

**Agenda for consultative meeting of the
Planning Committee
Wednesday, 13th April, 2022, 10.00 am**



Members of Planning Committee

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

East Devon District Council
Border House
Heathpark Industrial Park
Honiton
EX14 1EJ
DX 48808 HONITON
Tel: 01404 515616

www.eastdevon.gov.uk

Venue: Online via zoom

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

Issued: Thursday, 31 March 2022

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

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

This meeting is being recorded by EDDC for subsequent publication on the Council's website and will be streamed live to the Council's Youtube Channel at
<https://www.youtube.com/channel/UCmNHQruge3LVl4hcgRnbwBw>

[Speaking on planning applications](#)

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

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

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

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

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Monday, 4 April 2022 up until 12 noon on Thursday, 7 April 2022 by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

Speaking on non-planning application items

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

Between 8th December 2021 to 11th May 2022, the Council has delegated much of the decision making to officers. Any officer decisions arising from recommendations from this consultative meeting will be published on the webpage for this meeting in due course. All meetings held can be found via the [Browse Meetings](#) webpage.

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

2 **Minutes of the previous meeting** (Pages 6 - 11)

Minutes of the Planning Committee meeting held on 16 March 2022.

3 **Apologies**

4 **Declarations of interest**

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

5 **Matters of urgency**

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

6 **Confidential/exempt item(s)**

To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

7 **Planning appeal statistics** (Pages 12 - 23)

Update from the Development Manager

8 **Local Development Order** (Pages 24 - 54)

Land off Long Lane.

Applications for Determination

If required there will be a 30 minutes break at approximately 1pm

- 9 **22/0067/FUL (Minor) EXMOUTH LITTLEHAM** (Pages 55 - 67)
Land at Queen's Drive, Exmouth.
- 10 **21/2830/FUL (Minor) WOODBURY & LYMPSTONE** (Pages 68 - 93)
Pine Hollow, Hulham Road, Exmouth, EX8 5DX.
- 11 **21/1546/FUL (Minor) EXMOUTH LITTLEHAM** (Pages 94 - 105)
British Red Cross Society, South Street, Exmouth, EX8 2SA.
- 12 **21/1860/FUL (Minor) OTTERY ST MARY** (Pages 106 - 120)
Barrack Farm, Exeter Road, Ottery St Mary, EX11 1LE.
- 13 **21/1618/FUL (Minor) HONITON ST MICHAELS** (Pages 121 - 131)
19 New Street, Honiton, EX14 1HA.
- 14 **22/0013/FUL (Minor) BROADCLYST** (Pages 132 - 141)
72 Park Lane, Exeter, EX4 9HP.
- 15 **21/3077/FUL (Minor) WOODBURY & LYMPSTONE** (Pages 142 - 152)
Higher Stables, Meeting Lane, Lympstone, EX8 5JJ.
- 16 **21/3060/FUL (Minor) SIDMOUTH TOWN** (Pages 153 - 160)
Cambridge Cottage, Salcombe Road, Sidmouth, EX10 8PR.

Please note:

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

[Decision making and equalities](#)

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

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Planning Committee held online via zoom on 16 March 2022

Attendance list at end of document

The meeting started at 10.02am and ended at 3.35pm. The meeting adjourned at 1.40pm and reconvened at 2pm.

118 Minutes of the previous meeting

Members were happy to accept the minutes of the consultative Planning Committee held 16 February and 23 February 2022.

119 Declarations of interest

Minute 122. 21/1129/VAR (Major) BROADCLYST.

Councillor Geoff Pratt, Personal, Had a service contract with applicants and advised that he would like to be removed to the virtual lobby during this application and would not take part in discussions or the vote.

Minute 122. 21/1129/VAR (Major) BROADCLYST.

Councillor Mike Howe, Personal, Known to applicant.

Minute 122. 21/1129/VAR (Major) BROADCLYST.

Councillor Philip Skinner, Personal, Known to the Stewart family.

Minute 122. 21/1129/VAR (Major) BROADCLYST.

Councillor Sarah Chamberlain, Personal, Parish Councillor and Ward Member for Broadclyst.

Minute 123. 21/1798/FUL (Minor) COLY VALLEY.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution Councillors Andrew Colman, Steve Gazzard, Bruce De Saram, Colin Brown, Eileen Wragg, Geoff Pook, Geoff Pratt, Kim Bloxham, Mike Howe, Olly Davey, Philip Skinner, Richard Lawrence and Tony Woodward advised lobbying in respect of this application.

Minute 123. 21/1798/FUL (Minor) COLY VALLEY.

Councillor Mike Howe, Personal, Known to the Planning Consultant and Bishops Clyst Parish Council had employed him on a number of occasions.

Minute 123. 21/1798/FUL (Minor) COLY VALLEY.

Councillor Richard Lawrence, Personal, Known to the Planning Consultant and advised he would not take part in discussions or vote.

Minute 123. 21/1798/FUL (Minor) COLY VALLEY.

Councillor Sarah Chamberlain, Personal, Received lobbying emails but advised they were not read.

Minute 124. 21/1714/FUL (Minor) HONITON ST MICHAELS.

Councillor Jake Bonetta, Personal, Honiton Town Councillor and in role as Ward Member had received lobbying emails from two residents in respect of this application.

Minute 125. 21/3255/FUL (Minor) TRINITY.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution Councillors Andrew Colman, Bruce De Saram, Colin Brown, Geoff Pook, Geoff Pratt, Kim Bloxham, Mike Howe, Olly Davey, Philip Skinner, Richard Lawrence and Tony Woodward advised lobbying in respect of this application.

Minute 125. 21/3255/FUL (Minor) TRINITY.

Councillor Eileen Wragg, Personal, Received lobbying email but advised it was not read.

Minute 125. 21/3255/FUL (Minor) TRINITY.

Councillor Geoff Pratt, Personal, Member of the East Devon Area of Outstanding Natural Beauty Partnership.

Minute 125. 21/3255/FUL (Minor) TRINITY.

Councillor Sarah Chamberlain, Personal, Received lobbying email but advised it was not read.

Minute 125. 21/3255/FUL (Minor) TRINITY.

Councillor Steve Gazzard, Personal, Received lobbying emails but advised not all had been read.

Minute 127. 21/2989/FUL (Minor) WEST HILL & AYLESBEARE.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution Councillors Bruce De Saram, Colin Brown, Eileen Wragg, Geoff Pook, Geoff Pratt, Kim Bloxham, Mike Howe, Olly Davey, Philip Skinner, Richard Lawrence, Steve Gazzard and Tony Woodward advised lobbying in respect of this application.

Minute 127. 21/2989/FUL (Minor) WEST HILL & AYLESBEARE.

Councillor Jess Bailey, Personal, Property owned is reasonably close to this application but cannot be seen on plans and photographs.

Minute 127. 21/2989/FUL (Minor) WEST HILL & AYLESBEARE.

Councillor Sarah Chamberlain, Personal, Received lobbying emails but advised they were not read.

Minute 128. 21/3343/VAR (Minor) BEER & BRANSCOMBE.

Councillor Geoff Pook, Personal, Chair of Beer Community Land Trust and as the named applicant advised that he would like to be removed to the virtual lobby during this application and would not take part in discussions or the vote.

120 **Planning appeal statistics**

The Committee received and noted the planning appeal statistics report setting out nine appeal decision notices, two had been allowed and seven had been dismissed.

The Development Manager referred to the two appeals allowed advising that the appeal against an enforcement notice for the construction of storage building at Woodcroft Copse, Weston, was allowed as the Inspector determined that the proposal complied with Policy D7 and that the building would not have a harmful impact on the character and appearance of the area. The second appeal related to a site at Redgate and land at

Tesco, Salterton Road, Exmouth which Members had refused on the basis of a loss of employment land with Inspector determining that adequate marking had taken place that suitable alternative employment was being provided, such that the proposal caused no harm.

Members' attention was drawn to an appeal that was dismissed for 21/1441/ADV – Martins of Exeter Ltd, Sandygate, Exeter that Committee had previously considered. The Development Manager was pleased to report that the Inspector had agreed that the display unit was inappropriately positioned and out of character with the area and therefore dismissed the appeal.

121 19/2132/MFUL & 19/2133/LBC (Major) WOODBURY & LYMPSTONE

Applicant:

Hayes Grange LLP.

Location:

Exton Farm, Exmouth Road, Exton, EX3 0PZ.

Proposal:

(19/2132/MFUL) Conversion of existing barns to three residential dwellings and the demolition of existing barns and their replacement with seven new build dwellings, alterations to existing vehicular access onto Mill Lane, parking, drainage and landscaping.

(19/2133/LBC) Conversion of barns to form three residential dwellings.

RECOMMENDATION:

Of approval as per officer recommendation.

122 21/1129/VAR (Major) BROADCLYST

Applicant:

Mercedes Benz South West.

Location:

Unit 2 Jacks Way, Hill Barton Business Park, Clyst St Mary, EX5 1FG.

Proposal:

Variation of Conditions 3 (lighting hours) and 4 (hours of operation) of planning permission 13/2069/MRES.

RECOMMENDATION:

Of approval as per officer recommendation.

123 21/1798/FUL (Minor) COLY VALLEY

Applicant:

Stags Estate Agents.

Location:

Land on the East side of Tower Road, Offwell, Honiton.

Proposal:

Change of use of an existing agricultural building and associated works for use as a Livestock Collection Centre.

RECOMMENDATION:

Of approval as per officer recommendation.

124 **21/1714/FUL (Minor) HONITON ST MICHAELS**

Applicant:

Bodenham (B & H Developments Ltd.)

Location:

The Old Workshop. Kerslakes Court, Honiton, EX14 1FL.

Proposal:

Construction of five bedroom house in multiple occupation (Use Class C4).

RECOMMENDATION:

Of refusal contrary to officer recommendation.

Members considered that the proposal represents overdevelopment of the site by reason of the poor standard of amenity for future occupiers contrary to Policy D1 of the Local Plan and the NPPF.

125 **21/3255/FUL (Minor) TRINITY**

Applicant:

Mr Mark Perry.

Location:

Building North of Harbour Close, Combpyne, EX13 8SX.

Proposal:

Change of use of part of building to B2 Use and retention of single storey side extension.

The Service Lead – Planning Strategy and Development Management introduced this application as a reconsideration following Senior Officers concerns on the implications for the appeal. Following discussions the Chief Executive decided to bring this back to Committee for Members to give further consideration to the concerns.

RECOMMENDATION:

Of deferral for a site inspection to assess the level of noise during shot blasting and other work on site. The Environmental Health Officer to be present at the site inspection and to carry out a further noise assessment/readings in advance of the application being presented back to Committee.

126 **22/0058/FUL (Minor) TALE VALE**

Applicant:

Sophie, Harriet and Oliver Persey.

Location:

Pitmans Farm, Dulford, Cullompton, EX15 2ED.

Proposal:

Proposed demolition of existing buildings; construction of residential dwelling and detached garage; installation of solar photovoltaic array; landscaping and associated works.

RECOMMENDATION:

Refused as per officer recommendation.

127 **21/2989/FUL (Minor) WEST HILL & AYLESBEARE**

Applicant:

Hill.

Location:

Little Glade, West Hill Road, West Hill, EX11 1TU.

Proposal:

Erection of a single replacement two-storey dwelling.

RECOMMENDATION:

Of approval as per officer recommendation.

128 **21/3343/VAR (Minor) BEER & BRANSCOMBE**

Applicant:

Mr G Pook.

Location:

Beer Social Club, Berry Hill, Beer, EX12 3JP.

Proposal:

Variation of Condition 2 (approved plans) of application 19/2674/FUL.

RECOMMENDATION:

Of approval as per officer recommendation.

129 **21/2167/FUL (Minor) SEATON**

Applicant:

Mr Tom Bosworth.

Location:

Playing Fields, Scalwell Lane, Seaton.

Proposal:

A compound comprising of a kiosk unit to house data exchange for telecommunications (Jurassic Fibre) including concrete slab for placement and timber perimeter fencing.

RECOMMENDATION:

Of approval as per officer recommendation.

130 **22/0348/CPL (Minor) OTTERY ST MARY**

Applicant:

Mr Stuart Pyle.

Location:

19 Coleridge Road, Ottery St Mary, EX11 1TD.

Proposal:

Lawful Development Certificate for proposed single storey lean-to rear extension.

RECOMMENDATION:

Of approval as per officer recommendation.

Attendance List

Councillors present (for some or all the meeting)

E Wragg (Chair)

S Chamberlain (Vice-Chair)

K Bloxham

C Brown

A Colman - left the meeting at 1.30pm

O Davey

B De Saram

S Gazzard

M Howe - left the meeting at 1.40pm

R Lawrence

G Pook - left the meeting during the duration of discussions and vote on application
21/3343/VAR

G Pratt - left the meeting during the duration of discussions and vote on application
21/1129/VAR

P Skinner

T Woodward

Councillors also present (for some or all the meeting)

J Bailey

J Bonetta

G Jung

H Parr

E Rylance

I Thomas

Officers in attendance (for some or all the meeting)

Chris Rose, Development Manager

Shirley Shaw, Planning Barrister

Ed Freeman, Service Lead Planning Strategy and Development Management

Wendy Harris, Democratic Services Officer

Ian Winter, Environmental Health Officer

Sarah Jenkins, Democratic Services Officer

Councillor apologies:

D Key

P Millar

Chairman

Date:

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

Agenda Item 7

Ref: 21/2179/FUL **Date Received** 04.03.2022
Appellant: Ms Sanders
Appeal Site: Brook House Sowton Exeter EX5 2AF
Proposal: Rear and side extension; adjustment of dormer over garage;
new finishes to front elevations and balcony to the rear
Planning APP/U1105/D/22/3294235
Inspectorate Ref:

Ref: 21/2137/FUL **Date Received** 10.03.2022
Appellant: David Mortimer
Appeal Site: Greenhayes Shute Axminster EX13 7QE
Proposal: Conversion of agricultural building to form 2x dwellings for
holiday accommodation and provision of associated parking
area
Planning APP/U1105/W/22/3294600
Inspectorate Ref:

Ref: 22/0041/FUL **Date Received** 10.03.2022
Appellant: David Mortimer
Appeal Site: Greenhayes Shute Axminster EX13 7QE
Proposal: Proposed conversion of redundant agricultural building to
form 1 no. dwellinghouse; demolition of adjacent metal shed;
provision of associated parking area and planting of new
native hedgerow.
Planning APP/U1105/W/22/3294599
Inspectorate Ref:

Ref: 21/0463/FUL **Date Received** 14.03.2022
Appellant: Miss Dawn Bradbury
Appeal Site: Hornshayes Farm Stockland EX14 9BX
Proposal: Retain residential use of static caravan
Planning APP/U1105/W/22/3294817
Inspectorate Ref:

Ref: 20/2363/FUL **Date Received** 16.03.2022
Appellant: Ms Pia Carey
Appeal Site: The Cottage 11 Douglas Avenue Exmouth EX8 2EY
Proposal: Demolition of existing property and construction of 3
residential dwellings
Planning APP/U1105/W/22/3294916
Inspectorate Ref:

Ref: 21/F0364 **Date Received** 21.03.2022
Appellant: Stuart Partners Ltd
Appeal Site: Land At Hill Barton Sidmouth Road Clyst St Mary
Proposal: Appeal against an enforcement notice served in respect of the change of use of the land from agriculture to commercial parking and siting of skips and shipping containers, without planning permission.
Planning Inspectorate Ref: APP/U1105/C/22/3295011

Ref: 20/F0432 **Date Received** 22.03.2022
Appellant: Mrs Dawn Bradbury
Appeal Site: The Caravan Hornshayes Farm Stockland Honiton EX14 9BX
Proposal: Appeal against an enforcement notice served in respect of the unauthorised residential use of a static caravan.
Planning Inspectorate Ref: APP/U1105/C/22/3295289

Ref: 21/1753/FUL **Date Received** 28.03.2022
Appellant: Mrs Ruth Jones
Appeal Site: 10 Fairfield Close Exmouth EX8 2BN
Proposal: Single storey detached annexe to front of main dwelling
Planning Inspectorate Ref: APP/U1105/W/22/3295682

Ref: 21/1625/FUL **Date Received** 28.03.2022
Appellant: Mr Nicholas Arrow
Appeal Site: The Old Reading Room Axminster Road Musbury Axminster EX13 8AZ
Proposal: Change of use from artist studio (sui generis) to hobby room ancillary to 'The Beeches' (use class C3)
Planning Inspectorate Ref: APP/U1105/W/22/3295698

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

Ref:	20/0933/OUT	Appeal Ref:	21/00056/REF
Appellant:	Mr & Mrs C Fayers		
Appeal Site:	Land South Of Underhill Close Lympstone		
Proposal:	Construction of predominately single storey dwelling with annexe accommodation (outline application with all matters except access reserved)		
Decision:	Appeal Allowed (with conditions)	Date:	01.03.2022
Procedure:	Written representations		
Remarks:	Delegated refusal, green wedge and countryside protection reasons overruled (EDLP Strategy 7 and LNP Policies 2 & 3).		
	<p>The Inspector considered that the development would read as infill and would relate well to surrounding housing. The scheme would consolidate the pattern of development at this village edge without harm to the character and appearance of the Green Wedge and without any semblance of encroachment towards Exmouth.</p> <p>The Inspector concluded that the scheme would protect the character and appearance of the area and that occupants of the dwelling would enjoy good access to local services and facilities. The proposal would therefore accord with Strategies 7 & 8 of the EDLP, Policies 2 and 3 of the LNP and the Framework.</p>		
BVPI 204:	Yes		
Planning	APP/U1105/W/21/3282445		
Inspectorate Ref:			
<hr/>			
Ref:	20/2481/FUL	Appeal Ref:	21/00053/NONDET
Appellant:	Mr Dominic Morgan		
Appeal Site:	New Fountain Inn Church Road Whimble Exeter EX5 2TA		
Proposal:	Subdivision of public house to create dwelling and construction of three 2 bedroom dwellings with associated parking and gardens		
Decision:	Appeal Dismissed	Date:	02.03.2022
Procedure:	Hearing		
Remarks:	Appeal against non-determination of the application within the statutory time period. The Council resolved that had the application been determined, it should have been refused. Viability, conservation, highway and amenity reasons upheld (EDLP Policies D1, E14, EN9, EN10 & TC9 and Strategies 6 & 32).		
BVPI 204:	No		
Planning	APP/U1105/W/21/3281523		
Inspectorate Ref:			

Ref: 21/2232/FUL **Appeal Ref:** 21/00074/REF
Appellant: Mr S Taylor
Appeal Site: The Meade Sanctuary Lane Woodbury Exeter EX5 1EX
Proposal: Installation of new vehicular access
Decision: **Appeal Dismissed** **Date:** 02.03.2022
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policy D1 & Strategy 7).
BVPI 204: **Yes**
Planning APP/U1105/D/21/3288212
Inspectorate Ref:

Ref: 20/1618/FUL **Appeal Ref:** 21/00030/REF
Appellant: Mr Henry Slade
Appeal Site: Land To West Of B3180 Between The Existing Houses Tatry And Panorama West Hill
Proposal: Proposed new two storey dwelling
Decision: **Appeal Dismissed** **Date:** 07.03.2022
Procedure: Written representations
Remarks: Delegated refusal, accessibility reasons upheld (EDLP Strategies 5B, 7 & 27 and Policy TC2).
BVPI 204: **Yes**
Planning APP/U1105/W/21/3276272
Inspectorate Ref:

Ref: 21/2179/FUL **Appeal Ref:** 22/00005/HH
Appellant: Sanders
Appeal Site: Brook House Sowton Exeter EX5 2AF
Proposal: Rear and side extension; adjustment of dormer over garage; new finishes to front elevations and balcony to the rear
Decision: **Appeal Invalid** **Date:** 09.03.2022
Procedure: Householder
Remarks: Appeal submitted out of time.
BVPI 204: **No**
Planning APP/U1105/D/22/3294235
Inspectorate Ref:

Ref:	20/2710/FUL	Appeal Ref:	21/00026/REF
Appellant:	Mr Coletti		
Appeal Site:	2 Brooklyn Stowford Sidmouth EX10 0NA		
Proposal:	Change of use of land and construction of hardstanding to allow the siting of 2no. shepherd huts for holiday accommodation		
Decision:	Appeal Allowed (with conditions)	Date:	10.03.2022
Procedure:	Written representations		
Remarks:	Delegated refusal, accessibility and landscape reasons overruled (EDLP Strategies 7 & 46 and Policy D1).		

The Inspector noted that the site is outside of any designated settlement boundary, including the Built-up Area Boundary of Sidmouth. As such, with regard to planning policy, the proposed site for the two tourism accommodation huts would be set within the countryside.

The Inspector also acknowledged that the proposal would not accord with Policy E16 which allows for conversions of existing buildings in the countryside and Policy E19 which allows for holiday accommodation parks, but only outside of designated landscape areas, whereas the site is within an AONB.

He considered that whilst the proposal is not in accordance with policies E16 and E19, Strategy 33 states that the Council will support and facilitate high quality tourism in East Devon. The proposal would provide two new shepherd huts as tourism accommodation near to Sidmouth, which would aid tourism growth and have a beneficial effect on the local economy.

The Inspector concluded that there would be no discernible harm to the character and appearance of the area or the scenic beauty of the AONB. Whilst there is conflict with some of the Development Plan policies, there are material considerations that indicate that this development should be allowed, such as the aforementioned significant benefits to the tourism provision for the area and also to the local economy. In this regard, the National Planning Policy Framework states that decisions should enable sustainable rural tourism developments which respect the character of the countryside.

BVPI 204:	Yes
Planning	APP/U1105/W/21/3275285
Inspectorate Ref:	

Ref: 21/0106/FUL **Appeal Ref:** 21/00050/REF
Appellant: Miss Pia-Maria Boast
Appeal Site: Land Adjacent 4 Cheese Lane Sidmouth
Proposal: Proposed new dwelling
Decision: **Appeal Dismissed** **Date:** 10.03.2022
Procedure: Written representations
Remarks: Delegated refusal, amenity and conservation reasons upheld (EDLP Strategy 6 and Policies D1 & EN10 and SVNP Policies 7 & 9).
BVPI 204: **Yes**
Planning APP/U1105/W/21/3280492
Inspectorate Ref:

Ref: 18/F0494 **Appeal Ref:** 22/00009/ENFAPP
Appellant: Malcolm John Burrough
Appeal Site: Thorn Park Family Golf Centre Salcombe Regis Sidmouth EX10 0JH
Proposal: Appeal against enforcement notice
Decision: **Enforcement** **Date:** 11.03.2022
Procedure: **Notice quashed**
Remarks: Written representations
The Inspector agreed with the appellant that the Notice was not properly served on everyone with an interest in the land in accordance with section 172 of the Town and Country Planning Act 1990.
BVPI 204: **No**
Planning APP/U1105/C/21/3286809
Inspectorate Ref:

Ref: 18/F0086 **Appeal Ref:** 22/00008/ENFAPP
Appellant: Darren Squires
Appeal Site: No's 2, 3, 4, 5, 6, 10 & 12 Long Range Park Whimble Exeter EX5 2QT
Proposal: Appeals against enforcement notices served in respect of the failure to comply with the condition of the planning permission 12/2444/VAR which requires the land to be used for holiday accommodation only
Decision: **Appeal Dismissed** **Date:** 11.03.2022
Procedure: Written representations
Remarks: Enforcement Notice corrected and upheld
Accessibility reasons upheld (EDLP Strategy 7 and Policies TC2, E17 & E18).
BVPI 204: **No**
Planning APP/U1105/C/21/3283353
Inspectorate Ref:

East Devon District Council List of Appeals in Progress

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

App.No: 20/1115/COU
Appeal Ref: APP/U1105/W/21/3277838
Appellant: Mr Mark Perry
Address: Building North Of Harbour Close Combpyne
Proposal; Proposed change of use of 1 no existing structure from agricultural to B1 and B2 use
Start Date: 17 August 2021
Procedure: Written Reps.
Questionnaire Due Date: 31 August 2021
Statement Due Date: 28 September 2021

App.No: 21/F0029
Appeal Ref: APP/U1105/C/21/3278461
Appellant: Mr Mark Perry
Address: Building North Of Harbour Close Combpyne
Proposal; Appeal against an enforcement notice served in respect of the unauthorised change of use of a building from agricultural to B1 and B2 use
Start Date: 17 August 2021
Procedure: Written Reps.
Questionnaire Due Date: 31 August 2021
Statement Due Date: 28 September 2021

App.No: 20/1801/FUL
Appeal Ref: APP/U1105/W/21/3281230
Appellant: Mrs A Golding
Address: Edenvale Turf Courtlands Dulford Cullompton EX15 2EQ
Proposal; Proposed replacement dwelling.
Start Date: 7 October 2021

Procedure:
Written Reps.

Questionnaire Due Date: 14 October 2021
Statement Due Date: 11 November 2021

App.No: 20/2734/OUT
Appeal Ref: APP/U1105/W/21/3282287
Appellant: Mr P Sparks
Address: Barn Close Kennels Combe Raleigh Honiton EX14 4SG
Proposal; Demolition of existing kennel buildings and construction of 2no detached dwellings (outline application with all matters reserved)

Start Date: 23 November 2021
Procedure:
Written Reps.

Questionnaire Due Date: 30 November 2021
Statement Due Date: 28 December 2021

App.No: 21/2069/PIP
Appeal Ref: APP/U1105/W/21/3285255
Appellant: Mr & Mrs ND & PF McIlveen
Address: Nursery Garage Courtlands Lane Exmouth EX8 5AB
Proposal; Residential development
Start Date: 15 December 2021

Procedure:
Written Reps.

Questionnaire Due Date: 22 December 2021
Statement Due Date: 19 January 2022

App.No: 20/2701/FUL
Appeal Ref: APP/U1105/W/21/3287929
Appellant: Mr Martin Jackson
Address: 18 Hartley Road Exmouth EX8 2BQ
Proposal; Construction of dwelling.
Start Date: 18 January 2022

Procedure:
Written Reps.

Questionnaire Due Date: 25 January 2022
Statement Due Date: 22 February 2022

App.No: 21/1795/FUL
Appeal Ref: APP/U1105/D/21/3289211
Appellant: Mr And Mrs Peter Tyldesley
Address: 1 Cowley Barton Cottages Cowley Exeter EX5 5EL
Proposal; First floor rear extension with the addition of 2 x dormer, pergola to the front and single storey outbuilding to rear for use as garden room.
Start Date: 19 January 2022
Procedure:
Written Reps.
Questionnaire Due Date: 24 January 2022

App.No: 21/0811/FUL
Appeal Ref: APP/U1105/W/21/3288093
Appellant: Oliver Cleaver
Address: Land And Buildings Opposite Hembury Close Broadhembury Honiton EX14 3LE
Proposal; Demolition of an existing barn and construction of a 4 bedroom dwelling in its place
Start Date: 18 January 2022
Procedure:
Written Reps.
Questionnaire Due Date: 25 January 2022
Statement Due Date: 22 February 2022

App.No: 20/2887/FUL
Appeal Ref: APP/U1105/W/21/3287477
Appellant: Chris Hammett
Address: Land Adjacent Harepath Hill Seaton EX12 2TF
Proposal; Proposed agricultural storage building and associated works, including new access (resubmission of planning application 19/1141/FUL)
Start Date: 7 February 2022
Procedure:
Written Reps.
Questionnaire Due Date: 14 February 2022
Statement Due Date: 14 March 2022

App.No: 21/0875/FUL
Appeal Ref: APP/U1105/W/21/3288638
Appellant: Mr & Mrs Bere
Address: Barns North Of Luton Lane Farm Payhembury
Proposal; Demolition of the existing and redundant barns and construction of a single dwellinghouse, annexe and garage (alternative to change of use of agricultural building to dwellings under class Q approval reference 19/0285/PDQ)
Start Date: 8 February 2022
Procedure: Written Reps.
Questionnaire Due Date: 15 February 2022
Statement Due Date: 15 March 2022

App.No: 20/2677/FUL
Appeal Ref: APP/U1105/W/21/3282836
Appellant: Mr A Connell
Address: Land Adjacent Poppins Goldsmith Lane All Saints
Proposal; Retrospective application for the erection of an artist studio and shed (ancillary to the amenity use of field/orchard).
Start Date: 14 March 2022
Procedure: Written Reps.
Questionnaire Due Date: 21 March 2022
Statement Due Date: 18 April 2022

App.No: 21/1479/OUT
Appeal Ref: APP/U1105/W/21/3289923
Appellant: Mr & Mrs Adrian & Carolyn Williams
Address: The Store Mill Lane Awliscombe
Proposal; Outline permission with all matters reserved for the erection of a bungalow
Start Date: 14 March 2022
Procedure: Written Reps.
Questionnaire Due Date: 21 March 2022
Statement Due Date: 18 April 2022

App.No: 20/2298/FUL
Appeal Ref: APP/U1105/W/22/3290996
Appellant: Linda Quinn
Address: Land Adjacent Heather Bell South Common Axminster
Proposal; Proposed conversion of existing building to form 1 no. unit of holiday accommodation
Start Date: 14 March 2022
Procedure:
Written Reps.
Questionnaire Due Date: 21 March 2022
Statement Due Date: 18 April 2022

App.No: 21/2341/FUL
Appeal Ref: APP/U1105/D/22/3293118
Appellant: Mr & Mrs B Yard
Address: 7 Nurseries Close Exton Exeter EX3 0PG
Proposal; Installation of front dormer and Sun lounge
Start Date: 15 March 2022
Procedure:
Written Reps.
Questionnaire Due Date: 22 March 2022

App.No: 20/1775/OUT
Appeal Ref: APP/U1105/W/21/3286468
Appellant: A & H Bullivant & Roberts
Address: Land South Of 97 Beer Road Beer Road Seaton
Proposal; Outline planning application for the construction of 1 no. dwellinghouse including the construction of new access (matters of appearance, landscaping layout and scale reserved)
Start Date: 23 March 2022
Procedure:
Written Reps.
Questionnaire Due Date: 30 March 2022
Statement Due Date: 27 April 2022

App.No: 21/1612/FUL
Appeal Ref: APP/U1105/W/21/3288154
Appellant: Miss Sophie Watkiss
Address: Brampford House Brampford Speke Exeter EX5 5DW
Proposal; Erection of a single storey sun room, with retractable glass windows, and pocket doors
Start Date: 24 March 2022
Procedure:
Written Reps.
Questionnaire Due Date: 31 March 2022
Statement Due Date: 28 April 2022

App.No: 21/1980/LBC
Appeal Ref: APP/U1105/Y/21/3288966
Appellant: Miss Sophie Watkiss
Address: Brampford House Brampford Speke Exeter EX5 5DW
Proposal; Single storey sun room with retractable glass windows and pocket doors
Start Date: 24 March 2022
Procedure:
Written Reps.
Questionnaire Due Date: 31 March 2022
Statement Due Date: 28 April 2022

App.No: 21/0236/ADV
Appeal Ref: APP/U1105/Z/21/3286343
Appellant: Mr Mohammad Sherbaz
Address: A303 Services Yarcombe Honiton EX14 9ND
Proposal; Retention of 1 no. internally illuminated totem pole sign
Start Date: 25 March 2022
Procedure:
Written Reps.
Questionnaire Due Date: 01 April 2022

Report to: Planning Committee

Date of Meeting 13th April 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Local Development Order for Land off Long Lane

Report summary:

The report seeks support for undertaking the Local Development Order (LDO) process with a view to the Council adopting a LDO for employment generating uses on the site referred to as Land off Long Lane. This site is one of the four that comprise the Exeter and East Devon Enterprise Zone designation with a simplified planning regime being a key part of the offer to accelerate the delivery of new commercial development and employment.

