



## Agenda for Development Management Committee

**Tuesday, 2nd April, 2019, 10.00 am**

### Members of Development Management Committee

Councillors: M Howe (Chairman), C Brown (Vice-Chairman), M Allen, B Bailey, D Barratt, S Bond, P Burrows, P Carter, S Gazzard, B Ingham, G Jung, D Key, J Knight, H Parr, B de Saram and M Williamson

East Devon District Council  
Blackdown House  
Border Road  
Heathpark Industrial Estate  
Honiton  
EX14 1EJ

**Venue:** Council Chamber Blackdown House

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**[www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)**

(or group number 01395 517546)

Thursday, 21 March 2019

### [Speaking on planning applications](#)

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

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

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

The day before the meeting [a revised running order for the applications being considered](#) by the Committee will be posted on the council's website). 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.

Registration to speak starts at 10am on **Monday 4 February up until 12 noon on Thursday 7 February** 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 **Minutes of previous meeting** (Pages 4 - 6)

2 **Apologies**

3 **Declarations of interest**

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

4 **Matters of urgency**

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

5 **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.

6 **Planning appeal statistics** (Pages 7 - 14)

Update from the Development Manager

### **Applications for Determination**

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

7 **18/2203/MFUL (Major)** (Pages 15 - 49)

**EXMOUTH WITHYCOMBE RALEIGH**

Moreton, 13 Drakes Avenue, Exmouth, EX8 4AA

8 **18/1442/FUL (Minor)** (Pages 50 - 65)

**OTTERY ST MARY RURAL**

Three Corners, Coombelake, Ottery St Mary, EX11 1NW

9 **18/0027/FUL (Minor)** (Pages 66 - 78)

**SEATON**

Quantock, Harepath Road, Seaton, EX12 2SX

- 10 **18/2588/OUT (Minor)** (Pages 79 - 94)

**BROADCLYST**

Land To The South Of Southbrook House,  
Southbrook Lane, Whimble, Exeter, EX5 2PG

- 11 **18/2782/FUL (Minor)** (Pages 95 - 107)

**COLY VALLEY**

The Cabin, Poltimore Farm, Farway,  
Colyton, EX24 6EJ

- 12 **18/2207/VAR (Minor)** (Pages 108 - 111)

**TALE VALE**

Barns Adjacent Bishopshayne Farm, Awliscombe,  
Honiton, EX14 3PR

**Please note:**

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

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

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

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

[Decision making and equalities](#)

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

**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Development Management Committee held at Council Chamber Blackdown House on 5 March 2019****Attendance list at end of document**

The meeting started at 10.01 am and ended at 11.50 am

**51 Minutes of the previous meeting**

The minutes of the Development Management Committee meeting held on 12 February 2019 were confirmed and signed as a true record.

**52 Declarations of interest**

Cllr Geoff Jung; 18/2866/FUL; Personal interest; Woodbury Salterton Parish Councillor and member of Woodbury Salterton Residents Association. Cllr Geoff Jung advised about letters received from the applicant's solicitors alleging trespass but Cllr Jung refuted it.

Cllr Helen Parr; 18/2806/VAR; Personal interest; Husband shoots in presence of the applicant.

**53 Planning appeal statistics**

The Committee received and noted the report written by the Development Manager setting out appeals recently lodged and outlining the six decisions notified – two had been allowed, three had been dismissed and one had no further action.

The Development Manager drew Members' attention to the appeal of application 16/2848/MFUL that had been allowed and advised that the Inspector determined that the proposal would not result in harm to employment and community opportunities.

The Development Manager also drew Members' attention to the appeals of applications 18/1440/FUL and 18/1804/LBC. The planning appeal having been allowed as the Inspector determined that the extension had an acceptable design and as the Inspector determined that the building was not curtilage listed. As the building was not curtilage listed, building consent was not required and that appeal was determined as no further action.

**54 18/2608/OUT - (Minor)****NEWTON POPPLEFORD AND HARPFORD  
18/2608/OUT**

**Applicant:**  
Mr Rix

**Location:**  
Land South Of King Alfred Way

**Proposal:**

Construction of up to two dwellings (with all matters other than accessed reserved)

**RESOLVED:**

DEFERRED to seek further evidence in relation to the community need for the site/doctor's surgery/health facility from:

- The NHS;
- Coleridge Medical Centre;
- Newton Poppleford Parish Council;
- Budleigh Salterton Hub;
- Budleigh Salterton Medical Practice;
- Sidmouth Medical Practice; and
- The applicant.

55 **18/2806/VAR (Major)**

**FENITON AND BUCKERELL  
18/2806/VAR**

**Applicant:**

Combe Estate

**Location:**

Land at Meadow View Nursery  
Honiton

**Proposal:**

Variation of Conditions 2 (approved plans) and 3 (restriction on sale goods) of planning permission 17/1053/FUL (Proposed garden centre) to facilitate a restaurant/café use within the building.

**RESOLVED:**

APPROVED as per officer recommendation.

56 **18/2866/FUL (Minor)**

**RALEIGH  
18/2866/FUL**

**Applicant:**

Mr FWS Carter & Sons Ltd

**Location:**

11 Hogsbrook Units  
Woodbury Salterton

**Proposal:**

Retention of roller shutter door and concrete pad.

**RESOLVED:**

APPROVED as per officer recommendation.

57 **18/2026/VAR (Minor)**

**OTTERY ST MARY RURAL  
18/2026/VAR**

**Applicant:**

Mr David Vallender

**Location:**

Site Of The Star And Shenne  
West Hill Road

**Proposal:**

Variation of condition 2 (approved plans) of reserved matters approval 17/3050/RES (demolition of two bungalows and construction of three dwellings) to reposition all three dwellings, enlarge unit 3 and change its internal layout and remove two additional trees on plot 2.

**RESOLVED:**

APPROVED as per officer recommendation.

**Attendance List**

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

C Brown (Vice-Chairman, in the Chair)

M Williamson (Vice-Chairman)

M Allen

B Bailey

D Barratt

S Bond

P Burrows

S Gazzard

B Ingham

G Jung

D Key

J Knight

H Parr

B de Saram

**Officers in attendance:**

Chris Rose, Development Manager

Shirley Shaw, Planning Barrister

Wendy Harris, Democratic Services Officer

**Councillor apologies:**

M Howe

P Carter

Chairman .....

Date: .....

## East Devon District Council List of Planning Appeals Lodged

**Ref:** 18/1790/FUL      **Date Received** 21.02.2019  
**Appellant:** Mr & Mrs Robert and Serena Sexton  
**Appeal Site:** Broadlands Combe Raleigh Honiton EX14 4TQ  
**Proposal:** Construction of double storey side extensions  
**Planning** APP/U1105/D/19/3223201  
**Inspectorate**  
**Ref:**

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**Ref:** 18/2890/TRE      **Date Received** 22.02.2019  
**Appellant:** Mr P Trumper  
**Appeal Site:** Westgate Kilminster Axminster EX13 7RJ  
**Proposal:** T1 Indian Bean tree - Fell.  
**Planning** APP/TPO/U1105/7240  
**Inspectorate**  
**Ref:**

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**Ref:** 18/2030/PDQ      **Date Received** 26.02.2019  
**Appellant:** Mrs Katherine Jenkins  
**Appeal Site:** Land North Of Canterbury House Farm Woodbury Exeter  
EX5 1EY  
**Proposal:** Prior approval for proposed change of use of agricultural  
building to form 1no. dwelling  
**Planning** APP/U1105/W/19/3223541  
**Inspectorate**  
**Ref:**

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**Ref:** 18/2446/VAR      **Date Received** 26.02.2019  
**Appellant:** Mr Richard Kiernan  
**Appeal Site:** Harcombe House Harcombe Lyme Regis DT7 3RN  
**Proposal:** Variation of Condition 2 of planning permission 99/P1711  
(Alterations and change of use to single dwelling and 8 units  
of holiday accommodation) to allow use of the 8 holiday units  
as dwellings  
**Planning** APP/U1105/W/19/3223511  
**Inspectorate**  
**Ref:**

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# East Devon District Council

## List of Planning Appeals Decided

<b>Ref:</b>	18/0607/FUL	<b>Appeal Ref:</b>	18/00053/REF
<b>Appellant:</b>	Mr & Mrs Downey		
<b>Appeal Site:</b>	48 Temple Street Sidmouth EX10 9BQ		
<b>Proposal:</b>	Proposed new dwelling on land to the rear of 48 Temple Street within the curtilage of Listed Building		
<b>Decision:</b>	<b>Appeal Allowed (with conditions)</b>	<b>Date:</b>	19.02.2019
<b>Procedure:</b>	Written representations		
<b>Remarks:</b>	<p>Officer recommendation to approve, Committee refusal, amenity, parking and conservation reasons overruled (EDLP Policies D1 &amp; TC9 and Sidmouth NP Policy BN06).</p> <p>The Inspector concluded that the proposed dwelling would make a positive addition to the street scenes of Woolcombe Lane and Chandler's Lane. The proposal would comprise good quality design and would enhance the character and appearance of the site. The Inspector acknowledged that there was likely to be an increase in demand for on street parking, however, he considered that the proposed parking provision would be unlikely to harm the amenity of existing residents.</p>		
<b>BVPI 204: Planning Inspectorate Ref:</b>	<b>Yes</b> APP/U1105/W/18/3214202		

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<b>Ref:</b>	18/1849/FUL	<b>Appeal Ref:</b>	18/00058/HH
<b>Appellant:</b>	Mrs Helen Marks		
<b>Appeal Site:</b>	19 King Alfred Way Newton Poppleford Sidmouth EX10 0DG		
<b>Proposal:</b>	Construction of two storey front and single storey side extensions (revised scheme to 18/0865/FUL)		
<b>Decision:</b>	<b>Appeal Allowed (with conditions)</b>	<b>Date:</b>	07.03.2019
<b>Procedure:</b>	Written representations		
<b>Remarks:</b>	<p>Delegated refusal, amenity reasons overruled (EDLP Policy D1).</p> <p>The Inspector considered that proposed development would not have a significantly greater impact than the pre-existing structure. He concluded that the appeal proposals do not materially harm the living conditions of No.15 and comply in this respect with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031 (January 2016), which seeks to ensure that the living conditions of adjoining occupiers are not adversely affected by new development.</p>		
<b>BVPI 204: Planning Inspectorate Ref:</b>	<b>Yes</b> APP/U1105/D/18/3216836		



**Ref:** 17/2850/MFUL **Appeal Ref:** 18/00035/REF  
**Appellant:** Churchill Retirement Living  
**Appeal Site:** Green Close Drakes Avenue Sidford Sidmouth EX10 9JU  
**Proposal:** Demolition of former residential care home and construction of 39 sheltered apartments for the elderly including communal facilities, access, car parking and landscaping.  
**Decision:** **Appeal Dismissed** **Date:** 12.03.2019  
**Procedure:** Inquiry  
**Remarks:** Officer recommendation refuse, Committee refusal. Affordable housing contribution reason upheld (EDLP Strategy 34).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/18/3204680  
**Inspectorate**  
**Ref:**

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**Ref:** 18/0425/FUL **Appeal Ref:**  
**Appellant:** Mr & Mrs P Potter  
**Appeal Site:** April Rise, Crewkerne Road, Raymonds Hill, Axminster.  
**Proposal:** Retention of garage as built, and change of use to create holiday accommodation  
**Decision:** **Appeal Dismissed** **Date:** 12.03.2019  
**Procedure:** Written representations  
**Remarks:** **Liability notice upheld**  
Appeal against a liability notice served by the Council in respect of a CIL contribution.  
**BVPI 204:** **No**  
**Planning** 1700732  
**Inspectorate**  
**Ref:**

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## East Devon District Council List of Appeals In Progress

**App.No:** 17/1539/MFUL  
**Appeal Ref:** APP/U1105/W/18/3206548  
**Appellant:** Mr Mantell (RMD)  
**Address:** Land To The South Of Redgate Salterton Road Exmouth  
**Proposal;** Erection of a three and four storey building housing an extra care scheme (Class C2) comprising 59 one and two bedroom units with associated communal lounges, restaurant, wellness room, guest suite, house manager and care support accommodation, car parking, communal rechargeable scooter store, access and communal landscaped gardens and structures.  
**Start Date:** 8 October 2018  
**Procedure:** Hearing  
**Questionnaire Due Date:** 15 October 2018  
**Statement Due Date:** 12 November 2018  
**Hearing Date:** 5 February 2019

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**App.No:** 17/1481/MRES  
**Appeal Ref:** APP/U1105/W/18/3207129  
**Appellant:** Containerspace Limited  
**Address:** Land Off Clapper Lane (formerly Allotments) Honiton  
**Proposal;** Construction of 10 no. dwellings and relocation of allotment gardens (reserved matters pursuant to outline consent 13/2508/MOUT seeking determination of appearance, landscaping, layout and scale)  
**Start Date:** 29 October 2018  
**Procedure:** Written reps.  
**Questionnaire Due Date:** 5 November 2018  
**Statement Due Date:** 3 December 2018

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**App.No:** 18/1051/OUT  
**Appeal Ref:** APP/U1105/W/18/3215645  
**Appellant:** Mr & Mrs P Gamble  
**Address:** Land South Of Knights Lane All Saints  
**Proposal;** The erection of a detached dwelling (self-build) and associated parking with all matters, save means of access, reserved.  
**Start Date:** 26 November 2018  
**Procedure:** Written reps.  
**Questionnaire Due Date:** 3 December 2018  
**Statement Due Date:** 31 December 2018

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**App.No:** 17/2493/FUL  
**Appeal Ref:** APP/U1105/W/18/3216069  
**Appellant:** Mr Harry Tucker  
**Address:** Manor Hotel Garages Beacon Place Exmouth  
**Proposal;** Demolition of existing garages and redevelopment of forecourt to form 2 new apartments over modified existing parking.  
**Start Date:** 18 December 2018  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 25 December 2018  
**Statement Due Date:** 22 January 2019

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**App.No:** 17/2953/FUL  
**Appeal Ref:** APP/U1105/D/18/3215268  
**Appellant:** Mr & Mrs J Shuker  
**Address:** Churston Harcombe Road Axminster EX13 5TB  
**Proposal;** Retrospective application for the construction of a detached garage  
**Start Date:** 9 January 2019  
**Procedure:**  
**Householder**  
**Questionnaire Due Date:** 14 January 2019

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**App.No:** 18/0869/FUL  
**Appeal Ref:** APP/U1105/W/18/3218286  
**Appellant:** Mr Dyer  
**Address:** Strawberry Fields Livery Yard Meeting Lane Lymington Exmouth EX8 5HS  
**Proposal;** Conversion of two barns/stables to form one dwelling with a link extension, and use of remaining buildings for ancillary domestic purposes  
**Start Date:** 25 January 2019  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 1 February 2019  
**Statement Due Date:** 1 March 2019

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**App.No:** 18/2086/FUL  
**Appeal Ref:** APP/U1105/W/18/3219001  
**Appellant:** Mr & Mrs Wood  
**Address:** 88 Hulham Road Exmouth EX8 3LB  
**Proposal;** Construction of detached dwelling and creation of new vehicular access  
**Start Date:** 25 January 2019  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 1 February 2019  
**Statement Due Date:** 1 March 2019

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**App.No:** 18/1002/OUT  
**Appeal Ref:** APP/U1105/W/18/3219114  
**Appellant:** Mr & Mrs Coals  
**Address:** 100 Granary Lane (Land To Rear) Budleigh Salterton EX9 6EP  
**Proposal;** Proposed Dwelling (outline application with all matters reserved)  
**Start Date:** 30 January 2019

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

**Questionnaire Due Date:** 6 February 2019  
**Statement Due Date:** 6 March 2019

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**App.No:** 18/1456/FUL  
**Appeal Ref:** APP/U1105/W/19/3220012  
**Appellant:** Mr Woodley (CJ Woodley Ltd)  
**Address:** Paradise Barn Church Road Colaton Raleigh  
**Proposal;** New dwelling to replace demolished barn, incorporating stone boundary wall

**Start Date:** 11 February 2019

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

**Questionnaire Due Date:** 18 February 2019  
**Statement Due Date:** 18 March 2019

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**App.No:** 18/0054/COU  
**Appeal Ref:** APP/U1105/W/19/3220990  
**Appellant:** Mr A Oakes  
**Address:** Pendennis House 4 Gold Street Ottery St Mary EX11 1DG  
**Proposal;** Change of use from office to a self contained flat on the ground floor.  
**Start Date:** 12 February 2019

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

**Questionnaire Due Date:** 19 February 2019  
**Statement Due Date:** 19 March 2019

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**App.No:** 18/2514/FUL  
**Appeal Ref:** APP/U1105/W/19/3221035  
**Appellant:** Mr A Newton  
**Address:** Garages 1 - 7 Raddenstile Lane Exmouth EX8 2JH  
**Proposal;** Conversion and extension of garages to create one dwelling  
**Start Date:** 12 February 2019

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

**Questionnaire Due Date:** 19 February 2019  
**Statement Due Date:** 19 March 2019

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**App.No:** 18/1548/FUL  
**Appeal Ref:** APP/U1105/W/18/3216504  
**Appellant:** Mr Steve Hollis  
**Address:** Land East Of Redlane Cross Rocombe  
**Proposal;** Erection of an equestrian manege, American style barn and formation of a new vehicular access  
**Start Date:** 19 February 2019  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 26 February 2019  
**Statement Due Date:** 26 March 2019

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**App.No:** 18/0450/FUL  
**Appeal Ref:** APP/U1105/W/18/3216506  
**Appellant:** Mr Stuart Phillips  
**Address:** 8 Mill Street Ottery St Mary EX11 1AD  
**Proposal;** Alterations and extensions to create 5 No flats  
**Start Date:** 19 February 2019  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 26 February 2019  
**Statement Due Date:** 26 March 2019

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**App.No:** 18/1474/FUL  
**Appeal Ref:** APP/U1105/W/18/3216628  
**Appellant:** John Lomax  
**Address:** Land Adj Heathfield Longmeadow Road Lymptone Exmouth EX8 5LF  
**Proposal;** Change of use from workshop and garage to single dwelling (re-submission of application 17/1168/FUL)  
**Start Date:** 19 February 2019  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 26 February 2019  
**Statement Due Date:** 26 March 2019

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**App.No:** 18/2280/FUL  
**Appeal Ref:** APP/U1105/W/19/3222734  
**Appellant:** Mrs Jayne Ough  
**Address:** 55 Peaslands Road Sidmouth EX10 9BE  
**Proposal;** Construction of two storey dwelling within garden and provision of additional parking space  
**Start Date:** 11 March 2019  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 18 March 2019  
**Statement Due Date:** 15 April 2019

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**App.No:** 18/1094/MOUT  
**Appeal Ref:** APP/U1105/W/19/3221978  
**Appellant:** OG Holdings Retirement Benefit Scheme  
**Address:** Land East Of Two Bridges Two Bridges Road Sidford  
**Proposal;** Outline application accompanied by an Environmental Statement (with scale and appearance reserved) for the change of use of agricultural land to employment land (B1, B8 and D1 uses) to provide 8,445 sqm of new floorspace, new highway access, cycle and footway, improvements to flood attenuation, building layout and road layout, new hedgerow planting and associated infrastructure.  
**Start Date:** 18 March 2019  
**Procedure:**  
**Hearing**  
**Questionnaire Due Date:** 25 March 2019  
**Statement Due Date:** 22 April 2019  
**Hearing Date:** To be confirmed

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**App.No:** 18/1462/PDQ  
**Appeal Ref:** APP/U1105/W/18/3218381  
**Appellant:** Mr & Mrs S Connell  
**Address:** Barn At Easting 330931, Northing 101522 Land Adjacent Poppins Goldsmith Lane All Saints  
**Proposal;** Change of use together with building operations reasonably necessary to convert the building into a single dwelling.  
**Start Date:** 18 March 2019  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 25 March 2019  
**Statement Due Date:** 22 April 2019

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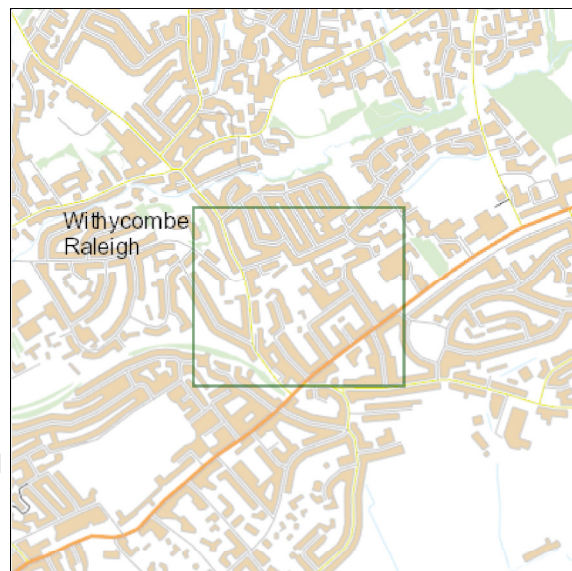
**Ward** Exmouth Withycombe Raleigh

