

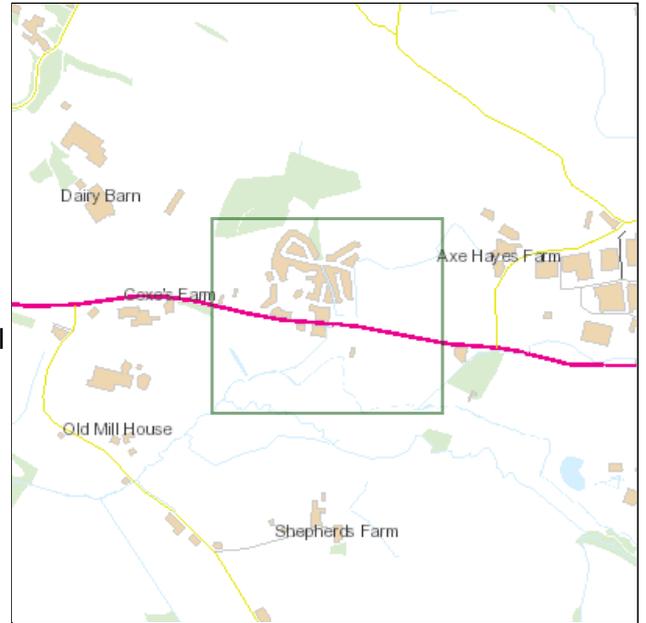
Ward Clyst Valley

Reference 21/3243/MFUL

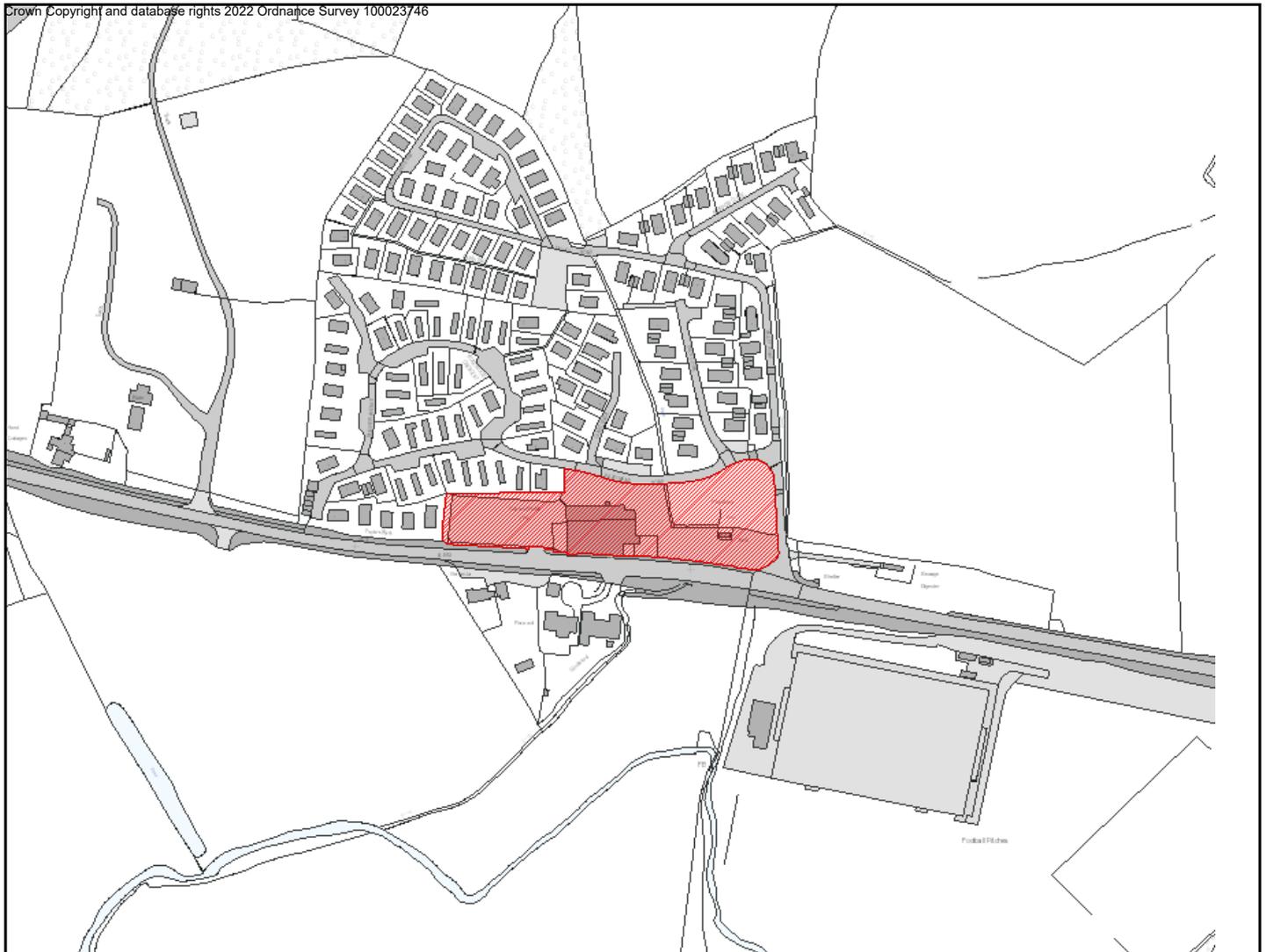
Applicant St Austell Brewery Limited Lewis C/O Agent

Location Cat And Fiddle Inn Sidmouth Road Clyst St Mary Exeter EX5 1DP

Proposal Re-submission of application 17/2336/MFUL full planning permission for the reconfiguration of the existing public house and construction of a two storey, 33No. bed hotel with associated infrastructure in line with the subsequent Variation of Conditions approval (Ref 18/0223/VAR)



RECOMMENDATION: Adopt the included appropriate assessment and Approve the application with conditions



		Committee Date: 25.10.2022
Clyst Valley (Bishops Clyst - Sowton)	21/3243/MFUL	Target Date: 12.07.2022
Applicant:	St Austell Brewery Limited Lewis C/O Agent	
Location:	Cat And Fiddle Inn, Sidmouth Road, Clyst St Mary	
Proposal:	Re-submission of application 17/2336/MFUL full planning permission for the reconfiguration of the existing public house and construction of a two storey, 33No. bed hotel with associated infrastructure in line with the subsequent Variation of Conditions approval (Ref 18/0223/VAR)	

RECOMMENDATION: Adopt the included appropriate assessment and Approve the application with conditions

EXECUTIVE SUMMARY

Members will note that this application is effectively a renewal of previous planning permissions granted for the construction of a two storey 33 no. bed hotel, alterations to public house and re-configuration of car parking approved in January 2018 (ref 17/2336/MFUL). The planning permissions have not been implemented and the timeframes for implementation have now expired. This application is before Members of the Development Management Committee because it is a departure from the Local Plan.

