

Agenda for Development Management Committee Tuesday, 4 August 2015; 10.30am



[Members of the Committee](#)

Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

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01395 517542, Issued 16 July 2015

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[Speaking on planning applications](#)

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

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

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

The day before the meeting a revised running order for the applications being considered by the Committee will be posted on the council's website

(<http://new.eastdevon.gov.uk/council-and-democracy/committees-and-meetings/development-management-committee/agendas>). Applications with registered speakers will be taken first.

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Monday 27 July up until 12 noon on Thursday 30 July by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

[Speaking on non-planning application items](#)

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

- 1 Minutes of the Development Management Committee meeting held on 14 July 2015 (page 5 – 12)
- 2 Apologies
- 3 [Declarations of interest](#)
- 4 [Matters of urgency](#)
- 5 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

- 6 **Planning appeal statistics** (page 13 - 16)
Service Lead – Planning Strategy and Development Management

- 7 **Applications for determination**

Please note the following applications are all scheduled to be considered in the morning, however the order may change – please see the front of the agenda for when the revised order will be published.

15/0049/V106 (Major) (page 17 - 24)

Broadclyst

Old Park Farm, Pinn Hill

15/1565/V106 (Major) (page 25 - 29)

Broadclyst

Land at Tithebarn Lane, Clyst Honiton

15/0655/MFUL (Major) (page 30 - 50)

Coly Valley

Brookfield Farm, Offwell, Honiton EX14 9SU

15/1310/FUL (Minor) (page 51 - 58)

Coly Valley

Rear of 53 Govers Meadow, Colyton

15/0642/MRES (Major) (page 59 - 87)

Newton Poppleford and Harpford

Land south of King Alfred Way, Newton Poppleford

15/1354/CPL (Other) (page 88 - 91)

Sidmouth Sidford

13 Lymebourne Park, Sidmouth EX10 9HX

15/1506/FUL (Minor) (page 92 - 96)

Sidmouth Sidford

37 Sampson Close, Sidford EX10 9FD

15/1420/FUL (Minor) (page 97 - 101)
Sidmouth Town
33 Higher Woolbrook Park, Sidmouth EX10 9ED

15/1366/FUL (Minor) (page 102 - 107)
Woodbury and Lympstone
Churchill Court, Lympstone, Exmouth EX8 5JB

Lunch break - Lunch will be provided for Development Management Committee members in the Members' Area

Afternoon Session – the applications below will not be considered before 2pm.

Please note the following applications are all scheduled to be considered in the afternoon, however the order may change – please see the front of the agenda for when the revised order will be published.

15/0793/OUT (Minor) (page 108 - 117)
Clyst Valley
1 The Barn, Church Lane, Clyst St Mary EX5 1AB

15/0488/FUL (Minor) (page 118 - 125)
Dunkeswell
Combe Hill, Combe Raleigh EX14 4UQ

15/0844/FUL (Minor) (page 126 – 133)
Dunkeswell
Unit 10 Flighway, Dunkeswell Business Park, Dunkeswell EX14 4RD

15/0786/FUL (Minor) (page 134 - 142)
Honiton St Michaels
Land at Millhead Road, Honiton

15/1253/FUL & 15/1254/LBC (Minor) (page 143 - 152)
Honiton St Pauls
The Honiton Dairy, 60 High Street, Honiton EX14 1PQ

15/0909/OUT (Minor) (page 153 - 162)
Seaton
Land rear of Chestnut House, Bunts Lane, Seaton

15/0014/FUL (Minor) (page 163 - 172)
Tale Vale
James Barn, Kerswell, Cullompton EX15 2ES

Please note:

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

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

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

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

[Decision making and equalities](#)

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

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 14 July 2015

Attendance list at end of document

The meeting started at 11am and ended at 4.35pm.

***18 Minutes**

The minutes of the Development Management Committee meetings held on 3 June 2015, 16 June 2015 and 23 June 2015 were all confirmed and signed as true records.