**Reference** 18/2203/MFUL

**Applicant** Barchester Health Care

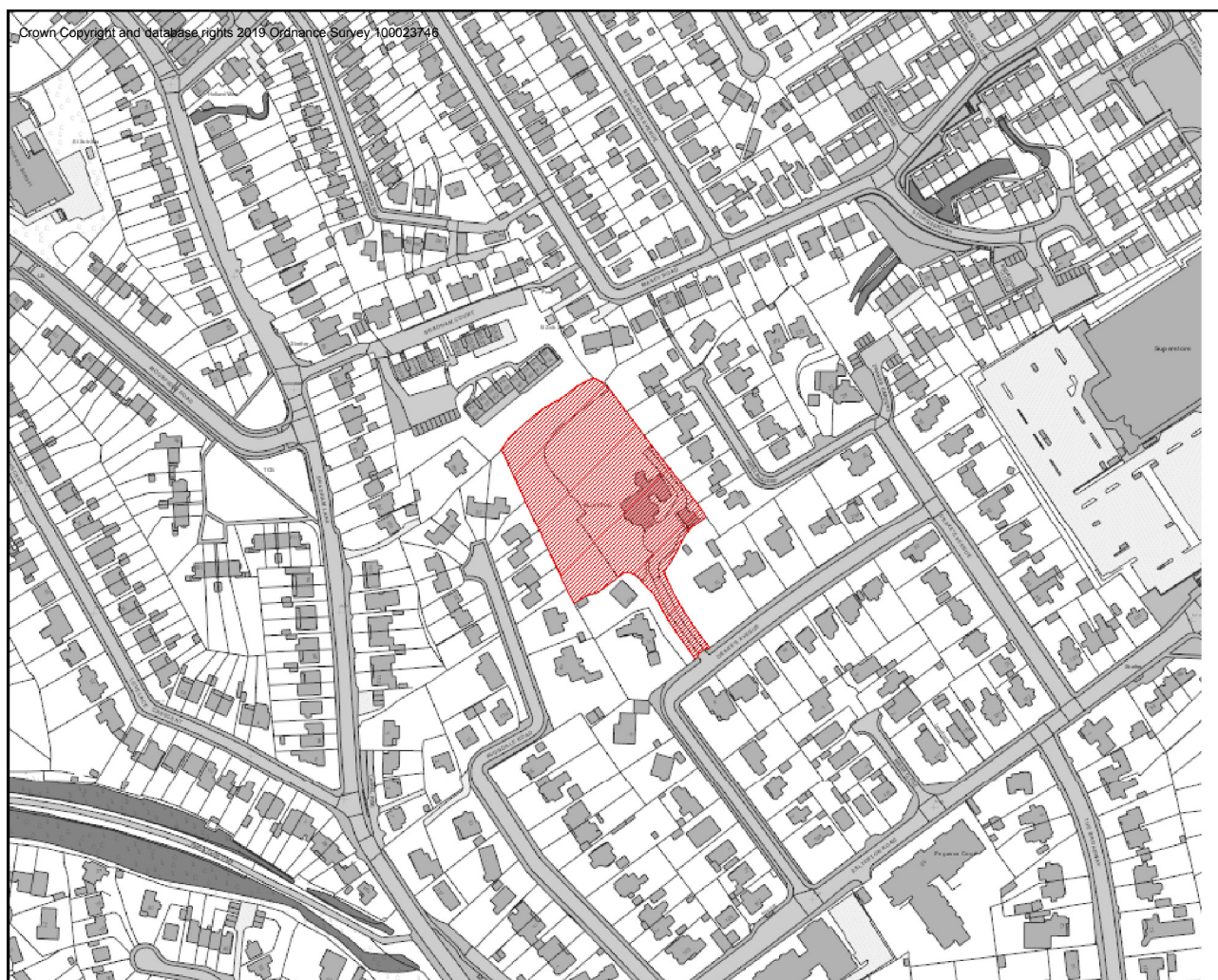
**Location** Moreton 13 Drakes Avenue Exmouth EX8 4AA

**Proposal** Redevelopment of site to provide 75 bed care home (use class C2), parking, landscaping and refuse store



**RECOMMENDATION:**

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



		<b>Committee Date: 2<sup>nd</sup> April 2019</b>
<b>Exmouth Withycombe Raleigh (EXMOUTH)</b>	<b>18/2203/MFUL</b>	<b>Target Date: 16.01.2019</b>
<b>Applicant:</b>	<b>Barchester Health Care</b>	
<b>Location:</b>	<b>Moreton 13 Drakes Avenue</b>	
<b>Proposal:</b>	<b>Redevelopment of site to provide 75 bed care home (use class C2), parking, landscaping and refuse store</b>	

**RECOMMENDATION:**

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

**EXECUTIVE SUMMARY**

This application is before Members as the Officer recommendation differs from the view of the Town Council.

The application site was formerly occupied by a care home and dwelling, but has been cleared and is presently vacant following a previous consent for redevelopment to provide 61 care units. It is located on the northern side of Drakes Avenue within the Built-up Area Boundary of Exmouth.

The proposed building occupies a similar footprint to the previous care home that occupied the site (although smaller than the consent for the 61 units) , with parking to the front and eastern side of the building. The accommodation is arranged on three floors, each having 25 bedrooms together with communal lounge and dining areas. The kitchen and other servicing is located in the basement.

Externally the existing boundary tree planting and hedging is retained, with additional landscaping proposed.

The building is relatively large and the land has quite a steep fall to the north and west giving the potential for overlooking and loss of privacy for the occupiers of the neighbouring properties, however the positioning and layout of the building and distances from these properties is considered to reasonable such that there will be no material impact on residential amenity. Similarly the distances to the properties to the south and east is considered to be reasonable.



**75 bed spaces are proposed which is greater than the previously approved facility on the site (61 units) however the nature of the accommodation is somewhat different, being a care home with communal facilities rather than individual units with private kitchen/lounge facilities. Given this the residents tend to be less noisy and no resident parking is provided with only staff and visitor parking, at a level which is considered to be appropriate to the use. Adequate access and turning for emergency vehicles and deliveries is provided.**

**The building is considered to be of a suitable design, policy compliant and subject to conditions to ensure appropriate parking, landscaping, drainage and other protection measures are put into place the proposed development is considered to be acceptable and the application is consequently recommended for approval.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Meeting 29.10.18:

Objection on the grounds of overdevelopment of the site and concern regarding the lack of parking provision for visitors and staff. Concern that attending emergency vehicles would not be able to turn within the site.

Further comments 07.01.19:

Objection sustained as previous concerns regarding the lack of parking provision and the ability of emergency vehicles to turn within the site had not been addressed.

Further comments 04.02.19:

Objection sustained, the amended plans did not address previous concerns. Members felt they could not comment further until the applicant had responded to the comments raised by the statutory Consultees.

### **Technical Consultations**

#### Housing Strategy Officer Melissa Wall

This application is for a care home and the use is therefore C2 (residential institution). Due to the C2 use class there will not be an affordable housing obligation on this site.

#### EDDC Trees

There are numerous trees growing around the site boundaries; the trees are comprised mainly of early mature to mature oaks, with some maturing ash, beech, lime and a cherry. The trees growing on the northern boundary are the subject of tree preservation order 16/0070/TPO and all the boundary trees make a positive contribution to the amenity of the area.

This application provides more space between the proposed building and the surrounding mature trees growing on the property boundaries. This application is thus more arboriculturally sustainable with regard to proximity of the main building to retained trees.

As per the previous application there are allocated car parking spaces within the crown spread of the boundary trees. Spaces 17 to 22 will in the fullness of time be affected by the Oak T28 and spaces 24 to 30 will be affected by the beech T27. Parking spaces under the crowns of trees do no work, due to the following falling onto the parked cars below: twigs, dead branches, leaves, acorns (or beech nuts), bird poo, aphid honeydew (which creates a sticky residue on the parked cars, especially under oak). This all leads to pressure to have the trees lopped / topped or removed. These spaces need to be moved from under the crowns of the boundary trees. I note the previous application was approved with parking under the crowns of site trees against my recommendations. This is not sustainable in tree terms and the application could be refused on this basis (We have successfully defended this point at appeal).

The oak T28 mentioned above is recorded as a BS5837 category B1 tree on the outline tree protection plane (Devon Tree Services 18.46.1.TPP dated 12.10.18) yet within the arboricultural impact assessment (Devon Tree Services DTS18.46.1.AIA dated 12 October 2018) the tree is recorded as a C1 category tree with crown die back and requiring a 2 metre crown reduction. As of my site visit dated 14/12/2018 the crown of the tree showed no notable die back (Figure 1) and from visual inspection there being no requirement for the crown of the tree to be reduced.

The proposed finished levels are not clear on submitted plans in terms of retained trees and their root protection areas. Could we please have spot levels within the root protection area of retained trees?

Could we please have location details of any new (or where renewal of existing) underground service runs will be required?

With respect of the possible relocation of the bin store. This will work considerably better under the crown of the beech tree compared to the proposed car parking spaces.

## Conclusions

Whilst the proposed location of the building is improvement with regards to trees, the issue relating to parking spaces remains. Without the relocation of the spaces (or the use of car ports to cover the cars) the application should be refused as it is contrary to our planning policies D1 and D3.

Further comments: Comments following review of updated site layout, arboricultural report and surface water drainage plan.

Site layout.

The re-location of the bin store is considered acceptable. We will need the tree protection plan updated to show the amended location and a method statement for its construction.

If the parking spaces are not allocated on a single person use basis, and for transient visitor parking only, this existing relationship is likely to be sustainable and the comments provided by the agent accepted.

#### Arboricultural report

Amendments noted regarding the oak T28 noted. My earlier original comments regarding this tree (classification and pruning) have been addressed.

The tree protection plan and arboricultural report will require updating as outlined above relating to the bin store.

#### Surface Water Drainage Plan

(I will caveat my comments in that this document is difficult to read in CIVICA and I cannot differentiate all of the symbology on the plan)

This document seems to show underground drainage infrastructure within the root protection area of T28. This will require relocating outside of the trees root protection area.

The 100 year flood area is within the root protection area of the oak tree (T6). I am presuming this area will require some excavation or building up of levels. This will need to be outside the root protection area of the adjacent trees (T6, T7 and T8)

This document shows a number of utilities within the root protection area of retained trees (T23, T24, T25, T26, T27, T28, T29, T30). Are these existing services, or new installations?

#### Further comments:

The revised tree protection measures only covers arboricultural impacts of the proposed development any planning approval needs to be subject to a condition covering the submission of a comprehensive arboricultural method statement, tree protection plan and make provision for ongoing arboricultural site monitoring.

#### Natural England

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

#### SUMMARY OF NATURAL ENGLAND'S ADVICE

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

This development falls within the 'zone of influence' for the Exe Estuary SPA and Ramsar Site<sup>1</sup>, the East Devon Pebblebed Heaths SAC and East Devon Heaths SPA, as set out in the Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by that development.

In line with the SEDEMS and the Joint Approach of Exeter City Council, Teignbridge District Council and East Devon District Council, we advise that mitigation will be required to prevent such harmful effects from occurring as a result of this development. Permission should not be granted until such time as the implementation of these measures has been secured.

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

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

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

#### Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](https://data.gov.uk) website.

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

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and

Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

If you have any queries relating to the advice in this letter please contact me on 0208 026 7400.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

1 Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

#### ANNEX A: Additional Advice

Natural England offers the following additional advice:

##### Landscape

Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

##### Soils

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

##### Protected Species

Natural England has produced standing advice<sup>2</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

##### Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and

improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)<sup>3</sup>. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Ancient woodland, ancient and veteran trees You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

#### Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.

- Restoring a neglected hedgerow.

- Creating a new pond as an attractive feature on the site.

- Planting trees characteristic to the local area to make a positive contribution to the local landscape.

- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.

- Incorporating swift boxes or bat boxes into the design of new buildings.

- Designing lighting to encourage wildlife.

- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.

Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)

Planting additional street trees.

Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.

Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making.

Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

2 <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

3 <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Further comments 19.12.18:

Thank you for your email consulting Natural England on the Appropriate Assessment for the above development in accordance with Paragraph 63 (3) of the Conservation of Habitats and Species Regulations 2017. Please be advised that, on the basis of the appropriate financial contributions being secured to the South-East Devon European Site Mitigation Strategy (SEDESMS), Natural England concurs with your authority's conclusion that the proposed development will not have an adverse effect on the integrity of Dawlish Warren SAC, the Exe Estuary SPA and Exe Estuary RAMSAR site.

Further comments 16.01.19: Thank you for your consultation.

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 18 December 2018.

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

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

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

Further comments 13.02.19:

I can confirm that Natural England have no additional comments to make on this application. As noted in our response to the Appropriate Assessment (attached), on

the basis of the appropriate financial contributions being secured to the South-East Devon European Site Mitigation Strategy, we concur with your authority's conclusion that the proposed development will not have an adverse effect on the integrity of Dawlish Warren SAC, the Exe Estuary SPA and Exe Estuary Ramsar Site.

Thank you for your email consulting Natural England on the Appropriate Assessment for the above development in accordance with Paragraph 63 (3) of the Conservation of Habitats and Species Regulations 2017. Please be advised that, on the basis of the appropriate financial contributions being secured to the South-East Devon European Site Mitigation Strategy (SEDESMS), Natural England concurs with your authority's conclusion that the proposed development will not have an adverse effect on the integrity of Dawlish Warren SAC, the Exe Estuary SPA and Exe Estuary RAMSAR site.

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 18 December 2018.

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

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

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

#### Environmental Health

I have considered this application and recommend that the following conditions are attached to any permission granted:

Prior to the commencement of the development the applicant must provide an Environmental Management Plan to the satisfaction of the Local Planning Authority detailing the way in which environmental impacts will be addressed and incorporated into the design, layout and management of the site. The Plan shall consider the impacts of noise (including low frequency noise), traffic and light on the local environment, and the way in which these impacts will be mitigated. The Plan shall also include details of the foul and surface water drainage systems, and arrangements for the prevention of pollution of any nearby watercourse.

Reason: To protect the amenity of local residents and to ensure compliance with Local Plan policy EN15

During construction:

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.

During occupation:

Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Service Engineers Environmental Design Guide. Details of the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises.

Reason: To protect the amenity of local residents from noise.

### EDDC Landscape Architect - Chris Hariades

EDDC Landscape and green infrastructure response to planning application  
Application no. 18/2203/MFUL

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.

The report has been amended following recent submission of drainage information by the applicant.

### 3.1 Review of submitted landscape drawings & other supporting information

#### Sustainability appraisal and energy efficiency statement (SAEES)

There is no reference to provision of renewable energy systems within the SAEES. There appears to be good potential for provision of PV and solar thermal panels on the flat roof sections of the main building and this should be explored in accordance with EDDC Local Plan strategy 3b - Sustainable development.

#### Preliminary Ecological Appraisal

The submitted Preliminary ecological appraisal makes recommendations for habitat and biodiversity enhancement. This includes creation of badger foraging habitat, use of native species plants, creation of log piles from felled trees and provision of bird and bat boxes.

The report also recommends use of green/ brown roofs where design considerations allow and ensuring lighting design takes account of guidance to reduce impacts on foraging and commuting bats.

These recommendations should be incorporated into the scheme proposals.

Additionally 40% of grass seeded areas should be sown with a suitable wildflower mix and managed as meadow areas for benefit of invertebrates and to provide visual interest.

The site layout and landscape proposals should be amended to reflect these recommendations.

#### Tree survey, impact assessment and protection

The location of the proposed perimeter fence is now shown on the revised tree protection drawing. A requirement for a method statement covering installation of the proposed fence and excavation of post footings to be included as a condition to any approval as per Arboricultural Impact Assessment.

#### Layout and landscape proposals

The site layout shown on the Proposed Layout Plan, drawing no. AL9(9)901 Rev B, generally appears acceptable.

There is opportunity to provide a permanent water feature towards the northwest corner of the site near where the drainage engineer's drawing indicates a flood area for 1 year plus 40%.

Covered, secure cycle storage should be provided at a suitable location, in line with section 3 of the accompanying SAEES and the stated aim within the DAS of encouraging cycling for site staff and visitors as an alternative to car use. The DAS states that 6 cycle stands will be provided to accommodate 12 bikes. The proposed site plan currently only provides for 4 cycle stands (8 bikes).

The proposed refuse store as shown on dwg. no. AL(9)902 is flat roofed. A green roof should be provided to the structure for biodiversity benefit.

#### Levels and drainage

Proposed swales are shown with a gradient of 1:1. This is too steep and should be eased to maximum 1:2.5.

The drainage proposals should consider the creation of a permanent pond or wetland feature with flood storage capacity towards the northwest corner of the site which would provide additional interest and bio-diversity value.

## RECOMMENDATIONS

### 4.1 Acceptability of proposals

On the basis of the details submitted the submitted scheme is broadly acceptable in terms of landscape design and green infrastructure provision although further

consideration should be given to points raised in section 3.1 above being adequately addressed the scheme could be considered for approval.

In the event that approval is recommended, the following conditions should be imposed:

#### 4.2. Landscape conditions

1) No development work shall commence on site until the following information has been submitted and approved:

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

b) Full external drainage details including gulleys and drainage gratings and inlets to swales and other open flood storage areas.

c) Details of locations, heights and specifications of proposed external lighting.

d) A full set of soft landscape details including planting plans showing locations and number of new tree, shrub and herbaceous planting, type and extent of new grass areas, existing vegetation to be retained and removed and means of protection.

e) Plant schedule indicating form, size and density of proposed planting

f) Specification for soil quality, cultivation, planting/ sowing, mulching and means of plant support and protection during establishment period.

g) An arboricultural method statement prepared in accordance with section 7 of the Arboricultural Impact Assessment.

2) In addition, the following standard EDDC landscape conditions should apply:

L01N, Landscaping - full permissions

L02N Landscaping - groundworks

L06N Landscaping - fences and boundaries

L11N Landscaping - landscape management which should include the following details:

Extent, ownership and responsibilities for management and maintenance.

Inspection and management arrangements for existing and proposed trees and hedgerows.

Management and maintenance of grass areas.

Management and enhancement of biodiversity value.

Management and maintenance of any boundary structures, drainage swales and other landscape features within the grounds.

L15N Landscape condition for full planning permissions (omitting non relevant parts/sections)

### South West Water

I refer to the above application and would advise that South West Water has no objection subject to full details of the means of surface water drainage being submitted for approval.

Further comments:

I refer to the above and would advise that South West water has no objection to the proposed surface water management plan and that the proposed discharge of surface water at 3.3l/s to the public sewer is acceptable as it has been proven that ground infiltration is not possible.

### DCC Flood Risk SuDS Consultation

Recommendation:

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

Observations:

The applicant should clarify the attenuation storage required to limit the greenfield runoff rates to 3.3l/s as no such information is contained within the submitted Surface Water Management Plan. The application must note that, in accordance with Chapter 24.2 CIRIA's SuDS Manual (C753), the runoff areas used in greenfield runoff rate calculations must be consistent.

In accordance with Sewers for Adoption Edition 7, August 2012, the system should be designed not to flood any part of the site in a 1:30 year return period design storm. The submitted MicroDrainage model outputs indicated flooding from pipes 1.000, 2.000 and 5.000 for the 1:5 year rainfall event, and flooding from pipes 2.000, 3.000 and 5.000 for the 1:30 year rainfall event.

The applicant should also provide confirmation from South West Water that discharging into their system is acceptable. The agreement in principle for South West Water to adopt the proposed rain garden and swales that were designed to cope with the flow should also be obtained. To our knowledge, South West Water would normally not adopting the above ground SuDS features.

Further comments:

Recommendation:

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

Observations:

The applicant should clarify the attenuation storage required to limit the greenfield runoff rates to 3.3l/s as no such information is contained within the submitted Surface Water Management Plan. The application must note that, in accordance with Chapter 24.2 CIRIA's SuDS Manual (C753), the runoff areas used in greenfield runoff rate calculations must be consistent.

In accordance with Sewers for Adoption Edition 7, August 2012, the system should be designed not to flood any part of the site in a 1:30 year return period design storm. The submitted MicroDrainage model outputs indicated flooding from pipes 1.000, 2.000 and 5.000 for the 1:5 year rainfall event, and flooding from pipes 2.000, 3.000 and 5.000 for the 1:30 year rainfall event.

The applicant should also provide confirmation from South West Water that discharging into their system is acceptable. The agreement in principle for South West Water to adopt the proposed rain garden and swales that were designed to cope with the flow should also be obtained. To our knowledge, South West Water would normally not be adopting the above ground SuDS features

Further comments:

We would be keen to impose the following conditions from a surface water drainage perspective to allow this planning application to be presented to the Planning Committee in April. The applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water management system have been considered.

- No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems (with further check on greenfield runoff rate and confirmation with South West Water regarding the acceptability of the runoff from the above ground features), and those set out in the Drakes Avenue, Exmouth, Barchester Care Home Surface Water Management Plan, 5183310-ATK-XX-XX-RP-C-001, Rev 3.0, dated 04 March 2019.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems. Although the brownfield site is being developed, the peak flow should still be based on the greenfield runoff rate. The applicant must therefore attempt to match this greenfield rate in the first instance, but if this is robustly demonstrated to be unfeasible, the application should work backwards to achieve a runoff rate as close to the greenfield conditions as possible. Importantly, the applicant will be required to provide evidence of the calculations undertaken to achieve the proposed runoff rate.

- No part of the development hereby permitted shall be commenced until the confirmation with South West Water to ensure they are happy to accept the runoff from the above ground SuDS features.

Reason: To ensure that the proposed runoff from the above ground SuDS features are acceptable by South West Water. The previous experience has indicated that South West Water will not adopt any above ground SuDS features. Should South West Water are reluctant to accept the runoff from the above ground SuDS features, the SuDS design would need to be amended to suit.

#### County Highway Authority

The site is situated on Drakes Avenue, Classification; L3718, a quiet residential area.

The revised layout includes 30 parking spaces for residents, staff and visitors. This layout provides two disabled parking spaces immediately outside the building and a cycle storage area. The refuse store can be collected from and manoeuvred from utilising the provided turning head, avoiding disruption or reversing onto the highway.

The site has a former use as a care home and therefore the local traffic network will not see a huge difference from this traffic capacity.

The driveway may well require a passing bay to assist vehicles entering and exiting as the drive is 50m long and provides for 30 parking spaces. Overall, however the County Highway Authority has no objection to this planning application.

Recommendation:

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

Re-consultation; 23/01/2019

The County Highway Authority would like to make two enquiries regarding this application, The design and access statement mentions that residents will not have vehicle ownership, Is this something that the client wishes to enforce and is so, How?

The design and access statement also makes reference to a Green Travel Plan, However this is not currently online and available to view.

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

Further comments:

The County Highway Authority is aware of the re-consultation of this planning application, we are satisfied that these details will not alter our stance upon this planning application.