The Cat and Fiddle site is within the open countryside where development should be strictly controlled. Whilst there is support for the promotion of tourism and small scale economic development in the countryside, there are no policies contained within the East Devon Local Plan that would support the proposed hotel development in this location and therefore the principle of the proposed development is considered to be contrary to Strategy 7 (Development in the Countryside) of the Local Plan.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Notwithstanding the sites location within the countryside, a balance of sustainability has been undertaken in accordance with guidance contained in the National Planning Policy Framework (NPPF).

The application proposal presents a number of clear economic benefits to the District. In this instance the proposed hotel would build upon the existing public house business on the site and in part facilitate its redevelopment to create a better designed destination. Furthermore there are a number of leisure and commercial based activities close to the site that have the potential to create guests to occupy the hotel such as Sandy Park, Westpoint and Crealy. It is important to note that whilst some of these activities are based in Exeter, the visitor spend could be retained within the East Devon District and boost the local economy. It is considered that the tourism and economic benefits from the proposal clearly weigh in favour of the proposed development and should be afforded a significant amount of weight within the overall planning balance.

The application site is on previously developed land which has a semi-urban character and the proposal does not require any further extension or encroachment into the countryside. This weighs in favour of the application and meets the aspirations of national planning policy for encouraging the effective use of land by reusing land that has been previously developed (brownfield land) and that of the Bishops Clyst Neighbourhood Plan. In addition, the site is considered to be in a relatively sustainable location in transportation terms. Whilst it isn't located within a settlement, it can be accessed by a variety of modes of transport including on foot, cycling, car and public transport. There are not considered to be any significant environmental impacts arising from the proposal.

The proposed hotel and refurbishment to the public house are considered to be of a design, size and scale that would not adversely impact on the character and appearance of the area. Whilst the hotel building would have a degree of impact on the occupiers of surrounding residential properties on the adjacent park home site, the scheme has been designed to be cut into the site to reduce its height and therefore its overall physical impact. First floor hotel room windows on the western side of the building have been re-designed to be angled such that views from the windows would be deflected away from no 5 Poplars Walk whose property has a number of primary windows facing towards the site.

The application is considered to be acceptable in terms of impacts on residential amenity, highway safety and parking, its impact on ecology and trees, flood risk and surface water management. Turning to the overall planning balance, the strong economic benefits that the proposal would bring to the local economy and tourism within the District and its lack of environmental and social harm are considered to weigh heavily in favour of the application such that it is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Parish Council did not object to the original application 17/2336/MFUL following the applicant's positive response to concerns raised by local residents at a public meeting organised by the applicants.

The applicants made a further approach to this Parish Council in Nov 2021 prior to the submission of this renewal application and we did raise with them our concerns about the safety of motorists exiting the Car Park onto the busy main A3052 road.

The A3052 currently has a 50mph speed limit at this point and drivers exiting from the Car Park are faced with fast moving traffic travelling east where the visibility is somewhat limited. We consider the exit from the Car Park to be of real concern, even though this was not the view of the Highway Authority when they were consulted originally.

We fully understand that the applicants have no control over the highway but we consider that planners should be aware of the potential problem. In fact, after much pressure from the Parish Council, DCC HATOC has supported our application to have the speed limit reduced to 40mph from Westpoint to Hill Barton. We are currently awaiting the final decision of Cabinet.

Such a speed reduction would greatly improve the safety of the exit for motorists from the application site.

Other than the concerns expressed regarding road safety we have no objections to this application.

Technical Consultations

DCC Planning

I am contacting you in the County Council's role as the Waste Planning Authority with regard to the above planning application.

Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.

This application is not supported by a Waste Audit Statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement in advance of the commencement of development.

Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at: <https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document>

Please do not hesitate to get in touch should you have any queries in relation to our comments.

Environment Agency – 03.05.2022

Environment Agency position

We object to this planning application because it is not supported by an acceptable Flood Risk Assessment (FRA). The detailed reasons for our position are set out below together with an informative in regarding environmental permitting for the discharge of treated sewage effluent.

Reasons - Flood Risk Assessment

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA that has been submitted was written in 2017 and therefore must be updated to account for updated climate change allowances as set out in National Planning Policy Framework guidance before this application is determined.

The 2017 FRA only mentions climate change allowance and consideration with regard to increases in rainfall and with reference to sustainable drainage systems (SuDS). Increases in peak fluvial flow must also be considered in the FRA and the impact of increase in peak fluvial flow on future flood extents. Information on peak fluvial allowances can be found: Flood risk assessments: climate change allowances - GOV.UK (www.gov.uk)

For this site the increase in peak fluvial flow for the development lifetime of 100 years is 46% (the central allowance). With this in mind the finished floor levels of the new hotel should be 400mm above the 1 in 100 year plus climate change flood event. The minimum finished floor level proposed in the updated FRA should be included on relevant plans and drawings.

There is an ordinary watercourse which crosses the site. Accordingly please note the following:

- o Nothing should be built over the top of the culvert and there should be a 6m easement on either side to ensure any future maintenance of the culvert will be possible.
- o If they haven't been already, Devon County Council Lead Local Flood Authority should be consulted in regard to the SuDS aspect of the planning.
- o Any works to the ordinary watercourse culvert will require a land drainage consent which are processed by Devon County Council Lead Local Flood Authority. Please note that planning permission does not automatically guarantee that a land drainage consent will be forthcoming.

Part of the existing pub is in an area classified as flood zone 3. As part of the refurbishment we recommend that flood resistant and resilience measures are taken forward in the design including raising up electricals from ground level, installing non return valves on inlet and outlets and installing flood doors/barriers.

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection. Please consult us on any revised FRA submitted and we will respond within 21 days of receiving it.