***19 Declarations of interest**

Cllr Matt Coppell; 15/1187/FUL; Personal interest; Lives adjacent to the application site.
Cllr Ben Ingham; 14/2946/MFUL & 14/2947/LBC; Personal interest; Lives on Courtlands Lane.

Cllr Peter Burrows; 13/1091/MOUT & 15/1228/CPL; Personal interest; Seaton Town Councillor.

Cllr Steve Gazzard; 14/2946/MFUL & 14/2947/LBC, 15/1176/CPL, 15/1268/LBC & 14/1768/FUL; Personal interest; Exmouth Town Councillor.

Cllr Alan Dent; 15/0997/FUL; Personal interest; Budleigh Salterton Town Councillor.

Cllr Alison Greenhalgh; 14/2946/MFUL & 14/2947/LBC, 15/1176/CPL, 15/1268/LBC & 14/1768/FUL; Personal interest; Exmouth Town Councillor.

Cllr Alison Greenhalgh; 14/2946/MFUL & 14/2947/LBC; Personal interest; Acquaintance of a resident that lives near to the application site.

Cllr Mark Williamson; 14/2946/MFUL & 14/2947/LBC, 15/1176/CPL, 15/1268/LBC & 14/1768/FUL; Personal interest; Exmouth Town Councillor.

Cllr Chris Pepper; 15/0453/FUL; Personal interest; Broadclyst Parish Councillor.

***20 Plot 406 Hawkerland, Colaton Raleigh update**

The Strategic Lead – Legal, Licensing and Democratic Services updated the Committee that following the resolutions made in respect of Plot 406 Hawkerland at a previous meeting, the High Court had granted a final injunction against the owner of the site.

***21 Planning appeal statistics**

The Committee received and noted the Development Manager's report setting out appeals recently lodged and four appeal decisions notified, of which three had been dismissed.

The Development Manager advised Members that following the Local Plan Enquiry held the previous week; further work was required in respect of the Council's five year housing land supply. As result of this, when considering applications full weight could not be given to the Council having an up to date supply and therefore applications needed to be considered on sustainability.

***22 Applications for Planning Permission and matters for determination**

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 4 – 2015/2016.

Attendance list

Present:

Committee Members

Councillors:

David Key (Chairman)

Mike Howe (Vice Chairman)

Mike Allen

David Barratt

Susie Bond

Colin Brown

Peter Burrows

Paul Carter

Matt Coppel

Alan Dent

Steve Gazzard

Alison Greenhalgh

Simon Grundy

Ben Ingham

Chris Pepper

Mark Williamson

Officers

Henry Gordon Lennox, Strategic Lead – Legal, Licensing and Democratic Services

Alison Hayward, Senior Manager - Regeneration & Economic Development

Rob Murray, Economic Development Manager

Chris Rose, Development Manager

Hannah Whitfield, Democratic Services Officer

Jeremy Upfield, Devon County Council Highways

Also present

Councillors:

Megan Armstrong

Andrew Moulding

Pauline Stott

Apologies:

Non-Committee Members

Councillors

Paul Diviani

Jill Elson

Steve Hall

Jim Knight

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Development Management Committee

Tuesday 14 July 2015; Schedule number 4 – 2015/2016

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:

<http://eastdevon.gov.uk/media/1201702/140715-combined-dmc-agenda-compressed.pdf>

Exmouth Halsdon

(EXMOUTH)

14/2946/MFUL & 14/2947/LBC

Woodbury &

Lympstone

Applicant: Michael Caines Ltd

Location: Courtlands House Courtlands Lane

Proposal: Renovation, restoration and extension of Courtlands House estate from a wedding venue into a 21 bedroom luxury country house hotel and fine dining restaurant. Including refuse and maintenance store, staff accommodation and kitchen facilities, landscaping of private gardens and parkland including a nature trail, tennis court and croquet lawn and access to the Exe Estuary cycle way.