Recommendation:

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

### Other Representations

10 representations have been received, 5 raising objections, 2 in support and 3 making representation. These are summarised below

#### Objections

- Lack of on-site parking leading to nuisance parking on Drakes Avenue
- Loss of privacy and overlooking
- Invasion into family life
- Loss of light
- Building is too high and out of character with area
- Visual intrusion and loss of outlook
- No details of boundary treatment
- Refuse store too close to residential properties
- Noise and disturbance
- Roof design, including bin store, should include seagull proofing to prevent previous problems
- Additional congestion on Drakes Avenue
- Proximity of kitchen and service areas to neighbouring property resulting in noise and smells
- Mass excavation work required will result in major land issues and tree root disturbance
- Problems with drainage and water displacement
- Impact on trees

#### Support

- Proposed building more in scale with surroundings than previous scheme

#### Representations

- Building materials should be in keeping with those existing
- Grey or brown windows would reduce visual impact
- Construction plan will be necessary
- Construction parking should be on site
- Developer should undertake any repairs to damage road and footways

### **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 22 (Development at Exmouth)

Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)  
Strategy 38 (Sustainable Design and Construction)

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

EN14 (Control of Pollution)  
EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)  
EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

E20 (Provision of Visitor Attractions)

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

#### Government Planning Documents

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

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

The application site is a cleared and vacant piece of land that was formerly occupied by a residential care home and a further single dwelling. It is set back from Drakes Avenue and accessed from a long driveway. The site comprises an area of around 0.75ha and is enclosed to all sides by tree and hedge boundary planting.

The site is on relatively high ground, generally level with the residential development on Drakes Avenue, however the land falls away considerably to the west and north where it borders properties on Avondale Road and Bradham Court.

#### **Site History**

The site has been cleared following the grant of planning permission in May 2016 (reference 15/1818/MFUL) for the following development:

Redevelopment of former Moreton Care Home to provide a total of 61 retirement living with care units (Use Class C2) with residents facilities, parking and landscaping, demolition of 13a Drakes Avenue.

This development comprised 61 apartments with additional communal facilities.

#### **Proposed Development**

Planning permission is sought for the redevelopment of the site to construct a new 75 bedroom care home with associated facilities, parking and landscaping.



The proposed accommodation is arranged on three floors, with additional servicing provided within a lower ground floor. 25 en-suite bedrooms are proposed on each of the ground, first and second floor, together with shared lounge and dining facilities.

The position of the building within the site has been slightly amended from the previously approved scheme, to move the building further away from the properties in Freelands Close to the north east of the site. The overall footprint of the building is also somewhat less than that previously approved in 2015 (54m wide by 72m long at its greatest), with the building extending to approximately 42 metres at its widest point by approximately 60 metres in depth. The maximum ridge height at around 13 metres is also less than that previously approved at a maximum of 15m with the previous building on the site approximately 13m high.

Externally 30 parking spaces are proposed, including 2 disabled spaces, together with secure cycle parking, and electric scooter parking. The building is proposed to be contained within landscaped gardens and outside amenity space.

## **ANALYSIS**

The main issues in the consideration of this application relate to the principle of the proposed development; the design and scale of the building and its relationship with surrounding properties and character of the area; suitability of the access and highway safety; and any impact on residential amenity; trees; ecology; flood risk and surface water drainage and any other matters.

### **Principle**

The application is located within the built-up area of Exmouth which is identified in the adopted East Devon Local Plan as a sustainable location for new development.

The site was formerly occupied as a care home under Class C2 and has a lawful use for this purpose. A Class C2 use is defined in the Use Classes Order as *“Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses))”*

Whilst no specific information has been submitted in respect of the precise nature of the care to be provided, the layout of the building and the size and lack of facilities proposed within the bedrooms (which have only an en-suite bathroom, and no living or kitchen space) would not permit independent living. With this in mind it is accepted that the development would fall within a Class C2 use.

Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes) of the local plan states

*"We will aim to secure Care and Extra Care homes in all of our Towns and Larger Villages in line with provision of:*

- a) 150 Care/Extra Care Home Spaces at Exmouth;*
- b) 50 Care/Extra Care Home Spaces at Axminster, Honiton, Sidmouth, Seaton and Ottery St Mary; and*
- c) 10 (or more) at larger settlements with a range of facilities that have easy accessibility to a GP surgery.*

*Care/Extra Care home proposals will be acceptable on sites allocated for residential development (or which include residential uses as part of an allocation, though in such cases provision should be 'off-set against the residential element/land). Proposals for specialist housing should be accompanied by a Care Needs Assessment which justifies the proposal's scale, tenure and accommodation type. Where such provision is proposed on an allocated housing site the actual need for provision should also be established. The Council will take account of financial viability considerations, and overall contributions for affordable housing, where older person housing is proposed on or as part of a site for residential development and such provision impacts on site viability."*

This proposal will effectively replace the bed spaces lost through the closure of the previous nursing home on the site which had 40 bedrooms, and would provide an additional 35 spaces due to the increased capacity proposed which will make a contribution towards the need for additional accommodation within the Exmouth area, in compliance with Strategy 36 of the Local Plan.

In addition, and weighing in support of the proposal is the creation of approximately 80 jobs, both full and part-time to cover the shifts required to provide management and care 24 hours a day.

### **Design, Scale and Impact of Proposed Development**

The proposal is for resident's accommodation and associated facilities arranged over three floors, with basement servicing below. The footprint of the building is a handed 'L' shape with the main entrance and reception to the front of the building, together with public and staff parking, and further accommodation extending into the site. The general impression in approaching the building from the road is of a two/three storey building mainly constructed of brick and tile hanging under a tiled roof. A number of gable projections are indicated in the main elevations to provide relief and to provide visual breaks to the building.

Further detailing to the building includes the provision of a number of Juliet balconies on the first floor bedrooms, chimneys and brick and timber panelling to the projecting gables.

In terms of bulk the proposed building is less substantial than that previously approved, although a greater number of resident bedrooms are proposed. This is mainly due to the nature of the accommodation now proposed, with resident bedrooms being single occupancy with no lounge or kitchen facilities. As a consequence of this there is greater opportunity for landscaping and planting around the building which is also located further away from existing residential properties.

The building is somewhat larger than the surrounding development, however the site was previously occupied by a large building which has been extended in an ad hoc fashion. The positioning and articulation of the proposed building is considered to fit comfortably within the site, and is of a scale and design which is appropriate to its setting.

## **Residential Amenity**

The proposed building occupies a similar, albeit slightly larger footprint to that of the former care home, but reduced footprint compared to the scheme approved in 2016. As such, and given the more intensive use of the site proposed, there is the potential for additional impact in terms of loss of residential amenity for the occupiers of the properties adjacent to the site.

Concern has been raised by a number of residents regarding the impact of the development in terms of additional traffic, noise and disturbance, overlooking and loss of privacy, visual intrusion, and physical impacts such as damage to trees and additional flood risk/surface water run-off.

During the course of the application amendments to the position of the bin store and parking arrangements have been submitted, and additional tree protection, drainage and ecological information submitted to address consultee comments.

Access to the development is taken from Drakes Avenue, with the existing access to the former care home being used to serve the proposed care home. This will result in an increase in the use and activity levels arising from the development over and above the currently unused site. However given the nature of the proposed use residents of the care home are unlikely to have access to their own vehicles, and the levels of staff and ancillary traffic proposed are not considered to be such that would give rise to an unacceptable increase in disturbance.

The position of the building and distances between this and the properties surrounding the site is considered to be such that there will be no material loss of residential amenity for the occupiers of existing properties. To the north and west the land slopes to the site boundary, with properties beyond this, however even at the closest point the distances, in excess of 28 metres and over 40 metres between the majority of the rooms and the rear of the properties in Avondale Road, is considered to be reasonable.

The properties to the east and south of the site are at least 30 metres from the proposed buildings which is also considered to be a reasonable distance to ensure that existing amenities of neighbouring residents is maintained, particularly given the existing and proposed levels of boundary planting.

## **Trees**

The site is generally enclosed with existing hedging and a trees to the boundaries, with a number of the trees on the northern boundary being protected by a tree preservation order.

There are no proposals to fell any of the trees on the site, and whilst some management will be required, the impact of the proposed development on the trees is considered to be acceptable. Some car parking is proposed under the canopy of one of the trees on the eastern boundary, and concern has been raised that if there is allocated parking there is the potential nuisance arising from twigs/leaves/sap dropping onto cars below. However none of the spaces are proposed to be allocated

to residents and staff and visitors would have the choice of parking spaces, and as such no substantive objection is raised in this regard.

Subject to appropriate tree protection and management measures, and where appropriate additional planting, the proposal is acceptable with regard to any impact upon trees.

### **Access and Highways**

The existing access is proposed to be retained and reused and this is considered to be appropriate to serve the development and has adequate visibility onto Drakes Avenue. 30 parking spaces are proposed, to the front and on the eastern side of the building which will be for the use of staff and visitors to the development, with no allocated residents parking due to the nature of the accommodation meaning that car ownership from residents is not permitted. This is considered to be acceptable, offers a reasonable layout of the spaces and follows provision at the applicant's other facilities across the country allowing adequate parking for staff and visitors at a ratio of 1 space per 3 bedrooms.

A modest cycle store is proposed, and a green travel plan submitted encouraging users of the site to use alternative means of transport other than the car where possible.

Adequate turning space to the front of the site for service and emergency vehicles has been demonstrated.

The previous proposal included 44 parking spaces and whilst this was a greater number to serve less units, considering that the previous proposal was for apartments, 43 of which were 2-bedroomed, it is considered that the level of parking proposed for the 75 units is reasonable.

The County Highway Authority have raised no objection to the proposal.

### **Ecology**

The application is accompanied by a preliminary ecological appraisal which identifies suitable habitats of a number of common reptiles. There is evidence of badgers using the site, although no setts have been identified. In addition the trees and hedges to the boundaries of the site house nesting birds and bats. Subject to the retention of the existing trees and the further mitigation works and protections measures identified in the report the proposal is not considered to have any negative impact on the existing ecology, and offers the opportunity to enhance the existing ecological value of the site.

The applicant has adequately addressed mitigation for any impacts upon the Exe Estuary and Pebblebed Heaths through the payment of the appropriate financial contribution. This is addressed in the attached Appropriate Assessment that has been agreed by Natural England.

## **Flood Risk and Surface Water Drainage**

The site lies within an area identified as being of low risk in terms of flooding, and there are no objections from this perspective subject to appropriate surface water drainage arrangements.

This has been the subject of some discussion and a revised Surface Water Management Plan has been prepared which is now considered to be acceptable.

Subject to the installation of the measures proposed within this, which can be conditioned, it has overcome previous concerns from DCC in relation to surface water drainage.

## **CONCLUSION**

The application is before Members due to concerns raised by the Town Council regarding the proposal representing an over-development of the site, lack of car parking and turning for emergency vehicles.

With regard to the scale of development, the proposal replaces a previous care home on the site and following planning permission in 2016 for a 61 retirement living care units (a number of which were 2-bedroomed). The 2016 proposal consented more bedrooms within a taller building that covered a greater footprint.

Given that the current proposal is for a smaller building (allowing more landscaping and communal grounds), and given that the 75 bedrooms are rooms with on-suite facilities with all other facilities communal, it is not considered that the proposal represents over-development of the site.

With regard to car parking and turning, the application demonstrates that suitable turning is provided to the front of the site at the entrance and the 30 car parking spaces are considered to be acceptable given that residents will not be allowed cars so the spaces only have to serve staff and visitors. The number of spaces complies with the applicant's standards of 1 space per 3 bedrooms and is supported by the County Highway Authority.

Also material to the proposal is the fact that the proposed redevelopment of the site will replace the bedspaces lost by the closure of the previous care home on the site, and make an additional contribution towards the recognised need for further spaces identified in Strategy 36 of the local plan. In addition, the building is considered to be of a suitable design, and subject to conditions to ensure appropriate parking, landscaping, drainage and other protection measures are put into place the proposed development is considered to be acceptable and the application is consequently recommended for approval.

## **RECOMMENDATION**

- 1. That the Habitat Regulations Appropriate Assessment attached to this Committee report be adopted;**
- 2. That the application be APPROVED 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. A Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority prior to any works commencing on site, and must be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.  
(Reason: A pre-commencement condition is required to ensure that the details are agreed before the start of works to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)
4. Prior to the commencement of the development the applicant must provide an Environmental Management Plan to the satisfaction of the Local Planning Authority detailing the way in which environmental impacts will be addressed and incorporated into the design, layout and management of the site. The Plan shall consider the impacts of noise (including low frequency noise), traffic and light on the local environment, and the way in which these impacts will be mitigated. The Plan shall also include details of the foul and surface water drainage systems, and arrangements for the prevention of pollution of any nearby watercourse.  
Reason: To protect the amenity of local residents and to ensure compliance with Local Plan policy EN15.
5. Prior to the commencement of the development hereby approved (including all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Installation of any underground services within the Root Protection Area (RPA) of retained trees.
- b) A full specification for the installation of boundary treatment works
- c) Methods of hard surface removal within the RPA of any retained trees.
- d) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of

the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.

e) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.

f) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.

g) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

h) Arboricultural supervision and inspection by a suitably qualified tree specialist

i) Reporting of inspection and supervision

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

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

6. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems (with further check on greenfield runoff rate and confirmation with South West Water regarding the acceptability of the runoff from the above ground features), and those set out in the Drakes Avenue, Exmouth, Barchester Care Home Surface Water Management Plan, 5183310-ATK-XX-XX-RP-C-001, Rev 3.0, dated 04 March 2019.

(Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems. Although the brownfield site is being developed, the peak flow should still be based on the greenfield runoff rate. The applicant must therefore attempt to match this greenfield rate in the first instance, but if this is robustly demonstrated to be unfeasible, the application should work backwards to achieve a runoff rate as close to the greenfield conditions as possible. Importantly, the applicant will be required to provide evidence of the calculations undertaken to achieve the proposed runoff rate.)

7. No part of the development hereby permitted shall be commenced until the confirmation with South West Water to ensure they are happy to accept the runoff from the above ground SuDS features.

(Reason: To ensure that the proposed runoff from the above ground SuDS features are acceptable by South West Water. The previous experience has indicated that South West Water will not adopt any above ground SuDS

features. Should South West Water are reluctant to accept the runoff from the above ground SuDS features, the SuDS design would need to be amended to suit.)

8. The development of the site shall be undertaken in accordance with the recommendations of the Preliminary Ecological Appraisal prepared by RPS Ecology and dated October 2018). Prior to the construction of the building permitted, a detailed specification for ecological mitigation and enhancement works, shall be submitted to the Local Planning Authority and agreed in writing. The measures as required by the agreed detailed specification shall then be installed and undertaken during the construction of the development hereby permitted and shall be completed in full prior to the first occupation of the development.

(Reason: In order to ensure that the development has an acceptable level of ecological impact and provides sufficient mitigation, and to accord with the aims of policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031)

9. Before development above foundation level is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

10. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

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

11. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to any development above



foundation level. The proposals shall be carried out as approved for the full duration of the plan.

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

12. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the building hereby approved. Development shall be carried out in accordance with the approved details.

(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.)

13. The development of the site shall be undertaken in accordance with the recommendations of the Green Travel Plan dated January 2019 received 31 January 2019.

(Reason: In order to ensure that the development has an acceptable level of ecological impact and provides sufficient mitigation, and to accord with the aims of policy EN5 of the emerging East Devon Local Plan.)

14. The proposed development shall be used as a C2 Care Home only.

(Reason: In accordance with the application details, given that the level of car parking is contrary to Policy TC9 – Parking Provision in New Development of the Adopted Local Plan 2013-2031 but considered to be acceptable for a C2 care home use, and as the Appropriate Assessment and necessary mitigation has been carried out for a C2 use only in accordance with Strategy 47 – Nature Conservation and Geology of the East Devon Local Plan 2013-2031).

## NOTE FOR APPLICANT

### Informatives:

1. 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.

2. Pre-commencement Meeting

Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

Plans relating to this application:

Amended Surface Water Management Plan	Additional Information	04.03.19
Additional Information	Ecological Assessment	31.01.19
Additional Information	Travel Plan	31.01.19
AL(9)901 Rev D	Proposed Site Plan	04.02.19
18.46.1.TTP	Other Plans	06.02.19
AL(9)903 Tree Protection Plan	Other Plans	04.02.19
AL(1)150 Rev B	Sections	12.03.19
AL(1)151 REV A : B-B,C-C,D-D,E-E	Sections	28.09.18
5th Feb 2019 (amended)	Arboriculturist Report	06.02.19
AL(9)902 : REFUSE STORE	Other Plans	28.09.18
AL(1)140 REV A SHEET 1 OF 3	Proposed Elevation	28.09.18
AL(1)141 REV A SHEET 2 OF 3	Proposed Elevation	28.09.18
AL(1)142 REV A SHEET 3 OF 3	Proposed Elevation	28.09.18
AL(0)001 : PROPOSED BASEMENT	Other Plans	24.09.18
AL(0)004 : SECOND	Proposed Floor Plans	24.09.18
AL(0)005	Proposed roof plans	24.09.18
AL(0)002 :	Proposed Floor Plans	24.09.18

GROUND

AL(0)003 :            Proposed Floor Plans       24.09.18  
FIRST

List of Background Papers

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

<b>Appropriate Assessment</b>	
<b>The Conservation of Habitats and Species Regulations 2017, Section (63)</b>	
Application Reference	18/2203/MFUL
Brief description of proposal	<b>Redevelopment of site to provide 75 bed care home (use class C2), parking, landscaping and refuse store</b>
Location	<b>Moreton, 13 Drakes Avenue, Exmouth</b>
Site is:	<p>Within 10km of Dawlish Warren SAC and the Exe Estuary SPA site</p> <p>Within 10km of the East Devon Heaths SPA (UK9010121)</p> <p>Within 10km of the East Devon Pebblebed Heaths SAC (UK0012602)</p> <p>Within 10km of the Exe Estuary Ramsar (UK 542)</p> <p>(See Appendix 1 for list of interest features of the SPA/SAC)</p>
<b>Step 1 Screening for Likely Significant Effect on Moreton, 13 Drakes Avenue, Exmouth</b>	
<b>Risk Assessment</b>	
<p>Could the Qualifying Features of the European site be affected by the proposal?</p> <p>Consider both construction and operational stages.</p>	<p>Yes - additional housing within 10km of the SPA/SAC will increase recreation impacts on the interest features.</p>
<b>Conclusion of Screening</b>	
Is the proposal likely to have a significant effect, either 'alone' or 'in combination' on a European site?	<p>East Devon District Council concludes that there <b>would be</b> Likely Significant Effects 'alone' and/or 'in-combination' on features associated with the proposal at Moreton, 13 Drakes Avenue, Exmouth in the absence of mitigation</p> <p>See evidence documents on impact of development on SPA/SAC at: East Devon District Council - <a href="http://eastdevon.gov.uk/media/369997/exe-overarching-report-9th-june-2014.pdf">http://eastdevon.gov.uk/media/369997/exe-overarching-report-9th-june-2014.pdf</a></p> <p>An <b>Appropriate Assessment</b> of the plan or proposal is <b>necessary</b>.</p>

Local Authority Officer		Date:
<b>Step 2</b> <b>Appropriate Assessment</b> NB: In undertaking the appropriate assessment, the LPA must ascertain whether the project would adversely affect the integrity of the European site. The Precautionary Principle applies, so to be certain the authority should be convinced that no reasonable scientific doubt remains as to the absence of such effects.		
<b>In-combination Effects</b>		
Plans or projects with potential cumulative in-combination impacts. How impacts of current proposal combine with other plans or projects individually or severally.	Additional housing or tourist accommodation within 10km of the SPA/SAC add to the existing issues of damage and disturbance arising from recreational use.  In –combination plans/projects include around 29,000 new dwellings allocated around the estuary in Teignbridge, Exeter and East Devon Local Plans. This many houses equates to around 65,000 additional people contributing to recreational impacts.	
Mitigation of in-combination effects.	The Joint Approach sets out a mechanism by which developers can make a standard contribution to mitigation measures delivered by the South East Devon Habitat Regulations Partnership.  Residential development is also liable for CIL and a proportion of CIL income is spent on Habitats Regulations Infrastructure. A Suitable Alternative Natural Green Space (SANGS) has been delivered at Dawlish and a second is planned at South West Exeter to attract recreational use away from the Exe Estuary and Dawlish Warren.	
<b>Assessment of Impacts with Mitigation Measures</b>		
Mitigation measures included in the proposal.	XX DELETE/COMPLETE AS APPROPRIATE XX Joint approach standard mitigation contribution required <ul style="list-style-type: none"><li>Residential units £201.61 x 35 (<i>the additional number of units</i>) = £7,056.35</li></ul>	
Are the proposed mitigation measures sufficient to overcome the likely significant effects?	Yes - the Joint Approach contribution offered is considered to be sufficient.	
<b>Conclusion</b>		
List of mitigation measures and safeguards	Total Joint Approach contribution of £7,056.35 has been received.	
The Integrity Test	Adverse impacts on features necessary to maintain the integrity of Moreton, 13 Drakes Avenue, Exmouth <b>can</b> be ruled out.	

Conclusion of Appropriate Assessment	East Devon District Council concludes that there would be <b>NO</b> adverse effect on integrity of Dawlish Warren SAC, Exe Estuary SPA or Pebblebed Heaths SPA/SAC or Exe Estuary Ramsar sites <b>provided</b> the mitigation measures are secured as above.	
Local Authority Officer		Date:
21 day consultation to be sent to Natural England Hub on completion of this form.		

### **Appendix 1. List of interest features:**

#### **Exe Estuary SPA**

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

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

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

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

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

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

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

Wintering populations of Slavonian Grebe *Podiceps auritus*

Wintering populations of Oystercatcher *Haematopus ostralegus*

##### **Waterfowl Assemblage**

>20,000 waterfowl over winter

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

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

Saltmarsh NVC communities: SM6 *Spartina anglica* saltmarsh

#### **SPA Conservation Objectives**

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

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

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

#### **Dawlish Warren SAC**

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

Annex I habitat: Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes').

(Strandline, embryo and mobile dunes.)

