

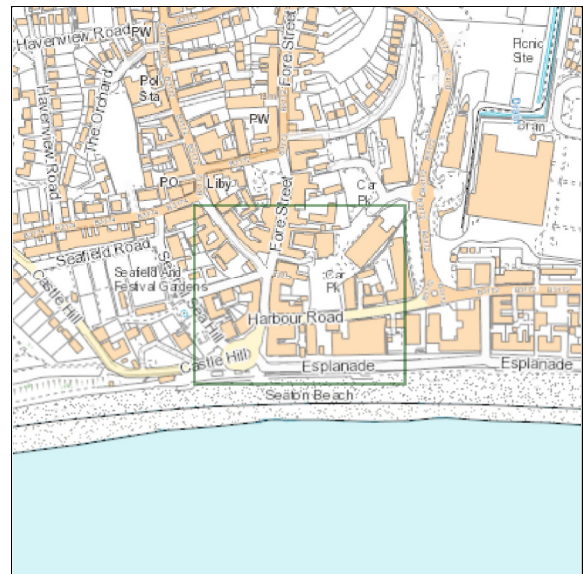
Ward Seaton

Reference 19/2445/FUL

Applicant Mr G Mettam

Location Vintage Court The Square Seaton

Proposal Demolition of 2 x commercial units and 1 flat to be replaced with 2 x retail units and 8 flats.



RECOMMENDATION: Refusal



		Committee Date: 15th July 2020
Seaton (Seaton)	19/2445/FUL	Target Date: 07.01.2020
Applicant:	Mr G Mettam	
Location:	Vintage Court The Square	
Proposal:	Demolition of 2 x commercial units and 1 flat to be replaced with 2 x retail units and 8 flats.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before Members as the officer recommendation differs to the view of a Ward Member.

The proposal seeks planning consent for the demolition of 2 commercial units and 1 flat to be replaced with 2 retail units with 8 flats above.

The proposal takes place on the rear of the existing properties which front onto The Square in the heart of the town centre. The application site would also be visible from the adjacent public car park to the rear. The proposed takes place within the designated conservation area and town centre shopping area.

The Conservation Officer has raised concerns over this proposal pointing toward the inappropriate fenestration and detailing of the extension. As such substantial harm to the heritage asset (the conservation area) has been identified. Both the local plan and national planning policy framework require significant public benefits to outweigh such harm and in this case there are not considered to be those benefits.

Further, the curvature of the building and its height means that the proposed windows would overlook existing windows on the rear of the properties which front the High Street. As a result significant overlooking would arise to the detriment of adjacent occupiers.

Although there would be no net loss in the number of commercial units, the commercial floor area would be reduced under this scheme. However, this would not affect the designated primary shopping frontage and the scheme would provide for modern and attractive commercial space which may be more attractive from a viability standpoint and as such this loss of floorspace is accepted.

As a result of the harm to the conservation area and amenity of adjacent occupiers the proposal is recommended for refusal.

CONSULTATIONS

Local Consultations

Seaton Town Council

Clerk To Seaton Town Council

Seaton Town Council object to this planning application.

Reasons for the objection:

Planning application 18/2077/FUL for the demolition of 2 x retail units and 1 flat to be replaced with 2 x retail units and 9 flats at Vintage Court, The Square, Seaton was withdrawn by the agent in November 2018. The current application is for the demolition of 2 x commercial units and 1 flat to be replaced with 2 x retail units and 8 flats.

Even though the new design is more in keeping with the surrounding development and the Conservation Area the Town Council cannot support this application for several reasons.

Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan states that: Proposals will only be permitted where they:

Respect the key characteristics and special qualities of the area in which the development is proposed.

Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context and

Do not adversely affect:

The distinctive historic or architectural character of the area.

