with the rest of the equipment on site need to be removed at the end of the consented period.

The site is already subject to a landscaping scheme and the proposal, located in the centre of the site, is not considered to require any additional landscaping. The Council's Landscape Architect has visited the site raising no concern with regards to the impact of the changes proposed under this application. However, he has raised a concern in relation to the maintenance of the approved landscaping scheme and requirements for replacement planting. This is a matter that relates to compliance with landscaping conditions on the earlier permissions (that will be copied across to this application) and is a matter for investigation and where necessary enforcement action related to those conditions to ensure compliance.

Other matters

In terms of other issues, the Historic Environment Service (HER) at Devon County Council (DCC) has advised that a condition on the original planning approval for the site has not been fully satisfied. That condition required development to be carried out in accordance with approved plans relating to non-intrusive installation on a certain part of the site and designed to avoid disturbance of any below ground deposits.

During the course of construction the construction methodology was altered and as a result archaeological mitigation was proposed in a Written Scheme of Investigation prepared in consultation with the HER. It is advised that the fieldwork was carried out at the time but that the required post-excavation assessment, analysis, publication and archiving has yet to be undertaken. It is understood that this reporting work has been undertaken but has not been submitted to the HER, nor has it been submitted as part of the current application. It is therefore recommended that any permission that may be granted includes a condition requiring this work to be completed within a set time period from the date of permission being granted.

Subject to the relevant conditions on the previous permission, which this application seeks to vary, being reiterated or amended as necessary the proposal is considered to be acceptable and is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following plans:

- Site Location Plan PV-0171-02, approved in relation to 15/0645/MFUL, 15.04.16
- Landscaping Plan BRS.5295_13-F approved under non-material minor amendment to 15/0645/MFUL, 22.11.16
- Substation Plans P1515(01)-25-08-C, P1515(01)-25-02-O, P1515(01)-25-08-B approved under non-material minor amendment to 15/0645/MFUL, 11.01.17
- CCTV Elevation Layout GRC1001-161-00 approved under non-material minor amendment to 15/0645/MFUL 14.03.17
- 17021616 REV A approved under non-material minor amendment to 15/0645/MFUL, 27.03.17
- Table Plan A0B0C01 received 10.12.20
- Fence Details A0B0C01 received 10.12.20
- Transformer combined plans 616083 Rev A received 10.12.20
- Inverter Rack System 1612027 received 10.12.20
- Spare Parts Container A0B01C0 received 04.02.20

(Reason - For the avoidance of doubt.)

2. Development shall be carried out in accordance with the submitted Construction Method Statement (Construction Environmental Management Plan) prepared by Pegasus Group and dated March 2015. (Reason: To ensure that the impacts of development are minimised and that adequate facilities are available for the traffic attracted to the site in accordance with policies EN14 (Control of Pollution) and TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan).
3. Unless otherwise agreed in writing by the Local Planning Authority beforehand, the development (including any site preparation and decommissioning works) shall be carried out in accordance with the following restrictions:
 - (a) There shall be no burning of any kind on site;
 - (b) No construction or decommissioning work shall be carried out, or deliveries received, outside the hours of 08.00 and 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and not at all on Sundays or Public Holidays; and
 - (c) Dust suppression measures shall be employed during construction.

(Reason: To protect the amenity of local residents from smoke, noise and dust in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan).
4. The development shall be carried out in accordance with photographic evidence as shown in document pre-commencement highway condition survey by TPA and date stamped 10.05.2016. (Reason - To minimise the impact of the development on the highway network in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan.)
5. Visibility splays shall be provided, laid out and maintained for that purpose, at the site access, in accordance with Figure 2.3 of the submitted Construction Traffic Management Plan. (Reason - To provide adequate visibility from and of emerging

vehicles in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan.)

