

**Agenda for Planning Committee  
Tuesday, 23rd April, 2024, 10.00 am**



**Members of Planning Committee**

Councillors B Bailey, I Barlow, C Brown, J Brown,  
A Bruce, S Chamberlain (Vice-Chair),  
S Gazzard, D Haggerty, A Hall, J Heath,  
M Howe, Y Levine, E Rylance, S Smith,  
D Wilson and E Wragg (Chair)

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

DX 48808 Honiton

Tel: 01404 515616

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

**Venue:** Council Chamber, Blackdown House, Honiton

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

(or group number 01395 517546)

Issued: Friday, 12 April 2024; Reissued: Wednesday, 17 April 2024

This meeting is being recorded for subsequent publication on the Council's website and will be streamed live to the [East Devon District Council Youtube Channel](#)

**[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 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) on the Friday before the meeting. 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 Tuesday 15 April 2024 up until 12 noon on Friday 19 April 2024 by leaving a message on 01395 517525 or emailing [planningpublicspeaking@eastdevon.gov.uk](mailto:planningpublicspeaking@eastdevon.gov.uk).

### Speaking on non-planning application items

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

1 **Speakers' list for the applications** (Page 4)

2 **Minutes of the previous meeting** (Pages 5 - 9)

Minutes of the Planning Committee meeting held on 26 March 2024.

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 10 - 25)

Update from the Development Manager

### **Applications for Determination**

8 **22/1910/MFUL (Major) EXMOUTH LITTLEHAM** (Pages 26 - 64)

Devoncourt Hotel, 16 Douglas Avenue, Exmouth, EX8 2EX.

9 **24/0166/FUL (Minor) OTTERY ST MARY (APPLICATION WITHDRAWN)**  
(Pages 65 - 82)

9 Mill Street, Ottery St Mary, EX11 1AA.

**(THIS APPLICATION HAS BEEN WITHDRAWN)**

Under the Openness of Local Government Bodies Regulations 2014, members of the public are now allowed to take photographs, film and audio record the proceedings and

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

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

[Decision making and equalities](#)

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

Agenda Item 1

**Planning Committee, Tuesday, 23 April 2024 – 10am**  
**Speakers' list for the planning applications**

<b>Agenda item 8</b> <b>Application number: 22/1910/MFUL (Major) Pages 26-64</b> <b>Ward: Exmouth Littleham</b> <b>Address: Devoncourt Hotel, 16 Douglas Avenue, Exmouth, EX8 2EX</b> <b>Ward Member: Councillor Nick Hookway</b> <b>Committee Ward Member: Councillor Brian Bailey / Councillor Anne Hall</b>	
<b>Objector</b>	Geoffrey Crawford Tel: 07854 107 883
	Jenny Dawson Tel: 01395 269 076
	Representative for the Avenues Residence Association
	Michael Humphrey Tel: 01395 272 876
	Representative for the Exmouth Community Association
<b>Exmouth Town Council</b>	Councillor Graham Deasy
<b>Agent</b>	Malcolm Gigg Tel: 01395 271619
<b>County Councillor for Exmouth/Budleigh Coastal Division</b>	Councillor Christine Channon
<b>Portfolio Holder Coast Country &amp; Environment</b>	Councillor Geoff Jung
<b>Leader of the Council</b>	Councillor Paul Arnott
<b>Ward Member</b>	Councillor Nick Hookway

<b>Agenda item 9</b> <b>Application number: 24/0166/FUL (Minor) Pages 65 - 82</b> <b>Ward: Ottery St Mary</b> <b>Address: 9 Mill Street, Ottery St Mary</b> <b>Ward Member: Councillor Bethany Collins / Councillor Peter Faithfull / Councillor Vicky Johns</b>	
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<b>APPLICATION WITHDRAWN</b>
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**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 26 March 2024****Attendance list at end of document**

The meeting started at 10.07 am and ended at 3.40 pm. Adjournments took place at 11.35 am and reconvened at 11.45am and 1.42 pm and reconvened at 2.17 pm.

In the absence of the Chair, Councillor Eileen Wragg, and the Vice Chair, Councillor Sarah Chamberlain, the Committee agreed to Councillor Mike Howe being Chair and Councillor Eleanor Rylance being Vice Chair for this meeting.

**127 Minutes of the previous meeting**

The minutes of the Planning Committee held on 27 February 2024 were confirmed as a true record.

**128 Declarations of interest**

There were no declarations of interest.

**129 Matters of urgency**

There were none.

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

There were none.

**131 Planning appeal statistics**

The Committee noted the Development Manager's report. The Development Manager drew Members attention to two appeals. The first related to an appeal that had been allowed for application 22/2030/FUL – Exmouth Beach Queens Drive, Exmouth. The Inspector determined that the construction of a single storey flexible office/community hub building would not have an adverse impact on the surrounding area. The second related to application 23/0298/FUL – Greendale Farm Shop NHS Drive Through Vaccination Centre, Sidmouth Road, Farringdon. The Inspector had dismissed the appeal on accessibility and landscape reasons and because the NHS had not demonstrated an overriding need to be sited in this unsustainable location.

**132 23/2749/MFUL (Major) WOODBURY & LYMPSTONE****Applicant:**

Mr Paul James.

**Location:**

NHS Vaccination Centre, Greendale Business Park, Woodbury Salterton, EX5 1EW.

**Proposal:**

Permanent use of the building and car park for Use Class E (e) medical and health facility and ancillary parking.

**RESOLVED:**

Deferred for a site visit and to allow the applicant the opportunity to submit details relating to surface water management.

133 **24/0099/FUL (Minor) WOODBURY & LYMPSTONE**

**Applicant:**

F W S Carter & Sons

**Location:**

Land adjacent Greendale Business Park, Greendale Business Park, Woodbury Salterton, EX5 1EW.

**Proposal:**

Proposed 30 EV charging points and battery farm (enclosed within a building – part retrospective) with associated parking spaces, internal road network/hardstanding and access and egress onto the Greendale Business Park Private Road Network.

**RESOLVED:**

**APPLICATION WITHDRAWN**

134 **22/1478/FUL (Minor) SEATON**

Councillor Simon Smith joined the meeting during the officer presentation and did not take part in the discussions or vote.

**Applicant:**

Mr T Sidhu.

**Location:**

Axe Valley Mini Travel, 26 Harbour Road, Seaton, EX12 2NA.

**Proposal:**

Demolition of existing STC store and bus garage on site to be replaced by seven residential units, 198 sqm of commercial floorspace (Use Class E) and landscaped gardens and private parking.

**RESOLVED:**

Deferred to allow the applicant the opportunity to submit a revised Flood Risk Assessment addressing the Sequential Test and Exception Test and to provide a Flood Warning and Evacuation Plan.

135 **23/0174/FUL (Minor) NEWBRIDGES**

Councillor Alasdair Bruce joined the meeting during the discussions and did not take part in the discussions or vote.

**Applicant:**

Mr A Frankpitt.

**Location:**

Sunnylands, Dalwood, EX13 7EA.

**Proposal:**

Proposed replacement agricultural dwelling, including demolition of the existing dwelling and garage.

**RESOLVED:**

1. To adopt the Beer Quarry and Caves SAC Appropriate Assessment.
2. To adopt the River Axe SAC Appropriate Assessment.
3. Approved contrary to officer recommendation with delegated authority to the Development Manager in consultation with the Chair and Ward Member to draft appropriate planning conditions subject to the following additional conditions:
  - to include woodland planting within the southern part of the site to mitigate the loss of tree planting to screen the poultry sheds.
  - The existing dwelling to be demolished prior to occupation of new dwelling.

Members considered the proposed agricultural dwelling was of a good quality design and sympathetic to the Blackdown Hills National Landscape.

136 **24/0392/FUL (Minor) OTTERY ST MARY**

**Applicant:**

Mrs Chantelle Osborn.

**Location:**

34 Raleigh Road, Ottery St Mary, EX11 1TG.

**Proposal:**

Demolition of two outbuildings to be replaced with two bed detached chalet bungalows (re-submission of 23/2485/FUL)

**RESOLVED:**

Approved contrary to officer recommendation with delegated authority to the Development Manager in consultation with the Chair and Ward Members to draft appropriate planning conditions.

Members considered that the proposal to erect the detached dwelling involving sub-division of the plot would not give rise to a cramped, incongruous and contrived form of development that would detract from the surrounding development or impact negatively on the living conditions of the occupiers of the development or the host property.

137 **22/1873/FUL & 22/1874/LBC (Minor) EXMOUTH BRIXINGTON**

**Applicant:**

Halcyon Care Limited (Mr Pradham).

**Location:**

Knappe Cross Nursing Home, Brixington Lane, Exmouth, EX8 5DL.

**Proposal:**

Single storey rear extension for eight bedrooms.

**RESOLVED:**

Approved with conditions as per officer recommendation with an amendment to conditions to require details of the maintenance of the sedum roof.

138 **23/2536/FUL (Minor) HONITON ST PAULS**

**Applicant:**

Mr Jorge Pineda-Langford (EDDC)

**Location:**

Toilets, Lace Walk, Honiton

**Proposal:**

Demolish existing public toilets and replace with a new public toilet building.

**RESOLVED:**

Approved with conditions as per officer recommendation with an informative encouraging the provision of CCTV.

139 **23/2626/FUL (Minor) BUDLEIGH & RALEIGH**

**Applicant:**

Mr Jorge Pineda-Langford (EDDC)

**Location:**

Toilets, Salting Hill, Budleigh Salterton, EX9 6NU.

**Proposal:**

Demolish existing public toilets and replace with a new public toilet building.

**RESOLVED:**

Approved with conditions as per officer recommendation.

**Attendance List**

**Councillors present:**

B Bailey  
I Barlow  
C Brown  
J Brown  
A Bruce  
D Haggerty  
A Hall  
J Heath  
M Howe  
Y Levine  
E Rylance  
S Smith

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

R Collins  
P Faithfull



B Ingham  
G Jung

**Officers in attendance:**

Wendy Harris, Democratic Services Officer  
Andrew Digby, Senior Planning Officer  
Jeremy Ebdon, Principal Planning Officer (East)  
Paul Golding, Senior Planning Officer  
Damian Hunter, Planning Solicitor  
Wendy Ormsby, Development Manager  
Lynne Shwenn, Senior Development Control Officer  
Jill Himsworth, Planning Officer

**Councillor apologies:**

S Chamberlain  
S Gazzard  
D Wilson  
E Wragg

Chairman .....

Date: .....

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

**Ref:** 23/2031/FUL                      **Date Received** 11.03.2024  
**Appellant:** Mr and Mrs Gaskin  
**Appeal Site:** Castlewell Stockland Devon EX14 9DB  
**Proposal:** Demolition of existing building. Replacement dwelling and associated works, including alterations to outbuilding to create a bat loft.  
**Planning Inspectorate Ref:** APP/U1105/W/24/3340405

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**Ref:** 23/1978/FUL                      **Date Received** 20.03.2024  
**Appellant:** Mr & Mrs Dan and Claire McCandlish  
**Appeal Site:** Land Adjacent To Park House Plymtree  
**Proposal:** Proposed new dwelling and relocated site access with associated landscaping and parking  
**Planning Inspectorate Ref:** APP/U1105/W/24/3341070

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**Ref:** 23/2244/FUL                      **Date Received** 28.03.2024  
**Appellant:** Mr Lee Galan  
**Appeal Site:** The Firs Woodbury Salterton Exeter EX5 1ER  
**Proposal:** Demolition of existing garage, construction of two storey extension and associated works  
**Planning Inspectorate Ref:** APP/U1105/D/24/3341596

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**Ref:** 23/1333/FUL                      **Date Received** 28.03.2024  
**Appellant:** Mr. & Mrs. M. Luckman  
**Appeal Site:** Perky Pool Cottage Talaton Road Whimple Exeter EX5 2QZ  
**Proposal:** Proposed extension to garage, including addition of external stair with bin store beneath, formation of half hipped roof extension on the rear elevation and alteration to fenestration.  
**Planning Inspectorate Ref:** APP/U1105/D/24/3341610

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**Ref:** 23/2540/VAR **Date Received** 28.03.2024  
**Appellant:** Mr and Mrs Anthony  
**Appeal Site:** Land South Of Underhill Close Lympstone  
**Proposal:** Variation of conditions 1 (Approved plans), 8 (Privacy screen) and 9 (Void space) of 22/2410/RES (Application for approval of reserved matters (appearance, landscaping, layout and scale) for the construction of a predominantly single storey dwelling following outline application (20/0933/OUT) (pursuant to the grant of outline planning permission appeal ref: APP/U1105/W/21/3282445) to update the house design and drawing reference numbers  
**Planning Inspectorate Ref:** APP/U1105/W/24/3341698

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**Ref:** 23/1888/FUL **Date Received** 02.04.2024  
**Appellant:** Mr and Mrs Peek  
**Appeal Site:** Land Adjacent Irongate Lodge Escot Park Ottery St Mary  
**Proposal:** Proposed dwelling and removal of timber structures and a summerhouse including 28 solar panels.  
**Planning Inspectorate Ref:** APP/U1105/W/24/3341824

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**Ref:** 23/0571/MFUL **Date Received** 04.04.2024  
**Appellant:** Mr Paull (McCarthy And Stone Retirement Lifestyles Ltd)  
**Appeal Site:** Former Council Offices Knowle Sidmouth EX10 8HL  
**Proposal:** Redevelopment of site to provide: a) Care home building (Class C2) with associated parking, landscaping, staff and resident facilities and associated works, b) Extra care apartment building (53 units) with associated communal lounge, wellbeing suite, restaurant and care provision (class C2) c) Retirement living apartment building (33 units) with associated communal lounge d) Erection of 4 houses, and 3 townhouses (Class C3) along with accesses; internal car parking, roads, paths, retaining walls, refuse and landscaping associated with development. Retention/refurbishment of building B, erection of habitat building and sub-stations. (Demolition of buildings other than building B) | Former Council Offices Knowle Sidmouth EX10 8HL  
**Planning Inspectorate Ref:** APP/U1105/W/24/3341996

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

**Ref:** 22/0974/FUL                      **Appeal Ref:** 23/00050/COND  
**Appellant:** Mr Andrew Rennie  
**Appeal Site:** 11 Mill Lane Branscombe Devon EX12 3DS  
**Proposal:** Retrospective planning application for the installation of one  
7KW Air Source Heat Pump (ASHP).  
**Decision:** **Appeal Allowed                      Date:** 22.03.2024  
**(with conditions)**  
**Procedure:** Written representations  
**Remarks:** Appeal against the imposition of conditions on the grant of  
planning permission. condition 3 related to the building of an  
acoustic barrier to avoid noise transmission and condition 4  
related to the construction of a screen, in the interests of  
visual amenity and landscape impact.

The Inspector found that it had not been sufficiently demonstrated that the removal of disputed condition 3 would not result in harm to the living conditions of the occupiers of neighbouring properties. Consequently, the Inspector considered it would be reasonable and necessary to require a further acoustic assessment of the ASHP during its defrost cycle, both to mitigate against potential harm caused by noise and to ensure compliance with Policy D1 of the East Devon Local Plan.

The Inspector imposed further conditions requiring the submission of an acoustic assessment and in the event that an acoustic barrier is recommended to mitigate the acoustic impact of the air source heat pump, details of the barrier shall be submitted to and approved by the LPA.

The Inspector concluded that condition 4 was not reasonable or necessary and its removal would not lead to harm to the character and appearance of the area, nor would it result in harm to the East Devon AONB.

**BVPI 204:**                      **No**  
**Planning**                      APP/U1105/W/23/3327489  
**Inspectorate Ref:**

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**Ref:** 22/0975/MFUL **Appeal Ref:** 23/00041/REF  
**Appellant:** Eagle One MIII Limited  
**Appeal Site:** Land Adjacent Old Tithebarn Lane Clyst Honiton  
**Proposal:** Construction of four commercial, business and service units (Class E) and nine dwellings with associated access, parking and infrastructure  
**Decision:** **Appeal Allowed (with conditions)** **Date:** 20.03.2024  
**Procedure:** Hearing  
**Remarks:** Officer recommendation to refuse, Committee refusal.

Accessibility, parking and amenity reasons overruled (EDLP Policies D1 & D2 and Strategies 3, 5B & 11). Application for a full award of costs against the Council refused.

A Unilateral Undertaking was submitted and agreed during the appeal process, covering obligations by way of financial contributions towards habitat mitigation and affordable housing.

The Inspector considered that many of those travelling to and from the site would likely do so via means other than private vehicle. Given the reasonable level of parking provision on site along with the existence of unallocated parking nearby, the proposal would be highly unlikely to encourage individuals to travel by private vehicle who would not otherwise do so.

The Inspector decided that matters of surface treatments and landscaping could be addressed by means of conditions with reference to a plan submitted with a subsequent scheme and a landscaping condition.

Having regard to residential amenity and surveillance, the Inspector considered that the submitted plans strike an appropriate balance between ensuring natural surveillance and residential privacy.

Amended plans were submitted to demonstrate that the proposed internal space of the dwellings was suitable, and the Inspector agreed that subject to securing adherence to the revised plans the internal space proposed would be acceptable in this case.