Councillors thought the proposal was overdevelopment of the site and the design, scale, massing density and height of the building did not relate well to the surroundings. The application site is in a Conservation Area and the proposed plans for the development do not relate well to the distinctive historic character of the area. The way the proposed building is angled does not look as though it will be an attractive and coherent building and only 3 of the flats have outside space. The Seaton Town Design Statement states 'new developments should be sympathetic to and in keeping with the well-established architecture within its zone and near neighbours, particularly in terms of scale, layout and mass. It also states that the special character of the Conservation and Town Centre Areas must be preserved and in order to retain the identity and existing character of the town centre, only small-scale developments in terms of density, height and footprint should be permitted. The design is contrary to the Seaton Town Design Statement as it:

a) Does not reflect local characteristics

b) The development is not sympathetic to the existing architecture and is out of context with its surroundings

c) It doesn't preserve the special character of the Conservation Area and town centre in fact this would erode the town's intrinsic character

d) The building density is inappropriate in terms of height, mass and scale

Concern was raised over the vehicular access to the site and the safety of pedestrians. The proposed small and narrow access strip onto Harbour Road is not enough for the traffic which will be generated to the site. Approval of this application would greatly increase the number of vehicles accessing the site by crossing over the pavement. The Council strongly believes that this would be a health and safety risk to both pedestrians and motorists. The application does not clearly delineate pedestrian paths and emphasise pedestrian priority areas.

This application does not meet the criteria of the strategies and policies listed below of the East Devon Local Plan 2013 - 2031. Therefore, Seaton Town Council strongly object to this application as it fails to comply with the following:

Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013-2031 as it does not respect the key characteristics and special qualities of the area in which the development is proposed and it has not ensured that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.

Policy EN10 - Conservation Areas of the East Devon Local Plan 2013-2031 as the proposed development does not preserve or enhance the appearance and character of the area.

Policy E2 - Employment Generating Development in Built-Up Areas of the East Devon Local Plan 2013 - 2031 as the proposed development will generate traffic of a type or amount inappropriate for the character of access roads or require will improvements that would damage the character of those roads

The proposed development is also contrary to the National Planning Policy Framework as it goes against the principles of community led planning and the EDDC Local Plan.

Ward Member - Seaton - Cllr Marcus Hartnell

I support this application. The proposed development will improve both the appearance and vitality of the town centre. It is welcome to see the two retail units retained and refurbished, which will offer employment opportunities alongside the 1-2 bedroom flats. I agree with the comments of the environmental health officer and agree with the time constraints proposed for the retail units to avoid any nuisance to nearby residents. I would like to request that the pedestrian walkway between The Square and Harbour Road is well lit, with pedestrian signage at either side, and has litter bins to ensure it is kept clean, tidy and free from anti-social behaviour.

Technical Consultations

EDDC Trees

I have no objection to this proposal on Arboricultural Grounds

Environmental Health

I have assessed the application and have the following concerns:

(A) Noise from commercial units affecting residential units:

I am concerned that noise from the activities generated within the commercial units will impact on the proposed and existing residential units. No hours of opening have been suggested in the planning application, but, given the proximity of existing and proposed residents I consider daytime opening only is appropriate. I am also concerned that noise from potential plant and equipment (for example air conditioning) may also impact on the proposed and existing residential units.

(B) Impact of demolition and construction activities on existing residential units:
The proposed site is very close to existing residential units and the proposed demolition and construction activities will impact on local residents.

I therefore recommend the following conditions:

(1) Sound insulation - Proposed commercial units below and adjacent to proposed residential units:

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

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

(2) Hours of opening - Proposed commercial units:

The commercial premises shall not be open for business except between the hours of 09:00 and 18:00 Monday to Saturday and 10:00 and 16:00 on Sundays or Bank Holidays

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

(3) Hours of servicing - Proposed commercial units:

No deliveries shall be accepted or despatched to or from the site except between the hours of 0800 to 1800 Monday to Friday, or 0800 to 1300 on Saturdays, and not at all on Sundays or Bank Holidays.

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

(4) Noise from plant and equipment - Proposed commercial units:

Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings

Code of Practice and the Chartered Institute of Building Service Engineers Environmental Design Guide. Details of the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises.