RESOLVED:

14/2946/MFUL

APPROVED conditions as per recommendation subject to:

- A completed Unilateral Undertaking
- Condition 15 being amended to state Noise Curve Rating of 25 (not 35)

14/2947/LBC

APPROVED with conditions as per recommendation subject to Condition 17 being amended to clarify that the details of the replacement doors related to the proposed plant room.

(Note: Application was deferred for a site inspection on 16 June 2015. The Committee carried out a site visit in advance of the meeting)

Exmouth Littleham

(EXMOUTH)

15/1176/CPL

Applicant: Mr J Burns

Location: 13 Capel Lane Exmouth

Proposal: Certificate of lawfulness for the construction of a single storey side extension

RESOLVED:

APPROVED as per recommendation.

Exmouth Town (EXMOUTH) 15/0619/FUL

Applicant: Mr & Mrs D Ashworth

Location: 6 Esplanade Exmouth

Proposal: Demolition of existing garages and construction of a residential dwelling and carport

Application withdrawn

Exmouth Town (EXMOUTH) 15/1268/LBC

Applicant: East Devon District Council (Ms A Hayward)

Location: Mamhead Slipway Mamhead View

Proposal: Removal of wall adjoining the western face of the listed sea wall, cleaning of the western end of the listed sea wall and re-pointing to enable the redevelopment of the slipway (revisions to LBC granted under reference 14/1767/LBC)

RESOLVED: APPROVED with conditions as per recommendation.

Exmouth Town (EXMOUTH) 14/1768/FUL

Applicant: East Devon District Council (Ms A Hayward)

Location: Mamhead Slipway Mamhead View

Proposal: Non-material amendment to application 14/1768/FUL to provide revised design of replacement steps to the new slipway

RESOLVED: Minor amendment APPROVED

Exmouth Town (EXMOUTH) 14/1768/FUL

Applicant: East Devon District Council (Ms A Hayward)

Location: Mamhead Slipway Mamhead View

Proposal: Non-material amendment to application 14/1768/FUL to amend the design of the wave screen

RESOLVED: Minor amendment APPROVED

Seaton
(SEATON) 13/1091/MOUT

Applicant: Fosseway Developments Ltd

Location: Land North Of Rowan Drive Seaton

Proposal: Erection of up to 36 no. dwellings (25% affordable) with associated access and parking (outline application with all matters reserved)

RESOLVED: APPROVED subject to Section 106 Agreement and conditions as per recommendation.

Tale Vale
(AWLISCOMBE) 15/0992/MOUT

Applicant: Davies Holdings (Somerton) Ltd

Location: Land To West Of Marles Close

Proposal: Residential development of up to 12no dwellings (up to 8 affordable), associated parking, landscaping and construction of an access from Marles Close.

RESOLVED: REFUSED (contrary to officer recommendation) with delegated authority given to the Development Manager to draft reasons for refusal.
Members felt the development was unsustainable due to the need to cross the A373 to access the settlement's limited facilities and this was considered dangerous. It was also felt the proposal would have a harmful impact on the landscape and that this harm would outweigh the benefits of the affordable housing provision. Members also felt that the Housing Needs Survey, which was carried out in 2010, was not up to date.

Tale Vale
(AWLISCOMBE) 15/1067/MFUL

Applicant: Feniton Park Ltd

Location: Land North Of Greenways Awliscombe

Proposal: Construction of 15no dwellings (comprising 10no affordable and 5no open market units) and associated access and landscaping works.

RESOLVED: REFUSED as per recommendation subject to an additional reason for refusal relating to Members concerns that the Housing Needs Survey, which was carried out in 2010, was not up to date.

Axminster Town
(AXMINSTER)

14/2949/FUL

Applicant: Mr Shane Morgan

Location: Browhill House Musbury Road

Proposal: Proposed residential development of two detached houses, one detached garage for the existing house, improved vehicular access and pedestrian footpaths

RESOLVED: REFUSED as per recommendation.