The Inspector concluded that subject to the provisions of the UU and conditions, the development proposed would comply with the development plan taken as a whole.

**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/23/3330735  
**Inspectorate Ref:**

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**Ref:** 22/2779/PIP **Appeal Ref:** 23/00031/REF  
**Appellant:** Mr Tony Bowden  
**Appeal Site:** Land at Down Close Newton Poppleford  
**Proposal:** Permission in principle application for the construction of up to nine no. dwellings (1 no. minimum, 9 no. maximum).  
**Decision:** **Appeal Dismissed** **Date:** 20.03.2024  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, accessibility reasons upheld (EDLP Policies H3 & TC2 and Strategies 5B & 7).  
**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/23/3326500  
**Inspectorate Ref:**

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## East Devon District Council List of Appeals in Progress

**App.No:** 22/0058/FUL  
**Appeal Ref:** APP/U1105/W/22/3305830  
**Appellant:** Sophie, Harriet and Oliver Persey  
**Address:** 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.  
**Start Date:** 28 February 2023  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 7 March 2023  
**Statement Due Date:** 4 April 2023

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**App.No:** 23/0027/CPL  
**Appeal Ref:** APP/U1105/X/23/3330294  
**Appellant:** Mr Gary Burns  
**Address:** Salcombe Regis Camping and Caravan Park Salcombe Regis Devon EX10 0JH  
**Proposal;** Proposed lawful development for the use of land for the siting of static caravans.  
**Start Date:** 17 October 2023  
**Procedure:**  
**Hearing**  
**Questionnaire Due Date:** 31 October 2023  
**Statement Due Date:** 28 November 2023  
**Hearing Date:** To be confirmed

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**App.No:** 23/0401/OUT  
**Appeal Ref:** APP/U1105/W/23/3325280  
**Appellant:** Philip Jordan  
**Address:** Exton Lodge Mill Lane Exton EX3 0PJ  
**Proposal;** Outline proposal for a single dwelling with all matters reserved other than access  
**Start Date:** 18 October 2023  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 25 October 2023  
**Statement Due Date:** 22 November 2023

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**App.No:** 22/0781/FUL  
**Appeal Ref:** APP/U1105/W/23/3325946  
**Appellant:** Mr Alan Marriott  
**Address:** Mundys Farm West Down Lane Exmouth EX8 2RH  
**Proposal;** Retention of a replacement shed.  
**Start Date:** 23 October 2023

**Procedure:**  
**Written Reps.**

**Questionnaire Due Date:** 30 October 2023  
**Statement Due Date:** 27 November 2023

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**App.No:** 22/0074/FUL  
**Appeal Ref:** APP/U1105/W/23/3321677  
**Appellant:** Penelope Jane Cook  
**Address:** Country West Trading Estate Tytherleigh Axminster EX13 7BE  
**Proposal;** Construction of 5 no. dwellings, means of access and associated works  
**Start Date:** 26 October 2023

**Procedure:**  
**Written Reps.**

**Questionnaire Due Date:** 2 November 2023  
**Statement Due Date:** 30 November 2023

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**App.No:** 22/0686/MFUL  
**Appeal Ref:** APP/U1105/W/23/3323252  
**Appellant:** Mr Troy Stuart  
**Address:** Hill Barton Business Park Sidmouth Road Clyst St Mary  
**Proposal;** Change of use of land for the purposes of parking, associated with the existing operations at Hill Barton Business Park, for a temporary period of 3 years (retrospective application)

**Start Date:** 26 October 2023  
**Procedure:**  
**Written Reps.**

**Questionnaire Due Date:** 2 November 2023  
**Statement Due Date:** 30 November 2023

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**App.No:** 23/0402/FUL  
**Appeal Ref:** APP/U1105/W/23/3326357  
**Appellant:** Mr K Mooney  
**Address:** Land Lying to the south of Rull Barton Rull Lane Whimple  
**Proposal;** Construction of dwelling and associated works  
**Start Date:** 1 November 2023  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 8 November 2023  
**Statement Due Date:** 6 December 2023

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**App.No:** 23/0064/FUL  
**Appeal Ref:** APP/U1105/W/23/3327756  
**Appellant:** Mrs Joanna Uffendell  
**Address:** The Bungalow Shorebottom Stockland Devon EX14 9DQ  
**Proposal;** Two storey side extension  
**Start Date:** 11 December 2023  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 18 December 2023  
**Statement Due Date:** 15 January 2024

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**App.No:** 23/0743/FUL  
**Appeal Ref:** APP/U1105/D/23/3334607  
**Appellant:** Mr I Davies  
**Address:** Magnolia Cottage Coburg Road Sidmouth Devon EX10 8NF  
**Proposal;** Retention of a boundary screen.  
**Start Date:** 21 December 2023  
**Procedure:**  
**Householder**  
**Questionnaire Due Date:** 28 December 2023

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**App.No:** 23/0615/VAR  
**Appeal Ref:** APP/U1105/W/23/3331385  
**Appellant:** Mr Gary Burns (Serenity Leisure Parks Ltd)  
**Address:** Salcombe Regis Camping and Caravan Park Salcombe  
Regis Sidmouth EX10 0JH  
**Proposal;** Variation of condition no. 3 (Shop with residential  
accommodation to replace existing) of application 87/P0699  
;the building should be used solely for the permitted purpose  
of a residential dwelling, site office and shop in conjunction  
with and solely for the permitted use of the caravan site.  
**Start Date:** 10 January 2024  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 17 January 2024  
**Statement Due Date:** 14 February 2024

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**App.No:** 22/1082/FUL  
**Appeal Ref:** APP/U1105/W/23/3326385  
**Appellant:** Pete Gibbins  
**Address:** Wild Flowers Seaton Road Colyford EX24 6QW  
**Proposal;** Construction of 1 no. dwelling, means of access and  
associated works  
**Start Date:** 15 January 2024  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 22 January 2024  
**Statement Due Date:** 19 February 2024

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**App.No:** 23/1111/OUT  
**Appeal Ref:** APP/U1105/W/23/3332359  
**Appellant:** Mr A Watts  
**Address:** Land Adjacent 1 Ball Knapp Dunkeswell Honiton EX14 4QQ  
**Proposal;** Outline application with all matters reserved for the erection of  
one dwelling  
**Start Date:** 16 January 2024  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 23 January 2024  
**Statement Due Date:** 20 February 2024

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**App.No:** 23/0017/CPE  
**Appeal Ref:** APP/U1105/X/23/3333743  
**Appellant:** Mr Paul Sparks  
**Address:** Barn Close Combe Raleigh Honiton EX14 4SG  
**Proposal;** Certificate of existing lawful development to confirm material start to planning ref. 02/P0677 and breach of condition 3 (landscaping details).  
**Start Date:** 19 January 2024  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 2 February 2024  
**Statement Due Date:** 1 March 2024

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**App.No:** 22/2801/FUL  
**Appeal Ref:** APP/U1105/W/23/3333333  
**Appellant:** Mr and Mrs Peter Tyldesley  
**Address:** 1 Cowley Barton Cottages Cowley Exeter EX5 5EL  
**Proposal;** First floor extension above existing single storey element  
**Start Date:** 23 January 2024  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 30 January 2024  
**Statement Due Date:** 27 February 2024

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**App.No:** 22/1516/FUL  
**Appeal Ref:** APP/U1105/W/23/3327760  
**Appellant:** Gill Parry  
**Address:** 1A Jarvis Close Exmouth Devon EX8 2PX  
**Proposal;** Construction of additional two storey dwelling with associated car parking and amenity space  
**Start Date:** 30 January 2024  
**Procedure:**  
**Written Reps.**  
**Questionnaire Due Date:** 6 February 2024  
**Statement Due Date:** 5 March 2024

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**App.No:** 23/1822/FUL  
**Appeal Ref:** APP/U1105/D/23/3333553  
**Appellant:** Janette Grant  
**Address:** 21 Marpool Hill Exmouth Devon EX8 2LJ  
**Proposal;** Formation of new access and associated development  
**Start Date:** 8 February 2024  
**Procedure:**  
**Householder**  
**Questionnaire Due Date:** 15 February 2024

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**App.No:** 23/2237/FUL  
**Appeal Ref:** APP/U1105/D/24/3336866  
**Appellant:** Mr M Tubbs  
**Address:** 7 Greenway Seaton EX12 2SE  
**Proposal;** Construction of garden room.  
**Start Date:** 8 February 2024  
**Procedure:**  
**Householder**  
**Questionnaire Due Date:** 15 February 2024

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**App.No:** 23/1224/FUL  
**Appeal Ref:** APP/U1105/W/23/3333794  
**Appellant:** Mrs Elaine Paget  
**Address:** The Barn Annexe 2 Lower Court Cottages Fluxton Ottery St Mary EX11 1RL  
**Proposal;** Subdivision of 2 Lower Court Cottages, with creation of vehicular access and parking to serve new independent property  
**Start Date:** 12 February 2024  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 19 February 2024  
**Statement Due Date:** 18 March 2024

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**App.No:** 23/0556/FUL  
**Appeal Ref:** APP/U1105/W/23/3334199  
**Appellant:** Mr M Glanvill  
**Address:** Land North of Martin Gate Sidmouth Road Aylesbeare  
**Proposal;** Change of use of land from agricultural use to storage (within Use Class B8) for the siting of up to 40 storage containers  
**Start Date:** 15 February 2024  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 22 February 2024  
**Statement Due Date:** 21 March 2024

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**App.No:** 23/0809/LBC  
**Appeal Ref:** APP/U1105/Y/23/3329576  
**Appellant:** Mrs Jill Bayliss  
**Address:** Flat above Flix Hair Design Market Place Colyton EX24 6JR  
**Proposal;** Retention of 2no. first floor windows on front elevation  
**Start Date:** 19 February 2024  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 26 February 2024  
**Statement Due Date:** 25 March 2024

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**App.No:** 23/0180/FUL  
**Appeal Ref:** APP/U1105/W/23/3330231  
**Appellant:** Mr Harry Carter  
**Address:** Little Knowle Court 32 Little Knowle Budleigh Salterton EX9 6QS  
**Proposal;** Construction of new two bedroom dwelling with garden room/store  
**Start Date:** 22 February 2024  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 29 February 2024  
**Statement Due Date:** 28 March 2024

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**App.No:** 23/1419/FUL  
**Appeal Ref:** APP/U1105/D/24/3337466  
**Appellant:** Ms J Grigg  
**Address:** 41 Fleming Avenue Sidmouth Devon EX10 9NH  
**Proposal;** Erection of first floor side extension  
**Start Date:** 26 February 2024  
**Procedure:**  
**Householder**  
**Questionnaire Due Date:** 2 March 2024

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**App.No:** 23/0102/FUL  
**Appeal Ref:** APP/U1105/W/23/3334808  
**Appellant:** Mr Gary Conway  
**Address:** 9 Tip Hill Ottery St Mary EX11 1BE  
**Proposal;** Erection of a new dwelling in land to the rear of 9 Tip Hill.  
**Start Date:** 27 February 2024  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 5 March 2024  
**Statement Due Date:** 2 April 2024

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**App.No:** 22/1377/FUL  
**Appeal Ref:** APP/U1105/W/23/3331872  
**Appellant:** Mr & Mrs D Branker  
**Address:** Site Of Spillers Cottage Shute EX13 7QG  
**Proposal;** Construction of a dwelling (retrospective) for occupation while the dwelling permitted under reference 21/0535/VAR is constructed, after which the first dwelling will be demolished  
**Start Date:** 5 March 2024  
**Procedure:** Written reps.  
**Questionnaire Due Date:** 12 March 2024  
**Statement Due Date:** 9 April 2024

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**App.No:** 23/1451/FUL  
**Appeal Ref:** APP/U1105/W/23/3331313  
**Appellant:** John Shiel  
**Address:** Seagull House 1 Morton Crescent Exmouth EX8 1BE  
**Proposal;** Extension to front entrance and render existing boundary wall.  
**Start Date:** 5 March 2024  
**Procedure:** Householder  
**Questionnaire Due Date:** 12 March 2024

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**App.No:** 23/2343/FUL  
**Appeal Ref:** APP/U1105/D/24/3338080  
**Appellant:** Mr James Werb  
**Address:** 13 Parkside Crescent Exeter EX1 3TW  
**Proposal;** New garage and parking spaces.  
**Start Date:** 12 March 2024  
**Procedure:** Householder  
**Questionnaire Due Date:** 19 March 2024

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**App.No:** 23/1270/CPE  
**Appeal Ref:** APP/U1105/X/24/3339119  
**Appellant:** Mr and Mrs C M Summers  
**Address:** The Olde Dairy Hunthays Farm Awliscombe Honiton EX14 3QB  
**Proposal;** Application for a Lawful Development Certificate (CLUED) submitted under section 171B(3) of the Town and Country Planning Act 1990 (as amended) for the use of the building known as The Olde Dairy as an independent dwelling.  
**Start Date:** 14 March 2024  
**Procedure:** Written reps.  
**Questionnaire Due Date:** 28 March 2024  
**Statement Due Date:** 25 April 2024

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**App.No:** 22/2582/FUL  
**Appeal Ref:** APP/U1105/W/23/3332347  
**Appellant:** Mr Justin Werb  
**Address:** Barnards (land adjoining) Harepath Hill Seaton EX12 2TF  
**Proposal;** Erection of one dwelling and associated works.  
**Start Date:** 20 March 2024  
**Procedure:** Written reps.  
**Questionnaire Due Date:** 27 March 2024  
**Statement Due Date:** 24 April 2024

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**App.No:** 23/1246/FUL  
**Appeal Ref:** APP/U1105/W/23/3334501  
**Appellant:** Mr & Mrs D Moll  
**Address:** Flat 2 7 Louisa Terrace Exmouth EX8 2AQ  
**Proposal;** Proposed window/doors, revised terrace and guarding (amended fenestration opening detail)  
**Start Date:** 25 March 2024  
**Procedure:** Written reps.  
**Questionnaire Due Date:** 1 April 2024  
**Statement Due Date:** 29 April 2024

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**App.No:** 23/2155/FUL  
**Appeal Ref:** APP/U1105/W/24/3336452  
**Appellant:** Mr & Mrs D Moll  
**Address:** Flat 2 7 Louisa Terrace Exmouth Devon EX8 2AQ  
**Proposal;** For proposed window/door  
**Start Date:** 25 March 2024

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

**Questionnaire Due Date:** 1 April 2024  
**Statement Due Date:** 29 April 2024

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**App.No:** 23/0176/FUL  
**Appeal Ref:** APP/U1105/D/24/3339590  
**Appellant:** Mrs Eileen Wilkins  
**Address:** Whiteleaf Poltimore EX4 0AD  
**Proposal;** The construction of a fence between the property and the road to replace a 10 foot high Leylandii hedge (retrospective)  
**Start Date:** 25 March 2024

**Procedure:**  
**Householder**

**Questionnaire Due Date:** 1 April 2024

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**App.No:** 23/1279/FUL  
**Appeal Ref:** APP/U1105/W/23/3335680  
**Appellant:** Mr Alban Connell  
**Address:** Land Adjacent Poppins Goldsmith Lane All Saints  
**Proposal;** Conversion of an agricultural barn to form a 1-bedroom dwelling.  
**Start Date:** 26 March 2024

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

**Questionnaire Due Date:** 2 April 2024  
**Statement Due Date:** 30 April 2024

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**App.No:** 22/0349/OUT  
**Appeal Ref:** APP/U1105/W/23/3334118  
**Appellant:** Mr & Mrs Reeves  
**Address:** Kilmore House Poltimore Exeter EX4 0AT  
**Proposal;** Outline application for an exception site comprising of 4  
affordable houses and 2 open market houses  
**Start Date:** 3 April 2024  
**Procedure:**  
**Written reps.**  
**Questionnaire Due Date:** 10 April 2024  
**Statement Due Date:** 8 May 2024

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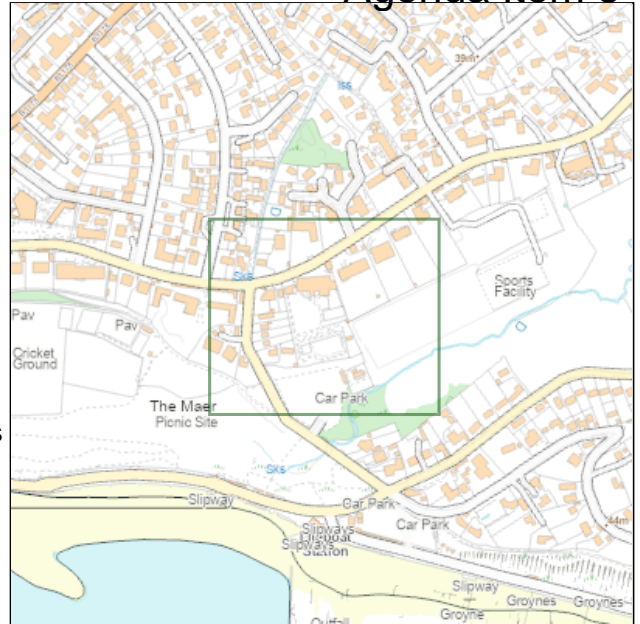
**Ward** Exmouth Littleham

