

**Agenda for Planning Committee  
Wednesday, 7th April, 2021, 10.00 am**



**Members of Planning Committee**

Councillors E Wragg (Chair), S Chamberlain (Vice-Chair), J Bailey, 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 and T Woodward

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**Venue:** Online via the Zoom App.

**Contact:** Wendy Harris, Democratic Services Officer  
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(or group number 01395 517546)

Issued: Thursday, 25 March 2021; Reissued: Monday, 29 March 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 Development Management Committee you must have submitted written comments during the consultation stage of the application. Those that have commented on an application being considered by the Committee will receive a letter or email detailing the date and time of the meeting and instructions on how to register to speak. The letter/email will have a reference number, which you will need to provide in order to register. Speakers will have 3 minutes to make their representation.

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

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

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

**Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting.** One representative can be registered to speak on behalf of the Council from 10am on Friday, 26 March 2021 up until 12 noon on Wednesday, 31 March 2021 by leaving a message on 01395 517525 or emailing [planningpublicspeaking@eastdevon.gov.uk](mailto: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](mailto: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 **Apology from a Planning Committee Member**

#### 2 **Speakers' list and revised order for the applications**

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

#### 3 **Minutes of the previous meeting** (Pages 4 - 17)

Minutes of the Planning Committee meetings held on 10 March and 17 March 2021.

#### 4 **Apologies**

#### 5 **Declarations of interest**

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

#### 6 **Matters of urgency**

Information on [matters of urgency](#) is available online

#### 7 **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.

#### 8 **Planning appeal statistics** (Pages 18 - 31)

Update from the Development Manager

#### **Applications for Determination**

**PLEASE NOTE - The meeting will be adjourned at approximately 1pm for a 30 minutes break**

- 9 **20/2875/OUT (Minor) - AXMINSTER** (Pages 32 - 41)  
Land East Of Fairacre, Lyme Road, Axminster, EX13 5BH.
- 10 **21/0030/FUL (Minor) - DUNKESWELL & OTTERHEAD** (Pages 42 - 54)  
Hunthayes Barn, Hunthayes Farm, Awliscombe, EX14 3QB.
- 11 **21/0372/FUL (Minor) - DUNKESWELL & OTTERHEAD** (Pages 55 - 67)  
Barn At Otter View Farm, (NE Of Shaugh Cottage), Luppitt, EX14 4TP.
- 12 **20/1799/FUL (Minor) - EXMOUTH TOWN** (Pages 68 - 79)  
105 Victoria Road, Exmouth, EX8 1DR.
- 13 **20/2834/COU (Minor) - EXMOUTH TOWN** (Pages 80 - 86)  
Land Adjacent To Manor Hotel, The Beacon, Exmouth.
- 14 **20/1647/MFUL & 20/1648/LBC (Major) - OTTERY ST MARY** (Pages 87 - 118)  
Salston Manor Hotel, Ottery St Mary, EX11 1RQ.
- 15 **20/1316/FUL (Minor) - OTTERY ST MARY** (Pages 119 - 137)  
The Former Colbert Hall, Mill Street, Ottery St Mary, EX11 1AD.
- 16 **20/2825/COU (Minor) - YARTY** (Pages 138 - 155)  
Hawkwell Park, Wareham Road, Hawkchurch.

**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 March 2021****Attendance list at end of document**

The meeting started at 10.00 am and ended at 3.45 pm (The Committee adjourned at 12.50 pm and reconvened at 1.20 pm)

**222 Minutes of the previous meeting**

The minutes of the meetings held on 10 February and 15 February 2021 were agreed as true records.

**223 Declarations of interest**

Minute 225. Cranbrook Monkerton District Heating.  
Councillor Jess Bailey, Personal, Husband works in renewable energy.

Minute 225. Cranbrook Monkerton District Heating.  
Councillor Kim Bloxham, Personal, Cranbrook Town Councillor and a Lead for Eon. Also a resident of Cranbrook and a recipient of district heating.

Minute 225. Cranbrook Monkerton District Heating.  
Councillors Olly Davey and Tony Woodward, Personal, Known to the public speaker as a member of the same Political Party.

Minute 225. Cranbrook Monkerton District Heating.  
Councillor Philip Skinner, Personal, Known to the owners of Hill Barton.

Minute 225. Cranbrook Monkerton District Heating.  
Councillor Sarah Chamberlain, Personal, Broadclyst Parish Councillor.

Minute 226. 20/1838/MFUL & 20/1839/LBC (Major) EXMOUTH LITTLEHAM.  
Councillors Bruce De Saram and Tony Woodward, Personal, Exmouth Town Councillor.

Minute 226. 20/1838/MFUL & 20/1839/LBC (Major) EXMOUTH LITTLEHAM.  
Councillor Eileen Wragg, Personal, Visited the Student Union bar at Rolle College when it belong to University of Plymouth.

Minute 226. 20/1838/MFUL & 20/1839/LBC (Major) EXMOUTH LITTLEHAM.  
Councillor Joe Whibley, Personal, Exmouth Town Councillor and a Member of the Planning Committee at Exmouth Town Council.

Minute 226. 20/1838/MFUL & 20/1839/LBC (Major) EXMOUTH LITTLEHAM.  
Councillor Olly Davey, Personal, Exmouth Town Councillor; student at Rolle College and had been employed at Rolle College for several years.

Minute 226. 20/1838/MFUL & 20/1839/LBC (Major) EXMOUTH LITTLEHAM.  
Councillor Steve Gazzard, Personal, Exmouth Town Councillor and visited the Student Unions Bar at Rolle College.

Minute 227. 19/2710/MFUL (Major) EXMOUTH WITHYCOMBE RALEIGH.

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

Minute 227. 19/2710/MFUL (Major) EXMOUTH WITHYCOMBE RALEIGH.

Councillors Jess Bailey, Kim Bloxham, Olly Davey, Bruce De Saram, Steve Gazzard, David Key, Mike Howe, Geoff Pratt, Philip Skinner Joe Whibley, Eileen Wragg and Tony Woodward, Personal, Lobbied in respect of this planning application.

Minute 227. 19/2710/MFUL (Major) EXMOUTH WITHYCOMBE RALEIGH.

Councillor Joe Whibley, Personal, Exmouth Town Councillor; Member of Exmouth Town Council's Planning Committee

Minute 230. 20/2265/FUL (Minor) SIDMOUTH TOWN.

Councillors Jess Bailey, Kim Bloxham, Olly Davey, Bruce De Saram, Mike Howe, Geoff Pratt, Philip Skinner, Joe Whibley, Eileen Wragg Personal, Lobbied in respect of this planning application.

## 224 **Planning appeal statistics**

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

Members' attention was drawn to the appeal decision allowed for the creation of a means of access to a highway for planning application 20/0988/FUL – Abbotsford, Longmeadow Road, Lympstone. The Inspector determined that the access to the highway did not have a harmful effect to highway safety and did not agree that the loss of tree and hedgerow would have an adverse effect to the surrounding area and therefore allowed the appeal.

The Chair sought clarification on the Inspector's decision to overrule the concerns raised by Devon County Highways. In response the Development Manager advised it was rare and highlighted to Members it was also rare for Devon County Highways to also object to an application.

## 225 **Cranbrook Monkerton District Heating**

The Chair welcomed Henry Gent to the meeting.

Before inviting Mr Gent to speak the Chair invited the Service Lead – Growth, Development & Prosperity to present his report.

The Service Lead – Growth, Development & Prosperity gave a presentation to the committee outlining the Council's commitment to deliver zero carbon development in the West End of the District.

He updated Members on the Government's proposal to introduce a Future Homes Standard of no fossil fuels in new homes from 2025 with a further consultation in 2023 and a commitment to meet at least 75% carbon savings.

He outlined a proposal for a Section 106 Deed of Variation to provide a heat network for up to 12,000 homes and 2m sq ft of commercial space in Cranbrook including up to the boundary of Monkerton and summarised the following key points:

1. Completion of a journey started 10 years ago;

2. The delivery of policy compliant zero carbon / district heating scheme in line with Cranbrook DPD Policy;
3. Technical study work undertaken to look at the different technological solutions to understand what is feasible;
4. The Cranbrook Viability Assessment had allowed a figure of £6,588.00 to get to zero carbon;
5. Cost effective solution that can be delivered at scale and pace.

Questions raised by Committee Members:

- Clarification sought on whether the waste plant would be built and the contractual arrangements in respect of delivering the plant. In response the Service Lead - Growth, Development & Prosperity advised planning permission had been granted and funding had been secured to deliver the facility. He further advised the Council was currently awaiting the outcome to a large bid of £8m to the government's heat network investment programme which invests to support the rollout of district heating schemes.
- Clarification sought on para 4.2 on page 33 of the report about where the last two options fit into the delivery. In response the Service Lead - Growth, Development & Prosperity advised the preferred strategy was to utilise waste heat from the energy from waste plant. He referred to the convertor station for France-Aldernay-Britain (FAB) project highlighting if that option went ahead there may also be an opportunity to harness waste heat from this source in the future. He also referred to solar thermal and advised that option would require its own site of 70 acres of land to support it including space for inter-seasonal storage of hot water.

Mr Henry Gent spoke about the heat network and said it should not be extended until a number of concerns had been addressed. These concerns were as follows:

1. Dwellings connected to a heat network are currently allowed to get away with less insulation
2. From June 2022 connection of new homes to the existing heat network would probably fail Building Regulations. This was because from 2025 the Future Home Standard would apply and it was not clear whether new homes connected to a network heated by an incinerator would pass the primary energy efficiency test. In response the Service Lead - Growth, Development & Prosperity said he was absolutely confident the heat network would be Building Regulations compliant.
3. The Climate Change Committee stated in December 2020 that all new energy from waste incinerators should have carbon capture and storage. The Clyst St Mary incinerator was to be built without carbon capture and storage.
4. Houses at Cranbrook and Tythe Barn already have to deal with breakdowns of heat which would be even more likely with an incinerator fed with commercial rubbish. In response the Service Lead - Growth, Development & Prosperity confirmed there had been some issues with temporary energy centres and outlined a few causes of temporary outages. The transition to a permanent solution and associated infrastructure would enable a more robust and resilient service.

He said the Council was at risk of forcing future residents into an unwelcomed contract that encouraged the use of plastic by underrating the cost of disposing of plastic and that the Council should be encouraging the cost of disposable plastic at its full cost instead of subsidising the disposable plastic at the expense of householders.

Comments received from Committee Members included:

- A correction was made to Mr Gent's statement. It was advised the power plant would be situated in the parish of Farringdon and not Clyst St Mary.
- The need to focus on insulation of houses.
- The need to work towards passivhaus standard.
- Producing energy from waste was welcomed. It was highlighted that some biomass plants were importing vast amounts of wood from Eastern Europe, cutting down swathes of forests.
- Concerns raised about trying to reduce the amount of waste produced and assurance was sought that it would be built with carbon capture and storage.
- It was questioned whether waste would have to be imported if there was not enough waste and what type of waste would be imported.

Councillor Kim Bloxham, Ward Member for Cranbrook supported the report as it was a way forward to deliver the much needed eastern transmission mainline which would provide additional resilience for households in the eastern areas of the town and proposed the recommendations as written which was seconded by Councillor Philip Skinner.

**RESOLVED:**

1. **That the Committee 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.**
2. **That the Committee agrees the principle of the proposed Deed of Variation based on the core provisions set out in paragraph 6.2.**
3. **That delegated authority be given 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.**

226 **20/1838/MFUL & 20/1839/LBC (Major) EXMOUTH LITTLEHAM**

**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 dwellings and 19 apartments and the conversion and refurbishment of Eldin House to create four 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.

**RESOLVED:**

**20/1838/MFUL** – Approved as per officer recommendation but also subject to the following:

1. A Section 106 Unilateral Undertaking securing the financial contribution towards affordable housing;

2. Change to the wording of condition 11 to read:  
With the exception of demolition and site clearance works, 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 development. 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)
  
3. Change to the wording of condition 12 to read:  
With the exception of demolition and site clearance 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 prior to the commencement of development. 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)
  
4. Change to the wording of condition 15 to read:  
With the exception of demolition and site clearance works, no development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
  - (a) A detailed drainage design based upon the approved Flood Risk Statement Land Off Douglas Avenue, Exmouth and the approved Drainage Strategy Plan 1001 Rev P05
  - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
  - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
  - (d) 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) - (d) 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-construction 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 20/1838/MFUL with policy EN22- Surface Water Run-Off Implications of New Development) of the East Devon Local Plan 2013-2031).

**20/1839/LBC** – Approved as per officer recommendation.

227 **19/2710/MFUL (Major) EXMOUTH WITHYCOMBE RALEIGH**

**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) and B1(c) accommodation (322 sqm employment floorspace) with associated car parking; development to be accessed from Salterton Road.

**RESOLVED:**

Refused contrary to officer recommendation with the wording of the reason for refusal delegated to the Development Manager.

Members determined that the proposal did not address the previous refusal on the site and associated appeal decision resulting in an unjustified loss of employment land without adequate mitigate contrary to Strategies 22 and 32 of the Local Plan, Policies EE2 and EE3 and Action EEA1 of the Exmouth Neighbourhood Plan and guidance in the NPPF.

228 **19/0101/FUL (Minor) DUNKESWELL AND OTTERHEAD**

**Applicant:**

Cutler

**Location:**

Greenways, Awliscombe, Honiton, EX14 3PJ.

**Proposal:**

Construction of five dwellings (comprising a mix of affordable and market dwellings)

**RESOLVED:**

Deferred for the following reasons:

1. To ask the applicant to carry out an up-to-date Local Housing Needs Survey to justify the need for 3 affordable units for shared ownership; and,
2. To ask EDDC Housing to consider taking on the units and to advise if they are not interested in doing this to outline their reasons.

229 **20/2563/FUL (Minor) DUNKESWELL AND OTTERHEAD**

**Applicant:**

Mr & Mrs 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.

**RESOLVED:**

Approved as per officer recommendation but subject to a change to condition 8 to amend the hours from 9am to 7pm in the interests of protecting the amenity of the area and AONB.

The amended condition to read as follows:

No lights shall be on within the building outside the hours of 7am to 7pm 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.)

In addition, a further recommendation was made by Committee that Legal Services and Development Management draft a letter from the Committee to the local MP's advising of their dissatisfaction at the Prior Approval process in terms of undermining local democracy, the Local Plan and Neighbourhood processes and asking the MP's to lobby Government to reverse the legislation. The draft letter to be brought back to the next Committee on the 17<sup>th</sup> February as a late item for agreement.

230 **20/2265/FUL (Minor) SIDMOUTH TOWN**

**Applicant:**

Mr R & C Gliddon.

**Location:**

Flat, Sheffield House, Church Street, Sidmouth, EX10 8LX.

**Proposal:**

Change of use from one flat to two flats and alterations.

**RESOLVED:**

Approved contrary to officer recommendation with conditions delegated to officers in consultation with the Chair of Planning Committee and the Ward Members.

Members considered that the benefit from the provision of small units in Sidmouth Town Centre outweighed any flood risk harm and need to comply with the sequential test.

231 **20/2551/VAR (Minor) YARTY**

**Applicant:**

Maria Baciu

**Location:**

Axe View Solar Farm, Wadbrook, EX13 7AS.

**Proposal:**

Variation of Condition 2 (Approved Plans) and Condition 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.

**RESOLVED:**

Approved as per officer recommendation.

232 **20/2543/OUT (Minor) EXE VALLEY**

**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.

**RESOLVED:**

Refused 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 Pratt  
P Skinner  
J Whibley  
T Woodward  
J Bailey

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

P Arnott  
F Caygill  
S Hawkins  
P Hayward

N Hookway  
F King  
B Taylor

**Officers in attendance:**

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

**Councillor apologies:**

A Colman  
G Pook

Chairman .....

Date: .....

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Planning Committee held at Online via the Zoom App on 17 March 2021**

#### **Attendance list at end of document**

The meeting started at 10.02 am and ended at 3.20 pm. (The meeting was adjourned at 1.30 pm and reconvened at 2pm)

#### **233 Declarations of interest**

Minute 236. 20/1582/FUL (Minor) BUDLEIGH & RALEIGH.

Councillor David Key, Personal, Known to the applicant over several years through the Young Farmers Club.

Minute 236. 20/1582/FUL (Minor) BUDLEIGH & RALEIGH.

Councillor Philip Skinner, Personal, Received a telephone call from the applicant in respect of this planning application.

Minute 237. 20/1895/FUL (Minor) AXMINSTER.

Councillors Olly Davey, Bruce De Saram, Sarah Chamberlain, David Key, Mike Howe, Philip Skinner and Tony Woodward, Personal, Lobbied on this planning application.

Minute 237. 20/1895/FUL (Minor) AXMINSTER.

Councillor Eileen Wragg, Personal, Received two emails from an objector in respect of this planning application.

Minute 239. 20/1801/FUL (Minor) TALE VALE.

Councillors Jess Bailey, Colin Brown, Sarah Chamberlain, Olly Davey, Bruce De Saram, Steve Gazzard, David Key, Eileen Wragg, Geoff Pratt, Mike Howe, Tony Woodward, Personal, Lobbied on this planning application.

Minute 239. 20/1801/FUL (Minor) TALE VALE.

Councillor Philip Skinner, Personal, Known to the applicant and the applicant's family for over 20 years as Ward Member and was not predetermined or biased as a Planning Committee Member.

Minute 240. 20/1636/FUL (Minor) FENITON.

Councillor Jess Bailey, Bruce De Saram, Colin Brown, Olly Davey, Steve Gazzard, Mike Howe, David Key, Eileen Wragg, Geoff Pratt, Tony Woodward, Personal, Received an email with photographs from Councillor Bond, Ward Member, in respect of this planning application.

Minute 241. 20/1808/FUL (Minor) FENITON.

Councillor Steve Gazzard, Personal, Lobbied on this planning application.

#### Non-Committee Member

Minute 238. 20/2133/FUL (Minor) YARTY.

Councillor Paul Hayward, Personal, Clerk to Chardstock Parish Council who have opposed this planning application and have been present at parish council meetings as Clerk and Ward Member simultaneously where another objector had voiced their objections; Known to the applicant's partner as he is employed as parish maintenance for Chardstock Parish Council and have communicated with him on multiple occasions

on parish maintenance matters; Also had attended the site as Ward Member without predetermination.

234 **Matters of urgency**

There was one late report that the Chair agreed would be discussed in Minute 242.

235 **20/2514/FUL (Minor) BUDLEIGH & RALEIGH**

**Applicant:**

Mr & Mrs Robert & Meg Harris

**Location:**

The Coach House, 9A Fore Street, Budleigh Salterton, EX9 6NG.

**Proposal**

Change of use from ancillary accommodation to the main dwelling to an independent residential use (Use Class C3) for holiday letting purposes.

**RESOLVED:**

Approved contrary to officer recommendation.

Members considered that the economic and tourism benefits outweighed the harm from flood risk and failure of the sequential test. Conditions delegated to officers in consultation with Ward Member and Chair.

236 **20/1582/FUL (Minor) BUDLEIGH & RALEIGH**

**Applicant:**

Wyatt

**Location:**

Barns At Higher Hawkerland Farm, Sidmouth Road, Aylesbeare, EX5 2JW.

**Proposal:**

Change of use and subdivision of Barns 1 and 2 and part of Barn 3 from agricultural use to form 10 storage and distribution units (Use Class B8), including external alterations to provide roller shutter door and a by-pass door to each unit, provision of infill cladding to the existing hit and miss boarding to the external walls and provision of a gravel finish to the existing earth hardstanding to form Yard 1 and Yard 2 to be used for additional external storage associated with the units (retrospective).

**RESOLVED:**

Refused as per officer recommendation.

237 **20/1895/FUL (Minor) AXMINSTER**

**Applicant:**

Mr Peter Crosby.

**Location:**

Green Acres, Lyme Road, Axminster, EX13 5BH.

**Proposal:**

Construction of garage and barn (partially retrospective).

**RESOLVED:**

Refused contrary to officer recommendation.

Members considered that by reason of the size, scale and design of the building, and perceived lack of need, the proposed structure was harmful to the local residential character and visual amenity of the area contrary to Policy D1 and Strategy 46. In addition, Members considered that the proposal would add to vehicular use of the access and present an increased harm to highway safety contrary to Policy TC7. Wording of the reasons for refusal delegated to officers in consultation with the Chair of Planning Committee and the Ward Members.

238 **20/2133/FUL (Minor) YARTY**

**Applicant:**

Mrs Carinna Parsons

**Location:**

Myrtle Farm, Chardstock, EX13 7DD.

**Proposal:**

Replacement farm buildings.

**RESOLVED:**

Deferred to seek further evidence and information from the applicant regarding the agricultural need for the buildings. Such information and evidence to include submission of a Business Plan and justification for the size and scale of buildings proposed.

239 **20/1801/FUL (Minor) TALE VALE**

**Applicant:**

Mrs A Golding

**Location:**

Edenvale Turf, Courtlands, Dulford, Cullompton, EX15 2EQ.

**Proposal:**

Proposed replacement dwelling.

**RESOLVED:**

Refused as per officer recommendation.

240 **20/1636/FUL (Minor) FENITON**

**Applicant:**

Mr Donovan Galling.

**Location:**

The Workshops, Deer Park Farm, Buckerell, Honiton, EX14 3EP.

**Proposal:**

Replacement of former showroom and workshop building with B1/B2/B8 units, extension and change of use to B1 and B8 of the existing stores building, addition of an entrance canopy and use of the yard for outside storage and parking.

**RESOLVED:**

Approved as per officer recommendation but subject to:

1. An addition condition restricting any outside storage to no higher than 4m;
2. Condition 4 re-worded to clarify no B2 use of the existing building;
3. Additional condition requiring the submission of a dark roof colour for the new building.

241 **20/1808/FUL (Minor) FENITON**

**Applicant:**

Mr & Mrs Goodall.

**Location:**

Owl Cottage, Treaslake Farm, Buckerell, EX14 3EP.

**Proposal:**

New driveway, construction of single and two storey extensions to dwelling and enlargement of parking area and garden.

**RESOLVED:**

Approved as per officer recommendation.

242 **Proposed letter to MP's in relation to permitted development in rural areas**

The Chair introduced the late report that Members confirmed they had received and welcomed comments from Committee Members that included:

- Members welcomed the letter as it had set out the position and concurred that an additional example be included in the letter to address the fall-back position.
- It was highlighted that the various changes of use of buildings had brought both desirable and undesirable planning applications.
- The biggest issue for local authorities is that people are not building out for whatever reason.
- Need to focus on achieving our carbon neutral target for the district by giving examples.
- Reference was made to PDQ Rights and Members were reminded that it was the Law Courts that had determined that a fall-back position should be given weight when making decisions and not the Government.

**RESOLVED:**

That the letter with the proposed amendments be agreed and the final version to be delegated to the Chair and to Officers.

**Attendance List**

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

E Wragg (Chair)  
S Chamberlain (Vice-Chair)  
J Bailey  
C Brown  
A Colman  
O Davey  
B De Saram  
S Gazzard  
M Howe  
D Key  
G Pratt  
P Skinner  
T Woodward

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

P Arnott  
D Bickley  
S Bond  
A Dent  
I Hall  
P Hayward  
S Jackson  
G Jung  
D Ledger  
A Moulding  
T Wright

**Officers in attendance: (for some or all the meeting)**

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

**Councillor apologies:**

K Bloxham  
G Pook  
J Whibley

Chairman .....

Date: .....

**Ref:** 20/2054/VAR **Date Received** 25.02.2021  
**Appellant:** Mr & Mrs G & S Bowey  
**Appeal Site:** Apple Barrel Barn Orchard Cottage Dunkeswell Abbey  
**Proposal:** Change of use of redundant barn to holiday cottage  
**Planning** APP/U1105/W/21/3269783  
**Inspectorate Ref:**

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**Ref:** 20/1407/LBC **Date Received** 25.02.2021  
**Appellant:** Timothy Phillips  
**Appeal Site:** Ridge Cottage Stockland Honiton EX14 9EN  
**Proposal:** Demolition of utility extension and external masonry wall and construction of replacement single storey side extension, replacing windows with French doors on the East elevation, replacement doors on South elevation and windows on North and East elevation; Installation of PV and solar panels, external steps and internal alterations  
**Planning** APP/U1105/Y/21/3269767  
**Inspectorate Ref:**

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**Ref:** 20/1406/FUL **Date Received** 25.02.2021  
**Appellant:** Timothy Phillips  
**Appeal Site:** Ridge Cottage Stockland Honiton EX14 9EN  
**Proposal:** Construction of single storey side extension and external steps  
**Planning** APP/U1105/D/21/3269729  
**Inspectorate Ref:**

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**Ref:** 20/2410/MFUL **Date Received** 02.03.2021  
**Appellant:** Churchill Retirement Living  
**Appeal Site:** Honiton Cattle Market Silver Street Honiton  
**Proposal:** Demolition of existing structures and redevelopment to form 57 retirement living apartments for older persons including communal facilities, parking and landscaping.  
**Planning** APP/U1105/W/21/3270077  
**Inspectorate Ref:**

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**Ref:** 20/1908/FUL **Date Received** 02.03.2021  
**Appellant:** Mr Ben Shipton  
**Appeal Site:** Honeysuckle Thatch Talaton Exeter EX5 2RN  
**Proposal:** Removal of existing extension to the west of the property, and the creation of a new extension in its place extending to the south.  
**Planning** APP/U1105/D/21/3270084  
**Inspectorate Ref:**

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**Ref:** 20/1909/LBC **Date Received** 02.03.2021  
**Appellant:** Mr Ben Shipton  
**Appeal Site:** Honeysuckle Thatch Talaton Exeter EX5 2RN  
**Proposal:** Removal of existing extension to the west of the property, and the creation of a new extension in its place extending to the south.  
**Planning Inspectorate Ref:** APP/U1105/Y/21/3270087

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**Ref:** 20/1449/FUL **Date Received** 08.03.2021  
**Appellant:** Mr R G Down  
**Appeal Site:** The Rowans Sidmouth Road Clyst St Mary Exeter EX5 1DR  
**Proposal:** Conversion and alteration of ground floor of agricultural building to create two, 2 bedroom flats  
**Planning Inspectorate Ref:** APP/U1105/W/20/3261920

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**Ref:** 20/2424/PDQ **Date Received** 12.03.2021  
**Appellant:** Mrs Sarah Taylor  
**Appeal Site:** Bond Lane Farm Bonds Lane Woodbury Salterton Exeter EX5 1QF  
**Proposal:** Prior approval for proposed change of use of existing poultry building to 3 no. larger dwellinghouses and 2 no. smaller dwellinghouses (use class C3) and associated operational development under Class Q(a) and (b)  
**Planning Inspectorate Ref:** APP/U1105/W/21/3270922

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**Ref:** 20/1543/FUL **Date Received** 12.03.2021  
**Appellant:** Mrs Alison Brockbank  
**Appeal Site:** Bicton Inn 5 Bicton Street Exmouth EX8 2RU  
**Proposal:** Proposed yard/smoking area and installation of new door  
**Planning Inspectorate Ref:** APP/U1105/W/21/3270924

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**Ref:** 20/2074/LBC **Date Received** 17.03.2021  
**Appellant:** Mr R Hawley  
**Appeal Site:** Old School House Cotleigh Honiton EX14 9HJ  
**Proposal:** Proposed demolition of existing conservatory and construction of two storey rear extension including installation of solar panels, part glazed veranda, insertion of 1 no. first floor window to north elevation and internal alterations to the existing house including creation of new door opening to kitchen and removal of existing door on south elevation  
**Planning Inspectorate Ref:** APP/U1105/Y/21/3271260

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**Ref:** 20/1473/FUL **Date Received** 18.03.2021  
**Appellant:** Miss Willow Ray  
**Appeal Site:** Sunbeams Rhode Lane Uplyme Lyme Regis DT7 3TX  
**Proposal:** Erection of a new two storey house in garden plot.  
**Planning** APP/U1105/W/21/3271284  
**Inspectorate Ref:**

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**Ref:** 20/1826/PIP **Date Received** 20.03.2021  
**Appellant:** Mr Martin Overton  
**Appeal Site:** Land East Of Claremont Green Lane Axminster  
**Proposal:** Permission in Principle Application for Construction of 1no.  
Self-build Dwelling  
**Planning** APP/U1105/W/21/3271456  
**Inspectorate Ref:**

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

**Ref:** 20/0312/TRE                      **Appeal Ref:** 20/00031/TRE  
**Appellant:** Mrs Kath Pyne  
**Appeal Site:** Oasis Toadpit Lane West Hill Ottery St Mary EX11 1TR  
**Proposal:** Fell two Pine trees subject of a Tree Preservation Order  
**Decision:** **Appeal Dismissed**    **Date:** 04.03.2021  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, amenity reasons upheld.  
**BVPI 204:** **No**  
**Planning** APP/TPO/U1105/7890  
**Inspectorate Ref:**

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**Ref:** 20/1779/FUL                      **Appeal Ref:** 20/00060/REF  
**Appellant:** Mr John Lomax  
**Appeal Site:** Water Tower At Mount Pleasant Exmouth Road Aylesbeare  
**Proposal:** Provision of additional secure storage space adjacent and within structure  
**Decision:** **Appeal Dismissed**    **Date:** 08.03.2021  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, Countryside protection, landscape and accessibility reasons upheld (EDLP Strategies 7 & 47 and Policies D1 & E5).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/20/3261920  
**Inspectorate Ref:**

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**Ref:** 20/0668/PDQ                      **Appeal Ref:** 20/00057/REF  
**Appellant:** Terry Grandfield  
**Appeal Site:** Barn At Orchard Farm Plymtree  
**Proposal:** Prior approval for proposed change of use of existing agricultural barn to 4 no. smaller dwelling houses (use class C3) and associated operational development under Class Q(a) and (b)  
**Decision:** **Appeal Dismissed**    **Date:** 16.03.2021  
**Procedure:** Written representations  
**Remarks:** The Inspector agreed with the Council that the proposal would consist of building operations that exceed those permitted as reasonably necessary for the building to function as dwelling houses. The proposal does not therefore meet the criteria to qualify as permitted development under Class Q of the General Permitted Development Order 2015.  
**BVPI 204:** **No**  
**Planning** APP/U1105/W/20/3261197  
**Inspectorate Ref:**

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**Ref:** 20/1624/PDQ      **Appeal Ref:** 20/00058/REF  
**Appellant:** Terry Grandfield  
**Appeal Site:** Barn At Orchard Farm Plymtree EX15 2LW  
**Proposal:** Prior approval for proposed change of use of existing agricultural barn to 4 no. smaller dwelling houses (use class C3) and associated operational development under Class Q(a) and (b).  
**Decision:** **Appeal Dismissed**      **Date:** 16.03.2021  
**Procedure:** Written representations  
**Remarks:** The Inspector agreed with the Council that the proposal would consist of building operations that exceed those permitted as reasonably necessary for the building to function as dwelling houses. The proposal does not therefore meet the criteria to qualify as permitted development under Class Q of the General Permitted Development Order 2015.  
**BVPI 204:** **No**  
**Planning** APP/U1105/W/20/3261200  
**Inspectorate Ref:**

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**Ref:** 19/2591/VAR      **Appeal Ref:** 20/00043/NONDET  
**Appellant:** DS Developments (Exeter) Ltd.  
**Appeal Site:** South Whimble Farm Clyst Honiton Exeter EX5 2DY  
**Proposal:** Removal of condition 16 of planning permission 16/1826/MFUL for the construction of 19 dwellings. The condition requires the connection of the development to the decentralised energy network in the locality.  
**Decision:** **Appeal Dismissed**      **Date:** 17.03.2021  
**Procedure:** Written representations  
**Remarks:** Appeal against the non-determination of the application within the prescribed time period.  
  
The Council resolved that the application should have been refused as the condition was necessary in the interests of sustainable design and climate change.  
  
The appellants appeal statement introduced the intention to provide a different form of, or remove entirely, the affordable housing secured in relation to the original permission. During the appeal process the appellant submitted a Unilateral Undertaking which, amongst other things, would reflect such changes.  
  