6. A turning area, parking spaces and site compound shall be laid out and maintained for those purposes in accordance with the approved Site Layout Plan. (Reason - To ensure the provision of adequate facilities within the site for the traffic generated by the development in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan.)
7. The material finish of the transformer stations, substation sections and CCTV elevations approved under Condition 1 above shall be carried out in accordance with details set out in the letter from Aardvark Environment Matters dated 17th November 2020 reference 5409/kl. (Reason - In the interests of the character and appearance of the area and in accordance with policy D1 (Design and Local Distinctiveness) and Strategy 7 (Development in the Countryside) of the adopted East Devon Local Plan.)
8. The development shall be carried out in accordance with the Tree Protection Plan, drawing number BRS.529514-3 and the Arboricultural Method Statement received 6th July 2016. (Reason- To ensure that adequate protection is in place prior to the commencement of development and that the continued well-being of retained trees in the interests of the amenity of the locality and in accordance with Policy D3 (Trees on Development Sites) of the adopted East Devon Local Plan.)
9. Notwithstanding the provisions of Class A of Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no fencing or means of enclosure other than approved as part of this decision and detailed in the list of approved plans, shall be erected around the site, unless details of such means of enclosure have been previously submitted to and approved in writing by the Local Planning Authority. (Reason: To ensure ancillary development is not harmful to the rural character of the area and in accordance with policies D1 (Design and Local Distinctiveness) and Strategy 7 (Development in the Countryside) of the adopted East Devon Local Plan).
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no fixed plant or machinery , buildings, structures or private ways shall be erected, extended, replaced or altered at the site without prior planning permission from the Local Planning Authority. (Reason: To protect the landscape character of the area and in accordance with strategy 7 (Development in the Countryside) of the adopted East Devon Local Plan.)
11. The landscaping scheme hereby approved shall be carried out in the first planting season after commencement of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of at least 5 years. Any trees or plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local

Planning Authority. (Reason - To protect and enhance the appearance of the site in the interests of visual amenity of the area in accordance with Strategy 7 (Development in the Countryside) and Policy D2 (Landscape Requirements) of the adopted East Devon Local Plan and the policy guidance in the National Planning Policy Framework.)

12. The development shall be carried out in accordance within the Landscape and Ecological Management Plan received 1st August 2016 and the amended Landscape Plan BRS.5295_13-F (approved 22.11.16 as non-material minor amendment to permission 15/0645/MFUL).
(Reason - To protect and improve the appearance of the site in the interests of visual amenity of the area and to provide biodiversity enhancement opportunities in accordance with Strategies 7 (Development in the Countryside), 47 (Nature Conservation and Geology) and Policies EN5 (Wildlife Habitats and Features) and D2 (Landscape requirements) of the adopted East Devon Local Plan and the policy guidance in the National Planning Policy Framework.)
13. No external artificial lighting or other security measures shall be installed on the site without the prior written approval of the Local Planning Authority. (Reason: To minimise the potential for pollution and disturbance to local amenity and wildlife in accordance with Strategies 7 (Development in the Countryside), 47 (Nature Conservation and Geology) and Policies EN5 (Wildlife Habitats and Features) and EN15 (Control of Pollution) of the adopted East Devon Local Plan and the policy guidance in the National Planning Policy Framework.)
14. Development shall be carried out in accordance with the submitted flood risk assessment prepared by Clive Onions Consulting Engineers and dated 15th March 2015 (V2), unless otherwise agreed in writing by the Local Planning Authority. (Reason - In the interests of the prevention of flooding in accordance with guidance within the National Planning Policy Framework).
15. Within 40 years of the date of the first electricity generation, or within six months of the cessation of electricity generation by the solar PV facility, whichever is the sooner, the solar PV panels, frames, foundations, inverter modules and all associated structures and fencing shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production. The site shall subsequently be restored in accordance with a scheme, the details of which shall be submitted to and approved in writing by the Local Planning Authority no later than three months following the cessation of power production. (Reason - To ensure the achievement of satisfactory site restoration in the interests of the character and appearance of the area and in accordance with Strategies 7 (Development in the Countryside) and 39 (Renewable and Low Carbon Energy Projects) of the adopted East Devon Local Plan.)
16. Within three months of the date of the permission hereby granted, the developer/site operator shall secure the implementation of a timetabled programme of post-excavation 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 2013-2031 and paragraph 199 of the National Planning Policy Framework (2019), that the results of the archaeological fieldwork already undertaken are appropriately analysed, reported and archived to create a publicly accessible record of the archaeological evidence affected by the development.)