SD1 *Rumex crispus*-*Glaucium flavum* shingle community

SD2 *Cakile maritima*-*Honkenya peploides* strandline community

SD6 *Ammophila arenaria* mobile dune community

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

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

SD8 *Festuca rubra*-*Galium verum* fixed dune grassland

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

SD19 *Phleum arenarium*-*Arenaria serpyllifolia* dune annual community

Annex I habitat: Humid dune slacks.

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

SD16 *Salix repens*-*Holcus lanatus* dune slack community

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

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

Petalwort (*Petalophyllum ralfsii*)

### **SAC Conservation Objectives**

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

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

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

### **List of interest features:**

### **East Devon Heaths SPA:**

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

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

Objectives:

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

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

### **East Devon Pebblebed Heaths SAC:**

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

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

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

**H4030. European dry heaths**

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

**S1044. *Coenagrion mercuriale*; Southern damselfly**

### **Objectives:**

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

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



- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

### **Exe Estuary SPA**

#### **Qualifying Features:**

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

#### **Objectives:**

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

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

### **Exe Estuary Ramsar**

#### **Principal Features (updated 1999)**

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

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

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

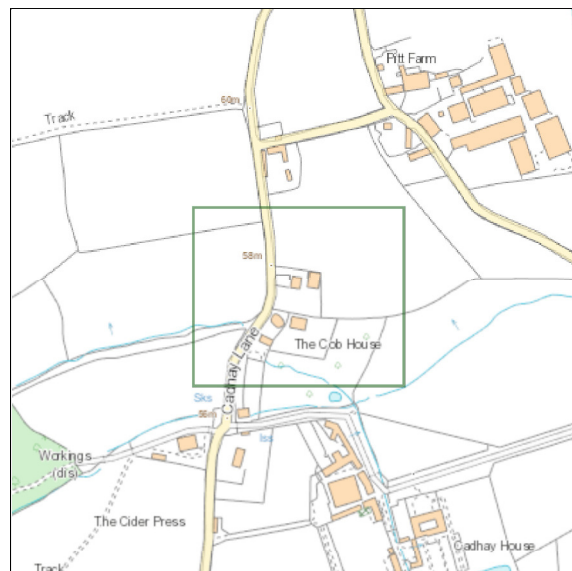
**Ward** Ottery St Mary Rural

**Reference** 18/1442/FUL

**Applicant** Mr Christopher Gooding

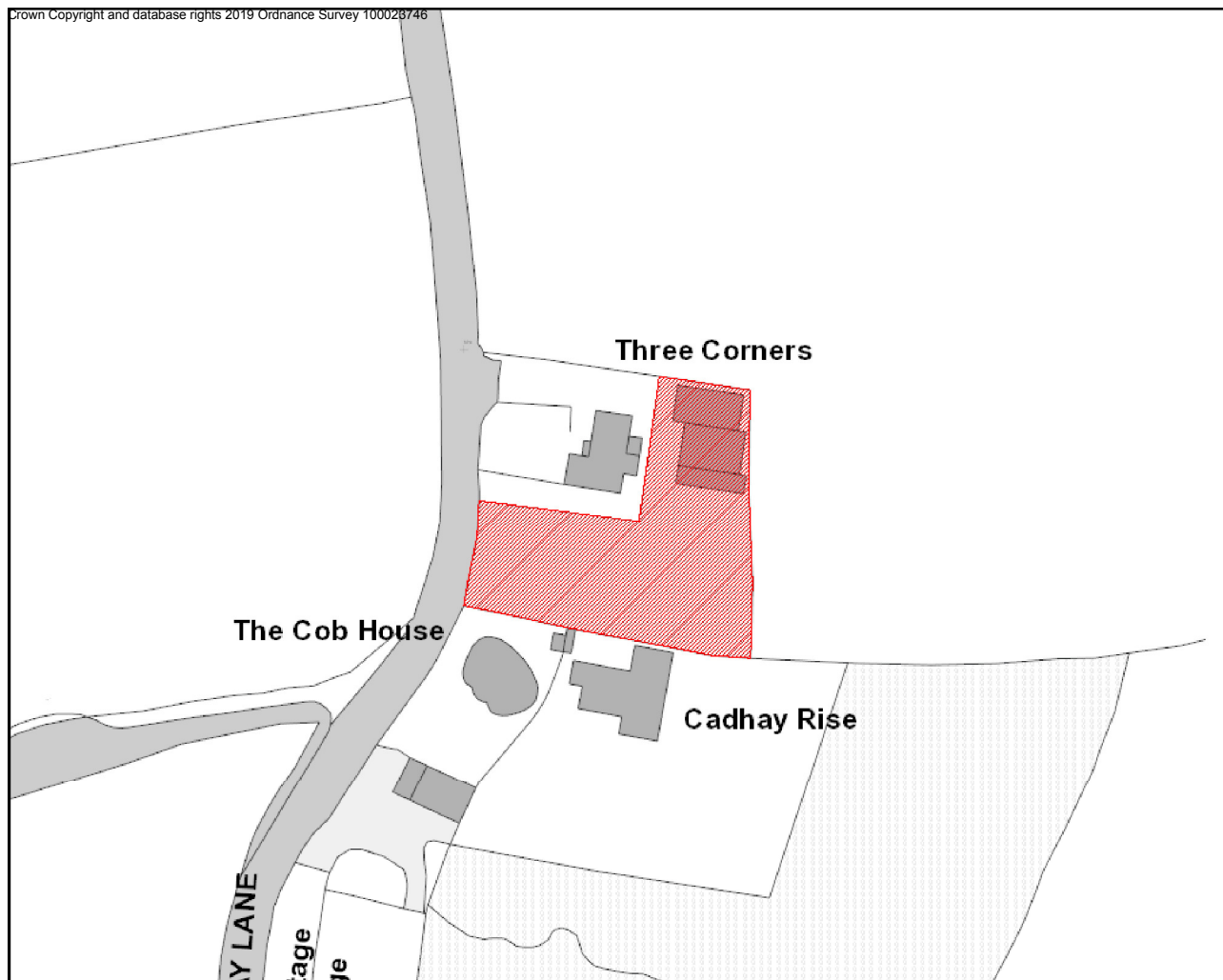
**Location** Three Corners Coombelake Ottery St Mary  
EX11 1NW

**Proposal** Construction of dwelling and use of workshop  
for storage and distribution of animal feed



**RECOMMENDATION: Refusal**

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		<b>Committee Date: 2<sup>nd</sup> April 2019</b>
<b>Ottery St Mary Rural (OTTERY ST MARY)</b>	<b>18/1442/FUL</b>	<b>Target Date: 08.10.2018</b>
<b>Applicant:</b>	<b>Mr Christopher Gooding</b>	
<b>Location:</b>	<b>Three Corners Coombelake</b>	
<b>Proposal:</b>	<b>Construction of dwelling and use of workshop for storage and distribution of animal feed</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

**This application is before Members because the recommendation is contrary to the view of one of the Ward Members.**

**Planning permission is sought for a dwelling on a haulage yard in the countryside to the north of Ottery St Mary. This is a revised scheme following withdrawal of an application just prior to consideration at the April 2018 Committee.**

**The site is outside the Built-up Area Boundary and close to Cadhay, a grade I listed manor house and its grade II registered gardens. The proposal also involves the loss of part of the haulage yard. These concerns formed the basis for the recommendation of refusal of the previous application. To address these concerns the dwelling has been reduced from two stories to a bungalow and it has been moved away from the boundary nearest Cadhay. In this way a large enough yard would be retained for the business to function and the impact on the setting of Cadhay had been addressed. The current proposal has therefore overcome two of the earlier concerns.**

**The remaining concern, however, has not been addressed. In countryside locations dwellings are only permitted in exceptional circumstances and where there is specific Local or Neighbourhood Plan support. In the absence of a relevant Neighbourhood Plan policy, the only policy that may offer support is Policy H4 (Dwellings for Persons Employed in Rural Businesses). In this case however it is questioned whether Policy H4 is relevant as the business, whilst in a rural area, is not a rural business in terms of needing to be located in a rural area. In addition, even if Policy H4 were to apply, there is still insufficient evidence of a functional need to live on site. While the applicant claims a need for an on-site security presence, the Local Plan states: "Concerns relating to security will not, on their own, be sufficient to justify a new dwelling." Moreover, there is**

already a dwelling on site occupied by the applicant's parents and various measures could be put in place to improve security, such as putting a gate across the entrance.

In the absence of a policy to support the proposal, given the unsustainable location of the site, and lack of demonstrable need to live at the site should Policy H4 be considered to be applicable, there is no justification for the provision of a dwelling and therefore refusal is recommended.

## **CONSULTATIONS**

### **Local Consultations**

#### Ottery St Mary Rural - Cllr P Carter

I would like to support this application with the view of supporting local businesses. Being able to live onsite, this application will allow the enhancement and further the sustainability of a family business.

With the reductions in daily car journeys to and from work, increasing security onsite and allowing the different family generations to continue and grow this long standing and successful family business.

#### Parish/Town Council

21/08/2018 - Ottery St Mary Town Council supports this application as it is a better revised application with a single storey and not in view of Cadhay House which is a listed building.

Further comments 25/09/2018 - As requested, please find below a list of comments in response of the Town Council's support of the above application:

- o This proposed dwelling will be the same height as the existing bungalow and has been relocated as to be in line with the existing.
- o The business has three lorries and there is adequate space still available to park them after the proposed new dwelling is built.
- o Mr. & Mrs Gooding at present live in Rockbeare, Mr. Gooding travels to Three Corners every day as it is his place of work. If the proposal is approved he will be working on site. We understand that Mr. Gooding Snr. will still live in the existing bungalow and this will enable his son to look after him and ensure the security of the site.
- o Mrs. Gooding owns a busy cafe in Ottery St. Mary and travels the 5 miles each way to the cafe 6 days a week, this will reduce less than a mile each way.
- o Both of the above factors will improve the sustainability of the proposed dwelling due to the reduced travel distance.
- o As regards the view from Cadhay House, we are unsure if the proposed dwelling would be seen from Cadhay as there are many mature trees blocking the view and this proposed dwelling would be partially if not totally obscured by The Cob House. The existing vehicle workshops are more likely to be seen as they are further west of the proposed dwelling.
- o As regards the Conservation Officer's report, the Planning Committee has not discussed this as it came to us some four weeks after our Planning meeting.

o With regards to the Neighbourhood Plan Policy NP1 "there will be not be development in the Countryside without exceptional circumstances". We consider there are exceptional circumstances as this is a brownfield site with an existing thriving business that needs on site attendance.

Please do not hesitate to contact me if you need anything else of course.

Further comments 02/01/2019 - The Town Council supports this application as this further reduces the roofline and hopefully should alleviate any objections from Cadhay House.

Further comments 11/03/2019 – The Town Council supports this application.

#### Other Representations

One letter of objection has been received raising the following concerns:

- Dwelling would impact on Cadhay.
- It should be no higher than the existing bungalow.
- There is already a dwelling associated with the business.
- The scale of the business does not justify another dwelling.
- Both dwellings should be tied to the business.
- A new access should not be built in future.

#### **Technical Consultations**

##### Conservation

18/01/2019 - CONSULTATION REPLY TO  
LISTED BUILDING CONSENT/ CONSERVATION AREA  
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Three Corners, Coombelake, Ottery St Mary, EX11 1NW

GRADE: Setting of Grade I building and grade II garden.  
APPLICATION NO: 18/1442/FUL - AMENDMENT

CONSERVATION AREA: n/a

PROPOSAL: Construction of dwelling

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

The location for the construction of the dwelling is identified as being within the wider setting of Cadhay House. A 2 storey, C16th Grade I mansion with attics, constructed on the site of an earlier mansion. Set within a beautiful garden although not formal its character is found in its informal, and natural design, including a wall kitchen garden, a wealth of mature vegetation and medieval fish ponds.

Excerpt taken from listing description;

LOCATION, AREA, BOUNDARIES, LANDFORM, SETTING Cadhay is situated c 1km north-west of the town of Ottery St Mary to the west of the B3176 running from Ottery

St Mary to the hamlet of Fairmile c 1.75km north-west. The 8ha site comprises c 1ha of formal and informal gardens, c 0.75ha of kitchen gardens and c 6.25ha of ornamental paddock. The site is bounded to the north-east by hedge banks and pines along the B3176, while to the north, north-west and south-east it adjoins agricultural land and is enclosed by hedges and fences.

PARK Ornamental grass paddocks lie to the north, north-east and east of the House. The eastern boundary of the larger paddock north of the drive is planted with mature Scots pines.

In context of which the site identified for development, is located to the north-west, beyond the curtilage and more immediately tree lined routes which define the approach to Cadhay.

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

In assessing the amended proposal to construct a dwelling, within the wider setting of Cadhay, a Grade I medieval mansion and the grade II historic Park and Gardens, the following comments are made;

Due to the natural character and appearance of the landscape, which includes mature vegetation between the proposed site and heritage asset. The historic maps identify the proposed area as former agricultural land adjoining orchards and the Cadhay estate.

The amended drawings have responded to comments made in a positive way. It is recommended that better quality materials are used to respond to the vernacular, such as a natural slate roof. The ridge has been lowered and the roof reduced in volume. Despite the previous comments still standing, it is acknowledged that the location and height of the proposed development would result in minimal harm to the immediate or wider setting of Cadhay.

#### PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

Further comments 18/09/2018:

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

The location for the construction of the dwelling is identified as being within the wider setting of Cadhay House. A 2 storey, C16th Grade I mansion with attics, constructed on the site of an earlier mansion. Set within a beautiful garden although not formal its character is found in its informal, and natural design, including a wall kitchen garden, a wealth of mature vegetation and medieval fish ponds.

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In context of which the site identified for development, is located to the north-west, beyond the curtilage and more immediately tree lined routes which define the approach to Cadhay.

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

In assessing the proposal to construct a dwelling with all matters reserved, within the wider setting of Cadhay, a Grade I medieval mansion and the grade II historic Park and Gardens, the following comments are made;

Due to the natural character and appearance of the landscape, which includes mature vegetation between the proposed site and heritage asset. The historic maps identify the proposed area as former agricultural land adjoining orchards and the Cadhay estate.

In continuation of the previous amended comments made (Ref: application no. 17/1931/OUT amended comments dated 20.02.17, SLG), the concerns remain essentially the same.

It is unfortunate that in; section 9. Responding to the principle of development and its effect on the setting of Cadhay House, within the "Planning Design and Access Statement, May 2018, has not been updated since the January 2018 version (section 3). It has also not taken into account the amended comments.

The concerns remain with the addition to the existing roofscapes and the height of the proposed ridge line and how this sits within the context of an historic parkland, its vistas and the wider agricultural setting.

The materials are modern, i.e. brick plinth and rendered walls, however, it is recommended that more detail is focused on the roof covering (and its design), as it is this that would have the greatest impact.

The location and height of the proposed development would result in some harm to the immediate or wider setting of Cadhay.

#### PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

Further comments 18.01.2019:

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

In assessing the amended proposal to construct a dwelling, within the wider setting of Cadhay, a Grade I medieval mansion and the grade II historic Park and Gardens, the following comments are made;

Due to the natural character and appearance of the landscape, which includes mature vegetation between the proposed site and heritage asset. The historic maps identify the proposed area as former agricultural land adjoining orchards and the Cadhay estate.

The amended drawings have responded to comments made in a positive way. It is recommended that better quality materials are used to respond to the vernacular, such as a natural slate roof. The ridge has been lowered and the roof reduced in volume. Despite the previous comments still standing, it is acknowledged that the location and height of the proposed development would result in minimal harm to the immediate or wider setting of Cadhay.

#### PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

##### Historic England

Dear Sir/Madam East Devon Planning Team

T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990

THREE CORNERS , COOMBELAKE , OTTERY ST MARY , EX11 1NW  
Application No. 18/1442/FUL

Thank you for your letter of 14 August 2018 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

##### Garden History Society

Thank you for consulting The Gardens Trust on the above application which affects Cadhay, an historic designed landscape of national importance included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II. There are only 56 Registered sites in Devon and only 8 in East Devon on this highly selective list.

The Gardens Trust, formerly The Garden History Society, is the Statutory Consultee on development affecting all sites on the Historic England Register. The Devon Gardens Trust is a member of The Gardens Trust and responds to consultations in the County of Devon.

We have visited Cadhay in response to this application and have studied the planning application documents on your web site. We previously objected to an outline planning



permission for the construction of a dwelling with all matters reserved at Three Corners, Coombelake, Ottery St Mary, reference 17/1930/OUT

The current application is for a 'dormer bungalow', to be sited in a different position to the previous outline application. It would be on elevated ground between two existing dwellings, which would screen the proposed building from views from Cadhay, to some extent. However, the higher part of the roof of the proposed dwelling would still impact on the views from Cadhay. We would suggest that you negotiate a revised scheme and ask the applicant to submit revised plans for the proposed dwelling with a ridge height no higher than the existing bungalow.

#### County Highway Authority

##### Observations:

The site is based on the C127 in a national speed limit area. The existing access will be utilised for this development, The existing access has good visibility with a wide splay. The layout includes an off-carriageway turning area to ensure vehicles can enter and egress the carriageway in forward gear. Dedicated parking is also provided for with acceptable geometry.

I would promote the provision of cycle parking facilities to encourage sustainable travel and reduce the impact of any additional traffic movements from this additional dwelling. Overall, however the County Highway Authority have no objections to this proposed dwelling.

##### Recommendation:

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

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

REASON: To promote sustainable travel in accordance with policy 5B of the East Devon Local Plan 2013-2031.

### **POLICIES**

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

Policy NP1: Development in the Countryside

Policy NP2: Sensitive, High Quality Design

Policy NP3: Infill, Backland and Residential Garden Development

Policy NP14: Demonstrating Infrastructure Capacity

Policy NP18: Supporting Ottery St Mary as the Economic Focus for the Parish

Policy NP21: Working from Home

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

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

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN9 (Development Affecting a Designated Heritage Asset)

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

EN22 (Surface Run-Off Implications of New Development)

H4 (Dwellings for Persons Employed in Rural Businesses)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

**SITE LOCATION AND DESCRIPTION**

The site is located in the countryside about 1.25 miles by road from the centre of Ottery St Mary. It is currently used as a haulage yard for a livestock transportation business and is part of a larger site which comprises large areas of hardstanding, office and storage/workshop buildings, one of which is let to a tenant. Adjacent to the site is a detached bungalow which is occupied by the applicant's parents, who are now retired from the business. Beyond the site boundaries there is open countryside to the west, north and east but to the south there are two properties adjoining the site which are known as 'The Cob House' and 'Cadhay Rise'.

The grade I listed Cadhay House lies just over 200 metres to the south east of the site and its grade II registered gardens/paddocks come to within 65 metres of the site.

## **PROPOSAL**

Full planning permission is sought for the construction of a detached 3-bed bungalow on part of the haulage yard. Access would be via the existing driveway which would be shared with the business and the existing bungalow, Three Corners. Garden would extend to the rear (west) of the dwelling but the front would face directly into the yard, which would be retained for lorry turning and parking. The yard would also provide parking and turning space for the applicant's cars and any staff vehicles.

The proposal also seeks to reinstate use of the workshop/store for the storage and distribution of animal feed. This use is presumed to have ceased in the late nineties when Dalgety restructured and sold their animal feed business. A new feed supplier has now approached the applicant to use their site as a place for distribution of bagged animal feed to farmers. This use does not in itself require planning permission.

During the course of the consideration of this application and in response to feedback received from consultees, the dwelling has been reduced in scale by removing the dormers, lowering the roof and replacing the gable ends with hips. The bungalow has also been moved closer to the road to increase space in the yard and move it further from Cadhay.

The current application seeks to address concerns raised on a previous application (see Site History below) by a reduction in the scale of the dwelling and by positioning it nearer to the road (further from Cadhay). Some additional information has also been provided regarding the sustainability of the location, the business need, and the functioning of the retained yard.

## **SITE HISTORY**

A previous application for outline planning permission for a similar proposal (excluding the feed distribution) was recommended for refusal but was withdrawn by the applicant shortly before the April 2018 Development Management Committee meeting. The recommended reasons for refusal were:

*1. The proposed dwelling would be situated at the eastern end of the plot where it would be prominent in important views from the grounds the Grade I listed Cadhay House and its Grade II registered park and garden. By virtue of its prominent siting, excessive scale and unsympathetic proportions, the proposed dwelling would appear intrusive and out of character with its surroundings and fail to conserve the setting of designated heritage assets of great importance. In the absence of any public benefits to offset the harm, development would be contrary to Policy EN9 (Development Affecting a Designated Heritage Asset) of the East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework.*

*2. The proposed dwelling would be located in the countryside where development is restricted in the interests of countryside protection and*

*sustainable development. The proposal has failed to demonstrate that there is a functional requirement for the applicant to live at the site and therefore development would be contrary to Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the East Devon Local Plan 2013-2031. Furthermore, it has not been demonstrated that development would be compatible with the provisions of Policy NP21 (Working from Home) of the emerging Neighbourhood Plan for the Parishes of Ottery St Mary and West Hill 2017-2031. In the absence of any policy support for the provision of a dwelling in this countryside location, development would be contrary to Strategy 7 (Development in the Countryside) of the East Devon Local Plan 2013-2031.*

*3. The proposal would result in the loss of land which is currently used for business purposes in connection with a haulage business. It has not been demonstrated that there is a surplus of employment land in the locality nor that the retained employment land would be viable as a site for the continued operation of a haulage business. In the absence of any marketing of the property and any evidence of traffic, amenity or environmental problems associated with the existing use, the proposed development would be contrary to Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the East Devon Local Plan 2013-2031.*

## **ANALYSIS**

The key issues for consideration relate to the principle of development and need for a rural worker's dwelling, loss of related employment land to provide the dwelling, and impact upon heritage assets.

### **Principle**

The site lies beyond the built-up area of Ottery St Mary and therefore a new dwelling in this location would only be acceptable in principle if there were specific support in the Local Plan or Neighbourhood Plan.