Advice to applicant - Environmental Permitting

Any non-mains foul drainage system associated with this development will require an Environmental Permit from the Environment Agency under the Environmental Permitting Regulations 2010, unless it satisfies the General Binding Rules for small sewage discharges in England. The General Binding Rules can be found online at <https://www.gov.uk/government/publications/small-sewage-discharges-in-england-general-binding-rules>.

If the proposed foul discharge will not satisfy the General Binding Rules the applicant is advised to contact our National Permitting Service on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted, particularly if the discharge is located within an area served by a mains sewer. Additional 'Environmental Permitting Guidance' can be accessed online at <https://www.gov.uk/permits-you-need-for-septic-tanks>.

Environment Agency – 29.07.2022

Thank you for re-consulting us on the above planning application.

Environment Agency position

The revised Flood Risk Assessment (FRA) is sufficient to enable us to remove our objection to this proposal. However, we advise that the proposed development will only meet the requirements of the National Planning Policy Framework in relation to flood risk if a condition is included within any permission granted to secure the implementation of the mitigation measures outlined in the FRA. The suggested wording for this condition is set out below, together with advice on flood risk and environmental permitting.

Condition - Flood Risk

The development shall be carried out in accordance with the submitted flood risk assessment (ref Cat and Fiddle Clyst St Mary, 0643, 04/07/22, revision B) and the following mitigation measure it details:

- Finished floor levels shall be set no lower than 100.6 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

Advice - Flood Risk

We have reviewed the revised FRA and confirm that the applicant has addressed the points raised in our previous response dated 3 May 2022. Updated climate change allowances have now been taken into account and the 1 in 100 plus climate change flood level has been predicted. This indicates that finished floor levels need to be set at a minimum of 100.6mAOD (this level includes 400mm above the flood level to account for freeboard).

Part of the existing pub is in an area classified as flood zone 3. As part of the refurbishment we recommend that flood resistant and resilience measures are taken forward in the final design, including raising up electricals from ground level, installing non return valves on inlet and outlets and installing flood doors/barriers. Detailed information on flood proofing and mitigation can be found by referring to the CLG free publication 'Improving the Flood Performance of New Buildings'. Please see: http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf

The owners should also, if not already sign up to receive flood alerts and flood warnings from the Environment Agency here: Sign up for flood warnings - GOV.UK (www.gov.uk).

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Please contact us again if you require any further advice.

National Highways

Council's Reference: 21/3243/MFUL

National Highways Ref: 94684

Referring to the notification of a planning application referenced above, comprising the re-submission of application 17/2336/MFUL full planning permission for the reconfiguration of the existing public house and construction of a two storey, 33No. bed hotel with associated infrastructure in line with the subsequent Variation of Conditions approval (Ref 18/0223/VAR), at Cat and Fiddle Inn, Sidmouth Road, Clyst St Mary, Exeter, notice is hereby given that National Highways' formal recommendation is that we:

a) offer no objection (see reasons at Annex A);

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

1 Where relevant, further information will be provided within Annex A.

National Highways Planning Response (NHPR 21-09) September 2021

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Annex A National Highways recommended No Objections

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England was renamed National Highways in August 2021. Prior to April 2015 the organisation was known as the Highways Agency. National Highways is a government owned company responsible for operating, maintaining and improving the SRN.

Statement of Reasons

The application is a re-submission of application 17/2336/MFUL full planning permission for the reconfiguration of the existing public house and construction of a two storey, 33 No. bed hotel with associated infrastructure in line with the subsequent Variation of Conditions approval (Ref 18/0223/VAR), at Cat and Fiddle Inn, Sidmouth Road, Clyst St Mary, Exeter. The site is located approximately 2.1km east of M5 Junction 30 and 2.3km south of the A30.

Approval was previously granted for the same development in January 2018 via permission 17/2336/MFUL and subsequent Variation of Conditions approval (18/0223/VAR) in March 2018, which we understand has now lapsed. National Highways does not appear to have been consulted on application 18/0223/VAR, but offered no objections to application 17/2336/MFUL.

Impact on Strategic Road Network

Based on the scope and scale of development and the proximity of the site from M5 Junction 30 we are satisfied the proposal is unlikely to result in an adverse impact on the safe and efficient operation of the SRN.

Recommendation

National Highways has no objection to application 21/3243/MFUL.

Police Crime Prevention Officer

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application. I have no objection in relation to the proposal however, would like to make the following comments and recommendations, including the consideration of the planning condition below relating to CCTV.

- CCTV should be installed throughout the site. Coverage should include the carparks, entry/exit points, reception areas/lobbies, stairwells, corridors and bar areas etc. If necessary, I would ask that provision of such CCTV is considered as a condition of any planning consent to help deter/detect crime, disorder and anti-social behaviour.
 - A passport for compliance document, including an operational requirement (OR) should be drawn up prior to installation to ensure any system will be fit for purpose.
 - Cameras, wiring and recording or monitoring equipment should be secured.
 - CCTV should be designed in co-ordination with external lighting and landscaping.
 - The CCTV must have a recording format that is acceptable to the Police. Recorded images must be of evidential quality if intended for prosecution.
 - Any CCTV is advised to be installed to BS EN 50132-7:CCTV surveillance systems for use in security applications.
 - CCTV systems may have to be registered with the Information Commissioners Office (IOC) and be compliance with guidelines in respect to Data Protection and Human Rights legislation. Further information is available via www.ioc.gov.uk
 - For guidance on the use of CCTV images as legal evidence see also BS 7958:2005 CCTV Management and Operation Code of Practice.
- Ensure that vehicle mitigation measures are in place, particularly in relation to external; terrace areas, in order to prevent deliberate or accidental conflict between vehicles and pedestrians.
- External lighting should comply with BS 5489:2020. For crime prevention measures, lighting should be provided by on building solutions or preferably pole mounted luminaires if possible. Bolland lighting should be minimised and used for demarcation of routes only or supplementary as part of a general design.
- An access control strategy should be implemented within both the hotel and the public house that prevents casual intrusion to staff/private areas, which must be kept secure. There should be a clear distinction between public spaces and private/staff only areas.
- All external doors and accessible windows are advised to be tested and certificated to a nationally recognised security standard suitable for a commercial setting.
- Wayfinding and rule setting signage should be in place to aid the navigation of staff and visitors throughout the site. This should include all entry/exit points and directional information to key areas such as reception etc.
- Consideration should be given to providing staff with secure lockers to store their personal belongings and protect against theft.