The Inspector found that condition no 16 was not reasonable or necessary, however, he dismissed the appeal on the basis that the submitted UU would not safeguard the original permission's affordable housing obligations and the proposal would therefore be contrary to EDLP Strategy 34.  
**BVPI 204:** **No**  
**Planning** APP/U1105/W/20/3254780  
**Inspectorate Ref:**

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**Ref:** 20/0572/FUL **Appeal Ref:** 20/00063/REF  
**Appellant:** Mr J Lacey  
**Appeal Site:** Land At Woodhouse Lyme Road Uplyme  
**Proposal:** Change of use of agricultural land for siting of static caravan and construction of generator housing (retrospective).  
**Decision:** **Appeal Dismissed** **Date:** 17.03.2021  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, countryside protection and sustainability reasons upheld (EDLP Strategy 7 & Policy TC2 and Uplyme NP Policy UHG2).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/20/3262750  
**Inspectorate Ref:**

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**Ref:** 20/0848/FUL **Appeal Ref:** 20/00054/REF  
**Appellant:** Mr Thomas Lowday  
**Appeal Site:** Windrush Poltimore Exeter EX4 0AB  
**Proposal:** Change of use of residential dwelling and agricultural land to an educational facility to operate as an independent special school (use class D1) and provision of car park spaces, installation of compost toilets and wildlife pond and planting of new woodland  
**Decision:** **Appeal Allowed** **Date:** 18.03.2021  
**(with conditions)**  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, sustainability reasons overruled (EDLP Strategies 5B & 7 and Policy TC2).

The Inspector agreed that the site would not be suitable for the proposal having regard to the development plan, with reference to accessibility and the proposal would conflict with the relevant aims of Policies Strategy 5B, Strategy 7 and TC2 of the EDLP.

However, the Inspector also gave consideration to Paragraph 94 of the Framework which identifies the importance that a sufficient choice of school places is available to meet the needs of communities. It goes on to say that the decision maker should give great weight to the need to create, expand or alter schools. He noted that Devon has a significant need for this type of school, much of which is concentrated around the wider Exeter area. Student numbers are also expected to rise considerably, particularly in East Devon, Exeter and the South Hams. He considered that the proximity of Windrush to Exeter and to the M5 motorway made it well placed in this regard.

Planning law and the Framework require proposals to be determined against the development plan unless material considerations indicate otherwise and the Inspector found that the site would not be suitable for the proposal having regard to the development plan, with reference to accessibility. However, he concluded that other considerations relevant to this case provided a convincing justification for locating the proposed development at Windrush. These other material considerations attracted significant weight and constituted an exceptional justification for making a decision which was not in accordance with the development plan.

**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/20/3260272  
**Inspectorate Ref:**

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**Ref:** 20/0411/LBC **Appeal Ref:** 20/00061/LBCREF  
**Appellant:** Mr David Holt  
**Appeal Site:** Berry Cottage Longmeadow Road Lympstone Exmouth EX8 5LW  
**Proposal:** Remove existing rear porch and construct extension to the rear (north) elevation  
**Decision:** **Appeal Allowed** **Date:** 18.03.2021  
**(with conditions)**  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, listed building conservation reasons overruled (EDLP Policies EN8 & EN9).

The Inspector considered that whilst there would be some loss of historic fabric this has decayed over time and requires replacement. Other important fabric that is capable of re-use would be salvaged and incorporated within the new extension.

He concluded that, on balance, the proposal would preserve the features of special architectural or historic interest which Berry Cottage possesses and the loss of some historic fabric would be outweighed by the public benefit from maintaining this important building. The proposal therefore accords with the aims and objectives of policies EN8 and EN9 of the development plan.

**BVPI 204:** **No**  
**Planning** APP/U1105/Y/20/3262597  
**Inspectorate Ref:**

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**Ref:** 20/1632/FUL **Appeal Ref:** 20/00066/NONDET  
**Appellant:** Mr Robert Lester  
**Appeal Site:** Woolbrook Reservoir Balfours Sidmouth EX10 9EF  
**Proposal:** Construction of single storey dwelling  
**Decision:** **Appeal Dismissed** **Date:** 23.03.2021  
**Procedure:** Written representations  
**Remarks:** Appeal against the failure of the Council to determine the application within the prescribed time limit.  
The Council resolved that if the application had been determined, it would have been refused for amenity reasons. Amenity reasons upheld (EDLP Policies D1& EN1 and Strategy 6).

**BVPI 204:** **No**  
**Planning** APP/U1105/W/20/3264008  
**Inspectorate Ref:**

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## 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

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**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**

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**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

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**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**

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**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

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**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

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**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

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**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

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**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

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**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

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**App.No:** 20/2043/VAR  
**Appeal Ref:** APP/U1105/W/21/3268125  
**Appellant:** Philip and Christine Potter  
**Address:** 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

**Start Date:** 2 March 2021

**Procedure:**  
**Written reps.**

**Questionnaire Due Date:**

9 March 2021

**Statement Due Date:**

6 April 2021

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**App.No:** 20/0912/VAR  
**Appeal Ref:** APP/U1105/W/21/3267313  
**Appellant:** Mr & Mrs Peter & Ann Stansell  
**Address:** Goldcombe Farmhouse Gittisham Honiton EX14 3AB  
**Proposal;** Conversion Of Existing Buildings To Holiday Dwellings (application for removal of Condition 5 of planning permission 84/P0792 to allow year round occupancy of the holiday dwellings and variation of Condition 6 of planning permission 84/P0792 to allow The Cider Barn to be used as an unrestricted residential dwelling)

**Start Date:** 4 March 2021

**Procedure:**  
**Written reps.**

**Questionnaire Due Date:**

11 March 2021

**Statement Due Date:**

8 April 2021

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**App.No:** 20/1251/TEL  
**Appeal Ref:** APP/U1105/W/21/3268338  
**Appellant:** Telefonica Limited  
**Address:** 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

**Start Date:** 4 March 2021

**Procedure:**  
**Written reps.**

**Questionnaire Due Date:**

11 March 2021

**Statement Due Date:**

8 April 2021

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**App.No:** 20/1481/FUL  
**Appeal Ref:** APP/U1105/W/21/3267933  
**Appellant:** Ms A Cole  
**Address:** 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  
**Start Date:** 16 March 2021  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 23 March 2021  
**Statement Due Date:** 20 April 2021

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**App.No:** 20/2054/VAR  
**Appeal Ref:** APP/U1105/W/21/3269783  
**Appellant:** Mr & Mrs G & S Bowey  
**Address:** Apple Barrel Barn Orchard Cottage Dunkeswell Abbey  
**Proposal;** Change of use of redundant barn to holiday cottage  
**Start Date:** 19 March 2021  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 26 March 2021  
**Statement Due Date:** 23 April 2021

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**App.No:** 20/1406/FUL  
**Appeal Ref:** APP/U1105/D/21/3269729  
**Appellant:** Timothy Phillips  
**Address:** Ridge Cottage Stockland Honiton EX14 9EN  
**Proposal;** Construction of single storey side extension and external steps  
**Start Date:** 19 March 2021  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 26 March 2021  
**Statement Due Date:** 23 April 2021

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**Ward** Axminster

**Reference** 20/2875/OUT

**Applicant** Ms D Day

**Location** Land East Of Fairacre Lyme Road Axminster EX13 5BH

**Proposal** Outline application for the demolition of a garage and erection of a dwelling, all matters reserved except access.



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 7<sup>th</sup> April 2021</b>
<b>Axminster (Axminster)</b>	<b>20/2875/OUT</b>	<b>Target Date: 10.03.2021</b>
<b>Applicant:</b>	<b>Ms D Day</b>	
<b>Location:</b>	<b>Land East Of Fairacre Lyme Road, Axminster</b>	
<b>Proposal:</b>	<b>Outline application for the demolition of a garage and erection of a dwelling, all matters reserved except access.</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

The application is before committee as it proposes residential development on a site that lies partially outside of the built-up area boundary of Axminster and as such represents a departure from the development plan.

Outline planning permission is sought for construction of a single dwellinghouse on a site to the southeast of the town centre. The site sits between existing residential plots and shares an access with these from Lyme Road. This access road also serves as a public footpath. There is an existing detached double garage on the east side of the site and an area of enclosed land to the west of this.

The existing garage building lies within the built-up area boundary of the town but the adjoining area of land falls outside of this. As the proposed dwelling could be sited anywhere on the site i.e. in or outside of the boundary, it falls to be considered against Strategy 7 of the Local Plan which restricts development in the countryside, unless explicitly permitted by another policy of the Local or (where relevant) Neighbourhood Plan. In this instance, there are no other policies considered to provide explicit support to the development and as such it is considered to represent a departure from the Local Plan. Nevertheless, in this instance the site's position between existing residential development means it would not represent outward expansion of the town and its location in terms of proximity to local services and facilities would make it sustainable in accessibility terms. There is also existing built-form on the site and it would be possible to control the scale of any new development to avoid visual harm, as such, it is considered that the proposal can be considered to represent sustainable development and would be acceptable as a departure from the Local Plan.

In relation to access this would utilise the existing private drive shared with existing properties. Although it is acknowledged that the driveway is narrow,

provides limited passing potential and the access has restricted visibility it is also recognised that this serves the existing garage and that the highways authority has raised no objection in this regard.

In relation to other issues the design, layout, external appearance and landscaping of the site are reserved for later consideration. Subject to restricting the development to single storey only, harmful amenity impacts from overlooking/overbearing impact could be avoided and adequate connections to utilities can be provided..

In all other regards the proposal is considered to be acceptable and is recommended for approval subject to the conditions set out below.

## **CONSULTATIONS**

### **Local Consultations**

#### Axminster - Cllr Andrew Moulding

I recommend that this application is approved

#### Axminster – Cllr Ian Hall

I recommend approval.

#### Axminster - Cllr Sarah Jackson

Having reviewed the planning application, I, unfortunately, find myself unable to form a view on this application at this stage as I do not have enough information. The DAS submitted by the applicant states that the plot falls within the BUAB, however, this is contested by Dr. Doughty. I would like to seek clarification on this matter. I also note the comments raised regarding nuisance caused by construction which is, of course, inevitable within any development. However, the disruption anticipated to the neighbours' ability to access their property in order to connect this new dwelling to the current sewerage system, raises concerns. I, therefore, reserve my position until I have seen the advice from planning officers on these two matters as I believe both would be material planning considerations.

#### Parish/Town Council

Axminster Town Council supports this application.

### **Other Representations**

4 no. objections have been received to the proposal raising the following concerns:

- Impact of increased use of access road to serve property
- Lack of passing places within private access road
- Impact of vehicle turning on neighbouring properties
- Loss of privacy due to position of the proposed building on the boundary with Garden Cottage.
- Overlooking of neighbouring properties Fairacre and Garden Cottage.
- Impact of construction in particular noise and traffic

- Development of site is unnecessary and out of keeping
- Lack of availability of mains drainage and water connections.
- Poor visibility at site access onto Lyme Road
- Potential conflict between traffic and pedestrians using the private road (and which also serves as a public footpath)
- The site falls (at least partially) outside of the defined built-up area boundary

### **Technical Consultations**

#### **Devon County Highway Authority**

##### Observations:

The access road is a non- County Highway Road, though a Public Right of Way path (PROW) does run along this access and the DCC path officer has been consulted on this application.

The visibility is good in the south direction but limited in the north direction, however as the access currently provides access for a garage, i do not believe the access will be used any greater than currently and therefore the County Highway Authority (CHA) has no objection to this planning application.

##### Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

### **POLICIES**

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

Strategy 3 (Sustainable Development)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 20 (Development at Axminster)

Strategy 38 (Sustainable Design and Construction)

D1 (Design and Local Distinctiveness)

EN5 (Wildlife Habitats and Features)

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

TC2 (Accessibility of New Development)

TC4N - (Footpaths, Bridleways and Cycleways)

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 relates to a small parcel of land sited between two residential properties, Fairacre to the southwest and Fairacre Lodge to the northeast. The site is enclosed by fencing/walling and measures approximately 0.04ha. It is largely level and there is an existing single storey double garage building on the northeast side of the plot. The site is accessed from the north via a shared private drive off the southwest side of Lyme Road. This access drive also serves as a public footpath of some of its route with the footpath continuing across fields to the north of the site.

The site lies to the southeast of the town centre and to the rear of development fronting Lyme Road. It is partially within and partially outside the built-up area boundary of the town with the boundary line of this being commensurate with the southwest elevation of the existing garage building.

### **Relevant Planning History**

None

### **Proposed Development**

Outline planning permission is sought for the development of the site for a single dwellinghouse. All matters are reserved for future consideration save for means of access which would be via the existing shared private drive which serves the existing garage building.

Some indicative details have been provided which indicate an inverted 'L' shaped building located on the northeast side of the plot and partially over the footprint of the existing garage which is to be demolished. The submitted Design and Access Statement suggests this shows, "*that a dwelling with an adequate footprint for a single storey dwelling can be accommodated on the site which will be of a similar scale to adjacent dwellings.*" However, matters of scale and layout, as well as external appearance and landscaping are reserved for future consideration.

### **ANALYSIS**

It is considered that the main issues in the determination of the application relate to:

- The principle of the proposed development
- Impact on the character and appearance of the area
- Highway safety and access
- Amenity Impacts
- Other Issues

## THE PRINCIPLE OF THE PROPOSED DEVELOPMENT

The site lies partially within and partially outside of the built-up area boundary of the town, as defined by the Local Plan. As such both strategies 6 and 7 are relevant to the determination of the application.

Strategy 6 permits in principle development subject to meeting other criteria relating to impact on the character of the site and its surroundings; impact on services and flood risk; being acceptable in terms of wildlife, landscape, townscape and historic interests and in terms of highway safety, and; not resulting in loss of land of local amenity or prejudicing the development potential of an adjacent site.

Strategy 7 on the other hand seeks to restrict development in open countryside (outside built –up area boundaries) unless explicitly permitted by another policy of the Local or Neighbourhood Plan. In this case as the development proposed is for open market residential development there are no explicit policies of the Local Plan that would support this in this instance.

The submitted details indicatively show a building located on the eastern part of the site and largely within the built-up area boundary, although part of this would still fall outside of the boundary. However, as outline permission is sought and layout is a reserved matter the siting of any building is not defined and if approved development could in theory take place on any part of the site, as such the application has been advertised as a departure from the Local Plan.

The purposes of the built up area boundary, as defined in the Local Plan, are to serve three primary functions:

- a) They set limits for outward expansion of settlements and in so doing control the overall scale and location of development that occurs in order to ensure implementation of the plan strategy;
- b) they prevent unregulated development across the countryside and open areas;
- c) They define (within the boundary) locations where many development types, in principle, will be acceptable because they will complement objectives of promoting sustainable development.

In considering the proposal against these functions it is recognised that the site is contained between existing residential development and as such would not represent an outward expansion of the settlement, as there is already existing development beyond it. In terms of regulating development the site is small in scale and there is existing built form on part of it, were permission to be granted conditions could be imposed restricting the overall scale of any development. Finally, in terms of sustainability the site is immediately adjacent to existing residential development and there is good access from the site to the town centre so as to facilitate the option of non-car modes of transport for future residents. This being the case the development of the site for a single residential unit is, in principle, considered to be acceptable. The proposal is also found to be appropriate in relation to policies TC2 and Strategy 5B of the Local Plan.

## **IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA**

The existing building on site is small in scale, of single storey form and in character with and visually well related to the existing residential development to either side, although the fencing around it appears somewhat austere.

The residential development of the site for a single storey dwellinghouse could be accommodated without significant additional impact. Whilst as a residential plot it would appear somewhat constrained, particularly compared with the adjoining property to the southwest (Fairacre), there would be little discernible harm resulting from this. The use of the site for such purposes would be in character with adjoining land uses. However, given the close relationship with and nature of neighbouring properties and the 'backland nature' of the plot, on the edge of the built-up area boundary, it is considered that were permission to be granted that this should be restricted to single storey development.

## **HIGHWAY SAFETY AND ACCESS**

Access to the site would remain as existing by means of the shared private road linking to Lyme Road. This access road is single carriage width and has limited passing places, particularly over the first 25-30 metres back from Lyme Road and the visibility at the junction with Lyme road is restricted. However, it is recognised that the use of the garage has the potential to give rise to some vehicle movements already and that there are other properties which are already served by the same access (Faircare, Fairacre Lodge, Garden Cottage and Cowslip House). Devon County Council as the local highways authority has considered the proposal and raised no objection to it on highway safety grounds and as such the proposal is considered to comply with policy TC7 of the Local Plan. For these same reasons, it is not considered that the proposal would give rise to any additional impact on or reduce the convenience or attractiveness of the existing public footpath that utilises the existing section of private road from the Lyme Road junction, as such there would be no conflict with policy TC4 of the Local Plan.

With regards to parking there are no details provided of this at this stage, however it is considered that the site is of sufficient size to be able to provide adequate parking and turning provision in accordance with the requirements of policies TC7 and TC9 of the Local Plan.

## **AMENITY IMPACT**

Neighbouring residents have raised concern in relation to the potential for loss of privacy due to overlooking of their properties. This potential is recognised and as such it would be necessary to control the form of development, by restricting it to single storey form. At this stage it is not possible to determine whether there would be a need to remove further permitted development rights for roof lights etc. on the northeast or southwest elevations of any dwellinghouse permitted, if necessary this could be addressed at reserved matters stage.

In relation to noise and disruption resulting from the construction impacts of the development. It is recognised that these could occur but this is true of all development

projects. To try to minimise such impacts the Council has produced a Construction Sites Code of Practice to set out the expectations on development sites. The application site is not considered to require any unusual development techniques that might require more detailed control and the scale of the development and traffic likely to be associated with it is not that a site specific Construction and Environmental Management Plan is considered to be necessary.

## **OTHER ISSUES**

The proposal is to connect the foul drainage of the site to an existing septic tank serving Fairacre. It is understood that all of the adjoining properties are served by private drainage with the nearest mains drainage being in Lyme Road. As such the use of a private system to deal with foul drainage is acceptable in principle and further details of this could be required by condition and in order to demonstrate compliance with policy EN19 of the Local Plan. Water would be connected via the lane over which the applicant retains access rights.

It has been suggested that given the planned levels of development for Axminster set out in the Local Plan that there is no need for this development. However, the planned development in Axminster and the district as a whole, whilst based on an objective assessment of housing need across the plan period, is not a maximum figure but indeed sets out the minimum number of houses needed. The NPPF seeks to significantly boost the supply of homes and windfall development at this site whilst small scale would make a limited contribution in this regard.

## **CONCLUSION**

The proposal would provide an additional dwelling in a location with good access to services and facilities and where the site is well related to the built-form of the town and neighbouring residential development. This being the case the proposal would result in very limited environmental impact and where in this instance the social and economic benefits arising from the scheme are considered to outweigh the very limited degree of harm. The proposal is therefore considered to represent sustainable development and is recommended for approval.

## **RECOMMENDATION**

APPROVE subject to the following conditions.

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).

2. Approval of the details of the layout, scale and appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
(Reason - The application is in outline with one or more matters reserved.)
3. The design to be submitted shall be for a dwelling of single storey construction only.  
(Reason - 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.)
4. No development shall take place until details of the means of foul drainage to serve the development have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before the dwelling hereby approved is occupied.  
(Reason - A pre-commencement condition is required to avoid pollution of the environment and/or flooding during and after construction in accordance with the requirements of Policy EN14 – Control of Pollution and EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems of the East Devon Local Plan 2013-2031.)
5. As part of any reserved matters application relating to layout details of final finished floor levels and finished ground 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 - 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.)
6. Prior to any construction above foundation level, details of materials to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.  
(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.)
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule 2 Part 1 Classes A, B, or E for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool, [other than any enclosure approved as part of the landscape management scheme]  
(Reason - To enable the Local Planning Authority to retain control over future additions in the interests of the character and appearance of the area and the

amenities of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

8. As part of any reserved matters application relating to layout, details of on-site parking and associated turning provision for a minimum of 2 no. cars shall be provided. Thereafter at all times the parking and turning areas shall be kept free of obstruction and available for use for these purposes.  
(Reason - To ensure adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with Policies TC7 - Adequacy of Road Network and Access and TC9 - Parking Provision in New Development of the Adopted East Devon Local Plan 2013-2031.)

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

20/053/01	Proposed Combined Plans	22.12.20
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##### List of Background Papers

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

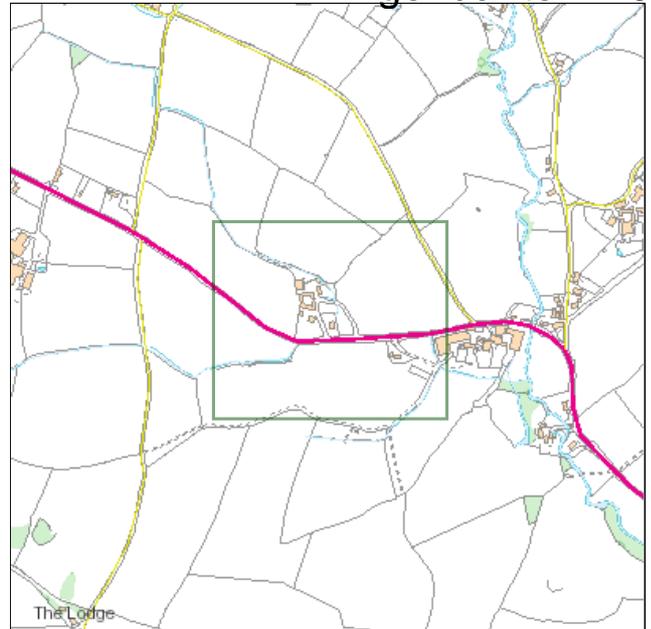
**Ward** Dunkeswell And Otterhead

**Reference** 21/0030/FUL

**Applicant** Mr & Mrs S Cannon

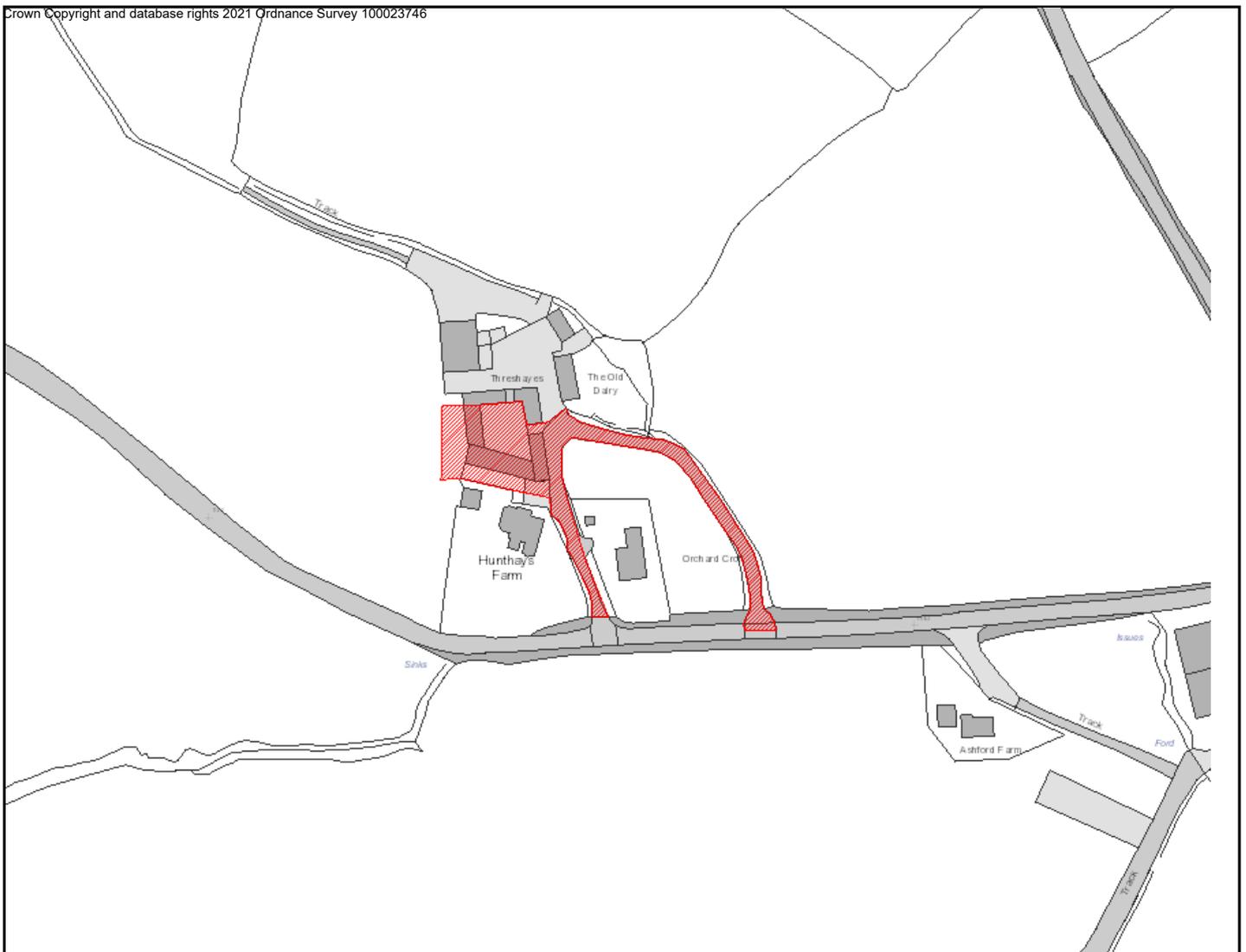
**Location** Hunthayes Barn Hunthays Farm Awliscombe  
EX14 3QB

**Proposal** Conversion of existing brick barn and stone  
barns to form one dwelling



**RECOMMENDATION: Refusal**

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		<b>Committee Date: 7<sup>th</sup> April 2021</b>	
<b>Dunkeswell And Otterhead (Awliscombe)</b>	<b>21/0030/FUL</b>	<b>Target Date:</b>	<b>08.03.2021</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs S Cannon</b>		
<b>Location:</b>	<b>Hunthayes Barn Hunthays Farm</b>		
<b>Proposal:</b>	<b>Conversion of existing brick barn and stone barns to form one dwelling</b>		

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

**This application is brought before the Committee because the officer recommendation differs from the view of a ward member.**

**The proposal involves the conversion, with associated alterations, of part of a connected range of former agricultural buildings at Hunthayes Farm, to the north west of Awliscombe, to form a four bedroom dwelling. The site, which is within the designated Blackdown Hills Area of Outstanding Natural Beauty, is part of a small complex of buildings, including three other residential properties. Two of these have been formed from conversions approved 25-30 years ago, with one of the two (The Olde Dairy) having been created from the conversion of another part of the same range of buildings.**

**The buildings are essentially arranged around almost the entirety of a central courtyard, excepting for a single point of access. The proposals involve conversion of structures along the western and eastern sides, and the whole of the southern side, of the courtyard.**

**The principal policy provisions that are material to assessment of the proposal are those of Policy D8 (Re-use of Rural Buildings Outside of Settlements) of the adopted Local Plan. In regard to these, it is thought that there are a number of areas of conflict.**

**First, in facilitating residential conversion schemes, there is an emphasis placed upon their location being close to a range of accessible services and facilities to meet residents' everyday needs. In this case, the site is close to a mile from Awliscombe, the nearest settlement, with no connecting footway/cycleway or street lighting along the A373, thereby reducing the convenience and attractiveness of use of non-car means to access the village. Moreover, the village**

itself offers very little in the way of services and facilities that could be regarded as meeting 'everyday' needs, the greater likelihood being that potential occupiers of the development would travel into Honiton.

Another of the key criteria for residential conversion schemes is that there is an opportunity to enhance the setting of the application building(s) through, for example, removal of modern extensions and/or other farm buildings or outside storage or through the introduction of appropriate landscaping. This reflects one of the exceptions to the general presumption against the development of isolated homes in the countryside set out in paragraph 79 of the National Planning Policy Framework.

However, setting aside the question as to whether the site could be regarded as being 'isolated' for the purposes of applying this policy, there is very little scope for enhancement of the setting of the buildings in this case owing to their proximity to the former Hunthayes Farm house and a shared access driveway. Furthermore, while part of the proposal involves change of use of a portion of a field directly bordering the building along the western side of the complex in order to create an area of domestic curtilage for the dwelling, this would appear to be incorporated solely for this purpose rather than as a means of seeking to positively enhance its setting.

In any event, it is thought that this itself represents an incursion into an open undeveloped area that, albeit relatively minor in impact, weighs further against the proposal as opposed to meeting this policy test.

It is also thought that certain elements of the conversion scheme itself would fail to meet other requirements set out in Policy D8 that stipulate that conversion should avoid substantial alteration, any such alterations should protect or enhance the character of the building and its setting and should be in keeping with its surroundings, local building styles and materials. In particular, the incorporation of the proposed half dormer feature to the taller of the buildings on its southern elevation and two pairs of large glazed patio doors in the west elevation, alongside the general number of proposed interventions to the buildings, the unacceptable proportions and design of windows and the intended use of aluminium framing in their construction are all considered to represent unacceptable elements of the proposal.

Although much emphasis appears to be given by the parish council, ward member and interested third parties, in expressing support for the proposal, to the potential occupation by a local family that the development would enable, in the absence of any substantive broader planning grounds upon which to restrict its occupancy or make any grant of permission personal to the applicants (which could not be justified in planning terms) it is thought this itself can be given very little weight.

## **CONSULTATIONS**

### **Local Consultations**

### Parish/Town Council

The Parish Council would like to express their full support for this application. We need to encourage our young local families to remain in the village. It not only provides support for our village school and other amenities, it is essential for the future sustainability of the community. In addition it makes excellent use of redundant farm buildings.

### Dunkeswell and Otterhead - Cllr David Key

I fully support the application which prevents a good structural barn to be brought into a very useful condition owing to it being a disused agricultural building for several years, Also it will enable a local family to remain in the Parish they were born and lived in.

Further comments:

This is the conversion and use of a disused farm building mingled in with other barn conversions and has public transport passing at the end of the drive.

This is a young local couple wanting to return to their place of birth with the barn being Owned by a parent to enable this.

I still fully support this application.

### Technical Consultations

None.

### Other Representations

Two representations of support have been received.

### Summary of Grounds of Support

1. Design appears to be sympathetic to the existing location/surroundings.
2. Approve of creating a dwelling out of the existing buildings rather than having a new build
3. The scheme will render the existing structure safe as parts are currently in a poor condition.
4. The conversion will provide accommodation for a young family with existing strong family ties to the community who would otherwise be unable to continue to be part of the village.
5. The conversion will not have any negative impact on neighbouring property.
6. Will positively contribute to the aesthetics of the courtyard and the approach to The Old Dairy.
7. Close proximity of family members would aid and support sustainability of independent living.

### PLANNING HISTORY

Reference	Description	Decision	Date
95/P0562	Conversion Of Farm Buildings To Holiday Let And Annexe	Approval with conditions	08.06.1995

89/P1127	Barn Conversion	Approval with conditions	20.12.1989
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## **POLICIES**

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

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

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

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

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)

## **Site Location and Description**

The site comprises part of a linked range of single and one and a half storey former farm buildings, incorporating a pair of monopitch-roofed block-constructed stables, which loosely form a square arranged around a central courtyard that is located to the immediate north of the former Hunthayes Farm house.

Both the former farm buildings and the dwelling are part of a small, loosely clustered group of buildings positioned close to, and accessed from, the A373 approximately 1.2 km. to the north west of Awliscombe (measurement taken 'as the crow flies' from the Greenway Lane junction) within the designated Blackdown Hills Area of Outstanding Natural Beauty (AONB). The A373 forms part of its boundary at this point.

This group includes three further residential properties; Orchard Croft, Threshayes and The Olde Dairy, the latter two having been formed within the past 20-30 years through the conversion of former farm buildings.

Indeed, The Olde Dairy and its associated garaging have been formed through the conversion of the single storey range of buildings along the northern side of the courtyard as well as those along part of the eastern return side to the north of the courtyard entrance; this being the only break in the building complex. In addition, a former open fronted stock shelter along the western side of the courtyard has been converted to form a five bay garage/car port.

The planning permission (95/P0562) for these conversions also included proposals for the conversion of the building to the south of the entrance - an open fronted single storey barn - to create a 3 bed holiday letting unit together with the conversion of the taller storey and a half height building (which, along with the stables, forms the southern 'side' of the courtyard) to form a games room for guests with the block-constructed stables removed. However, this element of the scheme has never been carried out.

The 'outer' elevation walls of these parts of the complex are of natural stone construction with brick corner quoins. They are largely devoid of openings save for a pair of modest size openings in the south elevation, single openings within the western gable end elevation of the southern building and the southern end gable elevation of the eastern building and a full height door in the rear elevation of the garage/car port.