In the Local Plan, the only policy that could be relevant, although not mentioned by the applicant, is Policy H4 which supports the provision of dwellings in the countryside for people employed in rural businesses or activities. This policy applies a number of tests, the most significant of which is the requirement for there to be a functional need for the rural worker to live at their place of work. However, it is not considered that this policy is relevant as it is aimed at dwellings for people employed in rural businesses. It is not considered that the policy relates to all businesses in a rural area, but relates to people whose work is within, and related to, the countryside. The reason justification to the policy at paragraph 23.3 of the Local Plan clarifying this stating that 'Rural workers are those people whose place of work is located in, and related to, the countryside, typically comprising farm workers, forestry workers and others involved in rural-based enterprise.

The proposal is contrary to Policy TC2 – Accessibility of New Development as the location is not accessible by pedestrians, cyclists and a good range of public transport. As such the location would be reliant upon the use of the car.

Since the first application was withdrawn, the Neighbourhood Plan for the Parishes of Ottery St Mary and West has been 'made' and now carries full weight. The NP supports the provision of new dwellings within the Built-up Area Boundaries of Ottery St Mary and West Hill and on an allocated site for five houses in Alfington. Policy NP21 also supports the provision of new live-work units and the conversion of existing buildings into live-work units but this application is not for a live-work unit and therefore policy NP21 does not apply. Outside the BUAB there is no specific support for dwellings in the NP, other than on the allocated site in Alfington.

On the above assessment it is considered that there is no policy support for the principle of development.

Even if it were considered that Policy H4 applies, the proposal fails the relevant criteria in terms of there being no functional need to live at the site. This is addressed further in the next section.

### Need

The supporting information states that 'a new dwelling is justified for security and economic reasons relating to an existing business'. In support of this it explains that the applicant's parents (who live in the existing bungalow within the haulage yard) are now in their 70s and wish to fully retire from the business without leaving their home of over 40 years. It is understood that they have operated a haulage business from the site since 1963. The applicant is currently employed in the business along with his two brothers and a further employee of long standing.

It is the applicant's contention that if planning permission is refused then the business will decline and could possibly fold, although this is not substantiated in the supporting information.

Notwithstanding the applicant's desire to live at the site, if Policy H4 were relevant, to the policy there has to be a functional need to live there. The supporting information explains that 'In the past there have been instances of security breaches on site', although this is not substantiated by submission of any details or police crime references. It then goes on to say that these breaches represent a risk to the business and also safety of the elderly residents of Three Corners.

Crime, and particularly violent crime, is not known to be prevalent in the area and therefore the risk to the business and the elderly residents is considered to be limited. Furthermore, in the absence of any substantive security measures at the site, any perceived risk could be substantially reduced by other means, such as installing a gate at the entrance and security fencing, CCTV and alarms. The fact that the business has operated up to now without such measures suggests that the risk is low. If this is attributed to their being a dwelling on the site, then this will continue to be the case because the existing bungalow will still be occupied and would continue to act as a deterrent to intruders, particularly if supplemented by physical barriers.

No livestock is kept at the site and therefore the applicant does not need to be on hand day and night. Furthermore, there is no reason why the day-to-day running of the business could not be carried out from the existing buildings.

It has been shown that the need for an additional security presence is tenuous and that there are no other functional reasons for a worker to live at the site. While it may be the applicant's preference to build his own house and live at his place of work, this is not sufficient to meet the tests in Policy H4. The introductory paragraphs to that policy state that 'Concerns relating to security will not, on their own, be sufficient to justify a new dwelling.' In the absence of any other substantiated need to live at the site, the proposal fails the main test of Policy H4. This weighs heavily against the scheme.

### **Loss of Employment Land**

Strategy 32 of the Local Plan resists the loss of current employment land where it would harm business and employment opportunities in the area. Since the last application was withdrawn the proposal has been amended to retain a yard for turning and parking of lorries. The applicant has also provided video evidence that there would be sufficient space within the retained yard for all his vehicles to turn and park, although all the space up to the front of the proposed dwelling is needed.

While there would be some loss of employment land to accommodate the dwelling, it would not prevent the existing business from functioning. On that basis, and subject to the retained yard being kept available for lorries, the proposal would not harm business and employment opportunities in the area.

### **Setting of Cadhay**

Cadhay, being a grade I listed building has the highest status of protection and the LPA is required by law to have special regard to the desirability of preserving its setting. Furthermore, great weight must be given to the conservation of heritage assets, including the grade II registered garden, in accordance with paragraph 132 of the NPPF.

The site is visible from the grounds of Cadhay, including from its driveway directly in front of the house. The dwelling would be situated approximately in line with the front of Three Corners although it would have a deeper footprint and extend further into the site. The reduced height and lack of any first floor accommodation now means it would be no more prominent in views from Cadhay than the dwellings either side. In such views it would add to the existing roofscape but would not have such an urbanising effect as to diminish the landscape setting of Cadhay.

Turning to the grade II registered garden/paddock, the nearest part of the registered area to the site is used as paddock rather than formal garden. Its significance is closely linked with the setting of Cadhay rather than as a formal landscaping feature like other parts of the garden. For that reason, a scheme which protects the setting of Cadhay would be regarded as also protecting the area of the registered garden between Cadhay and the site. The reduced height of the dwelling would bring the dwelling down to a similar scale to its neighbours and therefore in any views from the gardens it would not appear prominent. It is therefore concluded that the setting of the registered garden would not be adversely affected. Although the Gardens Trust has not formally changed

their views, the revised scheme is in line with their advice that the dwelling should be reduced so that it is no higher than the existing bungalow.

In view of the reduced scale and improved siting of the proposed dwelling, there would no longer be an adverse effect on the setting of Cadhay and its gardens. Subject to agreement on materials in accordance with the Conservation Officer's advice (and only reasons for continuing to object to the proposal), the first reason for refusal has been overcome.

### **Other matters**

There is an established access which would be suitable for the development.

Drainage would be provided within the site and there is considered to be sufficient space to do so.

Although the dwelling would be fairly close to the boundaries on each side, owing to its limited height it would not appear dominant or overbearing. Nor would it result in any overlooking or loss of privacy.

The storage and distribution of animal feed is not anticipated to lead to adverse highway impacts although the use should be limited to the building and not extend to storage in the yard. This would ensure that the yard remains available for the haulage business and the vehicle movements associated with the distribution of animal feed would not lead to adverse environmental or highway impacts.

### **Habitat Regulations Appropriate Assessment**

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

### **CONCLUSION**

The proposal has satisfactorily addressed previous concerns about the supply of employment land and the protection of designated heritage assets. However, there is

still no justification for a dwelling on the site as there is no relevant local plan policy or relevant Neighbourhood Plan policy that supports the development. The proposal being contrary to Strategy 7 and Policy TC2 given its location in the countryside not accessible by pedestrians, cycles or public transport.

Even if it were considered that Policy H4 applies, security and aiding the future of the business are the only reasons the applicant can offer to support the proposal. However, there has been no record of any security issues at the site and no evidence that the business is failing. The presence of the existing bungalow and neighbouring dwellings would continue to act as a deterrent, whether occupied by people involved in the business or not. Furthermore, security measures could be significantly improved on site without resorting to a dwelling. While it may be convenient for the applicant to live on the site, there is no demonstrable need. Moreover, if the applicant and his wife prefer to be closer to their places of work in Ottery St Mary, there are houses available within the town. Living on site may reduce commuting to work, but would be likely to increase other journeys for shopping, leisure etc and this in itself is not adequate justification for a new dwelling in the countryside.

In the absence of any policy support for the proposal, and an absence of any demonstrable need to live at the site, there is no planning justification for the provision of a dwelling and therefore refusal is recommended.

### **RECOMMENDATION**

That the application be REFUSED for the following reason:

1. The proposed dwelling would be located in the countryside where development is restricted in the interests of countryside protection and would result in a dwelling that is not close to a range of services and facilities and not accessible other than by motor vehicle. As such the proposal is contrary to Strategy 7 (Development in the Countryside) and Policy TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031. Should it be considered that Policy H4 is applicable, the proposal fails to demonstrate that there is a functional requirement for the applicant to live at the site and as such the proposal would also be contrary to Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the East Devon Local Plan 2013-2031 as well as Strategy 7.

### **NOTE FOR APPLICANT**

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.



Plans relating to this application:

18/849/01 Rev D Floor & roof plan	Proposed Combined Plans	07.12.18
18/849/02 Rev D Elevations & Section	Proposed Combined Plans	07.12.18
18/849/04 RevF	Proposed Site Plan	18.02.19
18/849/03B	Existing Site Plan	13.08.18
	Location Plan	13.08.18

List of Background Papers

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

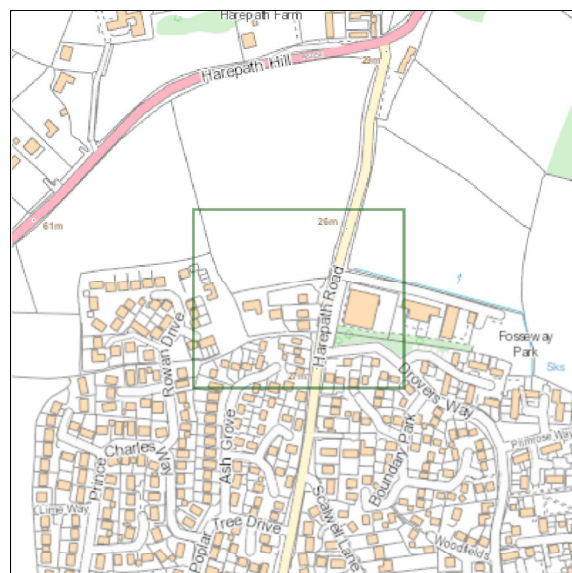
**Ward** Seaton

**Reference** 19/0027/FUL

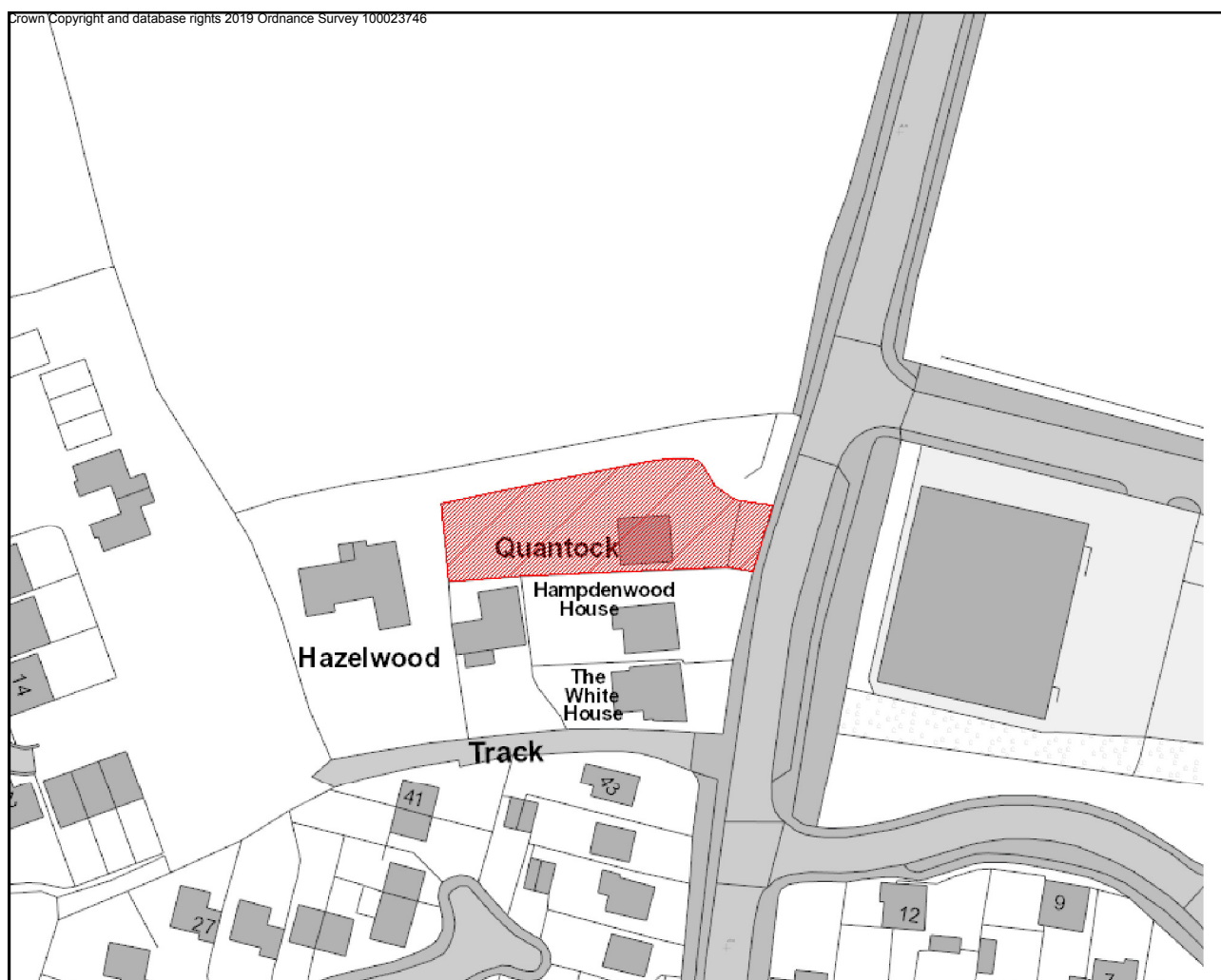
**Applicant** Mr G Hill

**Location** Quantock Harepath Road Seaton EX12 2SX

**Proposal** Demolish house and erect 3 dwellings



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 2<sup>nd</sup> April 2019</b>
<b>Seaton (SEATON)</b>	<b>19/0027/FUL</b>	<b>Target Date: 04.03.2019</b>
<b>Applicant:</b>	<b>Mr G Hill</b>	
<b>Location:</b>	<b>Quantock Harepath Road</b>	
<b>Proposal:</b>	<b>Demolish house and erect 3 dwellings</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

**This application is before the Development Management Committee because the Officer recommendation is contrary to the view of two Ward Members.**

**Planning permission is sought for the construction of three dwellings in place of an existing dwelling. The application site is located within the Built-up Area Boundary of Seaton, on the northern edge of the town. There are neighbouring properties to the south and west, and the site is accessed off Harepath Road. There is a protected tree to the south of the site, located just outside of the site.**

**Of the planning history relating to this proposal, the most relevant is 18/0779/FUL, which was refused as it was considered that the proposal would harm a tree which is protected by a Tree Preservation Order. The report for planning application 18/0779/FUL is clear in stating that the Council had no other concerns relating to any other part of the development. Therefore, the key consideration in the determination of this application is whether the changes to the proposal overcome the previous refusal reason and have an acceptable impact on the tree.**

**The changes which have been made do not relate to the position or design of the buildings, or to the layout of the site. Instead, the changes relate to changes in the way the parking and garden areas in the Root Protection Area of the tree would be constructed; they would now be constructed using no-dig methods. The Council's Arboricultural Officer has stated that this method is acceptable. On this basis, it is considered that the previous reason for refusal has now been overcome.**

**Given the above, as no other changes have been made to the proposal, and as no concerns relating to any other aspect of the development were raised in the report for 18/0779/FUL, it is considered that this application is acceptable.**

**Consequently, it is recommended that this application is approved.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Seaton - Cllr P Burrows**

My comments below for the previous application still stand for this one, even though the previous application was refused on Tree grounds.

Having viewed the plans for the Quantock site I concur with the Town Council that 3 houses on this site would be an overdevelopment of the site. It would have a cramped appearance and very little amenity for the proposed houses. The house up this end of Harepath Road have more spacious amenities and this would be very much "out of keeping" with its surroundings.

In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

#### **Seaton - Cllr M Hartnell**

It appears to me that this site would be better suited to just two dwellings in total, and that any more constitutes over-development. As the position of trees appears to be dictating the layout, it is disappointing that this revised application presents very few changes to the first.

There is little consideration given to the amenity space for plots 1 and 2, which I feel is inadequate, and the vehicular access looks to be very narrow with only a very small and cramped turning point. The two houses facing onto Harepath Road are much closer together than neighbouring dwellings, which I would not expect, as this part of the town generally sees a more sporadic pattern of housing. These two houses are also disproportionate to the overall context of the development.

I therefore object to this application.

#### **Parish/Town Council – 24/01/19**

Seaton Town Council feels that important information is missing from this consultation and that it needs to see the Tree Officer report and comments before a response can be given

Further comments:

Seaton Town Council objects to this application on the grounds of:

- ' Over development of the site and a disproportionate layout with one too many houses and it being heavily weighted to the front of the site;
- ' Concerns regarding parking in the road if the turning head is not sufficient;
- ' Concerns regarding the Beech Tree and Tree Preservation Order;
- ' Concerns regarding the local bat colony which is thought to be nesting in the roof of the existing dwelling and has been brought to the Councils attention; and
- ' Concerns regarding the cesspit not being on the development site

## Technical Consultations

### EDDC Trees – 28/01/19

I have concerns on arboricultural grounds of this development for the following reasons

- The proximity of plot 2 to the canopy of the protected tree - the footprint seems to have been moved closer to the tree which will put added pressure on the pruning or removal of the tree when the house becomes occupied which is unacceptable
- The hammerhead of the turning area is clearly within the RPA of the protected tree and there are no details of its construction and how this will be carried out to protect the tree roots and also this will put added pressure on future pruning and removal of the tree which is unacceptable

Further comments:

The new set of plans TW17/90/1, TW17/90/2C, TW17/90/3, TW17/90/4, TW17/90/5 are acceptable on Arboricultural grounds, unfortunately plan SK.S1-1-A1 Tree protection plan does not match with the footprint of the buildings and therefore not acceptable

Further comments:

I am happy now the plans match and have no objection on arboricultural grounds subject to it being constructed subject to the Submitted Arboricultural information

### Devon County Archaeologist – 23/01/19

I refer to the above application. The proposed development lies in an area of known archaeological potential, where previous archaeological work has revealed the presence of prehistoric and Romano-British activity in the surrounding landscape. In addition, the County Historic Environment Record shows that a prehistoric polished stone axe was recovered from the garden of Quantock itself, indicating the potential presence of prehistoric archaeological features within the proposed development site itself. Any groundworks associated with the construction of the new dwelling have the potential to expose and destroy archaeological and artefactual deposits associated with the known prehistoric and Romano-British activity known in the vicinity.

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 and 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 (2018) 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 (2018), 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 the archaeological supervision of all 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/>.

#### County Highway Authority – 18/02/19

##### Observations:

The site is on a minor classified road (X1825) in a 30mph area.

Each dwelling is to have dedicated off-carriageway parking, in addition to a turning head. I believe that should the access be positioned correctly that the visibility splay requirement of 2.4m by 43 metres in either direction will be achievable. Overall, the County Highway Authority has no objection to this planning application.

##### Recommendation:

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

1. Visibility splays shall be provided, laid out and maintained for that purpose at the site access, where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway/drive level and

the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in both directions.

REASON: To provide adequate visibility from and of emerging vehicles.

#### Other Representations

Six letters of objection have been received, in which the following concerns are raised:

- Over development.
- Poor appearance.
- Detrimental to street scene.
- Noise
- Parking/access.
- Impact on trees.
- Overbearing.

#### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
89/P0325	Detached Dwelling	Withdrawn	20.02.1989
84/P0493	Erection Of Chalet Bungalow On Adjoining Site.	Refusal	15.05.1984
89/P2248	Bungalow	Refusal	14.11.1989
02/P0684	Erection Of New Dwelling	Refusal – Appeal dismissed – poor layout and standard of amenity	19.06.2002
06/2073/OUT	Dwelling	Refusal – Appeal dismissed – poor standard of amenity	15.09.2006
16/1903/FUL	Proposed new dwelling	Approval with conditions	20.10.2016

18/0779/FUL	Demolition of existing dwelling and erect 3 dwellings	Refusal	05.10.2018
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## **POLICIES**

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

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 25 (Development at Seaton)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN6 (Nationally and Locally Important Archaeological Sites)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

## **Site Location and Description**

The application site is situated within the Built-up Area Boundary of Seaton. The site is currently occupied by a single chalet bungalow known as Quantock. To the south are Hampdenwood House and a detached garage belonging to Hazelwood which adjoins the site to the west. There is vehicular access to Hazelwood to the north beyond which are open fields. There are business units on the opposite side of Harepath Road.

The site is situated on a slight gradient which slopes down to Harepath Road. The site is current vacant and has been cleared of vegetation. Access to the site is directly off Harepath Road.

## **Proposed Development**

Planning permission is sought to demolish the existing dwelling and to erect three new dwellings. Two 2-storey dwellings are proposed to the road frontage with a split-level dwelling to the rear.

Access to car parking for all three dwellings, and access to the plots to the rear of the site is proposed between the two dwellings on the site frontage. Two parking spaces per dwelling are proposed.



## **Relevant Site History**

The site has a long planning history of seeking further development on the site including 2 refusals of permission (02/P0684 and 06/2073/OUT) from 1989 and 2006 that were also dismissed on appeal due to the cramped nature of the proposals and impact upon the retain dwelling on the site. In 2016 consent was granted for a small bungalow to the rear of the site (16/1903/FUL).

More relevant to the current application however is application 18/0779/FUL that proposed an almost identical application to the current proposal. That application was refused for the following reason on the 5<sup>th</sup> October 2018:

*"The protected Beech tree situated within the garden of Hampdenwood House forms part of the established character and appearance of the locality. Due to the close proximity of the proposed dwelling and external amenity area relative to the position of the protected Beech tree, and its protected root area, the proposal has the potential to compromise the health and longevity of this tree. Further, the proposal would put pressure upon this protected tree to be removed, thinned, lopped or topped, in order to improve natural lighting within the dwelling and in its associated amenity area and to reduce the overwhelming impact of the trees on that amenity area. The proposal therefore conflicts with D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the East Devon Local Plan and the East Devon District Council Supplementary Planning Guidance 'Trees and Development'."*

## **ANALYSIS**

Given the site history, the key consideration in the determination of this application is whether the proposal has overcome the previous refusal reason and not proposes sufficient mitigation to protect the protected tree on the southern site boundary and whether any other matters have changed since the previous refusal of permission in relation to access, ecology, archaeology, the design and impact upon the street scene, or impact upon the amenity of adjoining residents that could not justify refusal of planning permission on these grounds.