South West Water

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection

Please find attached a plan showing the approximate location of a public 300mm trunk water main in the vicinity of the above proposed development. Please note that no development will be permitted within 3.5 metres of the water main. The water main must also be located within a public open space and ground cover should not be substantially altered.

Should the development encroach on the 3.5 metre easement, the water main will need to be diverted at the expense of the applicant.

www.southwestwater.co.uk/developer-services/water-services-and-connections/building-near-water-mains/

Further information regarding the options to divert a public water main can be found on our website via the link below:

www.southwestwater.co.uk/developer-services/water-services-and-connections/diversion-of-water-mains/

If further assistance is required to establish the exact location of the water main, the applicant/agent should call our Services helpline on 0344 346 1010.

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. 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.

Foul Sewerage Services

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.

The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website:

www.southwestwater.co.uk/developers

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable,
2. Discharge to a surface waterbody; or where not reasonably practicable,
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,

4. Discharge to a combined sewer.(Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

I trust this clarifies the water and drainage material planning considerations for your LPA, however, if you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: DeveloperServicesPlanning@southwestwater.co.uk.

Other Representations

PLANNING HISTORY

Reference	Description	Decision	Date
18/0223/VAR	Variation of condition 3 (materials), 6 (landscaping), 7 (surface water drainage), 10 and 11 (tree details) of application 17/2336/MFUL (construction of 33 no. bed hotel, alterations to public house and re-configuration of parking) to allow details to be submitted once slab (or above ground level) has been reached.	Approval with conditions	13.03.2018
17/2336/MFUL	Construction of two storey 33 no. bed hotel, alterations to public house and re-configuration of car parking	Approval with conditions	10.01.2018
99/P0877	Erection Of Motel	Approval with conditions	19.07.2000
82/P0852	Car Park To Accommodate Overflow.	Approval with conditions	07.09.1982

91/P1981	Extension To Provide Skittle Alley Bar & Family Room Extension.	Approval with conditions	03.02.1992
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POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 3 (Sustainable Development)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 33 (Promotion of Tourism in East Devon)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

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

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Bishops Clyst Neighbourhood Plan (Made)

Policy BiC13- Business Development

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

Government Planning Documents

National Planning Practice Guidance

Site Location and Description

The site comprises the Cat and Fiddle Public House and the associated parking and garden area. It is located to the north of the A3052 approximately 1 mile to the east of the village of Clyst St Mary. To the north and west of the site is an existing residential mobile home park which is accessed from a road to the immediate east of the site. There are a small cluster of residential properties to the south of the A3052 together with the Exeter City Training Grounds with open countryside beyond this.

The original public house occupies a position immediately to the north of the pavement which extends along the frontage of the road, with various additions to the original fabric, including a restaurant area and skittle/games room having been added over the years. A large open car park, accessed directly from the main road lies to west, with further parking and play area/garden to the east.

The site is located in the countryside and no national or local landscape designations apply. The eastern section of the site is designated as flood zone 2 and 3.

Planning History

Members will recall that planning permission for the construction of a two storey 33 no. bed hotel, alterations to public house and re-configuration of car parking was approved in January 2018 (ref 17/2336/MFUL). A further planning permission was granted in 2018 (ref 18/0223/VAR) to allow details for conditions to be submitted once slab (or above ground level) has been reached. These planning permissions have not been implemented and the timeframes for implementation have now expired.

Proposed Development

This application is a resubmission of the expired planning permission and seeks approval for the refurbishment and reconfiguration of the existing public house and the construction of a new two storey hotel building within the western car park which would accommodate 33 bedrooms arranged over two floors.

The refurbishment of the public house would see a reduction in the size and footprint of the building and reconfiguration of its layout to enable the creation of a new carvery, an indoor children's play area and a larger restaurant dining area. The refurbished pub would have 240 covers. External alterations to the pub include the addition of shallow pitched roofs to flat roofed elements of the building, new entrance porches to the east and west elevations and a general upgrading of the building.

The hotel building would accommodate 33 bedrooms arranged over two floors. It would cover most of the existing car park on the western side of the site with the displaced parking proposed to the east of the site. A total of 154 spaces, including 5 disabled spaces are proposed which would be served from the existing vehicular entrance onto the A3052.

The hotel building would have a variety of hipped and gabled roof forms and would front onto the A3052. It would be constructed from a variety of materials including

Cedral cladding, render and random stone walls, slate roof tiles with oak feature columns supporting single storey canopies wrapping around the building.

Issues and Assessment

The main issues to consider in determining this application are in terms of the principle of development, an assessment of the social, economic and environmental benefits of the proposal, the design, size and siting of the proposed hotel and the alterations and additions to the public house and the impact on the character and appearance of the area, the impact on the residential amenities of the occupiers of surrounding properties, parking and highway safety, flood risk and surface water management and the impact on trees and ecology.

Members should note that the application is identical to the previously approved schemes for the site and therefore it is also necessary to determine whether there have been any change in policy or material circumstances which would result in a different officer recommendation for the application.

Since approval of the previous applications, the Bishops Clyst Neighbourhood Plan has been 'made' and therefore the policies within the Neighbourhood Plan carry full weight alongside the East Devon Local Plan.

ANALYSIS

Principle:

The site is located within the open countryside defined as all those parts of the plan area that are outside the Built-up Area Boundaries and outside of site specific allocations. Strategy 7 (Development in the Countryside) of the Local Plan states that development in the countryside will be permitted where it is in accordance with a specific Local or Neighbourhood Plan Policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

Strategy 33 (Promotion of Tourism in East Devon) states that the Council will support and facilitate high quality tourism in East Devon that promotes a year round industry that is responsive to changing visitor demands. Tourism growth should be sustainable and should not damage the natural assets of the District but aim to attract new tourism related businesses that can complement the high quality environment of East Devon.

Support for new hotel development is offered by Policy E16 (Proposals for Holiday or Overnight Accommodation and Associated Facilities) of the Local Plan within sustainable locations and identifies the towns and villages, as defined by those settlements with Built-up Area Boundaries where the proposed development is compatible with its surroundings and where there are no adverse amenity impacts as being appropriate locations. Paragraph 24.25 of the Local Plan makes it clear that the only exception to the above will apply in respect of the re-use and conversion of existing buildings in the open countryside and particularly as related to small-scale farm and rural diversification.