List of Background Papers

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

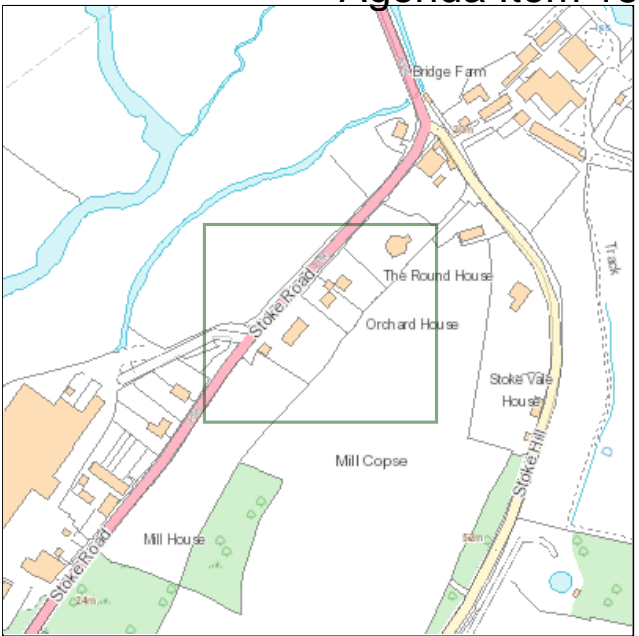
Ward Exe Valley

Reference 20/2543/OUT

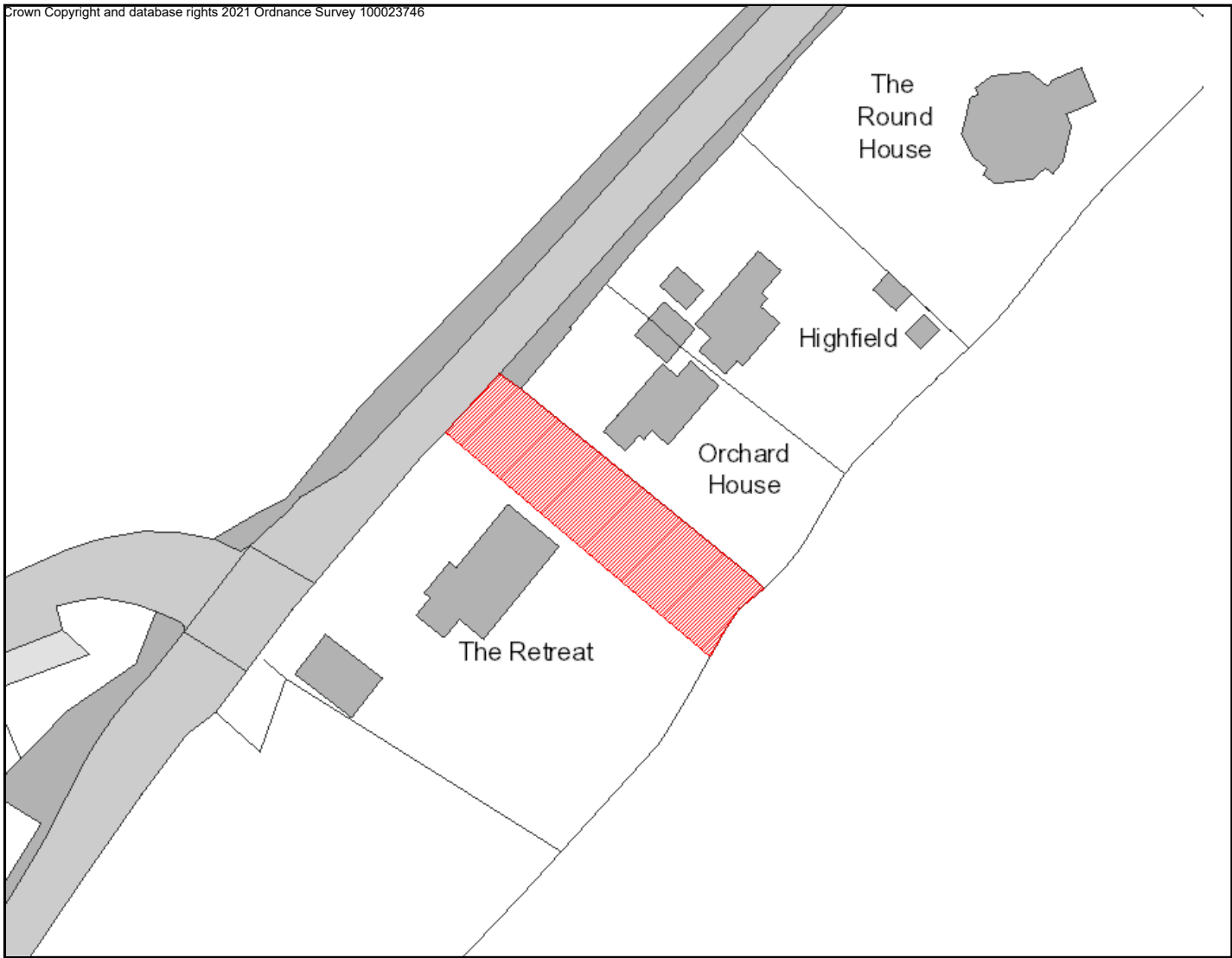
Applicant Mr N Marks

Location The Retreat Stoke Canon Exeter EX5 4EG

Proposal Outline application with all matters reserved for the construction of a detached bungalow



RECOMMENDATION: Refusal



		Committee Date: 10th March 2021	
Exe Valley (Stoke Canon)	20/2543/OUT	Target	Date:
		15.02.2021	
Applicant:	Mr N Marks		
Location:	The Retreat Stoke Canon		
Proposal:	Outline application with all matters reserved for the construction of a detached bungalow		

RECOMMENDATION: REFUSE

EXECUTIVE SUMMARY

This application is before Members because the officer recommendation is contrary to the view of the Ward Member.

Outline planning permission with all matters reserved is sought for the construction of a dwelling within the side garden of a property known as The Retreat in Stoke Canon. The site lies outside of any built up area boundary, where Strategy 7 restricts new residential development unless it accords with another local plan policy or there is other justification.

The site lies to the south of, and detached from, the village of Stoke Canon which has a range of services and facilities. However Stoke Canon is not identified as a sustainable location for further development due to the limited services and facilities and as the majority of the village is located within an area at high risk of flooding.

The application site is not within an area identified as being at risk of flooding (although the access road to the site frontage is), however its location is considered to be unsustainable in planning terms, being located remotely from the village. There is a bus service which would be accessible to any future residents, however given the nature of the road, with no pavements and of restricted width with limited passing for cyclists, it is considered that realistically most of the journeys for day to day services would result in an increase in private vehicular traffic.

The application has been submitted in outline form and therefore matters of detail are not considered at this stage, however there is concern that the site is substantially smaller than other plots in the immediate vicinity and that any new dwelling on the site would appear cramped and out of character with that existing.

Overall it is considered that there is no policy support for the development of a new dwelling in an unsustainable location.

CONSULTATIONS

Local Consultations