The LDO sets out the permitted development and defines the restrictive terms which limit the scope of the development and the conditions which need to be met. The draft Order is attached at Appendix 1. The order will be accompanied by a Design Code which sets out how the development will take place. Criteria are set within the Design Code which must be complied with to ensure high quality design and prevent adverse impacts from the development.

A Statement of Reasons sets out the background and the justification for the LDO and is attached at Appendix 2.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

It is recommended that Committee approve the formal public consultation process for a LDO on Land off Long Lane, with delegated authority be given to the Development Manager to finalise and agree the consultation draft of the LDO.

Reason for recommendation:

Through the adoption of a LDO the Council can encourage appropriate delivery of the site in accordance with the aims and objectives set out in East Devon Local Plan 2013 – 2031 and East Devon Council Plan 2021 - 2023.

The LDO will reduce the regulatory processes and delays associated with the submission of planning applications, encouraging investment into the area and the creation of jobs. The LDO will provide a framework for co-ordinating sustainable development of the site to achieve a mixed use scheme with good place making whilst minimising the impact upon the local environment and wildlife.

Portfolio(s) (check which apply):

- ☐ Climate Action and Emergency Response
- ☐ Coast, Country and Environment
- ☐ Council and Corporate Co-ordination
- ☐ Democracy, Transparency and Communications
- ☒ Economy and Assets
- ☐ Finance
- ☒ Strategic Planning
- ☐ Sustainable Homes and Communities
- ☐ Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Medium Impact

Risk: Low Risk; The delivery of the Order will comply with the Town & Country Planning (Development Management Procedure Order) (England) 2015.

Links to background information [LDO Land off Long Lane Design Code East Devon Local Plan 2013-2031](#) [National Planning Policy Framework](#) [The Town & Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)

Link to [Council Plan](#)

Priorities (check which apply)

- ☐ Better homes and communities for all
- ☒ A greener East Devon
- ☒ A resilient economy

Report in full

1. Introduction

- 1.1. The implementation of a simplified planning regime in Exeter and East Devon Enterprise Zone has been included in the Enterprise Zone work programme from the commencement of the designation in April 2017.
- 1.2. A Local Development Order (LDO) is an Order made by the Local Planning Authority (LPA) that grants planning permission for a specific development proposal or classes of development in defined locations. LDO's are a flexible tool for the LPA to use to accelerate the planning process by providing permitted development rights for appropriate development on a site.
- 1.3. The LPA have been working in partnership with the site promoters and other key internal and external stakeholders to agree the specifics of the LDO including the setting of the development parameters and the Design Code, within which the development of the site can emerge.

2. Background

- 2.1. The Town and Country Planning Act 1990, Section 61, permits Local Planning Authorities (LPA's) to make Local Development Orders granting planning permission for development in their area. The Town & Country Planning (Development Management Procedure Order) (England) 2015 sets out the procedure that must be undertaken for the preparation and adoption of an LDO.
- 2.2. LPA's can make an LDO to extend permitted development rights or grant planning permission, for specific development proposals or classes of development within a particular area.
- 2.3. The site in question forms part of Exeter and East Devon Enterprise Zone (EEDez), which was designated in 2017. The Government introduced Enterprise Zones to stimulate private sector investment and support business development. Enterprise Zones include the provision of financial incentives, including business rates discounts, to support business growth together with simplification of the planning system such as through the adoption of Local Development Orders.
- 2.4. The principal objective of the LDO is to encourage and facilitate the development of the site by providing a simplified approach to planning which reduces the regulatory processes and delays associated with the submission of planning applications. The LDO seeks to encourage investment and create a sustainable high quality business park enabling flexibility for the site to provide for changing demands within the business/industrial sectors.
- 2.5. The area covered by the proposed LDO relates to a site designated under Strategy 18 of the adopted Local Plan - Future Development of Exeter Airport Business Park that states the following:

'To enable modest expansion of the Exeter Airport Business Park 5 hectares of additional land (over and above the Training Academy and hotel site) is allocated, for business/employment generating uses as shown on the Proposals Map. Highway improvements will be required in order to access this site and also to enhance general airport access.'

- 2.6. The proposed area of this LDO covers all of the allocation under Strategy 18, but also extends it slightly as the original allocation does not extend to the full extent of the field boundaries. As such, this LDO covers the whole of the field up to the clear hedgerow boundaries, although the majority of the site boundary will form a landscape strip around the site.

3. Details of the LDO

- 3.1. In accordance with the provisions set out in The Town & Country Planning (Development Management Procedure Order) 2015 the Local Planning must prepare a draft Order and a Statement of Reasons. These are attached to the report in Appendix 1 & 2 respectively.
- 3.2. The LDO would remove the need for developers to apply for planning permission for development of the site for employment generating uses, as defined in the order.
- 3.3. The maximum development permitted by the order would be 26,000 sqm. The permitted uses shown in the draft order are as follows;

- B2 General industrial
- B8 Storage & distribution – max 18,200 sqm (70% of total permitted development)
- E (g) i) Office – max 2,600 sqm
- E (g) ii) Research & development
- E (g) iii) Any industrial process
- E (b) Food & drink – max 200 sqm
- E (d) Indoor sport & recreation – max 200sqm
- F1 (a) Learning and non-residential institutions for the provision of education – max 500sqm

- 3.4. The development rights permitted under the LDO would allow for future changes of use as long as it is within the limitations of the LDO.
- 3.5. The order also specifies a list of conditions which must be met. Any development outside of these limitations or which does not comply with the list of conditions would not be deemed as permitted development by the Order.
- 3.6. The Design Code provides an indication of how the site may come forward, with various plans showing different unit sizes and layout. The site will be split into three zones which will be separated by landscaping and roads. The LDO is accompanied by a map which defines the developable areas of the site, clearly setting out areas which will not be built on, including landscaped areas, SuDs and the access road. The development parameters vary according to each zone, limiting the height and size of units.
- 3.7. To ensure that the development is acceptable in planning terms parameters are set within the LDO and the Design Code to restrict the development. The parameters will ensure that an appropriate mix of uses and unit sizes are provided on the site. The Local Plan allocates the site for business/employment generating uses under Strategy 18 and does not restrict any particular business/employment use on the site. The proposals under the LDO will enable a greater level of control over what can currently be achieved through the Local Plan and will ensure the development of the site comes forward as a mixed use scheme with various unit sizes to accommodate a variety of business/employment uses.
- 3.8. The development parameters also ensure that adequate mitigation takes place to minimise adverse impacts upon the landscape and natural environment and support an increase in bio-diversity.
- 3.9. Sustainability is a key aspect of the development; The development will be required to meet BREEAM standards of “Excellent” on all buildings over 500sqm and “Very good” on all other buildings; The buildings will be fitted with solar panels; Travel Plans will be required to be submitted and approved to support low carbon development; Electric vehicle points will be provided for all units.
- 3.10. Informal consultation has taken place with relevant stakeholders to address issues such as transport, drainage, flooding, ecology and aerodrome safeguarding. Alongside this LDO, the developer, working with Devon County Highways, have already agreed, and are working on, highway improvements to Long Lane to facilitate the development.
- 3.11. To ensure development takes place in accordance with the LDO there will be a requirement to submit an Application for Compliance. There will also be some instances where written

approval is required from the LPA to comply with a condition. For both of these matters the developer will need to submit all the relevant information and appropriate fee.

3.12. The duration of the LDO is defined within the draft Order as 10 years from the date of adoption. The Council can revoke, amend or extend the Order at any time.

4. Benefits of implementing an LDO

4.1. The LDO is seen as an effective tool for simplifying and speeding up the planning process. It is a proactive approach to planning which provides certainty and clarity to developers and landowners and supports the objectives of the Enterprise Zone.

4.2. The LDO accords with and assists the implementation of East Devon District Council Local Plan 2013-2031. Relevant policies in the consideration of the LDO are listed in the Statement of Reasons (Appendix 2)

4.3. The LDO will assist the delivery of East Devon Council Plan 2021-23;

- Council Priority 2 - A greener East Devon
- Council Priority 3 – A resilient economy

5. Alternative options

5.1. The alternative is to not prepare and adopt a LDO for the site. Developers would then be required to gain planning consent for development. This approach would in delay the site coming forward for development while planning applications are prepared and may not achieve delivery of a mixed use scheme.

6. Next steps

6.1. The draft LDO and Design Code will be prepared and finalised for consultation.

6.2. The statutory consultation process as defined in the DMPO 2015 (Article 38) needs to be undertaken. In addition to the prescribed bodies the LPA must consult any person affected by the LDO as per a conventional planning application. The consultation period will run for 28 days.

6.3. Following the consultation process any representations received will be considered and an amended draft of the Order will be drawn up. A report on the revised draft of the LDO will be presented to the Planning Committee prior to the Adoption of the LDO by the Council.

7. Conclusion

7.1. The LDO will facilitate development, supporting the local economy and creating jobs. It will provide a framework for co-ordinating sustainable development of the site to achieve a mixed use scheme with good place making whilst minimising the impact upon the local environment and wildlife.

- 7.2. The LDO controls the permitted development though its limitations and conditions. Development being built under the LDO will have to accord to the parameters set within the LDO and the Design Code.
- 7.3. The regulations allow the LDO to be revoked or amended at any time should the Council change its policies or views on how the site should be developed.

Financial implications:

The Enterprise Zone policy is designed to stimulate the pace of economic development on the zone and the local economy of which it is a part. The primary financial implication is that business rates growth within the zone, for a significant period, is retained by the local area to support the Council's and Local Enterprise Partnership's economic priorities.

Legal implications:

The power to make an LDO is discretionary and the LDO must be adopted for it to take effect. The power to adopt an LDO has been delegated to the planning committee. There are no other legal implications other than as set out within this report for consultation.

East Devon District Council

LOCAL DEVELOPMENT ORDER

Land off Long Lane



Date of Adoption:

Local Development Order Land off Long Lane

~~[In pursuance of the powers of the Town & Country Planning Act 1990 (as amended), East Devon District Council hereby gives notice that planning permission has been approved for the carrying out of the development referred to below, subject to compliance with the conditions listed.] To be added after Adoption~~

1) Definitions

The LDO area

The area identified as 'LDO Area' on 'LDO Plan 1' (Appendix A), also currently known as Airpark or Power Park Exeter

Local Planning Authority (LPA)

East Devon District Council, or its successor authority, is the Local Planning Authority for the LDO area.

Development parameters

The limitations to development as set out in Tables 1 & 2.

Zone

Means the zones within the LDO area identified on 'LDO Plan 2' (Appendix A).

Duration

Means the period specified for the operation of the LDO.

Gross External Area (GEA)

GEA is defined as the total covered floor area inside a building envelope, including the external walls of a building as measured in accordance with the Royal Institution of Chartered Surveyors' Code of Measuring Practice, Sixth Edition published in May 2015.

EEDEZ

Means the Exeter and East Devon Enterprise Zone.

CIL

Means Community Infrastructure Levy

Working Day

Means a weekday which is neither a statutory bank holiday, nor Good Friday, nor any day falling between 22 December in any year and 2 January in the following year (both dates inclusive)” unless this falls under another statutory time limit.

2) LDO area

Development is only permitted by this Order within the LDO area as defined on Plan 1 (Appendix A).

For the purposes of this Order the site is divided into three zones (Appendix A, Plan 2) Zones identified within the LDO area relate to areas of differing development constraint through the development parameters.

3) LDO Description

The Local Development Order (LDO) grants planning permission for the development of land for employment generating uses and ancillary facilities within the defined LDO area, subject to the development parameters, permitted uses, limitations and conditions set out in the Order.

The LDO grants permitted change of use subject to the development parameters, permitted uses, conditions and duration set out in the Order.

4) Evidence Base

The LDO is supported by a range of technical studies, assessments and strategies including:

- Design Code Document prepared by PHP Architects
- Ecology assessments prepared by Paragon
- Contamination reports prepared by Paragon
- Flood Risk Assessments prepared by Paragon
- Drainage and SUDS Strategy prepared by Paragon and Waldeck
- Transport assessment prepared by Waldeck
- Heritage & archaeology statement prepared by Paragon
- Landscape and Visual Appraisal prepared by PHP Architects
- Green Infrastructure strategy prepared by IDP
- Lighting assessment/strategy prepared by Waldeck

- Noise & Air quality assessment prepared by Paragon
- Sustainability statement prepared by CPW
- Framework Travel Plan & Parking Strategy prepared by Waldeck

5) Development parameters (Table1)

Parameter		Zone	Limitations	Reason for Parameter
1	Total Floor Area (GEA)	All	Limited to 26,000 sqm across the whole LDO site	To control the overall quantum of floorspace. Creation of additional floorspace would require further assessment of impacts through the planning process.
3	Maximum building height (above ordnance datum)	Zone A	49.0 AOD	Building heights are controlled to ensure aerodrome safeguarding and mitigate visual impact.
		Zone B	43.0 AOD	
		Zone C	43.0 ADO	
5	Developable areas	All	Development is restricted to areas as defined on Plan 2 (Appendix A)	To protect areas of landscaping and SUDS

6) Permitted Uses (Table 2)

Permitted use	Limitations/exclusions	Notes
B2 General industry	Excluding; incineration purposes, chemical treatment or landfill or any operation processing or storage or activity involving hazardous or inert waste.	The excluded uses would need to be assessed through the process of a planning application, having particular regard to the proximity of the Airport and any environmental impacts.
B8 Storage & distribution	Maximum of 18,200 sqm GEA	
E (b) Food & drink mostly consumed on the premises	Maximum of 200 sqm GEA	
E (d) Indoor sports & recreation	Maximum of 200 sqm GEA	
E (g) i) Office	Maximum of 2,600 sqm GEA	Limited due to traffic impact. Ancillary offices are permitted and do not form part of the total quantum of Class E (g) i) office use for this limitation.
E (g) ii) Research & development	Maximum of 2,600 sqm GEA	Limited due to traffic impact

E (g) iii) Any industrial process		
F1 (a) Learning and non-residential institutions for the provision of education	Maximum of 500 sqm GEA	

Change of use of floorspace within the LDO site is permitted if it is in accordance with the development parameters and permitted land uses of this Order.

7) Conditions

Development permitted by this Order is subject to all of the conditions set out in Appendix B.

Where conditions require the approval of further details by the LPA approval of said details will be by way of the standard process and requisite discharge of condition fee, payable to the LPA.

The LPA shall aim to determine applications for the approval of details reserved by conditions within 28 days. If necessary, the LPA will give the applicant notice in writing that further information is required along with a request for an extension of time to consider the additional information.

8) Expiry

Subject to any subsequent decision by the Local Planning Authority relating to its withdrawal, modification or extension, this Order shall expire after 10 years of the date of its adoption.

9) Other Statutory Requirements

Whilst the LDO grants planning permission for certain types of development as described in this Order. It relates to the provisions of the Town and Country Planning Act 1990 and associated legislation only. It does not grant consent that may be

required under other legislation. It will remain the responsibility of the developers to ensure that all other statutory requirements beyond the scope of the planning system are adhered to.

Failure to comply with relevant statutory requirements could result in any development being unlawful and may result in appropriate enforcement action being taken by the council and/or other agencies. It is the responsibility of the developer/landowner to be in accordance with all relevant legislation.

Development carried out under the LDO will be CIL liable where relevant according to the CIL regulations at the time of construction.

It should be noted that the LDO does not prevent development taking place which is not expressly permitted through the Order. Proposals for such development would be subject to the normal planning application process and may proceed if planning permission is granted.

10) Application for Compliance

Prior to the commencement of construction of any buildings permitted by this LDO, the Local Planning Authority must be notified of the proposed development via an Application for Compliance.

An Application for Compliance form (Appendix C) must be accompanied by;

- i) a plan indicating the location of the development within the site;
- ii) details of the scale, layout and appearance of the development (to include floor plans and elevations);
- iii) written demonstration of compliance with the LDO Design Guide; and
- iv) the requisite fee (in accordance with Condition 3).

On receipt of an application for compliance, the Local Planning Authority will confirm in writing within 28 working days (the notification period) that:

- a) The proposed development is permitted by the LDO and therefore can proceed without the requirement for a planning application, or
- b) That the proposed development is not in accordance with the LDO and therefore a planning application is required; or
- c) Further information is required to determine whether the proposed development is permitted by the LDO, including reasons why there is any uncertainty and a revised compliance period of 21 working days from submission. Development is not permitted until the LPA have provided written confirmation of Compliance with the LDO.

Failure of the Local Planning Authority to respond in writing within this period will be deemed as confirmation that the proposal is permitted.

Development must not commence until the notification period has passed. For the purposes of calculating the 28 day compliance assessment period, only working days shall be taken into account. Any Bank Holiday and any day between Christmas Eve and New Year's Day (inclusive) shall not be taken into account. In respect to the above timescales day 1 starts on the day of receipt of the application. There is no right to appeal on the decision of the application for compliance.

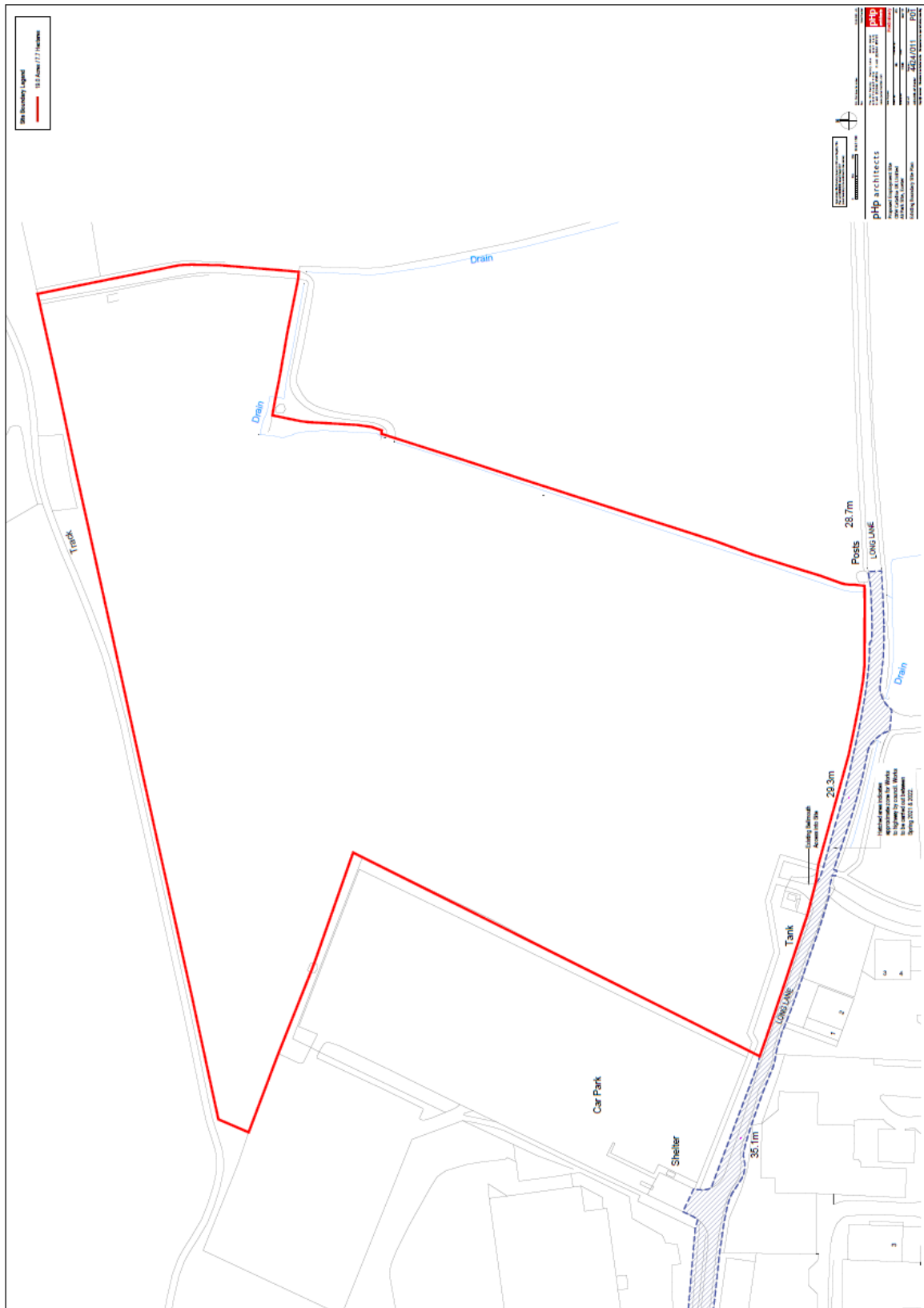
The subsequent development should be carried out strictly in accordance with the LDO Application for Compliance and the Design Code.

DATE OF ADOPTION:

Appendix A

East Devon District Council
LOCAL DEVELOPMENT ORDER

Plan 1 – LDO site area



East Devon District Council
LOCAL DEVELOPMENT ORDER

Plan 2 – LDO Developable areas & zones



Appendix B

Conditions

General

- 1) The LDO and the terms within it will be active for a period of 10 years following the day of its adoption and will expire following this period.

Development which has commenced under the provisions of the LDO can be completed in the event that the LDO is revoked, amended or expired. This is subject to the LPA's confirmation of compliances in accordance with the process set out in the LDO.

Reason – In order that the regeneration benefits of the LDO can be secured.

- 2) Development permitted by this Order shall not be carried out other than in complete accordance with the parameters and conditions set out within this LDO and the accompanying Design Code, with the exception of minor variations submitted to and approved by the LPA.

Reason – To ensure sustainable forms of development in line with the aspirations of the EEDEZ.

Compliance notice

- 3) Prior to construction commencing on any building within the site an application for compliance shall be submitted to and approved in writing by the Local Planning Authority for that building. The development shall be carried out in strict accordance with the information submitted and permitted.

Reason – To ensure the development complies with the LDO.

Change of use

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order modifying, revoking and/or re-enacting that Order with or without modification) and the Town and

Country Planning (Use Classes) Order 1987 (or any order modifying, revoking and/or re-enacting that Order with or without modification), the use of a building/buildings shall not be changed unless it falls within the uses permitted by the Power Park Exeter LDO.

Reason: To enable the Local Planning Authority to regulate and control the development of the site in accordance with the aims and aspirations of the EZ and the Power Park LDO.

CEMP

- 5) A Construction and Environment Management Plan (CEMP) 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 adequate facilities are available for construction and other traffic attracted to the site and to ensure adequate mitigation of impacts resulting from construction.

SWMP

- 6) No construction activity shall take place until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority (unless otherwise agreed in writing by the Local Planning Authority). All development shall be undertaken in accordance with the approved SWMP.

Reason: A pre-commencement condition is required to ensure that adequate measures are undertaken to mitigate impacts resulting from construction.

Drainage

- 7) The approved drainage scheme (under appendix D of the Design Code) shall be implemented in full in accordance with the specified timetable in the Design Code

and retained, managed and maintained at all times thereafter and no development whether or not permitted by this Order or the GPDO 2015 (or any order amending, revoking and re-enacting those Orders) shall be carried out on the land so shown or in such a position as to prejudice the scheme as approved.

Reason - To manage surface water and foul sewage appropriately for the lifetime of the development.

Travel Plan

- 8) Prior to initial or subsequent occupation of any premises a Travel Plan in connection with the business/use taking place within the premises shall be submitted to and approved in writing by the LPA and thereafter the travel plan shall be adhered to in full. The Travel Plan shall accord with the requirements set out in the Design Code.

Reason – In the interests of sustainability

Archaeology

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

Reason – To ensure that features of archaeological or architectural importance are recorded before their destruction or concealment and to ensure that an appropriate record is made of archaeological evidence that may be affected by the development.

Aerodrome Safeguarding

- 10) Prior to any development commencing, that development shall have an approved Aerodrome Safeguarding Technical Assessment. The development shall be carried out in strict accordance with the approved technical assessment.

Reason – To ensure the development meets the safeguarding requirements of the aerodrome.



Appendix C

LDO Land off Long Lane - Application for Compliance

Applicant Details	
Name	
Address	
Contact number	
Email	
Agent Details	
Name	
Address	
Contact number	
Email	

Brief description of development		
Please indicated proposed employment	Full time	Part time
Date works are expected to commence		

Please tick to confirm attached documents/fee

Plan indicating the location of the development within the site	
Details of the scale, layout and appearance of the development	
Written demonstration of compliance with the LDO Design Guide	
The requisite fee	

Please indicate floor area to be provided by the proposal

Gross External Area (sqm)	
B2 General industry	
B8 Storage & distribution	
E (b) Food & drink mostly consumed on the premises	
E (d) Indoor sports & recreation	
E (g) i) Office	
E (g) ii) Research & development	
E (g) iii) Any industrial process	
F1 (a) Learning and non-residential institutions for the provision of education	
Total GEA of proposal	

Declaration;

I/We hereby apply for certification of compliance with the Local Development Order (Power Park Exeter) as described in this form and the accompanying plans/drawings and additional information in accordance with planning conditions attached to the LDO.

Name	
Signature	
Date	

Please submit all relevant documents to the Local Planning Authority.

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

Email: LDO@eastdevon.gov.uk
Tel: 01395 571595

<https://eastdevon.gov.uk>



East Devon District Council

LOCAL DEVELOPMENT ORDER

Land off Long Lane

Statement of Reasons

LDO Land off Long Lane

Statement of Reasons

1. Introduction

1.1. This document satisfies the requirements of Article 38(1) and (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (DMPO) which states that where a Local Planning Authority proposes to make a Local Development Order (LDO) they shall first prepare:

- 1- A draft order; and
2. A statement for their reasons for making the order, containing;
 - a) A description of the development which the order would permit; and
 - b) A plan or statement identifying the land to which the order would relate.

2. Background

2.1. The site is located to the south of Exeter airport and to the north east of the existing airport business park. The site extends to approximately 7.7 hectares (ha) and is currently agricultural land. To the west it adjoins airport car parking with operational airport buildings beyond. To the south is an established business park, accommodating a variety of uses and to the east are open fields.

2.2. The majority of the site (5 ha) is allocated for business/employment generating uses within East Devon Local Plan 2013-2031. By allocating the site for such uses the Local Plan seeks to enable modest expansion of the existing airport business park and provide for a range of additional employment opportunities. Despite the Local Plan allocation, the site has yet to come forward for development.

2.3. The whole site (7.7 ha) forms part of Exeter and East Devon Enterprise Zone (EEDZ), which was designated in 2017. One of the key objectives of the EEDZ is to bring forward a simplified planning regime, such as Local Development Orders, to support delivery of the sites. The LDO will provide a clear overview of the type, use and form of development that is permitted on the site. It will facilitate economic growth, encouraging investment into the area by providing clarity and certainty for development and streamline the planning process.

- 2.4. The LPA have been working in partnership with the site promoters, Oxenwood, and other key internal and external stakeholders to agree the specifics of the LDO including the setting of the development parameters and the Design Code, within which the development of the site can emerge.
- 2.5. The Order sets out the parameters for development permitted by the LDO and identifies the timeframe of the LDO. The development which is permitted by the Order is subject to a list of planning conditions identified in the Order.

3. What is an LDO?

- 3.1. An LDO is an Order made by the Local Planning Authority (LPA) that grants planning permission for a specific development proposal or classes of development in defined locations. LDOs were introduced through the Planning and Compulsory Purchase Act 2004 ('2004 Act') and allow local planning authorities to extend permitted development rights for certain specified forms of development subject to conditions. The powers were subsequently amended in the Town and Country Planning Act 2008 ('2008 Act'), which removed the requirement that LDOs should implement policies set out in the Development Plan.
- 3.2. LDO's are a flexible tool for the LPA to use to accelerate the planning process by providing permitted development rights for appropriate development on a site.

4. Development Permitted by this Local Development Order

- 4.1. The Local Development Order (LDO) grants planning permission for the development of land for employment generating uses and ancillary facilities within the defined LDO area, subject to the development parameters, permitted uses, limitations and conditions set out in the Order.
- 4.2. The LDO grants permitted change of use subject to the development parameters, permitted uses, conditions and duration set out in the Order.
- 4.3. If development does not comply with all relevant aspects of the LDO and the Design Code separate planning permission must be sought from the LPA. Where development is to be carried out under the LDO, an application for compliance must be submitted to the LPA for confirmation.