Accordingly, there are no policies contained in the East Devon Local Plan that would support the proposed development and therefore the principle of the proposed development is considered to be contrary to Strategy 7 of the plan. The proposal does not therefore accord with the Development Plan and as such the application has been advertised as a departure.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Bishops Clyst Neighbourhood Plan:

The Bishops Clyst Neighbourhood Plan was made in March 2017 and the Cat and Fiddle Inn falls within the defined Neighbourhood Plan Area. Policy BiC13- Business Development of the Neighbourhood Plan states that the following types of business/commercial development will be supported

- a) The conversion of existing buildings and the small-scale expansion of existing employment premises in the Neighbourhood Plan Area
- b) Small-scale new build development on the business park areas listed below (as identified on Map 6) and on brownfield sites.

The policy continues to state that all business/commercial development should respect the character of its surroundings by way of its scale and design, not harm the surrounding landscape, and safeguard residential amenity and road safety.

Sustainable Development:

National planning policy is contained in the National Planning Policy Framework (NPPF) and the accompanying web based guidance (NPPG) both of which are material planning considerations. With sustainability at the heart of the NPPF, it is considered appropriate to test the proposed development against the three strands of sustainability; economic, social and environmental.

Economic:

The economic dimension of sustainable development is concerned with contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity.

This is reflected in paragraph 84 of the NPPF which states that to promote a strong rural economy, Local Plans should 'support the sustainable growth and expansion of all types of business in rural areas both through the re-use of existing and well-designed new buildings. Part of the emphasis of the policy is to support rural tourism and leisure developments that benefits businesses in rural areas, communities and visitors and which respect the character of the countryside.

To provide an assessment of the economic benefits of the proposal it is necessary to explain that it is the intention of St Austell Brewery to refurbish and extend the public

house and to run the 33 bedroom hotel in tandem with the public house. The proposed hotel would be arranged over two floors with a separate reception area away from the pub and restaurant facilities. Hotel guests would use the pub and restaurant facilities for breakfast and other meals. The intention is for the brewery to control and operate the pub/ restaurant and hotel accommodation as a single business.

The refurbishment of the public house development of the hotel would bring a range of economic benefits to the District as identified within the Economic benefits Report which include construction jobs, permanent full and part time jobs, training opportunities, increased local spend. The proposals would help to boost the local economy and tourism by providing accommodation for both business visitors and tourists.

The report identifies the construction phase of development to create 46 construction jobs on the site over a 10 month period. When operational the hotel and pub would support a mix of 60 full and part time hospitality and catering sector jobs (an uplift in FTE jobs by 32.5 to 42.5 persons employed). The report also suggests that the hotel and public house based on the Brewery's predicted occupancy levels of 16,000 visitors a year could generate approximately £1.48 million in visitor spending.

Whilst the Council's Economic Development Officer has not commented on this application, the previous comments of the EDO are still considered to be relevant where it was advised that historically, East Devon has endured a significant under provision of hotel accommodation in the District. The Economic Benefits Report notes the low level of existing hotel accommodation to suit both tourism and business visitors. The EDO has advised that the proposal for a 33 bed 3* hotel will 1) help address this under supply by improving local provision, and 2) help diversify the District's existing accommodation offer.

It was previously considered that the proposals to refurbish and extend the public house when run in tandem with the proposed hotel would bring a range of economic benefits to the District and this has not changed. In this instance the proposed hotel would build upon the existing public house business on the site and in part facilitate its redevelopment to create a better designed destination. For this reason it is considered necessary and reasonable to impose a condition requiring the hotel and public house to be operated as one business. Furthermore there are a number of leisure and commercial based activities close to the site that have the potential to create guests to occupy the hotel such as Sandy Park, Westpoint and Crealy. It is important to note that whilst some of these activities are based in Exeter, the visitor spend could be retained within the East Devon District and boost the local economy.

The Council's EDO was previously supportive of a proposal which will clearly boost the local economy by providing accommodation to business visitors and tourists. The recent adoption of the Tourism Strategy and the objectives within it around tourism accommodation and the food and drink sector further support the proposal. Officer's remain of the opinion that the tourism, employment and economic benefits from the proposal clearly weigh in favour of the proposed development and that this should be afforded a significant amount of weight within the overall planning balance.

Social:

The NPPF defines the social role as supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

Whilst the social benefits of this particular proposal are more difficult to quantify, the proposal would promote social well-being through a new and improved facility likely to benefit the local population as well as visitors to East Devon.

Environmental:

Notwithstanding the sites location in the open countryside, the application site is on previously developed land which has a semi-urban character and the proposal does not require any further extension or encroachment into the countryside. This weighs in favour of the application and meets the aspirations of national planning policy for encouraging the effective use of land by reusing land that has been previously developed (brownfield land) and that of policy BiC13- Business Development of the Bishops Clyst Neighbourhood Plan.

In addition, the site is considered to be in a relatively sustainable location in transportation terms. Whilst it isn't located within a settlement, it can be accessed by a variety of modes of transport including on foot, cycling, car and public transport. Indeed there are bus stops in both directions on the A3025 which have shelters and footway provision linking them to the application site. Being accessed off the A3052, it is also along a route which is likely to attract to passing customers and trade.

Notwithstanding the requirement to fully appraise the design, size and siting of the proposal and assess the impact of the development on the character and appearance of the area, it is not considered that the proposals would give rise to any significant environmental concerns which weighs in favour of the proposal.

Character and Appearance:

The site is not within an area which has any particular landscape designations or protection policies and is not considered to be of any particular landscape value. It is also recognised that the site is previously developed land, much of which is currently hard surfaced. Whilst this is the case, the construction of a new two storey hotel building and the hard surfacing of the remaining areas of green space would inevitably result in an increased urbanisation of the site which would have an additional impact on the character and appearance of the area.

Policy D1 (Design and Local Distinctiveness) of the Local Plan requires proposals to respect the key characteristics and special qualities of the area in which the development is proposed and to ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.

Hotel Design:

The proposed hotel would be two stories occupying a prominent roadside position to the west of the existing vehicular access alongside the A3052. The building would have a mixed hipped roof and gabled design and would be constructed from a palette of materials which include smooth render, random stone and Cedral clad walls under a slate roof. Part of the northern elevation would be broken up with the use of Oak feature columns and through the recessed central element of the building.