**Reference** 22/1910/MFUL

**Applicant** Mr Azim Lalani

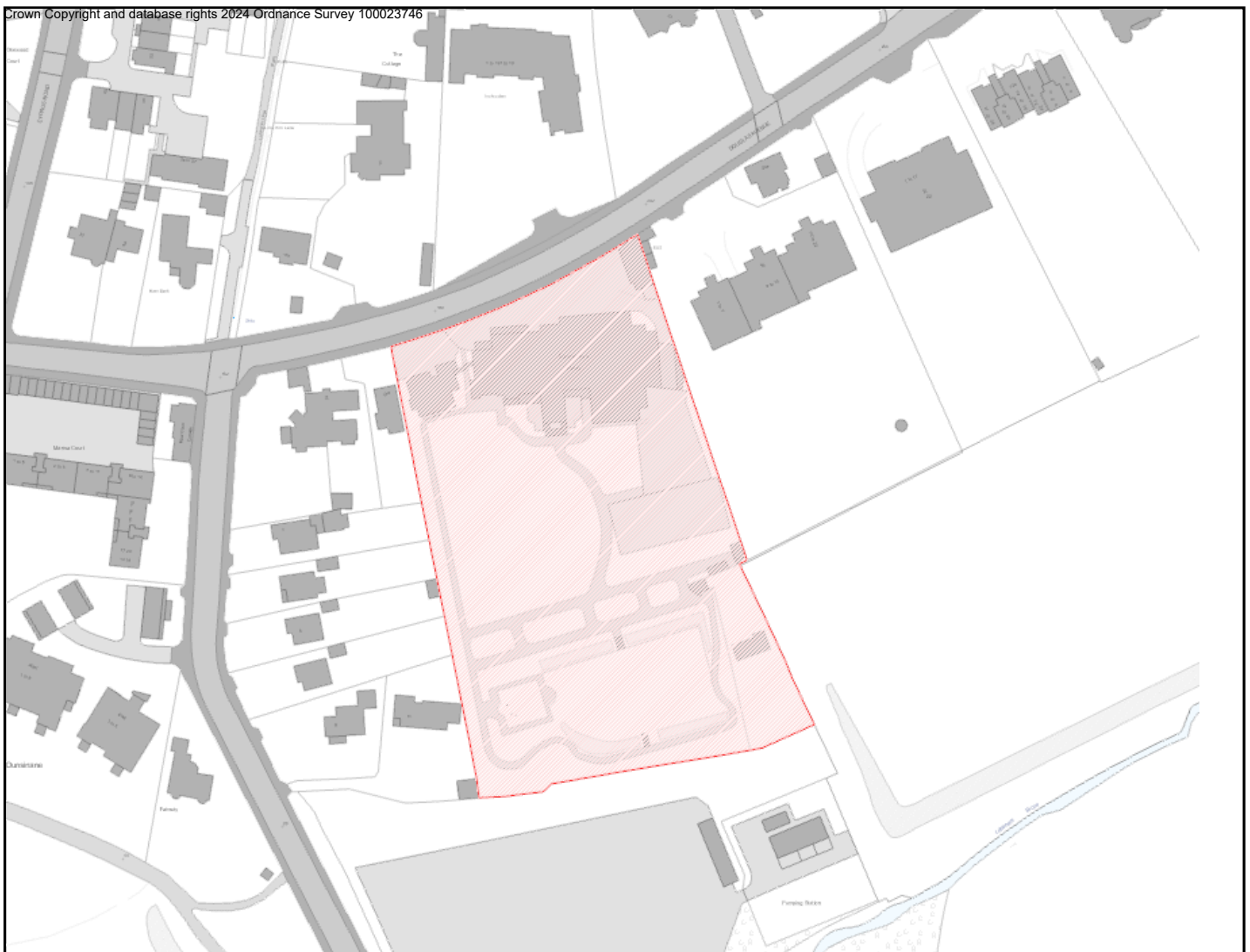
**Location** Devoncourt Hotel 16 Douglas Avenue Exmouth Devon EX8 2EX

**Proposal** Demolition of the existing Devoncourt building and outbuildings, construction of 51 open market and 15 affordable residential apartments and new 65 bed hotel with access via Maer Road car park, associated car parking and landscaping works



**RECOMMENDATION:**

- 1. Adopt appropriate assessment**
- 2. Approval subject to a Section 106 agreement and conditions**



		<b>Committee Date: 23.04.2024</b>
<b>Exmouth Littleham (Exmouth)</b>	<b>22/1910/MFUL</b>	<b>Target Date: 01.12.2022</b>
<b>Applicant:</b>	<b>Mr Azim Lalani</b>	
<b>Location:</b>	<b>Devoncourt Hotel, 16 Douglas Avenue, Exmouth</b>	
<b>Proposal:</b>	<b>Demolition of the existing Devoncourt building and outbuildings, construction of 51 open market and 15 affordable residential apartments and new 65 bed hotel with access via Maer Road car park, associated car parking and landscaping works</b>	

**RECOMMENDATION: 1. Adopt appropriate assessment  
2. Approval subject to a Section 106 agreement and conditions**

### **EXECUTIVE SUMMARY**

**This application is before members as the views of a Ward Member and Town Council are contrary to the Officer recommendation.**

**The Devoncourt Hotel lies along the south-eastern side of Douglas Avenue within the existing built-up area boundary of Exmouth, the District's largest town. The site currently comprises a collection of large buildings occupying a relatively long frontage, close to the road, with its extensive landscaped grounds running southwards to where they meet the northern boundary of the large public car park located off Maer Road. The grounds slope gently down to their rear boundary, which is defined by a tree and hedge screen.**

**This application seeks full planning permission for the redevelopment of the entire site which proposes to demolish the existing four storey hotel and replace it with three apartment buildings housing 36 apartments at a similar height, these would be known as the 'northern apartments', a further apartment block containing 15 apartments known as 'southern apartments' would be constructed in the existing landscaped gardens of the Devoncourt, together with a new 65 bedroom hotel with gym and restaurant situated on the southern most part of the site.**

**The principle of redevelopment of existing sites within built up area boundaries for residential purposes is acceptable subject to the impacts of the proposed development being acceptable. The loss of holiday accommodation is a key consideration, however this application proposes to replace the existing offer with something different. Whilst a different holiday offer than currently exists, it is**

considered that the proposal would accord with Policy E18 of the EDDC Local Plan by continuing the holiday accommodation on site with on site facilities for its occupants. To ensure that the holiday accommodation provision retains facilities for Exmouth, it is considered fair and reasonable to impose an early trigger for its re-provision and operation so that the new hotel would be built and capable of use prior to occupation of any of the residential apartment units.

There would be a number of benefits that the proposal would provide, including employment of local trades through the demolition and construction period, provision of 15 units of affordable housing provided on site together with an off-site contribution for 1.5 units, provision of upgraded holiday accommodation for visitors to the town, improvements to the appearance of the site, particularly its frontage onto Douglas Avenue.

Concerns raised regarding the design and layout of the development have been considered however officers finds the design and layout to be acceptable as well as impacts on ecology (with mitigation and compensation measures included in the Ecological Impact Assessment), trees, highway safety and drainage (subject to conditions).

Whilst there would undoubtedly be impacts on the surroundings during the construction period and when first built, it is considered that the design and massing of the building which have been significantly improved through collaborative working with the applicant's agent and the resulting development would assimilate well into its surroundings.

Overall, the benefits of the proposal are considered to demonstrably outweigh the harm and therefore the proposal is recommended for approval subject to conditions to mitigate certain impacts of the proposal.

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Meeting 20.11.23

Objection sustained; the amended plans did not mitigate any of the previous concerns raised in September 2022.

The proposal would still be visibly intrusive and out of keeping from the southern aspect. It was noted that the Urban Designer felt that the lower part of the site was not suited to large-scale development. Its design and appearance was out of keeping and harmful to its sensitive setting. Therefore the proposal was considered to still be contrary to policy EN1 of the Exmouth Neighbourhood Plan Policy EN1 where development is only supported if it would not harm the amenity and environmental qualities within which it is located.

The scale, density of the development was considered to be unacceptable and will have an overbearing impact on adjacent properties on Maer Road. Concerns were raised about the design of the hotel. The problems of scale, massing had not been

addressed with serious design failures. It was therefore considered that the proposal did not meet the policy requirement for EB1 of the Exmouth Neighbourhood which states that development should be mindful of surrounding building styles and ensure a high level of design.

The proposal did not mitigate the loss of the hotel and the associated facilities and members questioned the viability issues cited. The application did not comply with policy EE3 of the Exmouth Neighbourhood Plan or E18 of the East Devon Local Plan.

Exmouth Neighbourhood Plan Policy CF1 does not support the reduction of health and wellbeing facilities. The applicant's provision of a small gym did not mitigate against the loss of the existing facilities.

Concerns remained about exacerbating the existing sewage capacity and the management of surface water run-off. The application should comply with policies EN5 and EN6 of the Exmouth Neighbourhood Plan.

Concern was also raised regarding the sustainability of the development with regards to the amount of embodied carbon emitted and the harm to the biodiversity of the landscape.

Members further expressed their disappointment that the applicant had not engaged further with the District Council's parking manager since an initial brief enquiry.

#### Exmouth Littleham - Cllr Nick Hookway

##### OBJECTION

I consider that this application will be a gross over development of the site. The scale, massing and design of the application are completely unacceptable for this site. I fully support the comments raised in the EDDC report from the Urban Designer. This is a site that requires a sympathetic, nuanced approach to bring out the opportunities that the site presents rather than a modernist, destructive and ill-considered one.

I am gravely concerned by the prospect of the Overlooking of neighbouring properties with the subsequent loss of privacy that affected residents in Douglas Avenue and Maer Road will suffer.

The application clearly fails to meet Policy D1 of EDDC Local plan as well as the Avenues Design Statement. The requirement that no more than 25% of the site be built on must apply here.

Vehicle access to the site from the EDDC Maer Road car park will be denied to this application due to the presence of leases that exist on EDDC land. Thereby making the concept of a budget hotel at the lower end of the site unsustainable and unworkable.

In its current form, in my view, the Devoncourt Hotel can be considered "sustainable" in terms of location, environment and the tourism offering. It is likely to benefit from the Dinan Way extension by having improved access for its customers. The site is far enough away from the seafront and is therefore unlikely to be affected by the violent storms that we are now experiencing due to climate change, yet it is in easy walking distance to the beach.

In its present form the site offers a spectacular vista across Lyme Bay with an enviable southerly facing aspect. Exmouth needs an upmarket hotel and the Devoncourt is one of the best locations in the town to make best use of the landscape and environment

that is available. I find that the idea of putting a budget hotel on the site unviable due to the presence of the Devon Cliffs Holiday Park which very successfully caters for this type of market.

There is considerable scope to upgrade the current offering to visitors but that does not justify demolition of the existing buildings and damage to the environment. Why not refurbish?

Within the current Local Plan, the following strategies are also relevant.

E16: Namely the upgrading of existing holiday accommodation will be permitted when following criteria are met in full Section 1 states that the scale, level and intensity of development is compatible with the character of the surrounding area, including adjoining.... settlements.

E17: All sections.

E18: All sections.

Therefore, I find that this amendment for the application fails to address the potential of this site. In my view there is a need for a complete rethink for this site where imaginative design and a sympathetic, nuanced approach to the environmental conditions would be much more appropriate and effective.

These are the facts as I see them at the time of writing. If I am presented with additional information, I reserve the right to amend my views

### **Technical Consultations**

#### County Highway Authority

The re-development if approved, would remove one of the vehicular accesses onto Douglas Avenue, in doing so, forming one vehicular access with an adjoining footpath. This would be an improvement to the highway safety of Douglas Avenue by reducing the junction interaction of egress and ingress vehicular movements together with separating and dedicating access arrangements for pedestrians.

No objections subject to conditions

#### Economic Development Officer

The Economic Development team have reviewed the marketing evidence and the proposed hotel provision included within this application. Although the applicant is proposing the loss of 4 FTE jobs, the net increase in hotels rooms proposed will increase the provision of tourist accommodation and positively impact the local economy. The Economic Development team therefore have no objection to the application as proposed.

#### EDDC District Ecologist

No objections subject to conditions

#### Campaign To Protect Rural England

Devon CPRE objects to the proposal, and are really disappointed to see that the majority of fundamental points we raised previously to application ref 21/0821/MFUL have not been addressed by this resubmission.

- Insufficient Information

- Failure to deliver high quality placemaking
- Failure to deliver quantifiable biodiversity net gain and outdated information
- Failure to address Sustainability?

## Conclusion

The community have already highlighted the departure of this proposal from local planning policy including their own Neighbourhood Plan. The scheme does not demonstrate delivery of a sustainable development, ignoring opportunities to secure net gains across the different objectives of sustainable development, contrary to both local and national planning policy.

The application should therefore be refused.

## Housing Strategy/Enabling Officer - Cassandra Harrison SUPPORT

Percentage of Affordable Housing - under current policy Strategy 34, a requirement for 25% affordable housing is required.

Exmouth is our area of greatest housing need in East Devon, with over 1000 households on our housing register requiring 1 or 2 bedroom accommodation.

## Police Architectural Liaison Officer - Kris Calderhead

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on the revised plans of this application. I would like to make the following comments and recommendations for consideration.

I welcome the reference to Designing out Crime within the Design and Access Statement (DAS) and support that such principles have been embedded into the scheme. I also appreciate that a number of recessed spaces in the design of the north apartment block have been removed in the latest design.

Some concerns still remain

## EDDC Trees

I have viewed the Arboricultural report from Advanced Arboricultural dated 24.08.2022 including AIA, TCP and TPP, and Landscaping strategy (642-sk04; 29.03.2021) provided by Redbay Design. In principle I have no objection to development of the site.

Conditions recommended if the application is recommended for approval.

## EDDC Landscape Architect

Overall, the amendments are not substantive and most of the issues identified in my previous landscape response dated 26.10.2022 have not been addressed. As such my objection to the proposals stands as contrary to Local Plan policy D1 (Design and local distinctiveness)

### Royal Society For The Protection Of Birds

No objections subject to a condition requiring provision of bat/bird boxes throughout the development.

### Environmental Health

I recommend approval with conditions

### Contaminated Land Officer

I recommend approval with conditions

### DCC Flood Risk Management Team

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that pre-commencement planning conditions are imposed on any approved permission

### South West Water

No objection subject to the surface water being managed in accordance with the submitted drainage strategy. The applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed.

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

### Urban Designer

General comments

- High levels of parking provision given the location close to a well-served town centre that has a mainline rail link and a site where three bus routes (95, 97, 357) pass directly in front of the main entrance.
- Low levels of cycle storage throughout given the proximity of the town centre and easily accessible, high quality, safe, almost entirely off-road cycling infrastructure to Budleigh Salterton and Exeter through to Dawlish.
- Unnecessary design choices add complexity, expense, reduced thermal and operational efficiency without adding benefit or value.

Concerns over the design of the project still remain and on this basis recommend refusal.

### NHS Local

No objections subject to contributions towards primary care to be secured through a legal agreement

### Other Representations

At the time of writing this report 184 representations have been received as a result of this application, raising the following concerns:



- Impact on the character and appearance of the area;
- Great weight should be given to the Avenues Design Guide;
- Overdevelopment of the site;
- Increase in traffic on local roads;
- Construction traffic impacts;
- No room for construction worker parking
- Impact on drainage network which already struggles and pollutes the sea;
- Bats use the site;
- The Car Parks Manager needs to be consulted;
- Overlooking from balconies;
- Overbearing;
- The hotel would be visually intrusive;
- The existing hotel should be redeveloped as a new hotel;
- Loss of leisure facilities for local people;
- Impact on local infrastructure services including doctors and dentists;
- Noise and dust disturbance from construction;
- Impact on mature trees;
- No need for more housing in Exmouth;

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
13/1190/MFUL	Construction of 14 no. holiday apartments and raising of ground levels to create garden with retaining wall and extension to existing car park.	Approval with conditions	19.12.2013
21/0821/MFUL	Demolition of the existing Devoncourt building and outbuildings, construction of 81 no new residential apartments (25% affordable) and new 62 bed hotel with access via Maer Road car park, associated car parking and landscaping works	Withdrawn	03.12.2021

## **POLICIES**

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

Strategy 43 (Open Space Standards)

Strategy 3 (Sustainable Development)

Strategy 5 (Environment)

Strategy 34 (District Wide Affordable Housing Provision Targets)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

E18 (Loss of Holiday Accommodation)

EN22 (Surface Run-Off Implications of New Development)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN16 (Contaminated Land)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2023)

National Planning Practice Guidance

#### Neighbourhood Plan

Exmouth Neighbourhood Plan (Made) – EB2, EE3

#### Site Location and Description

The Devoncourt Hotel lies along the south-eastern side of Douglas Avenue within the existing built-up area boundary of Exmouth, the District's largest town. The site currently comprises a collection of large buildings occupying a relatively long frontage, close to the road, with its extensive landscaped grounds running southwards to where they meet the northern boundary of the large public car park located off Maer Road. The grounds slope gently down to their rear boundary, which is defined by a tree and hedge screen. The agent has advised that the existing hotel is run on a time share basis and contains bedrooms and apartments, together with a range of on-site leisure and recreational facilities, including gym and outside heated swimming pool.