Yarty
(CHARDSTOCK)

15/1007/FUL

Applicant: Mr & Mrs B Curwood

Location: South View Chardstock

Proposal: Demolition of garage and erection of dwelling

RESOLVED: REFUSED as per recommendation.

Beer and
Branscombe
(BEER)

15/0845/FUL

Applicant: Andrew Ennis

Location: 2 Richmond Terrace Causeway

Proposal: Construction of rear dormer extension and alterations to roof of existing single storey extension (amendments to application 14/2414/FIUL)

RESOLVED: APPROVED with conditions as per recommendation.

Broadclyst
(BROADCLYST) 15/0453/FUL

Applicant: Mrs Louise Bowker

Location: Land Adjoining 70 Park Lane Exeter

Proposal: Construction of detached dwelling

RESOLVED: APPROVED with conditions as per recommendation.

Budleigh Salterton
(BUDLEIGH
SALTERTON) 15/0997/FUL

Applicant: Mr Rupert Pitts

Location: 9 Meadow Road Budleigh Salterton

Proposal: Construction of replacement fences to side and front boundaries of property.

RESOLVED: APPROVED with conditions as per recommendation.

Clyst Valley
(CLYST ST
GEORGE) 15/0700/MFUL

Applicant: Mr M Tremlett

Location: Tremletts Odhams Wharf

Proposal: Demolition of existing industrial buildings and construction of 3 no. office blocks, raising of site levels and construction of new bridge (re-submission of planning application 09/2412/MFUL)

RESOLVED: APPROVED with conditions as per recommendation.

Newton Poppleford
and Harpford
(NEWTON
POPPLEFORD AND
HARPFORD)

15/1187/FUL

Applicant:

Mr P Grace

Location:

Rushmer Lodge High Street

Proposal:

Construction of two storey extension

RESOLVED:

APPROVED with conditions as per recommendation.

Seaton
(SEATON)

15/1228/CPL

Applicant:

EDDC (Housing & Social Inclusion)

Location:

7 Summersby Close Seaton

APPROVED as per recommendation.

**East Devon District Council
List of Planning Appeals Lodged**

Ref: 15/0838/PDQ **Date Received** 23.06.2015
Appellant: Mr M Weeks
Appeal Site: Agricultural Building East Of Yonder Down Rewe
Proposal: Prior approval for change of use of agricultural building to a dwelling house and associated operational development
Planning Inspectorate Ref: APP/U1105/W/15/3121515

Ref: 14/2973/FUL **Date Received** 25.06.2015
Appellant: R H Survey And Design
Appeal Site: 34 High Street Budleigh Salterton EX9 6LQ
Proposal: Replacement of all windows at first and second floor levels on front and rear elevations and installation of doors and balcony on rear elevation.
Planning Inspectorate Ref: APP/U1105/W/15/3124725

Ref: 15/0610/FUL **Date Received** 26.06.2015
Appellant: Mr & Mrs R Amos
Appeal Site: Broadoak Barn West Hill Road West Hill Ottery St Mary EX11 1UZ
Proposal: Conversion and extension to garage to form dwelling.
Planning Inspectorate Ref: APP/U1105/W/15/3127841

Ref: 15/0717/PDQ **Date Received** 30.06.2015
Appellant: Mr A Issac
Appeal Site: Land And Buildings At Upexe Farm Upexe
Proposal: Prior Approval of proposed change of use of agricultural building to a dwelling (Use Class C3) and for associated operational development
Planning Inspectorate Ref: APP/U1105/W/15/3128722

Ref: 15/0905/FUL **Date Received** 09.07.2015
Appellant: Mr N G Bailey
Appeal Site: The Old Smithy Park Lane Whitford
Proposal: Change of use of former smithy to dwelling
Planning
Inspectorate
Ref:

East Devon District Council List of Planning Appeals Decided

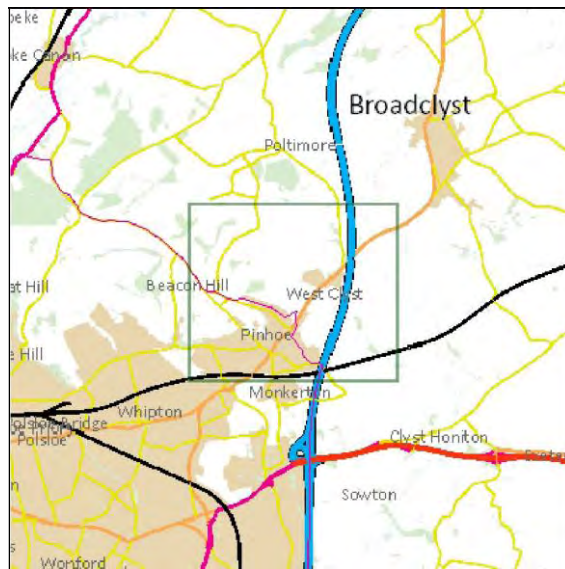
Ref:	14/2422/OUT	Appeal Ref:	15/00004/REF
Appellant:	Mr S Wain		
Appeal Site:	Firs Folly Crewkerne Road Axminster EX13 5SX		
Proposal:	Construction of 2 no. houses and associated garaging (outline application with all matters apart from access reserved)		
Decision:	Appeal Dismissed	Date:	30.06.2015
Procedure:	Written representations		
Remarks:	Delegated refusal, sustainability and highway safety reasons upheld. (EDLP Policies TA7, TC7 & S5).		
BVPI 204: Planning Inspectorate Ref:	Yes APP/U1105/W/15/3005708		

Ref:	14/2336/FUL	Appeal Ref:	15/00006/REF
Appellant:	Mr & Mrs T Dyer		
Appeal Site:	Land To The South Of Ballard Down Smallridge Axminster EX13 7LY		
Proposal:	Creation of 2 no. dwellings		
Decision:	Appeal Allowed (with conditions)	Date:	09.07.2015
Procedure:	Written representations		
Remarks:	Delegated refusal, sustainability reasons overruled. (EDLP Policies TA1 & TC2). The Inspector considered that as the appeal site lies within the Built Up Area Boundary for Smallridge, where the Local Plan allows for some new development, the proposal would help sustain local services. He concluded that two smaller units on the site are likely to be more affordable and would accord with the provisions of the Framework that are aimed at significantly boosting the supply of housing.		
BVPI 204: Planning Inspectorate Ref:	Yes APP/U1105/W/15/3011479		