Exe Valley - Cllr Fabian King

Having seen the plans, I endorse the neighbours request about windows overlooking their property because the siting of the bungalow on the plans is right beside their building and very close, due to the narrowness of the available ground.

Also I endorse the matter of drainage, because of the floodwater that comes down from Silverton, which has been raised on several occasions by the Parish Council in previous years.

I support the application with the above reservations, hoping that perhaps conditions could be imposed, and so I leave it to the professional management of the Planning West Team.

Parish Council

Stoke Canon Parish Council considered this application and had no reservations except it was noted that a previous application had been turned down on access issues.

Technical Consultations

None received

Other Representations

One representation has been received raising concerns regarding overlooking/loss of privacy and the exacerbation of surface water flooding, and potential concerns regarding design, height, position and materials.

PLANNING HISTORY

Reference	Description	Decision	Date
08/0300/OUT	Erection of detached bungalow	Refused	15.04.2008

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

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

D1 (Design and Local Distinctiveness)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Site Location and Description

The application site comprises part of the side garden of a property known as The Retreat and is located on the south eastern side of Stoke Road (A396) the main road to the west of the M5 between Exeter in the south and Tiverton to the north.

The site lies with a small ribbon of residential development around 750m to the south of the village of Stoke Canon.

The road to the front of the site falls within Flood Zones 2 and 3.

Proposed Development

Outline planning permission with all matters reserved is sought for the construction of a dwelling within part of the north-eastern garden area associated with The Retreat. The site measures 0.59ha, (12.3m x 48m).

Whilst no details have been provided, the site includes part of the existing access onto the highway and the description of the proposed development refers to 'construction of a detached bungalow'

ANALYSIS

The main issues to be considered in the determination of this application relate to the principle of the development, sustainability, impact of the development on the character and appearance of the area, Flood Risk, on residential amenity, highway safety and parking.