There are neighbouring residential units to the east and west of the proposal site, to the east lies an apartment building and to the west lies a single dwelling house in the northern part of the site, with a further handful of dwellings having their rear gardens backing on to the western boundary of the site.

The hotel is served by two existing accesses off Douglas Avenue which provides access to a small number of parking spaces at the front of the building and a small parking area to the rear of the building served by a single track road hugging the eastern boundary of the site.

### Proposed Development

This application seeks full planning permission for the redevelopment of the entire site which proposes to demolish the existing four storey hotel and replace it with three apartment buildings housing 36 apartments at a similar height, these would be known as the 'northern apartments', a further apartment block containing 15 apartments known as 'southern apartments' would be constructed in the existing landscaped gardens of the Devoncourt, together with a new 65 bedroom hotel with gym and restaurant situated on the southern most part of the site.

The 'southern apartments' building would be 2.5 storey and follow the general gradient of the site, with the access into the apartments via a pathway along its northern side. The apartments would have bedrooms and en-suite on their northern side, a central kitchen and bathroom and a lounge/dining room and patio facing the retained grassed and landscaped lower part of the existing grounds of the hotel to the south.

New retaining walls are required either side of the ornate gardens

The application is accompanied by an arboricultural report which includes a method statement showing construction exclusion zones and supervision zones.

It is also accompanied by Heads of Terms covering contribution of £367.62 per unit towards measures to mitigate the impacts of the development upon the Exe Estuary Special Protection Area and Pebblebed Heaths Special Protection Area and securing 25% on site affordable housing.

### **Main considerations**

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

- the principle of the proposed development, including the replacement of the hotel facility
- affordable housing
- the impact of the proposed development on its surroundings
- the impact on residential amenity
- the impact on highway safety and parking
- the impact on existing trees
- ecology, including habitats regulations assessment; and
- drainage

### **Principle of Development:**

The site is located within the built-up area boundary of Exmouth in a sustainable location with good access to services and facilities to support daily living including

access to a range of employment opportunities and public transport, with good links to further afield settlements, where the principle of residential development is supported under the provisions of Strategy 6- Development within Built-Up Area Boundaries of the East Devon Local Plan subject to the impacts of the proposal being acceptable in relation to other policies contained in the plan together with any relevant material considerations.

It is also important to consider the loss of/redevelopment of holiday accommodation on site. The Devoncourt has been a long established destination for holiday makers over recent decades primarily as a traditional hotel and latterly as timeshare accommodation, its loss would diminish the tourism offer to those wishing to stay in the resort. Policy E18 of the EDDC Local Plan sets out the considerations in the principal holiday areas of East Devon, including Exmouth, where holiday accommodation is proposed to be lost:

#### *E18 - Loss of Holiday Accommodation*

*The proposals for change of use or redevelopment of hotels and other holiday accommodation in the seaside resorts of Exmouth, Budleigh Salterton, Seaton and Sidmouth will not be permitted unless the holiday use is no longer viable and/or the new use will overcome clear social, economic or environmental problems associated with the current use.*

*Permission for change of use will not be permitted unless it can be clearly demonstrated that there is no longer a need for such uses and that the building or site has been marketed for at least 12 months (and up to two years depending on market conditions) at a realistic price without interest.*

However, this proposal does not seek the total loss of holiday accommodation on the site, it seeks to replace the 54 bedrooms holiday apartments/bedrooms with 65 new build holiday bedrooms each with en-suite facilities, therefore on the face of it there would be an uplift in the number of rooms available to the general public.

It is acknowledged that the current hotel building occupies a much larger footprint than the building proposed to replace it and internally has a broader range of accommodation including restaurant, gymnasium, bedrooms with their own cooking facilities and outside pool with landscaped gardens. The proposed hotel would have smaller restaurant and gym but offers no cooking facilities in the rooms and there would be no swimming pool. There has been a change in holiday attitudes over the decades with the single point hotel destinations in decline, travellers are much more likely to use local facilities in the settlements where they stay rather than eating at their hotel, Exmouth offers a broad range of restaurants and cafes within easy walking distance of the application site. Furthermore, trends have shown that UK based holidays are often shorter than previously with the rise of weekend and shorter breaks. The success and occupancy rates of the relatively recent Bath Hotel site's redevelopment to a Premier Inn highlights the changing nature of UK based holidays. The proposed hotel would occupy a good position in relation to arguably one of Exmouth's most prized possessions, its beach, where visitors would have good and easy access to it and the recently completed watersports centre.

*Notwithstanding that there is no requirement to market the hotel for sale, a marketing effort has taken place over an extended period without any success, the Economic Development team have reviewed the marketing evidence and the proposed hotel provision included within this application. Although the applicant is proposing the loss of 4 FTE jobs, the net increase in hotels rooms proposed will increase the provision of tourist accommodation and positively impact the local economy. The Economic Development team therefore have no objection to the application as proposed.*

Accordingly, whilst a different holiday offer than currently exists, it is considered that the proposal would accord with Policy E18 of the EDDC Local Plan by continuing the holiday accommodation on site with on site facilities for its occupants. To ensure that the holiday accommodation provision retains facilities for Exmouth, it is considered fair and reasonable to impose an early trigger for its re-provision and operation so that the new hotel would be built and capable of use prior to occupation of any of the residential apartment units should the application be approved.

### **Affordable housing**

The application in its heads of terms indicates that the proposal would provide 25% affordable housing which is the provision that the current Local Plan seeks on sites within built up area boundaries, these 15 units would be provided in two conjoined blocks with the rented units on one side and the shared ownership units on the other side which is considered to be in line with the requirements of affordable housing providers in terms of their management. Due to the constraints of the site and the requests of Officers to reduce the scale and quantum of development within the southern apartment blocks it would be necessary to seek a payment for the 1.5 units that make up the 25% ( $66 \times 0.25 = 16.5$ ) to be provided off site, this payment would equate to £17,388.50

The Council's Housing Enabling Officer has the following comments to make:

#### **SUPPORT**

*Percentage of Affordable Housing - under current policy Strategy 34, a requirement for 25% affordable housing is required. The applicant is proposing to provide 15 units and this is acceptable.*

*Exmouth is our area of greatest housing need in East Devon, with over 1000 households on our housing register requiring 1 or 2 bedroom accommodation.*

*Tenure - Strategy 34 sets a target of 70% for rented accommodation (social or affordable rent) and 30% for affordable home ownership. For the proposed 15 units, this would amount to 10 rented units and 5 units for affordable home ownership. The rented units should be provided as Social Rent as this is more affordable to local incomes in East Devon.*

*Housing Mix and Layout - the applicant is proposing the following mix:*

- o 1 x 1 bed, 2 person flat Affordable Rent*
- o 9 x 2 bed, 4 person flats Affordable Rent*
- o 5 x 2 bed, 4 person flats Shared Ownership*

*The Architects have designed the affordable housing to be delivered in a separate block to the open market units which is an improvement on the previous application. A separate block is what Registered Providers would require. The single block has the rented units on one side, separated by a stairwell with the Shared Ownership units on the other side. This is acceptable.*

*The flats all meet national space standards. All affordable units should also meet M4(2) standards as per our adopted SPD.*

*The Exmouth Neighbourhood Plan adopted Policy H1 states: "there is a presumption in favour of Accessible and Adaptable homes, to ensure a balanced housing stock for a range of age groups within the town." Also adopted policy HA4: "For relevant organisations to ensure the provision of one-bed properties to meet the evidenced need of residents below retirement age."*

*Parking - the design and access statement states that the 1 bedroom flat will have 1 parking space and the 2 bedroom flats will have 2 parking spaces. There needs to be suitable provision for visitor parking to avoid overflow parking in neighbouring streets. Secure cycling storage is also needed to encourage safe, sustainable travel.*

*Council Plan 2021 - 2023 - East Devon District Council wants to increase access to social and affordable homes and this is one of the Council's highest priorities. This application will provide 15 affordable homes, so will help us to meet this priority.*

Accordingly, subject to securing the tenure and occupations in perpetuity together with the offsite contribution to be spent on affordable housing projects in the locality, the proposal is considered acceptable in relation to Strategy 34 of the EDDC Local Plan.

### **Impact on surroundings**

The application site occupies a prominent position in the townscape especially when viewed from 'The Maer' and on approach from the seafront, the land slopes up from the south such that the four storey wide-ranging building creates a substantial mass on the skyline, adjacent to other similarly sized and scaled buildings to the east. The existing hotel and outbuilding create a wide expanse of development when viewed from Douglas Avenue also. All the plots on this side of the avenue have buildings on the road edge only, leaving the remainder of the plots open. This helps to maintain this avenue as the edge of the built-up area and reduces the visual intensity of development along this edge. Views up from the sea are relatively green making this a gradual visual introduction to the town rather than a wall of buildings. At the end of these plots is an area of open fields with established hedgerows that the Exmouth Neighbourhood Plan has identified as a future valley park. Beyond the park is the seafront.

The site lies with 'The Avenues' part of Exmouth where historically there has been a greater emphasis on design and a supplementary planning document entitled 'The Avenues Design Guide' was produced in an attempt to aid developers in bringing sites forward in a consistent manner so that the character and appearance of the area could be maintained and enhanced. Whilst this design guide is now a number of years old

and planning policies have evolved and moved forward to a be less prescriptive, Policy EB2 of the Exmouth Neighbourhood Plan still places an emphasis on the aforementioned document in terms of its design principles.

Significant concerns have been raised by a Ward Member, Town Council and local residents regarding this development, which is expected as the proposed demolition of an historic hotel that is a prominent feature and lives long in the memory of local inhabitants would represent a significant change in the character of the area that has been present for a significant period of time over the town's history. That does not mean that change cannot take place, however, any changes/redevelopment that do take place should be carefully considered in terms of their design and the impact on the character an appearance of the surroundings.

In this regard it is important to look in detail at the proposed design and the impact that the redevelopment would have on its surroundings under the two headings below.

### *Design and layout*

#### Density of Development:

One of the foremost reasons for objection to the proposed development is overdevelopment of the site, commentators have quite rightly referenced Policy EB2 of the Neighbourhood Plan and its links to the Avenues Design Statement of 2005:

Policy EB2: New development should be mindful of surrounding building styles and ensure a high level of design as exemplified in the Avenues Design Statement (2005).

Specific comments make reference to the 'Design Statement for the Avenues' guide where Recommendation 6 notes an aspirational development density of 25% of the site area. The aim of which is to maintain a balance between buildings and greenery. The calculation is to include garages and hard surfaces.

The proposed development moves a significant portion of the parking to a basement below the proposed Northern Block of apartments. This allows for a newly created, landscaped green space to be formed at the frontage to Douglas Avenue including the removal the existing hard surfaced car parking and of one of the existing access points to the site. Throughout the remainder of the site the parking spaces would be formed from 'grasscrete' or an equivalent free draining and planted surface. This would allow tree rooting below the parking spaces. Footpaths would be in gravel or an equivalent draining finish. Flat roofs are in an extensive sedum roof.

When calculated on the basis of the footprint of the North and South Block of apartments (including green roof), hotel and tarmac hard surfaced roads the development coverage has been calculated by the applicant's agent as follows:

Site Area (red line boundary) = 14,135 sqm  
North Block area (excludes balconies) = 1,631 sqm  
South Block area (excludes balconies) = 710 sqm  
Hotel = 757 sqm  
Road & Hotel service Yard = 2,741 sqm

Total Built up hard surface = 5,839 sqm  
Percentage site coverage = 41.31 %

Whilst 41.31% site coverage is greater than the aspirational 25% stated in the 'Design Statement for the Avenues' the increase is a lot lower than some of the comments that have been provided. Through negotiations with the applicant's agent the site coverage has been significantly reduced, parking surfacing has been amended and additional landscaped areas have been provided. Overall, it is considered that the site represents a transition between the smaller plots fronting onto Maer Road and the larger plots served by Douglas Avenue such that it is relatively unique in its formation as a consequence it is considered that some development of its extensive landscaped grounds would provide the town with much needed affordable accommodation and a much more fit for purpose tourism accommodation offer. It must also be noted that a number of the surrounding plots fronting onto Douglas Avenue have significantly more than 25% of their plots developed either because the building(s) were there prior to the policy being introduced or they have been granted planning permission for extensions and/or separate buildings in the curtilage.

Therefore, on balance it is considered that the density of the proposed development strikes an important balance between maximising the best use of land in sustainable locations whilst respecting the existing settlement pattern and character and appearance of a prominent plot in the townscape. Specific commentary on its impacts will follow later in this report.

#### Scale of the proposed buildings

The existing hotel comprises a four storey red brick block under a slate roof with a consistent design and proportions, though due to its length it creates a significant scale and mass from the Douglas Avenue streetscene with little design relief or landscaping to break it up. It is proposed to demolish the existing building and erect a similar scale of buildings with four stories, although these would be broken up into three distinct buildings each with their own character but a consistent theme. The middle building of the group of new buildings would be set back from the road frontage and create a stepped frontage to add interest and soften the scale when viewed from the north; this would be further assisted by creating more space to provide a meaningful landscaped frontage.

The southern apartment building would be three stories in height, however, their ground floor would be set into the existing slope. The existing ground level where the existing landscape gardens exist would be lowered in excess of 2 metres such that from the outside of the site these apartment buildings would appear as two stories in height. A significant amount of time has been spent by officers negotiating the scale of the southern apartment buildings, such that over the lifetime of this application a floor of apartments has been removed and the number of apartments significantly reduced, comments from the Council's Landscape Architect and Urban Designer have been crucial in explaining the level of harm that this area of the site would create when looking from the surrounding area including 'The Maer', but also in creating an acceptable transition between the seafront and existing built development to the north.



The proposed hotel has also been the subject of negotiation in terms of its scale and impact, various iterations of design have been produced which created a significant mass and bulk which would have had an awkward juxtaposition with the proposed smaller scale residential units contained in the Southern Apartment building, such that a bespoke design approach has now been employed, which creates a building of interest that would be of a more consistent scale for this part of the site.

Overall, on balance, it is considered that the scale of the proposed buildings on site are appropriate for their location in accordance with Policy D1 of the EDDC Local Plan.

### Design

The design and access statement submitted with the application details the design evolution together with amendments that have been made following negotiations with planning officer and the urban designer. The prominent position of the site and amount of local interest in the redevelopment of the site mean that the subjective issue of design is likely to be the most contentious issue and one that people interpret in different ways.

The Avenues area of Exmouth has witnessed increasing pressure for redevelopment and new development over recent years, not least for larger apartment buildings which maximise views towards the sea, a wide variety of building styles and roof forms are therefore present in the local area. The application site already has a large building upon it which enjoys expansive views of the bay. The use of a consistent palette of materials but with different design elements including a stepped frontage and varying roof forms would add character and interest to the front elevation of the northern apartment block echoing some of the design styles of the larger residential buildings in close proximity to the site. Issues of internal layout of the building raised by the Council's Urban Designer have largely been resolved. Window positions have been amended and innovative features added to prevent overlooking of neighbouring properties without diminishing the design (amenity impacts are addressed later in this report)

The southern apartments buildings are more simplistic in their form and have been amended so that they are very similar in their appearance to each other to create a more cohesive design set within the open space, a play area has been added adjacent to the affordable units that has natural surveillance and would be a benefit to the proposal.

The hotel would have a bespoke design, at the request of officers and particular input from the urban designer the proposal now represents more a landmark building that creates a sense of place adjacent to the Council's car park rather than simply replicating the design of a hotel that could be found anywhere in the country with simplistic materials and little thought to detail. A gymnasium has been added with an internal cafe/restaurant to provide facilities for guests attracted to the site.

Accordingly, with significant amendments made to the design of both the residential and hotel elements of the scheme, it is considered that the design would assimilate well into its surroundings by not creating a pastiche building but employing clever design cues that would add interest and break up the mass of the building, this is a

significant improvement over the existing hotel building on the site would be a benefit to the built environment locally. For these reasons it is considered that the proposal would accord with Policy D1 of the EDDC Local Plan and Paragraph 136 and 137 of the NPPF.

### Landscaping

The proposal seeks to remove the extensively landscaped gardens of the existing hotel, which is regretful, however, a comprehensive landscaping scheme has been submitted with the application to assist in mitigating for the loss and provide an overall enhancement in the quality of the landscaping together with its management into the future. A substantial benefit of the proposal would be the removal of the car parking and hard landscaping to the front of the existing hotel and replacing it with green open space and appropriate planting. Improvements and enhancements to the existing green boundary with nos. 1 to 11 (inclusive) Maer Road will both help to screen the development but further encourage the commuting and foraging bats in the area, conditions relating to keeping this area of the site a 'dark corridor' would assist in retaining the protected species in the area. The southern area of the site already benefits from good landscaping and mature trees which would be retained as a result of this proposal, additional planting would be required as detailed in the landscaping scheme plans submitted with the application.

The landscaping scheme has been reviewed by both the Landscape Architect and Arboricultural Officer, they are content to support the principle of the scheme but require more details which can reasonably be provided by condition. Comments on the trees on the site will follow later in this report.

Accordingly, subject to appropriate conditions for additional details, the proposal is considered acceptable in relation to Policy D2 of the EDDC Local Plan.