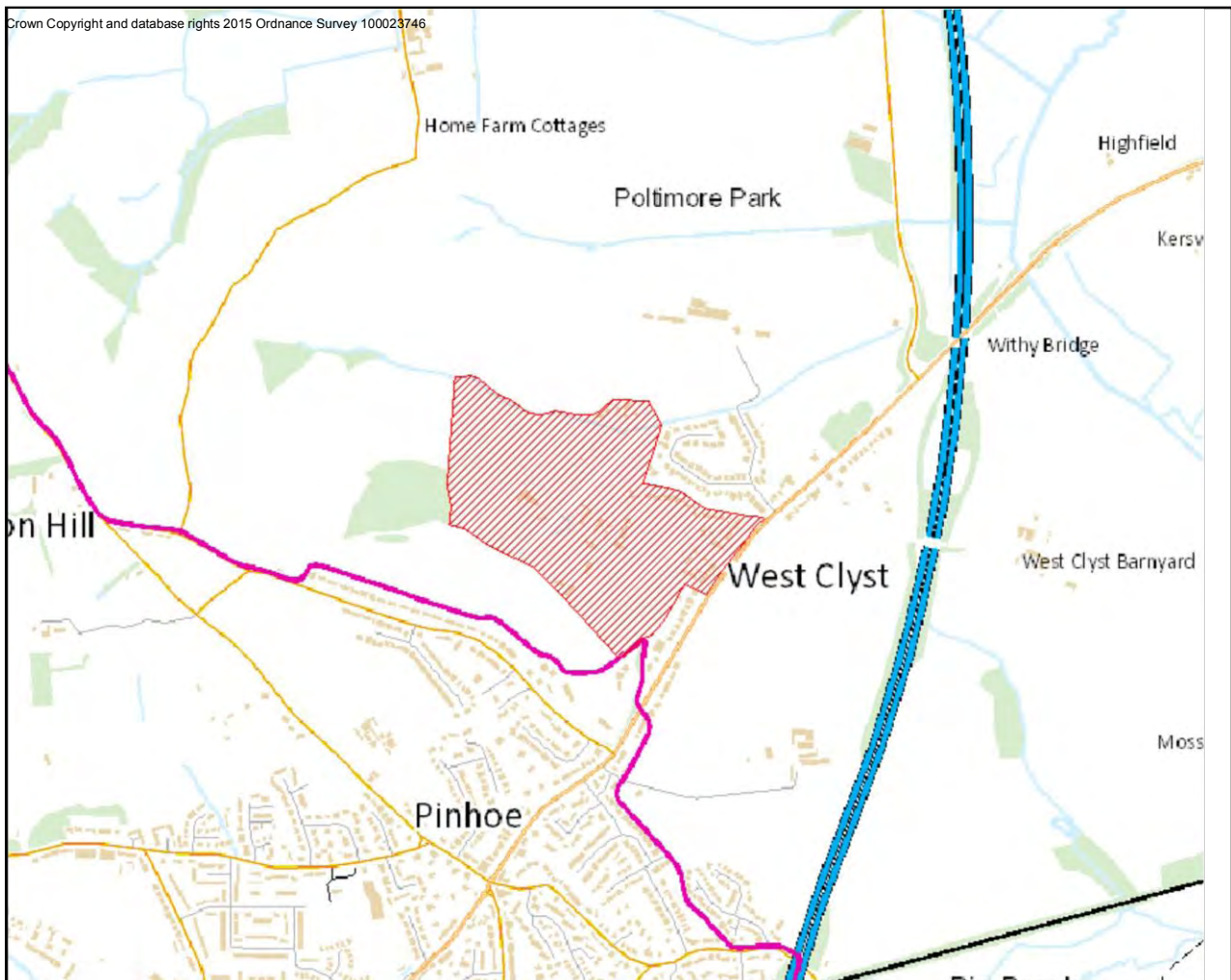
Ref: 14/2804/FUL **Appeal Ref:** 15/00016/REF
Appellant: Dr Richard Crosthwaite-Eyre
Appeal Site: 1 Victoria Cottages Greenway Woodbury Exeter EX5 1LU
Proposal: Remove front wall and part of side wall to form parking space.
Decision: **Appeal Dismissed** **Date:** 09.07.2015
Procedure: Written representations
Remarks: Delegated refusal, conservation reasons upheld. (EDLP Policies D1, EN9 & EN11).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/15/3013864

Ref: 14/2835/LBC **Appeal Ref:** 15/00017/LBCREF
Appellant: Dr R Crosthwaite-Eyre
Appeal Site: 1 Victoria Cottages Greenway Woodbury Exeter EX5 1LU
Proposal: Remove front wall and part of side wall to form parking space
Decision: **Appeal Dismissed** **Date:** 09.07.2015
Procedure: Written representations
Remarks: Delegated refusal, conservation reasons upheld. (EDLP Policies D1, EN9 & EN11).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/Y/15/3013857