Principle of the Development

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless materials considerations indicate otherwise. The East Devon Local Plan 2013-2031 was formally adopted in 2016 and at the time of writing this report can demonstrate having a 5 year housing land supply. It is considered that the policies within the Local Plan are up to date and relevant in the consideration and determination of the application.

The Villages Plan, together with the Local Plan and any 'made' neighbourhood plans, form the 'Development Plan' for East Devon, which guides decisions on development and land use in East Devon. To date no progress has been made on the preparation of a neighbourhood plan for Stoke Canon or the surrounding area.

The Villages Plan was adopted in July 2018 following independent examination and this document is a policy tool which defines built-up area boundaries for those settlements identified as sustainable and listed under Strategy 27 of the Local Plan. Stoke Canon does not have a built-up boundary despite having some services and public transport opportunities with a regular bus service to other settlements, principally Exeter. However, given the limited facilities and as almost all of the settlement falls under flood zone 2 or 3 classification, it has not been included within Strategy 27 as a sustainable location that could take additional housing growth.

Strategy 27 (Development at the Smaller Towns and Larger Villages) of the Local Plan sets out the Council's spatial approach to new residential development in towns and villages. The Council's approach to new residential development is to direct new housing to larger towns within the District and to smaller towns and villages which have a range of services and are therefore considered to be sustainable locations as defined within the East Devon Villages Plan.

Notwithstanding the services available within Stoke Canon, it does not have a built-up area boundary and in addition the site lies some distance from the main body of built development not served by pavements or save routes by foot or cycle to Stoke Canon.

Strategy 7 (Development in the Countryside) of the Local Plan states:

The countryside is defined as all those parts of the plan area that are outside the Built-up Area Boundaries and outside of site specific allocations shown on the Proposals Map. Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

- 1. Land form and patterns of settlement.*
- 2. Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings.*
- 3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.*

No justification has been put forward for the siting of a dwelling in this countryside location, and there are no other local plan policies which support new residential development in rural locations such as this. As such it is considered that the proposal would be contrary to Strategy 7 and that there is an 'in principle' objection to the development of a new dwelling in this location.

Sustainability and Accessibility

The application site is around 800m from the village centre where there is a shop, school, church and public house, together with other services. However the facilities

of Stoke Canon are not considered to be easily or safely accessible by walking due to the lack of footpaths, road alignment and the narrow and lengthy bridge crossing the River Exe. Cycling could be considered in terms of a reasonable distance, however the road is of limited width in places, with few safe passing places and is very busy. It is considered that cycling along this road, whilst possible, is not an attractive option.

There is a bus service along the A396, with a bus stop located at the entrance of the Imbert Green Technology Park opposite to the site, and whilst some journeys could therefore be made using this alternative transport, for shopping and the majority of visits to services and facilities, a private vehicle would be most likely to be used. It is considered that realistically most of the journeys for day to day services and facilities would result in an increase in private vehicular traffic.

With the above in mind, the site is not considered to be located close to a range of *accessible* services and facilities.

Character and Appearance of the Area

The application has been submitted in outline with all matters reserved, so a detailed assessment of the impact of a new dwelling cannot be undertaken, although there is some concern that the application site is smaller than those within the immediate vicinity. Whilst the site is located within an existing ribbon of development it is considered that the introduction of a further dwelling on the site would add to existing sporadic development in the countryside and consolidate built development outside of the built-up area boundary with detriment to the semi-rural character and appearance of the area. It is considered that the proposal would fail to respect the key characteristics of the area and would fail to ensure that the density of development relates well to its context. As such it would be contrary to the provisions of Policy D1 (Design and Local Distinctiveness) of the Local Plan.

Flood Risk

As stated above, the access road to the site is located within flood zones 2 and 3.

It is therefore necessary, in line with the relevant guidance set out in the NPPF and the provisions of Local Plan Policy EN21, to apply the sequential test in order to determine whether the provision of an additional unit of residential accommodation would be acceptable in this case.

The sequential test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding, as described in paragraph 158 of the National Planning Policy Framework (NPPF). As stated, whilst the proposed building would be outside of the flood zone, the access road to the site. The aim of the sequential test is to steer new development to flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in flood zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in flood zone 2 (areas with a medium probability of river or sea flooding). Only where there are no reasonably available sites in flood zones 1 or 2 should the suitability of

sites in flood zone 3 (areas with a high probability of river or sea flooding) be considered.