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

(5) Impact of noise etc. from demolition and construction

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

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

Devon County Archaeologist

Vintage Court The Square Seaton: Demolition of 2 x commercial units and 1 flat to be replaced with 2 x retail units and 8 flats:

Historic Environment

My ref: Arch/DM/ED/24885a

I refer to the above application. The proposed development lies in an area of high archaeological potential within the historic core of Seaton, which has pre-Conquest origins, the earliest documentary reference to the town is as aet Fleote in a charter of 1005. The extant buildings are shown on the mid-19th century Tithe Map and previous archaeological investigations undertaken on the site have identified an earlier foundation wall and recovered artefacts that date to the 17th century. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

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

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as

worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 199 of the National Planning Policy Framework (2018), that an appropriate record is made of archaeological evidence that may be affected by the development'

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

I would envisage a suitable programme of work as taking the form of the archaeological monitoring and recording of all groundworks associated with the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

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

Devon County Highway Authority

Observations:

The site is located between the square, Fore street, V2201 and Harbour Road, X2231.

In early 2019, we did make discussions for a possible car lift in this location, I believe by the current plans proposed in this application that this idea has not been carried forward, this removes concerns regarding maintenance and breakdowns. However a pedestrian access still remains off Fore street, in addition to the vehicular access from Harbour Road.

A basement car park facility proposed upon the site gives dedicated car parking spaces for each of the dwellings and retail unit. Furthermore the site has the added advantage of being present in the centre of Seaton with public car parks, services and

facilities and sustainable travel methods available. The site layout gives enough room for vehicles to turn off-carriageway and re-enter the carriageway in a forward facing motion. Additionally the pedestrian access through-route allows for predicted desire lines.

Due to the extent of the construction works to be carried, I do recommend that a Construction and Environment Management plan (CEMP) is prepared for this scheme together with the provision of secure cycle storage to further reduce trip generation from this proposed application. However, in saying that, the site is a brown field site and has incurred trip generations from previous uses.

Recommendation:

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

1. Prior to commencement of any part of the site 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.

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

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

Conservation Officer

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

ADDRESS: Vintage Court, The Square, Seaton

GRADE: N/A APPLICATION NO: 19/2445/FUL

CONSERVATION AREA: Seaton

PROPOSAL: Demolition of 2 x commercial units and 1 flat to be replaced with 2 x retail units and 8 flats.

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

This area is within the Seaton Conservation Area and is identified as forming part of the Seafront area. The street pattern follows that of an early inland village and coastal fishing settlement. There was significant development during the nineteenth century which has informed the character of the town in the present day. The area of Marine Place, where Vintage Court is located, makes an important contribution to the commercial area, where the underdeveloped rear spaces, form an edge to the open land beyond.

There are localised groups of shopfronts which can be identified as Victorian architecture. They have much of their original detailing with 2 upper storeys, many of which have a bay window at first floor. These reflect the local vernacular, with vertical sliding sash, timber windows and natural slate roofs. These shopfronts are bounded by open public spaces, with hard landscaped surfaces.

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

There has been a robust analysis of the historic environment above and below ground of this site. The archaeological report identifies the phases of development of the buildings. It is unfortunate that there is total loss of the rear section of the mid to late 19th century structure.

The design does not reflect the character of the local vernacular. The greatest harm is the negative effect of the overbearing height and massing of the flats. They dominate the conservation area and the significant views into the site. It starts to turn away from the historic street pattern of the high street and the hierarchy that has been established over the centuries. They do not respect the height of the principle heritage assets that contribute to the streetscene. It does not reflect the local vernacular and should be responding to the height and massing of rear subservient buildings.

The 2 new commercial units within the proposed courtyard are on a curve and angled away from any views and potential passing trade in from the high street.

The important view through to the site from the street is not enhanced, as the proposal is too over bearing. The materials, pattern of fenestration and numerous balconies have little regard for historic context or original architectural detail, other than the vertical emphasis of the fenestration.