It is accepted that the visual amenity of the site would change because the western side of the site is currently open as a car park with no structures within it. Whilst this would be the case, the proposed hotel building would make use of the existing topography within the car park which has a natural gradient falling from west to east. The submitted section drawings demonstrate how the hotel would be cut into the slope of the car park to help reduce the overall height and mass of the building and ensure that it does not appear unduly prominent or intrusive when read against the public house from public views outside of the site.

Subject to a condition requiring the submission of material samples and finishes, it is considered that the design and form of the proposed hotel building would be of a good quality design which would be sympathetic to the character and appearance of the area and read in the context of the existing public house. The proposal is considered to comply with the provisions of policy D1 of the Local Plan and is supported on this basis.

Alterations to the Public House:

The refurbishment of the existing pub would see the removal of part of an extensive flat roofed area and the overall appearance of the building would be improved through the introduction of a series of shallow pitched roofs. Overall the changes to the public house are considered to be relatively minor in the context of the site and the existing buildings enhancing the appearance of the public house and are not considered to have any harmful impact on the character and appearance of the building or the surrounding area.

Residential Amenity:

One of the core principles of the NPPF is to seek a good standard of amenity for all existing and future occupants of land and buildings. 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 northern and western boundaries of the site are surrounded by park homes and their gardens which abut the site. The physical impact of the proposal, particularly in respect of the impact on amenity arising from the physical presence and close proximity of the proposed building to the boundaries of the site (north and west) and the impact which this would have on the residential amenity of the occupiers of the park homes abutting the site is considered to be a key issue in relation to an assessment of the impacts on outlook and privacy, visual intrusion, and additional noise and disturbance.

It should be explained that owing to the flood risk constraints of the site and the policy requirement for a sequential approach to new development to be undertaken to ensure development is steered to areas less at risk of flooding, land to the west of the public house was the only feasible location for the hotel in flood risk terms being located in flood zone 1. In designing and siting the hotel building on the existing car park, the applicant has acknowledged the relationship between the proposal and the residential properties on the northern and western boundaries in an attempt to ensure that the impact on residential amenity is minimised.

There is no doubt that the introduction of a two storey hotel building on an area of the site which is currently open and free from built development, would have a degree of impact on the residential amenity of the occupiers of the park homes to the north and west of the site. On the northern side of the site, the gardens of the park homes abut the site and the park homes themselves present their rear elevations to the site. It is pertinent to note that the majority of these park homes (with the exception of one property) present blank gable ends onto the site.

In designing the proposed hotel building the applicants have acknowledged the relationship between the site and the park homes and their gardens and have sought to reduce the overall impact of the development in a number of ways. Firstly the hotel would be cut into the site by 1.5 metres at its highest point. The section drawings submitted with the application demonstrate how the building would make use of the natural slope of the site and by lowering the building 1.5 metres into the site would significantly reduce the overall height, bulk and scale of the building thus reducing its physical impact on the occupiers of adjacent properties. This coupled with the fact that the hotel building would be set back from the northern boundary at its nearest point by 7.0 metres would ensure that the physical impact on residential amenity would not be sufficiently harmful in terms of being unduly over bearing, over dominant or through loss of light to sustain an objection.

Concerns about overlooking from first floor windows of the hotel on the northern elevation are also noted. The submitted drawings show there would be 7 first floor bedroom windows facing towards the northern boundary and it is accepted that this would have a degree of impact on the occupiers of the park homes and their gardens facing the site. Whilst this would be the case, cutting the building into the site would help to reduce its height which in turn would reduce the height of the first floor windows. Whilst they would still be visible from the gardens of the park homes to the north, the section drawing demonstrates that actual views from these windows (based on a height of 1.7 m above the proposed finished floor level) would be towards the boundary fence and planting. Whilst views may be afforded into the side gardens of the park homes, these gardens are currently open from within the park home site due to its open plan layout and do not currently benefit from having private amenity spaces which are closed from public views.

Having regard for the fact that the first floor windows would serve hotel bedroom rooms which would not be in use at all times of the day, the frequency and nature of the use, coupled with the distance from the boundary and cutting the building 1.5 metres into the site and the proposed landscaping of the boundaries, the existing levels of amenity and privacy between the park homes and their gardens, it is not considered that the

impact from the proposed hotel windows in terms of overlooking and loss of privacy would be sufficiently harmful to refuse the application.

One park home (no 5 Poplars Walk) is located to the west of the site and in contrast to the park homes on the northern side, the principal elevation of this property faces towards the site with a dining room and bedroom window on its eastern elevation. The proposal as originally submitted contained 5 hotel bedroom windows at first floor on the western elevation which would, in the opinion of officers, have resulted in an unacceptable relationship leading to overlooking and loss of privacy. To address these concerns all of the first floor windows on the western elevation of the hotel have been re-designed with angled windows which would ensure that views out of the windows would be deflected away from no 5 which would ensure that impacts arising from overlooking and loss of privacy are minimised to an acceptable level.

Concerns about noise and disturbance from car doors slamming and customers leaving the public house are noted. However this is an existing situation arising from the current land use which is unlikely to increase or change as a result of this proposal. Furthermore, there would also be some gain to the amenity of park homes to the north through the removal of a number of existing car parking spaces which would be replaced by a grass bank and soft landscaping which would see the removal of activity from this part of the site. In addition, the hotel building would also provide a degree of acoustic screening for noise generated by traffic on the A3052 which has been identified with the noise report as the dominate noise sources in the area. A condition is also recommended to ensure that deliveries of laundry and sundry supplies are limited to between the hours of 07:00 and 19:00 and for the submission of an external lighting scheme to be submitted prior to its installation.

Concerns raised about noise, dust and disturbance during construction are also noted however these concerns can be addressed through the imposition of a condition requiring the submission of a Construction Environment Management Plan (CEMP) as suggested by the Council's Environmental Health Officer.

On balance, the proposal is considered to comply with the provisions of policy D1 which seeks to ensure that proposals do not adversely affect residential amenity of existing residents and policy EN14 (Control of Pollution). The application is therefore supported on this basis.

Highway Safety and Parking Provision:

The application is accompanied by a Transport Statement prepared by Gregg Consulting. This document has been considered by both National Highways and the County Highway Authority who raised no highway objections to the previous applications.

National Highways have again advised that they are satisfied that the development is unlikely to result in a severe impact on the Strategic Road Network, specifically M5 junction 30, as defined by the NPPF and have no objections to the proposed development.