5. LDO Structure

- 5.1. The LDO sets out the permitted development and uses on the site and is accompanied by the Design Code and supporting technical assessments.
- 5.2. The Design Code sets out the details to which the development must comply in respect to building design, landscaping, drainage, parking standards and various other aspects.
- 5.3. Prior to commencing development on site, an Application for Compliance must be completed and submitted to the Council. Within 28 days the Council will confirm whether the development complies with the LDO or request additional information to make a determination. If development complies with the LDO it can proceed accordingly.
- 5.4. The LDO will grant consent for a period of 10 years from adoption. The LPA may amend, extend or revoke the LDO at any time.

6. Justification for creating this Local Development Order

- 6.1. The principal aim for creating the LDO is to encourage and facilitate the development of the site by providing a simplified approach to planning which reduces the regulatory processes and delays associated with the submission of planning applications. The LDO seeks to encourage investment and create a sustainable high quality business park enabling flexibility for the site to provide for changing demands within the business/industrial sectors.
- 6.2. Access to the site is off Long Lane. Highway improvements are currently underway on Long Lane and referred to as the Long Lane Enhancement Scheme, which has benefitted from an investment of £4.51m from the Enterprise Zone programme. The scheme includes widening Long Lane to unlock the development potential of this LDO site, as well as improving pedestrian, cycling and public transport connectivity to existing and future development in the area and supporting wider investment to the Airport and other projects such as the France-Alderney-Britain inter connector project.

- 6.3. The site is located directly adjacent to the Exeter international Airport. The site is identified in the Local Plan as the extension area to the existing Exeter Airport Business Park, which serves the airport with a variety of business and services varying from light industrial to general industrial. Exeter College Future Skills Centre and Hampton By Hilton Hotel found directly south of the Power Park site. The existing business park acts as a hub for the surrounding businesses and has good connections to local and national infrastructure, making it a key location for development. It is well served by local, regional, national and international transport connections with direct access to the main A30 roadway, which has connections to the M5 as it serves the rest of the south west and north east of England, towards Bristol and beyond.
- 6.4. There is a very clear rationale for the introduction of simplified planning regime. It will create certainty for investment and reduce the normal requirements of the planning system in an area that has already been identified as suitable for development.
- 6.5. The LDO will assist the delivery of East Devon Council Plan:
- 6.5.1. Council Priority 2 - A greener East Devon: EEDEZ has a firm commitment to supporting sustainable and low carbon development and the LDO will require BREEAM excellent to be achieved on all buildings over 500sqm GFA and incorporate PV panels to promote green energy. There will be a wide landscape buffer around the site, recognising the importance of the natural environment and its value to biodiversity. The requirement of Travel Plans will ensure a commitment to carbon reduction and promote the accessibility of the site by cycleways, car share and public transport.
- 6.5.2. Council Priority 3 – A resilient economy: Development of the sites within the EEDEZ is essential to the prosperity of the district. The site will provide for a variety of unit sizes and business uses. The development of the site will be able to flex according to demand and to address economic challenges such as the Covid-19 pandemic. The LDO will remove barriers and delays to development, promoting economic growth for the area.
- 6.6. An LDO is a proactive mechanism and effective marketing tool for the site that will send a clear message that investment is being positively encouraged. Through the LDO limitations and Design Code there is also a clear mechanism available to the

Council, landowner and stakeholders to ensure that an LDO maintains an appropriate degree of control to secure the highest quality outcomes in design terms.

7. Environmental Impact Assessment (EIA)

7.1. The proposal is considered to be a form of development under part 10(b) of Schedule 2 of the EIA Regulations 2017 and exceeds the applicable thresholds and criteria by virtue of the development including more than 1 hectare of urban development which is not dwellinghouse. As such, the LPA is required to undertake a screening opinion to identify if there are likely significant environmental effects.

7.2. While the proposed development is of a scale over the threshold requiring screening for the purposes of the EIA regulations, the type and risk of the impacts are not likely to be significant and are capable of being addressed through the LDO process. The formal screening opinion concluded that the proposed development is not likely to result in significant effect on the environment and therefore does not trigger a requirement for an EIA.

8. Statement of policies that the LDO would implement

8.1. The LDO is consistent with the aims and objectives of local and national planning policy.

8.2. National Planning Policy Framework (NPPF) paragraph 51 states:

“Local planning authorities are encouraged to use Local Development Orders to set the planning framework for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area.”

8.3. The following extract from the EDDC Local Plan identifies the need for an area of expansion to the existing Airport Business Park. The following extract is from EDDC Local Plan:

“Exeter Airport Business Park

Exeter Airport Business Park lies to the South of the Exeter International Airport. The Business Park is home to a range of successful businesses and building and plot vacancy levels at the park are very low. Exeter Airport Business Park accommodates some smaller sized high technology businesses but for the most

part is home to manufacturing and distribution businesses and to this end it is not in direct competition with the 'upper end' jobs that Skypark and the Science Park will be seeking to attract.

Although the thrust of employment creation in East Devon's West End will be on the major new employment parks and the high value jobs they will offer it is recognised that it is important to also provide a range of additional employment opportunities. Exeter Airport Business Park has proven to be a very successful business location in recent years, proximity to the M5 Motorway and the A30 being key to its success.

In order to provide for a range of business uses, not just high skill/ high technology uses, in the West End modest provision is made for expansion of the Airport Business Park."

- 8.4. The LDO accords with and assists the implementation of East Devon District Council Local Plan 2013-2031. Relevant policies in the consideration of the LDO and the design and layout of future development on the site include:

Strategy 3 - Sustainable Development

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

b) Prudent natural resource use - which includes minimising fossil fuel use therefore reducing carbon dioxide emissions. It also includes minimising resource consumption, reusing materials and recycling. Renewable energy development will be encouraged.

Strategy 9 – Major Development at East Devon's West End

High quality development with associated infrastructure, built within a high quality landscape setting, will be provided in East Devon's West End. The overarching strategy for development will need to dovetail with the development strategy for Exeter with the provision of homes close to jobs and other facilities and services. High quality walking and cycling connections; enhanced bus and rail services, and improved highway provision will be integral to the overall development.

Within the West End of East Devon the following schemes will be provided:

...8. Exeter Airport Business Park - Middle range business park providing for medium to smaller business uses.

Strategy 18 – Future Development of Exeter Airport Business Park

To enable modest expansion of the Exeter Airport Business Park 5 hectares of additional land (over and above the Training Academy and hotel site) is allocated, for business/ employment generating uses as shown on the Proposals Map. Highway improvements will be required in order to access this site and also to enhance general airport access.

Strategy 38 – Sustainable Design and Construction

Encouragement is given for proposals for new development and for refurbishment of, conversion or extensions to, existing buildings to demonstrate through a Design and Access Statement how:

- a) sustainable design and construction methods will be incorporated, specifically, through the re-use of material derived from excavation and demolition, use of renewable energy technology, landform, layout, building orientation, massing, use of local materials and landscaping;
- b) the development will be resilient to the impacts of climate change;
- c) potential adverse impacts, such as noise, smell, dust, arising from developments, both during and after construction, are to be mitigated.
- d) biodiversity improvements are to be incorporated. This could include measures such as integrated bat and owl boxes, native planting or green roofs.

Development over 1000sqm of commercial floor space should meet the target of BREEAM of at least “Very Good”.

Strategy 47 – Nature Conservation and Geology

The development will need to:

- 1. Conserve the biodiversity and geodiversity value of land and buildings and minimise fragmentation of habitats.
- 2. Maximise opportunities for restoration, enhancement and connection of natural habitats.
- 3. Incorporate beneficial biodiversity conservation features.

Strategy 49 – The Historic Environment

The physical and cultural heritage of the district, including archaeological assets and historic landscape character, will be conserved and enhanced and the contribution that historic places make to the economic and social well-being of the population will be recognised, evaluated and promoted.

Policy D1 – Design & Local Distinctiveness

Promoting high quality and locally distinctive design whilst meeting sustainability credentials and mitigating impacts from the development.

Policy D2 – Landscape Requirements

The use of appropriate landscaping can enhance the setting of new buildings and assist in nature conservation and habitat creation.

Policy EN6 – Nationally and Locally important Archaeological Sites

Development that would harm nationally important archaeological remains or their settings, whether scheduled or not, including milestones and parish stones, will not be permitted. Development that would harm locally important archaeological remains or their settings will only be permitted where the need for the development outweighs the damage to the archaeological interest of the site and its setting.

Policy EN7 – Proposals affecting Sites which may potentially be of Archaeological Importance

Implications for the development proposal on potentially important archaeological sites must be assessed.

Policy EN14 – Control of Pollution

Permission will not be granted for development which would result in unacceptable levels of pollution, either to residents or the wider environment.

Policy EN16 – Contaminated Land

Where it is anticipated that contamination may be present on or near to a development site, a contaminated land assessment will be required.

Policy EN19 – Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems

New development will not be permitted unless a suitable foul sewage treatment system of adequate capacity and design is available or will be provided in time to serve the development. Development where private sewage treatment systems are proposed will not be permitted unless ground conditions are satisfactory and the plot

is of sufficient size to provide an adequate subsoil drainage system or an alternative treatment system.

Policy EN22 – Surface Run-Off Implications of New Development

Requires appropriate assessment and remedial measures for surface water run-off, including sustainable drainage systems.

Policy TC2 – Accessibility of New Development

New development to be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.

Policy TC7 – Adequacy of Road Network and Site Access

The proposed access and traffic generated by the development must not be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy TC9 – Parking Provision in New Development

The development needs to provide spaces for the parking of cars and bicycles, including charging points for electric cars.

9. Public Consultation

9.1. It is a requirement that LDOs are the subject of consultation with the procedures set out in Article 38 of DMPO 2015. The Council recognises the choice of consultation method needs to reflect the audience that it was seeking to reach and has ensured the consultation process is compliant with the requirements of not just Article 38, but also the EIA Regs 2017.

9.2. All necessary documentation will be placed on the Council's website and will be available for inspection and public consultation for the statutory period of time.

9.3. The draft LDO will be refined in response to comments received during the public consultation where these were considered appropriate. Once finalised, the LDO can be adopted and the Secretary of State will then be informed as soon as practicable after adoption.

10. Lifetime

10.1. This LDO takes effect on the date it is adopted by the Council.

10.2. Subject to any subsequent decision by the Local Planning Authority relating to its withdrawal, modification or extension, this Order shall expire after 10 years of the date of its adoption.

10.3. Once the LDO expires the local planning authority will have three options available;

- extend the LDO under the same limitations and conditions;
- provide the LDO and modified the limitations and conditions; or
- revoke the LDO and return to the established planning system.

10.4. Any development which has commenced (as defined by Section 56 of the Town and Country Planning Act 1990) under the provision of the LDO will be allowed to be completed within a reasonable time period, in accordance with the terms and conditions of the LDO.

11. Monitoring

11.1. The implementation and uptake LDO will be monitored through the data gathered under condition (3) which requires all proposed development details to be submitted to the local planning authority.

Reference 22/0067/FUL

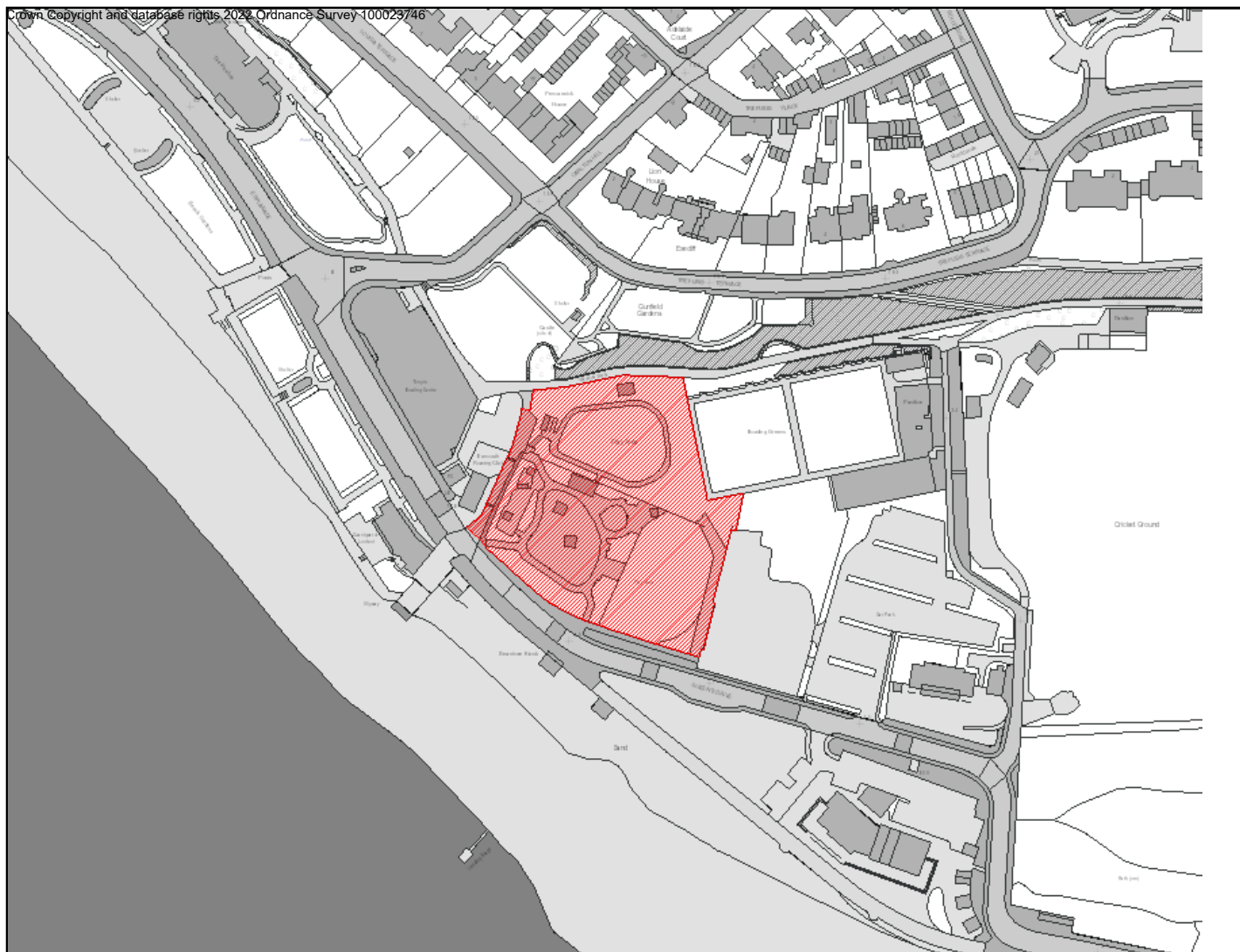
Applicant Mr Tim Child (East Devon District Council)

Location Land At Queen's Drive Exmouth

Proposal Permanent use of land, buildings and structures for the purposes of entertainment, recreation and leisure.



RECOMMENDATION: Approval with conditions



		Committee Date: 13th April 2022
Exmouth Littleham (Exmouth)	22/0067/FUL	Target Date: 10.03.2022
Applicant:	Mr Tim Child (East Devon District Council)	
Location:	Land At Queen's Drive Exmouth	
Proposal:	Permanent use of land, buildings and structures for the purposes of entertainment, recreation and leisure.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as East Devon District Council is both the applicant and the land owner and an objection has been received to the proposal.

Permission is sought to continue the use of the former recreation area as an activity area on a permanent basis following four years of temporary permissions. Three activity zones are again proposed - a food and drink area with outside bar and seating area together with the siting of catering stalls and cabins; a children's play area with associated equipment; and an events space, with a temporary marquee which would host a number of organised events. 4 flag poles are also proposed.

The site is located adjacent to Queens Drive to the north of the seafront, and is within the built up area boundary of Exmouth. There is a long established history of more traditional recreational uses associated with the land, but these have ceased in recent years. The site forms part of the wider regeneration area identified within the Local Plan under Strategy 22, and which has been granted planning permission for comprehensive redevelopment proposals albeit that on this site those permission have now lapsed, other areas of the seafront including the water sports centre have been built out.

The East Devon Local Plan supports the provision of tourist and visitor attractions under Policy E20 subject to a number of criteria, including the impact on heritage assets, the character and appearance of the area, residential amenity, highway safety and ecology. The continued use of the site as a mixed activities area remains an appropriate and suitable use of the site, despite initial objections during the determination of the temporary use of the site, this application has only generated one objection and it has been accepted by many in the community as providing a beneficial area for social gathering and controlled events, without

detrimentally impacting upon the character and appearance of the area, residential amenity or highway safety.

CONSULTATIONS

Local Consultations

Parish/Town Council

No objection subject conditional approval as recommended by Environmental Health to protect the amenity of local residents.

Exmouth Littleham – Cllr Bruce De Daram

This proposal from a purely a strategic point of view is a disappointment in that after 4 years EDDC is now applying to make what was intended to be a temporary use permanent. I also declare for accuracy an interest namely that I sit on the Queens Drive Delivery Group which will make further recommendations on the use of this site and I duly point this out.

However from a Planning perspective I see that it has policy support specifically:

1. The East Devon Local Plan supports the provision of tourist and visitor attractions under Policy E20 subject to a number of criteria, including the impact on heritage assets, the character and appearance of the area, residential amenity, highway safety and ecology. The continued use of the site as a mixed activities area remains an appropriate and suitable use of the site,
2. Clearly the use has been applied for on two occasions, albeit on a temporary basis rather than permanently as now applied for so the impact has already been assessed, this impact was found to have no harm on the character and appearance of the area, thereby preserving its character such that the proposal remains acceptable to serve the wider community into the future. No harm is raised by the Conservation Officer. The proposal is therefore considered to be acceptable in relation to Policy EN10 of the EDDC Local Plan.

Therefore to quickly conclude having read the report I would be able to support the recommendation of approval as per the report which has been presented but note as I stated earlier that it is my belief that the site's use could be changed by EDDC in the future if required depending on the outcome of the review conducted by EDDC **Gerry Mills** Project Manager Place and Prosperity (Exmouth) and the future recommendations of the Queens Drive Delivery Group.

As it will come to Committee to determine due to it being on EDDC land I will retain an Open mind in case new information is presented and will not come to the meeting with any pre-determined views.

Technical Consultations

Environmental Health

I recommend approval with conditions:

The site shall only be operated between the hours of 9:00hrs to 23:00hrs

Between 09:00hrs to 23:00hrs, the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (LAeq) emanating from the event site, as measured at monitoring point 1 (the western entrance to Gunfield Gardens opposite the property known as Execliff, 1 Trefusis Terrace, Exmouth, EX8 2AX) over any 15 minute period with entertainment taking place, must not increase by more than +5 dB when compared against the agreed comparable LAeq 15min, with no entertainment taking place. Event organisers shall undertake regular off-site subjective monitoring throughout the event in order to determine that this requirement is met. The results of monitoring shall be kept in a log and made available for inspection by the Local Planning Authority on request. (Reason - to protect the amenity of local residents from amplified noise during activities other than music concerts in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan).

Conservation

This application has been assessed on the potential for impact on the setting of the designated heritage assets. It is concluded that there is little to no harm, however, it is recommended that formal arrangements are made with regards to signage. This has been referenced in the planning statement, but requires further clarity.

Other Representations

Two letters of representations have been received as a result of this application, one in support and the other raising the following concerns:

- Impact of generator on the playing conditions of the adjacent bowling green due to fumes from exhaust across green;
- Reduction in the amount of parking spaces following removal of overflow car parking making parking difficult for visiting teams , the majority of which are elderly and have to walk some distance to the club with their bowls equipment.

PLANNING HISTORY

Reference	Description	Decision	Date
17/2944/FUL	Temporary use of land, buildings and structures for a twelve month period for the purposes of entertainment, recreation and leisure to also include the permanent infilling of existing boating ponds plus all associated infrastructure and development	Temporary Approval	16.03.2018

18/2842/FUL	Temporary use of land, buildings and structures for a thirty six month period for the purposes of entertainment, recreation and leisure.	Approval with conditions	15.02.2019
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POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 22 (Development at Exmouth)

D2 (Landscape Requirements)

EN14 (Control of Pollution)

TC7 (Adequacy of Road Network and Site Access)

EN10 (Conservation Areas)

Neighbourhood Plan

Exmouth Neighbourhood Plan (Made)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Site Location and Description

The site lies within the built up area boundary of Exmouth, this part of which is recognised as a regeneration area; it lies close to the Exmouth Conservation Area to the north. It formerly comprised an outside amusement park, boating pond, children's play area, crazy golf course and kiosk. The site has been cleared and for the last three years and has been occupied under the previous temporary consents as a children's play area and an events and entertainment space.

To the south of the site lies Queens Drive with the beach and sea beyond, to the north an escarpment with residential properties on top, to the east is the Council owned car park, bowling club and further parts of the regeneration area and to the west lies the public toilets and Ocean Building.

Proposed Development

Planning permission is sought for the continuation of the use of the site on a permanent basis beyond the expiry of the current permission which expired at the end of March 2022. As with the previous consent, the uses are split into three broad areas, identified on the submitted site plan as red (food and drink), green (children's play) and blue (events space). This application also seeks consent for the siting of a marquee within the events space, and the installation of 4 flagpoles on the Queens Drive frontage.

The uses within each of the areas are as follows:

Red area - Food and drink - This area comprises the south western most part of the site, the details submitted with the application indicate that the seating area on top of the filled former boating pond would remain. The boating pond has been filled with loose material and topped with sand, as approved under the previous consents, and is accessed via wooden decking/boardwalks. The existing kiosk would continue to be used as a bar/office. Informal seating areas have been created, some of which are located under temporary canopies to provide shelter from the elements. The area around the seating would continue to be used for catering facilities, including temporary kiosks and mobile units. The maximum height of any structure in this area would be 5 metres in height. Festoon lighting is proposed so that the area can be used in the evenings. The informal layout and temporary nature of the seating and canopies allows flexibility in terms of use of the area, including the potential for live music and other entertainment.

Green area - Children's play - This area comprises the south eastern most part of the site. Various types of children's play equipment have been installed on the site for use by children and teenagers around a Jurassic Coast theme. The maximum height of any structure on this area would be 10 metres in height.

Blue area - Event space - This area comprises the northern most part of the site, the details submitted with the application indicate that a variety of different uses are proposed including outdoor theatre, circus, outdoor cinema, mini family festivals, ballet etc. The stage which has been constructed in this area is proposed to be retained, and permission is also sought for the siting of a marquee for some of the events. The maximum height of any structure on this area would be 10 metres in height.

Main considerations

The main considerations in the determination of this application relate to the:

- principle of the proposed development;
- the impact of the proposal on its surroundings;
- impact on residential amenity;
- impact on the Conservation Area; and
- impact on highway safety.

Principle

The site lies within the built up area boundary of Exmouth, where there has been along and established history of recreational activities taking place. This area forms part of a wider regeneration area identified in Strategy 22 of the Local Plan as a regeneration area and has been the subject of previous applications and public consultations seeking to secure long term uses. Whilst these now have been granted permission, on the wider regeneration area, and will be undertaken in due course, the continued occupation of this area for recreational purposes, as proposed by the application will ensure that the area remains in an active use that provides benefits to the tourism industry and for the local community.

Temporary use of the site for the proposal was granted in 2018 for an initial one year period and then renewed for a further 3 years in 2019 and as such the principle of the development has already been accepted - albeit only for the temporary period applied for.

The East Devon Local Plan supports the provision of tourist and visitor attractions under Policy E20 subject to a number of criteria. Each criteria will be set out below with a response on each specific to this application.

1. There is no significant adverse impact on the surrounding landscape and features or on any areas of natural, cultural or heritage interest.

The surrounding area is relatively flat save for the escarpment to the north which is tree covered, the use of the land for recreational uses next to the public beach and public promenade is considered to be consistent with surrounding uses and landscape features.

The heritage assets viewed from the area of the application site include Trefusis Terrace which although not listed does lie within the Exmouth Conservation Area. The terrace is elevated to the north and provides a rhythmic roof scape to the skyline. Furthermore the setting of the conservation area identified as the land between the raised ridgeline and the beach is presently very open and without any significant structures. This is quite indicative of Victorian seaside towns where pleasure gardens by the sea were the norm and map evidence from 1890 suggests that the site was used as a cricket and football ground. The restricted heights of structures and restricted opening hours/times respects the historic character of the area with the uses giving a nod to the former recreational uses on site, albeit with a more modern and useable sense of place.

There are rare grasses on the site and the impact upon these has been mitigated as part of the current works on the site following assessment and mitigation in an Ecological Assessment. The site needs to be continued to be managed in a way that protects these grasses and the application include details of continued management that can be conditioned. Subject to the condition, the impact upon grasses is acceptable.

In assessing the current proposal for the continued temporary use of the land for recreation entertainment and leisure (including the new marquee and flag poles) this has been balanced against the uses and redevelopment approved under application 13/1819/MOUT. In this respect, the use of the land for similar activities as that agreed

through the 2013 application, would result no more harm than that already considered and accepted. In addition, the proposal will be no more harmful, and bring the same benefits, as the previous temporary permissions.

2. The proposal relates sensitively in scale and siting to the surroundings and includes appropriate landscaping to mitigate against adverse impacts.

At this part of the sea front the surroundings are relatively open in character, however, as the application states that no structure across the whole of the site would be more than 10 metres in height (5 metres in the food and drink area), consideration must be given to how structures of this height would impact on surroundings. On the basis of the submitted information, and from an assessment of the structures which have been sited as a result of the extant permission the play equipment and temporary structures are seen to be of a modest scale and appropriate within their setting.

In the northern most part of the site, again approval is sought for structures up to 10 metres in height including the erection of a marquee during events, however this is a large open area framed by mature trees to the north and hedgerows to the east and west, and any temporary structure up to 10 metres in height is not considered detrimentally impact on its surroundings or the character and appearance of the Conservation Area.

The application seeks consent for signage, banners and 4 flags around the site. The banners would be a maximum size of 3ft by 10ft and the flags 2m by 1m. Given the size of the site and other structures, the signage, banners and flags are considered to be acceptable.

3. The locality is capable of accepting increased numbers of visitors without giving rise to problems related to access, road safety or congestion.

The local road network surrounding the site is considered to be sufficient to accept the visitor numbers likely to be generated by this proposal, allied to this it must be remembered that there was previously a recreational use on the site. Furthermore, there are a number of pay and display car parks in the vicinity together with chargeable on-street parking and the promenade is a popular walking route from further afield. Devon County Highways Engineer raises no objections to the proposed development. Whilst the overflow car park immediately to the east of the play area proposed has recently closed and been grassed to use as an outdoor exercise area, this car park was seldom in use and the limited loss in spaces would not create a severe impact on the parking available both locally and within the resort as a whole.

4. The site may be accessed by a variety of means of transport.

Walking and cycling are popular with people using the promenade and seafront more generally, furthermore, the site is on a bus route and is served by the land train that has stops around the town, including outside the application site. It is therefore considered that there are a variety of modes of transport serving the site.

5. There is no significant detrimental effect on the amenity of nearby residents.

The foremost residential neighbours to be impacted as a result of this proposal would be those to the north of the site in Trefusis Terrace who could be impacted upon through additional noise and disturbance especially during unsociable hours. Whilst there were a substantial number of representations received in respect of the initial temporary use application and again when it was renewed for a further 3 year period, no letters of representation have been submitted by members of the public living close to the site (concerns raised by the bowling club will be addressed later in the report).

Notwithstanding the lack of objection on this ground however, and in consultation with the Council's Environmental Health Officer it is considered necessary to restrict the general hours of use of the site to between 9am to 11pm daily. Further as each individual event would have its own noise implications the Environmental Health Officer considers that bespoke controls through licensing applications is more appropriate in this instance given that it is an outside venue.

It is recognised that there will probably not be the need for large scale temporary lighting rigs to be erected given the hours of use restriction through the summer months, however, the bar and seating area together with the events space may need some form of lighting, and although some festoon lighting forms part of this application, it is considered necessary to impose a condition seeking details of any additional lighting to be erected through the submission of a lighting scheme.

In light of the above the proposal is considered to accord with Policy E20 and Strategy 22 of the Adopted Local Plan.

Impact on Conservation Area

There is a duty imposed on Local Planning Authorities, under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), whereby special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area when considering application which may affect it.

Clearly the use has been applied for on two occasions, albeit on a temporary basis rather than permanently as now applied for so the impact has already been assessed, this impact was found to have no harm on the character and appearance of the area, thereby preserving its character such that the proposal remains acceptable to serve the wider community into the future. No harm is raised by the Conservation Officer.

The proposal is therefore considered to be acceptable in relation to Policy EN10 of the EDDC Local Plan.

Highway Safety

The highway and access arrangements remain the same as those existing during the previous temporary permissions to which no highway safety objections were raised, and there is therefore no reason to object to the continued use of the site. Comments surrounding availability of parking and access by other modes of transport have already been addressed above.

The proposal is therefore considered acceptable in relation to Policy TC2 and TC7 of the EDDC Local Plan.

Other matters

The Madeira Bowling Club adjacent to the site have raised objections, not in principle to the use of the site, but the detailed position of any generator that might be required during temporary events given what has happened previously. As detailed earlier in the report the temporary events licence would be the appropriate arena for considering this level of detail on certain events, in addition, the applicant is encouraged to take on board these comments and to engage with representatives of the bowling club to ensure that these nuisances do not occur.

Comments regarding parking provision locally have been addressed in the report, on busy days in the summer it would not be possible to safeguard parking for the bowling club and in any event this is not directly a planning matter that arises from the events space but more generally due to Exmouth being a popular tourism destination.

The site lies in flood zones 2 and 3, however, being of less vulnerable uses and continuing on the former recreational use on site, it is considered that no mitigation measures are necessary with this application, it also forms part of a wider regeneration area where a strategic flood risk assessment has been carried out.

CONCLUSION

The continued use of the site as a mixed activities area remains an appropriate and suitable use of the site. Despite initial objections during the determination of the previous applications for temporary use of the site, this application has not received any objections from residents or general public and it has been accepted by many in the community as providing a beneficial area for social gathering and controlled events, without detrimentally impacting upon the character and appearance of the area, residential amenity or highway safety.

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 use(s) hereby approved shall only be operated between the hours of 9am to 11pm.