In conclusion, it does not respect or seek any heritage enhancement to the high street as part of the proposal. The proposal causes significant harm to the character and value of the conservation area.

PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

Other Representations

2 objections have been received to date (in summary);

- Gross overdevelopment of the site.
- Impact on neighbouring properties.
- Not in keeping with the scale and appearance of surrounds.
- Object to historic walls being demolished.
- Potential flooding of basement level.
- Imposing and bigger than reasonably expected.
- Increased traffic in congested area.
- Access narrow and could compromise pedestrian/vehicular safety.
- Noise and disruption during construction phase.
- Harm to conservation area.

PLANNING HISTORY

Reference	Description	Decision	Date
18/2077/FUL	Demolition of 2 x retail units and 1 flat to be replaced with 2 x retail units and 9 flats	Withdrawn	12/11/2018

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
D1 (Design and Local Distinctiveness)

EN10 (Conservation Areas)

Strategy 6 (Development within Built-up Area Boundaries)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

TC7 (Adequacy of Road Network and Site Access)

EN8 (Significance of Heritage Assets and their setting)

EN9 (Development Affecting a Designated Heritage Asset)

E9 (Town Centre Vitality and Shopping Areas)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Other Documents

National Planning Policy Guidance
Seaton Conservation Area Appraisal

Site Location and Description

The application site takes place on land known as Vintage Court, which is in Seaton. The site is situated within the designated conservation area and can be seen from the adjacent car park.

The proposed footprint of the extension is currently occupied by what appears to be vacant buildings including Byron Jones (retail use). In terms of surrounding residential use 11 Marine Place features 3 flats and 2 flats of Seaton House. These are positioned above the ground floor of each property.

Proposed Development

The proposal seeks planning consent for a contemporary rear extension to provide for demolition of 2 commercial units and 1 flat to be replaced with 2 retail units and 8 flats.

The proposal could be accessed via a pedestrian walk way which links to the high street and vehicular access to the south. Due to the change in ground levels between the application site and land to the south a staircase is proposed. Within the building itself a lift is proposed to allow access for all. The proposal would also involve a basement level to contain vehicular parking. Above ground level consist of three stories. On the ground floor two commercial units are proposed along with two residential units. To the immediate north of the footprint of the proposed extension is an extensive terrace area. At first floor level are another two units with three units at second floor level.

The north facing elevation of the extension features a staggered pattern with balconies whereas the southern elevation is a smooth curve. On this southern elevation there are windows at all levels.

ANALYSIS

The main issues concerning this proposal are the principle of the development, the design and impact on the conservation area, the impact on amenity, access and parking and the impact on the town centres shopping area.

Principle of the development

The development takes place within the Built Up Area Boundary (BUAB) for Seaton. Strategy 6 of the adopted local plan facilitates residential and retail development within the BUAB as a matter of principle.

Impact on the conservation area and the design

Policy EN9 - Development Affecting a Designated Heritage Asset of the Local Plan states that the Council will not grant permission for developments involving substantial harm or total loss of significance of a designated heritage asset unless it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh that harm or loss and other criteria. With specific regard to conservation areas local plan policy EN10 states that development will only be permitted where it would preserve or enhance the appearance and character of the area. Favourable consideration will be given to proposals for new development within conservation areas that enhance or better reveal the significance of the asset, subject to compliance with other development plan policies and material considerations. These policies chime with both the National Planning Policy Framework (NPPF) and statutory duty under Section 72 of the Listed Building and Conservation Area Act, 1990. To give special regard to the impact upon heritage assets.

This area is within the Seaton Conservation Area and is identified as forming part of the Seafront area. The street pattern follows that of an early inland village and coastal fishing settlement. There was significant development during the nineteenth century which has informed the character of the town in the present day. The area of Marine Place, where Vintage Court is located, makes an important contribution to the commercial area, where the underdeveloped rear spaces, form an edge to the open land beyond.