### **Impact of the development on its surroundings**

There is no contention that the proposed redevelopment of the Devoncourt site would not have an impact on its surroundings, not least because there would be an overall increase in the amount of development on site and increased activity around the site through the introduction of a more concentrated holiday offer and the number of potential residents that could occupy the site. The removal of the extensive landscaped garden would also make the site more visible in its immediate surroundings.

The foremost public views (the impact on private residential properties is addressed later in this report) of the site that would be altered as a result of this proposal would be from Douglas Avenue and from 'The Maer' and seafront, each of these will be addressed in turn.

### Douglas Avenue

The existing building is four stories high and creates a large mass of building of the same materials and a relatively consistent height, where as the proposal seeks three separate buildings along the frontage that would be of varying height (but not higher

than the existing hotel), using a wider variety of materials and roof forms with a stepped layout. The impact upon the streetscene would largely be detrimental to views during the demolition and construction period as it has a long frontage and is readily visible for long sections of this part of Douglas Avenue, following construction the proposed buildings are considered to have an improved impact on the streetscene creating buildings with interest and raising the design quality in the area, furthermore the proposed area of open space, in place of the existing car park, would add some improved biodiversity to the local area.

### The Maer and seafront

There are long distance and far reaching view towards the application site from the seafront and particularly 'The Maer', chiefly these views are of the existing hotel and it lies in a prominent elevated position when looking north from this area. The lower part of the site is not readily visible from these areas as there is currently no development on this part of the site, however, some of the larger trees' canopies are visible such that the introduction of the built for of the southern apartment buildings and the hotel are also likely to be visible. the Council's Landscape Architect originally raised some serious concerns regarding the impact that the southernmost buildings would have on views from 'The Maer' this was due to their height and massing which would urbanise the lower part of the site and create visual harm when viewed from longer distances, amended plans have subsequently been received lowering the ground levels of the southern apartment blocks and removing the fourth floor which is considered to significantly reduce their impact and also their visibility from longer distances, substantially reducing their harm on the surroundings.

In a similar vein concerns were raised by the Landscape Architect and Urban Designer regarding the form, mass and bulk and overall height of the proposed hotel, together with its poor design. As previously explained a bespoke design of hotel has been provided which seeks to use different coloured materials to assist in the structure blending it into its surroundings, it would still have an impact, however not all impacts are harmful impacts. The position in relation to the Maer Road car park creates a new active frontage onto the car park on what is the district's largest town and principal tourism location such that its position and design is considered to create a landmark building which would enhance the character and appearance of this part of the site and maintain a viable hotel offer in the town.

Accordingly, whilst there are likely to be some initial harmful impacts especially during the construction period, it is considered that the completed development would raise the quality of design in the local area and continue a viable holiday accommodation use whilst providing much needed housing in the area, particularly affordable housing.

### **Impact on residential amenity**

Policy D1- Design and Local Distinctiveness of the Local Plan states that proposals will only be permitted where they do not adversely affect the amenity of occupiers of adjoining residential properties. The application site is bound by residential properties on its eastern and western sides.

A number of two storey detached properties 1-11 Maer Road and their rear gardens back onto the site's western boundary.

No 14A Douglas Avenue is a detached two storey dwelling to the west which shares a close relationship with the existing building and site . The side elevation of no 14A faces the existing building on the site and has a number of windows and openings on its eastern elevation. Devoncourt has a number of windows on its western elevation facing towards no 14A.

Blair Atholl, no 20 Douglas Avenue is a 4 storey apartment building to the east which shares a close relationship with the building and the site. Blair Atholl has a number of windows on its western elevation facing the site.

An assessment of the impacts on the residential amenity of the occupiers of these properties is provided as follows:

### 14A Douglas Avenue

This two storey dwelling shares a very close relationship with the existing Devoncourt building with its side elevation running parallel to the side of Devoncourt. The property occupies a lower level than the application site and has a number of ground and first floor windows facing towards it. The side elevation of Devoncourt also has a number of windows facing towards no 14A and 1st, 2nd and 3rd floor level.

Officers have worked with the applicant to reduce the footprint, bulk and massing of the apartment block nearest to no 14A which has resulted in a reduction in the rear projection of the building to 4.5 metres beyond the rear elevation of the property at 3 storey level. Whilst it is accepted that this would result in a degree of additional physical impact on the occupiers of this property, given the distance of the built form from the boundary of the property which would be 3.6 metres, it is considered that the impact would not be so significant in terms of being unduly overbearing or over dominant to sustain an objection. No 14A is orientated with its rear elevation facing south such that there would be no significant loss of light or overshadowing.

It is also important to note that there would be a significant improvement in terms of mutual overlooking between the two buildings. At present the side elevation Devoncourt has a number of windows facing the windows of no 14A. In addition there are a number of rear balconies on the rear of Devoncourt which offer unrestricted views towards the rear garden of no 14A with no privacy screens in place.

The side elevation of the apartments facing no 14A has been designed to improve the relationship between the two buildings. Whilst there will be windows on the western elevation, these have been purposely designed to ensure that views out would be angled away from no 14A facing towards Douglas Avenue and the rear of the site, avoiding direct overlooking of the property and its garden. Balconies on the rear elevation of the apartment block and from a reduced outside terrace area to apartment 47 would be fitted with obscure glazed privacy screens which would ensure that views out towards no 14A and its rear garden are prevented.

Whilst the additional rear projection of development on the site would result in a degree of additional physical impact, Officers consider that the improvements in the

relationship between the site and 14A in respect of overlooking and privacy would outweigh the additional harm caused.

#### Blair Atholl:

Blair Atholl is a 4 storey apartment block to the east of the site which shares a close relationship with the Devoncourt site and building, again with a number of windows facing towards one another. The angled window design on the eastern elevation of the apartment block has been replicated which would ensure that views from the windows would be directed away from the windows on the Blair Atholl building and would improve the existing relationship between the two. Balconies closest to the boundary with Blair Atholl would be fitted with obscure glazed privacy screens which would further improve the relationship between the two sites.

The footprint of the apartment block would be positioned further away from the boundary with Blair Atholl which would reduce the overall physical impact of the building, its stepped design would help to reduce the bulk and massing of the building.

The 4th floor of the apartment block does include a flat roofed area which is not intended to be used as outside amenity space. Given the relationship between the upper floor windows on Blair Atholl, officers do not consider use of this flat roofed area to be acceptable as amenity space and therefore it is considered necessary and reasonable to impose a condition which prevents the use of this flat roofed area.

#### 1-11 Maer Road:

The southern part of the site is currently free from development such that the introduction of the southern block apartments and hotel will change the character of the site from landscaped grounds to residential and part commercial which would have a degree of impact on the amenities of the occupiers of the properties on Maer Road whose rear elevations and rear gardens face towards the application site.

The proposed hotel is considered to be located a sufficient distance from the rear gardens of these properties not to have any impact on the occupiers living conditions in terms of its physical impact or its operation in the longer term.

The relationship between the southern block of apartments has been carefully considered and the scheme has been amended to address officer concerns about the relationship between the southern apartment blocks and the properties on Maer Road. The elevations and cross sections demonstrate how the ground levels on the southern part of the site would be reduced which would significantly lower the southern apartment blocks into the site which would help to reduce the overall physical impact of the building. The apartment block would be positioned 9.0 metres from the boundary of the properties on Maer Road which is defined by a vegetation and a brick boundary wall.

The western elevation of the apartment block has purposely been designed with angled windows which would direct views to the north and south of the site and provide no opportunities for overlooking to the rear gardens of these properties. Obscure glazed screens are proposed to balconies on the rear elevation of the apartments

which would also prevent overlooking and loss of privacy to the rear gardens of properties on Maer Road.

On balance, whilst introducing residential development to the southern part of the site and built form would result in a degree of impact on the amenities of the properties on Maer Road, having regard for the length of the rear gardens, the distance of the apartments from the boundary, lowering the building into the site and the angled design of the windows facing the western boundary, it isn't considered that the southern apartment block would result in significant harm to the amenities of the properties on Maer Road in terms of its physical impact or being unduly overbearing or over dominant, loss of light or loss of privacy to sustain an objection.

The juxtaposition of the residential southern block of apartments and the hotel has been the subject of negotiations with the applicant's agent and has resulted in a number of units being removed from the application due to the potential noise and overlooking conflicts, the revised positioning of the two buildings and the location of the stairwell of the residential element closest to the storage elements in the hotel is considered to be an acceptable relationship. However, as the hotel proposed a restaurant/cafe at ground floor there is likely to be a need for extraction units, the positioning of these has not been indicated on the plans, to safeguard the living conditions of future residents it is considered necessary to impose a condition for the details of such equipment to be submitted before the hotel is brought into use.

Subject to conditions which require the provision of privacy screens to balconies and outside terrace areas on apartments closest the boundaries with the properties on Maer Road, 14 Douglas Avenue and Blair Atholl and the submission of a Construction Environment Management Plan to control hours of working, noise and dust etc and reduce the impacts of construction on residential amenity, the proposed development is considered to be acceptable in terms of its impacts on the residential amenities of the occupiers of surrounding properties in accordance with Policies D1 and EN14 of the EDDC Local Plan.

### **Impact on highway safety and parking**

The existing hotel is served by two accesses onto Douglas Avenue which provides access to two small areas of parking, one at the front of the hotel and the other at the rear with a total of 35 spaces serving the 54 bedrooms and leisure facilities such that local car parks and on street parking in the accommodate the surplus traffic attracted to the site. One of the accesses onto the highway would be closed as a result of this proposal.

It is proposed to remove the area of parking at the front of the hotel and instead divert all traffic attracted to the site to the rear of the buildings. The majority of the parking for the northern block apartments would be provided in a subterranean car park (67 spaces) with some outside spaces (34 spaces) and the parking for the southern block apartments would be provided to their rear and to the east to the rear of the proposed hotel (35 spaces). Overall for the residential elements of the scheme there would be 136 spaces serving the 66 residential units which equates to in excess of the 2 parking spaces per unit for 2 bedrooms or more and 1 parking space for 1 bedroom units which exceeds the policy requirements of Policy TC9 of the EDDC Local Plan.

Devon County Highways Engineer has the following comments to make:

*'The re-development if approved, would remove one of the vehicular accesses onto Douglas Avenue, in doing so, forming one vehicular access with an adjoining footpath. This would be an improvement to the highway safety of Douglas Avenue by reducing the junction interaction of egress and ingress vehicular movements together with separating and dedicating access arrangements for pedestrians.'*

*Each dwelling unit will have at least two dedicated parking spaces thereby reducing any impact upon on-street parking within the highway network, together with sufficient space for off-carriageway turning so that vehicles are re-entering the carriageway in a forward facing motion. The vehicular access can obtain 43m visibility in both the east and west direction, meeting our current best practice guidance, Manual for Streets 1 and 2. The proposed service access of the hotel will be from the Maer Road car park subject to an agreement with EDDC, whilst maintaining the existing pedestrian access. Due to the nature of the car park, vehicle speeds should be low. There is a proposal under discussion to utilise some of the spaces in Maer Road car park for the hotel use, this would however would be on equal footing to members of the public, reducing the impact from displacement'.*

There would be no parking spaces provided on site for the hotel, save for temporary delivery parking. It is envisaged that the majority of the guests would utilise Maer Road car park immediately to the south of the site for parking on a pay per night basis, in the future there may be some concessions for a certain number of spaces, however that is between the applicant and the Council. It is not uncommon in city centre locations throughout the country where public car parks are nearby that hotels rely on these to meet their customers needs.

The parking Services Manager has the following comments to make:

*'Personally I think the car park would benefit from the additional custom that a hotel in this location would bring.'*

*You are correct that of all the Exmouth car parks, Maer Road is the one which is less often full, being slightly set back from the coastal road and not in the centre of town.'*

*I would be happy to look at the available options for car park guests and hotel staff, such as discounted rates or long term lease of some spaces, as we would benefit from the income and greater utilisation.'*

*I have initial concerns about deliveries and other HGV's using the car park, so we may have to impose restrictions on these or introduce a dedicated loading space for the safety of car park users.'*

*As the car park operates on a first come basis, we would not be able to guarantee spaces for hotel guests, however if the question is whether the car park has the capacity to service the hotel in order to grant permission, my belief would be yes'.*

Accordingly, it is considered that the proposed development is acceptable in relation to its impact on the surrounding highway network and the impact on parking locally, subject to conditions, in accordance with Policies TC7 and TC9 of the EDDC Local Plan.

### **Impact on trees**

The existing hotel has extensive landscaped grounds to the south stretching down to its boundary with Maer Road Car Park. Generally the site is mainly void of significant trees as highlighted by the tree survey submitted with the application with the majority of trees considered to be small trees / shrub specimens which have limited amenity value and are considered replaceable with appropriate replacement planting. The main trees are a Copper Beech (T1) along the northern road frontage, which is covered by a tree preservation order (TPO) and a group of trees in the south western corner including Monterey Cypress, Blue Spruce, Holm Oaks and Walnut. To the south-east, the main two trees are a London Plane and Monterey Pine, these trees are also covered by preservation orders. These trees are now proposed to be retained in comparison to previous plans which involved the removal of a number of these important trees. Only one tree of note is proposed for removal; T22, a Monterey Cypress, B category, the Council's Arboricultural Officer considers it loss to be acceptable subject to appropriate replacement planting.

The Arboricultural Officer raises no objections to the proposal however, he does note that the part of the main block proposed next to T1, is positioned in close proximity to the south western edge of the crown of the tree. As the existing building which is equally as close to the canopy is to be demolished, there is an opportunity to improve the juxtaposition between the tree and the proposed new build. Therefore it is considered appropriate to reposition the block further to the south which will reduce the proximity impact of the tree on the building and therefore lessen the need for future maintenance. However, during extensive discussions and negotiations with the applicant's agent substantial amendments have been made to the quantum of development on site and the layout and design of the buildings such that a great deal of accommodation has been lost to make the scheme more acceptable, in these negotiations it was considered that the harm to the tree would be no greater than currently existing and the existing hardstandings would be removed and replaced by grass such that it is considered that the proximity was not detrimental.

The Arboricultural Officer considers it necessary to seek a detailed soft landscaping scheme by condition with emphasis placed on large specimen trees particularly within car parking areas to better assimilate the proposal into its surroundings and achieve some gain to the local biodiversity environment.

Accordingly, subject to appropriate tree protection and replacement planting conditions, the proposal is considered acceptable in relation to Policy D3 of the EDDC Local Plan.

### **Ecology**

The submitted application is supported by a phase 1 habitat survey and desk study undertaken in February 2021, bat emergence and bat activity surveys undertaken in



2021 (April-August), and an updated site in July 2022. No evidence of roosting bats was found in 2021 and the surveys identified the western boundary as a commuting route for bats, this boundary is largely to be retained during the construction works and following completion of works. Several recommendations are made for ecological avoidance, mitigation, compensation, and enhancement.

The proposed plans (Drawing 7057-101 Rev D), indicates the removal of several trees and green space, with the proposed plans indicating a significant amount of hard standing, and new buildings. Therefore, it is difficult to determine whether the proposals would result in a negative impact on biodiversity.

The application has been supported by a Biodiversity Net Gain (BNG) report and supporting BNG calculation undertaken using the Biodiversity Metric 4.0. The report considered that based on the current site plan, the development could deliver an increase in 0.57 habitat units (a 13.68% net gain) and 1.18 hedgerow units (a 909.44% net gain).

The Council's Ecologist has the following comments to make:

*'The application has been supported by a Biodiversity Net Gain (BNG) report and supporting BNG calculation undertaken using the Biodiversity Metric 4.0. The report considered that based on the current site plan, the development could deliver an increase in 0.57 habitat units (a 13.68% net gain) and 1.18 hedgerow units (a 909.44% net gain).'*

*'The large increase in hedgerow units is based on the relatively small baseline of existing low value hedge on the site and provision of 200 m of new hedge on the site. The net gain in habitats is based on the assumptions of management of modified grassland into moderate condition and provision of a biodiverse green roof in good condition. As highlighted in the report, the predicted gains are dependent on appropriate long-term management of post-construction habitats. Failure of predicted habitat conditions for area habitats could make a significant difference in the predicted outcomes, i.e., less than expected.*

*The other supporting ecology reports make various recommendation for ecological mitigation, compensation, and enhancement measures which are generally proportional to the predicted impacts'.*

The following mitigation measures are proposed in the bat survey report:

- *Implement a sensitive lighting scheme as part of the proposed development (please see attached advisory document in Appendix). Lighting should be kept to the minimum required for public health and safety. Additionally, lighting should be downwards pointing to minimise light spill and should be concentrated within the centre of the site, away from vegetative boundaries. The use of low-level lighting bollards (or equivalent) is preferable. The scheme should, in particular, ensure no/absolutely minimal artificial light spillage on the western boundary, which has been identified as a common pipistrelle commuting route.*
- *As an enhancement feature bat roosting facilities should be provided within the*

*completed [built] development. It is recommended that at least two integrated bat roosting units are installed (one on a southern elevation and one on a western elevation of possible) per new 'block' (i.e. north block apartments, south block apartments and hotel). These can include in-built roosting facilities and/or access to bat slates etc.*

These mitigation measures would need to be conditioned on any approval together with the recommendations of the RSPB to install bird boxes on the development.