As such, while the converted parts of the buildings exhibit considerable alterations to the inner courtyard and 'outer' elevation walls, the remaining buildings have been largely kept unaltered.

### **Proposed Development**

The current application proposals involve the conversion of these former barns, the stables and the present garage/car port, and attendant operational development, to form a four bedroom dwelling. In addition, it is proposed that an area of land within a field immediately to the west of the building range be incorporated as a garden area for the dwelling and a new hedged boundary with the remainder of the field created.

The submitted details show the accommodation comprising, in addition to the bedrooms, a living room, dining room, kitchen, utility room, en suite facilities for two of the bedrooms, a bathroom, playroom/snug, office, store, games room/gym, entrance hall and, at either end of the development, integral single vehicle car ports. In addition, it is proposed that a mezzanine floor, to be used as a storage platform, be formed within part of the slightly taller building.

Within the courtyard, the associated alterations to the buildings would principally consist of infill timber boarding to two of the three bays of the open fronted barn to the south of the courtyard entrance and four of the five bays of the garage/car port (the retained single bays within each being kept open to form the two car ports) with two doors and a window incorporated - in total - within each. The concrete wall to the stables would be replaced with a series of four three light windows of full wall height

to provide light to an internal 'bedroom corridor'. However, the specification of the external wall finish for the non-glazed areas of this elevation is not clear from either the application or the plans.

It is envisaged that the 'outer' wall elevations would accommodate a number of windows and doors throughout, including pairs of large glazed sliding windows in the west elevation to provide access from the proposed living and dining rooms to a patio within the garden.

These aside, new windows would mainly comprise two light casements - all with horizontal glazing bars, with those in the east elevation also sub-divided vertically - set within openings with brick quoins and heads.

The south elevation would see the introduction of a gabled half dormer feature housing, in part, a 'false' 'stable' door above a ground floor level door of identical design along with a pair of roof lights to serve a vaulted ceiling to the living room and a flue for a log burner within the same space. A further roof light is proposed for the courtyard elevation of this building to provide light to the entrance hall.

It is also intended that a part glazed, part panelled timber screen be formed within the east elevation to provide a large window to the proposed games room/gym. This would also be served by 2no further roof lights within the courtyard elevation.

The west elevation would also incorporate the inclusion of a door at the rear of the car port that would provide access to a bin/recycling storage area.

It is relevant to note that due to the location of the site within the AONB, the buildings do not benefit from any fall-back consent under the Prior Approval process.

### **Considerations/Assessment**

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

### **Principle/Policy**

The site occupies a location within the open countryside outside of any defined Built-up Area Boundary where the provisions of Local Plan Strategy 7 (Development in the Countryside) apply. These only permit development where it is in accordance with a specific Local or Neighbourhood Plan policy and where it would not harm the area's distinctive landscape, amenity and environmental qualities, including, among other things, important man made features which contribute to the local landscape character, such as rural buildings.

In the absence of any made or emerging neighbourhood plan for Awliscombe parish (and no permitted development rights for conversion to residential use), it is considered that the main development management policy provisions in the Local Plan that are material to consideration of the proposal in this case are those of Policy D8 (Re-use of Rural Buildings Outside of Settlements). These permit the re-use of buildings in the countryside where, among other criteria: the building is structurally

sound and capable of conversion without the need for substantial extension, alteration or reconstruction and any alterations protect or enhance the character of the building and its setting; the new use would be sympathetic to, and would enhance the rural setting and character of, the building and surrounding area, and is in a location which will not substantively add to the need to travel by car, and the form, bulk and general design of the building and its proposed conversion are in keeping with its surroundings.

It also states that, for residential proposals, it must be established that; the buildings' conversion would enhance its setting, for example through removal of modern extensions and materials, outside storage, landscaping, etc., and that development is located close to a range of accessible services and facilities to meet the everyday needs of residents. These therefore essentially reflect the more general provisions set out above.

In regard to these key criteria it is felt that the proposal presents issues of concern.

In considering the issue of the location of the site and its proximity to a 'range of accessible services and facilities', it is noted that the site is close to a mile from the nearest village, Awliscombe, with no safe or convenient pedestrian connection to it. The A373 alone connects the two and, aside from not being especially convenient or desirable to walk or cycle along, has no footways or street lighting that could improve this situation.

Moreover, although the A373 forms part of a route for a bus service, neither the frequency nor convenience of the service is sufficiently satisfactory as to be likely to encourage a significant modal shift that could be regarded to weigh in favour of the principle of the development in this case. Hunthayes is not close to any bus stops within ready, safe or convenient walking distance while the service itself is infrequent.

Furthermore, the range of facilities and services within Awliscombe itself could not reasonably be regarded as meeting the everyday needs of residents, who would more likely travel to Honiton to fulfil these. In order to do so, it is equally likely that the proposed development would add to the number of journeys that are necessary by private car.

As such, it is thought that the addition of a further dwelling in the open countryside at Hunthayes Farm would result in an additional contribution towards a dispersed pattern of housing provision that would be contrary to the underlying objectives of Strategy 7 and Policy D8.

Although relating to an application and subsequent appeal considered close to 20 years ago, it is also thought that there are valid comparisons to be made with a proposal to remove a holiday occupancy restriction condition attached to 2no holiday cottages, to enable unrestricted permanent occupation as dwellings, at nearby Godford Land Farm during 2001/02.

Whilst not directly alongside, and accessed from, the A373, this site is a similar distance from Awliscombe.

The Council had imposed the condition principally on the grounds that the grant of planning permission for a dwelling in the open countryside would be contrary to the Local Planning Authority's approved policies and refused its removal on the grounds of it resulting in inappropriate development within the AONB and that it was 'tantamount to the creation of two new residential dwellings in the rural countryside divorced from any settlement'.

In his consideration of the appeal, the Inspector identified, among three main issues, 'whether the proposed development would increase the need to travel'. In his findings on this, he opined as follows:

"The range of facilities within Awliscombe, which includes a primary school and a public house, are limited and in my opinion would not meet the basic needs of residents of the units. In combination with the remoteness of the site from employment centres, shopping and leisure facilities, the proposal would increase the need to travel. Although at present holidaymakers could be expected to make their way to and from the site by car and travel during their stay, I consider that in comparison to the likely travel patterns of residents the proposal would result in a significant increase in the need to travel. In particular, permanent residents would be likely to travel regularly for employment, social, leisure and domestic purposes, including medical and educational purposes. Holidaymakers would also in my opinion be far less likely to receive visitors who could also be expected to arrive by car."

He went on to consider the infrequency of bus services to be likely to have any meaningful impact on reducing the need to travel and "furthermore, the distance of the site from Awliscombe, the horizontal alignment of the A373, and the lack of footways and street lighting along this stretch of the main road would also in my opinion deter more sustainable forms of travel such as walking and cycling. I therefore conclude (sic) that the proposal would increase the need to travel."

Although the current proposal does not relate to the removal of a holiday occupancy restriction, the effect is essentially identical insofar as it would create an unrestricted residential dwelling in an unsustainable location. Moreover, it is the case that very little has changed, in terms of the accessibility of that site to Awliscombe and the range of services and facilities that the village offers, since the time of the appeal decision. As such, taken together with its very similar distance from the village to that of Hunthayes, it is felt that the conclusions reached can be equally applied in this case and that they carry very similar weight in the context of the relevant criterion of Policy D8.

The proposal would also, in this regard, fail to comply with the provisions of Policy TC2 (Accessibility of New Development) of the Local Plan which require that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.

## **Visual Impact**

Turning to the matter of the extent to which the proposed scheme itself would protect or enhance the character of the building range and its setting, it is again considered that there are shortcomings in this regard.

As stated, one of the key Policy D8 criteria is that it should avoid substantial alteration and that any such alterations that are proposed should be sympathetic to the building.

In this case however, it is thought that the extent and nature of the alterations proposed to the buildings would result in their essential agricultural character being significantly compromised.

One of the more important elements of the character of the affected buildings is perceived to be the absence of a significant number of openings within their 'outer' western, southern and eastern elevations. While it is accepted that parts of the complex overall have been the subject of alterations during the course of the previous approved conversion works to create the property now known as The Olde Dairy, as well as its associated garaging and the five bay car port, it is not necessarily felt that these themselves are especially sympathetic and that they can reasonably be cited in support of any additional potentially damaging operations that could, both in themselves and cumulatively, be detrimental to the inherent form and character of the remaining buildings around the courtyard.

Indeed, it is thought that the present scheme would introduce elements that would, on both counts, be materially harmful.

First, it is considered that the fundamental number of interventions in the buildings would be excessive and that they could be reduced were modifications to the floor plan to be considered. Although the accommodation is quite extensive in nature, which is not necessarily an issue of concern in itself, it has resulted - in terms of the numbers of internal spaces that are proposed - in a need to provide windows, roof lights, etc. throughout the buildings that would be somewhat reflecting of this.

Furthermore, the nature of a number of the alterations is thought to be most unsympathetic to the form and character of the buildings. Elements in particular that are considered to be most damaging are the proposed gablet and false first floor level stable door in the south elevation, and the breaking of the continuous line of the existing roof eaves that would result, and the two sets of large glazed patio doors proposed alongside each other in the west elevation. This treatment in particular, is felt to be especially unfortunate, particularly given the prominence of this aspect of the complex in view from the A373 upon approach from the west and, to a lesser extent, a road extending north off it around 350 metres uphill from the site to the west. From these views, the undeveloped character of these former farm buildings and their wider agricultural setting is particularly apparent and the introduction of the treatment proposed to this aspect would be wholly damaging to this.

It would appear also that the number, arrangement and proportions of the proposed windows have taken those of The Olde Dairy as something of a design lead insofar as it is thought that, both individually (for the most part) and collectively, they appear unduly domestic in character. Whilst there is an acceptance that the sensitive design of new openings for walls that are largely devoid of any may present a challenge from a design standpoint, and that it might not be unreasonable to seek to replicate a treatment previously used, it is thought in this case that the resulting development

would appear unsympathetic to the agricultural form and character that is currently retained by the existing buildings.

Equally, while reference has already been made to the lack of clarity in regard to the materials to be employed in the construction of the proposed windows, it is essentially considered that the use of aluminium framing for any windows in a conversion of this nature should be avoided.

Although the intended treatment to the 'inner' courtyard elevations would appear rather more sympathetic, not least owing to their present appearance which exhibits either evidence of previous interventions or involves less characterful buildings, such as the stables, this fails to compensate for the perceived failure of the scheme to achieve a sensitive series of alterations to the 'outer' wall elevations.

Whilst not necessarily likely to be materially damaging to the character of the setting of the buildings given the relatively modest area of land involved and the intention to provide hedge screening to the 'new' boundary, the intervention into the adjacent field in order to create the proposed curtilage area for the dwelling also adds a further element of 'domestication' to the scheme. Although the lack of space elsewhere in which to create an ancillary garden space for the property is acknowledged, and the desire to provide the same wholly reasonable, it is not considered that it would positively protect or enhance the setting of the buildings to any extent that would meet the relevant test of Policy D8 or paragraph 79 of the NPPF.

Furthermore, there would be very little scope to actively enhance the setting of the buildings elsewhere given the arrangement of the buildings around a central courtyard, the absence of any later unsympathetic additions to their outer elevations and the close proximity of Hunthayes Farm house and its driveway to them.

The perceived failure to meet these tests also renders the proposal contrary to the more generic provisions of Local Plan Policy D1 (Design and Local Distinctiveness) which requires, fundamentally, that development respects the key characteristics and special qualities of the surrounding area and relates well to its context.

Overall therefore, notwithstanding the view that the scheme would meet the various other Policy D8 criteria - in relation to the structural soundness of the buildings to be converted, the absence of any harm to the countryside by way of traffic, parking, storage, pollution or the construction of any associated structures or any undermining effect upon the viability of an existing farm business likely to prompt the future need for replacement buildings - it is considered that the scheme would be contrary to the key tests identified.

### **Other Matters**

The submission includes a protected species survey report that sets out the results of both visual inspection and bat emergence surveys. These reveal the presence of day roosts for pipistrelle and brown long-eared bats within the buildings that would be lost as a result of the proposed development as well as potential disturbance, injury or killing of bats during works.

The survey also highlights the presence of both historic and active bird nesting sites.

Recommended mitigation measures (that would need to form part of a necessary protected species licence application to Natural England) include: the provision of an alternative roosting site for bats in the form of an enclosed bat loft above one of the proposed car ports; the minimising of potential disturbance to acceptable levels through the carrying out of works under an ecological watching brief to ensure that no bats are injured or killed, and the provision of four integrated bird nesting bricks on the northern and eastern elevations of the taller one and a half storey barn.

There are no issues of concern regarding the proposal from highways/access or drainage perspectives. It is intended to discharge of foul drainage via a mains sewer connection and surface water drainage by way of a sustainable drainage system, the details of which have not been provided. There is ample land within the courtyard and/or elsewhere within the site area for the provision and manoeuvring of vehicles while the entrance to the driveway to the site off the A373 has the benefit of the maximum visibility available both for, and of, emerging vehicles. No comments have been received regarding the proposal from the Highway Authority.

Notwithstanding these factors that might otherwise weigh in favour of the scheme, it is considered that the planning balance weighs against the proposed development in this case.

Furthermore, whilst the support expressed by the parish council and ward member on the basis of the opportunity that the development could provide to accommodate a local family is recognised, in the absence of any substantive grounds upon which to restrict occupancy of the proposed dwelling, make any permission personal to the applicants, and given that the property could be sold at any time to anybody, it cannot be given very much weight in the overall balance of considerations in this case.

## **RECOMMENDATION**

REFUSE for the following reasons:

1. The site is located outside of the built-up area boundary of any defined settlement or a strategic allocation within the adopted East Devon Local Plan 2013-2031 and is therefore within the open countryside where residential development is restricted. The proposal, by reason of its location in the countryside remote from essential services and facilities required for daily living, with inadequate provision for safe, desirable and convenient alternative means of access by walking, cycling or public transport, would result in an unsustainable form of development with reliance upon the use of the motor vehicle to access such services and facilities. It would also result in a development that would not be spatially or physically well related to the built form of any settlement. As such, the proposal would be contrary to the provisions of Strategy 7 (Development in the Countryside), Strategy 27 (Development at the Small Towns and Larger Villages) and Policies D8 (Re-use of Rural Buildings Outside of Settlements) and TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 and guidance as set out within the National Planning Policy Framework (2019).

2. In the opinion of the Local Planning Authority, the proposed conversion scheme would involve significant alterations to the existing buildings that would, by virtue of their nature and number and the use of inappropriate materials, be out of keeping with, and fail to protect or enhance, their rural agricultural character or appearance or the rural character of their setting. This would also be to the detriment of the wider landscape character and quality of the designated Blackdown Hills Area of Outstanding Natural Beauty in which the site is located. As such, the proposal would be contrary to the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and D8 (Re-use of Rural Buildings Outside of Settlements) of the adopted East Devon Local Plan 2013-2031 and guidance as set out within the National Planning Policy Framework (2019).

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

P1804:01	Location Plan	06.01.21
P1804:02	Combined Plans	06.01.21
P1804:03	Combined Plans	06.01.21
P1804:05	Proposed Elevation	06.01.21

##### List of Background Papers

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

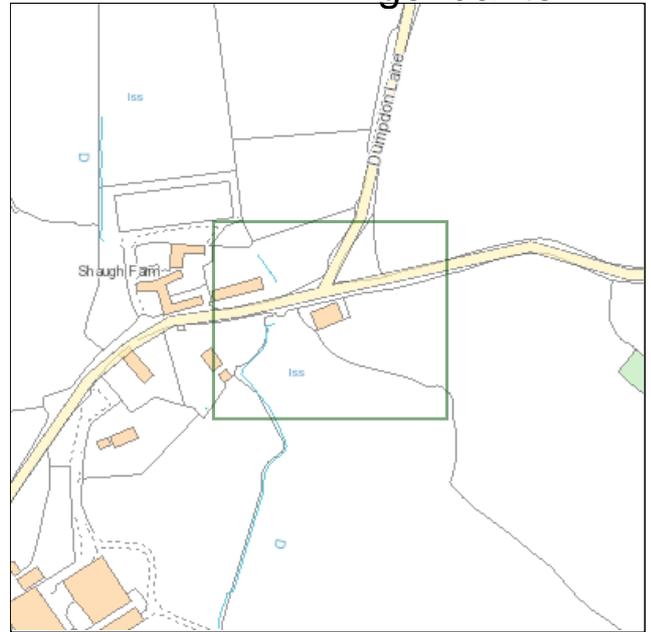
**Ward** Dunkeswell And Otterhead

**Reference** 21/0372/FUL

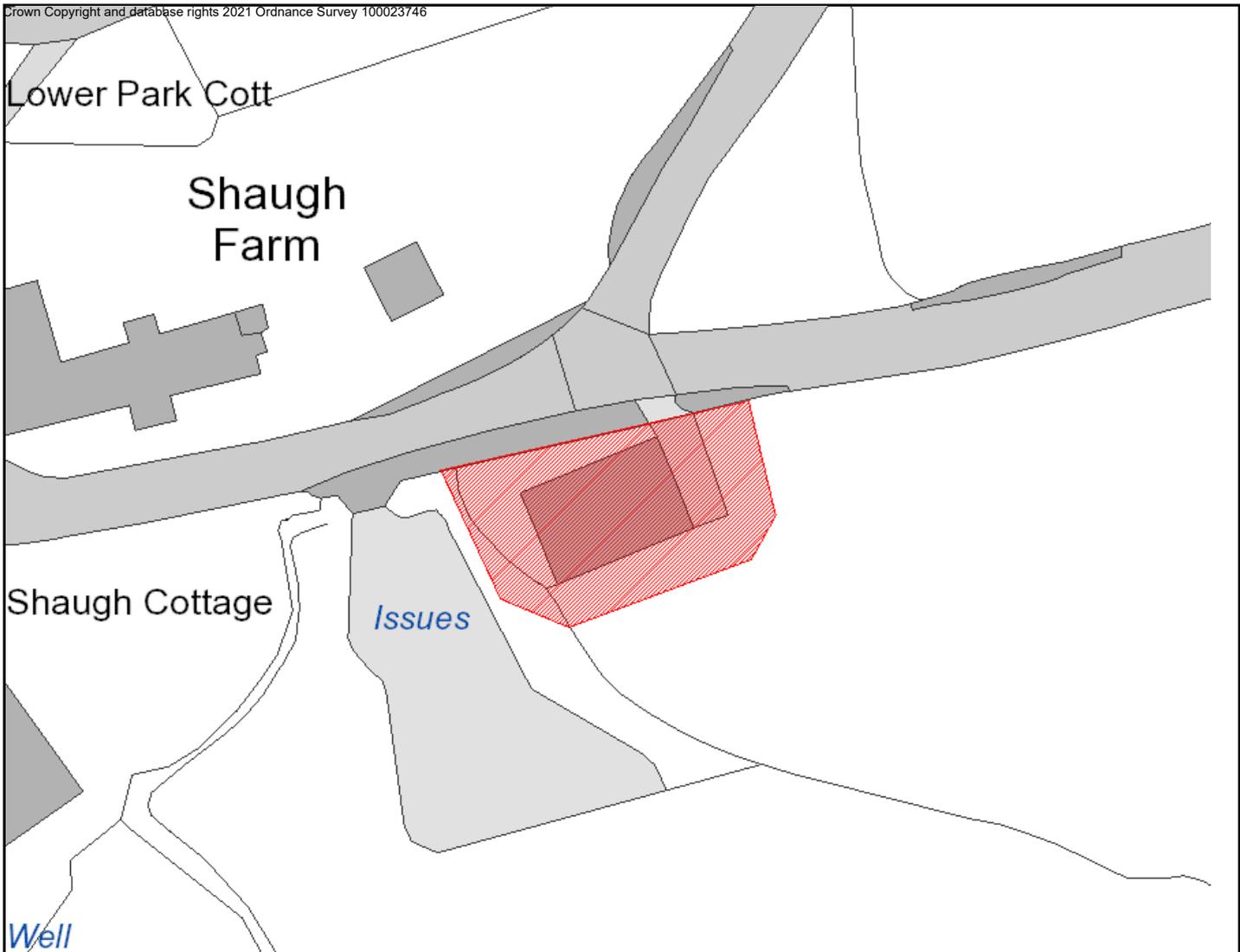
**Applicant** Jo and Mathew Davis

**Location** Barn At Otter View Farm (NE Of Shaugh Cottage) Luppitt Honiton EX14 4TP

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



**RECOMMENDATION: Refusal**



		<b>Committee Date: 7<sup>th</sup> April 2021</b>
<b>Dunkeswell And Otterhead (Luppitt)</b>	<b>21/0372/FUL</b>	<b>Target Date: 05.04.2021</b>
<b>Applicant:</b>	<b>Jo and Mathew Davis</b>	
<b>Location:</b>	<b>Barn At Otter View Farm (NE Of Shaugh Cottage) Luppitt</b>	
<b>Proposal:</b>	<b>Proposed conversion of agricultural building to form residential dwelling and associated works.</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

The application is before committee because the officer recommendation differs from that of the ward member. The parish council are also in support of the proposal.

Permission is sought to convert an existing rural building, comprising of an original stone barn and later lean-to addition, to form a dwellinghouse. At present the building appears to provide some low key agricultural use.

The site is located outside in open countryside forming part of the Blackdown Hills Area of Outstanding Natural Beauty however it forms part of the lose collection of properties which form the hamlet of Shaugh and where there are other residential properties nearby.

The building is considered to be capable of conversion, subject to some strengthening works and localised sections of rebuilding, and in terms of design is considered to be relatively sympathetic. Additionally, it would be possible to limit any impact of the development of the wider AONB landscape through appropriate landscaping of the site which could be controlled by condition.

Although it is recognised that the proposal would give rise to some limited social and economic benefits, it has not been demonstrated that the building is no longer required for agricultural purposes and the identified benefits are considered to be outweighed by the harm that would be caused through the creation of an unrestricted residential use in this unsustainable location. As a result the proposal is considered to be in conflict with the relevant policies of the Local Plan and the National Planning Policy Framework and is recommended for refusal.

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Luppitt Parish Council supports this planning application.

#### Dunkeswell And Otterhead - Cllr David Key

I have visited this site and am convinced this little or none use barn would make a good barn conversion for a local young family wanting to move back to their original community and would also preserve the barn for the future. I support this application.

Further comment:

My opinion does not change as the occupant would be partially working on her parents adjoining farm and so prevents applying for a workers dwelling.

This is the use of a disused farm barn which is opposite to other barn conversions and houses. I still fully support this application.

#### Other Representations

None received.

### **Technical Consultations**

None received.

## **POLICIES**

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

Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

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

EN5 (Wildlife Habitats and Features)

EN16 (Contaminated Land)

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)

Luppitt Neighbourhood Plan 2013-2031 (Consultation Draft)

### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

### **Site Location and Description**

The application site relates to a stone barn and immediately adjoining area of land located at the eastern end of the small collection of dwellings that form the small hamlet of Shaugh within the parish of Luppitt. The existing building is single storey and constructed mainly of stone with some areas of brick/blockwork and metal sheet cladding, it has an asymmetrical pitched roof covered in corrugated sheet panels. Off the south elevation is a lean-to section supported of timber posts and partially enclosed by corrugated sheeting on the west elevation and the upper part of the south elevation.

The building sits back from the road behind an informal layby parking area and there is an existing vehicular access to the east side of the building leading to a small concrete yard area. The site area includes adjoining land to the east, south and west of the building.

The site lies in open countryside outside of any designated settlement boundary and within the Blackdown Hills Area of Outstanding Natural Beauty.

### **Proposed Development**

Permission is sought for the conversion of the existing building to form a residential unit.

The submitted plans indicate that the stone barn would be retained and converted with the roof returned to its original symmetrical pitched roof form and slate replacing the existing roof covering. The rear lean-to section would have infill stone walls, to match the main barn, on the east and west elevations with vertical timber boarding infilling the south elevation. The roof would be replaced with a single ply membrane. Externally it is intended to use the existing access to provide a parking area to the east of the building with a garden area defined to the south.

It is relevant to note that due to the location of the site within the AONB, the building does not benefit from any fall-back position for conversion under the Prior Approval permitted development rights.

### **ANALYSIS**

The application proposes the alteration and conversion of the existing barn to facilitate the change of use to a single dwelling. The main issues in the determination of the application are considered to be:

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

### **Principle of development**

The site lies in a rural location outside of any designated built up area boundary and is therefore considered to fall within open countryside. Strategy 7 of the Local Plan, strictly controls development in such locations, unless explicitly permitted by another policy of the Local (or where relevant) Neighbourhood Plan.

There is no 'made' neighbourhood plan in place that covers the site but a first consultation draft of the Luppitt Neighbourhood Plan has been produced this provides some broad support for barn conversion proposals and draft policy D1 of the Neighbourhood Plan supports barn conversions to residential and business uses providing the buildings heritage is protected and appropriate materials and good craftsmanship are employed. This consultation draft has been informed by some community consultation to assess the key issues for the parish community but remains at a relatively early stage of the plan making process and can therefore only be given limited weight.

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

In relation to national policy paras. 77 - 79 of the NPPF cover rural housing. In this regard paragraph 77 indicates that support should be given to developments that reflect local needs, placing particular emphasis on affordable housing; paragraph 78 states that in rural areas housing should be located where it would enhance and maintain the vitality of rural communities; and paragraph 79 seeks to restrict isolated homes in the countryside, setting out the circumstances in which their provision is acceptable. As the proposed development would not meet a specified local need (the application has not been put forward as an agricultural workers dwelling), and would not provide affordable housing, it would not help to deliver either of the objectives set out in paragraph 77 of the Framework. In addition the site is located adjacent to existing properties within the hamlet of Shaugh and as such is not regarded as 'isolated', therefore even were they to be demonstrated as relevant to the proposal the exception criteria set out under para. 79, including the proposals re-use of a redundant building would not be applicable.

In relation to paragraph 78 of the Framework, it is recognised that this offers potential support for development which would enhance or maintain the vitality of rural communities. Para. 78 goes on to give the example of how development in one village might help support services in a village nearby. In this instance the development proposed is not in a village but a small hamlet with no community facilities. There are other hamlets within the parish but these are similarly limited in terms of community facilities which are restricted to a pub, church and village hall. Future occupiers may provide some support to these facilities but the benefits of such support would be very limited due to the scale of the development.

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

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

1. The new use is sympathetic to, and will enhance the rural setting and character of the building and surrounding area and is in a location which will not substantively add to the need to travel by car or lead to a dispersal of activity or uses on such a scale as to prejudice village vitality.
2. The building is structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction and any alterations protect or enhance the character of the building and its setting;
3. The form, bulk and general design of the building and its proposed conversion are in keeping with its surroundings, local building styles and materials;
4. The proposed use would not harm the countryside by way of traffic, parking, storage, pollution or the erection of associated structures;
5. The proposal will not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function.

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

Each criteria will be considered in turn.

In the first regard whilst the proposed residential use of the building would represent a change it could be considered to be in character with the use of other buildings within the hamlet of Shaugh. Whilst the traffic associated with the proposed use is unlikely to be substantial future residents are likely to rely heavily on the use of private transport for the vast majority, if not all, of their journeys. The issue of the site's accessibility is considered separately below.

In terms of the structural condition of the buildings, the application is accompanied by a structural appraisal report. This report concludes that, '*..with a sympathetic approach this building would be suitable for conversion as intended without significant rebuilding of the primary structure.*' With regards to the extent of alteration, reconstruction and extension proposed, the changes to the principal barn appear to include rebuilding some sections of wall and strengthening of the roof to the building. At the western end of the building the existing areas of cladding would be replaced by building up the walls in stonework. The roof would be clad in natural slate and returned to its original form. More significant work is required in relation to the lean-to element, where all of the original cladding is to be removed and the elevations built up with stone to the side elevations and vertical boarding to the south elevation. The existing roof overhang is removed and the existing metal clad roof replaced with a single ply roof membrane. These alterations would result in some change to the character and appearance of the building but are considered to be relatively restrained and overall would retain the simple form of the building and limited openings to the roadside which are its principle characteristics.

It is not considered that the proposal would have any significant impact on the wider landscape as no extension to the built form is proposed and the change of use of adjoining land is limited in its extent. The domestic curtilage of the property could be appropriately defined through a landscaping condition and as such the impact on the wider designated landscape could be controlled and its natural beauty conserved.

In relation to criteria 4 of policy D8, the proposed use would generate a limited amount of traffic but occupiers are likely to rely on private transport for the vast majority, if not all, of their journeys. The issues related to site access and highway safety are considered separately below.

The buildings would have originally been constructed for agricultural use and whilst the supporting statement advises that the building is no longer required for agricultural or diversification purposes it was in use for the purpose of housing sheep at the time of officer site visit. This somewhat calls into question its redundancy for agricultural purposes.

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

In relation to enhancement of setting, there appears to be little scope for, or demonstration of, enhancement. The planning statement refers to perceived improvements in the external appearance of the building through the removal of metal cladding but notwithstanding that this could be considered part of its functional character its removal would not represent an enhancement to the 'setting' of the building in the same way that for example removal of another building might, but instead would represent a change to the appearance of the building.

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

In conclusion, in relation to compliance with the requirements of policy D8, this policy seeks to ensure that proposals for conversion of existing buildings are sympathetic to the character of the buildings and their rural setting. This is to ensure that the benefits

arising from the suitable re-use of redundant rural buildings are not outweighed by harm to their character. In this case the application proposes limited interventions into the building resulting in limited harm. In terms of enhancement to the building's setting it has not been demonstrated that any such enhancement would arise.

### **Accessibility of the site**

Of the additional criteria of policy D8 that applies to residential conversions, criteria c) requires development to be located close to a range of accessible services and facilities to meet the everyday needs of residents. What constitutes 'close' and indeed what a range of accessible services might be is not defined. However, clearly the thrust of the policy is similar to policy TC2 to ensure that development is well located so as to promote alternative modes of transport and reduce reliance on private vehicle use. This is in line with the general approach of the NPPF in seeking to move towards a low carbon economy and promoting alternative modes of transport.

The site is located in open countryside and whilst not 'isolated' in the physical sense of the word it is located where it is divorced from the services and facilities required to support day to day living. The nearest settlement with a recognised range of services is Honiton, the town centre of which is located approximately 2 miles away by road to the southwest of the site. The proposed access route to the town, requires travel via narrow, unlit rural lanes. There is no public transport serving the site and no bus stops within reasonable walking distance of the site – the nearest being in Monkton over a mile from the site. From here there is access to 2 no. bus services but these run a combined total of 3 return journeys a week to Honiton and beyond and as such do not offer a viable alternative to private transport for most journeys. There are some other facilities in Luppitt (2 miles distant) and Monkton including a farm shop, pub, village hall

The planning statement submitted with the application highlights a number of recent appeal decisions that the applicant considers supports their case, these are considered in turn below,

Otter Valley Golf Centre, Rawridge, Honiton (Appeal ref. APP/U1105/W/19/3234774). This related to a proposal to convert a building formerly in use as part of a golf centre to form a dwellinghouse. It is acknowledged that in arriving at his decision the Inspector considered that the proposed residential conversion would not substantively add to the need to travel by car and ultimately allowed the appeal considering it to represent sustainable development. However, this view took into account the historical trip generation associated with the golf centre use which as a destination site would have been likely to attract higher volumes of traffic to it than the proposed residential use. The same would not apply in the current circumstance as any agricultural use associated with the use of the building is likely to have been lower key and would be displaced to elsewhere within the farm unit. It is though recognised that the appeal site is located a similar distance to Honiton.

The second appeal referred to relates to Harcombe House near Lyme Regis (Appeal ref. APP/U1105/W/19/3223511) this sought the removal of a holiday occupancy condition. Whilst the Inspector ultimately dismissed the appeal on other grounds he found the site, located approximately 1 mile northwest of the village of Uplyme, a

sustainable location in terms of accessibility. In coming to this view he gave weight to the traffic generation associated with the existing tourism accommodation use and considered that there was no substantive evidence in that instance to consider that the proposed unrestricted residential use would give rise to substantially more traffic.

The third and fourth appeal decisions referenced relate to barn conversions at Monkton Park Farm, Payhembury (APP/U1105/W/20/3246094) and Coldharbour Farm, Ottery St, Mary (APP/U1105?W/20/3249590). In both cases the sites were considerably closer to facilities available in the nearest settlements. In the Monkton Park Farm appeal the Inspector acknowledged the services available within the village (not all of which were available at the time the Local Plan was adopted) which was just over ½ mile from the site. In the case of the Coldharbour Farm decision, the site was located less than ½ mile from the built-up edge of Ottery St Mary where a wide range of services and facilities are available.