There are localised groups of shopfronts which can be identified as Victorian architecture. They have much of their original detailing with 2 upper storeys, many of which have a bay window at first floor. These reflect the local vernacular, with vertical sliding sash, timber windows and natural slate roofs. These shopfronts are bounded by open public spaces, with hard landscaped surfaces.

There has been a robust analysis of the historic environment above and below ground of this site. The archaeological report identifies the phases of development of the buildings. It is unfortunate that there is total loss of the rear section of the mid to late 19th century structure.

The design does not reflect the character of the local vernacular. The greatest harm is the negative effect of the overbearing height and massing of the flats. They dominate the conservation area from the adjoining car park and the significant views into the site. It starts to turn away from the historic street pattern of the high street and the

hierarchy that has been established over the centuries. They do not respect the height of the principle heritage assets that contribute to the streetscene. It does not reflect the local vernacular and should be responding to the height and massing of rear subservient buildings.

The design of the elevation facing onto the adjoining car park appears bulky with a contrived window arrange to avoid overlooking of neighbours and results in a zig-zag arrange that is not only out of character but also poor in its design and appearance.

The area to the north of the application site has been recently regenerated and the proposal could be seen as complementing this regeneration with a contemporary design. Whilst the café, recently completed, is within the conservation area the gym and commercial buildings lie further to the east outside of the conservation area and so the impact on this heritage asset did not have the same weight attributed to it.

The important view through to the site from the street is not enhanced, as the proposal would appear too over bearing. The materials, pattern of fenestration and numerous balconies have little regard for historic context or original architectural detail, other than the vertical emphasis of the fenestration.

The raised terrace/common space with parking below would also be an alien feature and visually at odds with the conservation area.

In conclusion, the scheme does not respect or seek any heritage enhancement to the high street as part of the proposal. The proposal causes significant harm to the character and value of the conservation area.

The conservation officer has clarified that this significant harm equates to 'substantial harm' within the context of chapter 16 of the National Planning Policy Framework (NPPF). This is perhaps not too surprising given the prominence which the development would take relative to the overall conservation area. NPPF paragraph 195 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

There is not anything before officers to illustrate that points a to d inclusive would be satisfied or explain how the public benefits of the proposal are likely to be 'substantial'.

Accordingly, and having due regard to the statutory provisions under Section 72 of the Listed Building and Conservation Area Act 1990 this identified harm to a heritage asset weighs heavily against the development.

Impact on the amenity of adjacent occupiers

It is a requirement of policy D1 that development does not harm the amenity of occupiers of adjoining residential properties.

It is appreciated that the curved design seeks a contemporary interpretation of a significant rear extension. Further, this would be read in conjunction with the recent redevelopment in the area of the café, gym and business units. However, this curve means that the arc of the building line brings windows, belonging to habitable rooms, in close proximity to other existing windows to the rear of the properties which front on to the high street.

From the car park it can be seen that these adjacent windows belong to habitable rooms of flats with separation distances of as low as 12 metres. It is also the case that the proposed windows on the proposed south elevation belong to habitable rooms of the apartments. The proposal takes place within a town centre and there expected to be a tight knit relationship which at times means there can be mutual overlooking and it is acknowledged that the separation distance could mean that in other scenarios this would not be an issue. However, in this instance there is a significant degree of direct overlooking, including looking down into existing flat windows, to the detriment of occupiers adjacent, in conflict with local plan policy D1 (Design and Local Distinctiveness) of the Local Plan.

The close relationship combined with the scale and bulk of the proposed building would have a considerable impact upon the outlook of the existing residents and appear oppressive.

The Environmental Health department have commented on the proposal and although several noise related issues have been identified they have considered that the use of appropriate conditions could mitigate these.

Access and Parking

The proposal provides for internal vehicular parking at basement level. The access route is narrow, as noted by third parties. However, it remains passable for the majority of vehicles.