(Reason - In the interests of neighbouring amenity in accordance with policies EN14 (Control of Pollution) and D1 (Design and Local distinctiveness) of the East Devon Local Plan.

4. Prior to installation of any lighting on site, other than that indicated on the approved plans, a lighting scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable. The development shall thereafter be carried out in accordance with the agreed scheme.

(Reason - To ensure that light pollution levels are kept to a minimum in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan)

5. The heights of any structure in the zones specified below shall not exceed:

Food and drink - 5 metres

Children's play - 10 metres and no structure exceeding 4 metres in height shall be located within 5 metres of any boundary of the site

Event space - 10 metres and no structure exceeding 4 metres in height shall be located within 5 metres of any boundary of the site

(Reason - In the interests of the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan).

6. Other than that already existing, details of any additional movable or permanent structures or features (such as seating areas, children's play equipment, event space facilities or food and drink retail facilities) proposed on the site for a period in excess of 28 days, shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of such equipment.

(Reason - In the interests of the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan).

7. The site shall only be operated between the hours of 9:00hrs to 23:00hrs

Between 09:00hrs to 23:00hrs, the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (LAeq) emanating from the event site, as measured at monitoring point 1 (the western entrance to Gunfield Gardens opposite the property known as Execliff, 1 Trefusis Terrace, Exmouth, EX8 2AX) over any 15 minute period with entertainment taking place, must not increase by more than +5 dB when compared against the agreed comparable LAeq 15min, with no entertainment taking place. Event organisers shall undertake regular off-site subjective

monitoring throughout the event in order to determine that this requirement is met. The results of monitoring shall be kept in a log and made available for inspection by the Local Planning Authority on request.

(Reason - to protect the amenity of local residents from amplified noise during activities other than music concerts in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan).

8. Notwithstanding the details provided, no more than 25% of the food and drink area indicated on the temporary uses plan in pink shall be used for the actual sale of food and drink.

(Reason - To maintain the vitality and viability of the town centre in accordance with Policy E12 (Neighbourhood Centres and Shops) of the East Devon Local Plan and guidance contained in the National Planning Policy Framework).

9. The development shall be carried out in accordance with the scheme to mitigate the rare grasses and ecosystems as approved under Condition 6 of application number 17/2944/FUL, and in accordance with the details relating to the management of the rare grasses in the letter submitted to accompany the current application dated 29th October 2018.

(Reason - To ensure that the protected grasses/eco-system are protected during the proposed development in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan).

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email cil@eastdevon.gov.uk.

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:

QD1	Location Plan	13.01.22
Botanical Verification Survey Figure 2	Other Plans	13.01.22
3513964A-HHE- 2700-01 T1 :	Other Plans	13.01.22

Existing Statutory
Undertakers
Plant

Site Layout Plan Layout

13.01.22

List of Background Papers

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

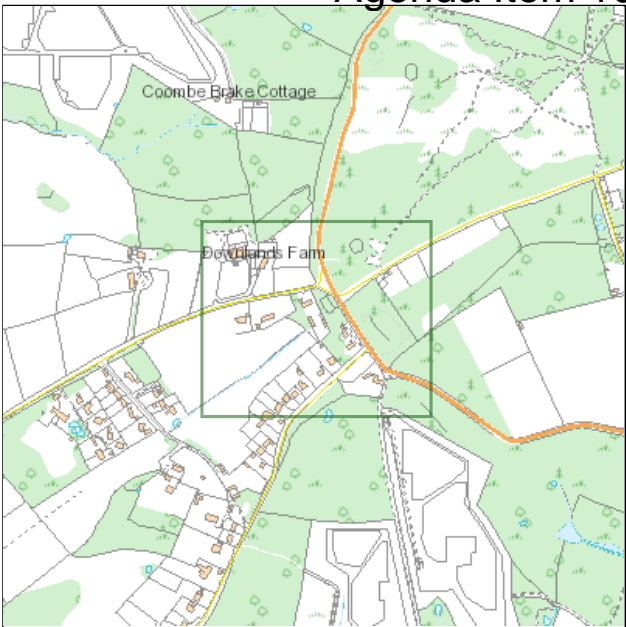
Ward Woodbury And Lymptone

Reference 21/2830/FUL

Applicant Mr and Mrs Stott

Location Pine Hollow Hulham Road Exmouth EX8 5DX

Proposal Change of use to a glamping site comprising 2no. glamping pods, a refurbished stable for facilities and toilet building, with associated access and parking (retrospective) (resubmission of planning ref. 21/0856/FUL).



RECOMMENDATION: 1. Adopt the appropriate assessment
2. Refusal



		Committee Date: 13th April 2022
Woodbury And Lympstone (Lympstone)	21/2830/FUL	Target Date: 21.12.2021
Applicant:	Mr and Mrs Stott	
Location:	Pine Hollow Hulham Road	
Proposal:	Change of use to a glamping site comprising 2no. glamping pods, a refurbished stable for facilities and toilet building, with associated access and parking (retrospective) (resubmission of planning ref. 21/0856/FUL).	

RECOMMENDATION: 1. Adopt the appropriate assessment
2. Refusal

EXECUTIVE SUMMARY

This application is before Members as the officer recommendation is contrary to the view of one of the Ward Members.

The site lies outside the built up area boundary of Exmouth on its north eastern fringe with open countryside and the Pebblebed Heaths on the opposite side of the B3179. The application site forms part of what now has been subsumed as garden having previously been used for ancillary stables and equine use prior to the current owners taking ownership. The stables have been converted to a games room, lounge area and outdoor (under cover) hot tub, two accommodation buildings have been constructed on the eastern boundary of the site.

Whilst there is policy support for holiday or overnight accommodation within the Local Plan (E16 - Proposals for Holiday or Overnight Accommodation and Associated Facilities) refers, there is a presumption in favour of new holiday accommodation being directed to the most sustainable locations within towns and villages of the District, as defined by those settlements with Built-up Area Boundaries, as best fulfilling this requirement. The only exceptions to this applies in respect of the conversion and re-use of existing buildings in the countryside (Policy D8), where the proposal would add to accommodation on existing tourism bases such as caravan parks (Policy E19) or where the proposal would be a form of farm diversification (Policy E4). The proposal is for new build holiday accommodation which is not supported by any of the aforementioned policies where there are no existing tourism accommodation facilities already on site. One of the stipulations of Policy E16 is that the proposal is accessible on foot, by

bicycle and public transport in the interests of sustainability. Officers are of the opinion that whilst relatively close to Exmouth, the site is not readily accessible and that people using the holiday accommodation are likely to be highly dependent on the use of the private car.

The site lies close to the Pebblebed Heaths, which lie on the opposite side of the B3179, being within such close proximity, the development has the potential to disturb features of interest for which the SSSI, SAC and SPA are classified. There is a duty imposed on Local Planning Authorities to undertake an Appropriate Assessment of the likely impacts of the proposal within the framework of an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) when determining applications which have the potential to impact upon them. In this instance, due to the close proximity of the site to the protected areas, and being within the 400m zone where new dwellings (and occupancy restricted C3 uses) are not allowed under the Council's adopted Mitigation Strategy, an Appropriate Assessment has been undertaken and concluded that as an authority we are not able to ascertain that the proposal will not result in adverse effects on the integrity of the East Devon Pebblebed Heaths SAC or East Devon Heaths SPA.

The proposal is likely to lead to unmitigated harm to the protected sites. The National Planning Policy Framework, at paragraph 175 indicates that if significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated, then planning permission should be refused. Furthermore, as set out in Planning Practice Guidance, as competent authority under the Habitats Regulations, the authority may only allow the proposal to proceed having ruled out adverse effects on the integrity of the protected sites, or, having failed to rule them out where there are imperative reasons of overriding public interest, these have been discounted in the report and therefore development must be refused.

The application is therefore recommended for refusal.

CONSULTATIONS

Local Consultations

Parish/Town Council

Lympstone Parish Council object due to the waste products soakaway and concerns of additional water flow into the Brook.

Clerk To Exmouth Town Council (Adjoining)

Exmouth Town Council have no objection to the application.

Woodbury And Lympstone - Cllr Ben Ingham

I recommend this application for approval.

I see its effect, extra to what was already there, minimal and of negligible consequence.

Further comments:

I disagree with the recommendation. I recommend approval.

Woodbury And Lympstone - Cllr Geoff Jung

21/2830/FUL

I have viewed the documents for 21/2830/FUL for the change of use to a glamping site comprising 2no. glamping pods, a refurbished stable for facilities and toilet building, with associated access and parking (retrospective) (resubmission of planning ref. 21/0856/FUL) at Pine Hollow Hulham Road

I understand the previous application 21/0856/FUL failed to be supported by planning officers for 3 reasons. One was the perceived dependency on private car in this unaccusable location. Two it was near the SSSI designated site of the Pebblebed Heaths (with 400metres). Three, the access on to the highway.

These issues I do feel have been addressed by this second application, so I am unable to support the application.

However, I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

Further comments:

Thank you for your report and recommendation.

As Natural England object to this application because of the proximity to the Pebblebed Heaths, I fully understand why this application is recommended to comply to the NE I therefore support your recommendation to refuse

Technical Consultations

EDDC Trees

As per my colleagues comments in regards to withdrawn application 21/0856/FUL:

I have no objections to the application but it should be borne in mind that there is a Tree Preservation Order in place on trees to the east of the site. The presence of the glamping pods may increase pressure for works to be carried out to these trees and there is no guarantee that consent will be given.

Environmental Health

Due to the close proximity of neighbouring noise sensitive properties to the proposed site, prior to the first use of the development a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority (LPA).

The aim of the Noise Management Plan will be to put in place reasonable measures to reduce the noise impact from sources associated with the use of the site. The Plan should outline the approaches used to managing excessive noise and disturbances including vehicle movements and people noise.

The Plan will be used to manage, prevent and control noise disturbances from the site impacting on neighbouring noise sensitive properties. Once approved, the site shall be operated in compliance with the management plan.

Reason: To protect the amenity of residents from noise.

Natural England

SUMMARY OF NATURAL ENGLAND'S ADVICE

OBJECTION

Natural England objects to this proposal. As submitted, we consider it will:

- o have an adverse effect on the integrity of the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and the East Devon Heaths Special Protection Area (SPA); and

- o damage or destroy the interest features for which East Devon Pebblebed Heaths Site of Special Scientific Interest has been notified.

An appropriate assessment (AA) should now be undertaken, to assess the implications of the proposal for the European sites, in view of the site's conservation objectives.

Natural England's further advice is set out below.

We have reached this view for the following reasons:

As advised previously, the proposals are 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the East Devon Pebblebed Heaths Special Area of Conservation (SAC), East Devon Heaths Special Protection Area (SPA) and Exe Estuary SPA/Ramsar European sites due to the risk of increased recreational pressure that could be caused by residential and tourist accommodation.

On the basis of the appropriate financial contributions being secured to the South-east Devon European Sites 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 the Exe Estuary SPA and Exe Estuary RAMSAR site.

However, because the application site is within 400 m of the East Devon Pebblebed Heaths SAC, East Devon Heaths SPA and East Devon Pebblebed Heaths Site of Special Scientific Interest (SSSI), the proposals are likely to cause direct impacts that cannot be mitigated through the SouthEast Devon European Sites Mitigation Strategy (SEDEMS).

An appropriate assessment (AA) should now be undertaken, to assess the implications of the proposal for the European site(s), in view of the site's conservation objectives. Natural England is a statutory consultee at the appropriate assessment stage of the Habitats Regulations Assessment process. The following advice is provided to assist your authority to undertake an appropriate assessment.

FURTHER ADVICE

Strategy 47 (Nature Conservation and Geology) in the East Devon Local Plan 2013 - 2031 states that new residential uses will not be allowed on or within 400 metres of the Pebblebed Heaths Special Protection Area.

The proposed development is sited approximately 70m from the designated sites, well within the South-east Devon European Site Mitigation Strategy 400m 'development

exclusion zone'. The mitigation strategy recognises that there will be a combination of factors that are impossible to mitigate for at very close proximity, which include cat predation, increased fire incidence and increased recreational pressure (leading to disturbance, trampling, dog fouling etc).

In this specific location, hydrological and water quality impacts are unlikely as the application site appears to drain away from the protected site. We recognise that visitors using these 'glamping pods' are very unlikely to bring cats.

Due to the close proximity to the protected site and easy access by public footpaths, however, occupiers of the pods are highly likely to visit the protected site for recreation. Also, it is understood that occupiers are permitted to bring dogs. There is therefore a risk of impacts, for instance from trampling and damage to vegetation and nitrogen from dog fouling. In addition, disturbance by dogs, walkers and off-road cyclists to ground nesting nightjar and Dartford warbler, and increase in fire risk (through BBQ's for example). The evidence is summarised in chapter 2 of the South-east Devon European Site Mitigation Strategy.

The mitigation measures provided through the South-east Devon European Site Mitigation Strategy (see link here to page 114) are not sufficient for developments within walking distance of the Pebblebed Heaths, for instance though providing alternative green space.

The only mitigation measure that appears to be proposed is to provide visitors with a copy of The Pebblebed Heaths Visitor Map. This Visitor Map refers to 'codes' for behaviour, which are voluntary and could not be enforced. The behaviour of the visitors cannot be controlled by the applicants or by planning condition.

If the conclusion of your Habitats Regulations Assessment for this resubmitted application remains that it cannot be ascertained that the proposal will not adversely affect the integrity of the European site, your authority cannot permit the proposal unless it passes the tests of regulation 64; that is that there are no alternatives and the proposal must be carried out for imperative reasons of overriding public interest.

Your authority may now wish to consider the exceptional tests set out within regulation 64. The guidance has been recently updated and can be found at: <https://www.gov.uk/guidance/habitatsregulations-assessments-protecting-a-european-site>

Natural England response to Appropriate Assessment

Thank you for your email received on 20 December 2021, consulting Natural England on your Appropriate Assessment. **SUMMARY OF NATURAL ENGLAND'S ADVICE**
We concur with your Appropriate Assessment that:

- On the basis of the appropriate financial contributions being secured to the South-east Devon European Sites 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 the Exe Estuary SPA and Exe Estuary RAMSAR site.

- It is not possible to ascertain that the current proposals will not result in adverse effects on the integrity of the East Devon Pebblebed Heaths Special Area of Conservation (SAC) or East Devon Heaths Special Protection Area (SPA).

HABITATS REGULATIONS ASSESSMENT

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal, in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that your authority is not able to ascertain that the proposal will not result in adverse effects on the integrity of the East Devon Pebblebed Heaths SAC or East Devon Heaths SPA. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, Natural England concurs with the conclusion you have drawn that it is not possible to ascertain that the proposal will not result in adverse effects on site integrity. Natural England advises that the proposal does not provide enough information and/or certainty to enable adverse effects on site integrity to be ruled out.

Regulation 63 states that a competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the European site, subject to the exceptional tests set out in regulation 64 of the Conservation of Habitats and Species Regulations 2017 (as amended). As the conclusion of your Habitats Regulations Assessment states that it **cannot** be ascertained that the proposal will not adversely affect the integrity of the European site, your authority cannot permit the proposal unless it passes the tests of regulation 64; that is that there are no alternatives **and** the proposal must be carried out for imperative reasons of overriding public interest.

Devon County Highway Authority

Following the resubmission of this application, a visibility splay and swept path plan now produced, shows the turning of off-carriageway vehicles, the hammer-head turning head and parking spaces, together with a suitable visibility splay for this existing access.

I believe traffic arriving from Exmouth town, which should be the usual direction, will have the best visibility, traffic arriving from the other direction is more limited in visibility, especially from the Budleigh Salterton arm, but the access is existing and the number of glamping pods is low creating a minimal intensification in trip generation.

The application is retrospective therefore given that no concerns have been raised to the County Highway Authority (CHA) from development commencement, I believe overall the CHA is now satisfied with 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

There have been thirty representations received 26 of which support the proposal and four are neutral. The letters of support raise the following matters:

- Important for local businesses to be allowed to grow
- Exmouth needs to maintain visitors for its economy to grow to re-cover from the past few years
- Exmouth needs good quality visitor accommodation
- The development would work in harmony with the protected landscape
- The low numbers of visitors would not impact on SSSI
- No impact on area

PLANNING HISTORY

Reference	Description	Decision	Date
21/0856/FUL	Change of use to a glamping site comprising 2 no glamping pods and a facilities and toilet building (retrospective application)	Withdrawn	23.08.2021

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

Strategy 47 (Nature Conservation and Geology)

E16 (Proposals for Holiday or Overnight Accommodation and Associated Facilities)

D2 (Landscape Requirements)

TC7 (Adequacy of Road Network and Site Access)

EN14 (Control of Pollution)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Site Location and Description

The site lies outside the built up area boundary of Exmouth on its north eastern fringe with open countryside and the Pebblebed Heaths on the opposite side of the B3179. The application site forms part of what now has been subsumed as garden having previously been used for ancillary stables and equine use prior to the current owners taking ownership. The stables have been converted to a games room, lounge area and outdoor (under cover) hot tub, two accommodation buildings have been constructed on the eastern boundary of the site. The site is served by a shared access with the main dwelling off Hulham Road, the site and dwelling also share the paved parking and turning area.

There are residential properties to the west in a ribbon fashion fronting onto the public highway towards Exmouth.

Proposed Development

This application seeks permission to change the use of the site to enable the two accommodation buildings and ancillary games room, lounge area and hot tub to be used for tourism purposes. Improvements to the access in terms of maintaining the visibility spays are also proposed.

Main considerations

The main considerations in the determination of this application relate to the following:

- The principle of the proposed development;
- The impact of the proposal on the Pebblebed Heaths;
- The impact of the proposal on its surroundings including residential amenity;
- The impact on highway safety; and
- Other issues

Principle

In planning policy terms the site is located in the countryside, outside of the built-up area of Exmouth and Lympstone to which Strategy 7 (Development in the Countryside) of the East Devon Local Plan applies. Strategy 7 states that countryside is defined as all those parts of the plan area that are outside the built-up area boundaries and outside of site specific allocations. Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

Whilst there is policy support for holiday or overnight accommodation within the Local Plan (E16 - Proposals for Holiday or Overnight Accommodation and Associated Facilities refers), there is a presumption in favour of new holiday accommodation being directed to the most sustainable locations within towns and villages of the District, as defined by those settlements with Built-up Area Boundaries, as best fulfilling this requirement. The only exceptions to this applies in respect of the conversion and re-use of existing buildings in the countryside (Policy D8), where the proposals would

add to accommodation on existing tourism bases such as caravan parks (Policy E19) or where the proposal would be a form of farm diversification (Policy E4).

The proposal is for new build holiday accommodation which is not supported by any of the aforementioned policies where there are no existing tourism accommodation facilities already on site. One of the stipulations of Policy E16 is that the proposal is accessible on foot, by bicycle and public transport in the interests of sustainability. Officers are of the opinion that whilst relatively close to Exmouth, the site is not readily accessible due to the nature of the roads being fairly narrow with limited footpaths and lighting and vehicles travelling at high speed. The site is a considerable distance to any services and facilities and as such people using the holiday accommodation are likely to be highly dependent on the use of the private car.

In light of the above, it is considered that the proposal for holiday accommodation is in an unsustainable location and contrary to Strategy 7 and policies E16 and TC2 (Accessibility of New Development) of the East Devon Local Plan. This weighs against the proposal.

Impact on the Pebblebed Heaths

The site lies close to the Pebblebed Heaths, which lie on the opposite side of the B3179, being within such close proximity, the development has the potential to disturb features of interest for which the SSSI, SAC and SPA are classified. Members of the public who would occupy the holiday accommodation pods would be able to reach the protected areas on foot by crossing the public highway and have close access to a number of registered footpaths and bridleways to enjoy the landscape. This would mean crossing the, sometimes busy, B3179, however close to the application site is the East Devon Way, a popular and registered walking route that also requires walkers to cross this road to continue their journey along the route. It is not unreasonable therefore for people to walk the very short distance across the road to access the Pebblebed Heaths.

Strategy 47 (Nature Conservation and Geology) of the East Devon Local Plan outline the approach to protecting the European Designated Sites of the Exe Estuary and Pebblebed Heaths. The Strategy states the following in relation to the Pebblebed Heaths:

‘To help preserve the integrity of the East Devon Pebblebed Heaths, specifically on account of the impact of domestic cats through bird predation, new residential uses will not be allowed on or within 400 metres of the Pebblebed Heaths Special Protection Area.’

Alongside Strategy 47, the Council have drawn up and adopted the South-East Devon European Site Mitigation Strategy. The details the impacts from development on the Pebblebed Heaths and proposes mitigation to address those impacts. Money is collected from new development to mitigate those impacts.

The South-East Devon European Site Mitigation Strategy (MS) describes how the Pebblebed Heaths cover some 1400 hectares and make up the largest block of lowland heath in Devon. Collectively, the sites are designated for a variety of interest features including the north Atlantic wet heaths with cross-leaved heath, European dry

heaths, populations of southern damselfly, nightjar and Dartford warbler. The overarching conservation objective for the SPA is to avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive. For the SAC, the overarching objective is to avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.

The MS sets out how the interest features of the protected sites are at risk from recreation through disturbance, wildfires, nutrient inputs, trampling, fly tipping, and other visitor impacts. The proposal would result in an increase in the number of dwellings that, in combination with other development has the potential to increase recreation use and the impacts associated with such a use. Although the proposal is for the accommodation to be restricted to holiday use only, an Inspector in the appeal at Ellergarth against the refusal of holiday accommodation (18/2445/FUL) located close to the Pebblebed Heaths concluded that.. 'there is no substantive evidence that the effects on the protected sites would be any different.'

All of the protected sites are within 400m of the application site, paragraph 18.47 of the East Devon Local Plan 2013-2031 (LP) indicates new dwellings will not be allowed in this 400m protected zone. Whilst it is noted that the paragraph indicates that this restriction is specifically on account of the impacts of domestic cats through bird predation, the MS points out other impacts associated with housing close to the heathland boundary. Furthermore, Natural England advice in respect of this proposal explains that the exclusion zone recognises that urban impacts relate to a combination of factors including increased fire incidence and increased recreational pressure. Therefore, avoiding an increase in pets at the property would not necessarily avoid an increase in adverse effects on the protected sites. This was also addressed in the appeal decision for 18/2445/FUL where the Inspector stated the following:

'I note that the paragraph indicates that this restriction is specifically on account of the impacts of domestic cats through bird predation, and the appellant has suggested a planning condition could be used to prevent occupiers of the accommodation having pets.'

'Nevertheless, whilst they may not be expressly articulated in the LP, I have already noted that the MS points out other impacts associated with housing close to the heathlands boundary. Furthermore, Natural England advice in respect of tyhis proposed explains that the exclusion zone recognises that urban impacts relates to a combination of factors including increased fire incidence and increased recreational pressure. Therefore, avoiding an increase in pets at the property would not necessarily avoid an increase in adverse effects on the protected sites.'

The applicant has argued that the need to cross the busy A-road means that visitors to the site are unlikely to access the Pebblebed Heaths. In relation to the 400m distance and potential obstacles to accessing the Pebblebed heaths, the same Inspector concluded the following:

‘Various factors, including the need to cross a stream, extend the distance from the site to the protected sites to over 400m when measured on the ground. However, Natural England’s response to the application was made in the knowledge that intervening features meant that access routes to the protected sites were in excess of 500m from the site. As the facts were placed before them, and as a Statutory Nature Conservation Body under the Habitats Regulations, I attribute their objection considerable weight.

It may well be that the risks associated with recreational impacts would be no different for those visitors originating from within the 400m protection zone and those outside. However, even though the vast majority of people visiting the protected sites do so by car, the MS indicates that there are fewer opportunities to divert or limit the impacts associated with housing within the 400m zone, for example by providing alternative sites for recreation.

Given the established trip patterns, measures such as car park management may well be the most effective form of mitigation. However, that is not reason to allow new (occupancy restricted) dwellings close to the protected sites where such mitigation may not be effective. Therefore, whilst a Unilateral Undertaking has been provided to make a contribution to wider management projects, there is no substantive evidence that this would be effective in mitigating adverse effects from this proposal.’

And,

‘It has been suggested that local residents may be more likely to care for their immediate environment and be less likely to camp illegally or light fires. However, this is not substantiated by evidence and, in any case, as the proposal is for holiday accommodation, it is of little relevance.’

‘For the above reasons, following appropriate assessment, I conclude that the proposal, in combination with other development, is likely to lead to significant adverse effects on the integrity of the protected sites that cannot be adequately mitigated.’

‘The proposal is likely to lead to unmitigated harm to the protected sites. The National Planning Policy Framework, at paragraph 175 indicates that if significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated, then planning permission should be refused. Furthermore, as set out in Planning Practice Guidance, as competent authority under the Habitat Regulations, I may only allow the proposal to proceed having ruled out adverse effects on the integrity of the protected sites, or having failed to rule them out where there are imperative reasons of overriding public interest.

I have attached significant weight to the preservation of this non-designated heritage asset and setting. However, the evidence before me does not suggest that the building is so important that its retention could be regarded as an imperative reason of overriding public interest. Therefore, the benefits do not

outweigh the harm to the protected sites and the proposal would conflict with LP Strategy 47 that seeks to ensure the conservation of biodiversity and habitats'.

As detailed above, there is a duty imposed on Local Planning Authorities to undertake an appropriate assessment of the likely impacts of the proposal within the framework of an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) when determining applications which have the potential to impact upon them. In this instance, due to the close proximity of the site to the protected areas, and being within the 400m zone where new dwellings (and occupancy restricted C3 uses) are not allowed under the MS an Appropriate Assessment has been undertaken and concluded that as an authority we are not able to ascertain that the proposal will not result in adverse effects on the integrity of the East Devon Pebblebed Heaths SAC or East Devon Heaths SPA. This appropriate assessment was sent to Natural England who have advised the following:

'Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal, in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that your authority is not able to ascertain that the proposal will not result in adverse effects on the integrity of the East Devon Pebblebed Heaths SAC or East Devon Heaths SPA. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, Natural England concurs with the conclusion you have drawn that it is not possible to ascertain that the proposal will not result in adverse effects on site integrity. Natural England advises that the proposal does not provide enough information and/or certainty to enable adverse effects on site integrity to be ruled out.

Regulation 63 states that a competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the European site, subject to the exceptional tests set out in regulation 64 of the Conservation of Habitats and Species Regulations 2017 (as amended). As the conclusion of your Habitats Regulations Assessment states that it cannot be ascertained that the proposal will not adversely affect the integrity of the European site, your authority cannot permit the proposal unless it passes the tests of regulation 64; that is that there are no alternatives and the proposal must be carried out for imperative reasons of overriding public interest.'

Accordingly, the conclusions of the appropriate assessment are agreed with meaning that it is incumbent on the Local Planning Authority to undertake an assessment as to whether the proposal represents development that must be undertaken on this site and is imperative that it takes place in the public interest. Only if these two scenarios are fulfilled should the proposal be supported.

The proposal represents two holiday accommodation pods of a limited size accommodating a maximum of 8 people on site at any one time, it is officers consideration that there are a number of others sites available to accommodate such development in and around Exmouth i.e holiday accommodation within the built up area boundary or development on an established holiday park. Furthermore, it is not considered that the proposed development is so important in the public interest that it needs to take place. It is acknowledged that there has been some local support for the proposal, however this is purely on the grounds of supporting a small business not in terms of that the tourism industry is dependent upon this site and not allowing permission would have serve impacts.

Even though the number of visitors that could be accommodated on site would be low, the impact of allowing any accommodation within the 400m buffer zone has significant consequences on future decision making should the committee feel that this proposal is acceptable, allowing any accommodation would undermine the MS and the protected landscapes as a whole especially when there are a wealth of opportunity for enhanced visitor accommodation and attractions in Exmouth and further afield outside of the buffer zone.

Therefore, in conclusion, the proposal is likely to lead to unmitigated harm to the protected sites. The National Planning Policy Framework, at paragraph 175 indicates that if significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated, then planning permission should be refused. Furthermore, as set out in Planning Practice Guidance, as competent authority under the Habitats Regulations, the authority may only allow the proposal to proceed having ruled out adverse effects on the integrity of the protected sites, or, having failed to rule them out where there are imperative reasons of overriding public interest, these have been discounted above and therefore development must be refused.

Impact on surroundings including residential amenity

The application site represents the extended garden area of Pine Hollow having formerly been in use for stabling and associated activities ancillary to the use of the dwelling house. It is relatively well screened from its surroundings by mature trees and hedgerows, there are glimpse views form the main B3179 but at a distance and from passing vehicles, allied to this the holiday accommodation pods are of limited scale and constructed of timber such that they assimilate well within their surroundings and are not harmful. The stables have been converted and modernised using timber boarding along with the existing render to provide the ancillary facilities necessary to accompany the accommodation such as a lounge are, hot tub, toilets/wash facilities and games room, the relatively modest scale of these facilities means that they do not detrimentally impact upon their surroundings.

The nearest residential properties to the site are Marleycombe (70m+) to the west and Pine Ridge (45m+) to the south, however, as all of the properties in this area sit on large plots with significant amounts of mature trees and vegetation, the proposed development would not impact on the living conditions of the aforementioned properties, furthermore any associated noise from the guests of the accommodation would be deadened by the intervening tress and distance to the receptors such it would not be of detriment. In fact one of the residents has written to support the application.

Accordingly, the proposed development is considered acceptable in relation to Policy D1 of the EDDC Local Plan.

Impact on highway safety

This application proposed to utilise the existing access onto the highway that serves the existing dwelling known as Pine Hollow and formulate an access way towards the holiday accommodation pods and provide 4 no. dedicated parking spaces; three or four spaces would remain to serve the existing dwelling.

The existing access has limited visibility from and of emerging vehicles especially in an easterly direction towards the junction of Hulham Road with the B3179, it is proposed to maintain the visibility splay with no vegetation or obstacles exceeding 0.6 metre high above ground levels so to enable vehicles to retain a view of approaching traffic and enable approaching traffic to witness a vehicle seeking to exit the site. The history of the site indicates that the access was used by residential traffic and horse related traffic including a horse box. Devon County Highways raised concerns on the previously submitted application that was withdrawn regarding visibility, however, with the amended proposal aligning with their requirements the Highways Engineer raises no objections subject to appropriate safeguarding conditions

Accordingly, the proposed development is considered acceptable in relation to Policy TC7 of the EDDC Local Plan.