It is for local planning authorities, taking advice from the EA as appropriate, to consider the extent to which sequential test considerations have been satisfied, taking into account the particular circumstances in any given case.

Paragraph 155 of the NPPF advises that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."

As residential accommodation is considered to be a high risk use, it is considered to be inappropriate in a location at risk of flooding.

Under the sequential test, development should not be permitted if there are reasonably available sites with appropriate in areas with a lower probability of flooding; the fundamental principle of this being to avoid placing additional people at risk of being flooded.

It is considered that the appropriate area for application of the sequential test would be the entire District of East Devon. Such an approach has been considered to be acceptable by the respective planning inspectors when determining appeals against the Authority's refusals of applications for residential development at land to the rear of Sam's Funhouse, St. Andrews Road, Exmouth (application ref. 17/2498/FUL, relating to change of use of offices/store rooms and extensions to provide 6no. flats) and flat 1, 6 Alston Terrace, Exmouth (application 19/1267/FUL, involving regularisation of the subdivision of one flat into two flats) where this issue was central to determination of both proposals.

In any event, even if the geographic area for applying the test were limited to Stoke Canon, the Council currently has a 5 year housing supply of land and it is considered that there would be land and/or buildings available for an additional flat to be provided elsewhere that would not be in flood zones 2 or 3.

As the proposed development necessitates access through the flood zone and there are other locations where the development could be provided that are within flood zone 1, and therefore not at risk of flooding, it is felt that the proposal fails the sequential test.

Residential Amenity

A new dwelling will inevitably result in further activity on the site, although any other impact on the residential amenity of neighbouring residents in terms of overlooking, loss of privacy or visual intrusion is for consideration at the reserve matters stage.

It is considered that a bungalow could be designed and constructed in a way that adequately protects the amenity of adjoining neighbours.

Highway Safety

Access forms part of the reserved matters, although the entrance onto the highway serving the host property is included within the application site. It is considered that should the proposed dwelling be served from the existing access, which has reasonable visibility onto the main road, it is unlikely that the additional traffic generated from a single new dwelling would result in a substantive highway safety issue.

Appropriate Assessment:

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

CONCLUSION

Notwithstanding the fact that matters of layout, appearance, scale, access and landscaping have been reserved for future consideration, there is no policy support for the principle of a dwelling on this site which would be contrary to the provisions of Strategy 7 of the Local Plan. The site being located in an unsustainable location a considerable distance from Stoke Canon, that itself does not benefit from a Built-Up Area Boundary.

In addition the size of the plot would be significantly smaller than those in the immediate vicinity and it has not been demonstrated that a dwelling could be accommodated on the site without appearing to be cramped and failing to respect the key characteristics and special qualities of the area within which it is located, and would therefore be contrary to Policy D1 (Design and Local Distinctiveness) of the Local Plan.

Finally, the access is located within flood zones 2 and 3 and it is considered that the proposal fails the sequential test.

RECOMMENDATION

REFUSE for the following reasons

1. The site lies outside of any Built-Up Area Boundary or Strategic allocation as defined in the East Devon Local Plan 2013 to 2031 or the East Devon Villages Plan 2018 and therefore is located in the open countryside where residential development is restricted. The proposed development by reason of its location in the countryside, remote from essential services and facilities required for daily living would result in an unsustainable form of development with reliance upon the use of the motor vehicle to access the services and would result in a development that would not be physically or functionally well related to the built form of any settlement or its services and facilities. 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 the guidance within the National Planning Policy Framework.
2. The introduction of a dwelling on the site would add to existing sporadic development in the countryside. The proposal has failed to demonstrate that the site can accommodate a dwelling that would be compatible with the character and appearance of the area. As such it is considered that this would result in a cramped development which would fail to comply with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 - 2031 and the guidance contained within the National Planning Policy Framework.
3. The access to the application site is located in flood zones 2 and 3 where there is a higher probability of flood risk. In the opinion of the Local Planning Authority, there are other reasonably available sites within the district of East Devon with a lower probability of flooding that would be appropriate for residential development. The proposed development therefore fails to satisfy the sequential test for flood risk and, as such, would be contrary to the provisions of Policy EN21 (River and Coastal Flooding) of the adopted East Devon Local Plan 2013-2031 as well as guidance set out in the National Planning Policy Framework and Planning Policy Guidance.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

Location Plan	10.12.20
Proposed Site Plan	17.11.20

List of Background Papers

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