On the other hand there are other appeal decisions that support the view that the council has taken on similar developments these include the following.

High Bank, Road from Colyton Road to Orchard Close, Whitford EX13 7PJ (APP/U1105/W/19/3230043) related to the refusal to grant planning permission for a residential barn conversion. In that instance, the Inspector acknowledged the site was not isolated and was located close to the village but that there were limited services in the village (just a village hall). In relation to alternative modes of transport he noted,

*“Although an hourly bus service is supportive of daily life it would represent the only means of accessing services without a private vehicle. Subsequently, I consider that there would be a strong reliance on using a private vehicle for day to day living due to the absence of any services in the village and the lack of a bus at off-peak times.”*

The bus service in the above appeal scheme was significantly more frequent than that available to serve the application scheme.

An appeal at Oaklands Farm, Monkton (APP/U1105/W/19/3243903) for conversion of barns to form 5 no. dwellings was dismissed with the Inspector finding that the site would, ‘...not be in an appropriate location, having particular regard to the accessibility and development in the countryside...’. This site would be served by the same bus services and facilities as referred to by the applicant as serving the application site.

In an appeal at Gardener’s Barn, Honiton (APP/U1105/W/19/3243366) an Inspector dismissed an appeal for a barn conversion to residential use on grounds including, that the location of the development was unsuitable as it would fail to provide satisfactory access to services and facilities by means other than the private motor car. The site was again less than ½ mile from the built-up edge of Honiton.

Finally in an appeal relating to a barn conversion at Carpenter’s Cottage, Combyne (APP/U1105/W20/3246701) the nearest settlement with a defined built-up area boundary, Musbury, was just over 2 miles from the site. The Inspector dismissed the appeal and in arriving at her decision found that the site would not provide a suitable location for housing given its relatively poor access to local services.

What can be concluded from the various appeal decisions is that each case needs to be considered on its merits. However in the decisions that have been allowed there have tended to be considerations that have influenced the Inspectors' decisions which are not relevant to the application at hand. These include closer proximity to a wider range of services, or presence of an existing use likely to attract similar or greater levels of traffic. In this instance future occupiers of the site are likely to be almost entirely reliant on private transport for the vast majority of their journeys and where, if the building is considered to be redundant, there would be much lower levels of existing traffic movements, as such the proposal would conflict with policies D8 and TC2 of the Local Plan and by extension Strategy 7.

### **Ecological Impact**

The application is accompanied by a Bat & Protected Species Survey Report which has assessed the building's potential for use by protected species. The report found the building to have negligible potential to support roosting bats and as such that the development would be unlikely to cause disturbance to bats or to significantly affect the distribution or abundance of local populations. Precautionary recommendations are made to avoid disturbance to any bats or nesting birds that might be present and ecological enhancements are also proposed. Such measures could be secured by means of a suitably worded condition to ensure that the requirements of policy EN5 of the Local Plan and the relevant wildlife legislation are met.

### **Access and Highway Safety**

In terms of highway safety the existing access is proposed to continue to serve the site. Visibility from this is good in a westerly direction but slightly more restricted in an easterly direction by the roadside hedgebank. The submitted Planning statement advises that a parking area would be created to the east side of the building served by the existing access. It appears that vehicles would be able to turn within the site. Given the single carriage width nature of the approach road and the low speed and volume of traffic past the site is not considered that the proposal would result in an unacceptable impact on highway safety or that the residual cumulative impacts on the road network would be severe, the proposal is therefore considered to be in compliance with para 109 of the NPPF and acceptable in relation policy TC7 of the Local Plan. The requirements of policy TC9 of the Local Plan, which seeks a minimum of 2 no. spaces per 2 + bed properties, could also be met.

### **Other considerations**

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

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

Para. 213 of the NPPF confirms that policies in development plans should not be considered out of date simply because they were adopted prior to the publication of the (revised) framework and that due weight should be given to them, according to their degree of consistency with the framework. The application proposes the re-use of an existing building in the countryside, which, it is suggested, is no longer required for its existing /original purpose and therefore can be considered to be redundant. The fact that the building was in agricultural use at the time of officer site visit casts some doubt over whether or not the building can be considered redundant. However setting this aside, two of the special circumstances set out at Para. 79 of the NPPF is where, *'the development would re-use redundant or disused buildings and enhance its immediate setting,'* or where the development would, *'represent the optimal viable use of a heritage asset'*. Although it is not considered that para. 79 would apply in this instance, as the applicant recognises the site is not 'isolated', the applicant has suggested that the proposal might be considered a non-designated heritage asset. The building has some vernacular character and simple charm, informed by its form and use of materials and it is not disputed that it may have its origins in the late 19<sup>th</sup> century. However, it has been extended, altered and patched up over the years and does not appear to have any particular distinctive features to mark it out from many similar buildings. Even were it to be considered as a non-designated heritage asset the proposed changes to it would affect a change in its character and appearance and the benefits in retaining the building would therefore be lessened and not of sufficient weight to overcome the harm in terms of the identified conflict with policy.

There is considered to be sufficient separation distant from nearby neighbouring residential properties such that the amenity of existing or future resident would not be harmed. The applicant suggests that the loss of the agricultural use may be beneficial in amenity terms however this use is lawful and historic, the site lies in a rural area where agricultural practices are part of the way of life and as such little weight is given to this perceived benefit, It is also noted that there are a number of other working farm buildings within the hamlet.

A new package treatment plant is proposed to provide foul drainage for the site. Given the location of the site mains drainage is not an option and as such there are no objections in principle to the use of a private system, were the application to otherwise be considered to be acceptable further details of this could be secured by condition to ensure compliance with policy E19 of the Local Plan.

## **CONCLUSION**

The application seeks to re-use an existing rural building and convert it to use as an independent dwellinghouse. At present, the building appears to be used for some low key agricultural use and there is therefore a question mark over whether it is truly redundant for this purpose. In terms of the design and method of conversion it is noted that the envelope of the building is not extended and that the submitted structural appraisal considers the building to be capable of conversion. Whilst keeping the lower lean-to –extension lighter weight with timber cladding may be more appropriate, overall the design is considered to be acceptable and the external areas of the site are kept to an area immediately around the building and could be visually contained with

appropriate landscaping. In this regard the environmental impact of the proposal would be limited.

The proposal would also provide a dwelling for persons with a local connection to the area and potentially provide some, albeit limited, support for community facilities within the parish. The conversion scheme would also provide economic benefits through support to the construction industry and potentially through the occupier's patronage of local businesses. There would therefore be some limited social and economic benefits of the scheme.

To be weighed against these benefits would be the harm that would arise through the creation of a dwellinghouse in an unsustainable location where future occupiers are likely to be heavily, if not entirely, reliant on private transport, for their journeys to and from the site. This harm is considered to outweigh any limited benefits that would otherwise arise and as a result the application is recommended for refusal as being contrary to Local Plan policies guiding the location of residential development.

## **RECOMMENDATION**

REFUSE for the following reasons:

1. The proposed development by reason of its location in the open countryside, distanced from essential services and facilities required for daily living and where options for alternative modes of transport are extremely limited, would result in an unsustainable form of development with reliance upon the use of private transport to access such services and facilities to meet the everyday needs of residents. As such, the proposal would be contrary to the provisions of Strategies 5B (Sustainable Transport) & 7 (Development in the Countryside), and policies D8 (Re-use of Rural Buildings Outside of Settlements) & TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 as well as the guidance contained in the National Planning Policy Framework (2019).
2. It has not been demonstrated that the building is no longer required for agricultural use or diversification purposes or that the loss of the building for such purposes would not result in a requirement for replacement buildings to fulfil a similar function. The development is therefore not in accordance with policy D8 (Re-use of Rural Buildings Outside of Settlements) of the East Devon Local Plan 2013-2031.

## NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council 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		08.02.21
DAVISPRO REV 1.4	Proposed Plans	Combined	08.02.21
SP500 REV 1.2	Proposed Site Plan		08.02.21

List of Background Papers

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

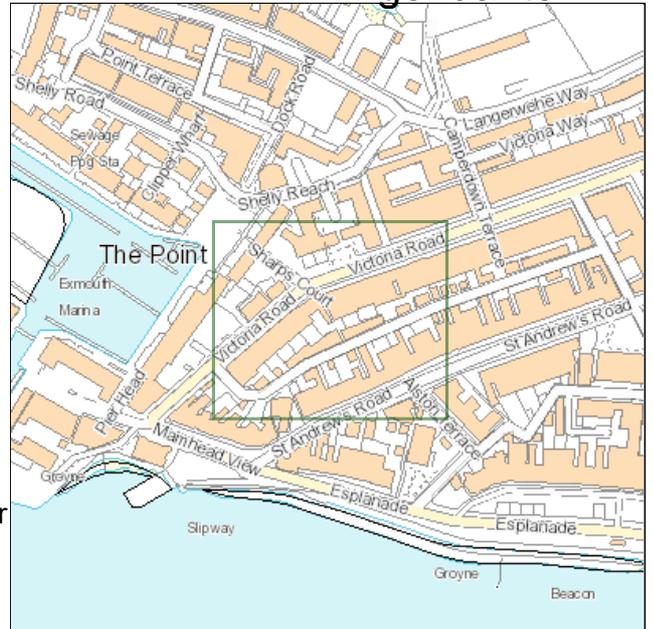
**Ward** Exmouth Town

**Reference** 20/1799/FUL

**Applicant** Mrs K Rowsell

**Location** 105 Victoria Road Exmouth EX8 1DR

**Proposal** Proposed new 1 bed annexe with under-croft for 2no. vehicle parking.



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 7<sup>th</sup> April 2021</b>
<b>Exmouth Town (Exmouth)</b>	<b>20/1799/FUL</b>	<b>Target Date: 29.10.2020</b>
<b>Applicant:</b>	<b>Mrs K Rowsell</b>	
<b>Location:</b>	<b>105 Victoria Road Exmouth</b>	
<b>Proposal:</b>	<b>Proposed new 1 bed annexe with under-croft for 2no. vehicle parking.</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Planning Committee because the view of officers differs to that of the Town Council and ward councillor.**

**Planning permission is sought for the demolition of the existing garage and the construction of a one bedroom annexe that would provide living accommodation at first floor level and car parking at ground floor. The proposed building would be two stories in height with a simple gable design.**

**The application follows the Council's refusal of an earlier planning application (ref 19/2698/FUL) for the construction of a one bedroom residential dwelling, with dormer windows to front and rear to replace existing garage which was refused on a number of grounds including because of its design and impact on the streetscene, its impact on the amenity of neighbouring properties and because the application failed the sequential test by proposing a residential dwelling in a flood zone.**

**This revised application has significantly changed the design, form and appearance of the building to a more simplified pitched roof design which would be more in keeping with the design of a number of outbuildings which back onto the service lane. In-turn, the revised design has reduced the impact of the bulk and massing of the building and its physical impact on the occupiers of surrounding properties to an acceptable level in planning terms. Concerns about overlooking and loss of privacy have been overcome through the positioning of high level windows.**

**Concerns about this being a backdoor route to a dwelling on the site are noted however this proposal is for annexe accommodation that would be occupied ancillary to and in conjunction with the occupation of the ground floor flat of 105 Victoria Road. Given the close relationship between the existing flat and the**

**proposed building, the lack of amenity space and the fact that the building is within the flood zone where new residential development is not normally permitted where it would fail the sequential test, it is considered necessary and reasonable to impose a condition that ensures the building is only occupied and used as ancillary accommodation to the ground floor flat. The use of the building as a separate dwelling would not be acceptable.**

**Subject to this condition and in the absence of any significant harm to the character and appearance of the area, the amenities of the occupiers of surrounding properties, highway safety and flood risk, it is considered that the proposal complies with the East Devon Local Plan and the Exmouth Neighbourhood Plan.**

**The application is therefore recommended for approval.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Exmouth Town - Cllr Olly Davey**

Despite the balanced view in the report, I find this proposal completely unacceptable. It turns a single storey garage typical of the area into a two storey building, which is not in keeping with the scale of buildings in the area, despite the amendment to a pitched roof and gable, which it is argued, is similar in design. However, my objection is to the scale, and whole principle of adding residential accommodation separate from the building to which it relates. This is not an extension, it is a separate building, and a two storey one at that. The condition that it can only be occupied as ancillary to the existing flat does nothing to mitigate this in my view, and I continue to feel that this is inappropriate development in an already densely occupied area.

I would welcome an invitation to speak at this meeting.

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

Meeting 14.09.2020

Objection, this revised proposal to erect a one-bedroom dwelling did not mitigate the previous concerns raised. It was felt the proposal was overdevelopment in terms of over intensification of the land use. The revised scheme did not overcome issues of overlooking and loss of privacy which would be harmful on the local residential amenity. The road infrastructure did not support additional development and the proposal would result in the loss of parking for the residents of the main house thereby encouraging additional in-street parking in an area of high demand. The introduction of a dwelling which would be only accessible from the service road in close proximity to the 'main' house was considered unacceptable and would set a precedent for similar future development. The application was therefore considered to be contrary to EB2 of the Exmouth Neighbourhood plan which states development should be mindful of the surrounding styles and ensure a high level of design and East Devon Local Plan policy TC7 (adequacy of road network and site access).

Further comments:

Meeting 09.11.2020

Objection sustained, the amended plans to reduce the size of the living room window would not mitigate previous concerns raised.

### **Technical Consultations**

Environment Agency

PROPOSED NEW 1 BED ANNEXE WITH UNDER-CROFT FOR 2NO. VEHICLE PARKING

105 VICTORIA ROAD, EXMOUTH, DEVON, EX8 1DR

Thank you for consulting us on this application.

Environment Agency position

We have no objections to this application.

Reason

The submitted flood risk assessment has been reviewed. The Environment Agency can agree with the conclusions and recommendations of this report and have no objection.

It is worthwhile noting that the newly constructed tidal defences for Exmouth will provide a high standard of protection from tidal flooding for this area of Exmouth, providing a much reduced risk to this development.

Further comments:

We have no additional comment to make following our previous response (dated 21 September 2020).

Our position still stands.

### **Other Representations**

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

- Loss of privacy / loss of light to neighbours
- Overlooking into garden
- Overdevelopment of a property which has already just been significantly extended at rear to make it from 3 flats into 4 flats, with attendant loss of light to its neighbours.
- Overcrowding of space available on property and impact this has on neighbours
- Inappropriate siting - ie Building a dwelling place on an access road of garages, in a congested access road meant for other purposes.

- Setting a precedent for others in the road to apply to do same with their garages.
- We hope that planning committee will consider the needs and opinions of the local community who live here and care about our road and our local environment as well as that of absentee landlords.
- The eaves of the property project over the boundaries on either side (East and West) into adjacent gardens.
- The correct notice has not been served.
- Overshadowing of garden
- Materials are not in keeping
- The service road is poorly surfaced and will be further damaged by this proposal
- Additional parking problems

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
19/2698/FUL	Construction of one bedroom residential dwelling, with dormer windows to front and rear to replace existing garage	Refused	09.03.2020
16/2273/FUL	Conversion of building to provide 2 no. one bedroom apartments on the first floor and 1 no. two bedroom apartment on the second floor, erection of first floor rear extension, and installation of rear Juliet Balcony and first floor side window.	Approval - standard time limit	01.08.2017

### **POLICIES**

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

D1 (Design and Local Distinctiveness)

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)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Exmouth Neighbourhood Plan (Made)

**Site Location and Description**

105 Victoria Road is a terraced property situated within the built-up area of Exmouth, a short distance from Exmouth town centre. The property fronts onto Victoria Road, and had a garden/yard area to the rear which is fairly narrow and contains an existing single storey garage which is the subject of this application. There is a service road beyond the garden/yard area. The site is located within the built-up area boundary of Exmouth in an area designated as flood zones 2 and 3. No townscape designations apply.

**Planning History**

Planning permission was refused in 2020 (ref 19/2698/FUL) for the construction of one bedroom residential dwelling, with dormer windows to front and rear to replace existing garage. The three reasons for refusal read:

*1. The introduction of a dwelling fronting onto the service lane by reason of its design, scale, height and bulk would create a visually intrusive and discordant feature within the streetscene which by reason of its mansard roof design and dormer windows would be out of character and detrimental to the character and appearance of the area. The proposal would be contrary to the provisions of Strategy 6 (Development within Built-Up Area Boundaries) and policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031 and EB2 of the Exmouth Neighbourhood Plan.*

*2. This application fails the Sequential Test in that there are alternative sites in areas of lower flood risk where a single dwelling could be provided. Furthermore, in the absence of a detailed Flood Risk Assessment the flood risks posed by the development are unknown. The proposal is therefore considered to be contrary to the provisions of policy EN21 (River and Coastal Flooding) of the Adopted East Devon Local Plan 2013-2031 and the flood risk guidance contained within Section 10 'Meeting the Challenge of Climate Change, Flooding and Coastal Change' of the National Planning Policy Framework and the National Planning Practice Guidance.*

*3. The proposed development by reason of its height, bulk, massing and proximity to the site boundaries would result in an unacceptable relationship with the surrounding properties with an unduly harmful overbearing and over dominant impact and through overlooking and loss of privacy which would be to the detriment of the residential amenities of the occupiers of surrounding properties. The proposal is considered to be contrary to the provisions of policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031).*

Planning permission was granted in 2017 (ref 16/2273/FUL) for the conversion of building to provide 2 no. one bedroom apartments on the first floor and 1 no. two bedroom apartment on the second floor, erection of first floor rear extension, and installation of rear Juliet Balcony and first floor side window. This planning permission expired in August 2020.

### **Proposed Development**

This application seeks planning permission for the demolition of the existing garage and the construction of a one bedroom annex that would provide ancillary living accommodation at first floor level and car parking at ground floor. The proposed building would be two stories in height with a simple gable design. The building would be of facing brickwork construction with horizontal composite cladding at first floor. The roof would be of fibre cement slate construction.

### **Issues and Assessment**

The main issues to consider in determining this application are in terms of the principle of development, the impact on the character and appearance of the area, the impact on the residential amenities of the occupiers of surrounding properties, highway safety and parking, and flood risk.

### **Principle**

The site is located within the built-up area boundary of Exmouth, in a sustainable location, where the principle of new residential development is considered to be acceptable under the provisions of Strategy 6 (Development within Built-Up Area Boundaries) of the Local Plan.

Strategy 6 states that built-up Area Boundaries are defined on the Proposals Map around the settlements of East Devon that are considered appropriate through strategic policy to accommodate growth and development. 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.

These issues will be discussed within the body of this report.

### **Character and Appearance**

In addition to the requirements of criterion 1 of Strategy 6 which requires proposals to be compatible with the character of the site and its surroundings, 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.

Policy EB2 of the Exmouth Neighbourhood Plan requires new developments to be mindful of surrounding building styles and ensure a high level of design.

The existing dwellings on Victoria Road are of a similar architectural style and design consisting of two and three storey terraced properties with two storey projections into the rear gardens which are long and narrow. The majority of the gardens have subservient outbuildings and garages at the rear of the plots which front onto the service road at the rear.

The character of the service road at the rear is defined by outbuildings of various designs and styles, most of which are single storey with either flat or pitched roof designs, providing car parking and storage for the properties typical of service roads in Exmouth.

This application seeks to address previous concerns about the introduction of a dwelling at the rear of the plot with front and rear dormer windows being at odds with the character of the service road and about its size, site coverage and mansard roof design would be visible above the more subservient single storey garages at the rear of the plot.

The proposal is for annex accommodation to the ground floor flat and has been designed with a more traditional pitched roof form with a gable feature facing towards the service lane. Whilst the building would still be two stories, it is considered that the bulk and massing of the building has been reduced through the design changes and removing the mansard roof design of the building in favour of a more traditional pitched roof approach. There are examples of larger garages on the service lane which have pitched roofs and which slope away from the boundaries of the site and this revised proposal is considered to be more in keeping with the prevailing pattern and character of development along the service road.

The design, size and scale of the proposed annex building is considered to be acceptable and would not result in any significant harmful impact to the character and

appearance of the area or the streetscene. It is considered that the proposal complies with the provisions of Strategy 6 and policy D1 of the East Devon Local Plan and policy EB2 of the Exmouth Neighbourhood Plan.

### **Residential Amenity**

Policy D1 of the Local Plan requires that developments do not adversely affect the amenity of occupiers of adjoining residential properties. Replacing the existing single storey garage with a two storey dwelling with the increase in bulk and massing, site coverage and overall height would result in a significant increased physical impact in terms being unduly over bearing and over dominant on the occupiers of surrounding properties and their rear gardens leading to a greater sense of enclosure which would be to the detriment of the residential amenity of adjoining occupiers.

The previous application for a dwelling was refused because it would have resulted in an unacceptable relationship between neighbouring properties and 105 Victoria Road itself because of its close proximity to the rear of the terraced properties in Victoria Road and their gardens with subsequent overbearing and over dominant impact, overlooking and loss of privacy.

### **Amending the proposal from a separate dwelling to annex accommodation**

Whilst the proposed building would still have a degree of impact on its immediate neighbours because of its size and scale, its design change from the mansard roof design to the pitched roof design would serve to significantly reduce the bulk and massing of the building and the overbearing and over dominant impact it would have. In contrast to the previously refused scheme, the bulk and massing of the building would be reduced where the pitched roof of the building would slope away from the boundaries with the neighbouring properties thus reducing its overall impact.

Positioning the building between the boundaries of the gardens of surrounding properties and extending to the boundaries of the site would result in a degree of impact in terms of the physical impact of the building, located at the rear of the garden it isn't considered that it would result in a significantly harmful impact or relationship that doesn't already exist between properties and outbuildings on Victoria Road. Concerns about loss of light are noted however given the position of the building, its size and orientation, it isn't considered that the impact in terms of loss of light and the overall physical impact of the building would be so harmful to amenity to sustain an objection.

Concerns regarding the relationship between the proposed building and the impact from overlooking from the rear window have been addressed through the submission of amended plans. The amended plans have reduced the size of the first floor lounge window on the rear elevation of the building being high level, more than 1.7 metres from the finished floor level of the first floor. This would be sufficient to ensure that there would be an acceptable relationship between the annex accommodation and the rear elevations of the terraced properties.

Concerns about the eaves of the building projecting over the shared boundary wall on either side (East and West) into adjacent gardens are noted and in this respect, notice

has now been served on the two adjacent properties 103 and 107 Victoria Road and Certificate B of the planning application form has been completed. It is accepted that a party wall agreement will be needed for this development to be carried out.

On balance, having regard for the design changes that have been made to the proposed building, it is considered that the impact on residential amenity would not be significantly harmful enough to refuse planning permission.

### **Flood Risk**

The site falls within an area designated as flood zones 2 and 3 and is at risk from flooding. The application is accompanied by a flood risk assessment that has been reviewed by the Environment Agency who agree with the conclusions and recommendations of this report and therefore have no objection to the proposal. This is on the basis that the annex accommodation would be provided at first floor level with an undercroft parking area beneath. The FRA sets out that the proposed annexe will make no change to the existing rear garage footprint therefore will not increase the local areas fluvial flood levels and that all habitable rooms will be at first floor above the 4.4 AOD flood level for the 1:200 Year Tidal Flood Level with a 100 year allowance for predicted climate change.

It will be necessary to impose a condition requiring the flood proofing measures set out within the FRA to be carried out as part of the development. On the basis that no objections have been received from the EA and that the proposal is for annex accommodation as opposed to separate living accommodation which would fail the NPPF requirements for sequential testing, it is considered that the proposal is acceptable on flood risk grounds and complies with the provisions of policy EN21 (River and Coastal Flooding) and EN22 (Surface Run Off Implications of New Development) of the East Devon Local Plan.

### **Highway Safety and Parking**

The proposal makes provision for the parking of two vehicles as well as cycle storage within the undercroft area of the building. Access onto the service lane is considered to be acceptable and it isn't considered that the level of traffic generation from the proposal would give rise to any highway safety concerns. No objections have been received from the County Highway Authority and the proposal is considered to comply with the provisions of policies TC2 (Accessibility of New Development), TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the Local Plan.

### **Occupancy Restriction**

This application has been made for annex accommodation that would be occupied ancillary to and in conjunction with the occupation of the ground floor flat. Given the close relationship that between the existing flat and the proposed building, the lack of amenity space and the fact that the building is within the flood zone where new residential development is not normally permitted sequentially, it is considered necessary and reasonable to impose a condition that ensures the building is only

occupied and used as ancillary accommodation to the ground floor flat. The use of the building as a separate dwelling would not be 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 above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
4. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the ground floor flat known as Flat 1, 105 Victoria Road.  
(Reason - The building is unsuitable for independent residential occupation due to its relationship with adjacent dwellings and lack of amenity space and because it is located within an area at high risk of flooding where a new dwelling would fail the sequential test. Unrestricted occupation of the dwelling would fail to comply with the requirements of Policies D1 (Design and Local Distinctiveness) and EN21 (River and Coastal Flooding) of the Adopted East Devon Local Plan 2013-2031 and the flood risk policies and guidance contained within both the National Planning Policy Framework and Planning Practice Guidance.
5. The development hereby approved shall be carried out in accordance with the flood risk measures contained within the Flood Risk Assessment prepared by ARA Architecture received on the 20th August 2020.  
(Reason: The site is within a flood zone where flood proofing measures and flood risk measures are required to ensure that flood risk is minimised in accordance with policy EN21 (River and Coastal Flooding) of the Adopted East Devon Local Plan 2013-2031 and the flood risk policies and guidance contained within both the National Planning Policy Framework and Planning Practice Guidance.

6. Notwithstanding the submitted details, the first floor window on the rear (N.W) elevation and the roof lights on the side (S.W) elevation shall be positioned no lower than 1.7 metres above the finished floor level of the rooms they are intended to serve.  
(Reason: To protect the amenities of the occupiers of surrounding properties from overlooking and loss of privacy in accordance with the provisions of policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031).

Plans relating to this application:

6946-200 REV C	Proposed Combined Plans	02.11.20
	Flood Risk Assessment	20.08.20
6946-LPA	Location Plan	20.08.20

List of Background Papers

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

**Ward** Exmouth Town

**Reference** 20/2834/COU

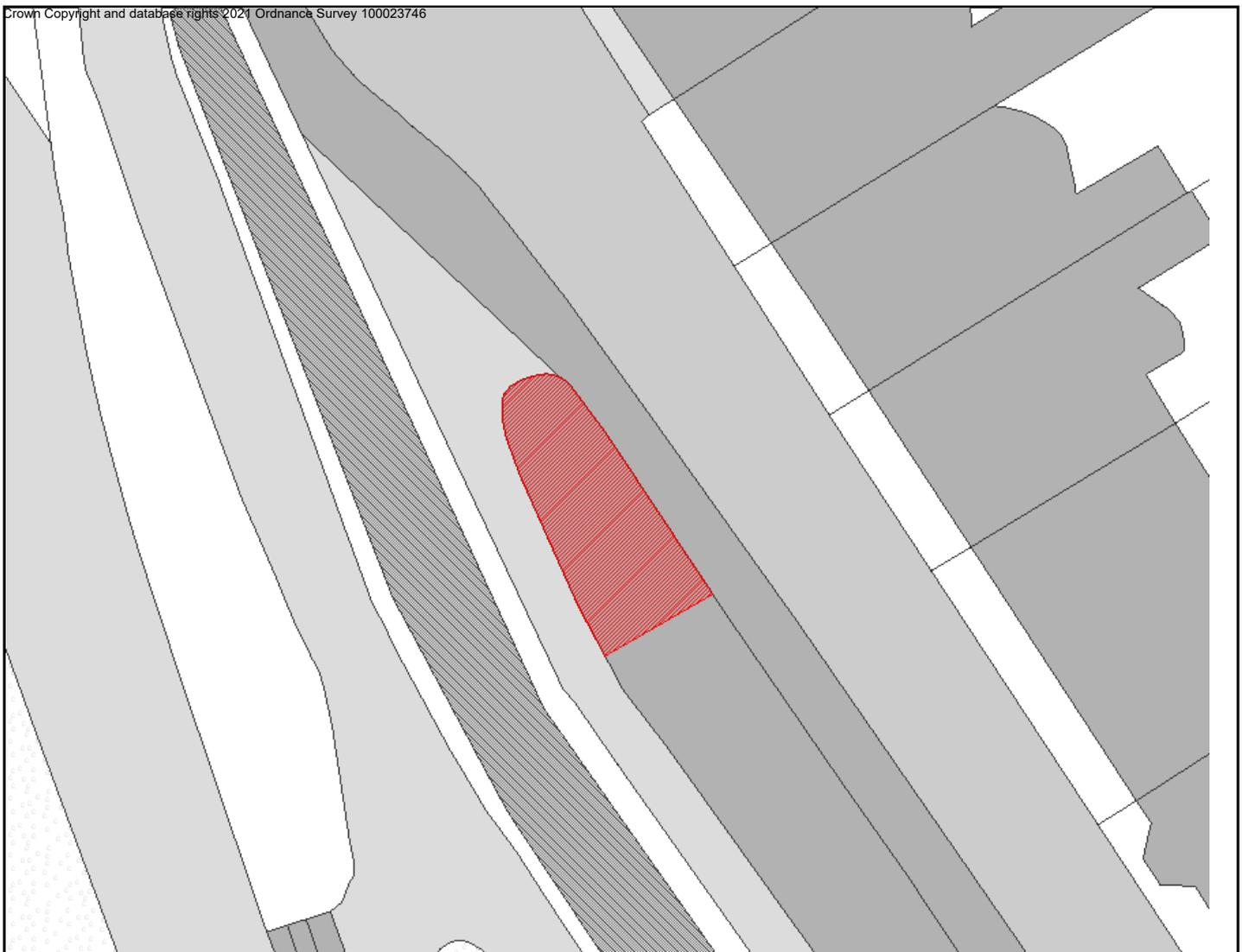
**Applicant** Nick Christo (EDDC Streetscene)

**Location** Land Adjacent To Manor Hotel The Beacon Exmouth

**Proposal** Change of use of area of land adj. Manor Hotel for the siting of tables and chairs until 30 September 2021



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 7<sup>th</sup> April 2021</b>
<b>Exmouth Town (Exmouth)</b>	<b>20/2834/COU</b>	<b>Target Date: 02.04.2021</b>
<b>Applicant:</b>	<b>Nick Christo (EDDC Streetscene)</b>	
<b>Location:</b>	<b>Land Adjacent To Manor Hotel The Beacon</b>	
<b>Proposal:</b>	<b>Change of use of area of land adj. Manor Hotel for the siting of tables and chairs until 30 September 2021</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is brought before Members as the application is submitted by East Devon District Council (EDDC), is on land owned by EDDC and as the Officer recommendation is contrary to the views of the Town Council and local residents.**

**Planning permission is sought for the siting of up to twelve tables with a seating capacity of twenty four on land at The Beacon in Exmouth. A temporary consent is sought for a period until the end of September 2021, with hours of operation limited to between 09:00 hours and 21:00 hours.**

**The application site comprises part of an open space area located within the Exmouth Conservation Area and opposite a terrace of Grade II listed properties in The Beacon.**

**Whilst there would be concerns about the grant of permanent consent for this type of application given the sensitive nature of the site and location close to residents, the proposal would facilitate a temporary external seating area for patrons of The Manor Hotel to meet the current social distancing requirements and Environmental Health have raised no object to this temporary consent.**

**In addition, it is considered that given the exceptional circumstances currently being faced as a result of the Covid-19 pandemic, a short term temporary consent would support a local business in times of crisis and not cause undue harm to local residents subject to an hours of operation restriction and consent being limited until the end of September 2021.**

## **CONSULTATIONS**

### **Local Consultations**

Parish/Town Council  
Meeting 15.02.21

Objection; members recognised the need to support businesses at this difficult time, however, this should not be to the detriment of residents. This proposal for the siting of tables and chairs in a quiet residential Conservation Area was not considered appropriate. The proposal would set a precedent for other hotels along The Beacon and Louisa Terrace to do the same. The location description was not accurate and missing leading as the land is approximately 30 metres away from the property and therefore not adjacent to the hotel.

**Technical Consultations**

Devon County Highway Authority  
Observations: NONE

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

Environmental Health

I have considered the application 20/2834/COU and do not anticipate any environmental health concerns.