Other issues

There is a belt of trees on the eastern boundary of the site which are covered by a tree preservation order (TPO). The tree officer has raised concerns that the siting of the holiday accommodation pods would cause pressure on pruning of the trees at a later date to avoid the pods being struck by falling branches, however he does not object to the proposal. If the application were to be approved there is scope for the pods to be moved further away from the trees to lessen the impact of falling branches, however, as the application is recommended for refusal officers have not approached this subject with the applicant.

CONCLUSION

The location of the site distanced from services and infrastructure and suitable walking routes to access such serves means that as it lies in an unsustainable location for new build holiday accommodation, it would not add to or support and existing on site tourism development. Furthermore, its location within 70 metres of the protected Pebblebed Heaths is likely to lead to unmitigated harm to the protected sites. The National Planning Policy Framework, at paragraph 175 indicates that if significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated, then planning permission should be refused. Furthermore, as set out in Planning Practice Guidance, as competent authority under the Habitats Regulations, the authority may only allow the proposal to proceed having ruled out adverse effects on the integrity of the protected sites, or, having failed to rule them out where there

are imperative reasons of overriding public interest, these have been discounted and therefore development must be refused.

Whilst there would be some benefits to the tourism sector through introducing good quality visitor accommodation into the area which could in turn increase visitor spend in the local economy, these benefits are not considered to outweigh the harm identified by the location of the proposed development

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed holiday accommodation would take place outside of a built up area boundary and take place in the open countryside, as defined by Strategy 7 of the East Devon Local Plan, in such locations new build holiday accommodation is not supported by Policy E16 of the Plan because the location would be distanced from services and infrastructure to support the occupiers of the accommodation, furthermore there are no footways or public transport linkages for occupiers to be able to access such services. The proposal would not therefore constitute sustainable development and occupiers would be heavily reliant upon the private motor vehicles during their stay. The proposal is therefore contrary to Strategy 7 (Development in the Countryside), Policy E16 (Proposals for Overnight Accommodation) and TC2 (Accessibility of New Development) of the East Devon Local Plan, together with guidance contained in the National Planning Policy Framework.
2. By virtue of the proposed development being within 400 metres of the East Devon Pebblebed Heaths, it is likely to lead to the deterioration of habitats and loss or disturbance of wildlife within the East Devon Pebblebed Heaths Site of Special Scientific Interest, East Devon Pebblebed Heaths Special Area of Conservation and East Devon Heaths Special Protection Area arising from the increased residential occupancy of the building and increased recreational use. These effects cannot be avoided or mitigated other than by avoiding residential development. As such the proposed development is contrary to Strategy 47 (Nature Conservation and Geology) of the Local Plan 2013-2031 and the Conservation of Habitats and Species Regulations 2010.

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:

1823/10 : with visiblity splay	Proposed Block Plan	26.10.21
1823/4	Location Plan	26.10.21
1823/6 rev 1	Proposed Block Plan	26.10.21
1823/7 : ground	Proposed Floor Plans	26.10.21
1823/8	Proposed roof plans	26.10.21
1823/9	Proposed Elevation	26.10.21

List of Background Papers

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

Appropriate Assessment		
The Conservation of Habitats and Species Regulations 2017, Section (63)		
Application Reference	21/2830/FUL	
Brief description of proposal	Change of use to a glamping site comprising 2no. glamping pods, a refurbished stable for facilities and toilet building, with associated access and parking (retrospective) (resubmission of planning ref. 21/0856/FUL)	
Location	Pine Hollow, Hulham Road, Exmouth, EX8 5DX	
Site is:	<p>Within 10km of Dawlish Warren SAC and the Exe Estuary SPA site</p> <p>Within 10km of the Exe Estuary SPA site alone (UK9010081)</p> <p>Within 10km of the East Devon Heaths SPA (UK9010121)</p> <p>Within 10km of the East Devon Pebblebed Heaths SAC (UK0012602)</p> <p>Within 10km of the Exe Estuary Ramsar (UK 542)</p> <p>(See Appendix 1 for list of interest features of the SPA/SAC)</p>	
Step 1 Screening for Likely Significant Effect on Dawlish Warren SAC, Exe Estuary SPA or Pebblebed Heaths SPA/SAC or Exe Estuary Ramsar sites		
Risk Assessment		
<p>Could the Qualifying Features of the European site be affected by the proposal?</p> <p>Consider both construction and operational stages.</p>	<p>Yes – This proposal for the retention of two units of glamping holiday accommodation has the potential to disturb features of interest for which the SSSI, SAC and SPA designations apply to the East Devon Pebblebed Heaths at its operational stage.</p> <p>The South East Devon Mitigation Strategy (MS) describes how the Pebblebed Heaths cover some 1400 hectares and make up the largest block of lowland heath in Devon. Collectively the sites are designated for a variety of interest features including the north Atlantic wet heaths with cross-leaved heath, European dry heaths, populations of southern damselfly, nightjar and Dartford Warbler.</p> <p>The overarching conservation objective for the SPA is to avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive.</p> <p>For the SAC, the overarching objective is to avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.</p> <p>The MS sets out how the interest features of the protected sites are at risk from recreation through disturbance, wildfires, nutrient inputs, trampling, fly tipping, and</p>	

	<p>other visitor impacts. Therefore it is considered that given the proximity of the Pine Hollow site to the Pebblebed Heaths (approximately 70 metres) the aforementioned features of the European site may be affected by the proposal from increased recreational pressure from tourists using the holiday accommodation which is the subject of the planning application.</p> <p>Strategy 47 (Nature Conservation and Geology) of the East Devon Local Plan 2013 - 2031 states that new residential uses will not be allowed on or within 400 metres of the Pebblebed Heaths Special Protection Area.</p>
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Conclusion of Screening

Is the proposal likely to have a significant effect, either 'alone' or 'in combination' on a European site?	<p>East Devon District Council concludes that the proposal would be 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the East Devon Pebblebed Heaths Special Area of Conservation (SAC), East Devon Heaths Special Protection Area (SPA) and Exe Estuary SPA/Ramsar European sites due to the risk of increased recreational pressure that could be caused by residential and tourist accommodation.</p> <p>In addition, because the application site is within 400 m of the East Devon Pebblebed Heaths SAC, East Devon Heaths SPA and East Devon Pebblebed Heaths Site of Special Scientific Interest (SSSI), the proposals are likely to cause <i>direct</i> impacts that cannot be mitigated through the <i>South East Devon European Sites Mitigation Strategy</i> (SEDEMS)</p> <p>See evidence documents on impact of development on SPA/SAC at: East Devon District Council - http://eastdevon.gov.uk/media/369997/exe-overarching-report-9th-june-2014.pdf</p> <p>An Appropriate Assessment of the plan or proposal is necessary.</p>
Local Authority Officer	<p>P. Golding</p> <p>Date: 01.12.2021</p>

Step 2

Appropriate Assessment

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

In-combination and Alone Effects

Plans or projects with potential cumulative in-combination impacts. How impacts of current proposal combine with other plans or projects individually or severally.	<p>In-Combination Effects:</p> <p>Natural England have advised that the proposals are 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the East Devon Pebblebed Heaths Special Area of Conservation (SAC), East Devon Heaths Special Protection Area (SPA) and Exe Estuary SPA/Ramsar European sites due to the risk of increased recreational pressure that could be caused by residential and tourist accommodation.</p> <p>Additional housing or tourist accommodation within 10km of the SPA/SAC add to the existing issues of damage and disturbance arising from recreational use. In – combination plans/projects include around 29,000 new dwellings allocated around the estuary in Teignbridge, Exeter and East Devon Local Plans. This many</p>
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	<p>houses equates to around 65,000 additional people contributing to recreational impacts.</p> <p>Alone Effects:</p> <p>The application site is sited approximately 70 metres from the designated sites and is well within the South-East Devon European Site Mitigation Strategy 400 metre 'development exclusion zone'. The mitigation strategy recognises that there will be a combination of factors that are impossible to mitigate for at very close proximity, which include cat predation, increased fire incidence and increased recreational pressure (leading to disturbance, trampling, dog fouling etc). Options for mitigation within 400 metres are limited as it is impossible to divert or limit the impacts, for example by providing alternative access sites.</p> <p>The advice received from Natural England is that in this specific location, hydrological and water quality impacts are unlikely as the application site appears to drain away from the protected site. They also recognise that visitors using these 'glamping pods' are very unlikely to bring cats.</p> <p>However it is considered that due to the close proximity of the site to the Pebblebed Heaths and easy access by public footpaths (the nearest being approx. 190 metres away), occupiers of the holiday accommodation are highly likely to visit the protected site for recreation which in combination with other development has the potential for increased recreation use and the impacts associated with such a use.</p> <p>Also, it is understood that occupiers would be permitted to bring dogs. There is therefore a risk of impacts, for instance from trampling and damage to vegetation and nitrogen from dog fouling. In addition, disturbance by dogs, walkers and off-road cyclists to ground nesting nightjar and Dartford warbler, and increase in fire risk (through BBQ's for example). The evidence is summarised in chapter 2 of the South-east Devon European Site Mitigation Strategy.</p> <p>This proposal is likely to lead to unmitigated harm to the protected sites with harm to biodiversity resulting from increased recreational pressures such that adverse effects on the integrity of the protected sites cannot be ruled out.</p>
Mitigation of in-combination effects.	<p>In respect of the Pebblebed Heaths, the mitigation measures provided through the South East Devon European Site Mitigation Strategy are not sufficient for developments within walking distance of the Pebblebed Heaths, for instance through providing alternative green space.</p> <p>The only mitigation measure that appears to be proposed is to provide visitors with a copy of The Pebblebed Heaths Visitor Map. This Visitor Map refers to 'codes' for behaviour, which are voluntary and could not be enforced. The behaviour of the visitors cannot be controlled by the applicants or by planning condition.</p> <p>On this basis, it is considered that given the proximity of the site to Pebblebed Heaths, well within the 400 metre exclusion zone, that the proposals are likely to have a significant effect on when considered either alone or in combination, upon the qualifying features of the East Devon Pebblebed Heaths Special Area of Conservation (SAC), East Devon Heaths Special Protection Area (SPA) European sites due to the risk of increased recreational pressure that could be caused by tourist accommodation.</p>

	<p>In respect of the Exe Estuary, The Joint Approach sets out a mechanism by which developers can make a standard contribution to mitigation measures delivered by the South East Devon Habitat Regulations Partnership.</p> <p>Residential development is also liable for CIL and a proportion of CIL income is spent on Habitats Regulations Infrastructure. A Suitable Alternative Natural Green Space (SANGS) has been delivered at Dawlish and a second is planned at South West Exeter to attract recreational use away from the Exe Estuary and Dawlish Warren.</p>
Assessment of Impacts with Mitigation Measures	
Mitigation measures included in the proposal.	<p>In respect of the Pebbledbed Heaths the ecological report submitted with the application sets out a number of mitigation measures within the proposal which include:</p> <ul style="list-style-type: none"> • Users of the glamping pods would be provided on arrival with copies of a visitor map which would be provided on any promotional website for the glamping pods alongside links to the Pebbledbed Heaths Conservation Trust website. This would help to alleviate, through educating visitors the potential risks. • No pets other than dogs would be permitted. • It should also be noted that the argument has been put forward that whilst within the exclusion zone, the Pebbledbed Heaths are no more accessible than if located in any other area in Exmouth and that the additional recreational pressure from the development, consisting of a maximum of 8 visitors at a time for 40 weeks of the year would have a negligible effect on the Pebbledbed Heaths. • There is no direct public access to the Pebbledbed Heaths other than across a busy and dangerous B road. <p>In respect of the Exe Estuary Joint approach standard mitigation contribution required</p> <ul style="list-style-type: none"> • Residential units £354 x 2 (the additional number of units)= £708
Are the proposed mitigation measures sufficient to overcome the likely significant effects?	<p>Pebbledbed Heaths:</p> <p>No- As advised by Natural England, The mitigation measures provided through the South-east Devon European Site Mitigation Strategy outlined on page 114 are not sufficient for developments within walking distance of the Pebbledbed Heaths.</p> <p>It is acknowledged that the tourism use of the site is relatively small scale and that the two glamping pods could accommodate a maximum of 8 visitors at a time, over 40 weeks of the year. The fact that there is no direct access from the site to the Pebbledbed Heaths from the site and no footways and an intervening busy B3180 road that would have to be negotiated to get to the Pebbledbed Heaths is also acknowledged. However the nearest public footpath (the Lymptone Bridleway 24) which runs across the SAC and SPA is located only 190 metres away from the site which could be accessed on foot or by car. Indeed there is a small visitor car park on the opposite side of B3180 that can be accessed by a lightly trafficked C road where the footpath starts. It is accepted that the route to the nearest footpath may deter some visitors to the site but ultimately it is possible</p>

	<p>to access the Pebblebed Heaths from the glamping site and the applicants would not have control over where tourists decide to visit.</p> <p>The MS makes it clear that siting development away from sensitive sites can be effective in avoiding issues relating to the impacts of development. This has led to the development exclusion zone of 400 metres, reinforced by Strategy 47- Nature Conservation and Geology of the East Devon Local Plan as a measure to provide protection for the Pebblebed Heaths. The MS explains that the choice of 400m for the heathland sites has been a pragmatic one, recognising that urban impacts relate to a combination of factors that are impossible to mitigate for at very close proximity, which include cat predation, increased fire incidence and increased recreational pressure (leading to disturbance, trampling, dog fouling etc). These urban impacts are considered to equally apply to tourism development as well as residential development. Options for mitigation within 400m are limited as it is impossible to divert or limit the impacts, for example by providing alternative access sites, etc.</p> <p>The only mitigation measure that appears to be proposed is to provide visitors with a copy of The Pebblebed Heaths Visitor Map. This Visitor Map refers to 'codes' for behaviour, which are voluntary and could not be enforced. The behaviour of the visitors cannot be controlled by the applicants or by planning condition.</p> <p>Exe Estuary:</p> <p>Yes - the Joint Approach contribution offered is considered to be sufficient.</p>	
Conclusion		
List of mitigation measures and safeguards	Total Joint Approach contribution of £708 <i>here</i> has been secured by Unilateral Undertaking	
The Integrity Test	Adverse impacts on features necessary to maintain the integrity of the East Devon Pebblebed Heaths Special Area of Conservation (SAC), East Devon Heaths Special Protection Area (SPA) cannot be ruled out.	
Conclusion of Appropriate Assessment	East Devon District Council concludes that there would be adverse effects on the integrity of the Pebblebed Heaths SPA/SAC and that given the proximity of the site to the European designated sites, that the impacts from increased recreational pressure from the tourist accommodation could not be mitigated.	
Local Authority Officer	P. Golding	Date: 07.12.2021
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;

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

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

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

Exe Estuary Ramsar

Principal Features (updated 1999)

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

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

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

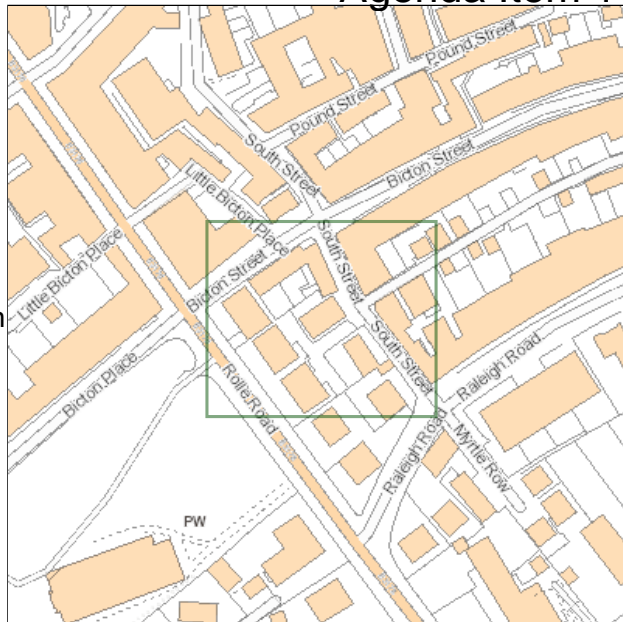
Ward Exmouth Littleham

Reference 21/1546/FUL

Applicant Mr Loveridge

Location British Red Cross Society South Street Exmouth
EX8 2SA

Proposal Erection of a three storey building to include 4 x 2 bed flats, office suite, and 2 x front dormers with associated parking and amenity space including demolition of existing hall.



RECOMMENDATION: Refusal



		Committee Date: 13th April 2022
Exmouth Littleham (Exmouth)	21/1546/FUL	Target Date: 15.11.2021
Applicant:	Mr Loveridge	
Location:	British Red Cross Society, South Street, Exmouth	
Proposal:	Erection of a three storey building to include 4 x 2 bed flats, office suite, and 2 x front dormers with associated parking and amenity space including demolition of existing hall	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before Planning Committee because the Officer recommendation is contrary to the view of Ward Members.

This application seeks planning permission for the demolition of the former Red Cross Society Hall in South Street, Exmouth and its replacement with a new development comprising four flats and an office suite.

The brownfield site occupies a sustainable position close to Exmouth town centre and adjacent to the Conservation Area.

There is no objection raised to the principle of development in this location and the retention of a business use within the proposal is welcomed and considered to weigh in favour of the development.

However there is significant concern regarding the scale and form of the proposal which is considered to be too large for the site. Whilst the design details of the frontage of the building is generally reflective of that existing in the immediate vicinity, its depth, bulk and overall scale would result in an incongruous and inappropriate development.

The size and layout of the building would have a detrimental impact on the residential amenity presently enjoyed by neighbouring residents in terms of loss of outlook, visual intrusion and loss of privacy.

The proposals would not result in any harm to the character and appearance of the Conservation Area and there would some public benefits, in terms of new office accommodation, relatively affordable new sustainable homes and construction work during the building of the development.

However, whilst the benefits of the proposed development are recognised it is not considered that these would outweigh the harm to the character and appearance of the area or the residential amenities of the occupiers of surrounding properties, and the application is consequently recommended for refusal.

CONSULTATIONS

Local Consultations

Ward Member Cllr Bruce De Saram

So my initial observation is that I have No objection to this development but I will await the Officer Report as the Chair has indicated to add in any comments, I make based on the report. I will of course keep an open mind on it and be impartial.

Further comments:

As I indicated in my earlier comment I was awaiting the Officer Report. Please note I have been lobbied on this by the Applicant However I find having read it I can continue to support this application for the following planning reasons:

1. There is no objection raised to the principle of development in this location and the retention of a business use within the proposal is welcomed and considered to weigh in favour of the development. -Exmouth needs business units and this is as it says welcomed.
2. The proposals would not result in any harm to the character and appearance of the Conservation Area and there would some public benefits, in terms of new office accommodation, relatively affordable new sustainable homes and construction work during the building of the development- In planning you always need to identify any Harm especially in a **Conservation Area (Policy EN10)** of which this report has identified no harm, it has public benefits because of the offices and finally the relatively affordable new sustainable homes which is always welcomed.
3. There is Policy support for this proposal as the report indicates where **Strategy 6 (Development within Built-Up Area Boundaries)** and **Strategy 22 (Development at Exmouth)** support appropriate additional growth and development, subject to appropriate design and amenity considerations. **Policy EN1 of the Neighbourhood Plan** states that proposals for development within the built-up area boundary will generally be supported. Development will only be permitted where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located. So as I see it there is support from the Neighbourhood Plan which is a useful guide to what is acceptable.
4. **Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the Local Plan and Policy EE3 of the Neighbourhood Plan** seek to resist the loss of employment sites and uses unless they are no longer economically viable and have been fully marketed. The previous application for the redevelopment of the site was withdrawn partly due to the

loss of a viable employment use. This application seeks to retain an employment use through the inclusion of an office suite, and whilst this would have a reduced floor area it would provide far better quality accommodation than that existing. On this basis, as an employment use is being retained with the benefit of improved facilities, it is considered that the proposed development would be policy compliant. This again weighs in its favour that its Policy Complaint

5. On balance therefore, it is considered that the proposal would not harm (it would preserve) the setting of the **Conservation Area in accordance with Policy EN10**.
6. The proposed re-development of this site would introduce new residential and office development on a brownfield site close to the town centre in a sustainable location. In planning the search is always for sustainable locations so again this is a very positive point in its favour.

Matters to Consider:

I am willing to accept that the issue as the report indicates for debate which has caused concern to some neighbouring properties may be one of scale, massing and design, (**Policy D1**) and if therefore if it should come before the Committee the issue would be if its considered to constitute an incongruous and visually intrusive form of development that would be contrary to the character and appearance of the area.

I do not think that this is the case having visited the site myself and seen at first hand the applicants' proposals. It is my belief that the retention of the business unit weighs heavily in favour of this application as mitigating circumstances to allow this this development to proceed and so that is why it has my support as well as that of various policies as listed earlier.

Finally I am happy to confirm that should it come before the Committee I will retain an impartial and Open Mind so that I can be in full possession of all the relevant facts when I reach a decision.

Ward Member Cllr Chris Wright

Thank you for the clarification, I do support the application having also visited the site and do believe that it requires further discussion at committee level. As Cllr De Saram was a little clearer in his email this is of course somewhat academic.

Further comments:

Further to receiving the officers report , I am unchanged in my opinion that this application should be supported.

I reiterate the applicant is known to me but wish to be clear that I have viewed this application on the merits of the submission and subsequent reports along with my own site inspection.

It is clear from the neighbourhood plan that there is support for this type of application and the general principle of development on the site is not in dispute.

The application has taken into consideration the loss of employment use on this site from previous withdrawn application which is a positive aspect of the scheme as a

whole. There is a need for this type of use within the central location that it occupies in the town.

It is interesting to note that this development does not appear to identify any harm to the Conservation area in the report and the character of the design takes reference to the adjoining built environment. There is also support I note for the socioeconomic benefits the development brings. Affordable property is in short supply and this along with the retention of employment use of the site is a strong positive.

Whilst I acknowledge the report addresses the need or no need for parking in the built environment I would suggest existing residents in the area would expect provision in any such development.

Having again visited the site today, the merits of approval for this scheme have my support.

Parish/Town Council

No objection

Technical Consultations

Environmental Health

The applicant must ensure that sound insulation works are carried out in all adjoining walls & ceilings between the office space and residential units in order to ensure that noise (including low frequency noise) generated within the offices does not disturb the occupiers of the associated residential premises.

Reason: To protect the future residents from excessive noise.

Other Representations

Five representations have been received, 1 in support, 3 raising objections and 1 neutral; summarised below

Support

- Proposal will maintain office presence in the building
- Existing building tired and in need of updating
- Will provide much needed affordable housing
- Will provide space for business
- Public parking is available nearby
- Suitable area for mixed use

Objection

- Building too high blocking sunlight to garden and property
- Potential loss of light to rear of building
- New building closer than existing to the rear of existing property
- New building shouldn't be taller than the existing
- Increase in noise nuisance
- Soundproofing will not stop noise from open windows
- Insufficient parking
- Overdevelopment of the site
- Overlooking and loss of privacy

Neutral

- Potential increase in traffic
- Potential loss of light/sunlight

PLANNING HISTORY

Reference	Description	Decision	Date
18/2596/FUL	Demolition of existing hall and construction of 5 no. flats	Withdrawn	18.04.2019

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

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

D1 (Design and Local Distinctiveness)

EN10 (Conservation Areas)

EN14 (Control of Pollution)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Exmouth Neighbourhood Plan 2018-2031 Policies

EB1 Heritage Assets

EB2 Design

EB3 Loss of Employment Space

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Site Location and Description

The application site comprises a former British Red Cross Society building located within the built-up area boundary of Exmouth. The building is of single storey construction, with a gable fronted elevation onto South Street, and extending to virtually the full depth of the site. A lean-to extension has been constructed towards the rear of the building on its north-eastern side which accommodates a store and WC facilities. The main body of the building comprises a meeting hall, with office and a

kitchen located at the front of the building. Informal parking is provided on a forecourt adjacent to South Street.

The building has residential properties to the north, south and west, with a small theatre located to the north east. The properties to the west comprise a number of flats which front onto Rolle Road, but which have rear access and garages served by a driveway to the immediate south of the Red Cross building, beyond which is a detached bungalow. Other residential properties front onto South Street, with integral garaging on the ground floor with residential accommodation above.

The boundary of the Exmouth Conservation Area lies on the opposite side of South Street.

Proposed Development

Planning permission is sought for the demolition of the existing building on the site and the construction of a three storey development. The submitted layout provides an office suite and a two bedroom flat on the ground floor, 2 two bedroom flats on the first floor with a further 2 bedroom flat on the second floor.

Parking for 4 vehicles is indicated to the front of the development, together with a bin store, with a side access leading to a rear garden area and a secure cycle store.

The proposed frontage design and materials are generally reflective of the area, using facing brick under a slate roof, with brick soldier course detailing above and below the front windows.

ANALYSIS

Having regard to the strategic and management policies in the East Devon Local Plan (Local Plan) and the made Exmouth Neighbourhood Plan (Neighbourhood Plan), the main issues to be considered in the determination of this application are as follows:

- Principle of Development
- Design and Impact on the Character and Appearance of the Area
- Heritage Impact
- Residential Amenity
- Highway Safety and Parking Provision

Principle of Development

The application site is located within Exmouth which is considered to be a sustainable location for new development and where Strategy 6 (Development within Built-Up Area Boundaries) and Strategy 22 (Development at Exmouth) support appropriate additional growth and development, subject to appropriate design and amenity considerations.

Policy EN1 of the Neighbourhood Plan states that proposals for development within the built-up area boundary will generally be supported. Development will only be

permitted where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

The site is located relatively close to the centre of Exmouth in a reasonably sustainable location with access to shops, services and everyday facilities which are accessible on foot as well as public transport links again accessible on foot. The principle of development in location terms is considered to be acceptable and in compliance with the Strategic policies within the Local Plan and the Neighbourhood Plan.

Since the former use of the building by the Red Cross Society ceased there have been a variety of commercial and business occupants of the building, with the current occupiers using the building for office and storage purposes. Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the Local Plan and Policy EE3 of the Neighbourhood Plan seek to resist the loss of employment sites and uses unless they are no longer economically viable and have been fully marketed. The previous application for the redevelopment of the site was withdrawn partly due to the loss of a viable employment use. This application seeks to retain an employment use through the inclusion of an office suite, and whilst this would have a reduced floor area it would provide far better quality accommodation than that existing. On this basis, as an employment use is being retained with the benefit of improved facilities, it is considered that the proposed development would be policy compliant.

Design and Character of the Area

The front of the building takes design references from the neighbouring properties, using similar materials, window styles and dormer windows. It is taller than the modern terrace to the north, and other development in South Street, although lower than the properties to the west fronting Rolle Road due to falling ground levels. It has been set back from the rear of the pavement to provide some parking to the front of the building.

The position, scale and bulk of the building with parking to the front is not reflective of that to which it is most closely visually related, namely the northern part of South Street and Bickton Street, much of which is within the Bickton Street Conservation Area. Neither is it reflective of that to the south, where there are two detached bungalows which sit somewhat awkwardly amidst the other edge of pavement development found within South Street.

The proposed building adjoins the neighbouring dwelling at an awkward angle and junction and is considerably deeper than the two properties to either side.

It is considered that, despite being set back from the road, the building would appear prominent within the streetscene due to its depth and bulky form, and whilst it is appreciated that the full south eastern elevation would only be seen from limited vantage points, the scale is such that it would appear visually intrusive and incongruous within this context. Although the building appears to be set back to enable the provision of car parking to its frontage, car parking in this highly sustainable location is not necessary, particularly given the harmful visual impact created.

As a result the development would be detrimental to the character and appearance of the area and on this basis the proposal would fail to comply with Policy D1 (Design and Local Distinctiveness) of the Local Plan and EB2 of the Neighbourhood Plan

Heritage Impact

Exmouth Conservation Area lies to the north east of the site, with the Blackmore Theatre on the opposite side of South Street forming the southern boundary of this part of the conservation area. There is a duty on the Local Planning Authority to protect not only the Conservation Area itself but also its immediate setting and views into and out of the Conservation Area.

Within the context of the conservation area, and particularly when viewed from the south, it is not considered that the position of the building being set back from the proposed pavement and with parking to the front is the best option for development or one that enhances the character and appearance of the Conservation Area. It is, however, recognised that the site is not within the conservation area, with the current building set-back setting the context for the setting.

On balance therefore, it is considered that the proposal would not harm (it would preserve) the setting of the Conservation Area in accordance with Policy EN10.

Residential Amenity

The proposed building is significantly larger than the existing single storey structure on the site, although the site coverage is less. Whilst the design has been amended and the overall roof height slightly lowered, by 0.3m, the proposed floorspace has increased, with the proposed flat on the second floor having a greater floorspace than that previously considered due to an increase in the eaves height by a metre across the south western elevation. These alterations to the design of the south western elevation have the further effect of increasing the mass of the building at the rear.

It is the relationship between the proposed building and the neighbouring properties that is of the most significant concern, with various aspects of the design, position and layout of the building considered to result in a loss of amenity for neighbouring residents.

The distance of only 11m between habitable rooms/windows of the proposed flats and the properties in Rolle Road is not considered to be acceptable. This relationship is considered to be inappropriate in this location, resulting in a significant loss of outlook and visual intrusion for the occupiers of the existing flats in Rolle Road, particularly emphasised by the increase in bulk of the proposed building created by the raising of the eaves on this elevation.

It is also considered that the relationship between the buildings and layout of the proposed flats would further result in mutual overlooking between the existing and proposed dwellings. It is recognised that there are no windows now proposed at the second floor level, which has reduced the extent of overlooking, but the lounge windows of flats 2 and 3 at first floor face on to the rear of the properties in Rolle Road

and the concerns regarding the loss of privacy remain for those residents (on the lower floor in particular) of the existing dwellings.