The proposal would utilise the existing vehicular entrance into the site positioned between the proposed hotel and the existing public house. The suitability of the existing access and the increase in traffic movements onto the A3052 from the proposal has been assessed by the County Highway Authority who have advised that the proposed access onto the A3052 has sufficient visibility and the road being an A-class road has sufficient capacity for the additional vehicle movements likely to be generated by the proposal. In the absence of any objections from the County Highway Authority, it is considered that the proposal complies with the provisions of Policy TC7 (Adequacy of Road Network and Site Access) of the Local Plan.

Parking spaces lost from the western side of the site would be replaced on the eastern side where there is an existing children's play area. It is considered that the proposal makes adequate provision for car parking with the site for both the hotel and public house and whilst some of these proposed spaces have been removed from the scheme to allow for a better relationship and to lessen the impact on existing trees and vegetation and for proposed planting to establish, it is considered that the proposal complies with the provisions of policy TC9 (Parking Provision in New Development) of the Local Plan.

Flood Risk:

The eastern side of the site is located within the flood zone (2 and 3) and the Environment Agency and the County Council's Flood Risk Management Team have considered the proposals in detail. Officers are satisfied that a sequential approach has been taken in terms of the layout of development with the hotel building located within the low probability Flood Zone 1 and the car parking within the high probability Flood Zone 3.

Following the submission of a revised FRA, the EA have removed their original objection to the application on the basis that updated climate change allowances have now been taken into account and the 1 in 100 plus climate change flood level has been predicted. The FRA indicates that finished floor levels need to be set at a minimum of 100.6mAOD (this level includes 400mm above the flood level to account for freeboard).

Part of the existing pub is in an area classified as flood zone 3. As part of the refurbishment the EA recommend that flood resistant and resilience measures are taken forward in the final design, including raising up electrical points from ground level, installing non return valves on inlet and outlets and installing flood doors/barriers.

The EA have advised that the revised Flood Risk Assessment (FRA) is sufficient to enable them to remove their objection to this proposal. However, they advise that the proposed development will only meet the requirements of the National Planning Policy Framework in relation to flood risk if a condition is included within any permission granted to secure the implementation of the mitigation measures outlined in the FRA.

Whilst no comments have been received from the County Council's Flood Risk Management Team, as previously assessed the design of the permeable paving for the parking would provide betterment over the current surface water regime of the site and the proposed permeable paving for the car parking spaces on the eastern side of

the site would also provide water quality benefits to the receiving watercourse. In addition, the proposal to day-light the existing culvert entrance would provide wider flood risk management benefits.

Subject to a condition requiring the submission of a detailed design for the proposed surface water drainage management system and the conditions suggested by the EA which requires the development to be carried out in accordance with the submitted flood risk assessment and the mitigation measures it details, in the absence of any objections from the EA or DCC it is considered that the proposal would comply with the provisions of Policy EN22 (Surface Run-Off Implications of New Development) of the Local Plan and policy BiC04 (minimising Flood Risk) of the Bishops Clyst Neighbourhood Plan.

Ecological Impact:

No ecological impacts were identified in the assessment of the previous application and this application is accompanied by an updated Ecological survey prepared by Devon Wildlife Consultants which concludes:

- o The public house and trees on the site do not support roosting bats.
- o No evidence of nesting birds was noted within the buildings however there are opportunities for crevice nesting birds to utilise the structure.

Subject to a condition requiring the development to be carried out in accordance with the impacts and recommendations and Conservation Action Statement of the wildlife report which includes the installation of a number of bat and bird boxes onto retained mature trees within the site, it is not considered that the proposal would have any adverse impacts on ecology or protected species and that the proposal complies with the provisions of policy EN5 (Wildlife Habitats and Features) of the Local Plan and policy BiC01- Protecting and Enhancing Geodiversity, Biodiversity and Wildlife of the Bishops Clyst Neighbourhood Plan.

Arboricultural Impact:

No arboricultural concerns were identified in the assessment of the previous application. There are a number of semi-mature trees within the site which are proposed to be retained as part of the proposal. The most significant change to the site would be the removal of a number of Poplar trees which line the site's northern and western boundaries. These trees are tall and have a vertical emphasis and do not make much of a positive contribution to the visual amenity of the site. In addition it is understood that these trees are a nuisance to residents of the park home site through fears of safety in high winds and high levels of maintenance.

Whilst there is no arboricultural report in accordance with BS5837:2012 submitted to support the application or any details as to how damage to retained trees would be avoided during development, the Council's tree officer previously advised that the principle of the proposal is acceptable from an arboricultural perspective. There are however a number of issues that will need to be addressed with regards to existing and proposed trees to ensure the retained trees survive development, their new environment and that new tree plantings are successful. It is considered that these

issues can be conditioned in so far as they relate to the submission of a tree protection plan, an Arboricultural Method Statement for the removal of existing hard surfaces and installation of new hard surfaces and location and specification of tree protection fencing.

The application is considered to comply with the provisions of Policy D3 (Trees and Development Sites) of the East Devon Local Plan and policy BiC02- Protecting Trees and Woodlands of the Bishops Clyst Neighbourhood Plan.

Appropriate Assessment:

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

The delivery of SANGS is critical within East Devon, Exeter and Teignbridge; they are required to deliver a genuine alternative to visiting the Exe Estuary and Pebblebed Heaths for local residents to exercise, walk dogs, etc. The delivery of SANGS in combination with on-site mitigation measures in accordance with the agreed mitigation strategy has been determined to provide adequate mitigation for the recreational impacts of developments within 10km of the protected habitats.

An Appropriate Assessment for the development in accordance with Paragraph 63 (3) of the Conservation of Habitats and Species Regulations 2017 has been prepared and considered by Natural England. NE have advised that, on the basis of the appropriate financial contributions being secured to the South-east Devon European Sites Mitigation Strategy (SEDESMS), that they concur with the authority's conclusion that the proposed development will not have an adverse effect on the integrity of the Exe Estuary SPA and Exe Estuary Ramsar Site and East Devon Pebblebed Heaths SAC and East Devon Heaths SPA.

The application is accompanied by a Unilateral Undertaking as a legal mechanism for securing the habitat mitigation contribution of £367.62 per hotel room.