Accordingly, the proposed development is considered to be acceptable in accordance with Policy EN5 of the EDDC Local Plan.

## **Habitats Regulations Assessment**

The nature of this application and its location close to the Exe Estuary and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary 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 a financial contribution and would be secured through an appropriately worded Section 106 agreement. 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.

## **Drainage**

### Surface water drainage

The proposed surface water drainage design has been submitted with two different options depending upon whether infiltration tests (percolation) of the site indicate the use of soakaways would be successful or not. If percolation tests show that infiltration is not a viable option to deal with surface water from the proposed development, then surface water will need to be attenuated on site and discharged at a controlled rate to an off-site receptor. Plans of both drainage solutions for the site have been submitted, in the event that the preferred infiltration system is not a viable option an on site attenuation basin would be required in the southern part of the site close to the proposed Childrens' play area.

The submitted surface water drainage report indicates that there is a South West Water (SWW) surface water sewer routed under Maer Road at a distance of about 60m to the west of the site. This pipe discharges into the Littleham Brook which would

be the receptor for any greenfield runoff from the site as existing. This surface water sewer would therefore represent a suitable receptor for attenuated surface water flows from the development.

SWW have been contacted to confirm their acceptance to a proposed connection into their surface water sewer in Maer Road.

Devon County Flood Risk Department were consulted as part of the application process and originally raised no in-principle objection subject to submission of additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Additional information has been provided and DCC FRMT have the following comments to make:

*'Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that pre-commencement planning conditions are imposed on any approved permission.'*

*Following my previous consultation response (FRM/ED/1910/2022; dated 20th September 2022), the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, via e-mail, for which I am grateful.*

*The applicant has proposed 2 methods for managing surface water. If infiltration is proved viable, then surface water will be designed to soak into the ground (via soakaways). If infiltration is not viable, then surface water will be discharged off-site at a restricted rate. The applicant's current proposals would be to discharge surface water into a South West Water surface water sewer.*

*Green roofs and rain gardens are also proposed.*

Accordingly, subject to the suggested pre-commencement condition, the proposal is considered acceptable in relation to Policy EN22 of the EDDC Local Plan.

### Foul drainage

The details of foul drainage are subject to a final design, South West Water have been consulted in terms of drainage capacity, there would be a total of 130 units of accommodation on site verses the current 54 units meaning an increase in 76 units and have the following comments to make:

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

Accordingly, subject to a pre-commencement condition, the proposal is considered acceptable in relation to Policy EN19 of the EDDC Local Plan.

## **Obligations**

### Affordable housing

The report has already discussed the affordable housing requirement and the habitat mitigation payments which would need to be secured through the prior signing of a legal agreement, however, there are other items that are required to be secured through the legal agreement, namely:

### Health

The NHS clinical commissioning group (CCG) have requested a contribution from the development towards a primary healthcare costs. Whilst it is appreciated that the proposed development would add to the number of people the NHS has to care for it would not be the only development in the area that would affect numbers of people in using services and it is for the NHS to appropriately budget for and seek monies through the correct channels. The appropriate funding stream for matters such as this is through the CIL process where the NHS would need to bid for funding.

### Playspace

Strategy 43 of the Local Plan requires development of a certain size to provide and/or contribute towards on-site open space provision and maintenance through a management company or upgrading of play facilities nearby. Details of this would need to be secured through the legal agreement.

### Management company

There is a need to make sure that the open space on site and the landscaping is maintained such that on all new residential development of an appropriate scale a management company is required.

## **Conclusion**

The proposal represents a major redevelopment of a key site that is visible in its surroundings both locally and further afield across the seafront and The Maer. Long and protracted dialogue and negotiation with the applicant's agent, through this application and other previous proposals on site has meant that different iterations of design and layout have been under consideration for some time, however this process has been fundamental to produce a design and layout where officer can, on balance, now offer support for the application.

There would be a number of benefits that the proposal would provide, including employment of local trades through the demolition and construction period, provision of 15 units of affordable housing provided on site together with an off site contribution for 1.5 units, provision of upgraded holiday accommodation for visitors to the town, improvements to the appearance of the site, particularly its frontage onto Douglas Avenue.

Concerns regarding the design and layout of the development have been considered and found to be acceptable together with impacts on ecology (with mitigation and compensation measures included in the Ecological Impact Assessment), trees, highway safety and drainage (subject to conditions).

Whilst there would undoubtedly be impacts on the surroundings during the construction period and when first built, it is considered that the design and massing of the building which have been significantly improved through collaborative working with the applicant's agent and the resulting development would assimilate well into its surroundings.

Overall, the benefits of the proposal are considered to demonstrably outweigh the harm and therefore the proposal is recommended for approval subject to conditions to mitigate certain impacts of the proposal.

### **RECOMMENDATION**

APPROVE subject to the prior signing of legal agreement to secure the following:

- **15 units affordable housing on site 70% rented and 30% shared ownership;**
- **Offsite affordable housing payment of £17,338.50;**
- **Habitat mitigation payment of £367.62 per unit for all of the residential units together with 11 new holiday bedrooms;**
- **On site play area infrastructure together with its phasing in the development;**
- **Management company.**

and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)

### **PRE COMMENCEMENT CONDITIONS**

3. No development shall take place until a detailed phasing plan including all necessary works to implement the development has been submitted to and agreed in writing with the Local Planning Authority. For the avoidance of doubt the hotel hereby approved shall be fully operational and capable of first use prior to occupation of any of the residential units on site. The development shall not be carried out other than in strict accordance with the Phasing Plan as may be agreed unless otherwise agreed in writing with the Local Planning Authority.  
(Reason - to ensure the development proceeds in a properly planned way from an early stage including replacement of the existing holiday accommodation)

facilities on site prior to any residential units being occupied and to limit any unacceptable impact on the locality in accordance with Policies D1 (Design and Local Distinctiveness) and E18 (Loss of Holiday Accommodation) of the East Devon Local Plan. The condition is a condition precedent because it is imperative that the holiday accommodation is re-provided at a very early stage)

4. Prior to commencement of any works on site (including demolition), Tree Protection measures shall be carried out as detailed within the Arboricultural Report and method statement submitted by Advanced Arboriculture dated 24/08/2022 shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works are completed, no changes to be made without first gaining consent in writing from the Local Authority:

b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

c) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

d) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

e) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

f) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

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

(Reason - To ensure retention and protection of trees on the site prior to and during construction in the interests of amenity and to preserve and enhance the

character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031. The condition is a condition precedent to safeguard the existing trees during the development).

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

(Reason: To ensure that appropriate procedures are in place for all traffic attracted to the site and so that construction traffic does not unreasonably impact upon its the local highway network or the living conditions of neighbouring dwellings in accordance with Policies TC7 (Adequacy of Road Network and Site Access) and D1 (Design and Local Distinctiveness) of the EDDC Local Plan. The condition is a condition precedent to ensure residential amenity and highway safety is safeguarded before any development commences).
6. A Construction and Environment Management Plan (CEMP) must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained

in compliance with the approved CEMP. 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 and no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise and dust pollution in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan. The condition is a condition precedent to ensure residential amenity and is safeguarded before any development commences).

7. Prior to commencement of development the developer must undertake a risk assessment identifying the potential risks for airborne nuisance, additional land/water contamination and/or the creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors. The demolition should be carried out in such a manner as to minimise the potential for airborne nuisance, additional land contamination and/or the creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors. Demolition working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from water, noise and dust pollution in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan. The condition is a condition precedent as demolition is likely to be the first act of development on the site.

8. No development hereby permitted, other than demolition, shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
  - (a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
  - (b) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy and the results of the information submitted in relation to (a) above.
  - (c) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
  - (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
  - (e) A plan indicating how exceedance flows will be safely managed at the site.
  - (f) Evidence there is agreement in principle from South west Water, or other asset owner, to connect into their surface water sewer.No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood



risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The condition should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

9. No development hereby permitted, other than demolition, shall commence until a detailed foul drainage strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with South West Water. The development shall thereafter be carried out in accordance with the approved details only.

Reason: To ensure that a suitable foul drainage proposal has been submitted once ground conditions are known following demolition of the existing buildings on site in accordance with Policy EN19 – (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) of the East Devon Local Plan. The condition should be pre-commencement since it is essential that the proposed foul water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

#### **OTHER CONDITIONS**

10. The specific noise level of any fixed plant or equipment installed and operated on the site must be designed as part of a sound mitigation scheme to operate at a level of 5dB below daytime (07:00 - 23:00 expressed as LA90 (1hr)) and night-time (23:00 - 07:00 expressed as LA90 (15min) background sound levels when measured or predicted at the boundary of any noise sensitive property. Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise pollution in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan.

11. Prior to occupation of any residential unit with a balcony/privacy screen, the balcony/privacy screen shall be installed in accordance with the details shown on drawing numbers 7057-502 Rev I, 7057-520 rev F, 7057-521 Rev F received on 25<sup>th</sup> October 2023 and 7057-570 Rev I, 7057-571 Rev G, 7057-580 Rev H received on 7<sup>th</sup> March 2024 and shall be retained and maintained for these purposes in perpetuity. For the avoidance of doubt the privacy screens shall be a minimum level of obscurity equivalent to Pilkington Level 4.

(Reason: In the interests of the character and appearance of the area and to protect the living conditions of surrounding residential properties in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan

12. Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the

contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated in accordance with Policy En16 (Contaminated Land).

13. Notwithstanding the details provided 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.)

14. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development based on the submitted Biodiversity Net Gain report (Devona and Cornwall Ecology, January 2024) and recommendations within the Phase 1 Habitat Survey Report, Daytime Bat Survey & Desktop Study and Bat Survey Report (Lee Ecology, February and August 2021). It should include the location and design of biodiversity features including integrated bat boxes, bird boxes, insect bricks, and landscaping. It should include precautionary clearance methods (including toolbox talks), details regarding lighting, and reporting of actions. The content of the LEMP shall also include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a minimum 30-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

The development shall not be occupied until the Local Planning Authority has been provided with evidence, including photographs, that all ecological mitigation and enhancement features, including bat boxes, bird boxes, insect bricks, and

landscaping have been installed/constructed, and compliance with any ecological method statements in accordance with details within the submitted LEMP.

Reason: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

15. Under no circumstances should any external lighting be installed without prior consent from the local planning authority. Any lighting design should be fully in accordance with BCT/ILP Guidance Note 08/2023. Prior to any occupation of the development hereby permitted, details of the exterior lighting and management shall be submitted to and approved in writing by the Local Planning Authority. The exterior lighting shall be provided and managed in accordance with the approved details.

Reason: To ensure that the development has no adverse effect on protected and notable species and provides ecological mitigation and enhancement measures in accordance with Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.

16. Notwithstanding the details provided, no access from apartments 47, 50 or 51 at third floor level shall be formed to enable access onto the third floor roof above the second floor. Access to this roof area shall be for maintenance purposes only and it shall not be used as an amenity area at any time.

(Reason: In the interests of the character and appearance of the area and to protect the living conditions of surrounding residential properties in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.

17. Prior to occupation of any of the residential units on site, details including plans, elevations and locations of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details and be fully implemented and capable of use prior to occupation of the units they serve.

Reason: To ensure the development is accessible by a variety of modes of transport in the interests of sustainability in accordance with Strategy 5B- Sustainable Transport and policies TC2- Accessibility of New Development and TC9- Parking Provision in New Development of the Adopted East Devon Local Plan 2013-2031)

18. Provision shall be made to enable goods vehicles to be loaded and unloaded within the curtilage of the site to which this application relates to the hotel. Details of such facilities shall be submitted to and approved in writing by the Local Planning Authority and shall be provided before the development commences. The loading area as approved shall only be used between the hours of 7 am and 11pm Monday to Sunday.

(Reason - To ensure that adequate provision for loading and unloading is available and to prevent congestion in the adjacent car park in accordance with Policy TC7 - Adequacy of Road Network and Site Access of the Adopted East

Devon Local Plan 2013-2031. The hours of use are required to be restricted due to the close proximity to residential units in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

19. No development above foundation level of any building hereby approved shall take place until details of electric vehicle charging points and cycle parking facilities to serve the residential elements of the proposal have been submitted to and agreed in writing by the Local Planning Authority. The charging points and cycle parking facilities shall be provided prior to first use of the units which they serve and shall thereafter be retained and maintained for such purposes at all times.  
(Reason: To ensure the development is accessible by a variety of modes of transport in the interests of sustainability in accordance with Strategy 5B- Sustainable Transport and policies TC2- Accessibility of New Development and TC9- Parking Provision in New Development of the Adopted East Devon Local Plan 2013-2031)
20. Notwithstanding the details provided prior to first occupation of any building on site details of bird boxes including design, locations and numbers shall be submitted to and approved in writing by the Local Planning Authority. The boxes as agreed shall be installed prior to the first occupation of the building which they serve and retained and maintained as such in perpetuity.  
Reason: To ensure that there is sufficient provision for the local bird population as an enhancement to the local area in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan.
21. Development shall proceed in accordance with the recommendations contained in Section 1.2 of the Bat Survey report dated April-August 2021 carried out by Lee Ecology.  
Reason: To ensure that appropriate measures are in place for any protected species that have the potential to be impacted upon as a result of this development in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan
22. The existing access onto Douglas Avenue shall be effectively and permanently closed in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the upgraded access is capable of use  
(Reason: To minimise the number of accesses on to the public highway and create a useable area of open space in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan).
23. a) The installed tree protection will have been inspected by an appropriately experience and qualified Arboricultural Consultant commissioned to act as the project Arboricultural Supervisor.  
b) The findings of the Arboricultural Supervisors initial site inspection shall be forwarded to Local planning Authority prior to the commencement of works on site.

c) During any activities within the RPA of protected trees, an Arboricultural Supervisor shall be on site as an arboricultural watching brief. Details of watching brief shall be forwarded to the Local Planning Authority.

d) Any ad-hock site inspections shall be undertaken by a suitably qualified tree specialist and the finding recorded in the site monitoring log as per the AMS.

e) Any departures from the approved TPP and AMS shall be reported to the Local Planning Authority in writing within five working days of the site inspection.

f) A completed site monitoring log shall be submitted to the Planning Authority for approval and final discharge of the tree protection condition.

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

24. No development above foundation level shall take place until details of the equipment to be installed and the means of enclosure of the children's play area hereby approved have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the means of enclosure must make reference to which surface water drainage scheme will be installed on site (infiltration or attenuation).

Reason: To ensure that a suitable level of equipment is provided and the means of enclosure is suitable depending upon which surface water drainage design is implemented on site in accordance with Policy D1 (Design and Local Distinctiveness and Strategy 43 (Open Space) 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:

7057-106 : proposed amenity space	Additional Information	25.10.23
7057-200 B : existing site sections	Sections	25.10.23
7057-201 M : proposed site sections	Sections	25.10.23

7057-500 G : parking level N block	Other Plans	25.10.23
7057-501 J : ground/first N block	Proposed Floor Plans	25.10.23
7057-502 I : 2nd/third N block	Proposed Floor Plans	25.10.23
7057-503 F	Proposed roof plans	25.10.23
7057-505 F : accommodati on schedule N block	Additional Information	25.10.23
7057-520 F : N block 1	Proposed Elevation	25.10.23
7057-521 F : N block 2	Proposed Elevation	25.10.23
7057-575 G : accommodati on S block	Other Plans	25.10.23
7057-580 G : S block	Proposed Elevation	25.10.23
7057-600 I : ground/first hotel	Proposed Floor Plans	25.10.23
7057-601 G : 2nd floor/roof hotel	Proposed Combined Plans	25.10.23
7057-610 G : hotel	Proposed Elevation	25.10.23
7057-801 L : site overview SE	Perspective Drawing	25.10.23
7057-802 I : site overview SW	Perspective Drawing	25.10.23
7057-803 I : site overview NW	Perspective Drawing	25.10.23
7057-804 I : site overview NE	Perspective Drawing	25.10.23

7057-805 I : site views	Perspective Drawing	25.10.23
7057-806 F : site views	Perspective Drawing	25.10.23
7057-101 E : site plan demolition	Other Plans	20.02.24
7057-102 R	Proposed Site Plan	20.02.24
7057-104 I : site plan levels	Other Plans	20.02.24
7057-105 B : site plan public/private areas	Other Plans	20.02.24
7057-LP B	Location Plan	20.02.24
7057-571 Rev G: 2nd Floor & Roof Plans South Block	Proposed Floor Plans	07.03.24
7057-104 REV J: Proposed Site Plan Levels	Proposed Site Plan	07.03.24
7057-107 Rev J: Site Plan Attenuation	Other Plans	07.03.24
7057-570 Rev I: Ground Floor & First Floor South Block	Proposed Floor Plans	07.03.24
7057-580 Rev H: South Block	Proposed Elevation	07.03.24

### List of Background Papers

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

### **Statement on Human Rights and Equality Issues**

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

**Equality Act:**

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.