Further concerns are raised in respect of the loss of amenity in terms of overlooking, loss of privacy and over shadowing for the occupiers of the dwellings whose rear gardens abut the north western boundary of the site. The introduction of bedroom windows at first and second floor level, and kitchen window on the first floor, will directly overlook the private amenity areas of the existing properties, and the increased in bulk of the development on the site will, due to the orientation and size of the building, result in a loss of sunlight to these gardens.

The relationship between the rear staircase serving the existing property known as Starlight, and the bedroom window on the north western elevation of the proposed building is of additional concern. The staircase rises to a landing and entrance into the existing flat immediately adjacent to the bedroom window serving flat 3, resulting in a lack of privacy and poor level of amenity for any future occupier of this flat.

Given the proposed office/business use within the building and its relationship with the residential accommodation, the Council's Environmental Health Officer had suggested an appropriate condition be applied to any grant of permission to ensure that noise generated within the offices does not disturb the occupiers of the associated residential premises.

It is considered that whilst any amenity issues arising from the use of the proposed office can be conditioned the proposed development would have a significantly harmful and detrimental impact on the residential amenity of the occupiers of neighbouring dwellings, and on future occupiers of the proposed flats, and as such the proposal would fail to accord with Policy D1 (Design and Local Distinctiveness) of the Local Plan.

Highway Safety and Parking

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

The policy does however state that in town centres where there is access to public car parks and/or on-street parking lower levels of parking and in exceptional cases where there are also very good public transport links, car parking spaces may not be deemed necessary.

The site is within the vicinity of Exmouth town centre, which has various facilities and services, this together with the near train station, bus services to Exeter and afield, and the Exe-estuary trail makes this development which could be suitable for non-car sustainable travel.

The development proposes the creation of a pavement across the road frontage, which is currently lacking, which is welcomed. It also suggests the provision of four

off road parking spaces. Whilst this is below that normally required for a development of this nature, it is considered that the location is such that it could be considered for a parking free development. There is a full range of services and facilities readily accessible on foot together with good public transport links within easy walking distances.

Having said this there is some concern regarding the practicality of the suggested spaces, particularly with the proposed space immediately in front of the entrance. This space is less than 4m in length which in order to park even a modest sized car without overhanging the proposed pavement, would make access to the building somewhat difficult. It is also considered that parking within the northern most space would also be difficult if the other spaces are occupied, due the limited width and presence of the existing dwellings. This will result in cars overhanging the pavement and adds to the case that development should be pulled forward in the site and be a car free development.

Habitats Mitigation

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

CONCLUSION

The proposed re-development of this site would introduce new residential and office development on a brownfield site close to the town centre in a sustainable location.

However the design, form, height and scale of the proposed building is considered to be excessive and out of character for its location, resulting in a development which would be overbearing within its context and which would have a very serious detrimental impact on the amenities of neighbouring residents.

In light of the serious harm identified from the proposal, it is considered that the benefits from the proposal fail to outweigh the harm and as such the application is recommend for refusal.

RECOMMENDATION

REFUSE for the following reasons

1. The proposed development, by reason of its scale, massing and design, would constitute an incongruous and visually intrusive form of development that would be contrary to the character and appearance of the area. The proposal is considered to be contrary to Strategy 6 (Development within Built-Up Area Boundaries) and Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031 and Policy EB2 of the Exmouth Neighbourhood Plan and paragraphs 130 and 134 of the National Planning Policy Framework.
2. The proposed development by reason of scale, bulk, form and proximity to the boundaries of the site would be visually intrusive and overbearing, resulting in a loss of outlook and consequent amenity for the occupiers of properties to the south west of the site. It would further result in a loss of amenity in terms of overlooking, loss of privacy and overshadowing for the occupiers of properties to the north of the site. The proposal would therefore be contrary to Policy D1- Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031 which seeks to ensure the amenities of adjoining residents are not adversely affected by development and paragraph 130 (f) of the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked 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:

	Location Plan	24.06.21
R11820-1C	Proposed Plans	Combined 14.02.22

List of Background Papers

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

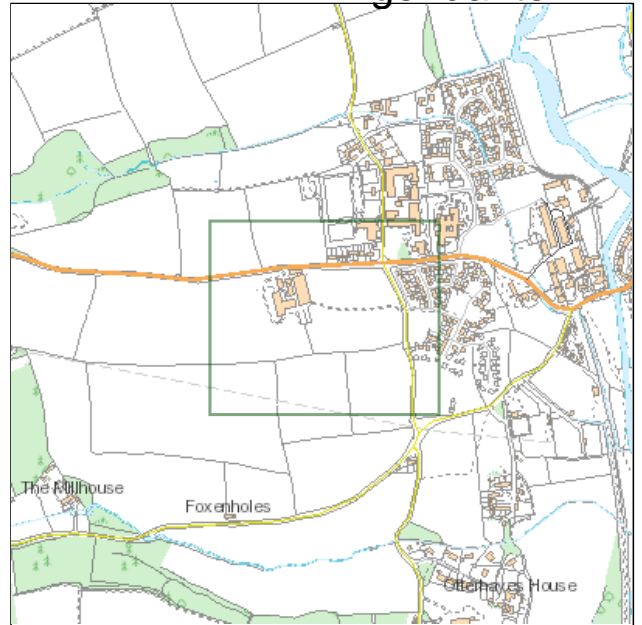
Ward Ottery St Mary

Reference 21/1860/FUL

Applicant Mr Martin Nancekivell

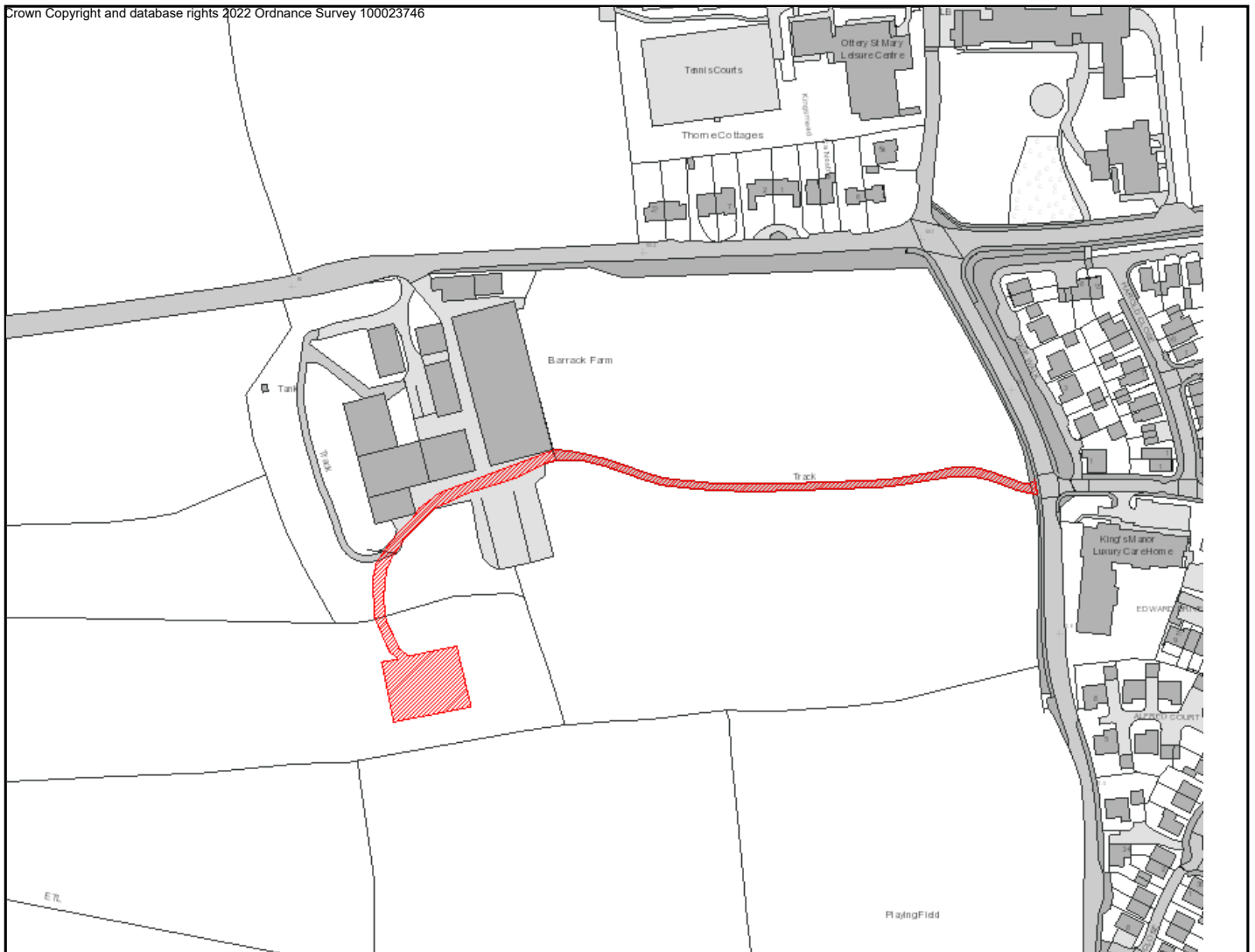
Location Barrack Farm Exeter Road Ottery St Mary EX11 1LE

Proposal Two storey, 4-bed, detached, principle farm house with associated parking and amenity space.



RECOMMENDATION: Refusal

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		Committee Date: 13th April 2022
Ottery St Mary (Ottery St Mary)	21/1860/FUL	Target Date: 13.10.2021
Applicant:	Mr Martin Nancekivell	
Location:	Barrack Farm Exeter Road	
Proposal:	Two storey, 4-bed, detached, principle farm house with associated parking and amenity space.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before Members as the officer recommendation differs from that of two ward members.

The application site relates to land at Barrack Farm. The holding is located on the western side of Ottery St Mary and accessed off Exeter Road and the road from Kings School to Salston Corner. The farm operates alongside Gosford Pines Farm as part of the Luxton's Dairy business.

The application seeks permission for the construction of dwelling located south of the existing cluster of agricultural building to be occupied by the applicant to assist in the day to day running of the agricultural unit at Barrack Farm.

Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the East Devon Local Plan 2013 - 2031 sets a strict set of criteria that proposals must fully satisfy in order to be granted permission. As such the principle of development is accepted subject to the application meeting the various requirements of Policy H4.

The submitted agricultural appraisal details the herd consists of 650 individuals. Approximately 400 of these are located at Barrack Farm and comprise of mixture of young calves, young dairy stock, dairy heifers and beef finishers. The applicant has sought to emphasize that Barrack Farm, although connected to Gosford Pines Farm under the umbrella of Luxtons Dairy, it is operated as a separate farm, has a significant amount of livestock on site and associated infrastructure to accommodate them.

The Local Authority has had the applicant's agricultural appraisal independently assessed by an agricultural consultant. The appraisal has identified a number of requirements for the day to day management of the herd at Barrack Farm in

addition to a number of benefits to the running of the dairy business that an onsite dwelling would provide.

In addition, Criteria 1 of Policy H4 (Dwellings for Persons Employed in Rural Businesses) requires that dwellings should be commensurate with the established functional requirement of the unit. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income that it can sustain in the long term should not be permitted. The Local Planning Authority also has a duty of care to ensure that if any tied dwellings permitted were ever sold on that these should be financially obtainable to a farmer wishing to take on the site.

The submitted floor plans indicate a build with an overall floorspace of 361m². The four bedroom dwelling allocates space to assist in the day to day running of the farm including a boot room (5.3sqm), farm office (8.5sqm) and meeting room (20sqm). However omitting this space from the dwelling still results in a large property.

Despite ongoing discussions with the applicant, it is the position of officers that the application has failed to justify the size of the proposed dwelling in terms of the needs of the agricultural unit itself or to demonstrate that the scale would be commensurate with the functional requirement of the farm.

On the basis of the information submitted, the Local Planning Authority is not satisfied that the size of the proposed dwelling would be commensurate with the established functional requirement of the agricultural unit that it would serve. As a consequence, the proposal would be contrary to the provisions of Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the East Devon Local Plan.

CONSULTATIONS

Local Consultations

Parish/Town Council

Town Council Comments:

The Town Council supports this application subject to following the advice of Stephen Reed, DCC Senior Historic Environment Officer. The request for a Written Scheme of Investigation (WSI) was added to the Planning Portal on the day of the Ottery Town Council Planning Meeting and had not been seen by the applicant or by the Councilors except Cllr Richard Grainger. The applicant was present at the meeting and agreed to obtain a report.

The Town Council would require the imposition of an agricultural tie as per the application.

Ottery St Mary – Cllr Geoff Pratt

This matter will go before the planning committee on 13th April and is recommended for Refusal which differs from the recommendations by two Ward members.

Your recommendation is based on the provision contained in Policy H4 of the current

Local Plan (page189) under para 1 due to the size of the proposed dwelling not being commensurate with the scale of the established functional need.

In addition to para 1 above under para 2 of Policy H4 the Rural business must demonstrate it has clear prospects for remaining commercially viable. However the site of Barrack Farm has been assessed under a HELAA submission by the applicant to consider its scope for accommodating future development..The proposed site at Barrack Farm is for 200 hundred homes and 1ha of employment land . Further, planning officers working on the forthcoming Local Plan have confirmed the site at Barrack Farm as offering realistic potential to provide for the future growth of the town. It would appear that the applicant has development plans for the future at Barrack Farm which do not fully satisfy the provisions of Policy H4 para 2.

I believe that the above provisions of Para 2 as they relate to the above Development proposals should be mentioned in your report and I would be grateful if you would consider this as there are a number of members of the Planning Committee who are also members of the Strategic Planning Committee who will be aware of this matter of future development.

Ottery St Mary - Cllr Peter Faithfull

Dear Planning Central Team

This application is in my ward and my preliminary view, based on the information presently available to me is that it should be approved.

This application is for a farm house next to a substantial number of farm buildings. I support the application on the condition that the house is tied to the farm and not an individual house in its own right. I also support the comments regarding archeology, but am not aware of any historic structures on that site, the farm buildings all being relatively recent and not showing on early Ordnance Survey maps.

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

Ottery St Mary - Cllr Vicky Johns

With the information I have been provided I support this application on the proviso that an agriculture tie is put in place for the property to ensure that the property can not be sold off separately and will need to be used only for people working on the farm. I would also like to ensure that the archeological guidelines are followed to ensure that no significant sites are damaged. I withhold my right to change my view if further information comes to light.

Technical Consultations

DCC Historic Environment Officer

Dear Sir/Madam,

Application No. 21/1860/FUL

Barrack Farm Exeter Road Ottery St Mary EX11 1LE - Two storey, 4-bed, detached, principle farm house with associated parking and amenity space: Historic Environment

My ref: Arch/DM/ED/36880a

I refer to the above application. The proposed development lies in an area of archaeological potential with regard to prehistoric activity recorded in the county historic environment record in the surrounding landscape. In addition, there is the potential for the site to contain archaeological and artefactual evidence associated with the early 19th century army barracks thought to have occupied this area and indicated by the "barrack" place name here. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

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

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 205 of the National Planning Policy Framework (2021) 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 205 of the National Planning Policy Framework (2021), 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/>.

Other Representations

None

PLANNING HISTORY

Reference	Description	Decision	Date
91/P0169	Improve existing slurry store construct dirty water storage install irrigation system	Approval with conditions	09.04.1991
10/0827/FUL	Extension to cattle barn and demolition of existing barns.	Approval with conditions	21.06.2010

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

H4 (Dwellings for Persons Employed in Rural Businesses)

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

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

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

Ottery St Mary and West Hill Neighbourhood Plan

NP2 Sensitive, High Quality Design

NP4 Settlement Containment

NP9 Accessible Developments

Site Location and Description

The agricultural holding at Barrack Farm is run by Luxton's Dairy which first established as a pig farm in the 1950s. The dairy business has expanded considerably since and now covers an area of 600 acres and comprises of two farm units, the other at Gosford Pines which is located approximately 2 Km north of Ottery St Mary. The business now handles a herd of 650 cattle of various ages some used for dairy stock the other as beef stock.

The application site is located approximately 1.3km west of Ottery St Mary Town Centre and is accessed off Exeter Road. The application is located outside the Built-Up Area for Ottery St Mary, however the land itself is not subject of any special designation.

For information, this part of the farm and wider site have been put forward for residential development as part of the Call for Sites for the New Local Plan. However, as this is at a very early stage of production, it carries no weight in the decision making process on this application.

Proposed Development

The application seeks permission for the construction of dwelling located south of the existing cluster of agricultural building to be occupied by the applicant to assist in the day to day running of the agricultural unit at Barrack Farm. The build would be two storey in height with pitched roofs and gable ends. The build would be finished in brick and render with a tiled roof and UPVC openings and rainwater goods.

ANALYSIS

The following issues are considered material in the assessment of this planning application;

- Principle of Development.
- Impact on character and appearance of the area.

These shall be discussed in turn below.

Principle of Development

The spatial strategy for development is focused around the seven main towns and larger villages with built up area boundaries, as described by Strategy 27, will form focal points for development. However, the proposed site is not included within such a settlement and therefore is not considered to have an appropriate level of services and facilities to support residential development. Therefore, for planning purposes, the proposal takes place within a countryside location and therefore subject to restrictive rural policies.

Strategy 7 (Development in the Countryside) of the East Devon Local Plan states that development in the countryside will only be permitted where it is in accordance with a specific Local Plan or Neighbourhood Plan policy that explicitly permits such

development and where it would not harm the distinctive landscape qualities within which it is situated.

Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the East Devon Local Plan 2013 - 2031 sets a strict set of criteria that proposals must fully satisfy in order to be granted permission. As such the principle of development is accepted subject to the application meeting the various requirements of Policy H4, these shall be considered in turn below.

- 1. There is a proven and essential agricultural or forestry or rural business need for the occupier of the proposed dwelling to be housed permanently on the unit or in the specific rural location for functional reasons and the size of the proposed dwelling is commensurate with the scale of the established functional need. Where this need is unproven or a new business is being established a temporary dwelling (such as a mobile home) may be permitted to allow time to establish that there is a genuine functional and financial need for a permanent dwelling. A temporary dwelling will normally be permitted for a period of three years, subject to meeting relevant criteria detailed below.*

An Agricultural Appraisal has been submitted in support of the application that states the herd consists of 650 individuals. Approximately 400 of these are located at Barrack Farm and comprise of mixture of young calves, young dairy stock, dairy heifers and beef finishers. The applicant has sought to emphasize that Barrack Farm, although connected to Gosford Pines Farm under the umbrella of Luxton's Dairy, it is operated as a separate farm, has a significant amount of livestock on site and associated infrastructure to accommodate them.

The Local Authority has had the applicant's agricultural appraisal independently assessed by an external consultant. The appraisal has identified a number of requirements for the day to day management of the herd at Barrack Farm in addition to a number of benefits to the running of the dairy business that an onsite dwelling would provide.

To attend the welfare of the animals in order for the applicant to meet the legal responsibilities of the farm owner. At Barrack Farm these are summarised as follows;

- General Husbandry of livestock
- Checking water troughs
- Checking oestrus cycles in breeding heifers
- Feeding
- Pushing in feed
- Routine vet visits.

An on-site presence would also reduce incidences where individuals have been lost due to accidents or sickness. Further losses to the herd would also be avoidable through increased monitoring of young calves. Being able to identify animals on heat and an early stage leads to improved performance of the herd and is considered to be something only achievable with a 24 hour onsite presence.

Whilst improved security is not a reason to justify the need for worker's dwelling, in this case it has been identified that the applicant has experienced loss of fuel, tools and instances of arson on three separate occasions. It is felt by the applicant that the proposed dwelling would act as a deterrent to these types of acts and also improve biosecurity.

Owing to the significant number of livestock, the day to day requirements of the herd and general needs of the holding it is accepted that there is a need for a full time worker on site and therefore the need for additional accommodation is accepted.

Despite this, criteria 1 also requires that dwellings should be commensurate with the established functional requirement of the unit. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income that it can sustain in the long term should not be permitted. The Local Planning Authority also has a duty of care to ensure that if any tied dwellings permitted were ever sold on in the future that these should be financially obtainable to a farmer wishing to take on the site.

The submitted floor plans indicate a build with an overall floorspace of 361m². The four bedroom dwelling allocates space to assist in the day to day running of the farm including a boot room (5.3sqm), farm office (8.5sqm) and meeting room (20sqm). However omitting this space from the dwelling still results in a large property.

Concerns over the size of the dwelling were relayed to the applicant who, in rebuttal, has emphasized the sheer scale of the operation at Barrack Farm and the value of fixed tangible assets and livestock. However there has been little attempt to justify the size of the proposed dwelling in terms of the needs of the agricultural unit itself or to demonstrate that the scale would be commensurate with the functional requirement of the farm.

It is acknowledged that throughout the submission and subsequent conversations with the applicant that the house would also accommodate his two children who are the fifth generation in line to take on the business. Whilst it considered reasonable to entertain a scale of dwelling that would allow the applicant to accommodate room for his immediate family, the resulting floor space is excessive for a four bedroom property for the purposes of meeting the stated functional need.

As a general guide, a maximum of 200sqm is usually accepted for additional agricultural workers dwelling, a not inconsiderable size in itself and adequate to house the applicant and his family.

As stated above, allowing a dwelling of the scale proposed is not justified, and would make it very difficult for the dwelling to be passed on to other agricultural workers should it no longer be required at this farm. This size of dwelling is far in excess of something commensurate with the functional need established for 1 additional worker on site.

This is a principal consideration in assessing the merits of agricultural dwelling size and, in the absence of any strong evidence or case to support a dwelling of the size proposed, it is thought that the proposal is poorly justified and therefore objectionable on this ground.

2. *In the case of a permanent dwelling, the rural business has been operational for a minimum of three years, it is demonstrable that it is commercially viable and has clear prospects for remaining so.*

Business accounts from Luxton's Dairy have been submitted for consideration. The business is clearly profitable and the accounts suggest that it will remain to do so for the foreseeable future. Additionally it is also the position that the business could support the construction of a dwelling. It is pertinent to note here that construction of a dwelling at 361sqm will be considerably more costly than a 200sqm dwelling and therefore add un-necessary additional pressure on the farm finances.

Whilst a Ward Member has rightly pointed out that the wider site has been put forward for residential development as part of the New Local Plan, this carries no weight at present, and whilst this may indicate that there will not be a need for a second dwelling at the farm should the land be developed, the decision needs to be made on the basis of the current planning situation and policies.

3. *In the case of a temporary dwelling, a financial assessment, specifically in the form of a business plan setting out projected future operations, must demonstrate future operational viability.*

The application is proposing a permanent dwelling. No business plan required.

4. *The qualifying test of occupancy must involve at least one occupant being employed full time in the relevant rural business. Two occupants in partnership can meet the condition so long as their joint weekly hours equate to a full working week*

It is understood that Mr Nancekivell, the applicant, and his family would occupy the dwelling. Additionally it is stated on page 16, at Appendix B, that the number of cattle housed at Barrack Farm equates to 2.14 labour units. As such this criteria is considered to be met.

5. *There are no buildings on the operational holding suitable for conversion to meet the residential need or exiting dwellings available now or likely to be available within a nearby location or settlement. Sale within the last three years of any dwellings or buildings suitable for conversion will be taken into account and will count against 'need' in the assessment carried out.*

All current agricultural buildings are currently utilised for the running of the dairy business. There are none on site that are disused. In this case, owing to the various roles under criteria 1, there is considered to be an identified functional need for the presence of a worker onsite.

The applicant was prompted to demonstrate why the essential need could not be met by his current residence at Gerway Farm. The response detailed that currently the

application site is left unattended for 14 hours a day. During night time hours issues crop up like bullying, breaking drinkers, getting stuck in gates/barriers, monitoring pregnant heifers, calving, pushing up feed, breaking out and illness. Regular inspections at the quietest ends of the day are the best times to observe and take note of this and finding out which heifers are showing signs of heat for getting the timing right for breeding.

Owing to the level of livestock present at Barrack Farm and the associated day to day requirements of the herd it has been established that there is a functional need to meet the equivalent of 2.14 labour units. As such, in order for the business to maintain a high standard of welfare the applicant argues that the need could only be met by an onsite dwelling. Whilst it is concluded that the applicant's current residence at Gerway Farm is not suitable, and that there are no other buildings on the farm to meet the need, officers are not convinced that there are no properties available within Ottery St Mary that could meet this need given how close the site is to the built-up area boundary. However, on balance, and given that Officers are unsure that they would be able to justify a refusal of permission on this ground, the benefit of the doubt in terms of needing to be on site is being given to the applicant.

6. Any permission granted will be subject to an occupancy condition tying it to the relevant business on the proposed dwelling and where appropriate, any existing dwelling on the farm holding

A willingness to accept an agricultural occupancy restriction condition, in the event of a resolution to grant permission for the proposed dwelling, has been indicated by the applicants' agent.

However on the basis of the information submitted, the local planning authority is not satisfied that the dwelling would be commensurate with the established functional requirement of the agricultural unit it would serve and as such the proposal is contrary to Policy H4.

Impact on Character and Appearance of the Area

The proposed dwelling is proposed to be sited south of the existing group of agricultural buildings. Further correspondence submitted by the applicant has emphasized that the chosen location provides good visibility over the main working areas whilst provided a degree of relief from the existing cluster of existing barns and silage clamps to enable further expansion of the farm and to allow large machinery to navigate through the site. The applicant has also noted that machinery is also parked and stored at this end of the farm when not in use.

The Location Plan indicates that the dwelling would utilise an existing access and track off the road between Kings School Cross and Salston Corner. From here the existing farm buildings and silage clamps are visible. The application building would be located south of the silage clamps and be offered some screening by a mature hedgerow immediately to the east. However the land does gently rise to the south and therefore the roof pitch and upper part of the gable end of the east elevation may protrude slightly above the height of the hedgerow.

Views of the site and application building from West Hill Road are largely unavailable due to the local topography. However as you travel east towards 2 Salston Cottages and Strawberry Lane partial views of the large livestock building at Barrack Farm are available. Despite this, the application building is to be sited south west of this barn where a number of large mature trees would offer the dwelling a degree of screening.

Exeter Road is subject to high footfall of traffic and is an arterial route into Ottery St Mary. However the road is tightly bordered by established devon banks and hedgerow. In particular the hedgerow that borders the southern side of the road is significant in height, dense and prevents any direct sight of the farm buildings owned by the applicant and it is anticipated that road users would be unable to see the proposed dwelling.

The application form indicates that the dwelling shall be constructed of brick and render with a slate or tile roof. Whilst the use of such materials is considered acceptable, further information and samples shall need to be submitted prior to commencement.

Overall, despite the proposed build being located on slightly elevated land within the site, owing to limited public view of the build, the subsequent visual impact is considered to be very low.

Habitat Regulations Assessment and Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and its European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of this 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.

Archaeology

The proposed development lies in an area of archaeological potential in a landscape containing evidence of prehistoric activity as well as iron extraction industry that operated on the Blackdown Hills from the Roman and medieval periods. The Historic Environment Records indicates the site lies in proximity to earthworks that may be indicative of either prehistoric funerary activity or may represent later mining activity associated with the iron ore mining industry here. As such, groundworks for the

construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

Other Matters

- Surface Water shall be dealt with via a soakaway. There is considered ample space on site in order to install this.
- Foul sewage shall be dealt with via a septic tank. The submitted FDA1 form indicates this shall be a new system shall discharge into a drainage field.
- Occupants shall utilise an existing access. Parking and turning shall be provided within the site.

CONCLUSION

Whilst the functional need for an onsite worker has been accepted, the local planning authority is not satisfied that the dwelling size would be commensurate with the established functional requirement of the agricultural unit it would serve.

The applicant is aware of these concerns and in response has highlighted a number of planning applications that have secured permission for the provision of dwellings, in some cases larger than the current proposal, on other farms. However, without going into specific detail on each case, some of the scheme's put forward benefited from permitted development rights under Class Q of the General Permitted Development Order. Subsequent to the findings of the judge in *Mansell v. Tonbridge* it has been established that the prior approval process can be considered a realistic fall-back and be given weight in determining a planning application. The current scheme does not benefit from a Class Q fall-back.

Some applications were also considered against Policy D8 (Re-use of Rural Buildings Outside of Settlements) of the Local Plan as the proposal was a conversion rather than the construction of a new build subject of an agricultural tie under Policy H4. These policies, whilst allow residential growth in countryside locations, have very different criteria to satisfy and therefore are not directly comparable.

The applicant has also provided two examples at sites within the locality where a second agricultural workers dwelling has been approved on the basis of fewer livestock at the respective farms. One of the applications at New Park Farm, whilst technically for a second dwelling, the agricultural appraisal put forward in that case that a new dwelling was required as the existing occupants within the existing house were in the stages of retiring. There is case law on the matter of whether or not a dwelling can reasonably be considered to be available. The key High Court judgments regarding this are *Keen v. Secretary of State for the Environment and Aylesbury Vale District Council* (1996), the approach within which was confirmed in *JR Cussons and Son v. Secretary of State for Communities and Local Government* (2008). Both judgments made it clear that it is necessary to test whether there is accommodation which is both suitable and available and, where there is existing accommodation, it

must be subject to scrutiny as to whether it can reasonably be held to be available. It is insufficient for accommodation to merely exist. At New Park Farm, whilst they secured permission for a second dwelling, this was to meet an existing functional need that could no longer be met by the existing occupants of the exiting farmhouse.

Another application at Barnfield Farm obtained consent for a provision of a caravan for an agricultural worker in addition to the existing farmhouse. However, in this case the justification for a second dwelling was based on the farms evident expansion and also in part on the basis that the applicant's children would no longer be assisting in the day to day running of the farm. Additionally, whilst the number of livestock at the farm is slightly below the number at Barrack Farm the level of floor space proposed for the caravan and the existing farmhouse is still substantially below that of the application proposal.

Whilst it is considered that the above applications are not considered directly comparable to the current application, it is also relevant that each application should be determined on its own merits.

As such, despite the application being considered acceptable on all other grounds, the proposal fails to meet the requirements of Policy H4 owing to the proposed development's excessive scale. It is the position of officers that the application should be refused.