Other Representations

11 representations have been received, all raising objections to the proposed development, summarised below

- Inappropriate in conservation area
- Land is uneven and sloping
- Not adjacent to the hotel
- Additional noise and disturbance
- Will set a precedence for other similar proposals
- Danger to highway safety
- Loss of public amenity space
- Inappropriate use of land in residential area
- Additional traffic and pressure on parking
- Increased waste and littering

**PLANNING HISTORY**

None relevant to the proposal

**POLICIES**

## Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

EN14 (Control of Pollution)

## Exmouth Neighbourhood Plan

EB1 Conserving Heritage Assets

EB2 Design

## Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

## **Site Location and Description**

The application site comprises an area of grassed land to the south and west of The Beacon, an attractive terrace of Grade II listed town houses of various styles and sizes. The majority of the properties within the terrace are residential in nature, generally flats, although there are a few individual dwelling houses.

The site lies within the Exmouth Conservation Area.

## **Proposed Development**

Planning permission is sought for the temporary change of use of the land to allow the siting of tables and chairs to provide an external dining area associated with the operation of The Manor Hotel, located to the north of the site.

Whilst the hotel is not directly opposite the site, it is seeking the use of part of the green area to offer an outside area where patrons of the hotel, both those staying at the hotel and other casual diners can enjoy their facilities. The application suggests that 12 tables with up to 24 chairs could be accommodated within the licenced area. Permission is sought for operational hours from 9am to 9pm, Monday to Sunday, until the end of September 2021.

The application seeks consent to use the area until September of this year, to enable outside seating as a result of the social distancing arising from the current Covid-19 pandemic.

## **CONSIDERATION AND ASSESSMENT**

The main issues to be considered in the determination of this application relate to the principle of the development and impact on the character and appearance of the Exmouth Conservation Area within which the site is located, and on residential and other amenity.

## **Principle of Development**

This application has been submitted as a very specific response to the current Covid-19 situation. It is proposing to offer a means of providing a service to patrons of the hotel to assist the owners to be able to function during a very challenging period.

In planning terms there is no policy support for the proposal, either through the East Devon Local Plan 2013-2031 or Exmouth Neighbourhood Plan, which would introduce a commercial activity within an open green space in the conservation area. However there is a clear emphasis within policies in the Local Plan and NPPF on supporting the economy, existing businesses and the vitality of the town. With this in mind and at the present time it is considered that, for a temporary period, it may reasonable to relax some of the restrictive planning policies in order to offer some support for local businesses.

## **Impact upon the character and appearance of the area**

Policy EN10 (Conservation Areas) of the Local Plan 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.

The proposal is for the temporary siting of tables and chairs within a specific area of land for a limited period of time. This will inevitably alter the appearance of the area when in use, and will have a visual impact on the conservation area. In this respect the introduction of the seating and dining area may not be appropriate on a permanent basis, however at the present time it is recognised that in order for businesses to be able to function, it may be appropriate to compromise some of the more stringent policies. It is important to recognise, however, that this is a very temporary and exceptional situation, which does not provide any on-going justification for any more permanent development of this piece of land. It is further considered that any tables and chairs should not be left on the site when not in use, and should be removed outside the hours of operation in order to ensure that the integrity of the space is maintained.

Subject to this, the temporary visual impact upon the area and wider Conservation Area is considered to be outweighed by the public benefits of enabling the business to operate under current pandemic conditions for the temporary period proposed.

## **Impact upon residential amenity**

It is recognised that the proposed development will generate new activity where none exists at the present time, and it is considered appropriate to restrict the hours of operation to ensure that this does not become a nuisance to the occupiers of the residential properties in The Beacon early in the morning or late into the evening.

It is also noted that a number of objections have been received as a result of the proposal, with issues of noise and disturbance being raised. Whilst there is likely to be some increase in noise and disturbance from diners, it is relevant to note that the land

is a public space with no current restrictions on its use in terms of people using it to sit and talk. Whilst the concerns are appreciated as the application formalises the use of the area, it is not considered that the additional nuisance would be unacceptable for the temporary period proposed, and it is noted that no objection has been raised by the Council's Environmental Health Officer to this temporary proposal.

The Council would further control operating hours and numbers through licencing and through the grant or otherwise of a Sitting Out Consent, and it is considered that this, together with appropriate planning conditions, would be sufficient to ensure that the use does not operate at unsociable times resulting in an unacceptable impact on the amenity of neighbouring residents for this temporary period.

### **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The use of the land for the siting of tables and chairs shall cease, and shall be removed and the land restored to its former condition on or before 30th September 2021.  
(Reason - The permission is only justified for a limited period due to the temporary nature and appearance of the proposal, the permanent retention of which would adversely impact on the character and appearance of the area and the wider Conservation Area contrary to Policies D1 (Design and Local Distinctiveness) and EN10 (Conservation Areas) of the adopted East Devon Local Plan 2013 - 2031.)
2. The use hereby permitted shall not be open to customers outside the following times: 09:00 hours and 21:00 hours.  
(Reason – To protect adjoining occupiers from excessive noise in accordance with Policy D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.
3. All tables and chairs should be removed from the site outside the permitted hours of operation and at other times when the business is closed and/or the tables and chairs are not required.  
(Reason – In the interests of visual amenity to protect the character and appearance of the area and to protect adjoining occupiers from excessive noise in accordance with Policies D1 (Design and Local Distinctiveness), EN10 (Conservation Areas) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.

### **Plans relating to this application:**

Location Plan

03.02.21

### **List of Background Papers**

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



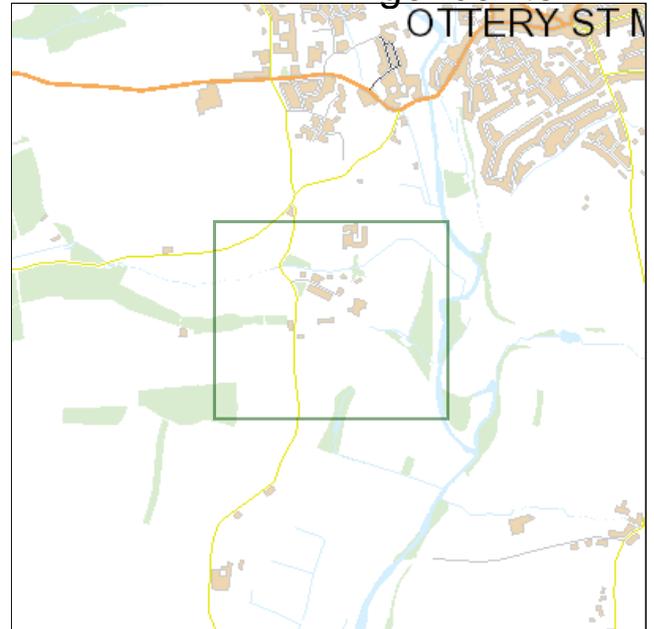
**Ward** Ottery St Mary

**Reference** 20/1647/MFUL &  
20/1648/LBC

**Applicant** Mr Chris Riley (PCR Homes Ltd)

**Location** Salston Manor Hotel Ottery St Mary EX11 1RQ

**Proposal** Construction of 13 no. dwelling houses within the grounds of Salston Manor and construction of single and two storey extensions to listed building to form 2 no. dwellings and enlargement of 2 no. previously approved apartments.

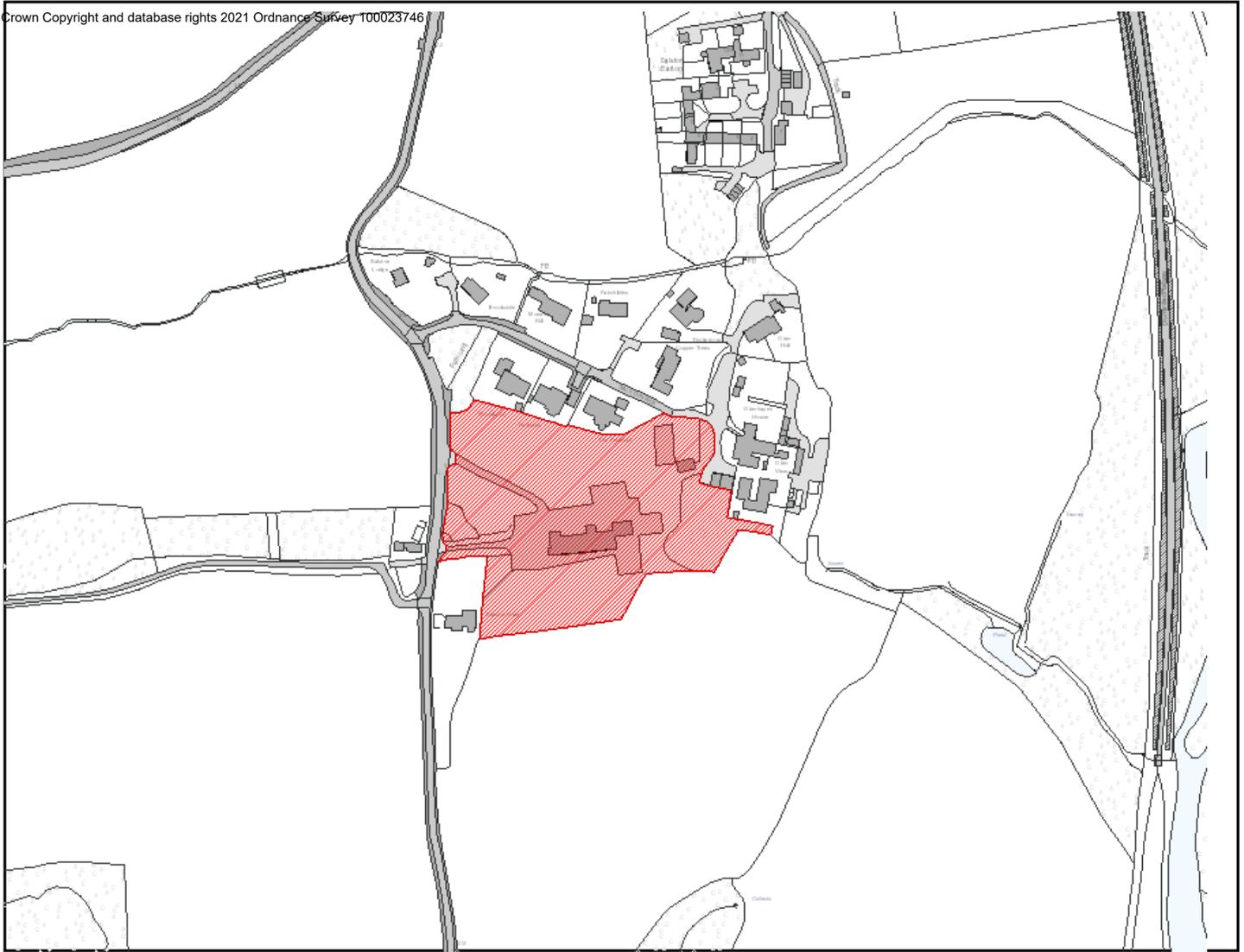


**RECOMMENDATION 20/1647/MFUL:**

1. Adopt the appropriate assessment attached above; and
2. Approve subject to a legal agreement and conditions.

**RECOMMENDATION 20/1648/LBC: Approval with conditions**

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		<b>Committee Date: 7<sup>th</sup> April 2021</b>
<b>Ottery St Mary (Ottery St Mary)</b>	<b>20/1647/MFUL</b>	<b>Target Date: 20.11.2020</b>
<b>Applicant:</b>	<b>Mr Chris Riley (PCR Homes Ltd)</b>	
<b>Location:</b>	<b>Salston Manor Hotel Ottery St Mary</b>	
<b>Proposal:</b>	<b>Construction of 13 no. dwelling houses within the grounds of Salston Manor and construction of single and two storey extensions to listed building to form 2 no. dwellings and enlargement of 2 no. previously approved apartments.</b>	

**RECOMMENDATION:**

- 1. Adopt the appropriate assessment attached above; and**
- 2. Approve subject to a legal agreement and conditions.**

		<b>Committee Date: 7<sup>th</sup> April 2021</b>
<b>Ottery St Mary (Ottery St Mary)</b>	<b>20/1648/LBC</b>	<b>Target Date: 20.11.2020</b>
<b>Applicant:</b>	<b>Mr Chris Riley (PCR Homes Ltd)</b>	
<b>Location:</b>	<b>Salston Manor Hotel Ottery St Mary</b>	
<b>Proposal:</b>	<b>Construction of 13 no. dwelling houses within the grounds of Salston Manor and construction of single and two storey extensions to listed building to form 2 no. dwellings and enlargement of 2 no. previously approved apartments.</b>	

**RECOMMENDATION: Approval with conditions**

**EXECUTIVE SUMMARY**

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

**Planning permission and listed building consent is sought for the provision of 13 new homes and the construction of single and two storey extensions to the Grade**

**It listed building known as Salston Manor to form 2 no. dwellings and enlargement of 2 no. previously approved apartments. The application is proposed as enabling development to allow the continued refurbishment of the listed building that already benefits from consent.**

**This brownfield site occupies a location outside of the built-up area boundary of Ottery St Mary and has been the subject of a number of planning applications since the building was last used as a hotel and conference centre in 2008.**

**Through extensive negotiations with officers, the Council's Landscape 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 this constitutes development outside of the built up area where development is not normally permitted, and that there is no provision of affordable housing within the proposal. Whilst this is the case, the existing site is vacant and run down and is likely to deteriorate further without development, which would detract from the character and appearance of the area and as such the wider benefits from the restoration of the listed building outweigh this. A viability appraisal has been submitted which concludes that it is not possible to provide affordable housing and to redevelop the site. On balance, it is considered that the proposed design, layout and form of development has been largely sensitive to the heritage asset, and respectful of its setting, whilst retaining important features within the grounds, such as mature trees and open areas.**

**The new dwellings will be situated closer to existing housing than the manor house. The scheme has been revised to minimise any impacts on these dwellings, and it is not considered that the new dwellings will result in harm to the amenity of dwellings on Salston Ride, or the adjacent Salston Gate.**

**Officers are of the opinion that the proposals would result in less than substantial harm to the character and setting of Salston Manor where there are considered to be 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, ecology, or flood risk, it is considered that the proposed development is acceptable bringing a major benefit through the restoration of the listed building.**

**A Section 106 agreement is required to ensure that an overage clause is agreed in respect of future profits, to ensure management of the grounds in perpetuity and to ensure that the listed building is refurbished before the residential units are completed to ensure that the benefits to the listed building are realised. Conditions are required to mitigate ecological issues identified by the applicant, to ensure retention and enhancement of landscape features, and to agree heritage detailing.**

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

## **CONSULTATIONS FOR 20/1647/MFUL**

### **Local Consultations**

#### Ottery St Mary Ward Member - Cllr Peter Faithfull

I am writing relating to the planning application for 15 homes in the grounds of the Salston Manor development. this application is in my ward and my preliminary view, based on the information presently available is that it should be refused.

This proposal for 15 houses is excessive development in the open countryside. While the developer suggests that the buildings will appear as converted outbuildings, in reality they simply look like a housing estate, burying the listed building they are supposed to compliment.

This proposal, when combined with the conversion to the listed building, creates a large number of homes, outside the built-up area boundary, with no safe pedestrian access to the development from the town centre.

These are my views, based on the information presently available to me. I reserve my right to change my view in the event that further information becomes available to me.

#### Parish/Town Council

23.09.20

Ottery St Mary Town Council recognises the importance of retaining the listed building, however it does not support this application based on the following:

1. It is contrary to the OSM & West Hill Neighbourhood Plan Policy NP2
2. It is contrary to the East Devon District Local Plan, Strategy 6, as it is a building outside the built up area boundary and therefore building in the countryside
3. The building is in an unsustainable location in the countryside serviced by an inadequate road without the benefit of decent pavements and street lighting where there is a narrow bridge over a stream which is difficult for vehicles
4. It will result in the loss of several trees protected by TPO's
5. There would be threatened loss of wildlife, such as dormice, sloe worms, soprano pipistrelle bats, horseshoe bats and otters going from the main river to the nearby stream
6. It is contrary to the East Devon District Local Plan and policy which states 50% of affordable homes is required outside of the built up area boundary but there is none proposed
7. There would be an adverse impact on the neighbouring properties on the south side of Salston Ride being overlooked and possible increase of flood risk as the 2008 did

07.01.21

The Town council agrees that the amended plans are an improvement on the original and supports this application subject to;

- 1) There is no detrimental effect to the properties on Salston Ride.
- 2) The lighting and footpaths respect the rural setting of the property
- 3) There is no damage to wildlife and bio diversity interests

## **Technical Consultations**

EDDC Landscape Architect - Chris Hariades

### 1 INTRODUCTION

This report forms the EDDC's landscape response to the full application for the above site following review of additional landscape related information submitted by the applicant.

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 ADDITIONAL INFORMATION

The amended and additional landscape information provided by the applicant is generally acceptable but some additional tree planting should be provided to the rear boundaries of plots 10-13 to compensate for the proposed removal of existing trees particularly the large sycamore, possible species to consider are sweet chestnut and oak to reflect the existing trees retained within plots 12 and 13, or European lime. Additional tree planting should also be provided to either side of the retained weeping willow on the southeastern site boundary which could include a Coast Redwood to reflect the existing one to the southwest corner of the manor. Two trees planting should be provided on the western boundary opposite plots 1-3.

As previously noted the tree protection plan does not reflect the amended site layout and reduction in units and should be amended accordingly. Amended tree protection plan and planting plans indicating the additional trees required could be submitted and approved by condition should the application be approved.

Overall the scheme is considered acceptable in terms of landscape design subject to conditions as noted below:

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

a) A full set of hard landscape details for proposed walls, fencing, retaining structures, pavings and edgings, site furniture and signage.

b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.

c) External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting

Professionals (ILP) guidance notes GN01 2011 - Guidance notes for the reduction of obtrusive light and GN 08/18 - Bats and Artificial Lighting in the UK.

d) Details of the arrangements for bin storage and collection for all units and secure, covered cycle storage for apartment units.

e) A plan indicating existing and proposed site levels and the extent of earthworks and retaining walls.

f) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of any swales and attenuation ponds and locations and construction details of check dams, inlets and outlets, etc.

g) A soil resources plan which should include:

- a plan showing topsoil and subsoil types based on trial pitting and analysis, 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, used as structural fill or for topsoil manufacture.
- identification of person responsible for supervising soil management and monitoring and reporting arrangements.

h) A full set of soft landscape details including:

- Planting plan(s) 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.
- Plant schedule indicating the form, size, numbers and density of proposed planting.
- 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.
- Tree pit and tree staking/ guying details.

i) Locations and details of ecological mitigation and enhancement measures as recommended in the submitted ecological assessment.

j) Measures for protection of existing perimeter trees/ undisturbed ground 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) Notwithstanding the landscape details submitted, no landscape works shall begin until a site specific Landscape Management and Maintenance Plan has been submitted to and approved in writing with the Local Planning Authority. This shall set out responsibilities for maintenance within the site and cover the management and ongoing maintenance of hard and soft landscape elements and bio-diversity measures within public/ communal areas. The plan shall set out the landscape and ecological aims and objectives for the site along with the specific management objectives for

each landscape component, and the associated maintenance works required on an Annual and Occasional basis. The Annual Works are those works that will be required every year, such as watering, weeding and cleaning. The Occasional Works are those that will be required on an irregular or cyclical basis, such as repairs and renewals. Details of inspection, monitoring and reporting arrangements shall also be provided. The management and maintenance plan shall cover a period of not less than 10 years following the substantial completion of the development.

Management, maintenance, inspection and monitoring shall be carried out in accordance with the approved plan.

3) 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.

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), Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) 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.)

Devon County Archaeologist  
Application No. 20/1647/MFUL

Salston Manor Hotel, Ottery St Mary - Construction of 13 no. dwelling houses within the grounds of Salston Manor and construction of single and two storey extensions to listed building to form 2 no. dwellings and enlargement of 2 no. previously approved apartments.: Historic Environment

My ref: Arch/DM/ED/35817a

I refer to the above application and your re-consultation with regard to the amended proposals. The Historic Environment Team have no additional comments to make to those already made, namely:

The proposed development lies in an area of archaeological potential with regard to possible prehistoric activity in the fields to the south. The Devon Historic Environment Record indicates the presence of a possible prehistoric funerary monument as well as linear features that may be indicative of prehistoric or Romano-British activity here. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should

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

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

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

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

#### Reason

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

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

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

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

Conservation 16/10/20

CONSULTATION REPLY TO CENTRAL TEAM  
LISTED BUILDING CONSENT  
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Salston Manor Hotel, Ottery St Mary

GRADE: II                      APPLICATION NO: 20/1648/LBC & 20/1647/MFUL

PROPOSAL: Construction of 15 no. dwelling houses within the grounds of Salston Manor and construction of single and two storey extensions to listed building to form 2 no. dwellings and enlargement of 2 no. previously approved apartments

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

See listing description and information on file

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

There is a current permission under 13/0497/LBC & 13/0496/MFUL for the proposed alteration and conversion of the former hotel, demolition of the 20th century extension and side extension to provide 27no. flats (10 within the main house and 17 new units), including extensive repair works to include floor joists, ceilings, stacks, roofs, repointing, joinery and windows. This work is currently underway and significant repairs have been made to the chimneys and roof. In addition, the modern additions to the listed building which were inappropriate and unsympathetic to its character have also now been removed.

Following this pre-application advice was sought to make changes to the permission and to explore a revised proposal for the development. Within this, the Masterplan Strategy for the site set out to explore a revised proposal. This still sought to provide additional units with 14 in the existing house along with 3 units in an attached extension, Phase 1 Areas A, B, E & F to create 19 units and Phase 2 Areas C & D a further 12 units. Total 48 units.

An application under 18/1655/LBC was duly submitted to construct a two-storey extension to form 3no. new duplex flats and a single-storey extension to create 2no. additional flats within the existing building envelope and under 18/1654/MFUL for this and the construction of 16 no. new dwelling houses within the grounds of Salston Manor.

Concerns were raised regarding the two storey extension and the extent of the proposed development and subsequently the applications were withdrawn.

This application seeks to address the concerns raised previously and detailed comments are set out below:

20/1648/LBC

Construction of single and two storey extensions and alterations to listed building to form 2 no. dwellings and enlargement of 2 no. previously approved apartments

Some of the proposed plans and elevations include the new development and any forthcoming consent should include an informative to ensure that the approval relates only to the alteration and extension to the listed building and not to the new development. Ideally, these should be removed from the scanned documents against this application ie Areas A, B & C Plots 1 to 15. These are dealt with separately under 20/1647MFUL.

Block plan: this shows the principal heritage asset, Salston Manor and areas of new housing in Areas A, B & C. Previously, Areas A, B, C & D, the new development has been reduced in number by only 1no. unit. Some reconfiguration of the layout has resulted in moving some of the new dwellings (Area A) slightly further away from the Manor;

North elevation: it is noted that the extension has been reduced in width and set back, see below, but whilst the two storey extension is certainly subservient in height, its massing and its prominence in relation to the principal building, still detracts from the heritage asset and impacts on its overall significance as a 'large red brick mansion, built to imitate an Elizabethan mansion with gables, finials, projecting porch..... and tall clustered octagonal chimneys'. It is appreciated that it has been set back further from the north elevation to minimise any impact, but it will still be a strong two storey element, that draws the eye from the principal heritage asset and competes with the overall character and appearance of the listed building;

South elevation: there is no objection in principle to the single storey extension which replaces a previous flat roofed structure. This resembles a glazed timber conservatory/garden room with brick plinth and lead rolled roof and enables the creation of additional units at ground floor. In contrast to the principal dwelling, this is a traditional solution and the impact and harm is considered to be less than substantial. Subject to details and samples of materials, in particular, the proposed brick plinth and joinery, this is considered to be acceptable. However, the main concern still rests with the addition of the two storey 'orangery' extension which continues the overall aesthetic and appearance of the single storey extension, but on a larger scale, see below;

West elevation: in conjunction with comments relating to the south elevation, the extension has been reduced in width, setting it back from the frontage (north elevation) to emphasise its subservience. However, the overall scale and massing is still prominent, exacerbated by the overall appearance and design of the two storey

extension. It is considered that this would have an adverse impact on the character, appearance and significance of the listed building and result in considerable harm to the listed building;

East elevation: no further specific comments;

Basement: the basement layout appears to be as previously proposed under 18/1655/LBC. However, there is no annotation to indicate how it is to be utilised. It is presumed that this will be as previously shown as lock up storage, services, meters etc. It is noted that the internal staircases are to be removed, several openings blocked to create a number of smaller individual rooms (lock ups) and the external staircases retained as the only access into the basement;

Ground floor: this contains Flat 0.01 to 0.06 and entrance lobby 02 & 03 within the principal building and part of Flat 0.05 & 0.06. Flats 0.07 & 0.08 are within the two storey extension, having reduced the number of units by 1no. The layout appears to be the same as for the previous application under 18/1655/LBC. The main corridor is to be blocked to create the four flats 0.03 to 0.06. However, this could be reversed and the layout of the flats retains the majority of the principal walls and partitions to create the inner spaces. The staircases to the basements appear to be blocked from the ground floor. This layout relies on the addition of the two extensions, see below;

Unfortunately, all of the annotation relating to the layout has now been omitted.

First floor: this contains Flat 1.01 to 1.05 and utilises the existing corridor and staircases/locations to access the flats. The layout appears to be the same as under 18/1655/LBC. All of the annotation has been removed from the drawings;

Second floor: this forms part of Flat 1.04 and appears to be the same as under 18/1655/LBC, However, again, the annotation has been removed;

Conclusion: there is no objection to the majority of the internal alterations or the single storey extension. However, the two storey extension still needs further consideration in terms of its overall size, appearance etc and the impact on the listing building.

#### 20/1647/MFUL

Construction of 15 no. dwelling houses within the grounds of Salston Manor and construction of single and two storey extensions to listed building to form 2 no. dwellings and enlargement of 2 no. previously approved apartments

#### Area A (previously Area B): Plots 1 - 4

It is considered that that this area might offer some scope for development. This could take the form of traditional outbuildings, but this needs to be kept simple rather than a contrived design. It is noted that the Plots have been moved away from Salston Gate, but there is some concern relating to how the amenity space will be divided up creating boundaries so close to the rear of the Manor within the formal garden space. The overall design concept has been amended to present a more vernacular appearance with two storey gabled dwellings in stone, painted brickwork, timber and slate. The stepped terrace of units is out of keeping with design approach and will be a prominent part of the development, see Contextual Elevations.

#### Area B (previously Area C): Plots 5 - 9

There is no objection in principle to development adjacent to the main house as this has previously been approved under the 2013 permissions. These are shown to be set back and subservient to the main house. Again these take the form of traditional outbuildings, with associated courtyard, and is perhaps more successful in terms of its overall appearance.

#### Area C (previously Area D): Plots 10 - 15

The original outbuildings, stables and walled garden associated with Salston Manor appear to have been to the north east of the main house and the proposed development in this area is intended to recreate this, although clearly at a closer distance. This part of the site drops away from the main lawned area and due to the existing pattern of development within Salston Ride, may offer scope for some form of development in this area. It should be located as far away from the main house as possible. It is noted that the large leisure building has now been omitted from the development. Again these take the form of traditional outbuildings. Plots 13, 14 & 15 are at odds with the overall group and should perhaps be omitted.

Schedule of finishes: this is an improvement and uses traditional materials and finishes;

Parking: parking still appears to be distributed throughout the site within garages and car ports. It is still considered that some of the parking should be accommodated away from the front elevation of the listed building to improve its setting and also not encroaching into the parkland to the north in front of units 10 to 15.

Heritage Statement: an updated and comprehensive Heritage Statement has been submitted to accompany these applications. It is agreed that the repair works to Salston Manor will secure its longterm future and are welcomed. However, the conclusion that the proposed development will result in benefits that outweigh the harm are not shared.

Conclusion: the proposed development has been minimally reduced and amendments made to the overall design of both the extensions and the three areas of development A, B & C. However, it is still considered that the scale of development should be reduced and greater emphasis given to improving the setting of the restored house. It is appreciated that the work is costly, but the development will result in considerable harm to the setting of the listed building. In particular, the two storey extension and Area D. Other areas of concern relate to parking in front of the main dwelling and in front of Area D and thought should be given to how this could be addressed. The overall design concept has been amended to reflect a more vernacular approach minimising the visual impact, but there are still areas where improvement could be made.

The improvements made to the house will still be diminished by the extent of the development which will further reduce its remaining green setting. This will result in less than substantial harm, but that is not to say that there is a less than substantial objection to the extent of the development. Any harm will therefore need to be weighed against the public benefits, para 196 of the NPPF.

Further comments:

ADDRESS: Salston Manor Hotel, Ottery St Mary

GRADE: II APPLICATION NO: 20/1648/LBC & 20/1647/MFUL

Amended plans received 21st December 2020:

The current amended plans follow pre-submission advice given in November 2020.

20/1648/LBC

Main House

Basement: it is noted that the basement layout has been amended to show annotation to indicate how it is to be utilised eg. lock up storage, services, meters etc;

Ground floor: again, it is noted the annotation relating to the layout has now been added;

First floor: again, the annotation relating to the layout has now been added;

Second floor: again, the annotation relating to the layout has now been added;

Roof plan: see comments relating to extension below:

Extension to Main House

As before there is no objection in principle to the single storey extension on the south elevation, which replaces a previous flat roofed structure.

With regards the two storey extension to the west end, it is noted that the footprint has been reduced and this is welcomed. The attached visual clearly shows a very different two storey building in brick (cladding), zinc, slate and timber. The revised plans have moved away from the original 'orangery' and now more closely reflects the existing Manor. Whilst a pastiche scheme is not necessarily required, any design solution should come from a detailed and thorough analysis of the existing building and the approach should reflect the character, appearance and significant qualities of the heritage asset and be appropriate to the particular situation rather than another listed building.

However, the gable approach appears to work, but although the fenestration is better proportioned, the overall appearance is poorly detailed, particularly at eaves level.

20/1647/MFUL

Area A (previously Area B): Plots 1 - 4

This has been revised to take the form a more simplified approach without the stepped terrace of units and this is an improvement. In addition, the amenity space has been revised further away from the rear of the Manor with less encroachment into the formal

garden space. The changes to the parking are noted, but will these be acceptable in terms of turning, access etc? In addition, it is not clear how the west elevation relates to the access road, materials, landscaping etc.

Area B (previously Area C): Plots 5 - 9

It is noted that this area has not been altered.

Area C (previously Area D): Plots 10 - 15

It is noted and welcomed that Plots 14 & 15 have now been omitted. The re-alignment of Plot 13 is accepted, along with the re-location of the group, further away, and the revised parking arrangement.

Parking: the points relating to parking are noted and that some of the parking arrangements have been altered, in particular the removal of those to the lawned area in front of the Manor (originally Units 10 to 15). It is still thought to be unfortunate that parking will be located adjacent to the front elevation of the listed building which impacts on its setting.

Conclusion: the proposed development has been amended, both in terms of the overall design of both the extensions and the three areas of development A, B & C. The scale of development has now been reduced and greater emphasis given to improving the setting of the restored house, including the design of the two storey extension, Area D and parking. The overall design concept has been amended to reflect a more vernacular approach minimising the visual impact of the new units and altering the 'orangery' concept for Area A. Whilst these amendments are welcomed, it is still considered that any improvements to the house will continue to be diminished by the extent of the development which will further reduce its remaining green setting. This will result in less than substantial harm, but that is not to say that there is a less than substantial objection to the extent of the development. Any harm will therefore need to be weighed against the public benefits, para 196 of the NPPF.

Andy Champion - Development Delivery Project Manager

I have now had time to review the Viability Appraisal, associated commentary and the breakdown of costs produced by RWP Construction Property Consultants on behalf of PCR Homes Ltd, for the above mentioned planning application. I comment as follows:

The report appears to be of a satisfactory nature, with a reasonable HCA viability approach, with relevant commentary, and a suitable comparable market evidence for both the residential (flats) and Houses of the scheme.

I have reviewed the costs associated with the proposed scheme and agree with the build costs proposed. The residential rate is fair and corresponds with BCIS Estate Flats and Housing rates for East Devon. The build costs associated with the refurbishment element of the scheme on the face of it seems high. They have used the correct BCIS refurbishment Works figures as a base line plus they have taken into account the higher build costs associated with the listed status of the building and also the dilapidated state of repair the building is currently in. The build costs associated with Development elements of scheme have been evidenced against BCIS data and

their own records. This advice comprises the individual base build unit costs (including prelims) plus external works such as service infrastructure, drainage and roads etc. In addition it includes conversion works associated with listed buildings. These all seem reasonable and I have no reason to doubt the cost data provided by the Developers Cost Consultants.