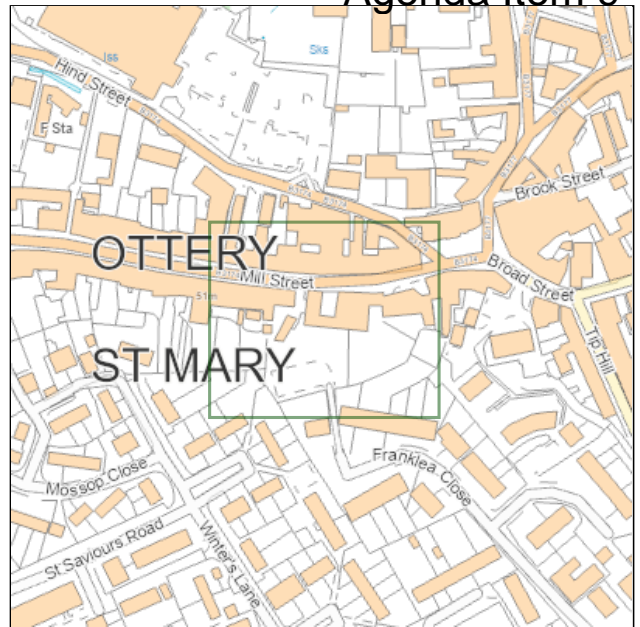
**Ward** Ottery St Mary

**Reference** 24/0166/FUL

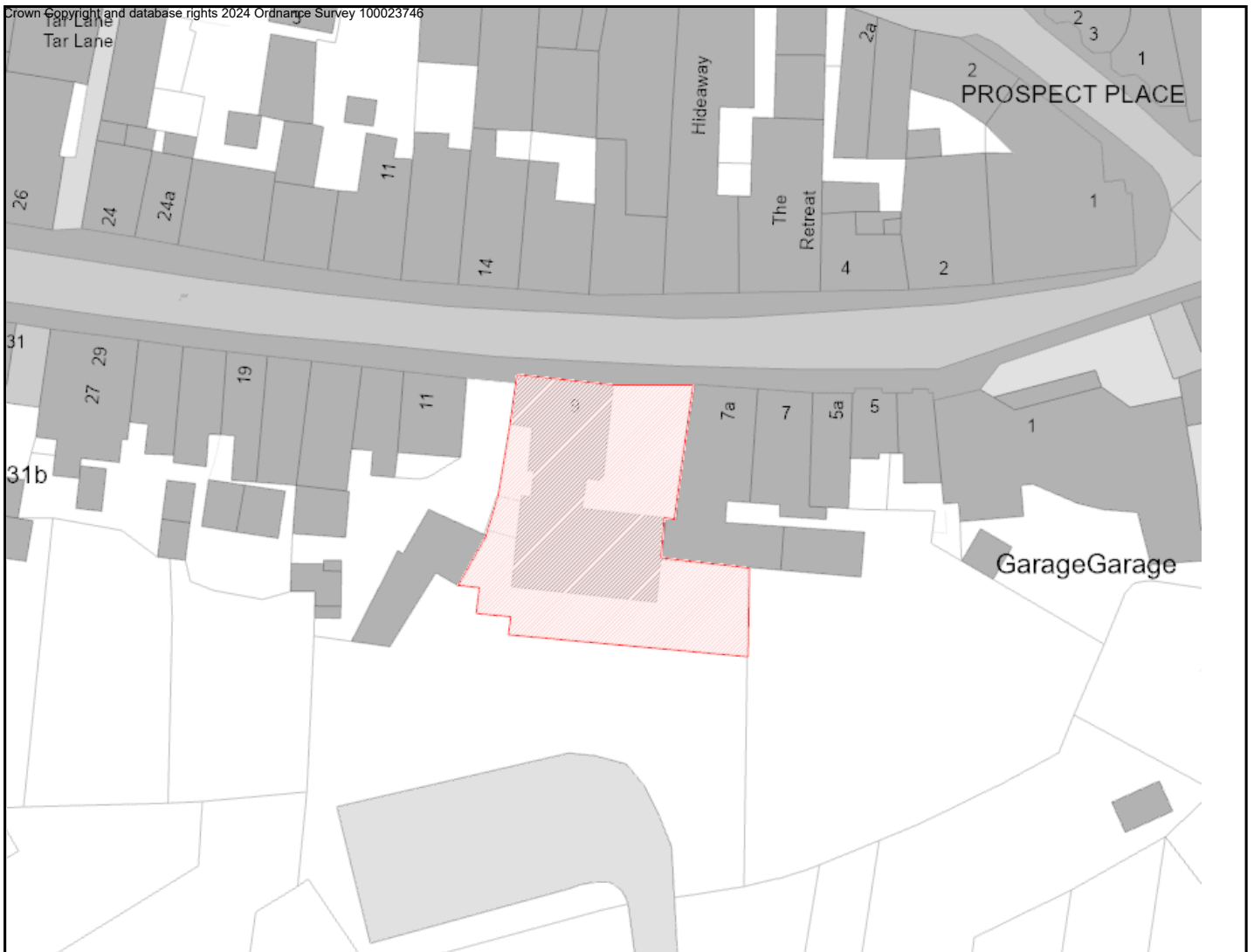
**Applicant** Taylor

**Location** 9 Mill Street Ottery St Mary Devon EX11 1AA

**Proposal** Conversion of existing office to two dwellings



**RECOMMENDATION: Refusal**



		<b>Committee Date: 23.04.2024</b>
<b>Ottery St Mary (Ottery St Mary)</b>	<b>24/0166/FUL</b>	<b>Target Date: 26.03.2024</b>
<b>Applicant:</b>	<b>Taylor</b>	
<b>Location:</b>	<b>9 Mill Street Ottery St Mary</b>	
<b>Proposal:</b>	<b>Conversion of existing office to two dwellings</b>	

**RECOMMENDATION: Refusal**

### **EXECUTIVE SUMMARY**

**This application is brought before the Planning Committee owing to the officer recommendation being in conflict with comments received from the Ward Councillor.**

**The application site is ‘The Old Manse’, a former Manse House and 1970s extension within the town centre and conservation area of Ottery St Mary which is currently in employment use but has been vacant since 2016. The proposal involves the redevelopment of the existing Old Manse building and office annexe extension into two residential dwellings.**

**The Old Manse building is proposed as being returned back to a 3 bedroom house, which will involve minor changes to the interior configuration and the repair of the existing sash windows and porch. New railings are proposed along Mill Street to enclose the garden. The existing office annexe is proposed as being reconfigured as a single storey 3 bedroom dwelling.**

**The Parish Council and East Devon’s Economic Development Officer have no objections to the scheme. The Ward Councillor supports the recommendation for refusal but does not support the change of use from employment use.**

**The proposed alterations to the buildings would reflect the surrounding context and the proposal will preserve and enhance the conservation area. The proposal would not give rise to any adverse effects on residential amenity to adjoining neighbours or future occupiers and given the site’s town centre location the limited car parking proposed is considered acceptable in policy terms.**

**Insufficient information has been provided with the application to assess the likely negative effects on protected species and their habitats, contrary to the provisions of Policy EN5 of the local plan. The presumption in favour of sustainable development does not apply where the proposal is likely to have a**

**significant effect on a habitats site unless an appropriate assessment has concluded that the proposal will not adversely affect the integrity of the habitats site. The potential harm to protected species therefore outweighs the benefits of the scheme and as such it is considered that the application should be refused.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Town Council comments: The Council support the application.

#### Ottery St Mary - Cllr Peter Faithfull

Dear Planning Central Team

I am writing in relation to planning application 24/0166/FUL. This application is in my ward and my preliminary view, based on the information presently available is that it should be refused.

This building is presently classed as employment use. Ottery has lost many important business sites to residential use over the recent years, to the point that there is a shortage of such buildings. While they often have needed to change the classification of use with the change in the local market, that does not justify losing all employment to housing. At present the building is in very poor condition, which would make it of little interest to most business. That does not justify a change of use to housing but rather a that the building needs repairs before offering out to the business community.

I support the officer's recommendation for refusal.

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

Kind regards

### **Technical Consultations**

Economic Development Officer – No objection

Conservation Officer - Proposal acceptable

EDDC District Ecologist – There are areas within the roof where bats could roost unseen and given that three different types of bats were using the site in October 2022 the application should have been supported by bat activity surveys to assess the potential impacts to protected species.

#### Other Representations

No third party representations have been received

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
75/C0602	Construction Of Office Extension	Approval with conditions	09.09.1975
76/C0272	Construction Of Office Extension	Approval with conditions	29.06.1976
01/P2581	Proposed Residential Development Of Land To Rear Of The Old Manse [ Amended Proposal ]	Refusal	18.02.2003
01/P2582	Alterations To Layout Of Office Parking And Two Bungalows To Part Of Land To Rear Of The Old Manse	Withdrawn	16.12.2002
09/1985/ADV	Proposed advertisement sign	Refusal	20.11.2009
13/1200/MFUL	Change of use from A2 (Financial & Professional Services) to A1 (Shops), A2 (Financial & Professional Services) A3 (Restaurants & Cafes), and A4 (Drinking Establishment) and conversion of part to form 1 no. maisonette, 2 no. flats (C3 Dwelling Houses) and 8 no. townhouses	Withdrawn	19.08.2013

14/0662/MFUL	Change of use on the ground floor of The Old Manse from A2 (Financial & Professional Services) to A1 (Shops)/A2 (Financial & Professional Services)/A3 (Restaurants & Cafes)/A4 (Drinking Establishments); conversion of the upper floors to form 1 no. maisonette; construction of an additional storey on the Annex and conversion to form 2 no. flats; and construction of 8 no. townhouses.	Refusal	05.06.2014
16/1987/MFUL	Change of use on the ground floor of The Old Manse from A2 (Financial & Professional Services) to A1 (Shops)/A2 (Financial & Professional Services)/A3 (Restaurants & Cafes)/A4 (Drinking Establishments); conversion of the upper floors to form 1 no. maisonette; construction of an additional storey on the Annex and conversion to form 2 no. flats; and construction of 7 no. townhouses.	Approval with conditions	04.04.2018
22/1645/FUL	Construction of 3 no. detached dwellings to rear of The Old Manse with associated amenity space and parking.	Approval with conditions	28.04.2023

## **POLICIES**

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

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 24 (Development at Ottery St Mary)

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

Strategy 43 (Open Space Standards)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)  
EN10 (Conservation Areas)  
E9 (Town Centre Vitality and Shopping Areas)  
E10 (Primary Shopping Frontages)  
TC2 (Accessibility of New Development)  
TC9 (Parking Provision in New Development)

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

Policy NP2: Sensitive, High Quality Design  
Policy NP9: Accessible Developments  
Policy NP12: Appropriate Housing Mix  
Policy NP14: Demonstrating Infrastructure Capacity  
Policy NP18: Supporting Ottery St Mary as the Economic Focus for the Parish  
Policy NP22 Ottery St Mary Conservation Area  
Policy NP24: Car parking in Ottery St Mary Town Centre

#### Government Planning Documents

NPPF (National Planning Policy Framework 2023)

### ANALYSIS

#### Site Location and Description

Mill Street is one of the principal streets in Ottery St Mary running east to west through the town centre. No. 9 Mill Street is on the south of the street, and sits perpendicular to the street, with a small garden / amenity area facing the street to the east of the house. The ground floor of the house is slightly elevated above street level, with a small retaining wall running along Mill Street between the garden and the street. The house is accessed via a pedestrian gate in the retaining wall, with steps up to the garden level.

Built as a Manse House in the mid nineteenth century, the house was a clerical house until 1963, when it became a private home. From the 1970s until 2014 the building was in commercial use, but since then the building has been vacant.

The Old Manse is a two storey house with rendered east and west elevations and a red brick north / street facing elevation, laid in a garden wall bond. The house has an attic storey with a west facing dormer window and a further attic gable window. The principle elevation is symmetrical about the front entrance door, with 16 pane sash windows, boarded to the ground floor, either side of the front door which is also boarded. The house has a barrel roofed porch supported on slender columns. The entrance door and arched fanlight are both boarded but there is raised and fielded panelling to the entrance door reveals. The Old Manse is within the Ottery St Mary Conservation Area and is highlighted as a building of architectural importance which makes a significant contribution to the townscape.

A significant extension was added to the original house during the 1970s, which sits perpendicular to the Manse building to the rear of the Manse's garden, but at a higher level, reflecting the topography of the site. The extension is accessed via a two storey flat roofed extension.

Since becoming vacant the building has deteriorated and is currently in a poor condition. The windows have been boarded to prevent access to squatters. An internal inspection of the property was not made during the site visit but the applicant has submitted internal photographs of the house which show that the building is in a dilapidated state. There are areas of lath and plaster having been removed from walls and ceilings in various locations, an area of exposed cob in one of the first floor rooms, and there are areas where floorboards have been removed. One of the rooms has some missing floor joists and floor boards with the remaining floor structure looking to have a significant bow across it.

### Proposed Development

The proposal involves the redevelopment of the existing Old Manse building and office annexe extension into two residential dwellings.

The Old Manse building is proposed as being returned back to its original use as a single house, with living room, office and large kitchen diner to the ground floor, and three bedrooms to the first floor. At ground floor the proposal involves the removal of a number of modern partitions and one historic partition, and minor alterations to the first floor level. No changes are proposed to the second floor layout, and the two existing rooms within the loft space are indicated as a store room and a play room.

Few changes are proposed to the external elevations of the Old Manse. The existing sash windows and porch are proposed as being retained and repaired. The flat roofed link between the Old Manse and the higher level extension is currently predominately glazed. The large window opening to the ground floor is being retained and fitted with new French doors from the kitchen, and at first floor level the large vertical glazed elements are proposed as being removed and replaced with a more domestically proportioned window with head height to match the windows on the adjacent Manse building.

No changes are proposed to the north / street facing elevation or to the west elevation of the Old Manse. The timber dormer windows to the west elevation roof are proposed as being repaired.

New railings are proposed to be fitted to the brick retaining wall between the Manse garden and Mill Street, to enclose the garden.

The existing office annexe is proposed as being reconfigured as a single storey 3 bedroom dwelling. The access to the dwelling is to the rear of the Old Manse building and up the existing external steps, to a newly created porch extension on the south elevation on the annexe building. The building has been arranged with a large open plan kitchen and living area facing south towards the small enclosed garden, and bedrooms to the northern end of the dwelling.

The existing annexe has very large windows to both its north and south facing elevations, reflecting the era in which it was constructed. The proposal shows the windows being reduced in number and size to reflect a more domestic proportion to the elevations.

The drawings indicate that new windows to the annexe are proposed to be of UPVC, with the roof being retiled. The proposed roofing material is not specified.

### Analysis

The principal issues for consideration are the principle of development, the design impact on the character of the site, the impact on the conservation area, residential amenity, parking and ecology.

### Principle of Development

The site is within the Built Up Area Boundary for Ottery St Mary where development is acceptable in principle. The site is within the Town Centre Shopping Area and on a Primary Shopping Frontage as defined in the Local Plan proposals map.

The building has been vacant since the legal practice who were based in the Old Manse moved out in 2014 - 2016. East Devon Local Plan Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) states that 'In order to ensure that local communities remain vibrant and viable and are able to meet the needs of residents we will resist the loss of employment, retail and community uses'.

The policy goes on to state that permission would not normally be granted for the change of use of current or allocated employment premises unless any of the policy criteria can be met. Criteria 3 states that permission will not be granted for the change of use unless: 'Options for retention of the site or premises for its current or similar use have been fully explored without success for at least 12 months (and up to 2 years depending on market conditions) and there is a clear demonstration of surplus supply of land or provision in a locality'.

The applicant has submitted additional information in respect of the marketing effort of the property, including a copy of the Estate Agent's marketing details and a copy of the Estate Agent's letter of instruction dated 9<sup>th</sup> June 2023. Obviously, this is less than a year ago so does not fully comply with Strategy 32. A letter received from Hall and Scott Estate agents dated 22<sup>nd</sup> March 2024 confirms that prior to being marketed by Hall and Scott the property was being marketed by Francis Louis Estate Agents, with planning approval for use as a shop with a maisonette over, as per the 16/1987/MFUL approval which has now expired, but no written evidence has been provided as to the date of this. Hall and Scott Estate Agents have also provided full details of all property viewings undertaken since 9<sup>th</sup> June 2023. The agents have undertaken 10 viewings with a total of 7 interested parties. The agent confirmed that none of these had any interest in the building from a commercial point of view, and that at present they have an interested party who would want to convert the property back to a family home which they would occupy themselves.

It is clear from the planning history that the building has been empty since the former occupiers moved out in 2014-2016, which is approaching a decade ago. The submission also contains a letter from Everett Masson and Furby confirming there is very little demand for commercial premises within the town centre of Ottery St Mary, because of the rise in home working and the preference for modern office buildings on the outskirts of Exeter.



The submitted design and access statement states that the following premises in Ottery St Mary are empty and available to rent as at January 2024, although no evidence has been provided to substantiate this: eight offices in Otter Mill; two properties in Cornhill Way; three takeaways and five café / restaurants; one property in Hind Street, one in Jesu Street, and six properties in Broad Street including three office rentals.

Photographs submitted with the application confirm that the building is currently not in a condition that could be rented out without significant repairs being undertaken first. On this basis, it is not envisaged that a suitable buyer would choose these premises for commercial use, which would require considerable investment before being useable, over alternative buildings within the town centre that are immediately useable.