RECOMMENDATION

1. Adopt the Appropriate Assessment
2. REFUSE for the following reasons:

1. On the basis of the information submitted, the Local Planning Authority is not satisfied that the size of the proposed dwelling would be commensurate with the established functional requirement of the agricultural unit that it would serve. As a consequence, the proposal would be contrary to the provisions of Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the East Devon Local Plan.

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:

East & West	Proposed Elevation	18.08.21
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	Proposed Floor Plans	18.08.21
	Location Plan	18.08.21
North & South	Proposed Elevation	18.08.21
	Proposed roof plans	18.08.21

List of Background Papers

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

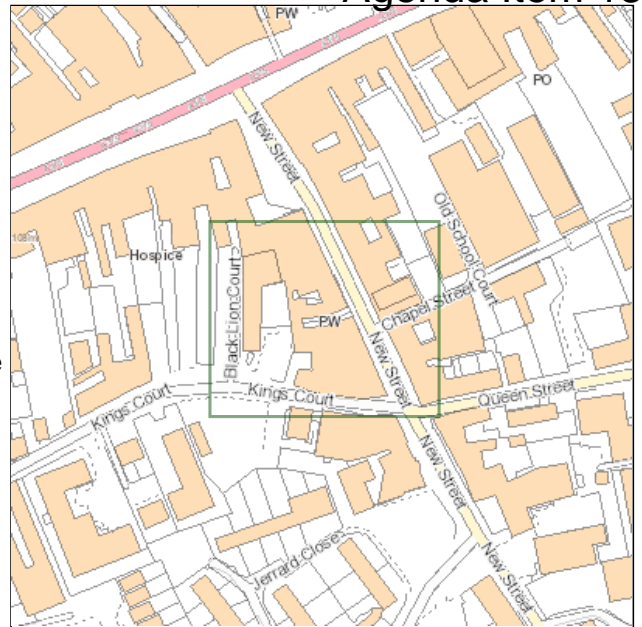
Ward Honiton St Michaels

Reference 21/1618/FUL

Applicant Mr Ayhan Adsoy

Location 19 New Street Honiton EX14 1HA

Proposal Change of use of ground floor from a mixed use comprising retail (class A1) and hot food takeaway (class A5) to use as a hot food takeaway (class A5) and installation of external extraction flue (revised proposal to 20/1959/FUL)



RECOMMENDATION: Approval with conditions



		Committee Date: 13th April 2022
Honiton St Michaels (Honiton)	21/1618/FUL	Target Date: 24.08.2021
Applicant:	Mr Ayhan Adsoy	
Location:	19 New Street Honiton	
Proposal:	Change of use of ground floor from a mixed use comprising retail (class E(a)) and hot food takeaway (Sui Generis) to use as a hot food takeaway (Sui Generis) and installation of external extraction flue (revised proposal to 20/1959/FUL)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is before Committee as the officer recommendation is contrary to the view of a Ward Member who raises concerns relating to impacts of noise and odour on residential amenity.

The site is within the designated Town Centre of Honiton, within the Primary Shopping Frontage and it is also within the Conservation Area. The site is bounded by both residential and business premises.

Permission 20/1959/FUL was granted on 8th April 2021 for the change of use of the ground floor to a hot food take-away with conditions attached but the permission was not lawfully implemented. This application, revised since its initial submission, is essentially a repeat application for the change of use to a hot-food takeaway previously granted, but with a different external flue arrangement to that previously approved. The proposed opening hours are the same as those controlled by condition 4 in permission 20/1959/FUL. The application is supported by technical information including a Noise Impact Assessment and Kitchen Extraction System Report.

The principle of the change of use has been established through the recent grant of permission 20/1959/FUL. It is not considered that the proposal would impact on the viability or viability of the town centre or the retail function and character of the shopping frontage.

Following consultation on the revised proposal and supporting documents the Environmental Health Officer has indicated that the proposal raises no environmental health concerns. A condition is recommended to be imposed to

control the opening hours and secure adherence to the proposed and recommended odour and noise mitigation measures. The Conservation Officer raises no concerns and the Town Council and a Ward Member support the proposal. A neighbour objects raising concerns about unauthorised parking associated with the site and noise, however the Highway Authority raise no objection and noise could be controlled to acceptable levels though the recommended conditions.

The proposal is considered acceptable in all relevant respects and it is recommended that the application be approved subject to the conditions listed in the report.

CONSULTATIONS

Local Consultations

Parish/Town Council

22/7/21

Honiton Town Council OBJECTS to the application for the following reasons:

- o The proposed time extension would adversely impact on the amenity of neighbouring residents.
- o Honiton Town Council supports the request by the Environmental Health Officer for a noise assessment report to assess the impact on the amenity of the neighbouring residents.
- o Honiton Town Council would also query what impact the proposed extraction system would have on the amenity of neighbouring residents in relation to odours produced.

Parish/Town Council (Following consultation on a revised proposal and additional supporting information received 18/2/22)

9/3/22

Honiton Town Council SUPPORTS the application.

Honiton St Michaels - Cllr Mike Allen

18/2/22

The property is located within the Honiton Conservation Area. The Honiton Character Appraisal refers to No's 15 to 31 New Street as an important building group and No's 15 to 23 are included on the Local List as being of architectural and historic interest and in particular their group value, the character and appearance of which it's important to retain.

The property is a thriving business which is apparently impacting on the amenity of residents from both noise and smell of cooking which needs due consideration

Concerns have been expressed by residents and Environmental health plus the town Council which means, I believe, that this application should be considered at Planning Committee.

I cannot support this application until the Planning Committee considers noise and pollution checks

Further Comments:
No further comments.

Honiton St Michaels - Cllr Phil Twiss

18/2/22

This application builds on a similar one at this location, where the current business operating is similar in style of operation to others in New Street and it would be unreasonable to refuse on those grounds. As I understand it, this is more about regularising extending opening hours to match those of other businesses in the immediate vicinity, (and High Street), as well as significant improvements to the extraction system.

I support this application, subject to the opinion of the EDDC Environmental Health Team that the proposal are acceptable in terms of the effectiveness of the extraction system, in terms of noise, and reduction of odours emitted during the process of cooking of food, and that the principle of this type of development at the site is already established, and operating as such.

(Having been notified of the comment of the Environmental Health Team dated 3/3/22 and of the planning history at the site, Cllr Twiss confirmed his support for the proposal on 15/3/22)

Further comments:
Nothing further to add to the recommendation to approve thanks.

Honiton St Michaels - Cllr Jake Bonetta

Thanks for this. Nothing to add except a personal interest in that the applicant is a former work colleague of mine.

Technical Consultations

Conservation

28/7/21

CONSULTATION REPLY TO PLANNINGEAST TEAM
PLANNING APPLICATION AFFECTING LOCALLY LISTED BUILDING AND
CONSERVATION AREA

ADDRESS: 19 New Street, Honiton
GRADE: Local List APPLICATION NO: 21/1618/FUL
CONSERVATION AREA: Honiton
PROPOSAL: Installation of an extraction system and time extension.
BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

The property is two storey, rendered with slate roof. The fenestration has been altered and includes a mixture of historic and more recent multi-paned windows at both ground and first floor including 1no. sash window at first floor and a shopfront within a C19 bay sash window on the ground floor.

Its significance derives from its age, the use of traditional materials and its contribution to the streetscene of this secondary commercial street in Honiton town centre. There

are several examples of good bay windows, original frontages and shopfronts which together provide a pleasing appearance.

The property is located within the Honiton Conservation Area. The Character Appraisal refers to No's 15 to 31 New Street as an important building group and No's 15 to 23 are included on the Local List as being of architectural and historic interest and in particular their group value, the character and appearance of which it's important to retain.

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

A previous permission was recently approved under 20/1959/FUL for a similar proposal. This application is twofold and relates to the installation of an external extraction flue and a change to the opening times. Detailed comments are set out below:

Extractor Flue: it appears that the flue has already been installed. Located at the rear it is a relatively tall and prominent system. However, whilst taller than that previously approved, it is still below the height of the original submission which was amended during the course of the previous application under 20/1959/FUL.

Opening Times: no comments:

Conclusion: In terms of heritage issues, the flue will have minimal impact on the rear of this locally listed building and the Honiton Conservation Area. No further comments.

PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

Further comments following consultation on a revised proposal and additional supporting information received 18/2/22)

10/3/22

No further comments to make.

Environmental Health

12/7/21

I have considered the application and I do have Environmental Health concerns in relation to noise. Further information is required.

This application involves the introduction of external fixed plant/equipment (extraction system) in close proximity to existing noise sensitive dwellings. I am concerned that the noise impact from the plant/equipment has not been fully assessed and therefore, it is not known if further noise mitigation is required. This information is required before I can make a recommendation.

I recommend that the applicant undertakes a noise assessment.

A BS4142:2014+A1:2019 assessment should be undertaken in order to determine the likely noise impact from the fixed plant & equipment on nearby noise sensitive dwellings when measured against the current background sound levels.

The purpose of the noise assessment is to determine whether or not residents are likely to be adversely affected by noise from the extraction system. This information will help the decision making process for the proposed extraction system. If the noise assessment highlights noise as an issue, mitigation will need to be considered and assessed in order to determine if it is at an appropriate level to achieve both satisfactory internal and external (amenity areas) noise levels.

Further comments following consultation on a revised proposal and additional supporting information received 18/2/22)
3/3/22

I have reviewed the newly submitted documentation for this application and do not anticipate any environmental health concerns.

Other Representations

One received supporting the proposal, but no points are made.

One received objecting raising the following concerns, and a further letter from the same person re-iterating the following concerns:

- Unauthorised parking on New Street by delivery drivers associated with the take-away causing a hazard;
- Noise of car doors of delivery drivers and customers associated with the take-away, disturbing residents;
- Longer opening hours would exacerbate the above;
- Bins are left on the pavement, leading to inconvenience;
- Impacts associated with the extraction outlet, which is below a bedroom window.

PLANNING HISTORY

(Only the last 21 years history is listed below)

Reference	Description	Decision	Date
20/1959/FUL	Change of use of ground floor from a mixed use comprising retail (class A1) and hot food takeaway (class A5) to use as a hot food takeaway (class A5) and installation of external extraction flue.	Approved	8/4/21
06/2531/FUL	Internal alterations plus rear single storey extension. First floor change of use from A1 (Shop) to A3 (Restaurant) with related operating times	Approved	6/11/06.

06/0672/COU	Change of use of ground floor from shop (class A1) to mixed shop and hot food takeaway (class A5).	Approved	2/5/06
01/P1749	Hanging Sign	Approved	31/10/01
01/P1441	Change Of Use Back To Retail - New Entrance Door & Rear Conservatory	Approved	5/9/01

POLICIES

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

D1 (Design and Local Distinctiveness)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

EN14 (Control of Pollution)

E9 (Town Centre Vitality and Shopping Areas)

E10 (Primary Shopping Frontages)

TC2 (Accessibility of New Development)

Neighbourhood Plan

No draft Neighbourhood Plan is available for Honiton.

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Site Location and Description

The application site is a terraced 2 storey building immediately fronting pedestrian pavement on New Street, Honiton. It is bounded by adjoining dwellings to north, northwest and south with others beyond, within a densely developed area. Various business premises are also adjacent to and in the vicinity of the site.

The site is within Built Up Area Boundary of Honiton within the Conservation Area. The application building, together with No's 15 to 23, is included on the Local List as being of architectural and historic interest, in particular due to the group value of the buildings (Conservation Officer comments provide full description of historic character

and architectural merit). The site is within a designated Town Centre Area and is part of the designated Primary Shopping Frontage.

Proposal

The proposal has been amended since it was initially submitted, with the most recent plans and documents having been received on 18/2/22. The amendment was made because during the determination it came to light that the previous permission had not been lawfully implemented. The amended application is essentially a repeat application of a recently granted permission (20/1959/FUL, approved on 8/4/2021) but with a different external flue arrangement at the rear of the property. The proposed opening hours have also been amended since the application was initially submitted to be the same as those previously approved though permission 20/1959/FUL, with opening to customers and collection/delivery from the premises restricted to between 15:00 and 21:00 on any day.

The application is supported by revised technical information relating to noise and odour control. The application title has also been amended to reflect the change to the Use Class categories which came into effect on 1 September 2020 i.e. a retail use was previously class A1 but is now within class E(a) and hot food takeaway was previously class A5, but is now a Sui Generis use (in a class of its own).

ANALYSIS

The main issues for consideration are the principle of the proposal, impact on town centre viability/vitality and employment, impact on amenity and impact on heritage assets.

Principle and town centre vitality and viability

The principle of the change of use of the ground floor was previously considered acceptable through the recent grant of permission 20/1959/FUL on 8/4/21 on the basis of compliance with policy E9. In granting that permission, the Local Planning Authority took into account the location of the site within the Built Up Area Boundary and the impact of the proposal on the viability and vitality of the town centre. This impact was not considered to be significant considering that there was an existing permission for a mixed retail and take-away use at the site (albeit restricted to specified foods) which did not restrict the area of the building that could be used as a take-away and also considering the small scale of the premises.

For these same reasons it is not considered that the proposal would have a significant impact on retail function or character of the area. In considering the last application it was noted that the takeaway business use would employ staff, such that the use would ensure that the site would continue to contribute to economic activity within the area and the provision of employment opportunities. There having been no change to the Local Plan or other relevant Policy or Guidance since the previous grant of permission it is considered that the change of use remains acceptable in principle and that refusal of permission would be unjustified.

Heritage Assets

The site is within the conservation area and relates to a locally listed building and the external flue could potentially have an adverse impact on the building's character and appearance and that of the wider conservation area. The flue proposed in this application is slightly taller than that approved through permission 20/1959/FUL however the Conservation Officer has taken this into account and raises no concerns with regard to its impact. The proposal is therefore considered compliant with LP Policies D1, EN9 and EN10.

Amenity

The operation of the hot food take away has the potential to generate odour from cooking and noise from the operation of extraction equipment and also in connection with customers visiting the site. Due to the close proximity of neighbouring dwellings and businesses adequate control of these impacts is important in order to ensure that neighbouring amenity is not adversely affected. The Environmental Health Officer has assessed the proposal including the supporting Noise Impact Assessment and details relating to the proposed extraction system and has raised no concerns with regard to odour or noise impacts. Compliance with these and hours of operation restrictions can be conditioned.

The impact of the proposal on the first floor use of the building has also been considered, given that the take-away use relates the ground floor of the building only. A dwelling use at the first floor would be a sensitive use, however there is no extant permission for this. It is considered unlikely that permitted development rights would allow a change of use of the first floor to a dwelling, given the size and layout of the building and the particular constraints of the permitted development rights which otherwise allow a change of use to a dwelling from class E. Even if those rights could be applied, 'Prior Approval' from the Local Planning Authority would be required and this determination process would in turn have to take into account the impact of noise from commercial premises on the intended occupiers of the building. Due to this control it is considered that no undue impact on amenity would be likely to arise in relation to the first floor.

It is recommended that the plans and details relating to noise and odour control measures be secured by a planning condition along with a hours of use condition restricting the use to between 15.00-21.00pm.

Other issues

An objector raises a concern in relation to unauthorised street parking in connection with the take-away however the Highway Authority have not raised any concerns with regard to highway safety matters and it is noted that off road parking is available near the site at two public car parks nearby.

A concern is also raised regarding bins on the pedestrian pavement beside the site. This has been brought to the attention of the relevant Environmental Health team who advise commercial premises on bin storage. The submitted plans indicate bin storage space at the rear of the property so suitable space for bins is considered to be provided for at the site and this issue is not considered further in this report.

CONCLUSION

Although the site is small scale, the proposed use would provide employment opportunities and economic activity and thus the site would continue to provide a degree of social and economic benefit. The use would not cause undue harm to town centre viability, vitality or the retail character or function of the area nor is it considered likely to harm highway safety. With conditional controls in place to protect heritage assets and local amenity, it is considered that the proposal would be acceptable with regard to these social and environmental issues. Overall the proposal is considered to represent sustainable development.

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. Notwithstanding any reference to opening hours in the Noise Impact Assessment by Nova Acoustics (dated received by the Local Planning Authority on 18/2/22) the take-away use hereby permitted shall not be open to customers, or for the collection or delivery of hot food from the premises, except between 15:00 and 21:00 on any day. (Reason: To protect adjoining occupiers from excessive noise in accordance with Policies D1 Design and Local Distinctiveness and EN14 Control of Pollution, of the East Devon local Plan).
4. The noise and odour control measures and related recommendations described in the Noise Impact Assessment by Nova Acoustics and the Kitchen Extraction System Report & Odour Risk Assessment "Pizza Plus+Kebabs-Burgers" (dated received by the Local Planning Authority on 18/2/22) and illustrated on the approved plans and the plans listed below (also dated received on 19/2/22) shall be adhered to in full for the duration of the hot food takeaway use hereby approved:
Existing and proposed Floor Plans EP001
Kitchen Extraction System PP003.
(Reason: To avoid odours and noise detrimental to the amenities of local residents and other adjoining occupiers and in accordance with Policy EN14 Control of Pollution of the East Devon Local Plan.)

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email cil@eastdevon.gov.uk.

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:

EP002 :	Combined Plans	18.02.22
Elevations		
EP001	Combined Plans	18.02.22
	Location Plan	18.02.22
	Block Plan	18.02.22

List of Background Papers

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

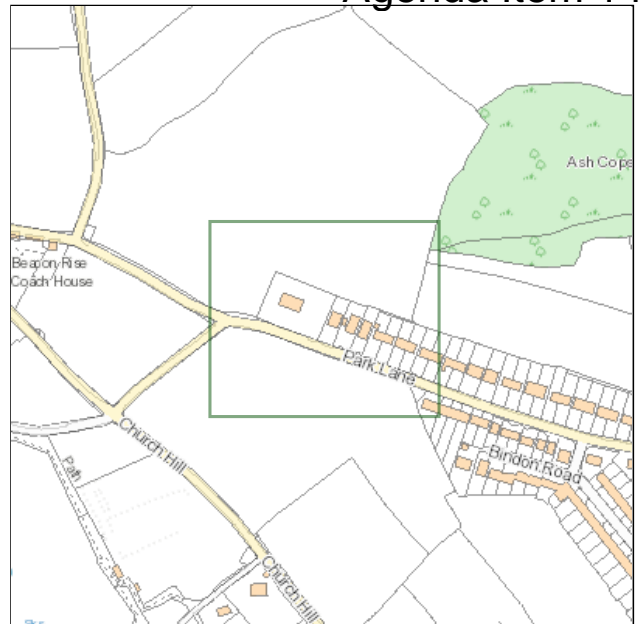
Ward Broadclyst

Reference 22/0013/FUL

Applicant Mr James Leisk

Location 72 Park Lane Exeter EX4 9HP

Proposal Erection of a detached dwelling.



RECOMMENDATION: Approval with conditions

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		Committee Date: 13th April 2022
Broadclyst (Broadclyst)	22/0013/FUL	Target Date: 08.03.2022
Applicant:	Mr James Leisk	
Location:	72 Park Lane Exeter	
Proposal:	Erection of a detached dwelling	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is before Members as the application represents a departure from the Local Plan.

This application seeks planning permission for the construction of a detached, two storey dwelling and a new vehicular access on an area of open land to the side of no 72 Park Lane. Whilst the site is immediately adjacent to Exeter City's boundary is falls within East Devon and is in countryside in Local Plan policy terms.

Whilst the site is in the countryside, it adjoins Exeter City's built-up area boundary in an area of the district in which a number of major planning applications for mixed use developments have been approved. The site is considered to be within reasonable walking and cycling distance to existing services and facilities in Pinhoe as well as existing and proposed public transport links into Exeter such that it is considered that it is in an accessible and sustainable location. The two adjoining properties have been consented by East Devon on the basis of their sustainable location.

The proposal is considered to be acceptable in terms of its design and form and as an infill plot in between two existing properties would result in no significant harm to the visual amenity of the site or the wider character and appearance of the area. The proposal would result in no significant harm to the amenities of the occupiers of surrounding properties and would result in no highway safety issues.

In the absence of any harm to be derived from the development, coupled with its proximity to the built-up area boundary of Exeter, it is considered that the proposal would represent a form of sustainable development that should be supported as a departure from the East Devon Local Plan. Accordingly the application is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

Thank you for consulting Broadclyst Parish Council.
22/0013/FUL

1. Design Code 2: Building orientation in the plot is in uniformity with surrounding builds but the front door porch and garage disrupt the uniformity of the front façade rhythm of the surrounding built environment. This is evident in 2A proposed combined plans.
2. Tarmac hard standing is proposed as seen in the Application Form. This is not in conformity with Policy DC3 of the emerging Broadclyst Neighbourhood Plan which specifies the use of permeable paving, driveways, and parking areas.
3. There is no provision for the storage of bikes. This is not in conformity with Policy DC4 where cycle storage is 2 cycles per dwelling.
4. DC1 Energy Efficient New Buildings require all new builds to ensure a fabric first approach to reduce carbon emissions. The present planning application provides little detail on how this policy will be achieved. No energy details provided in DC2 are provided.
5. Parking provision is not in line with policy T3. There is concern about the level of provision for 5 cars on-site, the lack of an appropriate surface, charging provision, and the detrimental visual impact of such high levels of provision.
6. Parking provision and size of the house on the plot will have a large impact on the existing plot landscape and biodiversity. Policy NE 5 requires a biodiversity gain of at least 10% and nowhere in the application is this level of provision provided.

Exeter City Council, Planning Dept

Further to your consultation request of 25th January please note Exeter City Council Planning Dept. raise no objections to the development proposed above.

Technical Consultations

Other Representations

No letters of representation have been received at the time of writing this report.

PLANNING HISTORY

Reference	Description	Decision	Date
14/0104/FUL	Demolition of Nissan hut and construction of detached dwelling and triple garage.	Approval with conditions	04.04.2014

POLICIES

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

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Broadclyst Neighbourhood Plan (In Preparation)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Site Location and Description

The site refers to an area of open land to the side of nos. 70A and 72 Park Lane, detached properties located the end of a long line of a row of houses on the northern side of Park Lane. The houses and the gardens to the south east define the north eastern edge of the urban area of Exeter and are situated on an elevated ridge of land.

The site is located in open countryside, outside of any built-up area boundary as defined by the East Devon Local Plan however the site is contiguous with Exeter City's built up area boundary. No national or local landscape designations apply. The site falls within the Broadclyst Neighbourhood Plan Area.

Proposed Development

Planning permission is sought for the construction of a detached dwelling on land to the side of no 72 Park Lane. The proposed dwelling would be two stories with a hipped roof form. It would be facing brickwork construction under an interlocking concrete tiled roof. The proposed dwelling would include a single storey garage and porch on the front elevation. A new vehicular access would be created onto Park Lane with driveway and turning area.

Issues and Assessment

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

Principle

Planning law requires that applications for planning permission must be determined in accordance with the development plan (foot note 2 states this includes local and neighbourhood plans that have been brought into force) unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the

presumption in favour of development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed

The application site is located outside any defined built-up area boundaries or site specific allocations and therefore under the provisions of Strategy 7 (Development in the Countryside) of the East Devon Local Plan, is considered to be open countryside. Strategy 7 of the Local Plan states that development will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not cause landscape, amenity or environmental harm. There are no policies within the Local Plan which support applications for residential development in the countryside where there is no agricultural, forestry or rural worker need and therefore this application is considered to be a departure from the Local Plan and has been advertised as such.

Broadclyst Neighbourhood Plan

There are no Neighbourhood Plan policies that support development in this location.

Whilst the comments from Broadclyst Parish Council and the proposal's suggested conflict with the emerging Broadclyst Neighbourhood Plan are noted, the Councils Planning Policy Team have advised that whilst the Broadclyst Neighbourhood Plan was submitted to EDDC in December, the Legal Compliance Check has raised a need for some further work and it is not currently therefore going to Regulation 16 consultation. The Plan has changed significantly since Regulation 14 as a result of the comments made and this is detailed in a Consultation Statement that was part of the Submission. Whilst the concerns of the Parish Council will be addressed in the body of this report against the policies within the East Devon Local Plan, the Neighbourhood Plan is subject to further change and is in the early stages of preparation and can therefore be given very limited weight in the determination of this application.

Sustainability and Accessibility and other material considerations

Strategy 7 of the Local Plan defines the countryside as all those parts of the plan area outside of the Built-up Area boundaries for towns and villages shown on the proposals map. This policy seeks to restrict development outside the Built-Up Area Boundaries of defined towns and villages with the intention of ensuring that the majority of new development is situated within established settlements in order to promote sustainable patterns of land use. Although the National Planning Policy Framework is less prescriptive about the location of new housing than the Local Plan, the overarching objective is also to achieve sustainable patterns of land use where the fullest use can be made of public transport, walking and cycling. Therefore, there is consistency between the Framework and the objectives of the Local Plan in this regard. The application site is located in open countryside, outside of the built-up area boundary as defined by the Local Plan.

Policy TC2 - Accessibility of New Development of the Local Plan states that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car. The policy justification states that this is to positively influence travel patterns and movements by promoting development in the most sustainable locations where people can make realistic and viable alternative choices to the use of the car.

Whilst the site is in the countryside, it adjoins Exeter City's built-up area boundary in an area of the district in which a number of major planning applications for mixed use developments have been approved. It is also relevant to note that the two adjoining properties have been granted planning permission by East Devon on the basis of their sustainable locations.

The site is considered to be within accessible walking and cycling distance to existing services and facilities in Pinhoe which includes a shop, a doctors surgery and a railway station and in close proximity to existing and proposed public transport links into Exeter such that it is considered that it would be difficult to argue that the site is not sustainably located. The principle of development is therefore considered to be acceptable unless any adverse effects of doing so that would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Character and Appearance

The site is currently over grown and open to views from Park Lane. It forms an area of land in between no 72 Park Lane and no 70A Park Lane which are relatively new dwellings that have themselves been constructed as departures from the Local Plan. The site is fenced off from both of these properties where the development of an addition dwelling would represent an infill form of development sitting alongside the two properties and would not encroach further into the open countryside with any significant landscape harm or visual impact.

Park Lane is characterised by a linear form of ribbon development with a variety of architectural styles of property. In this case, it is considered that a dwelling within the side garden of no.72 would be in keeping with the pattern of development in the area such that its impact upon the streetscene would not be harmful.

The submitted site plan clearly demonstrates that there is sufficient space within the site within which to accommodate an additional dwelling with driveway and parking area resulting in a plot size and a development that would not have a significant adverse impact on the visual amenity of the site or the character and appearance of the area.

Whilst the concerns of the Parish Council in respect of the front porch and garage disrupting the uniformity of the front façade rhythm of the surrounding built environment are noted, given the size of the plot and its set back position from the highway, it isn't considered that this would appear unduly prominent or intrusive when viewed from public vantage points outside of the site to sustain an objection.

The design, size and form of the dwelling is considered to be acceptable and whilst it would extrude a large footprint in terms of its depth, it is considered that it would be acceptable and would not be harmful to the character of the area. The proposal would comply with the provisions of policy D1- Design and Local Distinctiveness of the Local Plan which states that proposals will only be permitted where they respect the key characteristics and special qualities of the area in which the development is proposed and where the scale, massing, density, height, fenestration and materials of buildings relate well to their context. This weighs in favour of the proposal.

Residential Amenity

Policy D1 of the Local Plan states that proposals should not adversely affect the amenity of occupiers of adjoining residential properties.

The proposed development would not significantly harm the residential amenities of the occupiers of the properties on each side of the site. In terms of the impact on the occupiers of no.72 to NW of the site, it is considered that there would be a sufficient distance between the dwellings and therefore the impact in terms of its physical presence would be acceptable. The openings on the side of the dwelling facing no.72 would be limited to the ground floor with a high level roof light such that it isn't considered that there would be any loss of privacy or significant levels of overlooking.

The dwelling would be positioned alongside no.70A Park Lane which has a single ground and first floor window facing the site. The proposed dwelling would be positioned immediately adjacent to no.70A but its footprint would not project beyond the rear building line and whilst the garage and extension at the front of the property would project beyond the front of the building line, it would be sufficiently distanced to as not to result in any significant harmful physical impact.

The side elevation facing no.70A would contain a single, secondary lounge window at ground floor and two obscure glazed bathroom windows at first floor level with a high level roof light such that it is not considered that it would result in significant levels of overlooking or loss of privacy to occupiers of this property.

The proposal would have result in little significant harm or impact on the occupiers of the adjacent properties which weighs in favour of the proposal.

Highway Safety

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

The proposed development would include the creation of a new vehicular access onto Park Lane an unclassified road which has a 20 mph speed limit. A new vehicular access onto Park Lane from the site would provide adequate visibility and would not give rise to any highway safety concerns which would amount to refusal of the application given the 20 mph speed limit along the road and the amount of traffic that would be generated from a single dwelling on the site. The submitted site plan shows

that adequate space would be made available within the site such that vehicles would be able to exit in a forward gear. On balance, it is not considered that the traffic movements from an additional dwelling onto Park Lane would give rise to any highway safety concerns.

Policy TC9 - Parking Provision in New Development of the Local Plan states that spaces will need to be provided for parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home. The proposal makes adequate provision for the parking of two cars on the site with adequate space for cycle storage.

Habitat Mitigation

The site is located in close proximity to the Exe Estuary and the East Devon Pebblebed Heaths Special Protection Areas (SPA's) which provide an important recreational resource for the local community. However, these are sensitive environments which are important to nature conservation and are subject to European wildlife site designations.

Despite the introduction of the Community Infrastructure Levy (CIL) where a proportion of CIL goes towards infrastructure to mitigate any impact upon habitats, contributions towards non-infrastructure mitigation are also required as developments that will impact on a protected habitat cannot proceed under an EU directive unless fully mitigated. Evidence shows that all new dwellings and tourist accommodation within 10 kilometres of the Exe Estuary and/or the Pebblebed Heaths Special Protection Areas (SPA's) will have a significant effect on protected habitats which is reflected in Strategy 47- Nature Conservation and Geology of the Local Plan. This proposal is within 10 km of the Exe Estuary and the Pebblebed Heaths and therefore attracts a habitat mitigation contribution towards non-infrastructure at a rate of £367.62 per dwelling which has been secured as part of this application.