Contingency percentage of 5% is the standard / typical market allowance of 5%. A higher percentage has not been stated for the refurbishment element but the higher build costs associated with this element includes for this higher contingency within in it.

The CIL Rate appears to be correct. I believe this is based on the nett extra development area

Professional fees of 8% is typical market allowance. The marketing and Legal costs are within the normal parameters I would have expected.

Finance cost of 7% is slightly higher than expected but is still reasonable and the developers profit is within EDDC normal parameters.

I have also reviewed the GDV including the market evidence of residential sales values evidenced within the report. I have checked these against current market comparable evidence within a 3 mile radius of the site and these all seem to be within acceptable open market values.

Finally, I realise that the VA was assessed on the original scheme of 15 new dwellings. With two new builds removed in the amended scheme and taking into consideration the high cost of refurbishment of the Listed building, would then only be shared with less units, so ultimately this will be more unviable.

Taking into consideration the overriding interest of wishing to see the listed building brought back from dilapidation. I I'm satisfied with the development appraisal produced on behalf of the Developer.

### 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 would therefore recommend the following condition.

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

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

Housing Strategy Officer (Melissa Wall)

This site is located outside of the built up area boundary for Ottery St Mary and therefore under strategy 34 we would require 50% on-site affordable housing. The proposal includes 15 new build houses in the grounds, an extension to form 2 flats to the main building and the conversion of the main building to form 11 flats, a total of 28 units all together.

A viability assessment has been submitted as part of the application which states that the development cannot support the provision of affordable housing. In previous applications it has been concluded that redevelopment was the only viable method to enable and secure the repair of the listed building which is in a severe state of disrepair. The additional units in the grounds is considered as 'enabling development' to ensure the listed building is repaired and converted.

An overage clause will be sought in respect of future profits and affordable housing provision where levels of affordable housing fall below policy targets even with 'enabling developments'.

The viability assessment will be considered by the Council's Development Delivery Project Manager and a decision made on whether the Council agrees that the proposal cannot support the provision of affordable housing.

Devon County Archaeologist

Application No: 20/1647/MFUL

Salston Manor Hotel Ottery St Mary EX11 1RQ - Construction of 15 no. dwelling houses within the grounds of Salston Manor and construction of single and two storey extensions to listed building to form 2 no. dwellings and enlargement of 2 no. previously approved apartments: Historic Environment

Our Ref: Arch/DM/ED/35817

I refer to the above application. The proposed development lies in an area of archaeological potential with regard to possible prehistoric activity in the fields to the south. The Devon Historic Environment Record indicates the presence of a possible prehistoric funerary monument as well as linear features that may be indicative of prehistoric or Romano-British activity here. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme

of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

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

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

#### Reason

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

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

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

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning,

and our charging schedule please refer the applicant to:  
<https://www.devon.gov.uk/historicenvironment/development-management/> .

## **CONSULTATIONS FOR 20/1648/LBC**

### **Local Consultations**

#### **Ottery St. Mary Town Council**

The Town council supports the application subject to the conditions stated in the decision detailed in 20/1674/FUL above.

#### **Ottery St Mary Ward Member - Cllr Peter Faithfull**

I am writing relating to the proposed Listed Building consent to the extension to the Salston Manor development. This application is in my ward and my view, based on the information presently available to me is that it should be refused.

The proposed extension to the listed building is out of keeping with the listed building, looking more like an office block than an orangery. I feel that what is proposed does not compliment the present building but is instead damaging the appearance of the listed building.

This is my view based on the information presently available to me. I reserve my right to change my views in the event that further information becomes available to me.

### **Technical Consultations**

#### **Conservation Team**

See comments above under 20/1647/MFUL.

### **Other Representations on both applications**

5 letters of objection and one in support have been received.

Objections include the principle of development; lack of infrastructure; overlooking of nearby houses; loss of existing vegetation; noise and lighting; flood risk due to surface water issues; increase in traffic; and the loss of a service road.

The letter in support would like to see the site reinvigorated in the light of the neglect and vandalism since 2008.

## **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 7 (Development in the Countryside)

Strategy 24 (Development at Ottery St Mary)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 49 (The Historic Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN8 (Significance of Heritage Assets and their setting)

EN9 (Development Affecting a Designated Heritage Asset)

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

#### Neighbourhood Planning Documents

Ottery St Mary and West Hill Neighbourhood (Made)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

### **Site Location and Description**

Salston Manor is a large detached Grade II listed former manor house building previously used as a hotel and conference centre. It is situated in its own grounds west of the main town of Ottery St Mary, within open countryside. The site is accessed from a driveway on the road between Ottery and Tipton St John. It is largely flats but there

is a slope to the North West. There are a number of residential properties and a residential home to the North, on Salston Ride, and further properties on the Tipton road to the West. To the South is open countryside.

### **History of applications**

08/3223/MFUL & 08/03224/LBC Change of use to care home and extensions - approved 5/5/09

13/0496/MFUL & 13/0497/LBC Change of use and creation of two storey side extension to form 27 flats - approved 3/3/15

18/1654/MFUL & 18/1655/LBC 16 new dwellings within grounds and 3 new flats within extension to existing building - application withdrawn

### **Proposal**

The current proposal is for 13 new dwellings to be constructed within the grounds in three blocks (A, B and C) situated to the south-west, east and north east of the main house respectively. In addition, an extension to the main house to the east (replacing the removed extension) will be constructed which would house a further two apartments, and two further flats in a link extension. Combined with the existing flats within the building being built out as part of the 2013 application, this will give 13 flats in total within and attached to the main building, making a total of 26 units within the entire site.

It should be noted that the original proposal within the application was for 15 new dwellings, this has been reduced following comments from the Conservation Officer. This assessment is a combine assessment for a planning application (20/1647/MFUL) and listed building consent application (20/1648/LBC).

The application is put forward as enabling development to allow the continued refurbishment and re-use of the Grade II listed building.

### **ANALYSIS**

The proposal will be assessed against the principle of development, the design of the units, trees and landscaping, impact on neighbours and other issues raised.

#### **Principle of Development**

The site lies outside of any built up area boundary and is therefore deemed to be within the open countryside for the purposes of the Local and Neighbourhood Plan. This only allows for new residential development under exceptional circumstances, for example for an agricultural worker, affordable housing scheme developed by a Community Land Trust, or for the conversion of a redundant building.

The extension to the existing building and new dwellings proposed within its grounds do not meet with these criteria, the application is therefore considered to be a departure from the development plan.

Furthermore, any proposals for new residential development within such locations requires 50% of housing to be affordable, under Strategy 34 of the Local Plan, and the adopted Affordable Housing Supplementary Planning Document. Where proposals do not meet such targets evidence is required to be submitted to demonstrate why such provision is not viable or appropriate. A viability appraisal was submitted for the original application for 15 new dwellings. This concluded that the development was not able to provide affordable housing and remain viable due in large part of the costs of refurbishing and converting the listed building.

The NPPF in para 202 states that "Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies" Paragraph 79 also supports residential development in the countryside where it represents enabling development to secure the future of a heritage asset.

It is put forward by the applicant that the conservation and conversion of this heritage asset can only be enabled by the proposed development, and that this would include the development of houses within the grounds and no provision for affordable housing.

Given the history to the site, the need to refurbish the listed building, and given that the applicant has submitted a viability appraisal demonstrating that this is the minimum development necessary to secure the future refurbishment to the listed building, the application is supported in principle as enabling development with the benefit to the listed building outweighing any harm from the location of 13 dwellings in the countryside.

### **Design and impact upon the listed building and its setting**

The development comprises new build housing within the grounds, and the formation of an extension to the listed manor house to provide more residential accommodation (in place of the extension approved in 2013).

The three distinct areas of proposed housing (A, B and C) contain similar materials - formed of stonework and painted brickwork with small elements of timber boarding on the walls, slate roofs (with small areas of sarnafil in Area B), timber fenestration and Black PVCu rainwater goods.

Area A (previously Area B): Plots 1 – 4. As advised by the Conservation Officer, this area has been revised and improved to take the form a more simplified approach without a stepped terrace of units previous proposed. In addition, the amenity space has been revised further away from the rear of the Manor with less encroachment into the formal garden space and with surface materials agreed with the Landscape Architect/to be conditioned.

Area B (previously Area C): Plots 5 - 9

There is no objection in principle to development adjacent to the main house as this has previously been approved under the 2013 permissions. These are shown to be set back and subservient to the main house. Again these take the form of traditional

outbuildings, with associated courtyard. The Conservation Officer advising that this area is successful in terms of its overall appearance.

Area C (previously Area D): Plots 10 - 15

It is welcomed that Plots 14 & 15 have now been omitted. The re-alignment of Plot 13 is accepted, along with the re-location of the group, further away, and the revised parking arrangement. These changes address the comments from the Conservation Officer.

The original outbuildings, stables and walled garden associated with Salston Manor appear to have been to the north east of the main house and the proposed development in this area is intended to recreate this, hence this location being chosen for development. This part of the site drops away from the main lawned area and due to the existing pattern of development within Salston Ride, offer scope for development in this area.

The parking layout has been amended following discussions with the Conservation officer and Landscape Architect.

The main house was built as a large red brick mansion, with stone detailing and a complicated series of roofs laid in slate. The proposed replacement extension would be constructed as a two storey building, with brickwork cladding and a slate roof with zinc pilasters and timber windows. There is also a single storey element to the rear which is designed to resemble an orangery, constructed mainly of glass over a brick plinth. The Conservation Officer is now supportive of the design and location of these extensions and they are considered sensitive and an improvement over a previous extension granted in 2013. Whilst it would be preferable to have no extensions, the viability appraisal has demonstrated that the extensions are required to make the development viable.

As advised by the Conservation Officer, the proposed development has been amended, both in terms of the overall design of both the extensions and the three areas of development A, B & C. The scale of development has now been reduced and greater emphasis given to improving the setting of the restored house, including the design of the two storey extension, Area D and parking. The overall design concept has been amended to reflect a more vernacular approach minimising the visual impact of the new units and altering the 'orangery' concept for Area A.

However, it is still considered that the introduction of new units' impact on the main building by affecting the green setting, and this has a less than substantial harm to the heritage asset. According to the NPPF, this harm has to be weighed against the public benefits of the proposal, which in this case is the retention and improvement of the heritage asset that is a wider public benefit that can be awarded significant weight.

As the proposal has been submitted to enable the continued refurbishment of the listed building, and to avoid the units consented under this application from being carried out without the associated benefits to the listed building, a condition is proposed to ensure that details of phasing are submitted and approved. This will ensure that the works to the listed building are completed prior to the completion of the units granted as part of this application.

## **Landscaping issues**

Plans submitted with the application propose a number of landscaping features, aimed at enhancing and softening the setting of the buildings. These include formal lawns to the front and back of the manor house, an orchard in the NW of the site surrounding a wildflower meadow, a formal avenue of trees leading from the entrance, the retention of mature trees, a hedgerow buffer to the south east, with the existing beech hedge to the South retained, and additional planting.

The landscaping plan omits details of species and planting details, and it is considered that further planting is required in parts of the site where trees have previously been removed.

## **Ecology**

The existing buildings have the potential for bat roosts, and the grounds are the habitats for numerous protected species. An ecological assessment has been submitted with the application. This states that there are bats resident within the manor house, and outbuildings within the grounds. Development could result in the loss of a lesser horseshoe bat roost, and other day roosts. Bats are also present within a large oak tree within the site, although this is not proposed for removal.

Some measures have already taken place to ensure that the manor house will retain bat habitats, for example the installation of a suitable roof lining and bat slates. However, it is suggested that a number of bat mitigation measures will need to be agreed before further development. These principally involve the design of the lofts to discourage use by residents, with no lighting, small loft hatches and fire collars. It is further proposed that bat boxes should be installed within the grounds to mitigate for any loss of bat roosts in the outbuildings.

## **Appropriate Assessment**

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. 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 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. These will be collected via a Section 106 agreement. This development will be CIL liable. On this basis, and as the joint authorities are work in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

## **Impact on neighbours**

The proposed new housing is shown in phases. Area A (plots 1-4) is situated in the South West corner of the site. It is close to the boundary of Salston Gate. The development would see houses with windows facing towards the side of this property, however between these windows and Salston Gate is a proposed parking area, vegetation, and the driveway to the lodge. It is not considered that there will be an unacceptable relationship with this property. A beech hedge is proposed along the boundary and this should be conditioned to be at a suitable height.

Area B is to the East of the Manor House. This sits in front of an area of woodland, behind this is a residential home known as Otterhayes. Whilst previously shown as a wildflower meadow, it is now proposed to retain these mature trees which would retain the screening between the site and Otterhayes.

Area C is located to the North East of the Manor House. Two of the plots have now been removed, with the plots on each end now staggered. The front of these properties look across a parking area and also towards the rear of properties on Salston Ride. However, these properties are only proposed to have roof lights at first floor level, with the principle accommodation at the rear, overlooking gardens. It is therefore not considered that there are overlooking issues resulting from these proposed dwellings.

## **Other issues**

Neighbours have raised the following issues:

Impact on infrastructure. It is acknowledged that this would result in development which would inevitably use cars to drive into Ottery St Mary, using roads which are narrow in places. However the previous use of the manor house as a hotel and conference centre had significant traffic movements, and it is not considered that facilities such as local surgeries and schools would be unable to cope with the amount of development.

Surface water flooding has been raised. There will be limited new areas of hardstanding; some existing tarmacked areas will be removed and parking will be in permeable block paving.

It is stated that the service road to the Gate property has been neglected. This serves a secondary access to Salston Manor which is not proposed to be used, and the owner of the Gate is concerned that this area would not be maintained. This is a private matter and does not form part of the proposal.

## **Planning balance**

As detailed above, it is acknowledged that the proposal represents a departure from the development plan, as it constitutes new development outside of the built up area boundary. In addition the application is deficient in affordable housing, although it has been demonstrated that the development is only viable without this. However, the

NPPF supports enabling development and the provision of dwellings in the countryside where they secure the future of a heritage asset. This proposal will achieve that aim.

Whilst the proposal will cause less than substantial harm to the heritage asset of Salston Manor, by virtue of the proposed new dwellings affecting the setting, again the wider public benefits of securing the future and re-development of the listed building outweigh this harm.

There are also other positive benefits of the proposal in relation to the considerable planning history. It is clear that, since it ceased its use as a hotel in 2008, that a number of schemes have been considered. These have not been built due to various viability issues but this scheme does not appear to be viable. Also of benefit is the fact that an extension proposed as part of the 2013 application will not be built, and as this extension had a greater impact upon the listed building than that now proposed, this weighs in favour of the proposal.

It is considered that the current proposal represents the optimal balance between bringing the listed building back into use whilst protecting as much as possible its historic features and setting.

## **RECOMMENDATION 1**

### **For the planning application 20/1647/MFUL**

- 1. Adopt the appropriate assessment attached above**
- 2. Approve subject to the following matters to be secured by a Section 106 legal agreement:**
  - Habitat mitigation (non-infrastructure contribution) of £190 per dwelling**
  - Overage clause for affordable housing**
  - Confirmation of management arrangements**
  - Clause to ensure that the listed building works are completed before all of the residential units are occupied**
- 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. (Reason - For the avoidance of doubt.)
  3. No development above foundation level 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 and

roofs of the proposed development 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 in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

4. No development shall commence until details of the phasing of the construction of the 13 dwellings and extensions to the listed building hereby approved in relation to the previously approved conversion works to Salston Manor have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.  
(Reason: To ensure that the dwellings and extensions approved as part of this application are not carried out in isolation from the wider refurbishment works to the listed building given that this application is justified on the basis of enabling works to the main listed building in accordance with the NPPF and Policy EN9 – Development Affecting a Designated Heritage Asset of the East Devon Local Plan).
5. 1) Notwithstanding the submitted details no development work on the proposed new build units shall commence on site until the following information has been submitted to and approved by the local planning authority. No unit can be occupied unless these measures are implemented.
  - a) A full set of hard landscape details for proposed walls, fencing, retaining structures, pavings and edgings, site furniture and signage.
  - b) Details of locations, heights and specifications of proposed free standing and wall mounted external lighting including means of control and intended hours of operation including lux levels plan.
  - c) External lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 - Guidance notes for the reduction of obtrusive light and GN 08/18 - Bats and Artificial Lighting in the UK.
  - d) Details of the arrangements for bin storage and collection for all units and secure, covered cycle storage for apartment units.
  - e) A plan indicating existing and proposed site levels and the extent of earthworks and retaining walls.
  - f) Surface water drainage scheme incorporating appropriate SuDS features including proposed profiles, levels and make up of any swales and attenuation ponds and locations and construction details of check dams, inlets and outlets, etc.
  - g) A soil resources plan which should include:

- a plan showing topsoil and subsoil types based on trial pitting and analysis, 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, used as structural fill or for topsoil manufacture.
  - identification of person responsible for supervising soil management and monitoring and reporting arrangements.
- h) A full set of soft landscape details including:
- Planting plan(s) 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.
  - Plant schedule indicating the form, size, numbers and density of proposed planting.
  - 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.
  - Tree pit and tree staking/ guying details.

i) Locations and details of ecological mitigation and enhancement measures as recommended in the submitted ecological assessment.

j) Measures for protection of existing perimeter trees/ undisturbed ground 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

(Reason: To ensure the existing landscape setting and tree cover is retained, to ensure that the ecology within the site is protected, in accordance with Policies D2 (Landscape Requirements), D3 (Trees and Development Sites) and EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031)

6. Notwithstanding the landscape details submitted, no landscape works shall begin until a site specific Landscape Management and Maintenance Plan has been submitted to and approved in writing with the Local Planning Authority. This shall set out responsibilities for maintenance within the site and cover the management and ongoing maintenance of hard and soft landscape elements and bio-diversity measures within public/ communal areas. The plan shall set out the landscape and ecological aims and objectives for the site along with the specific management objectives for each landscape component, and the associated maintenance works required on an Annual and Occasional basis. The Annual Works are those works that will be required every year, such as watering, weeding and cleaning. The Occasional Works are those that will be required on an irregular or cyclical basis, such as repairs and renewals. Details of inspection, monitoring and reporting arrangements shall also be provided. The management and maintenance plan shall cover a period of not less than 10 years following the substantial completion of the development.

Management, maintenance, inspection and monitoring shall be carried out in accordance with the approved plan.

(Reason: To ensure that the landscape setting of the site is preserved and in accordance with Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031)

7. Planting shall be carried out in accordance with the approved plans and shall be completed no later than the first planting season following first use. 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 Local Planning Authority.  
(Reason: To ensure that planting enhances the setting of the site and to comply with Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031)
8. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.  
(Reason: To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development)
9. A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.  
(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031)
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule 2 Part 1 Classes A or B 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 without detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

11. 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 of the Adopted East Devon Local Plan 2013-2031.)
12. All garden fences installed between dwellings, and any subsequent fences installed within ten years of this permission, shall have 125 mm square holes at ground level, at 5 m intervals, to allow movement of wildlife, including hedgehogs, around the site.  
(Reason: In the interests of protecting wildlife in accordance with Policy En5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031)
13. None of the dwellinghouses hereby permitted shall be occupied until the access, turning space, garaging and parking shown on the approved plans 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 Policy TC7 - Adequacy of Road Network and Site Access of the Adopted East Devon Local Plan 2013-2031.)
14. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. 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.)

#### 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:

319-030 B	Proposed Elevation	15.12.20
319-012 A	Combined Plans	15.12.20
319-011 A	Proposed Floor Plans	15.12.20
319-010 A	Proposed Floor Plans	15.12.20
310-033 A	Proposed Elevation	15.12.20
310-032 A	Proposed Elevation	15.12.20
310-017 A	Proposed roof plans	15.12.20
310-016 B	Proposed Floor Plans	15.12.20
310-014 B	Proposed Combined Plans	15.12.20
310-013 A	Proposed Site Plan	15.12.20
310-012 B	Proposed Site Plan	15.12.20
310-011 B	Block Plan	15.12.20
310-010 A	Location Plan	21.08.20
SK01 A (soft)	Soft Landscaping	23.02.21
SK02 A (Hard)	Hard Landscaping	23.02.21
MP01 Rev A	landscape	23.02.21
EV-3635-TPP	tree protection	15.02.21

**RECOMMENDATION 2**

**For the listed building application 20/1648/LBC**

APPROVE subject to the following conditions:

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted.  
(Reason - To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
2. The works hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. 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:
  - Roofing materials including product details, sample and method of fixing.
  - New rainwater goods including profiles, materials and finishes.
  - Lead work, including profiles and details of any ornamentation.
  - New or replacement windows and doors (to Salston Manor and extensions) including sections, mouldings, profiles and paint colour. Sections through casements, frames and glazing bars should be at a scale of 1:2 or 1:5.
  - External vents, flues and meter boxes.
  - Sample of any new bricks including mortar colour and specification and bond type.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.)

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

319-030 B Proposed Elevation 15.12.20

319-012 A Combined Plans 15.12.20

319-011 A Proposed Floor Plans 15.12.20

319-010 A Proposed Floor Plans 15.12.20

310-033 A Proposed Elevation 15.12.20

310-032 A Proposed Elevation 15.12.20

310-017 A Proposed roof plans 15.12.20  
310-016 B Proposed Floor Plans 15.12.20  
310-014 B Proposed Combined Plans 15.12.20  
310-013 A Proposed Site Plan 15.12.20  
310-012 B Proposed Site Plan 15.12.20  
310-011 B Block Plan 15.12.20  
310-010 A Location Plan 21.08.20

**Ward** Ottery St Mary

**Reference** 20/1316/FUL

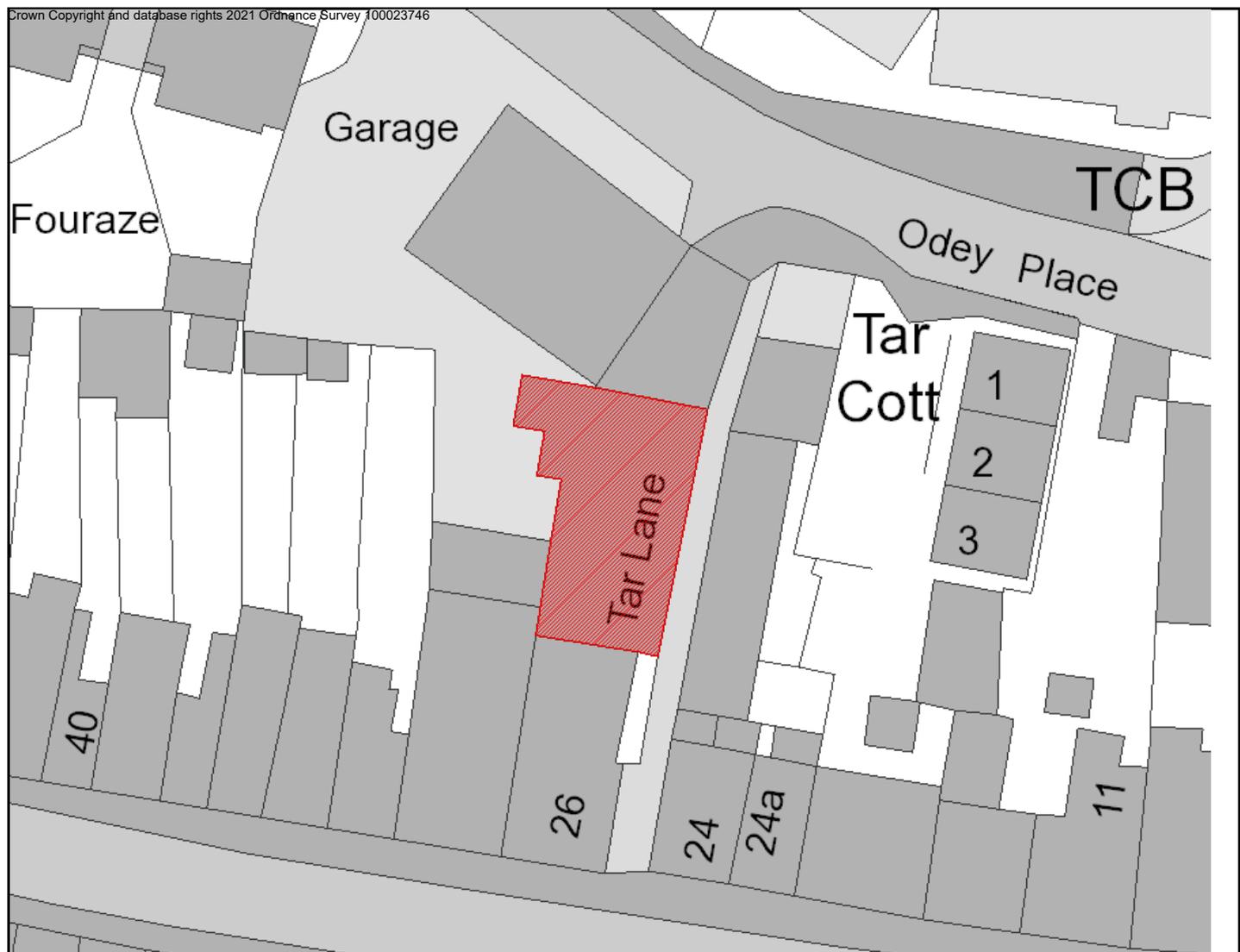
**Applicant** Mr N M Eyres

**Location** The Former Colbert Hall Mill Street Ottery St Mary EX11 1AD

**Proposal** Conversion of rear section of vacant part retail premises into 3 no. town houses (class use C3 a).



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 7<sup>th</sup> April 2021</b>
<b>Ottery St Mary (Ottery St Mary)</b>	<b>20/1316/FUL</b>	<b>Target Date: 21.08.2020</b>
<b>Applicant:</b>	<b>Mr N M Eyres</b>	
<b>Location:</b>	<b>The Former Colbert Hall Mill Street</b>	
<b>Proposal:</b>	<b>Conversion of rear section of vacant part retail premises into 3 no. town houses (class use C3 a).</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before members as the officer's recommendation is contrary to the view of a Local Ward Member.**

**The application site relates to the Colbert Hall in Ottery St Mary, located to rear of number 26 alongside Tar Lane.**

**The application seeks permission to convert the Colbert Hall into three dwellings and proposes various external alterations, most notably removing the linking structure that connects the building to number 26 that front Mill Street to the south. The hall was previously used as storage space ancillary to the use of the principle retail unit that fronted Mill Street which was vacated by Costcutter in early 2017.**

**Issues with the application revolve around the principle of development, primarily the loss of employment floorspace within the town centre, the impact of the works upon the character and appearance of the Conservation Area and whether an acceptable level of amenity can be provided for prospective occupiers of the units.**

**In assessing the principle of development the application has been assessed Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the East Devon Local Plan, Policy NP18 (Supporting Ottery St Mary as the Economic Focus for the Parish) of the Ottery St Mary and West Hill Neighbourhood Plan and guidance within the National Planning Policy Framework.**

**Whilst the Neighbourhood Plan emphasises on the preservation of employment land within Ottery St Mary, this is also reflected within Strategy 32 that seeks to retain employment uses unless the proposed use, amongst other things, would not undermine or harm employment opportunities in the area. Guidance within the**

**NPPF suggests that Local Authorities should take a positive approach for alternative uses of land which are developed but not allocated for a specific use.**

**The Local Authority has access to marketing information submitted as part of application 18/2321/COU that saw approval granted to convert the building into a veterinary practice. However, due to the financial cost to renovate the building the vets had to pull out. Importantly since early 2017 the property was marketed for 16 months with any other interest in taking the site on.**

**As such, in light of the evidence before the council, in addition to the guidance within the NPPF and provisions of Strategy 32 of the Local Plan, the principle of the residential conversion is deemed acceptable. Despite objections from the Town Council and a Local Ward Member, resisting the development on the basis of harm caused by the loss of employment floorspace would be unreasonable, particularly given the retention of retail space to the site frontage.**

**The design of the scheme and the physical alterations provide an appropriate level of amenity to prospective occupiers whilst increasing the contribution the Colbert Hall makes to the conservation Area. Whilst it is acknowledged that there are shortcomings with regards to the size of unit 1, these are not considered to outweigh the benefits of restoring the hall to use and the minor enhancement identified to the conservation area.**

**As such the application is recommended for approval subject to conditions listed at the end of this report.**

## **CONSULTATIONS**

### **Local Consultations**

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

**06.08.2020**

Ottery St Mary Town Council does not approve of this application on the grounds stated by Councillor Peter Faithfull in his comments on the EDDC Planning website

Further comments:

**15.12.2020**

The Ottery Town Council does not recommend for approval. Unanimous. Residential use not appropriate in retail setting. Access very poor for emergency services particularly as 3 bedroomed family homes are proposed. No parking will exacerbate traffic issues. Against Strategy Plan and NP18 in Neighbourhood Plan.

#### **Ottery St Mary - Cllr Peter Faithfull**

**20.07.2020**

I am writing regarding the application to convert the old Colbert Hall into three residential units. this application is in my ward and my view, based on the information presently available to me, is that it should be refused.

This proposal to change the use of this building from retail/employment to residential use is contrary to chapter 12, strategies 24 and 32 of the East Devon Local Plan. It is also contrary to policy NP18 of the Ottery St Mary and West Hill Neighbourhood Plan.

Colberg Hall is located in Tar Lane and forms part of the Town Centre shopping area. While there has been a substantial change in the demand for type of shops and employment opportunities in Ottery, there is still a need for such properties. While the old Cost Cutters supermarket has been on the market for a number of years, the property has been in a poor state of repair and the property has therefore not been available for retail or business to move in. With a clear shortage of smaller business units in the town centre, the present owner has not made any effort to offer the building for employment use in smaller, more manageable units. This site is located in close proximity to the town centre carpark, offering up to two hours free parking, making this site a potential prime location for smaller retail units.

The proposal is to change the building into three residential units:-

Unit 1 is a two bedroom unit over two floors. The usable floor area of this unit is approximately 60m<sup>2</sup> against the minimum floor area of 70m<sup>2</sup> for a two bedroom property over two stories. Bedroom 2 is also inaccessible due to the low height of the roof beams.

Unit 2 is a three bedroom unit over two stories, with a usable floor area of approximately 74m<sup>2</sup> against a minimum floor area of 93m<sup>2</sup>. The first floor ceiling height is extremely low, making the whole building unsuitable. This proposal is offering substandard accommodation.

These are my views, based on information presently available to me. I reserve my right to change my views in the event that further information becomes available to me.

## **Technical Consultations**

### **Environmental Health**

**11.01.2020**

Conversion of rear section of vacant part retail premises into 3 no. town houses (class use C3 a)

I have concerns about noise and odour impact from commercial activity including the petrol station immediately to the north of the proposal. It is likely that windows would need to be kept closed for all or most of the day to avoid these impacts.

### Ventilation

The development will require mechanical ventilation for rooms on both floors, taking air from the south side of the building:-

### Condition 1

A suitable and sufficient means of extract ventilation and/or air conditioning shall be provided within the buildings so that windows and doors can be kept closed at all times.

The system installed shall be designed and installed such that it does not itself become a source of nuisance.

Reason: To protect the amenity of occupiers from noise, dust or smell.

## Noise

The development needs to be subject to a scheme to control noise transmission, both between the proposed residential units, and also from nearby employment use. This scheme is likely to require the assessment and control of 'flanking transmission' through the existing structure, in addition to suitable treatment of floors, ceilings and party walls within the development:-

### Condition 2

Prior to the commencement of works to create any of the residential units hereby approved, a sound insulation scheme shall have been submitted to and approved in writing by the local planning authority. Such a scheme shall be designed to reduce the transmission of noise between the commercial premises and the residential development to achieve at least 10dB more than the minimum requirements of Approved Document E. The standard must be applied to party walls between flats, as well as floors and ceilings shared with the commercial premises. The scheme to be submitted shall also provide for post-construction testing certification to demonstrate the sound insulation performance has met the required standard and where necessary set out what further mitigation measures will be employed to achieve the required levels. The sound insulation scheme shall be installed and maintained only in accordance with the details approved by the Local Planning Authority.

(Reason -To protect the amenity of future occupiers of the dwellings in accordance with policies D1 (Design and Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013 - 2031.)