CONCLUSION

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Cat & Fiddle Inn is within the open countryside where development is controlled unless in accordance with a specific Local or Neighbourhood Plan policy. Whilst there is support for the promotion of tourism and small scale economic development in the countryside, there are no policies contained within the East Devon Local Plan that would support the proposed hotel development in this location and therefore the principle of the proposed development is considered to be contrary to Strategy 7 (Development in the Countryside) of the Local Plan.

In accordance with the NPPF, where proposals are not in accordance with an up to date development plan, there must be clear sustainability benefits to approving

development. In this instance and as previously approved, it has been highlighted that there would be clear economic benefits arising from the proposal which would build upon the existing public house business on the site and in part facilitate its redevelopment to create a better designed destination which would be of benefit to East Devon District and boost the local economy. It is considered that the tourism and economic benefits from the proposal clearly weigh in favour of the proposed development and should be afforded a significant amount of weight within the overall planning balance.

In addition, the application site is on previously developed land which has a semi-urban character and the proposal does not require any further extension or encroachment into the countryside. This weighs in favour of the application and meets the aspirations of national planning policy for encouraging the effective use of land by reusing land that has been previously developed (brownfield land) and that of the Bishops Clyst Neighbourhood Plan. In addition, the site is considered to be in a relatively sustainable location in transportation terms. Whilst it isn't located within a settlement, it can be accessed by a variety of modes of transport including on foot, cycling, car and public transport. There are not considered to be any significant environmental impacts arising from the proposal.

The application has robustly demonstrated that there would be no significant harm to the character and appearance of the area, the amenities of the occupiers of surrounding properties, highway safety, ecology and trees and flood risk such that it is considered that the application should once again be approved.

RECOMMENDATION

- 1. Adopt the Appropriate Assessment attached to this report**
- 2. APPROVE subject to the following conditions:**
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
 2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
 3. Samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority once slab (or above ground) level has been reached. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

4. The hotel building hereby approved shall only be operated in conjunction with the Cat and Fiddle public house as one business and neither shall be operated independently at any time.
(Reason - To ensure that the economic benefits arising from the proposal are realised in terms of supporting the existing business in an otherwise unsuitable location for a standalone hotel in accordance with Strategy 33 (Promotion of Tourism in East Devon) and the guidance contained within the National Planning Policy Framework.)
5. The hotel building hereby approved shall be constructed in accordance with the finished floor levels and ground levels shown on drawing no's 203 REV J and 204 REV B unless otherwise agreed in writing by the Local Planning Authority.
(Reason - In the interests of the character and appearance of the locality and the residential amenities of the occupiers of adjoining properties in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
6. Notwithstanding the submitted details, a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority once slab (or above ground) level has been reached; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)
7. Notwithstanding the submitted details, no development shall commence until a surface water drainage management plan for the development during construction has been submitted and approved in writing by the Local Planning Authority. Thereafter, the detailed design of the proposed permanent surface water drainage management system for the development shall be submitted to and approved in writing by the Local Planning Authority once slab (or ground) level has been reached, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the flood risk assessment prepared by AWP (ref Cat and Fiddle Clyst St Mary, 0643, 04/07/22, revision B).
(Reason - To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems in accordance with policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013-2031.)

8. The development shall be carried out in accordance with the submitted flood risk assessment prepared by AWP (ref Cat and Fiddle Clyst St Mary, 0643, 04/07/22, revision B) and the following mitigation measure it details:

- Finished floor levels shall be set no lower than 100.6 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

(Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with policies EN21 (River and Coastal Flooding) and EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013-2031.

9. The development hereby approved shall be carried out in accordance with the Construction and Environment Management Plan dated January 2018, received on the 21st September 2022.

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

10. The development hereby permitted shall be carried out in accordance with the impacts and recommendations and Conservation Action Statement contained within the Ecological Appraisal prepared by Devon Wildlife Consultants (ref 17/3247.03) dated September 2021.

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

11. In relation to the cross sectional drawings showing current and proposed surface levels around the three retained trees, the development hereby approved shall be carried out in accordance with the details discharged under condition 10 of planning permission 17/2336/MFUL (drawing 2015 02 D by Liz Lake Associates and reference to the AMS by Bosky Trees dates 09/02/2018) dated 12th March 2018.

(Reason - To ensure the continued wellbeing of retained trees in the interest of the amenity of the locality in accordance with policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031.)

12. A detailed specification for the construction of all tree planting pits, within the hard surfaced areas (as detailed within the approved landscaping plan) shall be submitted to and approved in writing by the Local Planning Authority once slab (or ground) level has been reached. These details shall accord fully with the principles of BS 8545:2014 and demonstrate sufficient soil volume, appropriate to tree for successful tree establishment and long term tree growth, and appropriate to the anticipated mature crown size of the proposed trees. The development shall be carried out in accordance with the approved details.

(Reason: To ensure the long term success on new landscape trees in the interests of the amenity of the locality in accordance with policies D2 (Landscape

Requirements) and D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031).

13. The development hereby approved shall be carried out in accordance with the tree protection details and measures contained within the Arboricultural Method Statement prepared by Bosky Trees dated 9th March 2018. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Local Planning Authority for approval and final discharge of this condition.
(Reason: To ensure the continued wellbeing of retained trees in the interest of the amenity of the locality in accordance with policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031).
14. No deliveries shall be taken at or despatched from the hotel except between 07:00 hours and 19:00 hours at any time.
(Reason: To protect the amenity of adjoining residents in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).
15. No external lighting shall be installed until a lighting scheme has been submitted to and approved in writing by the local planning authority. The development shall be carried in accordance with the approved details and thereafter retained.
(Reason - In the interests of the character and appearance of the site and surrounding area and the residential amenities of the occupiers of surrounding properties in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.)

Plans relating to this application:

204 B : Hotel	Sections	01.09.22
231 B	Sections	01.09.22
203 J	Proposed Site Plan	01.09.22
211 A	Proposed Floor Plans	01.09.22
221 B	Proposed Elevation	01.09.22
	Protected Species Report	14.12.21
230 rev A	Sections	14.12.21
220 rev B : Public House	Proposed Elevation	14.12.21
212 rev A : Public House	Proposed Floor Plans	14.12.21
210 rev D	Proposed Floor Plans	14.12.21

	Location Plan	25.03.22
Rev B	Flood Risk Assessment	06.07.22

List of Background Papers

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