### **Impact upon protected tree**

The plans submitted with this application provide further details of how development within the Root Protection Area (RPA) of the protected tree, which consists of vehicle parking areas and garden, would be constructed using no-dig methods.

The Council's Arboricultural Officer has assessed the proposal and has confirmed that the proposal is acceptable in terms of the impact on the tree in question. Furthermore, the Arboricultural Officer does not raise any arboricultural related objections to other elements of the proposal. On that basis, subject to the works being undertaken in accordance with the submitted information, it is considered that the proposal is acceptable in terms of its impact on the protected tree. Consequently, it is considered that the previous reason for refusal has been suitably overcome through the use of no-dig construction methods.

### Access

In terms of highway considerations, the County Highway Authority has not objected to the proposal, but has recommended a condition relating to visibility splays. This is considered to be reasonable.

Two parking spaces per dwelling are proposed off the central access and this level of car parking complies with Local Plan guidelines.

### Ecology

An ecological survey has been submitted with the application. This indicates that there would be the potential loss of a bat roost within the existing building as a result of the works. However, the report also makes recommendations which would result in an ecological gain as a result of the proposal. Therefore, it is considered reasonable to impose a condition to ensure that the proposal is carried out in accordance with the conclusions and recommendations of the ecological survey. The proposal would also require a licence from Natural England.

### Archaeology

The County Archaeologist has confirmed that the site lies within an area of archaeological importance. Consequently, in order to ensure that harm is not caused to any element of this, and that anything found is recorded, the archaeologist has recommended that a written scheme of investigation is submitted and agreed. The applicants' agent has confirmed agreement to a pre-commencement condition relating to this being imposed.

### The design and impact on the street scene

The two road fronting dwellings are almost identical in outward appearance. Between each of these dwellings would be an access drive to the parking behind. In terms of the building line, the two proposed dwellings would be positioned slightly forward when compared to the existing dwelling which occupies the site but there is no wider harm from this.

Within the context of the area, there are a range of dwelling styles, with no overriding architectural style dominating. The two proposed dwellings would not be a departure from the relatively modern designs that surround the site. From the street scene, the two road fronting dwellings would be read as being closer together, when compared to other types of dwelling on the same side of the highway but again no harm from this can be justified. Further, the plot is situated on the fringe (although completely within) the built up area boundary for Seaton, where the build form becomes more sporadic, blending with the countryside beyond.

The proposal would introduce a further two dwellings on the plot. However, it should be noted from the planning history that a dwelling has previously been granted consent in the rear garden area, and so the question is whether an additional dwelling within this plot would result in harm to the street scene and wider area.

While the two proposed road fronting dwellings would be positioned in close proximity to each other, the street scene of dwellings on this site of the highway would not be disturbed. An additional dwelling is not considered to detract from the layout, particularly given the different design of dwellings around the site and business units opposite.

The proposed dwelling sited to the rear is further up the sloping ground. The design respects the gradient as the higher part of the dwelling, the two storey element, is situated on the lower slopes. However, this arrangement would not be highly visible from the street scene due to the position of the two proposed dwellings which would front the roadside. Accordingly, the design of the rear dwelling is considered acceptable.

There has been concern raised with regard to over development of the site. However, there would appear to be suitable amenity space for each property, adequate parking, space to protect the trees and the dwellings have been positioned without appearing unduly cramped from public vantage points.

#### The impact on the amenity of the occupiers of adjacent properties

The position of windows have been designed to ensure no detrimental overlooking of neighbouring dwellings.

The position of the southern dwelling (Plot 2) is in close proximity to the dwelling known as Hampdenwood House but not significantly closer than the existing dwelling on the plot and is located to the north. There would be no windows on the elevation facing that property which would result in overlooking, and there would be some garden area between the two properties, which would avoid an overbearing or oppressive impact.

Plot 1 would have windows in its north facing elevations at ground and first floor but this faces the vehicular access to Hazelwood and the field beyond.

Plot 3 to the rear of the site presents a single-storey elevation to the boundary with Hazelwood to protect the amenity between the plots. There is only a single window to a utility room facing back towards plots 1 and 2.

The impact upon the amenity of surrounding residents is therefore considered to be acceptable highlighting the fact that the site can adequately accommodate three dwellings.

#### **CONCLUSIONS**

Further details submitted with the application adequately address the previous single reason for refusal on the previous application regarding the impact of the proposals upon a protected tree to the southern boundary and this has been agreed with the Tree Officer, subject to conditions.

Furthermore, other than the changes made to protect the tree, the proposal is the same as that which was previously refused. No concerns were raised regarding any other element of the previous application during its determination. As such the layout,

design, access and all other matters were considered to be acceptable. Therefore, as there have been no material changes since that previous decision, those matters are again considered to be acceptable.

Given this, and as the previous concerns regarding the impact on the tree have been overcome, it is considered that this application is acceptable and, therefore, it is recommended that this application is approved.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. The development hereby approved shall be carried out in accordance with the details provided in the submitted Tree Survey, received by the Local Planning authority on 7th January 2019) as well as drawing number TW17/90/2D, received by the Local Planning Authority on 5th February 2019.  
(Reason - In order to ensure that no harm is caused to the protected Beech tree on the southern side of the site, and to comply with the provisions of Policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework 2019).
4. The landscaping shown in drawing number TW17/90/2D shall be carried out in the first planting season after commencement of the development, unless an alternative phasing is agreed in writing by the Local Planning Authority, and shall be maintained for a period of five years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - In order to ensure that appropriate landscaping is installed, and to comply with the provisions of Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework 2019).
5. Prior to the first occupation of any of the dwellings hereby approved, visibility splays shall be provided, laid out and maintained for that purpose at the site access, where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway/drive level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the

nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in both directions.

(Reason: To provide adequate visibility from and of emerging vehicles, and in order to comply with Policies TC2 (Accessibility of New Development) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework 2019).

6. Prior to the first occupation of any of the dwellings hereby approved, the windows shown as being 'frosted glass' on drawing numbers TW17/90/3, TW17/90/4 and TW17/90/5, shall have obscure glazing installed. Further, these windows shall be non-opening up to a height of 1.7 metres above the floor level of the room in which they are installed. The windows shall remain as described in perpetuity.  
(Reason - To ensure that there is no loss of privacy to the occupiers of neighbouring properties, and to comply with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework 2019).
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 windows, doors, rooflights or other openings, other than those shown on the plans hereby permitted, shall be installed.  
(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031 of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework 2019).
8. Before development above foundation level is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031 of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework 2019).
9. The works hereby permitted shall be undertaken in accordance with the conclusions and recommendations given in the submitted Ecological and Scoping Assessment and Bat Emergence Survey, produced by EcoLogic Consultant Ecologists LLP and dated June 2018.  
(Reason - To ensure that the proposal does not result in harm to any protected species, and in order to comply with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031 of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework 2019).

10. 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 (2018), that an appropriate record is made of archaeological evidence that may be affected by the development).

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

	Location Plan	07.01.19
180430 rev00	Ecological Assessment	07.01.19
SK.S1-1-A1	Tree Protection Plan	07.01.19
TW17/90/3	Proposed Combined Plans	23.01.19
TW17/90/4	Proposed Combined Plans	23.01.19
TW17/90/5	Proposed Combined Plans	23.01.19
TW17/90/2D	Proposed Combined Plans	05.02.19

##### List of Background Papers

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

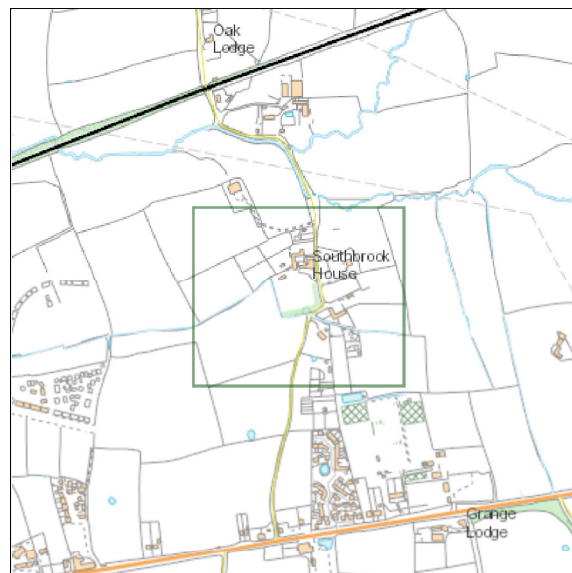
**Ward** Broadclyst

**Reference** 18/2588/OUT

**Applicant** Mr & Mrs A J Street

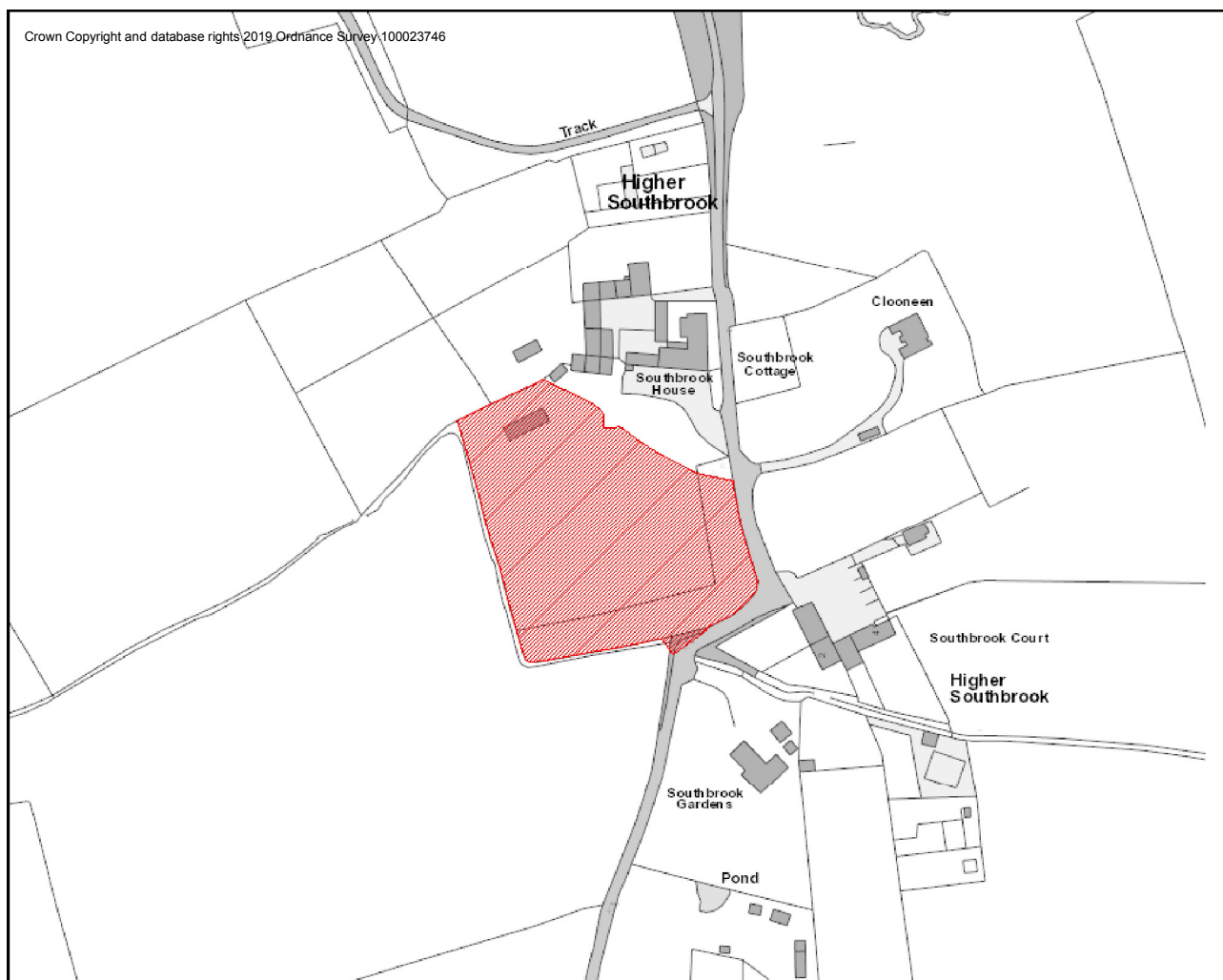
**Location** Land To The South Of Southbrook House  
Southbrook Lane Whimple Exeter EX5 2PG

**Proposal** Outline application (with all matters other than access reserved) of construction of upto 9no dwellings and other associated development



**RECOMMENDATION:**

1. That the Habitat Regulations Appropriate Assessment within this Committee report be adopted;
2. That the application be **APPROVED** subject to conditions and a S106 agreement to secure an appropriate off-site financial contribution towards Affordable Housing.



		<b>Committee Date: 2<sup>nd</sup> April 2019</b>
<b>Broadclyst (CRANBROOK)</b>	<b>18/2588/OUT</b>	<b>Target Date: 17.01.2019</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs A J Street</b>	
<b>Location:</b>	<b>Land To The South Of Southbrook House Southbrook Lane</b>	
<b>Proposal:</b>	<b>Outline application (with all matters other than access reserved) of construction of up to 9no dwellings and other associated development</b>	

#### **RECOMMENDATION:**

- 1. That the Habitat Regulations Appropriate Assessment within this Committee report be adopted;**
- 2. That the application be APPROVED subject to conditions and a S106 agreement to secure an appropriate off-site financial contribution towards Affordable Housing.**

#### **EXECUTIVE SUMMARY**

**This application is before Members as the application represents a departure from Local Plan policy.**

**The application seeks outline consent for development of up to 9 dwellings with all matters reserved other than access reserve for future consideration. An indicative layout has been submitted as part of this application which demonstrates how nine dwellings can be accommodated on the site and how the access from Southbrook Lane would be achieved.**

**Whilst the site in planning policy terms is situated within the open countryside, it is acknowledged that it is bounded by the new town of Cranbrook to the north, east and west and therefore acts as a small pocket of in-fill development that would represent sustainable development resulting from the continued eastern expansion of the town.**

**The original outline application (03/P1900) for the first phase of Cranbrook includes some land to the east of Southbrook Lane but did not extend as far north as the houses and land that form the hamlet of Southbrook itself.**

**Land to the west of the site is covered by the existing outline planning application (reference 03/P1900) and land to the east of site is allocated in the adopted Local**



**Plan for the "Cranbrook Expansion" and has a live outline planning application on it which is yet to be determined.**

**The Cranbrook Plan Development Plan Document (The Cranbrook Plan) has been published by East Devon District Council and is currently out to pre-submission consultation before being submitted to the Secretary of State for examination. The submission version of The Cranbrook Plan includes Southbrook Lane within the proposed Built up Area Boundary for Cranbrook.**

**Having regard to these considerations, it is concluded that although the development is contrary to Strategy 7 of the Local Plan 2013-2031 and has been advertised as a departure, the location of the site, surrounded by existing or forthcoming development at Cranbrook is a material consideration and one which overrides the policy conflict and the proposal is deemed to meet the overall of objectives of sustainable development set out in Strategy 3 of the Local Plan and the NPPF.**

**The applicants have agreed to make the appropriate habitat contribution which has been secured under a Unilateral Undertaking. In addition, a draft Heads of Terms (HoTs) document has been submitted which seeks to secure the necessary off-site financial contribution towards affordable housing.**

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

## **CONSULTATIONS**

### **Local Consultations**

#### **Town Council**

The Council noted that the site was located within the hamlet of Southbrook and therefore located in the countryside and subject to Strategy 7 of the East Devon Local Plan. As the location was wholly within the developing new town, it was considered that the location was sustainable in all respects with proximity to facilities, jobs and transport. Whilst the site fell within the terms of Strategy 7 of the Local Plan, the Council considered that development as proposed as being acceptable and that, at this stage in the application, there were insufficient grounds on which a refusal could be justified given the fact that the site would ultimately be wholly within the newly developed town of Cranbrook.

It was proposed by Cllr Kim Bloxham, seconded by Cllr Barry Rogers and resolved to support planning application 18/2588/OUT.

### **Technical Consultations**

#### **Environmental Health**

I have considered this application and recommend that the following condition is attached to any permission granted:

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.

#### County Highway Authority

##### Observations:

The site sits on Southbrook Lane (C422) in the hamlet of Southbrook adjacent to the emerging town of Cranbrook.

The transport statement notes the current traffic count of one vehicle every two minutes passing Southbrook House and the 85th percentile speed average of 20mph. I agree this is a low exiting traffic movement and believe this alongside the infrastructure of the adjoining services of Cranbrook (Train, bus service and improved cycle/footway facilities) will mean that the additional 9 dwellings will not cause a substantial traffic capacity impact.

However in saying that, the dwellings will mean a slight increase in traffic movements passing Southbrook House, so although the visibility splay length of 25m is acceptable with the 85th speed average of 20mph, which is self-restricting due to the geometry of the lane, the X distance should not be reduced to 2m as I believe the circumstances "2m may be considered in some very lightly trafficked and slow speed situations" will not reflect completely once the dwellings are in use. Therefore an X distance of 2.4m will be required.

The illustrative layout appears acceptable in its appearance although appreciate these are reserved matters and therefore are open to change.

In summary, should the visibility splay of 2.4m by 25m be founded, the County Highway Authority has no objection to raise against this planning permission.

##### Recommendation:

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

1. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 25 metres in both directions.

REASON: To provide adequate visibility from and of emerging vehicles.

### South West Water

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

### Other Representations

Two number representations were received that neither support nor object to the planning application. Comments raised concerns over access and impact on the local road network, overlooking and ecology.

## **POLICIES**

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

Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

Strategy 12 (Development at Cranbrook)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN14 (Control of Pollution)

EN22 (Surface Run-Off Implications of New Development)

EN5 (Wildlife Habitats and Features)

EN16 (Contaminated Land)

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 & Description**

The application site is accessed directly from Southbrook Lane, on land to the south of Southbrook House. The site technically lies within the open countryside as designed by the Local Plan.

The site consists of an area of hard landscaping and two buildings which are positioned in the north western corner of the site.

Southbrook Lane is a narrow rural road running north from the B3174, which serves a small cluster of large residential dwellings and further links to the village of Broadclyst. Development of the new town of Cranbrook has now reached the boundaries of Southbrook Lane to the west and land to the east of the lane is allocated in the Local Plan for the expansion of the town.

The site itself is within the curtilage of Southbrook House, an existing white washed large dwelling. The site is bounded by Southbrook Lane to the east and the existing outline planning application for Cranbrook (reference 03/P1900) to the south and west.

The site has an existing vehicular access to the south. This is a separate access to that used for the main dwelling house.

### **Description of Proposal**

The outline application seeks permission for residential development of up to 9 dwellings on a site of approximately 0.69ha with all matters reserved other than access. Access is proposed to be derived from an upgrade of an existing access to the site.

### **Planning History**

The application site was subject to pre-application advice in July 2016 seeking advice for 5 number units on land at Southbrook House. At that point in time when the pre-application response was written, it was considered that the Council would be unable to support a planning application on the site. The site did not form part of the allocation for Cranbrook as defined under Strategy 12 (Development at Cranbrook) and was considered to be too remote from the developing town of Cranbrook to be considered as a site that had the potential to support sustainable development.

Following this, the applicant proceeded to promote this site through representations to the emerging development plan document for Cranbrook (The Cranbrook Plan).

### **ANALYSIS**

The main considerations in assessing the proposal focus on the location of the site in relation to policy, as well as other considerations comprising accessibility and sustainability, the impact on the road network, and the potential impact on the landscape, character and amenity of the neighbouring properties and ecology. Each will be assessed in the report below.

#### **Principle**

In planning terms, the site is within the "open countryside" as identified by the adopted East Devon Local Plan and Strategy 7 (Development in the Countryside), which defines the countryside as 'all parts of the plan area that are outside the built up area boundary and outside of site specific allocations shown on the proposals map'. As a result the application has been advertised as a departure from the development plan.

The Local Planning Authority are currently in the process of finalising the submission version of The Cranbrook Plan which will aid the development of Cranbrook and deliver the required expansion (including additional allocations) as set out within the adopted East Devon Local Plan. The submission version of the Plan is currently out to a statutory round of public consultation with submission to the Secretary of State for public examination anticipated later in the year. As previously discussed, land to the east and west of Southbrook Lane is covered by the existing outline application (west) and the expansion allocation of Cranbrook (to the east), whilst existing development off Southbrook Lane itself remains outside of that allocation. As such it is recognised that this section of the lane will in the future become surrounded by built development associated with Cranbrook at which time the application site would therefore represent a logical infill to Cranbrook. The submission version of The Cranbrook Plan includes the application site within the proposed built up area boundary of Cranbrook but at the time of writing limited weight can be given to that proposed policy.

An outline planning application for land to the north of Southbrook Court (to the east of the application site) which sought approval for up to 5 number dwellings was approved on the 10th August 2018 (application reference 18/0936/OUT).

A second planning application for a dwelling in the garden space of a property known as Clooneen (to the north of that site) was also approved (application reference 17/2354/FUL) on the 25th May 2018.

Similarly to this application, both sites as detailed above, were classified by local policy as being within the open countryside but were considered to one day be incorporated into the new town of Cranbrook. Importantly recent progress of development within the town and in particular the fact that permission which now straddles Southbrook Lane has recently been granted permission (under reference 18/0391/MRES) demonstrates the ability for future residents of this site to access a range of services and facilities. As a result it is considered that despite the location of this site which sits outside of the allocated area (and previously consented development area), additional dwellings in this location would appear to accord with the overarching principle of delivering sustainable development as set out in Strategy 3 of the Local Plan and the National Planning Policy Framework.

### Access

The site sits on Southbrook Lane (C422) in the hamlet of Southbrook adjacent to the emerging town of Cranbrook.