### Further comments:

#### **25.02.2021**

Having reviewed the noise assessment I recommend approval of the application as long as the following mitigation measures recommended within the assessment are undertaken.

1. The fitting of secondary glazing to the existing Victorian single glazed casement windows.
2. The fitting of a mechanical ventilation system (MVS). Where necessary the MVS must be acoustically-treated and provide adequate provision for ventilation as required under the Building Regulations Part F.

### Conservation

#### **24.08.2020**

This is an important building within the heart of the Ottery St. Mary Conservation Area. It adds value primarily through its architectural Arts and Craft design style and the quality of the traditional materials. It is a shame that this building has remained empty

and has not been used for either commercial or community use (e.g. music group space, community exhibitions etc).

There seems to be some scope for conversion. There is merit in retaining the historic fabric and chimney, however there remain some concerns

These are;

- Historic window styles and historic openings on the East and West elevations. These have been completely lost due to the cill being lowered and the original upper section of glazing replaced with boarding. These existing windows are a significant feature of this building. It is appreciated that there may be a design detail that needs to be better resolved with regards to the first floor level that probably cuts across the existing opening. This needs to be resolved in another way so that the existing window style is not compromised. There should be plenty of best practice solutions to consider.
- Rooflights - there should be conservation style and reduced in number. Could the bathroom rooflight be removed and any bedrooms that have another window, remove the roof light too?
- Materials - in general the use of Upvc is not supported and would have a negative impact on the character of the building and Conservation Area. It is recommended that natural slate should be used for the roof. This and timber windows would respect the quality of the local vernacular.
- Bin store - it is un-clear of the enclosed bin store that sits in Tin Alley is within the application boundary?

In conclusion, at present this application is not supported.

Further comments:

#### **14.12.2020**

Overall the proposal is supported. Suggested draft conditions;

1. Materials - samples and method of fixing and finishes.
2. Drawings large scale section through of all new windows (to include integral glazing bar).
3. Repairs to historic fabric to be with a lime based mortar.

EDDC Urban Designer

**05.01.2021**

20/1316/FUL

EDDC Urban Designer

Location:

The Colbert drill hall was part of the former Cost-Cutter mini supermarket that closed in 2017 since when the property, though marketed as a retail unit, has failed to attract a new tenant and remained empty. The new owner has submitted two planning applications that split the property up, with the shop-front onto Mill Street being

reduced in internal area but retained as a retail frontage with a town-house behind, and the Drill Hall being converted to dwellings.

There have been several unsympathetic additions to the drill hall over the years including a flat-roofed section that joins the hall to the rear of the former Cost-Cutter. This will be removed as part of the proposals and turned into a small courtyard shared by the townhouse and one of the dwellings in the drill hall.

Given its location at the heart of the old town centre of Ottery Saint Mary the drill hall is within a very dense built-up area and is close-packed with other properties including a petrol station to the west. However, this does not immediately preclude it from being converted to residential use as there are plenty of existing flats and small houses in the immediate surrounding area. Many of these have small external areas either in the form of garden space, balconies or access to a flat-roofed area on which to sit out.

As this is a conversion there is no increase in built density but there would be an increase in the population density of the town centre which would help support local business, though with the Sainsbury's super-market within it Ottery town centre remains a challenging environment for smaller retail businesses to operate in.

#### Parking and travel:

The location is relatively sustainable, given that it is at the centre of the town. This would mean that if future residents work in Ottery or in the immediate surrounding areas then day-to-day journeys can be made on foot or by bike.

There is no chance of parking being made part of this proposal but there is a long-stay car park relatively close by and on-street parking is also available so although car-ownership and use would be discouraged it would not be impossible.

Public transport is limited to the bus, with a relatively frequent service (number 4) connecting Ottery to Honiton and Axminster to the east, and Cranbrook and Exeter to the west. This enables access to the railway at Honiton for the Waterloo line into London and to the Paddington line at Exeter. However, as with all public transport, this is quite limiting and does not connect well to the surrounding smaller communities leaving cycling as the only sustainable means of getting around locally as buses in the UK do not yet have cycle racks.

There is no reason to consider this a poor location for transport overall as future residents will make their choice about living here in full knowledge of the limitations.

#### External appearance:

The existing drill hall has had some unsympathetic additions to it. However, the original building is largely intact and is a good example of its type, with a modesty that is attractive. The proposal removes some poor quality additions to the old hall and replaces the asbestos roof with slate which is more likely to reflect the original roof material.

The windows form an important part of the original features of the building and are typical of the early 20th century arts and craft movement with smaller leaded lights in the upper portion. However, as these windows are fixed it is likely that they will need to be replaced, or certainly adapted, to allow them to open for the wellbeing of occupants. Even if it is not necessary for thermal comfort, people like to be able to open windows.

The proposed redesign of the building includes replacing the top part of the windows with boarding while reducing the width of the remaining lower part as a result of the first floor level being lower than the tops of the windows. Doing so has a detrimental effect on an important original features of the building and could be avoided setting the first floor back from these windows to allow them to be retained. This would provide more daylight to the ground floor and should not reduce the usable floorspace above or cause too much structural change as FF structure cannot meet the wall at this point given the location of the window. If the windows need to be replaced or rebuilt to allow them to open the new or refurbished should follow the existing design as closely as practically possible. If timber can be used, so much the better, otherwise timber composite would be acceptable. uPVC would not be acceptable at all. For the east elevation top openers should be used for security and peace-of-mind for occupants. Bottom openers should be used on the west elevation. Having openers on both sides of the building will enable good cross-flow ventilation.

The entrances onto Tar Lane will need to be carefully detailed to avoid them becoming littered and shabby. Lighting should be installed over each doorway for this purpose. Materials for the doors should be solid hardwood or timber composite and should be built to a pattern that compliments the arts-and-craft style of the windows.

#### Internal arrangement:

Overall the internal arrangement proposed is good and the units are spatially attractive. They are relatively generous in space though I wonder whether more partitioning is needed in living areas if families are expected to live in them. However, this internal generosity would be affected by my comments below. Areas that need attention are:

- o An external door is needed on the 'street' threshold for the units opening onto Tar Lane. Having an entrance directly onto living space is not ideal, especially given the open-plan nature of the units as it would cause significant loss of thermal performance. It would also provide security for the bin and (presumably, as it's not indicated on the drawings) cycle storage area and prevent littering or worse from happening.
- o Daylighting on the ground floor would be much improved with skylights over the stairwells which would also make the stairs an attractive feature. Placing a skylight in this location would create good passive-stack ventilation for the ground floor
- o Care should be taken sizing the skylights on each pitch for thermal comfort. If they are too large on the western pitch it could result in overheating in the afternoons.
- o If possible, the first floor rooms should retain a clear space up to the pitch rather than fitting a lower ceiling. It would allow the rooms to have more character and allow some of the original features of the building to be enjoyed and maintained.

#### Amenity:

The building is closely surrounded by other buildings including a petrol station whose jet-wash area is immediately under one of the west facing windows. However, the jet-wash appears to be seldom used so this may not be the issue that it at first appears. Occupants can easily close the window should the jet-wash be in use. If there was outdoor space on the first floor level it would not be particularly affected by the jet-wash when in use. It was noticeable on a site visit that there was little or no smell from the petrol station and very little noise from it either above the ambient noise from the road.

I have some concern about the lack of any outdoor space for units 2 and 3. Because the building is so surrounded there is no way to put balconies on as they would overhang adjacent properties. However, putting external space within the roof-pitch for unit 2, and perhaps using the proposed flat-roof over the kitchen for unit 3 as external spaces would be one way around this. Alternatively, unit 3 could also have external space within the roof-pitch if the flat-roof option is not practical which may be the case as it is quite far below the finished floor level of the first floor. There is a question over which pitch would be most appropriate as to the west there are views over the garage, but it gains the evening light. To the east the view is foreshortened by the neighbouring roof and this would only get direct sunlight to mid-day but it would be a less visible change to the building line. My preference would be for the western pitch to be used as this would provide the occupants with better space and direct sunlight in the afternoons and evenings when they are more likely to want to sit out. If designed well, this could result in an attractive change to the building that signals its new lease of life. There would obviously be some loss of internal space on the upper floor but in my view it would be more than compensated for by increasing the attractiveness of the flats as living spaces.

#### Conclusion:

From an architectural and urban design point of view, with changes, this proposal presents no real problems and deals with a heritage property that otherwise risks falling into dereliction. Outdoor amenity presents a challenge but this can be resolved and although any solution is compromised by the proximity to the petrol station I cannot see this being overly problematic.

The proposed site is surrounded by existing dwellings, some of which are fairly recent and I would also suggest that some have far less amenity than would be afforded by this scheme should outdoor space in the roof pitch be designed in.

Although I understand the arguments for retaining commercial space, this is a building that would be challenging to turn into a viable commercial space given its current condition, its location and lack of access to it, and the challenging local market. The level of investment necessary, the low level of return and the high level of risk make it far more likely that keeping it as commercial space will condemn the hall to dereliction.

#### Other Representations

One comment of support:

*'Hi, I am supporting this application as this building which was formally a Costcutters retail outlet, went out of business possibly due to the arrival of Sainsbury's. The building has stood empty for 2/3 years with little interest in it becoming another retail unit. In the meantime other shops in Ottery St Mary have changed hands several time after their new ventures have failed. Rather than this building becoming a victim of the same fate, it makes absolute sense to convert it to properties thus utilising a property already occupying land instead of handing over farm land for housing. Due to the recent situation regarding Coronovirus, many people have now changed their shopping habits also, leading to an increase in online shopping.'*

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>
18/2321/COU	Change Of Use from Costcutter Convenience Store to Veterinary Surgery	APPROVED
20/0943/FUL & 20/0833/FUL	Conversion of part existing vacant shop unit (26) and part first floor flat (26A) into one bedroom town house	REFUSED APPEAL DISMISSED

## **POLICIES**

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

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 24 (Development at Ottery St Mary)

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

Strategy 38 (Sustainable Design and Construction)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

EN10 (Conservation Areas)

EN14 (Control of Pollution)

E9 (Town Centre Vitality and Shopping Areas)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

### Ottery St Mary and West Hill Neighbourhood (Made)

NP2 (Sensitive High Quality Design)

NP9 (Accessible Developments)

NP12 (Appropriate Housing Mix)

NP18 (Supporting Ottery St Mary as the Economic Focus for the Parish)

### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

## **Officer Report**

### **Site Location and Description**

The application site comprises of two distinct buildings. These include 26 Mill Street which principle elevation addresses the adjoining public highway to the south and the Colbert Hall to the rear.

The Hall is constructed of brick with a slate roof, located within the conservation area. 26 Mill Street, which also designated Primary Shopping Frontage, comprises of a shop

front at ground floor and a residential flat at first floor. A single storey flat roof 'linking building' connects this no' 26 to the Colbert Hall to the rear. The shop floor extends through 26 Mill Street and the linking element with the hall previously used as a storage area for Costcutter who previously occupied the site.

A public footpath is located immediately east of the site that connects Mill Street to Hind Street. The hall itself is located immediately adjacent to a petrol station with the forecourt extending to the buildings west elevation. The site

### **Proposed Development**

The application seeks permission to convert the Colbert Hall into three dwellings. The conversion of which has already been partly undertaken by the applicant who at the time of site visit had removed the existing roof and constructed various internal partitions to subdivide the building.

Each two bedroom town house would be each have independent access off of Tar Lane (units 2 & 3), or from the proposed courtyard that would be created through removal of the single storey linking building. Each unit has a dedicated area of amenity space through the provision of a courtyard for unit 1, a first floor terrace for unit 2 and a small enclosed outdoor area for unit 3.

Issues with the application revolve around the principle of development, primarily the loss of employment floorspace within the town centre, the impact of the works upon the character and appearance of the Conservation Area and whether an acceptable level of amenity can be provided for prospective occupiers of the units.

### **Principle of Development**

The site is within the built-up area boundary of Ottery St Mary as defined by the Adopted East Devon Local Plan. The spatial strategy for development is focused around the seven main towns and larger villages with a built up area boundary, as described by Strategy 27, which will form focal points for development. Strategy 6 of the Local Plan sets out criteria against which development within built up area boundaries can be assessed. Therefore the principle of residential development, whilst acceptable in principle, is subject to detailed considerations that shall be discussed in turn below.

The Ottery St Mary and West Hill Neighbourhood Plan contains policy aimed at supporting economic activity within the town. Policy NP18 (Supporting Ottery St Mary as the Economic Focus for the Parish) states that development should be supported where development would retain existing employment land in employment use. This is in accordance with Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the Local Plan policy which seeks to retain employment uses unless the proposed use, amongst other things, would not undermine or harm employment opportunities in the area. In particular Strategy 32 specifies that '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 (up to 2 years depending on market conditions) and there is a clear demonstration of surplus supply of land or provision in the locality'.

In this case, marketing of the site has previously been put forward to the council as part of the submission of application 18/2321/COU. This marketing effort commenced in October 2017 for over a year and exhibited little interest in occupying the whole area for business purposes, other than from the applicant at the time, the vets surgery. While there had been some interest in reducing the retail area and converting the remainder of the building to flats, these were all speculative schemes by developers. The unit has since been left vacant.

Taking into account the previous marketing effort, it appears that there is a lack of interest in taking over the site, in its entirety for retail use and this is not unexpected given its layout and size. It is acknowledged that the most logical way forward would be to subdivide the site. Owing to the building having two distinct elements in the form of 26 Mill Street and the Colbert Hall, subdividing the site by removing the linking building that connects the two is the most obvious solution. However the Hall itself lacks an active frontage with access off the narrow footpath (Tar Lane) to the east. As such the applicant would face difficulties to turn the hall into a viable commercial space given its current condition, location and lack of access to it, and the challenging local market. The level of investment anticipated make it far more likely that keeping the building as commercial space will condemn the hall to dereliction. This, in addition introduction of Sainsbury's within the town centre and overall decline of retail uses within town centres, leads the council to believe resisting the loss of the Colbert Hall's A1 use as unreasonable, even in the absence of recent marketing.

However, comments from the Town Council and a Local Ward Member are duly acknowledged and NP18 must be given weight. Point 5 of NP18 states that proposals for new development or change of use will be supported subject to other planning considerations, if they:

- 3) Retain small scale employment in the town centre;
- 5) Retain existing employment land in employment use.

Whilst the wording of NP18 appears to rule out the conversion of employment floorspace to residential this would not be in line with guidance within the National Planning Policy Framework (NPPF) that requires Local Authorities to take a positive approach to such development and be flexible in light of current trends and demands of the market. Paragraph 121 of the NPPF is worded as follows;

*'121. Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:*

- (a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and*
- (b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.'*

From the marketing information previously submitted, it is reasonable to conclude that there is little prospect of the entire site being occupied for retail purposes. As such, an assessment needs to be made into whether the amount of retail floorspace to be lost is acceptable. In this case there is a natural divide provided through removal of the linking structure, which would create a smaller shop within 26 Mill Street, on a similar scale to others in the town. Therefore there is considered a real prospect of the remaining floorspace within number 26 of being occupied and an active shop front being restored to the primary shopping frontage area. Therefore, in addition to the reasons already outlined above as to why the hall does not lend itself to be run as a retail unit, it would be unreasonable to resist this partial loss of retail floorspace at the site within the hall.

The final point to consider is whether the conversion of the hall to residential would result in harm to the vitality of the town centre. Strategy 32 seeks to ensure that local communities remain vibrant, viable and are able to meet the needs of residents. The lack of interest displayed in taking over the site for commercial purposes has resulted in the application site remaining vacant since Costcutter vacated the site in early 2017. Therefore, rather than leaving the building to stay empty, use of the building for residential purposes would positively contribute to the vitality of the town centre. This approach is further supported by paragraph 85 of the NPPF that highlights the important role that town centres play at the heart of local communities and that planning decisions should take a positive approach to their growth, management and adaptation. Point (f) of paragraph 85, also recognises that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites.

As such, in light of the evidence before the council, in addition to the guidance within the NPPF and provisions of Strategy 32 of the Local Plan, the principle of the residential conversion is deemed acceptable. Despite objections from the Town Council and a Local Ward member, resisting the development on the basis of harm caused by the loss of employment floorspace would be unreasonable. The Local Authority has the evidence before it to suggest that dismissing the development would likely result in the application building continuing to remain vacant and therefore causing harm to the vitality of the town centre.

### **Impact on the Character and Appearance of the Conservation Area**

The Colbert Hall is a prominent building within the Ottery St Mary Conservation Area and visible from public viewpoints along Hind Street with some glimpsed views along Mill Street. The building itself has been subject to several unsympathetic additions over the years including a flat-roofed section that joins the hall to the rear of the former Cost-Cutter. Given its location at the heart of the old town centre of Ottery Saint Mary the drill hall is set within a dense built-up area nestled within residential and commercial properties.

This part of the conservation area is characterised by the continuous form of historic buildings that line the road on both sides and provide a sense of enclosure. Despite individual variations between buildings, there is a general consistency in the form of the slate roofs, and the proportions of the upper floor window openings. Brick

chimneys and traditionally proportioned and detailed dormers are also common features of the roofscape. In contrast, there is considerable diversity at street level, where the mixture of commercial and residential uses results in an assortment of facades. Some have domestic-scale openings, whereas others have fully glazed shopfronts right down to pavement level. Within this mix there are a small amount of traditional shopfronts.

The most significant alterations to the build include the replacement of the existing corrugated roof, removal of the existing flat roof linking structure and provision of a terrace in the pitch of the western roof slope for unit 2.

The modern flat roof extension between 26 Mill Street and the hall will be removed and turned into a small courtyard shared by the existing flat at first floor of No 26 and Unit 1 of the proposal. This modern addition is considered of minimal architectural merit and therefore its loss is of minimal concern. However, the courtyard shall be visible to users of Tar Lane and therefore the treatment of surfaces and any enclosure need to be sympathetic to the immediate area's character. In this instance the application proposes the use of block paviors to match that of the lane. The level of the courtyard would be above that of the adjacent lane with a low level wall to needed provide privacy and screen bin storage.

Upon site visit the corrugated roof had already been removed. The applicant has submitted samples of Spanish natural slate which is considered an improvement on what previously existed and would increase the contribution that the building makes to the wider Conservation Area. This does not make the application retrospective as the change of use has not yet occurred.

The inclusion of a terrace at first floor level results in the form of the roof being partially altered. This would be visible at various points along the western end of Hind street although the petrol station does screen this part of the roof as you approach Sainsburys. Despite the creation of the roof terrace the application proposes to retain the existing chimney stack which is a welcomed inclusion.

During the timeline of the application revisions were made to retain the original windows on the east and west elevations. Due to their level in relation to the first floor level, the floor has been recessed to ensure they can be retained and fixed with secondary glazing. New windows are to be constructed of timber of which further details shall be secured via condition.

In this case special regard has been given to the impact of the development upon the significance of the heritage asset which in this case is the Conservation Area. Policy EN10 requires an assessment into whether the development 'conserves or enhances the appearance and character of the area'. The proposed replacement of the roof with natural slate and removal of the linking building better reveals the significance of the hall and enhances its contribution to the character and appearance of the conservation area.

This is weighed against the alterations to the roof to create the terrace for unit 2 and the provision of 7 rooflights that arguably, to a degree, are harmful. Additionally the

use of timber for all new openings in addition to retaining the chimney stack and existing windows is considered to have a neutral impact.

On balance, the proposed alterations are considered to have a minor enhancement to the conservation area and therefore in accordance with the requirements of Policy EN10 (Conservation Areas) of the East Devon Local Plan.

### **Amenity for Prospective Occupiers**

Policy D1 (Design and Local Distinctiveness) requires development to be of high quality design and to not adversely affect the amenity of occupiers adjoining residential properties and to ensure that the amenity of prospective occupiers is of an adequate level. Due to the physical relationship the proposed units share with the petrol station and jet wash, careful consideration is needed to assess the impact of these commercial uses on living conditions at the application site.

Initial concerns with regards to the proximity of a jet washer, located on the adjoining petrol station's forecourt, were relayed back to the applicant. A noise survey has been provided that assess the impact of the noise from the car jet wash and proposes various mitigation measures to ensure an adequate level of amenity is provided. In this instance it has been recommended that secondary glazing is fitted to the Victorian casement windows on the western elevation. This will ensure that the windows give more than 30db sound reduction and therefore ensure that internal noise levels are low and no more than 22 db. Furthermore, to ensure the units are well ventilated when windows are closed, a mechanical ventilation system shall be installed.

The most recent revisions also include a series of the lightwells. The inclusion of which have enabled the applicant to limit the number of rooflights to ensure that an adequate level of light is provided whilst working within the constraints of converting the building in a sympathetic manner. The original two pairs of Victorian casement windows on the east and west elevations are to be retained with the first floor recessed from the wall to enable light into both levels of accommodation.

The original windows on the east elevation immediately front onto Tar Lane. However, due to their level above the footpath, there are minimal concerns with regards to lack of privacy. The Hall's west elevation is immediately adjacent to the forecourt of a petrol station. Again, the levels of windows along this elevation ensure that an adequate level of outlook is provided whilst ensuring as level of privacy.

Objections have been raised by a Local Ward Member with concerns over the size of the units and in particular some of the bedrooms in relation to Technical Housing Standards. Since these comments were received the application has been altered reconfiguring the internal layout, most notably Unit 2 that has been reduced to two bedrooms and has the living accommodation at first floor with the bedrooms at ground level. The Unit also has over 70sqm of living floorspace in accordance with the guidance.

With regards to the internal floor area of Unit 1 and bedroom 1, it is acknowledged that the floorspace is slightly below what is prescribed within the national Technical Housing Standards. However, while Unit 1 falls slightly short, it is important to note

that the space standards are guidance for new dwellings and have not been adopted within policy of the Local Plan or Ottery St Mary and West Hill Neighbourhood Plan and therefore carry limited weight. The ground floor of unit one is also intended to be open plan with the proposed bedrooms large enough to fit a double and single bed in respectively. Importantly, the proposed layout and provision of windows, rooflights and amenity areas ensure that the units have an acceptable level of light and outlook whilst working within the constraints posed by converting the hall. As such the limited harm that would arise from the smaller level of accommodation provided by unit 1 is not considered harmful enough to warrant refusal of the application.

## **Habitat Mitigation**

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

## **Other Matters**

### *Highways*

Concerns have been raised by the Town Council with regards to the impact of the development on parking provision within the area. Whilst these concerns are duly acknowledged Policy TC9 (Parking Provision in New Development) states the instances when car parking should form part of new development. The policy details that in town centres where there is access to public car parks, on street parking and in exceptional cases where there is also very good public transport links, car parking may not be deemed necessary. In this case the site is located relatively close to the public car park off Canaan Way and, arguably more importantly, in close proximity to the bus stops at Millcroft, the butchers, pharmacy and Sainsbury's. As such, there are realistic transport alternatives for prospective occupiers of the proposed development rather than being solely dependent on the use of a private car. The applicant has therefore not been required to provide allocated parking for the development.

The Town Council has also raised concerns with the accessibility of the development off Mill Street and Hind Street for emergency services due to the width of Tar Lane. It is appreciated that emergency vehicles would be unable to park in Tar Lane. However,

despite this, it is also felt the application site's location, in such close proximity to the two roads of Hind Street and Mill Street would allow emergency vehicles to get very close. Furthermore, the application has not prompted any objection from the county highway authority on this issue.

#### *Amenity of adjoining properties*

The provision of a balcony at first floor level within the pitch of the roof to serve unit 2 would have a westerly outlook. From the balcony occupiers would be able to see the long narrow gardens of residential properties that front Mill Street. The closest of these would be 30 and 32 Mill Street. However, due to the anticipated level of the balcony and the high eastern wall that encloses the garden of number 30 off from the petrol forecourt, views into these gardens would be largely screened. Furthermore the rear garden of 32 is approximately 14 metres away and again due to the presence of the high wall to the east any views would be over the garden rather than directly into it. As such the development is not considered to be harmful to the amenities enjoyed at adjoining properties.

### **CONCLUSION**

The loss of the commercial floorspace at the site to residential is deemed acceptable owing to the information available to the Local Authority relating to past marketing of the site, site history and circumstances of the buildings. Whilst it is clear that the Town Council and Local Ward Member are keen to retain the Colbert Hall's current use guidance within the NPPF and Policy within the Local Plan indicate that resisting the change of use would be difficult to justify on appeal and lead to further harm to the vitality of the town centre with the building remaining vacant. Officers believe that it is preferable to protect the main shopping frontage for retail/employment use whilst allowing the conversion of this rear element to residential use.

The design of the scheme and the physical alterations provide an appropriate level of amenity to prospective occupiers whilst increasing the contribution the Colbert Hall makes to the conservation Area. Whilst it is acknowledged that the size of unit 1, falls below the space standards this alone this is not considered to outweigh the benefits of restoring the hall to use and the minor enhancement identified to the conservation area.

In light of the points raised above the application is recommended for approval subject to the conditions listed below.

### **RECOMMENDATION**

1. Adopt the Appropriate Assessment
2. APPROVE subject to the following conditions:
  1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.

(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason - For the avoidance of doubt.)

3. The development hereby approved shall be constructed in accordance with the recommendations stated within the Noise Assessment conducted by Acoustic Associates SW Ltd on the 8/02/2021. The mitigation measures recommended include the following:

- Instillation of secondary glazing on the pair of Victorian casement windows on the west elevation as depicted on the Proposed Drawings (No. 520.9.b).

- A suitable and sufficient means of mechanical ventilation shall be provided within each residential unit. The system installed shall be designed and installed such that it does not itself become a source of nuisance.

(Reason: To protect the amenity of occupiers from noise, dust or smell in accordance with the provision of Policy EN14 - Control of Pollution of the East Devon Local Plan 2013 - 2031).

4. Any damage caused by or during the course of the carrying out of the works hereby permitted shall be made good in matching materials.

(Reason - To safeguard the architectural and historic character and appearance of the Conservation Area in accordance Policy EN10 - Conservation Areas of the East Devon Local Plan 2013-2031.)

5. 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:

- Roofing materials including product details, sample and method of fixing.

- New windows including sections, mouldings, profiles and paint colour.

Sections

- Through casements, frames and glazing bars should be at a scale of 1:2 or 1:5.

- Replacement windows including sections, mouldings, profiles and paint colour. Sections through casements, frames and glazing bars should be at a scale of 1:2 or 1:5.

- 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.

- Replacement 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.

- Sample of new bricks including mortar colour and specification and bond type.

- Type of render including proportions of mix, method of application and finishes.

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

(Reason - In the interests of preserving the character and appearance of the Conservation area in accordance with Policy EN10 - Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)

Plans relating to this application:

520.8.a	Proposed Floor Plans	16.11.20
520.9.b	Proposed Combined Plans	10.03.21
	Noise Impact Assessment	11.02.21

List of Background Papers

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

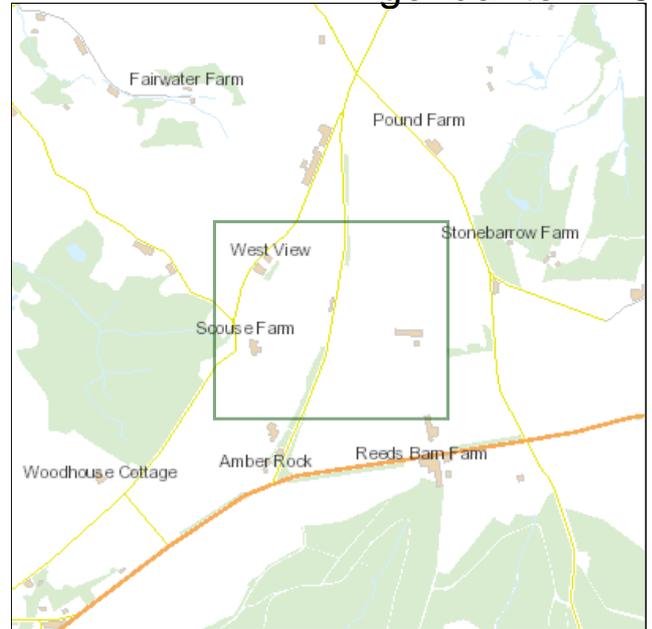
**Ward** Yarty

**Reference** 20/2825/COU

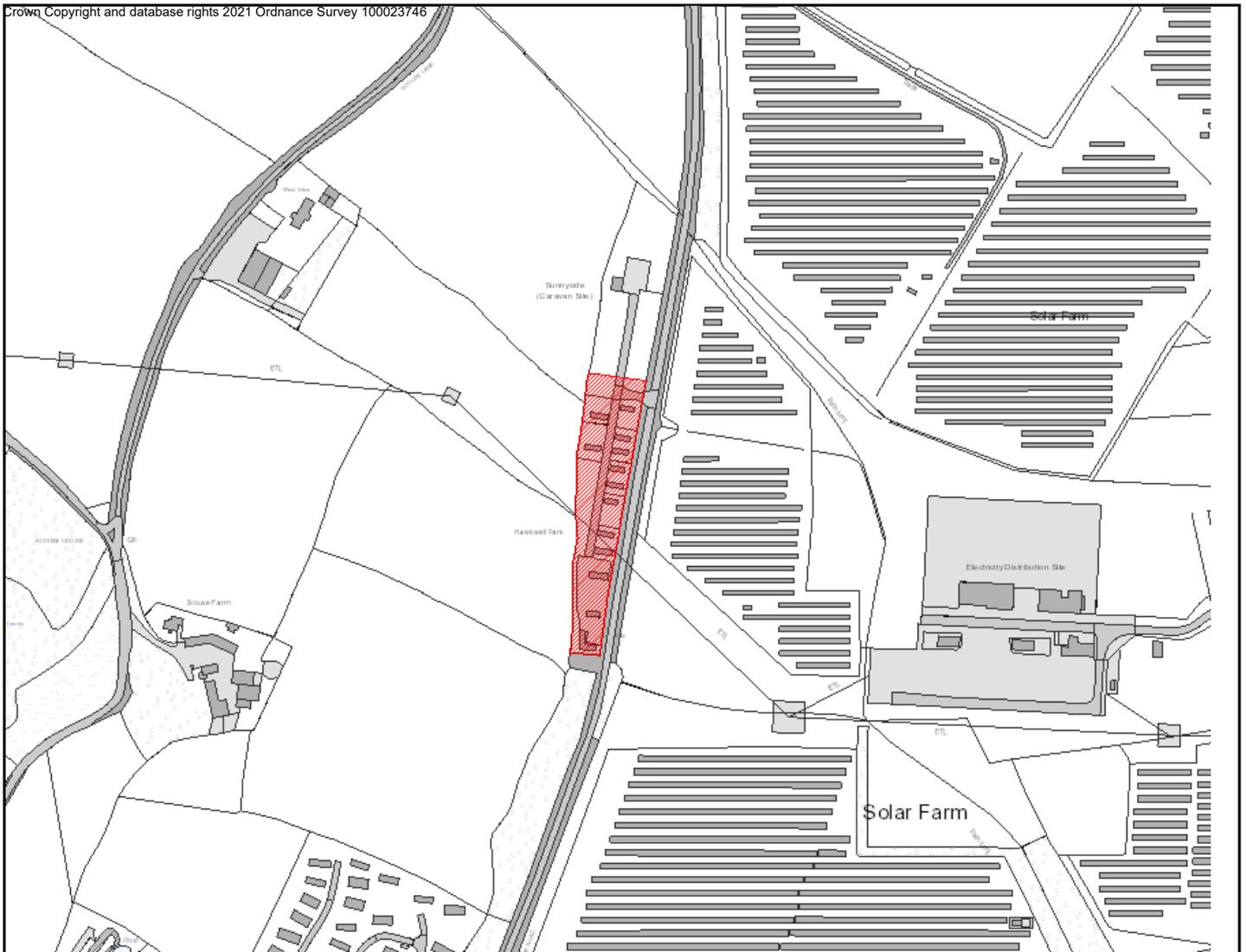
**Applicant** Ms Charmaine Lee

**Location** Hawkwell Park Wareham Road Hawkchurch

**Proposal** Retrospective application for retention of use of land as a residential caravan site without restricting the occupation to gypsies and travellers only.