Planning Balance

There are 3 dimensions to sustainable development – social, economic and environmental – which must be considered jointly. The provision of a new dwelling would make a positive but limited social contribution to the district's housing supply and would also bring limited economic benefits for the area. The site is considered to be within accessible walking and cycling distance to existing services and facilities in Pinhoe which includes a shop, a doctors surgery and a railway station and in close proximity to existing and proposed public transport links into Exeter such that it is considered that it would be difficult to argue that the site is not sustainably located.

The principle of development is therefore considered to be acceptable and in the absence of any harm to the character and appearance of the area, the residential amenities of the occupiers of surrounding properties, highway safety and impact on European protected sites, it is considered that the proposal would not result in any adverse effects that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole.

The proposal would represent a sustainable form of development and the application is therefore recommended for approval despite the fact that the site is technically within the countryside where there is a lack of policy support within the Local Plan.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
4. Prior to first occupation of the dwelling hereby approved the parking and turning area shown on drawing no 2 shall be provided and maintained for that purpose in perpetuity.
(Reason: To ensure adequate facilities have been in the interests of highway safety in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)
5. 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. The scheme shall also give details of any proposed walls, fences and other boundary treatment and the treatment of the proposed vehicular access and driveway. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan).

6. Before any development commences details of final finished floor levels and finished ground levels in relation to a fixed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason – A pre-commencement condition is required to ensure that adequate details of levels are available and considered at an early stage in the interest of the character and appearance of the locality in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted New East Devon Local Plan 2013-2031).

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

	Location Plan	11.01.22
No.1	Proposed Combined Plans	11.01.22
No.2A	Proposed Combined Plans	11.01.22

List of Background Papers

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

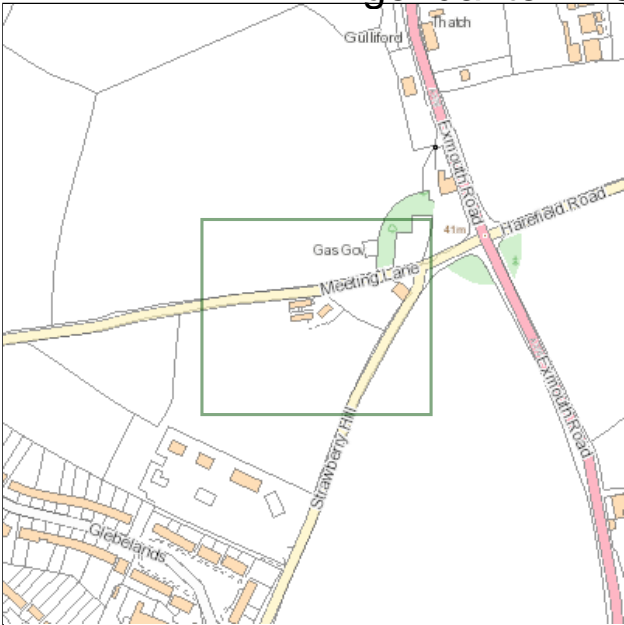
Ward Woodbury And Lympstone

Reference 21/3077/FUL

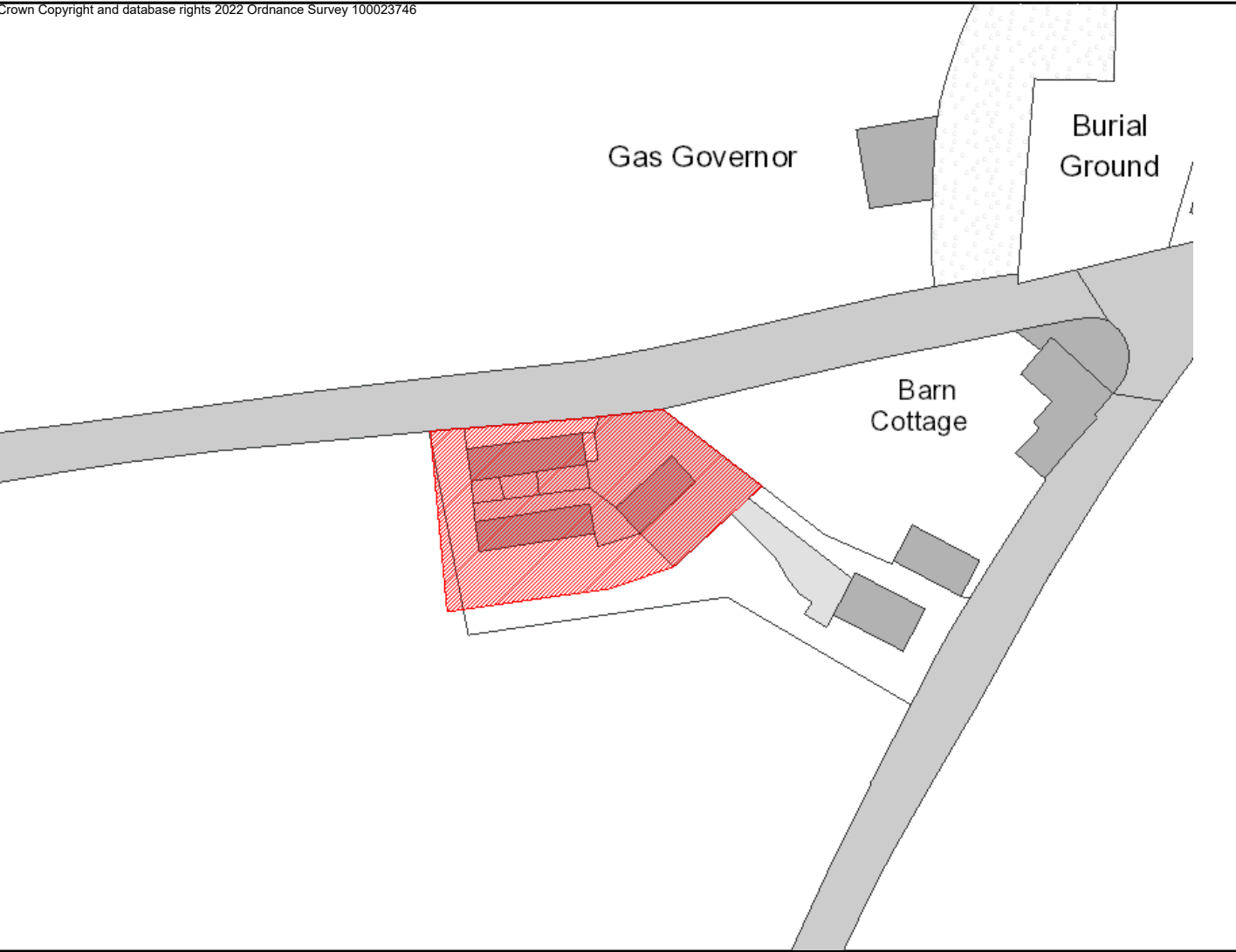
Applicant Ashley and Lisa Taylor

Location Higher Stables Meeting Lane Lympstone Exmouth EX8 5JJ

Proposal Demolition of three stable buildings and construction of new dwelling.



RECOMMENDATION: Approval with conditions



		Committee Date: 13th April 2022
Woodbury And Lympstone (Lympstone)	21/3077/FUL	Target Date: 27.01.2022
Applicant:	Ashley and Lisa Taylor	
Location:	Higher Stables Meeting Lane	
Proposal:	Demolition of three stable buildings and construction of new dwelling.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the proposal is a departure from the Local Plan.

This application seeks planning permission for the demolition of the existing stable buildings and the construction of a new dwelling and associated parking and amenity area.

The proposal has been submitted as an alternative proposal for a new dwelling on a site which benefits from an extant permission for the conversion of the existing stable buildings on the site. Whilst not benefiting from Local Plan policy support, it is accepted that previously approved conversion represents a realistic fall-back position, which, subject to other issues being acceptable, is a material consideration in the determination of the application.

The proposed design is of a scale which is commensurate with that approved, and whilst occupying a slightly different configuration, is considered to present the appearance of three modest linked rural buildings. It would allow modern building techniques and improved thermal and energy efficiencies to be incorporated, resulting in a dwelling which is of better design and layout than the fall-back position and which would appear appropriate within its rural context.

Subject to conditions the application is considered to be acceptable and recommended for approval.

CONSULTATIONS

Local Consultations

Woodbury And Lympstone - Cllr Geoff Jung
21/3077/FUL

I have viewed the documents for planning application 21/3077/FUL for the demolition of three stable buildings and construction of new dwelling at Higher Stables Meeting Lane Lympstone Exmouth EX8 5JJ

There is a long history to this site, with an approved application for a conversion of a stable to a dwelling being approved. This was a full planning application and not a change of use application and therefore there is a presumption that development can take place on this site. Although the demolition of a building is not "carbon friendly", I feel on balance this proposal is better than the previous application which was making a dwelling out of a stable.

I support the application, but I reserve my final views on the application until I am in full possession of all the relevant arguments for and against.

Further comments:

Thank you for your report and recommendation which I support

Woodbury And Lympstone - Cllr Ben Ingham

Because of the history of this site, I support this application.

Parish/Town Council

Recommendation: Support

Other Representations

Five representations have been received, 4 raising objections, 1 in support. The issues raised are summarised below

Objections

- Proposal is not a conversion but new build
- Increase in surface water run off/flooding
- New development in the countryside
- New dwelling will be very visible
- Increased light from new dwelling
- Loss of privacy

Support

- Design sympathetic to surroundings
- Scale of building low impact
- Materials reflect agricultural style
- Replacement of unsuitable, unused building with a home

PLANNING HISTORY

Reference	Description	Decision	Date
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19/2208/FUL	Conversion of two barns/ stables to form one dwelling with a link extension (resubmission of application 18/0869/FUL	Approved	08.01.2020
18/0869/FUL	Conversion of two barns/ stables to form one dwelling with a link extension, and use of remaining buildings for domestic purposes	Refused Appeal Dismissed	08.10.2018 09.08.2019

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

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

Strategy 44 (Undeveloped Coast and Coastal Preservation Area)

D1 (Design and Local Distinctiveness)

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 2021)

National Planning Practice Guidance

Lympstone Neighbourhood Plan

Policy 2 - development in the countryside

Policy 3 - development in Green Wedge and Coastal Protection Area

Policy 4 - range of housing

Policy 7 - design of new development

Policy 8 - energy efficiency

Policy 11 - parking

Policy 12 - minimising energy consumption

Policy 13 - renewable energy

Policy 14 - flood risk

Site Location and Description

The site comprises two single storey timber clad stable blocks with a concrete yard between them and a detached garage. The stables are accessed off Meeting Lane just north of Lympstone and are orientated east-west and sit parallel to Meeting Lane.

In planning terms, the site is located in the countryside, outside of the built-up area boundary of Lympstone as defined within the Lympstone Neighbourhood Plan. The site falls within an area designated as a Coastal Preservation Area.

Proposed Development

Planning permission is sought for the demolition of the existing buildings on the site and the construction of a new single storey four bedroom dwelling.

The layout of the site has been amended with the position of the building adjacent to Meeting Lane remaining unchanged, but with the further new building being rotated to form an L shaped building. The land enclosed by the new building to the north and east would form a garden area. A new carport is indicated, attached to the south eastern part of the dwelling, in lieu of the third barn.

The design of the building has been kept simple, with the overall form similar in scale to the existing structures. The palate of materials is also similar with timber cladding used on the walls, under a profiled sheeting roof. Public views of the site have been designed to be reflective of that existing with the windows facing onto Meeting lane, being shielded by timber louvres.

Externally the existing yard area would be used for parking and turning.

ANALYSIS

The main issues to be considered in the determination of this application relate to the principle of the development, the design of the development, and any impact of the proposal on the character and appearance of the area, on highway safety, residential amenity, heritage impact, ecology or drainage.

Policy Context

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council formally adopted the East Devon Local Plan 2013-2031 on the 28th January 2016 and the policies contained within it are those against which applications are being determined and carry full weight. The Lympstone Neighbourhood Plan which covers the area is made and carries full weight alongside the Local Plan.

Principle of the Development

The application site lies in the open countryside where Strategy 7 (Development in the Countryside) states that new development in the countryside will only be permitted where it is in accordance with a specific local or neighbourhood plan that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

Residential development in an open countryside location, outside of any established settlement would usually be considered contrary to policies intended to restrict new

residential development in such locations on the basis that the proposal would be considered unsustainable and therefore deemed to be unacceptable in principle.

Whilst the site is located within the countryside as defined by the East Devon Local Plan and the Lypstone Neighbourhood Plan, it does benefit from planning permission for the conversion of two barns/stables to form one dwelling with a link extension under planning ref 19/2208/FUL.

Planning permission was granted on the basis that it was for the conversion and re-use of an existing building which was considered to comply with Policy D8 (Re-use of Rural Buildings Outside of Settlements) of the Local Plan and Policy 2 of the Neighbourhood Plan. The principle of development insofar as it relates to the re-use of the existing building for residential purposes has therefore been established.

This application, however, seeks permission for the demolition of the existing buildings on the site and the construction of a new dwelling. Whilst there is policy support for the replacement of dwellings in the countryside, there is no specific policy support, either within the local or neighbourhood plan for the replacement of other rural buildings. As such the proposal represents a departure from the development plan.

Fall Back Position

Generally planning permissions that have been granted following Class Q conversion approvals as a 'fall back' position have been done so on the basis that the existing buildings were not aesthetically pleasing and that there would be a betterment through a revised scheme to the character and appearance of the area. Such fall back permissions are usually granted on the basis that the floor area of the existing buildings remains the same and that the residential curtilage is not unreasonable increased in size.

This application does not rely on a permitted development Class Q situation, but on a full planning application which was permitted on the basis that a previous application for a dwelling in this location was found to be sustainably located, and that the proposed alterations and extension to the buildings were sensitive and appropriate to the sites rural context.

The current proposal seeks to provide a betterment to the conversion of the existing buildings, by constructing a more energy efficient building using sustainable materials and foundations, rather than working with buildings that were not designed for residential purposes.

It is considered that the extant approval for the conversion and extension to the existing buildings represents a valid fall-back position in terms of establishing that the site is not isolated or remote, and that it is in a sustainable location for development. It is further considered that there is a realistic possibility of the extant permission being implemented should the current application be found to be unacceptable. With this in mind it is considered that the fall-back is a material consideration, and that the impacts of replacing the rural buildings with a new building must be judged carefully.

Design, Scale and Form

The application proposes to demolish all of the existing buildings and to rebuild a bespoke new dwelling. The position, scale and form of the building to the west of the site, running parallel with Meeting Lane would replicate that existing, with the further new building linked by a flat-roof glazed porch extending to the east to form an L shaped building. A further open sided linked car port would project from this to the north, in the general position of the existing open sided storage building.

The use of the glazed links between the three main buildings provides visual separation between the structures, particularly when seen from the road, giving the impression of a collection of buildings rather than an overtly domestic property. This impression is reinforced by the limited fenestration within the east elevation and the use of timber louvres shielding the window openings from public views on the north elevation.

Whilst there are greater areas of glazing on the western elevation, the orientation of the building is such that these would not be visible from external vantage points, with the impact of the glazing largely shielded by the proposed timber pergola extending beyond the eaves of the building.

The footprint of the proposed buildings is slightly reduced from that previously approved, and the overall height has been maintained, by slightly lowering the ground level. As such the overall form, albeit not the same as that currently on site, is considered to be consistent with a group of modest rural structures, and appropriate within this countryside location.

Character and Appearance

In terms of impact, the appearance of the scheme is considered to be sympathetic to its rural setting due to its modest scale and use of traditional materials, with timber boarding under a profiled steel roof, such that it would not appear prominent within the landscape or visually intrusive.

The new building may be visible in wider views from the properties to the south, beyond the intervening field, however it is some distance away, in excess of 120m, and the scale and orientation the building is such that any visual impact would be minimal. In this respect it is not considered that the new dwelling would be more conspicuous than the conversion of the existing buildings. The proposed garden/amenity area to the south of the building is screened from public views, however the introduction of domestic paraphernalia or new structures within this space has the potential to increase visibility of the site from southern viewpoint across the field. The removal of permitted development rights, together with appropriate boundary planting, would reduce the impact of domesticity to an acceptable extent.

The application site lies within the Coastal Protection Area, where Strategy 44 (Undeveloped Coast and Coastal Protection Area) where new development will not be allowed if it would damage the undeveloped/open status of the land. It is not considered that the replacement of existing buildings by those of a similar scale form and position would result in any damage to the open status of the land such that it would be contrary to this policy.

Overall it is considered that the new development would not have an adverse impact on the character and appearance of the area and that design, scale and position of the building would accord with the provisions of Strategy 7 (Development in the Countryside) and Policy D1 (Design and Local Distinctiveness) of the Local Plan.

Highway Safety, Access and Parking

It is not anticipated that the residential use of the site would generate significant traffic movement, and would be commensurate with that associated with the former equestrian use. Sufficient parking and turning space is provided within the site to accommodate any traffic generated.

In addition the site access has a good level of visibility and it is therefore considered that the proposal complies with the provisions of Policy TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the Local Plan.

Residential Amenity

The proposed development is not considered to have any material impact on any nearby residents, with the nearest property, Barn Cottage, being located around 40 metres to the north east of the site, although their associated driveway and garaging abuts the boundary. Whilst some disruption may occur during any construction period, it is not considered that the proposed use of the site for residential purposes will result in the loss of any residential amenity for the occupiers of this property.

Heritage Impact

The Council's Conservation Officer has advised on the previous proposals that it would result in little or no harm to nearby heritage assets (grade II listed Boundary Cottage and the Burial Ground) within the immediate and wider area. The same view is shared in respect of the current application and no objection is raised on these grounds.

Ecology

The application is accompanied by an ecological survey which has been prepared by a suitably qualified ecologist. The report has surveyed the buildings which are to be removed and confirms that they do not support a bat roost and that the new construction would not result in any harm or disturbance to bats. The report advises that a total of 18 former swallow nests were identified within the stables and that it is likely that bird nest sites could be provided in the new development in the form of swallow nesting cups located within a covered area such as the store or car port.

The ecological report sets out a number of appropriate measures to mitigate any impact arising from the development which can be secured through condition. It is not considered that the proposal would consequently give rise to any harm to species which are protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 and the provision of Policy EN5 (Wildlife Habitats and Features) of the Local Plan.

Drainage

The application is for a single dwelling that is not located within an area identified as being at risk of flooding.

The proposal will be subject to the need to secure Building Regulations approval that will ensure that surface water and foul drainage are adequately dealt with.

Given the location of the site within the countryside, the proposal includes permeable surfacing and soakaways to deal with surface water run-off. Also, due to the rural location and lack of mains drainage in the vicinity it is proposed to install a packet treatment work, due to the lack of mains drainage in the vicinity of the site.

Habitat Mitigation

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

CONCLUSION

The proposal has been submitted as an alternative proposal for a new dwelling on a site which benefits from an extant permission for the conversion of the existing stable buildings on the site. Whilst not benefiting from Local Plan policy support, it is accepted that previously approved conversion represents a realistic fall-back position, which, subject to other issues being acceptable, is a material consideration in the determination of the application.

The proposed design is of a scale which is commensurate with that approved, and whilst occupying a slightly different configuration, is considered to present the appearance of three modest linked rural buildings. It would allow modern building techniques and improved thermal and energy efficiencies to be incorporated, resulting in a dwelling which is of better design and layout and which would appear appropriate within its rural context.

Subject to conditions the application is considered to be acceptable and recommended for approval

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. 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.)
4. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include 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.)
5. The development hereby permitted shall be carried out in accordance with the recommendations, mitigation and enhancement measures contained within the Preliminary Ecological Appraisal prepared by Orbis Ecology dated 11 November 2021, reference no: ORBHAC11.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule 2 Part 1 Classes A, B, or E for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool, [other than any enclosure approved as part of the landscape management scheme]
(Reason - The space available would not permit such additions without detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

Plans relating to this application:

1146-31 REV L : Proposed Elevation South/West	07.02.22
1146-30 REV L : Proposed Elevation North/East	07.02.22
1146-05 REV J Proposed Site Plan	24.11.21
Location Plan	24.11.21
1146-10 REV H : Proposed Floor Plans Ground Floor	24.11.21

List of Background Papers

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

Ward

Sidmouth Town

Reference

21/3060/FUL

Applicant

Mr Martin Millmow

Location

Cambridge Cottage Salcombe Road Sidmouth
EX10 8PR

Proposal

Construction of single storey side extension.



RECOMMENDATION: Approval with conditions



		Committee Date: 13th April 2022
Sidmouth	21/3060/FUL	Target Date: 04.01.2022
Applicant:	Mr M Millmow	
Location:	Cambridge Cottage, Salcombe Road, Sidmouth. EX10 8PR	
Proposal:	Construction of single storey side extension.	

RECOMMENDATION: Approval – With Condition

EXECUTIVE SUMMARY

This application is before Members as the applicant works for East Devon District Council.

The applicant seeks permission for the construction of a single storey side extension to Cambridge Cottage.

Although close to a neighbouring listed building and in the Conservation Area, the proposal would not cause harm to the setting of the listed building or to the wider Conservation Area given its scale and location.

Given its location, appropriate design, small scale and ancillary nature, it is considered that the proposal would not have any detrimental impact upon the character of the surrounding area, nor would there be amenity harm of such a nature that a refusal could be warranted on such grounds.

The application is considered to be acceptable and is recommended for approval.

CONSULTATIONS

Parish Council

17.12.2021

UNABLE TO SUPPORT

Members considered the application to be overdevelopment. (Policy 6 Infill Development)

Sidmouth Town – Cllr Cathy Gardner

I have no comments to add. I assume that the objections made by the Town Council and Conservation Officer are not thought to be significant enough to justify refusal, especially if the applicant were to appeal.

SWW

Proposal: Ground floor internal alterations with single storey side extension

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

Asset Protection

Please find attached a plan showing the approximate location of a public 150mm sewer in the vicinity. South West Water will need to know about any building work over or within 3 metres of a public sewer or lateral drain.

We will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed.

Further information regarding South West Water's build over of sewers process can be found on our website via the following link:

www.southwestwater.co.uk/buildover

Should you require any further information, please contact our Asset Protection Team via email: DeveloperServicesAssetProtection@southwestwater.co.uk.

Conservation

This building is present on the 1888-1890 historic maps. There is a defined pattern of development with the terrace of Regency townhouses. Cambridge Cottage is situated to the rear (North-East) end of the terrace. All of the townhouses have long back gardens except No. 13 to which this house is found. The existing houses is relatively subservient to the listed buildings and its 2 storey scale is comparable to the rear extensions of the terrace.

The setting of the listed buildings is defined in part due to its verdant landscape that is enhanced by the gardens and the borrowed landscape to the North and immediately to the East (aka the Byes). It allows strong views between the buildings and of the buildings that form part of the architectural intention to exhibit the grand aesthetic.. It is the generous space between the historic built environment, that has a positive impact on the significance of the designated heritage assets.

The drawings submitted do not fully illustrate the true extent of the spatial relationship of the proposed Southern extension to the rear of the listed building. It fills in a small rear courtyard space immediately to the rear of the listed building and as a consequence blocks the view to the rear of the house. This is the only space to the rear of the listed building that allows it to be fully experienced. The cottage is not an extension, so therefore would not be expected to be so physically close to the rear of

the terrace. It seems to be an impractical design as it is likely to hinder maintenance access to the rear of No 13 too.

In conclusion, the proposal has a negative impact on the setting of the heritage assets and is therefore fails to enhance their significance. It is contrary to NPPF 21, section 16 paras 206 and 207.

Tree Officer

Having reviewed the submitted documents I have no arboricultural concerns and therefore no objections.

Other Representations

Two neighbour objections have been received from the occupiers of Diddlecombe House and 12 Cambridge Villas raising concerns regarding

Concerns regarding a lack of notification under the Party Wall Act were raised by the occupiers of Diddlecombe House. Whilst this is not a planning matter, the applicant will need to abide by the Party Wall Act should it apply to the proposal.

The occupiers of 12 Cambridge Terrace refer to objections raised on their behalf by a Mr Alan Cooke to the Town Council. These concerns are as follows:

- Errors and omissions with the submission as it adjoins a listed building;
- Missing elevations and sections;
- Overdevelopment of the plot;
- Party wall with the listed building without notification;
- Loss of light to number 12 Cambridge Terrace;
- Listed Building consent required.

PLANNING HISTORY

15/0945/FUL - Replacement two storey and single storey extensions

POLICIES

National Planning Policy Framework
National Planning Policy Guidance

Adopted East Devon Local Plan (2013 – 2031)

Strategy 6:	Development within Built-Up Area Boundaries
Policy D1:	Design and Local Distinctiveness
Policy EN10:	Conservation Areas

Sid Valley Neighbourhood Plan

Policy 1:	Sid Valley Development Principles
Policy 2:	Protection of Key Views
Policy 6:	Infill Development, Extensions and Trees

Policy 7:	Local Distinctiveness
Policy 8:	Light Pollution
Policy 9:	Residential Development

Site Location and Description

The site lies within the built-up area boundary for Sidmouth.

The application site comprises a small dwelling located to the rear of a listed terrace of properties off Salcombe Road.

The property is two-storey in nature on a confined plot surrounded by residential properties. Pedestrian access is gained off Salcombe Road.

Properties either side of the access to the south of the site are listed, as is the whole of the terrace to the south of the site. The site also falls within the Sid Vale Conservation Area.

Proposal

Planning permission is sought for a single-storey side extension to the southern facing elevation of the building.

The extension is proposed in matching render and roof tiles and will provide extended living accommodation.

The application has been amended since its original submission to provide missing plans and to move the extension off the party wall with the neighbouring listed building at 13 Cambridge Terrace that is formed from 2 flats. As a result of this change, listed building consent is no longer required.

ANALYSIS

The main issues for consideration are the visual impact from the extension, any impact upon the amenity of surrounding residents and impact upon the nearby listed buildings and Conservation Area.

Visual Impact

This application seeks permission for the construction of a single storey side extension to the south elevation of Cambridge Cottage.

Policy D1 of the East Devon Local Plan states that proposals will only be permitted where they respect the key characteristics and special qualities of the area in which the development is proposed, ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context, do not adversely affect the distinctive historic or architectural character of the area, nor the amenity of occupiers of adjoining residential properties.

Proposals must also have due regard for important aspects of detail and quality, and should incorporate the use of appropriate building materials and techniques - respecting local tradition and vernacular styles.

Policy EN10 of the East Devon Local Plan states that proposals including alterations or extensions within a Conservation Area will only be permitted where they would preserve or enhance the appearance and character of the area and follows that favourable consideration will be given to proposals for new development within conservation areas that enhance or better reveal the significance of the asset.

Policy 6 of the Sid Valley Neighbourhood Plan states that development should be designed so as not to adversely impact on the amenities of its neighbours and should seek to protect any existing trees that contribute to the overall amenity of the area, as well as being appropriately landscaped.

Given that the extension will not be visible from the public domain, given is appropriate matching design, single storey form and ancillary nature, it is considered that the proposal would not have any detrimental impact upon the character of the surrounding area.

There are no trees impacted by the development and the impact upon amenity, adjoining listed buildings and the Conservation Area are addressed below.

In light of the above, the proposal is considered to be of a suitable design with no wider visual impact.

Impact upon amenity

The application seeks consent for a single-storey side extension that due to its location and scale, will have minimal impact upon the amenity of adjoining residents.

Whilst the rear wall is on a shared boundary walls the neighbouring property, the single-storey nature of the proposal and its design are such that it will not impact upon the amenity of the neighbours to an extent that could justify refusal of planning permission.

There are two windows proposed in the west elevation but as these are high level windows within the roof, there will be no detrimental loss of amenity to the surrounding residents.

The side of the proposed extension will come in close proximity to the rear of numbers 12 Cambridge Terrace but again the single-storey nature of the proposal and its design arte such that it will not impact upon the amenity of the neighbours to an extent that could justify refusal of planning permission. The neighbouring property having a blank wall facing the site.

With the front elevation facing into the property, there are no concerns regarding any impact upon the amenity of residents to the north or east.

Impact upon listed buildings and the Conservation Area

Although the proposed extension will not be visible from the public domain on Salcombe Road, there is still a duty on the Local Planning Authority to ensure that the proposal does not harm the wider Conservation Area or the setting of nearby listed buildings. Special regard needs to be given to these impacts.

With regard to the Conservation Area, it is considered that the acceptable design, single-storey nature, appropriate material and location away from public viewpoints ensure that then proposal will preserve the character and appearance of the Conservation Area.

Turning to the impact upon listed buildings, the whole terrace forming 1-13 Cambridge Terrace to the southern boundary to the site, and the property called Albany Villas to the east of the site access, are listed buildings.

In light of the scale of the development and its location separated from Albany Villas by its vehicular access and the pedestrian access to the applications site (and 1 and 2 Cambridge Villas), the proposal will not harm the setting or features to Albany Villas.

With regard to the properties forming Cambridge Terrace, the proposed extension was originally proposed attached to the rear of number 13 but has since been amended to detach the extension. Despite the proposed extension being detached from the listed building, an assessment is still required of its impact upon the setting given its close proximity. In light of the location of the proposed extension, the impact would be upon numbers 12 and 13 Cambridge Terrace.

Despite the comments from the Conservation Officer, it is characteristic of the terrace to have rear outshoots at single storey in scale. The proposal is for a single-storey extension, and whilst still in close proximity to the rear of number 13 Cambridge Terrace, and on the boundary with number 12, it is considered to be of a design and scale that would not harm the setting of the listed buildings. The impact is lessened by the fact that there is a latter addition rear extension to number 13.

CONCLUSION

Given the above, the application is considered to be acceptable and is recommended for approval.

RECOMMENDATION

APPROVE with condition.

- 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 its installation, details (and whereso requested a sample) of the vertical timber cladding to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

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:

0390_CAM_EX_1.0 Location Plan	23.11.21
0390_CAM_PL_3.1A/West/North	08.02.22
0390_CAM_PL_3.0A Rev A/South/East	08.02.22
0390_CAM_PL_2.0A	22.03.22