The East Devon Economic Development team stated in their response that they are aware of reduced demand for office space within the district, and that the re-use of this dilapidated building would clearly benefit the wider town centre. On this basis they have no objection to the application.

The Town Council are also in support of the application. Given the availability of other commercial premises within the town centre shopping area that offer suitable accommodation for a range of businesses, it is not considered that the loss of 9 Mill Street would harm business and employment opportunities in the area.

Strategy 24 (Development at Ottery St Mary) of the Local plan seeks to ensure development is focused on meeting local needs and making the town a more vibrant centre, and states that the viability of the town centre will be enhanced through additional housing development. Turning an un-used building into new dwellings would add vibrancy to the town centre.

#### Design impact on character of site

The application is for change of use of the existing buildings, and as such the proposal will not result in any changes to the massing or height of the existing buildings.

The Old Manse is referred to within the Ottery St Mary Conservation Area appraisal as a key building which makes a significant contribution to the townscape. The current condition of the building detracts from the character and appearance of the area however. The proposed scheme does not propose any changes to the elevations of the historic parts of the Old Manse building, other than repairs to the existing fabric. The scheme proposes retention and repair of the existing sash windows and the porch, which will enhance the building and the wider conservation area. It is not clear from the drawings whether the historic front door is still in situ behind the security boarding. Any new door, if required, would be expected to be in timber and this can be dealt with via a condition imposed on any approval. The proposed changes to the two storey flat roofed extension to the south elevation of the Old Manse, which originally linked the building to the annexe, reduce the overall amount of glazing and introduce a larger percentage of solid wall, reflecting the

general characteristic seen within the conservation area. The proposed railings along the street elevation which will enclose the Old Manse's garden whilst still retaining this as an attractive and historic feature within the townscape.

The annexe building facing Mill Street has no ground floor level windows owing to the topography of the site. The first floor windows are currently a large horizontal strip of glazing running along the north elevation. The proposal looks to infill some of the existing glazed area to provide two smaller windows, which again would better reflect the surrounding architecture so is a welcome change to the elevations. The rear / south facing annexe elevations indicate minor changes to the window proportions to reduce the overall amount of glazing, but will still provide ample daylighting to the interiors.

No changes are proposed to the west elevation of the annexe building, other than replacement windows. These are proposed in upvc, but this elevation is quite prominent within the conservation area given its height above street level therefore these windows would be expected to be in timber. Again this can be dealt with via a condition on any approval to ensure the proposals preserve and enhance the conservation area.

New glazed doors are proposed from the east elevation of the annexe from which the garden may be accessed. The roof of the annexe building is proposed as being retiled, but the material for this is not specified. A traditional fixed natural slate would be suitable given the site's location within the conservation area. This can be dealt with via condition should the scheme be recommended for approval.

### Heritage

The proposed repair works to the external elevations will improve the visual contribution the building makes to the historic and architectural character of the street scene and surrounding conservation area. Para. 203 of the NPPF states that 'In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. The Old Manse was still in residential in the 1960s therefore returning the building into residential use would be consistent with its conservation. The proposal would also preserve and enhance the appearance and character of the conservation area and the town centre.

The use of Upvc windows in conservation areas, as indicated to the proposed annexe elevations, is not supported therefore a condition will be imposed upon any approval to ensure the suitability of the proposed elevational finishes.

### Residential / Neighbour Amenity

As the buildings are already in existence there is a limit to the considerations of residential amenity, however the potential changes in overlooking as a result of the change of use do need to be considered.

An area of land to the east of the existing annexe, measuring approximately 8 x 9 metres, is proposed as being the garden for the annexe bungalow. This is bounded by a 1.3 metre high retaining wall to the northern boundary. Beyond this is No. 7A Mill Street, whose first floor windows sit 10 metres away from the northern boundary. Given the relatively dense urban context in which these buildings are sited this is considered to be acceptable.

The proposed annexe bungalow would also be overlooked by the housing development under application no. 22/1645/FUL which is in the same ownership as this application.

Approved houses 2 and 3 are in relatively close proximity to the existing annexe. House 3 has small slot windows to the ground floor north west / annex facing elevation and is slightly offset from the annexe.

Approved house 2 is 9 metres south of the annex. The boundary fence to the rear garden of house 2 will provide privacy from overlooking from the ground floor living areas but there will be an element of overlooking between the bedrooms of house 2 and one of the bedrooms and living room of the proposed annexe bungalow. Again this is an urban town centre site and given the constraints of the existing buildings a small amount of overlooking is considered acceptable.

#### Highways, access and parking

The Old Manse has a single parking space to the rear of the building, which is indicated as being retained. The proposed annexe bungalow has no parking. The submission indicates 4 bicycle parking spaces are to be provided. Parking standards are laid out in Local Plan Policy TC9 (Parking Provision in New Development), confirming that the proposed cycle parking is adequate for the scheme. The policy states 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'.

There is at least one bus an hour between Exeter and Honiton, with the last bus from Exeter leaving at 8.30pm, and a limited service between Sidmouth and Whimble which serves Ottery. This probably does not meet that standard required by the policy to negate the requirement for a parking space. The application site does however have access to on street parking within the town centre and access to public car parks, which would therefore meet the policy requirement for car parking to not be necessary for the proposed change of use.

Pedestrian access to the proposed annexe bungalow is via the footpath and steps to the west elevation of the Old Manse / annexe. The existing steps will require both lighting and handrails / balustrading to be fitted to the steps and to the presently unguarded areas at the top of the steps which is approximately 2 metres higher than the surrounding hard standing / parking area. A condition will be imposed should the scheme be recommended for approval in respect of the details of the stair guarding and lighting to ensure the suitability of the design given the site's location within the conservation area.

## Ecology / biodiversity

A Preliminary Ecological Assessment (PEA) was submitted with the application. The report states that the urbanised environment is unfavourable for bats, and the survey also recorded negligible potential for bats externally and no evidence of bats internally.

However EDDC's district ecologist fundamentally disagrees with the assessment of the building having negligible suitability to support roosting bats. The photographs and description of the building, including its age, the amount of potential access points eg. through raised verge tiles, as well as the roof having a bituminous felt lining that offers suitable unseen roosting locations for bats, and given the number of bat roosts in the surrounding area, gives the building a low to moderate suitability to support roosting bats.

The ecology report states that the desk study indicates there are records of bat licences within the wider area. One of these is within 200 metres of the application site, contrary to the report statement that the urbanised environment is unfavourable for bats.

The previous application for the site 22/1645/FUL included the change of use of the Old Manse, but this element of the proposal was removed from the application following survey work which revealed evidence of bats within the building.

The district ecologist also confirms that three bat species were found in the building during a survey undertaken in October 2022, evidence of which would have been submitted to the Devon Biodiversity Records Centre and the Devon Bat Group. This evidence is not referred to in the PEA which accompanies this submission.

This application should have been supported by appropriate bat emergence surveys undertaken during the appropriate survey period to provide confidence in a negative assessment of bat use or to categorise any roost(s) present and allow appropriate avoidance and mitigation measures to be incorporated into the development. Bat roosts are legally protected and it is an offence to damage or destroy a roost without a license from Natural England. The submitted survey does not provide enough evidence to assess the likely negative effects on protected species, therefore on this basis planning permission must be refused.

## Landscape Impacts

No details have been submitted in respect of the proposed landscape treatment around the existing annexe building in respect of proposed surface treatments or boundary treatments. The site plan indicates a low level retaining wall to the south of the annexe but again no details have been given in respect of the proposed materials of this wall or whether a boundary fence / landscaping will be required to the top of the retaining wall to ensure privacy between the annexe and the approved houses behind. Further details would be requested by way of condition in respect of the proposed landscaping details of the site including the access from Mill Street.

## Other matters

The new sanitary facilities within the annexe building are proposed as connecting into the existing foul sewage. Rainwater disposal from the existing roofs will be as per the current arrangement. Surface water run off from the new hard landscaped areas around the annexe building are proposed as being dealt with via a soakaway.

The proposal indicates a bin store at the top of the external steps outside the annexe building. This is very close to a bedroom window, and given the change in height of around two metres between the proposed bin store location and street level this location is not considered appropriate. An alternative location has not yet been proposed by the applicant therefore this would have to be dealt with via condition in connection with the overall external works scheme in the event of an approval.

There are a number of existing mature trees along the application site boundary to the east of the existing annexe. No works are proposed near these trees and as such they will be unaffected by the proposals. The site is not within a flood risk area.

## **RECOMMENDATION**

REFUSE for the following reasons:

1. Insufficient survey information has been provided to assess the potential impacts to protected species and their habitats that could arise as a result of the conversion of the existing offices to two dwellings. The full impact of the proposal on protected species cannot be properly considered in the absence of full survey information to confirm the presence or absence of protected species. Bat roosts are legally protected and the proposals for conversion of the existing building could lead to harm to protected species and the loss of habitats. The proposal for conversion of the existing office is therefore contrary to the Adopted East Devon Local Plan Policy EN5 (Wildlife Habitats and Features) and Paragraphs 185, 186 and 188 of the National Planning Policy Framework.

## NOTE FOR APPLICANT

Informative:

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

## Plans relating to this application:

3887/05 West Elevation	Combined Plans	30.01.24
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3887/03	Ground	Proposed Floor Plans	24.01.24
3887/04		Proposed Floor Plans	24.01.24
	First/Second		
3887/06		Combined Plans	24.01.24
	North/South		
	Elevations		
3887/07	East	Combined Plans	24.01.24
	Elevation		
		Location Plan	06.03.24
3887/08 rev A		Proposed Site Plan	06.03.24

### List of Background Papers

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

## **Statement on Human Rights and Equality Issues**

### Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

### Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

## Appendix - Technical Consultations

### Economic Development Officer

08/03/24 - Recommendation: No objection

### Comments

The loss of office provision to a residential dwellings would evidently harm business and employment opportunities in the local area. The applicant is therefore required to evidence

that all options for retention of the site for its current or similar employment use have been fully explored without success for at least 12 months (or 24 months depending on market conditions) and there is a clear demonstration of surplus supply of land or provision in the local area.

Marketing guidance has been published by the Council to aid applicants with this element of the policy. This is available at: <https://eastdevon.gov.uk/planning/planning-services/planning-development-management/viability-guidance-notes/marketing-strategy-statement-guidance/> The evidence submitted by the applicant has not sufficiently addressed the requirements as set out in the marketing guidance and has therefore not satisfied this element of Strategy 32 in our view. The applicant has evidenced surplus supply of provision in the local area, although only limited detail has been provided.

The Economic Development team is aware of reduced demand for office use across the district and is aware of the unique challenges facing retail, in Ottery St Mary in particular. We also note the comments regarding the lack viability or suitability of this site for alternative employment uses. The reuse of this dilapidated building would clearly benefit the wider town centre to at least some degree.

The Economic Development team has weighed up these various economic factors and has no objection to this application.

EDDC District Ecologist

05/03/24

The application is supported by a phase 1 bat and nesting bird survey report (Devon and Cornwall Ecology, June 2023). The preliminary survey found no evidence of bat use inside the building, and it was considered to have negligible potential for bats externally. The report also indicated the site is in a location that is unsuitable for bats given the urban location (section 1 para 3). Section 2 of the report indicates some form of desk study being undertaken and indicates there are records of bat licences in the wider area. From Magic Map, one of these is located within 200 m of the site. The south part of the site previously consisted of trees and scrub, which offers bat foraging habitat. Planning reference 20/1985/FUL also demonstrates that bat roosts are located in the central built-up area of Ottery St Mary.

Despite the surveyor finding no evidence of bat use in March 2023, the photographs and description of the building, including its age, the amount of potential access points e.g., through raised verge tiles, as well as the roof having a bituminous felt lining that offers suitable unseen roosting locations for bats, and given the number of bat roosts in the surrounding area, I would fundamentally disagree with the assessment of the building having negligible suitability to support roosting bats.

In my view, in the absence of evidence internally, the building would be considered to have at least a low to moderate suitability to support roosting bats, in accordance with Table 4.1 of bat survey guidelines (extract from of the 3rd Edt when the survey was undertaken - Collins, 2016).

**Table 4.1 Guidelines for assessing the potential suitability of proposed development sites for bats, based on the presence of habitat features within the landscape, to be applied using professional judgement.**

Suitability	Description Roosting habitats	Commuting and foraging habitats
Negligible	Negligible habitat features on site likely to be used by roosting bats.	Negligible habitat features on site likely to be used by commuting or foraging bats.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions <sup>a</sup> and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation <sup>b</sup> ).  A tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only very limited roosting potential. <sup>c</sup>	Habitat that could be used by small numbers of commuting bats such as a gappy hedgerow or unvegetated stream, but isolated, i.e. not very well connected to the surrounding landscape by other habitat.  Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions <sup>a</sup> and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).	Continuous habitat connected to the wider landscape that could be used by bats for commute such as lines of trees and scrub or linked back gardens.  Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.

Given that there are areas where bats could potentially roost unseen, the application should have been supported by bat activity surveys (supported by night vision aids (NVAs)) to provide confidence in a negative assessment of bat use or categorise any roost(s) present in accordance with Table 7.3 of bat survey guidelines (extract below) and interim guidance note on NVAs (Bat Conservation Trust, May 2022).

**Table 7.3 Recommended minimum number of survey visits for presence/absence surveys to give confidence in a negative result for structures (also recommended for trees but unlikely to give confidence in a negative result).**

Low roost suitability	Moderate roost suitability	High roost suitability
One survey visit. One dusk emergence or dawn re-entry survey <sup>a</sup> (structures).  No further surveys required (trees).	Two separate survey visits. One dusk emergence and a separate dawn re-entry survey. <sup>b</sup>	Three separate survey visits. At least one dusk emergence and a separate dawn re-entry survey. The third visit could be either dusk or dawn. <sup>b</sup>

<sup>a</sup> Structures that have been categorised as low potential can be problematic and the number of surveys required should be judged on a case-by-case

In addition to the above, I have personal knowledge of this site having surveyed it in 2013 and 2016. More recently, in my former role as an ecological consultant, I was the senior ecologist who quality assured (QA) a preliminary ecological appraisal (PEA) for the site in October 2022. The PEA found evidence of at least three bat species within the building (on all levels), including lesser horseshoe bat. I corresponded at the time with the project manager as they wanted to explore the potential option of a 'worse case scenario' mitigation option, as after finding evidence of bat use, this triggered the need for roost characterisation surveys, and this would hold up the validation of the application. DNA analysis of bat droppings was also recommended but never instructed.

Therefore, you will realise my surprise that when I was consulted on this and when I read the planning report it found no evidence of bat use in March 2023. The 2023 report also states that no meaningful data would be supplied by a local records centre. However, evidence of bat use found in October 2022 would have been submitted to Devon Biodiversity Records



Centre (DBRC) and Devon Bat Group (DBG). Bat roosts are legally protected, and it is an [offence to damage or destroy a roost](#) without a licence from Natural England.

Following the above, I would be interested to understand how evidence of bat use previously found is no longer present and would consider that any application for this site should be supported by appropriate bat activity surveys.

William Dommett MSc MCIEEM  
District Ecologist

### Conservation

CONSULTATION REPLY TO CENTRAL TEAM  
LISTED BUILDING CONSENT/CONSERVATION AREA  
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: 9 Mill Street, Ottery St Mary, Devon EX11 1AB

GRADE: not listed APPLICATION NO: 24/0166/FUL

CONSERVATION AREA: Ottery St Mary

PROPOSAL: Planning permission is sought for conversion of existing office to two dwellings

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

The main building was constructed in 1850s and has been altered losing its historic front porch. It has retained 8 over 8 sliding sash windows which are a positive feature of the building as is the elegant staircase. The Manse is a positive building in the conservation area.

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

There is no objection in principle to the conversion of the unit to two dwellings as the main building was likely a dwelling historically and has heritage value. The heritage statement refers to it being the ministers house The manner of the conversion is lacking, and its design could be improved to enhance the conservation area but it would preserve the conservation area only with this application due to the design. The lack of a good heritage statement to appreciate and understand the buildings value should have been submitted. Research may offer more of the buildings history The following are improvements that could be made to the scheme.

- o The repair of the existing windows is beneficial.
- o The bird box should be placed on the modern building - it is obtrusive on the front elevation of this building.
- o The modern extension should be part demolished on the link to make the historic building detached. The current arrangement is badly designed with such a large modern extension on the higher level.
- o The porch should be rebuilt and properly detailed, and the current porch is quite poorly designed.
- o The building could be lime rendered.
- o Internally it has retained a good staircase and likely the room arrangements are historic. A comprehensive repair scheme would be welcomed.

In principle there is no objection to the application as it would preserve the conservation area but the scheme could be very much improved. There are no listed buildings that would be affected by this.

With respect to any buildings or other land in a conservation area there is a duty placed on the Council under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. Here taking account of the above this has been taken into consideration.

#### POLICIES

Listed Buildings and Conservation Areas Act 1990, section 66 and 72

NPPF section 16

East Devon District Council, EN9

Conservation Area Appraisal.

#### PROVISIONAL RECOMMENDATION - PROPOSAL

Acceptable

DATE: 8/4/24

INITIALS: M. Pearce

Conservation Officer