Access is proposed to be taken from an existing access point off of Southbrook Lane which is proposed to be upgraded in association with the application.

County Highways have been consulted on the application and have raised no objection to the principle of development on this site, however, within their comments they stated that an X distance of 2.4m would be required instead of the 2m which were shown on the proposed plans. Negotiations were had with the applicant following on from DCC comments which have resulted in amendments to the plans to show a 2.4m visibility splay.

The transport statement notes the current traffic count of one vehicle every two minutes passing Southbrook House and the 85th percentile speed average of 20mph.

Devon County Highways agree that the lane evidences low traffic movement and foresee that the additional 9 dwellings would not cause a substantial traffic capacity impact due to the infrastructure of adjoining services at Cranbrook, (i.e. train, bus and improved cycleway and footways) in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan.

The planning statement that was submitted as part of the planning application states that a total of 18 parking spaces will be provided across the scheme. The illustrative site layout shows 2 spaces per dwelling and 6 visitor spaces which is in accordance with Policy TC9 (Parking in New Developments) of the adopted East Devon Local Plan.

### Design, Layout and Appearance

Southbrook Lane is a rural lane which provides access to a number of properties. The small cluster of dwellings represent a hamlet with its own pocket of unique character.

To the north of the application site lies the property known as Southbrook House, which is a large, whitewashed, relatively high quality house that appears to be 18th century. To the east of the application site lies the garden area for a property known as "Clooneen" which benefits from planning approval for a new dwelling. This new property was designed to represent a more traditional looking dwelling house aiming to reflect the agricultural and rural ties of the area.

This small cluster of dwellings within Southbrook Lane are considered to be of a high quality and any new development should reflect the surrounding character and appearance within its design. Whilst this application is outline in nature and no details of the design and appearance has been submitted at this point in time, it is recommended that consideration should be taken at the detailed design stage in order to achieve a high quality scheme that reflects the character of the local area in accordance with Policy D1 of the adopted East Devon Local Plan. Consideration should also be taken for neighbouring properties with regard to overlooking and loss of privacy and should be reflected in the proposed layout and landscaping of the scheme.

An illustrative site layout has been submitted as part of the application which demonstrates how 9 dwellings can be achieved on the site. The layout represents a more intimate development of a lower density to what is evidenced out at Cranbrook. The scheme comprises a mix of 3, 4 and 5 bedroom detached houses with substantial gardens much like existing dwellings along Southbrook Lane.

Plots 1 and 2 have been orientated on the parcel taking into account the trees to the north in order to overcome potential over-shadowing.

The northern part of the site is excluded from the red line boundary and is retained as the domestic garden for Southbrook House. Plot 3 is the nearest property to Southbrook House and is distanced approximately 35 metres away. It is considered

that this is an acceptable distance with regard to overlooking and privacy, however, it is noted that the recommendation within the Ecological Appraisal for a new hedge to be planted which create a strong visual screen and further limit and overlooking in accordance the Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan. A boundary treatment of this nature is also considered to reflect the surrounding character of Southbrook Lane where hedgerows/trees provide a nature screen between properties. Further details of said boundary treatments will be required at reserved matters stage.

Some concerns were raised regarding overlooking of development upon existing properties. This application is in outline only and does not seek to determine layout or appearance at this stage and therefore no conclusions can be reached on such a matter. However, the site is considered to be of adequate size to accommodate 9 dwellings without detriment to the privacy or amenity of neighbouring properties.

### Ecology and Trees

The site has a number of mature trees within and on its boundaries. A tree survey, including a Tree Protection Plan and a tree constraints plan has been submitted as part of this application.

The tree report refers to the large mature trees are located on the eastern and southern boundaries, with the key trees being located in the north western corner of the site.

Some of the lower quality trees which are of limited significance are proposed to be removed in order to accommodate the proposed development. The trees that are proposed to be removed are category C and U trees in accordance with BS 5837:2012.

The tree report notes that the loss of such trees can be compensated in future landscape proposals for the site. Noting that the removal would only affect trees of lower categories, this approach is broadly accepted as it ensure that the next generation of trees can be woven into the landscaping for the site, which will benefit the site in the long term. These can be secured at detailed design stage.

An ecological report commissioned by Richard Green Ecology Ltd. was submitted as part of this planning application.

The surveys checked for evidence of bats, dormice, badgers, birds, great crested newts, reptiles and invasive species and revealed none of the above to be found on site.

Whilst there were no presence of protected species bats found on site, the report has provided a number of recommendations following the phase 1 surveys. Due to the outline nature of the application, no such details have been provided which show the proposed mitigation measures in place for ecology and this is something that would as a requirement be needed at reserved matters stage. The recommendations as included within the Ecological Appraisal and which can be secured via a planning condition to ensure compliance with policy EN5 of the Local Plan should the application be approved comprise the following:

- A sensitive lighting scheme that incorporates low level lighting;
- Any tree felling or shrub clearance to be undertaken outside of the bird nesting season;
- Production of an 'Invasive Species Management Plan' to prevent the spread of invasive species during site clearance.
- 5 number bird nest boxes in addition to 5 number bat boxes to be provided on each new dwelling;
- A new hedge to be planted along the boundary of the domestic garden of Southbrook House.

### Drainage

The application is an outline application with all matters reserved apart from access. The detailed design stage will include the final drainage proposal for the scheme. Nonetheless, a flood risk and drainage technical note was submitted to support the planning application.

It is understood from the supporting information, that there are no public surface water or foul water sewers within the locality of the site.

Percolation tests have been carried out with the findings being documented in the report. The testing confirmed that infiltration drainage is not suitable for the site and therefore attenuation combined with offsite discharge is proposed.

The flood risk and drainage technical note proposes the foul sewage to drain to a new package treatment plant which would discharge to a drainage mound.

The preliminary drainage layout shows the attenuation tanks under the car parking spaces serving plots 7, 8 and 9. This is then discharged to an existing watercourse along the western boundary of the site via an S98 sewer requisition.

An email from SWW has been submitted as part of the application which provides evidence of their confirmation to discharge into the existing watercourse.

The sewage package treatment plant is proposed within the green open space at the North West corner of the scheme which is then intended to discharge to a drainage mound, acting as a mounded filter system.

The final details of any drainage will be considered at Reserve Matters stage but in the event that outline planning permission is granted, if at the time of a reserved matters submission mains foul and surface water drainage has been laid closer to the site as a result of development at Cranbrook then the Local Planning Authority will expect the development to connect to such infrastructure or for it to be conditioned to do so as and when possible in the future.

### Habitats Regulation Assessment and Appropriate Assessment

The nature of this application and its location close to both the Pebblebed Heaths and Exe Estuary and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the



Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal.

In partnership with Natural England, the Council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on both 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, which has been identified through the South East Devon European Mitigation Strategy prepared by Footprint Ecology and their related work, is secured via a combination of funding from the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the relevant 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

A draft heads of terms document was submitted as part of the planning application which covers any contributions in association with the development. The outline application seeks permission for up to 9 dwellings which is under the threshold for on-site affordable housing delivery as per paragraph 63 of the NPPF and the National Planning Practice Guidance and therefore an offsite affordable housing financial contribution is sought instead.

The figure for the off-site contribution was calculated using the below formula on the basis of the site being within such close proximity to Cranbrook:

$12,448 \text{ (East of Exeter \& 25\% Policy Target)} \times 9 = \text{£}112,032.$

It is also noted that the section 106 that would need to be agreed as part of this scheme should include a clause which seeks to secure two affordable housing units alongside a financial contribution of £3,112 (rather than the financial contribution above) should the reserved matters scheme exceed 1000sqm in total residential floor space, as per National policy.

#### Conclusion

Whilst the site in planning policy terms is situated within the open countryside by virtue of Strategy 7, it is acknowledged that it will one day be in close proximity to the new town of Cranbrook and therefore acts as a small pocket of in-fill development that in the near future would represent sustainable development resulting from the continued eastern expansion of the town and the accessibility to services and facilities that this will provide. It is considered that up to 9 number dwellings in this location would accord with the overarching principle of delivering sustainable development as set out in Strategy 3 of the Local Plan and the National Planning Policy Framework.

Consideration should be taken at the detailed design stage in order to achieve a high quality scheme that reflects the character of the local area in accordance with Policy D1 of the adopted East Devon Local Plan. Consideration should also be taken for neighbouring properties with regard to overlooking and loss of privacy and should be reflected in the proposed layout and landscaping of the scheme. Opportunities to connect to any main sewers and services should also be taken at any Reserve Matters stage.

Taking account of the assessment above, the proposal is considered to be acceptable and is therefore recommended for approval subject to a legal agreement to secure affordable housing obligations and subject to conditions.

### **RECOMMENDATION**

- 1. That the Habitat Regulations Appropriate Assessment within this Committee report be adopted;**
- 2. That the application be APPROVED subject to a S106 agreement to secure an appropriate off-site financial contribution towards Affordable Housing and subject to the following conditions.**

#### **1. Reserved Matters**

Approval of the details of the layout, scale and appearance of the building and the landscaping thereof (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(Reason - The application is in outline with one or more matters reserved.)

- 2.** Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. 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).

#### **3. CEMP**

Prior to the commencement of development a Construction Environmental and Management Plan (CEMP) to manage the impacts of construction including traffic, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Secretary of State for Transport).

For the avoidance of doubt, the CEMP shall include:-

- i. measures to regulate the routing of construction traffic
- ii the times within which traffic can enter and leave the site;

- iii. the importation and/or dispersal of spoil and soil on and off site;
- iv. measures to control dust from earthworks and construction activities;
- vi. the location of the site compound(s);
- vii. specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;
- viii. expected number of construction vehicles per day.

(Reason - To minimise the impact of the works during the construction of the development in the interests of highway safety and the free-flow of traffic, and to safeguard the amenities of the area in accordance with Policy EN14 (Control of Pollution) and TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan.

#### 4. Drainage

No works shall begin until details of a Sustainable Urban Drainage System (SUDS) for the disposal of the surface water for the scheme has been submitted to and approved in writing by the Local Planning Authority, including a timetable for its implementation and details of any construction phase SUDS. The scheme shall be carried out and thereafter retained in accordance with those approved details.

(Reason - To avoid pollution of the environment and/or flooding in accordance with Policy EN14 (Control of Pollution) and EN22 (Surface Run-off Implications for New Development) of the adopted East Devon Local Plan).

#### 5. Hedgerow Protection Plan

No works shall begin until a Hedgerow Protection Plan for the protection of all hedges and shrubs, shall have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details. The Hedgerow Protection Plan shall adhere to the principles embodied in BS 5837:2012.

(Reason: Details are required at the earliest opportunity to ensure the continued wellbeing of retained trees in the interests of the amenity of the locality in accordance with Policy D3 (Trees and Development Sites) of the adopted East Devon Local Plan).

#### 6. Ground Infrastructure

No development shall begin on the site until details of the location and design of any below and above ground infrastructure installations for that part of the site and a timetable for their installation have been submitted to and approved in writing by the Local Planning Authority. The details shall include the design and layout (with positions, dimensions and levels) of service trenches, ditches, drains, pipes, cabling, electric vehicle charging points and other excavations.

The relevant infrastructure shall be installed in accordance with the approved details.

(Reason - To facilitate the development of high speed broadband communication networks for the development, and in the interests of amenity, to ensure that above ground landscaping is not compromised by arrangements for below ground infrastructure in accordance with Strategy 3 (Sustainable Development), Strategy 11 (Integrated Transport and Infrastructure Provision at East Devon's West End), Strategy38 (Sustainable Design and Construction) and policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 - 2031 and with paragraph 42 of the National Planning Policy Framework 2012).

## 7. Garages

No dwelling shall be occupied until the garage(s) and/or parking spaces agreed to serve that dwelling have been provided in accordance with details that previously shall have been approved in writing by the Local Planning Authority. Such garages and parking spaces shall thereafter be retained for the parking of vehicles unless otherwise agreed in writing with the Local Planning Authority.

(Reason - To ensure required parking facilities are provided and available for use upon occupation of the dwellings and thereafter in accordance with Policy TC9 (Parking Provisions) of the adopted East Devon Local Plan).

8. Any reserved matters submissions shall include details of the External Lighting Scheme taking account of the ecological constraints of the site as identified in the Assessment, recommendations and mitigation of the Preliminary Ecological Appraisal dated March 2018 produced by Richard Green Ecology. Such provision is to be implemented and thereafter retained in accordance with the approved plans prior to first occupation, unless subsequently otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that an appropriate lighting scheme is secured which takes into consideration the ecology and wildlife on the site in accordance with Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan).

## 9. Landscaping Scheme

Landscaping details submitted for approval in respect of the associated reserved matter, shall adhere to the Assessment, recommendations and mitigation of the Ecological Appraisal dated May 2017 prepared by Richard Green Ecology and received by East Devon District Council on the 12th November 2018.

The landscaping scheme shall include details of the proposed new hedgerow to be planted to the north east of the scheme to provide a natural boundary

between plots 3 and 4 and the domestic garden of Southbrook House that is proposed to be retained.

The approved landscaping scheme shall be completed for each plot in the first planting season following the completion of the plot development, or in accordance with the approved implementation and management schedule. The landscaping scheme shall be maintained for a period of 5 years from the time of the planting of the last elements of the approved landscaping scheme . Any trees or other plants which die, are damaged or become no longer viable before or during this 5 year period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D2(Landscape Requirements) of the adopted East Devon Local Plan and with the guidance contained within the National Planning Policy Framework).

#### 10. Finished Floor Levels

Details in relation to the reserved matters in compliance with Condition 1 shall include finished floor levels where relevant and existing and proposed ground levels. Development shall then be carried out in accordance with those approved details.

(Reason - To ensure that adequate details of levels are provided to enable assessment of the relative heights of ground and buildings in relation to the landscape, the proposed development and existing structures in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan).

#### 11. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures contained within the Ecological Appraisal report dated May 2017 prepared by Richard Green Ecology and received by East Devon district Council on the 12th November 2018.

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

#### 12. Provision for Refuse Storage

Any reserved matters submission for the development shall include detailed plans showing provision for any relevant external refuse and recycling storage facilities. Such provision is to be implemented for each dwelling prior to first occupation of the respective dwelling and thereafter retained in accordance with the approved plans, unless subsequently otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure this amenity is satisfactorily integrated into the design of the development in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan).

### 13. Materials

- a. Any reserved matters submissions shall include a schedule of materials and finishes for buildings and hard landscaping
- b. Samples of the materials and finishes to be used for the external walls and roofs of the proposed development and the hard landscaping shall where requested by the Local Planning Authority be supplied to accompany the submission. The development shall be carried out in accordance with the approved details unless subsequently otherwise agreed in writing by the Local Planning Authority.

(Reason: To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctness) of the Adopted East Devon Local Plan.

### NOTE FOR APPLICANT

#### Informative:

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

#### Plans relating to this application:

PL01 Rev B	Location Plan	12.11.18
PL03 Rev E	Layout	12.11.18
PHL-101 Rev B	Layout	12.11.18

#### List of Background Papers

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

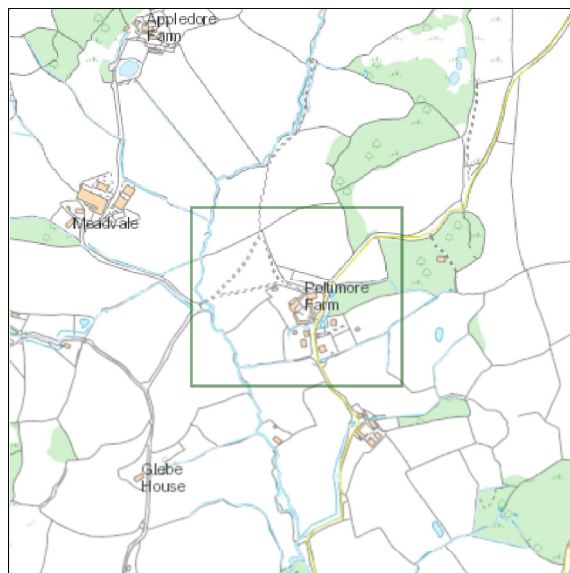
**Ward** Coly Valley

**Reference** 18/2782/FUL

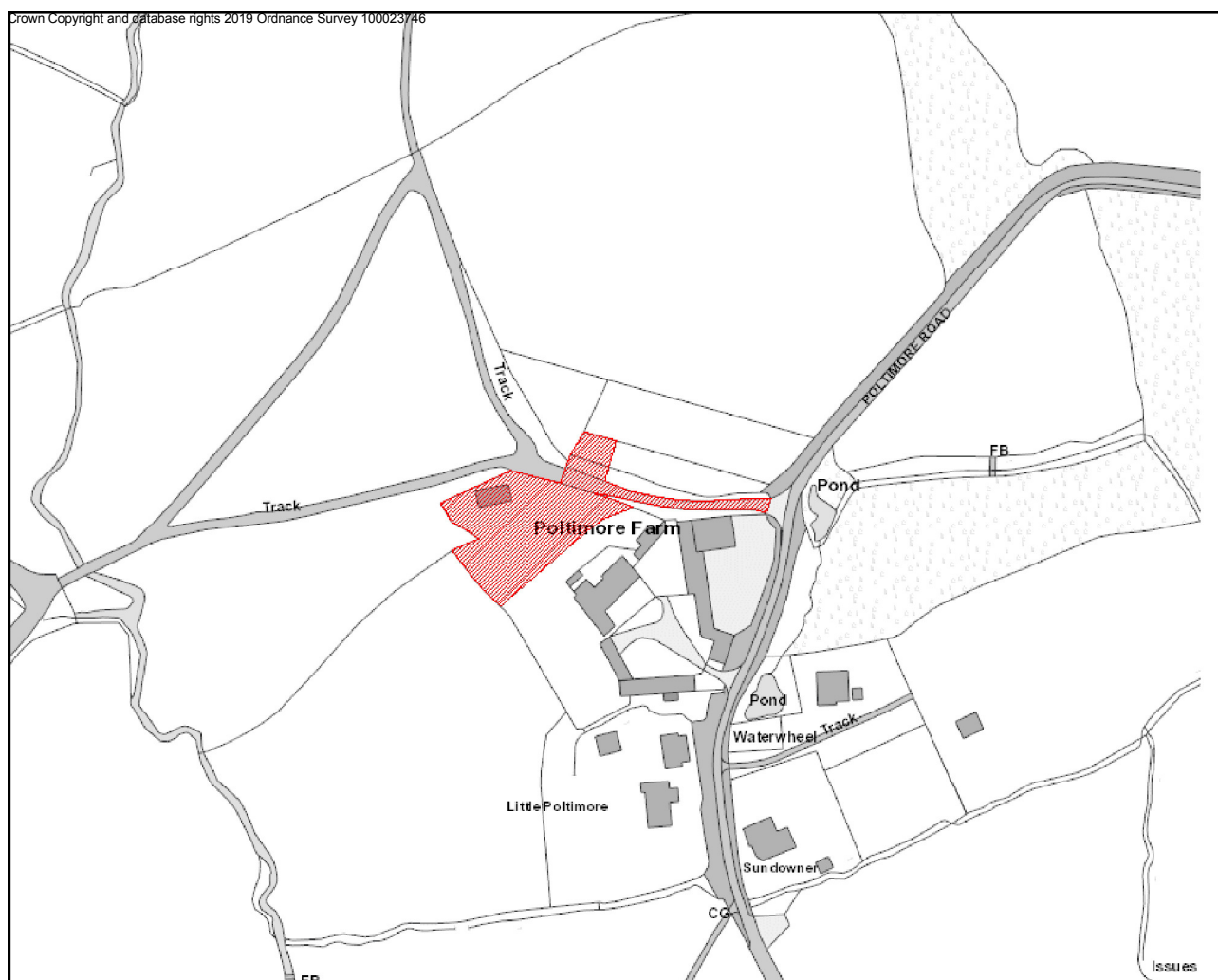
**Applicant** Miss Jess Huffman

**Location** The Cabin Poltimore Farm Farway Colyton  
EX24 6EJ

**Proposal** Demolition of existing dwelling and erection of replacement dwelling.



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 2<sup>nd</sup> April 2019</b>
<b>Coly Valley (FARWAY)</b>	<b>18/2782/FUL</b>	<b>Target Date: 30.01.2019</b>
<b>Applicant:</b>	<b>Miss Jess Huffman</b>	
<b>Location:</b>	<b>The Cabin Poltimore Farm</b>	
<b>Proposal:</b>	<b>Demolition of existing dwelling and erection of replacement dwelling.</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before the Development Management Committee as the applicant is a member of staff at East Devon District Council.**

**This application relates to a property known as The Cabin, which is located within the curtilage of Poltimore Farm, near Farway, within the East Devon Area of Outstanding Natural Beauty (AONB). Poltimore Farm is a grade II\* listed building, and some of the associated outbuildings are grade II listed structures. The site is in a rural location outside of any built-up area boundary. Planning permission is sought for the demolition of the existing dwelling, and the construction of a replacement dwelling.**

**The existing structure was granted a certificate of lawfulness as a dwelling under application 17/1406/CPE. Therefore, the key local plan policy to consider the principle of the proposal is H6 (Replacement of Existing Dwellings in the Countryside). It is considered that the proposal meets the criteria of this policy and, therefore, the proposal is acceptable in principle.**

**A previous application (18/1576/FUL) for the same proposal was withdrawn following concerns raised by Historic England and the Council's Conservation Officers, relating to the impact on Poltimore Farm. Both Historic England and the Council's Conservation Officers have indicated that the proposals now under consideration are acceptable in terms of the impact on the listed buildings.**

**The proposal would be screened from most directions and, therefore, would not have a detrimental visual impact on the AONB. The same screening, and the distance from other properties, would ensure that the proposal would not be detrimental to the amenity of the occupiers of other dwellings.**



**The Council's Tree Officer has confirmed that the development is acceptable from an arboricultural perspective. However, it is recommended that a pre-commencement condition to secure a Tree Protection Plan and an Arboricultural Method Statement is imposed, as the details currently submitted are not sufficient.**

**The Ecological Report confirms that the proposal is acceptable in that regard. However, it is considered reasonable to impose a condition to ensure that the works are undertaken in accordance with the mitigation and enhancement measures detailed in the Ecological report.**

**Access to the site would be via an existing entrance into the site. As the proposal would not result in an increase in the intensity of the use of the site, it is considered that this is acceptable and would not result any highway safety issues. The County Highway Authority has not objected to this proposal.**

**Given the above, it is recommended that this application is approved.**

## **CONSULTATIONS**

### **Local Consultations**

Parish/Town Council – 11/01/19

The Parish Council are pleased with the changes that have been made following comments about the size of the proposed dwelling and materials used which were made on the first application.