The Highway Authority have commented on the proposal and have considered that the proposed parking is adequate and that highway safety of the wider area would not be compromised. Although there could be some congestion, and it is noted that the proposal takes place within a town centre locality, the additional parking provision is unlikely to give rise to a significant increase in traffic movements when considered within this context.

Impact on the town centre shopping area

The proposal takes place within the town centre shopping area and therefore policy E9 of the local plan is relevant.

In terms of economic impact there would be no net loss in the amount of retail units. Further, the proposal could invite more economic investment by providing a modern space and facilities. This noted the floor space of each unit is restricted and it is likely that the proposal would represent a loss in floor area of commercial space of approximately 200 square metres. However, a shop unit would still be presented to the High Street and so the proposal would not harm the primary shopping frontage. The proposed commercial uses would not undermine the shopping character, and vitality or viability of the town centre as there would be no net loss in commercial units. Accordingly the proposal is not considered to harm the town centre in terms of vibrancy or vitality.

Other Matters

Due to the historic context of the development the Archaeologist at Devon County Council has recommended that an implementation programme be conditioned in the event of an approval.

CONCLUSION

The proposal seeks permission for the demolition of 2 commercial units and 1 flat to be replaced with 2 retail units with 8 flats above.

The proposed takes place within the designated conservation area and town centre shopping area and the conservation officer has raised concerns over this proposal pointing toward the inappropriate fenestration and detailing and scale of the extension. As such the proposal is considered to result in substantial harm to the conservation area and in the absence of any significant public benefits to outweigh such harm, the proposal is contrary to Local Plan policy, guidance with regard to the impact upon heritage assets in the NPPF and therefore unacceptable.

Further, the curvature of the building and its height means that the proposed windows would overlook existing windows on the rear of the properties which front the High Street. As a result significant overlooking would arise to the detriment of adjacent occupiers and the close relationship is considered to be oppressive.

Whilst there would be no harm to the vitality and viability of the town centre, due to the resulting harm/visual impact to the conservation area and amenity of adjacent occupiers the proposal is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposal, by reasons of its incongruous scale, design features and balcony detailing within a prominent position, results in a development which fails to respect the historic character of the designated conservation area. Additionally the size, height and scale does not respect the hierarchy of building transition. The harm to the irreplaceable heritage asset that has been identified is considered 'substantial', and there is no evidence to suggest that the development is necessary to achieve substantial public benefits that outweigh

this harm, or that the nature of the heritage asset prevents all reasonable uses of the site; or that the harm is outweighed by the benefit of bringing the site back into use. Therefore the proposal would conflict with the requirements of policies EN8 (Significance of Heritage Assets and their Setting), EN9 (Development Affecting a Designated Heritage Asset) and EN10 (Conservation Areas) of the Adopted East Devon Local Plan, guidance contained within the National Planning Policy Framework and the statutory provision of Section 72 of the Listed Building and Conservation Area Act, 1990.

2. The proposal, by virtue of the position and height of the windows belonging to habitable rooms on the southern elevation, would be angled toward adjacent windows of existing residential buildings. This close proximity results in a significant and unacceptable overlooking element and oppressive impact on the detriment of the private amenity of the adjacent occupiers. As such the proposal conflicts with the requirements of Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan and guidance contained within 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:

E-100 :Location/site plan	Existing Combined Plans	06.11.19
P100	Proposed Site Plan	06.11.19
P200: Basement	Proposed Floor Plans	06.11.19
P202: First	Proposed Floor Plans	06.11.19
P203: Second	Proposed Floor Plans	06.11.19
P220	Sections	06.11.19
P300: East	Proposed Elevation	06.11.19
P301: South	Proposed Elevation	06.11.19
P302: East	Proposed Elevation	06.11.19

P303: North	Proposed Elevation	06.11.19
P304: West from courtyard	Proposed Elevation	06.11.19
P201: Ground	Proposed Floor Plans	06.11.19
C0730-S1: Ground	Existing Floor Plans	12.11.19
C0730-S2	Existing Combined Plans	12.11.19

List of Background Papers

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