**RECOMMENDATION: Refusal**



		<b>Committee Date: 7<sup>th</sup> April 2021</b>
<b>Yarty (Hawkchurch)</b>	<b>20/2825/COU</b>	<b>Target Date: 03.03.2021</b>
<b>Applicant:</b>	<b>Ms Charmaine Lee</b>	
<b>Location:</b>	<b>Hawkwell Park Wareham Road</b>	
<b>Proposal:</b>	<b>Retrospective application for retention of use of land as a residential caravan site without restricting the occupation to gypsies and travellers only.</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

**This application is before Members as the officer recommendation is contrary to the view of the Ward Member.**

**Hawkwell Park was originally granted planning consent in 2007 for occupation of the site by those that meet the definition of a gypsy/traveller. Indeed providing for the gypsy and traveller community was the main reason this site was granted for residential development despite its countryside location. This current planning application seeks to regularise the on-going breach of the occupation restrictions imposed at that time so that the pitches could be lawfully occupied by anyone.**

**After a number of years of gathering evidence on the nature of occupation of the site following complaints that various pitches were not being occupied by those from the gypsy and traveller community an enforcement notice was served last year requiring that occupation by those not of gypsy and traveller origin must cease. The reasons for serving the notice related to the on-going need for the site to meet the needs of the gypsy and traveller community and this being the justification for the development of the site despite its unsustainable location.**

**Strategy 7 of the Local Plan provides that no housing is acceptable in the countryside unless it is permitted by a specific Local Plan or neighbourhood plan policy. Policy H7 of the Local Plan permits gypsy and traveller sites in the countryside subject to a number of criteria being met. It is an earlier equivalent of this policy in the previous local plan that enabled this site to come forward in the first place. There is however no adopted local plan or neighbourhood plan policy that would enable the unrestricted occupation of the site as a matter of principle.**

**The site is isolated from services and facilities needed to serve occupiers day to day needs so that reliance would be on private modes of transport in conflict with**

**policy TC2 of Local Plan. There is also an identified ongoing need to provide occupation for the gypsy/traveller community and by reducing the availability of occupation to this community the proposal would conflict with this social element of the definition of sustainable development in the NPPF.**

**The proposal is recommended for refusal and as this recommendation.**

## **CONSULTATIONS**

### **Local Consultations**

#### Clerk To Hawkchurch Parish Council

Hawkchurch Parish Council supports this application but suggests that permission is subject to the planning authority being satisfied that sewage treatment and water drainage is to an acceptable standard and does not have an adverse effect on the environment and adjacent land.

We would also suggest that if passed this site would no longer be an exception site, and therefore would be subject to either a S106 or CIL contribution.

We also feel that the planning authority should have some form of quality standard within its conditions, if it is minded to grant the application, to ensure that the high standards of accommodation on this site are maintained

#### Yarty - Cllr Paul Hayward

I have received a great deal of correspondence on this matter, and have met with the site managers on at least two occasions. I am happy to support this application as it will draw a line under what has been a most unfortunate series of events whereby the occupation of dwellings on site (earmarked for G&TC residents) has been provided to non G&TC persons, admittedly for the best of reasons ie to prevent harm to vulnerable people.

The proposals would allow the applicant to obtain access to the funding that is required to improve this site for the betterment of all residents and allow it to operate both as a G&TC and non-G&TC facility, whilst not noticeably affecting the tranquillity and serenity of the surrounding parish.

Having attended the Parish Council meeting on 19/1, I share some of the Councillors concerns and would suggest some carefully worded and well-thought out conditions relating to, but not limited to, drainage, plot numbers, and ratio between the different residential types permitted. Liaison with the applicant would be critical to ensure that the correct mix was achieved.

EDDC does have to safeguard its G&T site allocation numbers but also has a golden opportunity to work with the landowner to achieve both spaces for G&TC occupation when required, but also residences for others in need in this part of the district. There are moral, economic and social benefits of this COU.

Finally, I note that the PC has raised the issue of s106 contributions which were initially not payable as the site was classified "exempt". I would welcome a comment

from the EDDC S106 officer as to the veracity of this statement and the calculations for such contributions (if they are triggered by the COU approval). Thank you

## **Technical Consultations**

### Environmental Health

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

### Policy

I write with reference to the above application, on behalf of the Planning Policy section.

### Background and Strategic Position

In 2015 a Gypsy and Traveller Needs Assessment was produced on behalf of EDDC and our neighbouring Devon authorities. The needs assessment identifies how many pitches are required across the District between 2014 and 2034 and is the main source of evidence used in our subsequent work on the subject as well as being the primary evidence supporting the (now adopted) East Devon Local Plan at examination. Gypsies and Travellers are a protected minority under Equalities legislation and we have a legal obligation to ensure their housing needs are met appropriately.

In order to align with the East Devon Local Plan end-date, the projected need has been adjusted to run from 2014- 2031 and reflects the 6 permanent pitches granted permission since the assessment was carried out (previously the need was for 34 pitches, 22 of which were needed in the first 5 years). The key requirements for new sites:

- 28 new Gypsy and/or Traveller pitches are needed between 2014- 2031
- Of these 28 pitches, 16 were needed in the first 5 years (up to 2019)
- 4-5 emergency stopping places, each of 4-5 pitches are also required.

Extensive work has been undertaken to identify sites that could help to meet this need but, to date, very limited landowner interest has been shown and the production of an allocations Plan has therefore been put on hold whilst further work is undertaken although the demand for new pitches remains very high.

### Comments on this application

#### Current Use

The application site at Hawkwell Park currently has planning permission for 12 Gypsy or Traveller pitches (as a result of 6 pairs of 2 mobile homes capable of occupation by unrelated Gypsy/Travellers being permitted on each of the original 6 pitches). Part of the site, not subject of this application, has permission for transit pitches to be occupied by Gypsy/Travellers.

#### Current Application

On 5 February 2020, EDDC issued the applicant with an enforcement notice stating that Condition 2 of planning permission 07/1853/COU and Condition 1 of planning

permission 10/0368/VAR have been breached because the site is being occupied by persons other than Gypsies or Travellers. An appeal Inquiry is in progress.

This application seeks planning permission for the continuation of the use of land as a residential caravan site for unrestricted residential occupation. No changes to the number of pitches is proposed.

#### Development Plan Policy

##### H7

The applicant states that Hawkwell Park is not appropriately located for permanent pitches and that no demand for Gypsy/Traveller pitches exists in this location. The appropriateness of the location was carefully considered when Hawkwell Park was first granted planning permission in 2007 and it was considered that it would serve a need in the East of the District and meet a demand from Travellers using the A35 and A358 and working in Dorset and Somerset as well.

Within a 15km radius of the site there are several Gypsy or Traveller families who have outgrown their existing sites (as a result of young adults starting their own families) as well as Travellers occupying an unauthorised site who have been served an enforcement notice. These Gypsies and Travellers have indicated that they wish to remain in the Axminster area and that Hawkwell Park is in their area of search. The Travellers subject to the enforcement notice would potentially require 4-5 pitches.

The Council uses 'Devon Home Choice' to allocate affordable housing and this doesn't take account of Gypsy/Traveller ethnicity. The Hawkwell Park pitches are not advertised to Gypsies/Travellers through this system- this does not indicate that there are no Gypsies/Travellers in housing need in this part of the District and further, I understand there are Gypsies/Travellers in bricks and mortar housing locally who would prefer to rent a pitch but understood none were available.

In 4.6.3 the applicant refers to several permissions/proposals that will meet some of the identified need. I have taken the Woodbury Salterton site into account in my figures above; the Weston site is located in a floodplain so is unlikely to receive a permanent permission (in which case the occupiers will add to the need figures) and the requirement at Cranbrook is currently awaiting the Inspector's report but 15 pitches are proposed, not 30.

#### Strategy 7

An unrestricted residential mobile home site in the open countryside would NOT comply with Strategy 7. Development was permitted on this site purely in order to meet a need for Gypsy and Traveller accommodation and address the inequality caused by a severe shortage of such accommodation and a need in this part of the District. Unauthorised use of the site does not justify permanent residential use.

#### Policy TC2

Accessibility of new development to a range of goods and services by a range of means alternative to the private car is a fundamental requirement of the NPPF and the Local Plan. New residential development, which I understand this to be as the current use is unauthorised, will only be permitted within Built-up Area Boundaries unless it meets one of a range of limited exceptional circumstances and a need is

identified for such housing, for example an agricultural workers dwelling, affordable housing or housing for Gypsies and Travellers. In each case the suitability of a site is further qualified by specific criteria.

I do not believe that unrestricted market accommodation is justified at Hawkwell park. This site is located in open countryside, some 6km from the nearest settlement offering everyday facilities (Axminster). I appreciate the applicants comments regarding the bus service, but it appears to operate only on Thursdays and only one bus- arriving at Axminster at 10.45 and departing at 1pm.

<https://bustimes.org/services/688-thorncombe-axminster> . Whilst this is better than no service it is not sufficient for anyone to access regular employment or education and occupiers will be dependent on the private car. The bus stop is along a rural lane which is unpaved for most of its length and a 6 minute timescale is based on a healthy, able bodied person (not eg someone with a pushchair or mobility impairment).

### SPD

The SPD provides guidance on the optimum layout for new sites. Government guidance does not specify minimum pitch sizes. Hawkwell Park is an existing site and the current layout (effectively doubling the number of pitches by allowing two mobile homes for occupation by different families per pitch) was supported by a Planning Inspector at appeal. He considered that there was sufficient space for Gypsy or Traveller families, including amenity space. The SPD recognises that in some instances it will not be possible to provide the optimum amount of space and that this is not necessary where pitches are to be used by small households.

### NPPF

The NPPF requires the LPA to maintain planning policies that reflect the size, type and tenure of housing needed for different groups in the community. The local plan achieves this and the policies are monitored to ensure that a constant supply of appropriate housing is delivered. There is no differentiation between bricks and mortar housing and residential mobile homes with permanent permission- they are all classed as dwellings and mobile homes would be acceptable on sites allocated for residential development (subject to the usual design criteria etc). The applicant has not submitted any evidence to suggest that there is a specific need for residential mobile homes in the District, beyond suggesting that they can contribute to the supply of affordable housing. The Council's policy, in line with the NPPF, is to locate affordable housing where there is a demonstrable need and in the best location based on social, economic and environmental considerations eg. Where residents will have access to community/family support, local employment, facilities and services and minimise environmental harm. The location of Hawkwell Park in open countryside, away from an existing settlement, does not comply with these considerations. Again, it was only permitted in this location because it met the needs of a very specific group, protected under the equalities legislation. In addition the applicant does not suggest that the site be restricted to those in need of affordable housing and an unrestricted permission could not require this.

5.2.7 I am not aware of any Local Plans in this area that support the provision of residential mobile home parks/sites in the open countryside and the applicant does not suggest any locations for such developments. I do not consider that permanent residential sites of this type are a form of 'rural diversification' as supported by Government Guidance as the NPPF and other guidance direct residential development to sustainable locations.

6.4 suggests that the site requires considerable investment and this is only possible if a permanent unrestricted permission is forthcoming. It does not explore alternative options if the applicant no longer wishes to operate a Gypsy/Traveller site including the site being returned to its original state.

The applicant goes on to suggest that the application would meet various social and environmental objectives. It is considered that these would be better met on a site within or adjoining a settlement with a range of services and facilities that do not require residents to travel considerable distances. I am unable to support this application and recommend that it be refused due to the loss of Gypsy and Traveller pitches and the creation of residential development in open countryside, contrary to District and National policy.

Other Representations

None received to date.

**PLANNING HISTORY**

Reference	Description	Decision	Date
07/1853/COU	Residential gypsy caravan site of 2 pitches, 4 seasonal transit pitches and conversion of stables to amenity unit	Approved	29.10.2007
10/0386/VAR	Removal of conditions 5, 6 and 7 of permission 07/1853/COU to allow permanent residential occupation	Approved	05.07.2010
10/0443/COU	Use of land to form 5no transit pitches for occupation by five gypsy families, each with two caravans, including the laying of hardstandings, erection of amenity building and installation of underground cess tank.	Approved	11.02.2011
11/1893/FUL	Re-location of access and closing up of existing access Approval with conditions	Approved	28.10.2011

13/0308/VAR	Variation of condition 4 of planning permission 07/1853/COU to allow the provision of 6no additional residential pitches, each accommodating up to two caravans	Refused and dismissed at appeal	18.06.2013
15/2015/VAR	Variation of condition 2 of planning permission 07/1853/COU to facilitate the unrestricted occupancy of 6 permanent pitches	Refused	09.10.2015
16/1376/VAR	Variation of condition 4 of planning permission 07/1853/COU to allow the provision of 5 no. additional gypsy/traveller pitches each accommodating no more than one household, with no more than 2 no. caravans per pitch (of which no more than one shall be a static caravan)	Refused	25.10.2016
19/0999/CPE	Certificate of Lawfulness to establish lawful use of part of Hawkwell Park in breach of a gypsy/traveller occupancy restriction condition (imposed within Condition 2 of planning consent 07/1853/COU)	Refused	08.08.2019

Summary of the above planning history:

Planning permission was originally granted in October 2007 (07/1853/COU) for the seasonal use of this site for gypsies and travellers comprising 2 static pitches; 4 transit pitches and the conversion of the stable block to a utility building.

Subsequently in 2010 planning permission was sought to vary conditions imposed on the earlier approval to allow permanent residential occupation of the approved transit pitches, this application (10/0368/VAR) was approved. Conditions 2 and 3 imposed on the variation application itself and which sought to ensure only one static and one touring van were permitted on each pitch and that the occupants of these needed to be related were appealed and this appeal was allowed. The result of that appeal means that the 6 permitted permanent pitches can be occupied by 12 static caravans, allowing permanent residential occupation by up to 12 unrelated gypsy/traveller families.

Also in 2010 a separate application (10/0443/COU) was approved granting permission for the creation of 5 additional gypsy/traveller transit pitches (at the northern end of the site). This application was approved and conditioned restricting each pitch to transit caravans and restricting occupation by any one person or persons to no more than 3 months.

Planning permission was granted in October 2011 for the relocation of the site access to its current position and the closing up of the original site access at the southern end of the site.

An appeal was dismissed in April 2014 for a variation of condition which would have allowed 6 additional residential gypsy/traveller pitches, each capable of accommodating up to two caravans.

15/2015/VAR - Variation of condition 2 of planning permission 07/1853/COU to facilitate the unrestricted occupancy of 6 permanent pitches was refused due to the loss of dedicated gypsy/traveller provision where there is still an identified unmet need and on-going demand for such accommodation within the district. To allow the loss of gypsy/traveller pitch provision conflicted with the government aim to address under provision and maintain an appropriate level of supply of gypsy/traveller sites, thereby failing the social role of sustainable development to meet the needs of present and future generations. Additionally, to allow unrestricted dwellings in this location, which has limited facilities and services and no access to them without sole reliance on the private motor vehicle, fails to accord with the environmental role of sustainable development in moving toward a low carbon environment.

Planning application 16/1376/VAR - sought to facilitate increased accommodation on the site. This was refused due to there being insufficient information to demonstrate how surface/foul water would be accommodated from the increased flow. At the time it was also considered that the current provision of plots on the site was sufficient to meet the needs of the gypsy and traveller community in the area.

The certificate of lawfulness 19/0999/CPE failed to establish a continuous breach of the occupancy condition over a ten year period and so was refused. Accordingly while it may have been the case that a breach had occurred, on the balance of probability, there was a lack of evidence that this had accrued over the requisite time period to be immune from enforcement action.

An appeal by Ms Charmaine Lee, against the Enforcement Notice at Hawkwell Park also known as Hunters and Stables Caravan Park Inspectorate reference: APP/U1105/C/20/3248557 is currently pending with an Inquiry date set for this July. It has been put forward that if this planning application is successful then this appeal would be withdrawn.

## **POLICIES**

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

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

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

D2 (Landscape Requirements)

EN5 (Wildlife Habitats and Features)

Strategy 7 (Development in the Countryside)

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)

H7 (Sites for Gypsies and Travellers)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

#### Neighbourhood Plans

Hawkchurch (not made)

#### Other guidance

East Devon Gypsy and Traveller Design and Layout Supplementary Planning Guidance

### **ANALYSIS**

The site is located approximately 1 mile southeast of Hawkchurch and 4 miles east of Axminster. Hawkchurch Country Park (a holiday park) is located approximately 500m to the south and there are other isolated dwellings in the vicinity.

The existing planning permission is for 6 permanent pitches, located to the southern end of the site access, and mainly to the east side of the central access track and 5 no. transit pitches located to the north of the site access and either side of the central access track. In addition to the permanent pitches to the south of the site entrance there is also a utility block (former stable building) at the southern end of the site and a play/amenity area to the west side of the access track. To the north of the site entrance and beyond the existing transit pitches, on the western boundary is a small

utility building and east of this on the eastern site boundary and separated by a gravelled turning area is a sewage treatment plant.

The planning authority issued an enforcement notice on the applicant stating that Condition 2 of planning permission 07/1853/COU and Condition 1 of planning permission 10/0368/VAR have been breached because the site is being occupied by persons other than gypsies or travellers.

### Principle Issues

The proposal seeks planning permission to alter the occupancy tie which covers the permanent pitches so that anyone can occupy the allocated pitches without restriction.

In support of this proposal, in the main, the applicant has put forward that (in summary);

- i) The local plan fails to account for unrestricted housing of caravans in the countryside and that as such para 11(d) of the NPPF is engaged i.e. the presumption in favour of sustainable development.
- ii) That the proposal would cater for the retired population and/or provide low cost housing.
- iii) That according to the standards of the councils own SPD the site fails to meet these and should therefore be released.
- iv) That there is no material difference in terms of modes of transport to facilities and services needed day to day by occupiers so that there would be no resulting harm from the change in occupation.

The East Devon Local Plan was adopted in January 2016 and contains a suite of strategies and policies for the allocation of housing within the district tailored to the specific geographical, social, economic, and environmental factors.

Strategy 7 of the adopted Local Plan is a rural restrictive policy which states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

Strategy 7 applies to all development including housing within caravans or otherwise. For example, a Strategic Housing Market Assessment (SHMA) was produced as an evidence base for the relevant housing policies of the Local Plan. This document does not differentiate between types of accommodation type (for example bricks and mortar or otherwise) as it is based on needs alone (for example bedroom numbers). It is left for developers to then produce the schemes to meet this identified need and so the SHMA does not impose types of development to allow for flexibility in this approach. Therefore the development plan caters for all types of housing needs within the district.

Strategy 7 provides that no housing is acceptable in the countryside unless it is permitted by a specific Local Plan or neighbourhood plan policy. There is no adopted neighbourhood plan relating to this matter and no specific local plan policy allowing

residential caravan sites. In contrast Local Plan Policy H7 provides that permission for permanent and transit sites for gypsies and travellers will be granted if the relevant criteria is met. It is on the basis of a similar policy in the previous local plan that Hawkwell Park was established and it remains policy compliant as a gypsy and traveller site, however its use for unrestricted residential accommodation would not be compliant with the Local Plan.

The applicant contends that Policy H7 is not a relevant policy to consider as it applies to 'new' development for gypsy and traveller sites. Policy H7 focuses on the delivery of additional gypsy and traveller pitches to meet the needs identified in the district for the plan period and removing existing pitches can only act to increase those needs and so is clearly contrary to the aims of Policy H7 even though it does not expressly seek to prevent the loss of existing pitches.

The appellant's suggestion that the gypsy accommodation as it stands today would be unlikely to comply with the standards set in the gypsy and traveller sites SPD document does not weigh in favour of this proposal. The SPD cannot be retrospectively applied to development for a gypsy/traveller site which has already been granted planning consent.

This SPD states at para 1.13 that;

*A design policy is needed to establish what the Council expect to see in terms of the design and layout of new sites although it is acknowledged that, as all sites will have different characteristics, it will need to be applied with a degree of flexibility. The policy will include criteria relating to the quality of a site and facilities that it must include in order to meet the needs of the Gypsy and Traveller communities. The policy would apply to all sites seeking to gain planning permission, whether allocation or windfall.*

In its early days it is understood that the site successfully operated as a gypsy and traveller site and provided a good level of amenity to its occupants. The applicants appear to be arguing that the 2010 appeal decision which allows the originally approved 6 pitches to effectively be occupied as 12 restricts the ability of occupants to have touring caravans as well as trucks and other work vehicles. However the site does not have to be occupied as 12 pitches and the needs of individual gypsy and traveller families will vary depending on age, family size, life style, occupation etc.

The applicant has advanced an argument that the proposal would meet a social need by catering for those that are either retired, or in need of low cost accommodation however, no formal means of legal mechanism, tie or Heads of Terms has been submitted which would seek to ensure that this would be the case. Nor is it clear how such restrictions would be justified if the principle of general occupation of the site were to be accepted.

The applicants argument that there are no relevant policies in the Local Plan that address this circumstance is simply not the case as the policies of the plan that control general housing apply to all types of housing regardless of their construction. As a result their argument that the NPPF supports there application is considered to be flawed and the so called 'tilted balance' is not engaged.

## Gypsy and traveller need within the district

It has been put forward by the applicant that the Local Plan refers to the RRR Consultancy Ltd study that was carried out in 2015 which advised there was a requirement for 37 gypsy and traveller pitches across the plan period. Since the study was carried out two permissions were granted in 2015 for single pitches which has brought the requirement down to 35. Permission has since been granted for 4 additional pitches near Woodbury Salterton (16/0201/FUL), and a site suitable for 30 pitches is to be provided at Cranbrook. Additionally temporary permission was granted on appeal (APP/U1105/C/16/3146167-73) in February 2017 for a mobile home and two touring caravans in Weston near Honiton. Taking into account the requirement for 30 pitches in Cranbrook in the west of the District, this indicates that the need across the plan period for the remainder of the District is already met.

This assessment is however flawed primarily because an assumption has been made that 30 pitches are to be provided at Cranbrook when the Local Plan only required up to 30 pitches to be provided with the decision being made through the Cranbrook Plan DPD to provide only 15 pitches at the new town. This was partly to address community concerns but also because the needs assessment showed a more immediate need for the remaining 15 pitches that Cranbrook could not meet due to the longer term delivery timetable for the expansion areas.

Local authorities have a statutory requirement to undertake reviews of housing needs in their district and such reviews must include assessments of the accommodation needs of Gypsies and Travellers residing in or resorting to their district. This is the origin of the term 'Gypsy and Traveller Accommodation (Needs) Assessment' (GTAA).

The Planning Policy for Traveller Sites (PPTS) expects local authorities to make a quantitative assessment of the need for Gypsy and Traveller sites in their area and make provision to meet that need through their policies and decisions.

In 2015 a Gypsy and Traveller Needs Assessment was produced on behalf of EDDC and our neighbouring Devon authorities. The needs assessment identifies how many pitches are required across the District between 2014 and 2034 and is the main source of evidence used in our subsequent work on the subject as well as being the primary evidence supporting the (now adopted) East Devon Local Plan at examination. Gypsies and Travellers are a protected minority under Equalities legislation and we have a legal obligation to ensure their housing needs are met appropriately.

In order to align with the East Devon Local Plan end-date, the projected need has been adjusted to run from 2014- 2031 and reflects the 6 permanent pitches granted permission since the assessment was carried out (previously the need was for 34 pitches, 22 of which were needed in the first 5 years). The key requirements for new sites according to the planning policy team are:

- 28 new Gypsy and/or Traveller pitches are needed between 2014- 2031
- Of these 28 pitches, 16 were needed in the first 5 years (up to 2019)
- 4-5 emergency stopping places, each of 4-5 pitches are also required.

Extensive work has been undertaken to identify sites that could help to meet this need but, to date, very limited landowner interest has been shown. In the absence of sites to be allocated the production of an allocations plan has therefore been put on hold whilst further work is undertaken. The demand for new pitches remains very high and so the focus has turned to the Council acquiring land itself to deliver gypsy and traveller pitches with a £1million budget set aside for this purpose. Unfortunately no suitable sites have come forward to enable this direct delivery to happen to date.

The applicant refers to several permissions/proposals that will meet some of the identified need. The Woodbury Salterton site has been taken into account in the figures above; the Weston site is located in a floodplain so is unlikely to receive a permanent permission (in which case the occupiers will add to the need figures) and the requirement at Cranbrook is currently awaiting the Inspector's report but 15 pitches are proposed, not 30.

The applicants argue that there is no demand for gypsy and traveller pitches at this site and that is why they have allowed others to occupy the site. They have however submitted no evidence to demonstrate that it has been marketed to the gypsy and traveller community indeed evidence gathered during enforcement investigations of the site show that it has been widely marketed for general occupation. In addition the site had gathered a reputation for a number of years locally for anti-social behaviour associated with a number of non-gypsy and traveller residents. The occupation of the site by those from the settled community and the social problems arising from them will no doubt have put many gypsy and traveller groups off occupy pitches there. It is however considered that bringing the site back into its intended use for only gypsies and travellers combined with the better management of the site being seen in recent times could make it an attractive location for the travelling community once again.

The applicants go on to argue that the 2015 Gypsy and Traveller Needs Assessment identified that the need for pitches was primarily in the western part of the district and note that this was sited as a reason for refusing additional pitches at the site. It is indeed the case that the majority of the remaining need is considered to be in the western part of the district but this is on the basis that the Hawkwell Park site is meeting much of the need in the eastern part of the district. If this is taken out of use for these purposes then the nature of the needs across the district are changed.

Given that there is still a high demand for gypsy pitches, the difficulties of a lack of land owner interest in providing gypsy and traveller pitches and a lack suitable sites coming onto the open market; the loss of existing pitches would be particularly unfortunate. Although not currently being used as gypsy and traveller pitches an enforcement notice is in place to address that situation such that they can be brought back into their intended use and help to meet the needs of the gypsy and traveller community in the district. These factors weigh heavily against releasing the site for general occupation.

#### Distance to services and facilities to meet the day to day needs of occupants.

The location of the development is isolated from day to day services and facilities needed by occupiers. This would result in an increased need to travel by private

modes of transport. The situation in respect of gypsy/travellers sites is materially different in planning terms.

The NPPF's aim to significantly boost the supply of housing does not mean that housing development in the countryside or inappropriate areas would be acceptable. There is a requirement to ensure that such provision of housing is located in suitable and sustainable locations, in accordance with policies of the NPPF as a whole. One of the core principles of the NPPF are that patterns of growth should be managed to make fullest possible use of public transport, walking and cycling. Furthermore, the NPPF states that there should be an emphasis on using sustainable modes of transport. It is reasonable to give weight to these policies as the PPTS states that decisions on traveller's sites should have regard to the policies of the NPPF.

The adopted Local Plan does not include the nearest settlement of Hawkchurch within the list shown at strategy 27 (Development of Small Towns & Larger Villages) and is therefore not a settlement viewed as a location as retaining a suitable level of services and infrastructure to accommodate future growth. Strategy 7 of the local plan aims to protect the character of the countryside with restrictions to the types of development that will be permissible in these areas. As the proposal is not within a designated settlement boundary the proposal lies within the countryside and should be subject to rural restrictive policies and this would accord with the thrust of the NPPF to recognise the countryside's intrinsic character and beauty.

Hawkwell Park was granted under a policy in the previous Local Plan that allowed residential development in the countryside specifically to meet the needs of the gypsy and traveller community. It would not have been granted under that policy framework for general housing purposes because it is located 'away' from any settlement which contains a suitable level of services and facilities; Axminster is around 3 miles with Lyme Regis 4-5 miles away. Hawkchurch is approximately half a mile to the north.

The site is not within suitable walking distance to services and facilities within Hawkchurch and/or Raymonds Hill (both of which have not retained their built up area boundary under the adopted local plan) for unrestricted occupants. The surrounding route network does not benefit from pavements or lighting so that day to day pedestrian use would not be a realistic prospect. As the previous Inspector (under appeal APP/U1105/A/13/2204344) noted the site is relatively far from Axminster, Lyme Regis and Hawkchurch itself - all of which have limited services.

The Inspector opined;

*'Nevertheless, with an absence of convenient public transport, journeys from Hawkwell Park to many essential services would have to be made by private car. In these circumstances, I conclude that the appeal site is not in a sustainable location in terms of the criteria set by either the Framework or PPTS.'*

There has been no material change in circumstances 'on the ground' to now come to a different conclusion in this regard to change the view that the site would be within a suitable location in relation to distances to services and facilities. It is established from

the outset of the PPTS that in taking decisions local planning authorities should also have regard to the policies in the NPPF so far as relevant, and as with the previous appeal mentioned above, it is reasonable to again give weight to the unacceptable distances to services and facilities.

The more relaxed approach to the location of gypsy and traveller sites is a recognition of their nomadic habit of life and a common desire to live close to nature. The site also enabled them to live close to the A35 which is a known route for gypsies and travellers travelling east/west through the district. These factors combined with the difficulties of identifying suitable sites to meet the needs of the gypsy and traveller community led to the site being granted permission originally. However a key point is that planning policy even today provides for a clear distinction between open market housing in the countryside and for accommodation for the gypsy/traveller community. This difference provides for a materially different set of criteria which is seen in the policy distinction between the two types of accommodation. There is sufficient land available and allocated in the local plan to meet the general housing needs of the district, however it has consistently been very difficult to find suitable available sites to meet the needs of the gypsy and traveller community.

### Other matters

Concern has been expressed regarding the drainage situation on the site. However the release of an occupancy tie should not change (i.e. increase) foul water produced and therefore it is not a focus of this planning application to remedy.

The proposal does not create additional residential accommodation as it would simply lift restrictions on the occupation of accommodation that already exists. As a result it would not generate any additional CIL or S106 liabilities.

The applicant identifies a need for low cost rental housing in the district that this site could help to address. There is no doubt that there is an acute need for this type of housing but there is a similarly acute need for gypsy and traveller pitches which this site was designed to meet and could do so again. The key difference is that there can be a justification for locating gypsy and traveller pitches in this rural and unsustainable location due to the absence of suitable alternative sites particularly given the cultural and lifestyle needs of the gypsy and traveller community. The needs of the settled community for low cost rental housing can be met elsewhere, however we are not currently aware of alternative sites where the needs of the gypsy and traveller community can be met.

### Conclusion

There remains a clear unmet need for gypsy/traveller sites within the district which weights against relinquishing this site for unfettered occupation. Hawkwell Park was only granted permission in a location that is not well located in terms of services and facilities in order to meet the unmet needs of the gypsy and traveller community that could not be met in more sustainable locations. This proposal seeks to remove the restrictions which limit its occupation to the gypsy and traveller community thereby undoing the logic of it being granted permission in the first place. As a result the issues

with the site and its sustainability are considered to be material to this application and weigh against it.

Paragraph 8 of the NPPF outlines that there are three objectives to sustainable development: economic, social and environmental. The NPPF explains that these objectives should be undertaken in concert in order to achieve sustainable development. The proposal is considered to fail in delivering the social role, in that it would restrict the existing supply of gypsy/traveller housing required to meet the identified needs of present and future generations. Additionally, the location of the development, divorced from services and facilities would fail in delivering the environmental role in moving toward a low carbon economy.

The main reason why the site was consented for pitch provision was to facilitate accommodation for gypsy/travellers. Given the inherent transitory lifestyle that this community leads this site was considered a suitable location to meet these specific needs within the district at the time of determination. The location of the site is unsuitable for general occupation due to the rural restrictive policies of the development plan. There are no material considerations, either in isolation or cumulatively, to outweigh the clear steer of the development plan in this instance.

As such a recommendation of refusal is made.

## **RECOMMENDATION**

REFUSE for the following reason:

1. The unrestricted occupancy of permanent pitches would result in the loss of dedicated gypsy/traveller provision where there is still an identified unmet need and on-going demand for such accommodation within the district. To allow the loss of gypsy/traveller pitch provision would conflict with the government aim to address under provision and maintain an appropriate level of supply of gypsy/traveller sites thereby failing the social role of sustainable development to meet the needs of present and future generations. Additionally, to allow unrestricted dwellings in this location, which has limited facilities and services and no access to them without sole reliance on the private modes of transport, fails to accord with the environmental role of sustainable development in moving toward a low carbon environment. The variation of the conditions would be contrary to policies Strategy 7 (Development in the Countryside) and TC2 (Accessibility of New Development) of the Local Plan. The Local Planning Authority considers that the adverse impacts of this development in terms of its isolated location and loss of gypsy/traveller site provision demonstrably outweigh the limited benefits when assessed against the policies within the development plan considered in context and as a whole. To relinquish the gypsy/traveller tie would also be contrary to the Planning Policy for Traveller Sites and the National Planning Policy Framework.

## 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	06.01.21
South	Block Plan	06.01.21
North	Block Plan	06.01.21

List of Background Papers

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