### **Technical Consultations**

EDDC Trees – 14/01/19

Although I have no objection in principle to the development and agree that the only trees worth protecting are T1, T7 and T8, however there is further information required

-

- 1 - A detailed tree site plan to go with the survey
- 2 - A detailed plan of the TPP/AMS for the 3 trees
- 3 - The foul drain appears to go close to T8, is this within the RPA if so it requires adjustment
- 4- A landscape plan to show details of replacement trees for those removed

Further comments:

I have read and considered the new information and what is supplied is acceptable, however a TPP plan was requested which can then be conditioned, the details have been submitted in a written form but not on a plan form as requested

Further comments:

The submitted information has not provided a suitably detailed tree protection plan or arboricultural method statement. Should the application go for approval, then it will

need to be subject of a pre-commencement condition to provide a tree protection plan, arboricultural method statement and make provision for arboricultural site monitoring.

Conservation – 07/01/19

CONSULTATION REPLY TO PLANNING EAST  
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: The Cabin Poltimore Farm, Farway

GRADE: Adj II\* APPLICATION NO: 18/2782/FUL

PROPOSAL: Demolition of existing dwelling and erection of replacement dwelling

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

See listing description and information on file. This detached 'Bungalow', originally a mobile home, is located to the north west of Poltimore Farm a Grade II\* listed building which is a remarkable survival of a traditional lowland Devon farmhouse. The 'Bungalow' is timber with a pantiled cladding to the roof. Aesthetically, it sits uncomfortably within the landscape, originally an orchard and still with some fruit trees, as shown on the 1889/90 OS map.

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

A recent application under 18/1576/FUL was withdrawn following comments from Historic England and other consultees. This application seeks to address those comments and is for the replacement of the 'Bungalow' with a new dwelling of contemporary design. Whilst the overall design with timber cladding, reclaimed slate roof, timber windows and doors and stone plinth is very similar, the actual building has been reduced in height and depth to provide a more linear and stream lined scheme.

The new dwelling is still designed to be set into the slope of the land, and the use of traditional materials to resemble an agricultural building. In conjunction with the proposed alterations to the glazing, timber trellis, the new hedge and orchard planting it is considered that it will be relatively well screened in relation to its close proximity to the Grade II\* listed farmhouse.

The reduction of the steeply pitched roof of the new dwelling now makes it far less prominent within the landscape and therefore the impact on the setting of the farmhouse is also reduced. Further details including a Statement of Significance is included within the application, and this addresses many of the previous concerns in line with the relevant paragraphs of the NPPF. No further comments.

PROVISIONAL RECOMMENDATION - PROPOSAL  
ACCEPTABLE

SUGGESTED CONDITIONS: materials

### Historic England – 18/12/18

Thank you for your letter of 12 December 2018 regarding the above revised application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

#### Historic England Advice

Described within the listing as a 'remarkable survival' and 'one of the best examples of a traditional lowland Devon farmhouse', Poltimore Farm and its surrounding outbuildings form a fascinating and most attractive group in a beautiful setting. The house is thought to date from the 15th century, perhaps earlier, and was much improved in the two subsequent centuries with a particular phase of remodelling dating from 1583 under the then owner, Thomas Haydon.

The grade II\* house lies on the north west side of a courtyard of farm buildings, predominantly dating from the 18th and 19th centuries, all well maintained and in use and listed in their own right at grade II.

Poltimore Farm is clearly a noteworthy example of an historic lowland farmstead and therefore of substantial historic and aesthetic value. It also provides considerable evidence, in terms of the remarkable survival of its interior layout and features about the vernacular architecture of this part of Devon but also of the evolution of isolated farmsteads from the medieval era to today. The courtyard layout of house and associated barns is not only highly attractive but provides a high quality, visually complete and historically appropriate setting for the house.

This application relates to a small, single storey chalet type building which lies within the orchard to the north west of the farmhouse. The building benefits from a Certificate of Lawfulness which was granted in 2013. The extant building is considered to be neither of architectural merit nor useful and therefore the proposal is to replace it with a contemporary, timber clad building of one and a half storeys.

Historic England was consulted on a scheme for the construction of this new building in August this year at which time we were content with the principle of the replacement of the cabin with a new, purpose designed and built, contemporary structure. However we were concerned that the scale and massing of the building was significantly greater than the current building and therefore the impact on the setting of the farmhouse and would be considerably increased. We suggested that a more low, linear form with a narrower footprint would result in a more discreet building of an agricultural scale and character befitting this highly sensitive location. This scheme was subsequently withdrawn.

The amended scheme illustrates a slight slackening of roof pitch and a lowering of ridge height by just under a metre. The depth of the building has also been reduced by approximately a metre and the length increased by the same amount. The internal layout has been altered so that the bedroom sits to the east of the ground floor with office accommodation upstairs. The second bedroom and bathroom has been omitted from the scheme. This has resulted in a more linear structure which sits lower in the landscape. Whilst there is still a large amount of glazing within the building, the lower ridge level will reduce the impact of this on the adjacent listed building and further timber screening and planting along the south elevation will help to diffuse any light

spill. Notwithstanding the above, we would encourage the applicant to increase the native planting and reinstate an orchard to the south and east of the site, as is described within the application.

#### Recommendation

Historic England has no objection to this amended scheme on heritage grounds. We consider that the application now meets the requirements of the NPPF, in particular paragraph numbers 127, 189 and 192.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

#### Other Representations

One letter of support for the proposal has been received stating that such development should be allowed to retain young people in the valley.

### **PLANNING HISTORY**

Reference	Description	Decision	Date
09/0645/FUL	Retention of tiled roof over caravan with timber clad porch and conservatory/storage area (renewal of 02/P2042)	Approval with conditions	27.05.2009
17/1406/CPE	Certificate of lawfulness sought for the substantial completion of a building and its residential use as a dwellinghouse	CPE Approved	18.10.2017
18/1576/FUL	Demolition of existing dwelling and erection of replacement dwelling	Withdrawn	19.09.2018

### **POLICIES**

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

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

H6 (Replacement of Existing Dwellings in the Countryside)

EN8 (Significance of Heritage Assets and their setting)

EN9 (Development Affecting a Designated Heritage Asset)

TC7 (Adequacy of Road Network and Site Access)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

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

This application relates to a property known as The Cabin, which is located within the curtilage of Poltimore Farm, near Farway. The building is constructed mainly from timber, and is situated to the north-east of the aforementioned farm. There is a hedge/trees to the north of the building, and a track which is a public right of way beyond that. Access to the site is off this track which, in turn, joins a minor public road to the east of the farm which is known as Poltimore Road.

Poltimore Farm is a grade II\* listed building, and some of the associated outbuildings are grade II listed structures. The site is within the East Devon Area of Outstanding Natural Beauty (AONB), and is in a rural location outside of any built-up area boundary. Neighbouring properties are situated to the south and south-east of the site. However, these do not immediately adjoin the proposal site.

#### **Proposed Development.**

Planning permission is sought for the demolition of the existing dwelling, and the construction of a replacement dwelling. Vehicular access would be as existing with a nearby barn used for car parking serving the development.

#### **ANALYSIS**

The key considerations in the determination of this application are the principle of the development, impact upon listed buildings; impact upon the AONB and countryside; impact upon trees and impact upon wildlife.

These are addressed in turn below.

### The principle of the development

The proposal relates to the replacement of an existing dwelling in the countryside. Therefore, the key Local Plan policy in determining the principle of the proposal is Policy H6 (Replacement of Existing Dwellings in the Countryside). This policy sets out the following criteria which must be met in order for a replacement dwelling in the countryside to be acceptable:

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

With regard to those criteria, the following observations are made:

- A. Application 17/1406/CPE sought to confirm that the building subject to this application is a lawful dwelling. That application was approved. Therefore, the existing dwelling on the site is lawful without any occupancy conditions. The proposal therefore meets this criteria.
- B. The proposed dwelling would be situated on the same site as the existing dwelling.
- C. This is assessed below.
- D. The building in question is not of architectural importance. The impact upon the nearby listed buildings is assessed below.

Subject to the proposal having an acceptable impact upon the AONB and surrounding listed buildings, it is considered that the proposal is acceptable in principle.

### The impact of the proposal on the listed buildings

The previous application (18/1576/FUL) was withdrawn following concerns raised by Historic England and the Council's Conservation Officers. Whilst a contemporary design was considered acceptable, the concerns related, in particular, to the height and massing of the proposed building, which was to be significantly greater than the existing building. Consequently, the impact on the listed farmhouse would have been considerable.

However, the amended scheme which is the subject of this application is viewed differently by Historic England who, in confirming that they have no objection to the proposal, state the following:

*"The amended scheme illustrates a slight slackening of roof pitch and a lowering of ridge height by just under a metre. The depth of the building has also been reduced by approximately a metre and the length increased by the same amount. The internal layout has been altered so that the bedroom sits to the east of the ground floor with office accommodation upstairs. The second bedroom and bathroom has been omitted from the scheme. This has resulted in a more linear structure which sits lower in the landscape. Whilst there is still a large amount of glazing within the building, the lower ridge level will reduce the impact of this on the adjacent listed building and further timber screening and planting along the south elevation will help to diffuse any light spill. Notwithstanding the above, we would encourage the applicant to increase the native planting and reinstate an orchard to the south and east of the site, as is described within the application."*

The Council's Conservation Officer has expressed similar views, and has also stated that the proposed planting would ensure that the proposal would be relatively well screened from the listed building.

Given the above, subject to the imposition of a condition seeking details of the materials and planting, it is considered that the proposal is acceptable in terms of its impact on listed buildings, in compliance with policy EN9 (Development Affecting a Designated Heritage Asset) of the Local Plan, as well as guidance contained within the National Planning Policy Framework.

#### The impact of the proposal on the AONB and countryside

The proposed building would be located on the eastern side of a valley and, consequently, the most open view of the site are from the west. From that direction, however, the existing building is almost completely screened by trees. The proposed building would be higher than the existing, but a large amount of it would be screened by the aforementioned trees. Given, this provided that suitable materials are used (which can be considered through the condition referred to above), it is considered that the proposal would have a minimal impact on the AONB when viewed from the west. From other directions, the proposed building would be screened by a combination of the topography of the area, trees or existing buildings around the site.

Given the above, it is considered that the proposal would have a minimal impact on the AONB or countryside and, therefore, is acceptable in that regard. However, to ensure that any boundary treatments and planting are suitable for this location (particularly given the comments from Historic England), it is considered reasonable and necessary to impose a condition seeking details of a landscaping scheme (shown on the proposed plan as a new orchard).

#### The impact of the proposal on trees

The proposal is considered to be sustainable in terms of its impact on trees. However, the Council's arboriculturalists have confirmed that a Tree Protection Plan and Arboricultural Method Statement are required prior to any works commencing. Therefore, a condition is required in order to secure this information, as the details

currently submitted in this regard are not considered to be acceptable. The applicant has agreed to such a condition being imposed on a pre-commencement basis.

#### The impact of the proposal on wildlife

An Ecological Impact Assessment Report was submitted with the application. That report notes that there was some evidence of bats in and around the building. However, despite this, the report concludes that, subject to obtaining the necessary licences the works could be undertaken without causing harm to bats or any other protected species. With this in mind, it is considered that the proposal is acceptable in this regard, as its impact on protected species or other wildlife would be minimal. However, the Ecological report does list a number of mitigation and enhancement measures which should be undertaken to ensure that this is the case. Therefore, in the event that this application is approved, it is considered reasonable to impose a condition to ensure that the works are undertaken in accordance with the aforementioned mitigation and enhancement measures.

#### Other matters

Access to the site would be via an existing vehicular entrance into the wider site with a new footpath provided to the dwelling that will benefit from two parking spaces in a nearby barn. As the proposal would not result an increase in the intensity of the use of the site, it is considered that this is acceptable and would not result any highway safety issues. It is notable that the County Highway Authority has not objected to this proposal.

It is considered that the proposal is a sufficient distance from the neighbouring property, and would replace an existing dwelling so no amenity loss beyond that which may already exist would arise.

It is noted that the curtilage related to the proposed dwelling would be larger than that which was within the red line associated with application 17/1406/CPE. However, as the additional land in question is already part of the garden of Politmore Farm, its use is not changing and this does not raise any concerns, particularly as this area is proposed to be planted for the new orchard to help mitigate the visual impact from the development.

#### **CONCLUSION**

The application follows the grant of a Certificate of Lawfulness for the unrestricted use of the existing building as a dwelling, and a withdrawn application for a replacement dwelling that was considered to be too large with a detrimental impact upon the nearby listed buildings.

This current application proposes a small dwelling at a lower height to address the previous concerns. Historic England and the Council's Conservation Officer now being happy with the scale of building proposed.

Given the suitable scale and design, and given that the proposal will not have a detrimental impact upon the visual amenity of the AONB, the proposal is considered



to be acceptable and complies with Policy H6 of the Local Plan that allows replacement dwellings in the countryside subject to compliance with a number of criteria.

Subject to conditions the proposal will have an acceptable impact upon trees and wildlife and benefits from a suitable access and parking provision.

As the concerns raised as part of the previous application have been addressed, the application is acceptable and recommended for approval subject to conditions.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details. The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process.  
Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.  
The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.  
(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. The condition is required in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)
4. The works hereby permitted shall be undertaken in accordance with the Evaluations and Recommendations, and the Ecological Mitigation and Enhancements, detailed in the submitted Ecological Impact Assessment (EclA) Report, produced by Colmer Ecology Ltd and dated August 2018.

(Reason - To ensure that the proposal does not result in harm to any protected species, and in order to comply with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031 of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework 2019).

5. Before development above foundation level is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

6. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

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

## 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:

EIA August 2018	Ecological Assessment	05.12.18
2018-01 A	Location Plan	05.12.18
2018-06 A	Proposed Site Plan	05.12.18

2018-07 A	Proposed Floor Plans	05.12.18
2018-08 A	Proposed Floor Plans	05.12.18
2018-09 A	Proposed Elevation	05.12.18
2018-10 A	Proposed Elevation	05.12.18
2018-11 A	Proposed Combined Plans	05.12.18

#### List of Background Papers

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

**Ward** Tale Vale

**Reference** 18/2207/VAR

**Applicant** DBD Construction

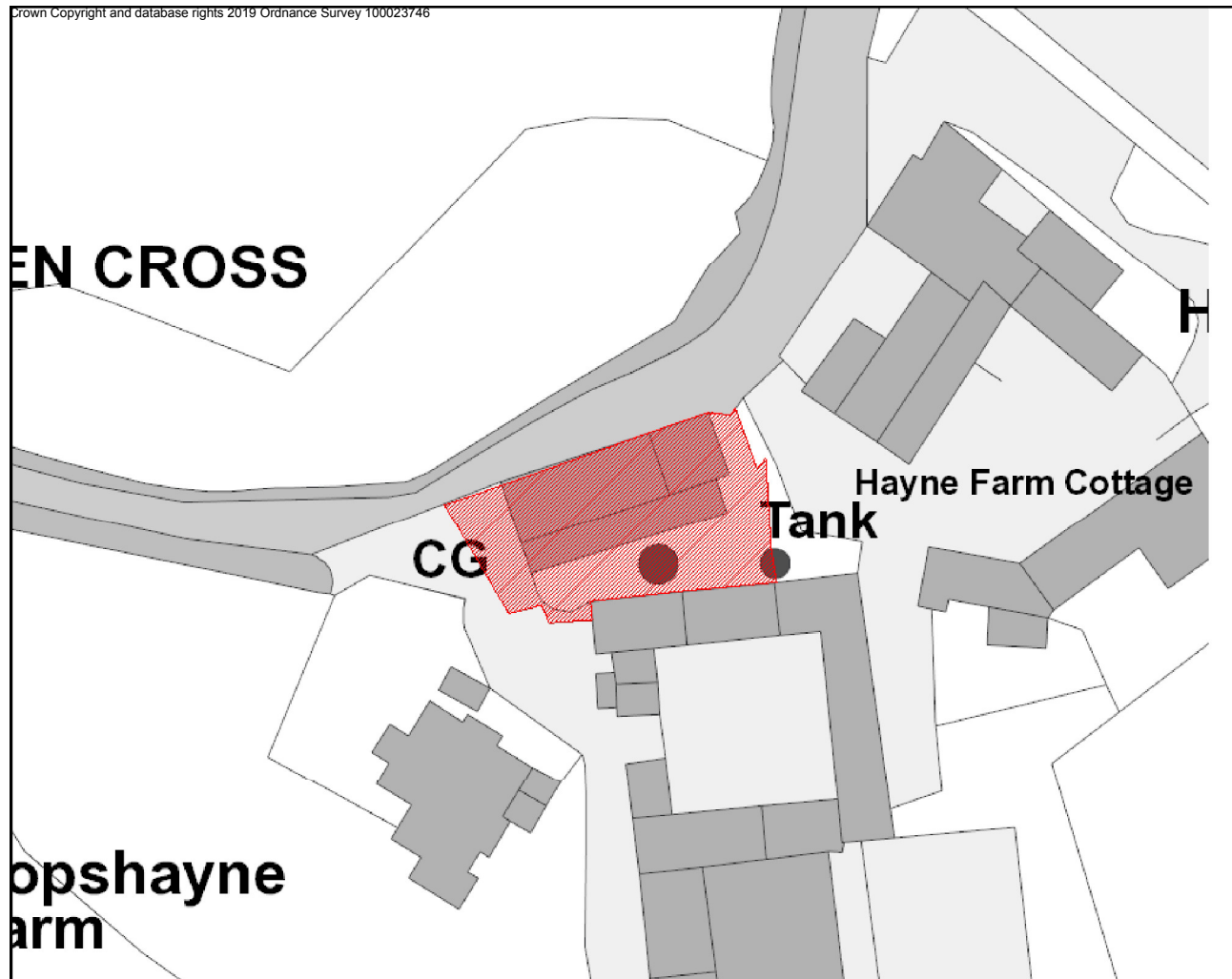
**Location** Barns Adjacent Bishopshayne Farm  
Awliscombe Honiton EX14 3PR

**Proposal** Variation of condition 2 (approved plans), 3 (landscaping), 5 (materials) 6 and 7 (window details) of application 15/2250/FUL (conversion of redundant agricultural building to create 2 no. dwellings)



**RECOMMENDATION: Approval**

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		<b>Committee Date: 2<sup>nd</sup> April 2019</b>
<b>Tale Vale (AWLISCOMBE)</b>	<b>18/2207/VAR</b>	<b>Target Date:</b>
<b>Applicant:</b>	<b>DBD Construction</b>	
<b>Location:</b>	<b>Barns Adjacent Bishopshayne Farm Awliscombe</b>	
<b>Proposal:</b>	<b>Non-material amendment to extant permission for “Variation of condition 2 (approved plans), 3 (landscaping), 5 (materials) 6 and 7 (window details) of application 15/2250/FUL (conversion of redundant agricultural building to create 2 no. dwellings)”</b>	

**RECOMMENDATION: Approval**

#### **EXECUTIVE SUMMARY**

**This application is before Members because the applicant is related to an Officer of the Council.**

**Approval is sought for a non-material amendment to a scheme for the conversion of a barn to two dwellings. The amendment would replace two floor-to-ceiling windows with windows with a raised cill and infill panels beneath.**

**The use of a recessed contrasting infill panel and recessed windows would preserve the full height of the original openings and therefore maintain the character of the front elevation. On that basis the proposal is acceptable as a non-material amendment.**

#### **CONSULTATIONS**

No consultations are required for this type of application.

#### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
15/2250/FUL	Conversion of redundant agricultural building to create 2no dwellings.	Approval with conditions	26.08.2016

18/2207/VAR	Variation of condition 2 (approved plans), 3 (landscaping), 5 (materials) 6 and 7 (window details) of application 15/2250/FUL (conversion of redundant agricultural building to create 2 no. dwellings)	Approval with conditions	06.12.2018
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## **POLICIES**

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

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

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

EN5 (Wildlife Habitats and Features)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

## **Site Location and Description**

The site is located a short distance to the north of Awliscombe and is set amongst a complex of farm buildings and dwellings. The barn is of traditional construction with sections of brick and stone and is situated adjacent to the lane. At the rear there is a modern lean-to extension. The site is tightly constrained and there is only a small amount of space between the rear and side of the building and the adjacent farm, which is understood to be in different ownership.

## **Proposed Development**

Planning permission was first granted for the conversion of the barn to two dwellings in 2016. A subsequent application for material changes to the scheme was granted permission in 2018.

The current application is for the following changes to the second approval:

- Replacement of two floor-to-ceiling windows on the front elevation with windows with a raised cill and timber boarded infill panels beneath.

## **ANALYSIS**

### **Considerations**

These changes would take place within two of the original openings within the building. The planning permissions to date proposed that these openings were retained through the provision of full-height windows.

This application proposed to replace the full height windows with windows above an in-fill panel.

The use of a recessed contrasting infill panel and recessed windows would preserve the full height of the original openings and therefore maintain the character of the front elevation.

Given the minor nature of the change, and given that it preserves the existing openings to the building in an appropriate way, it is considered that the application for a non-material amendment is acceptable and an appropriate means of dealing with the proposal.

## **CONCLUSION**

Because the proposed change would conserve the character and appearance of the building without introducing new elements to the design, it is acceptable as a non-material amendment.

## **RECOMMENDATION**

APPROVE

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

2075 39D      Elevatons/Sections    12/03/2019

2075 38D      Section A-A                12/03/2019

### **List of Background Papers**

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