Ward Broadclyst
Reference 15/0049/V106
Applicant A E Stuart & Sons
Location Land At Old Park Farm Pinn Hill
Exeter EX1 3TH
Proposal Variation of the Section 106
Agreement accompanying
Planning permission
10/0641/MOUT



RECOMMENDATION: Approve



		Committee Date: 04 August 2015
Broadclyst (BROADCLYST)	15/0049/V106	Target Date: 05.03.2015
Applicant:	A E Stuart & Sons	
Location:	Old Park Farm One Pinn Hill	
Proposal:	Variation of the Section 106 agreement accompanying the Old Park Farm planning permission 10/0641/MOUT	

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

Planning permission was granted in December 2011 for the Old Park Farm phase 1 development, subject to a Section 106 Agreement dealing with among other things affordable housing, education, highways/public transport and open space/sports provision. A deed of variation is being sought to address a number of issues that have arising regarding the restricted time limit for submission and commencement of the reserved matters applications, the trigger points for the two phases of the Park and Change site, and, delivery issues with the education and sports provision.

The original draft only sought to deal with the Park and Change trigger point and the time limit on the submission of reserved matters for the school and the sports pitches. However, as negotiations with officers have taken place matters have moved on, the most significant of these being the time limit for submission of reserved matters running out on 5 December 2014 and DCC Education requiring a larger site for the school to take account of the Pinn Court Farm and Old Park Farm phase 2 developments.

As of 5 December 2014 reserved matters had not been applied for in relation to the school and the sports pitches and therefore an alternative method of securing these facilities needs to agreed. In respect of the school site DCC identified a requirement for an additional 0.2 hectares but the only land available to increase the school site is the land identified for sport provision which raised concerns about delivery of a useable sports pitch. Subsequent to this EDDC have also identified that the site approved for the play area is unsuitable for such a use as it is isolated and in conflict with the approved swales.

Following various discussions agreement has been reached with DCC Education whereby the education and sport pitch land is combined to enable the school, sports pitch and play area to be laid out in the most efficient way to free up the

additional space that education needs to deliver a 420 place primary school, enable delivery of a 9 v 9 pitch, and give a suitable space for the primary aged LEAP to be provided. The land would then be transferred to DCC with the sport and play land transferred on to Broadclyst Parish Council, who would run these facilities on a formally-agreed shared use basis between the community and the school. For the park and change site alternative delivery triggers have been agreed with Devon County.

A revised draft deed of variation is currently being produced to secure these measures but the Education Funding Agency (EFA) will only release design funding for the school if they have assurance that the deed of variation will be agreed. As the negotiated solution is a change to the arrangement of education and sport provision originally secured, Member authorisation is required. A resolution from the Development Management Committee would suffice to allow the EFA to begin to Masterplan the site in order not to hold up the process, with the legal agreement to vary the Heads of Terms being finalised later in the year.

It is therefore recommend that the revisions to the Section 106 agreement be accepted.

PLANNING HISTORY

Reference	Description	Decision	Date
10/0641/MOUT	Outline planning application, dealing with access only, for a development of up to 450 residential units, up to 2,000sqm of (B1) business use, a primary school (2ha site), a village centre with mixed services, retail space of up to 900sqm, and a 250 space Park & Ride; together with associated areas of open space (formal and informal), cycleways, footpaths and infrastructure, served off a new access from the highway.	Approval with conditions	05.12.2011

12/0130/MRES	Reserved matters application for 439 residential units, village centre, open space, landscaping and cycle and pedestrian links pursuant to outline planning permission 10/0641/MOUT (incorporating details of appearance, landscaping, layout and scale).	Approval with conditions	07.09.2012
12/0702/MRES	Approval of reserved matters (Appearance, landscaping, layout and scale) for an A1 (retail) unit, B1(A) (office) unit and B1 (B) (light industrial) units and a 250 space park and change pursuant to outline planning permission 10/0641/MOUT.	Approval with conditions	20.09.2012
12/0620/FUL	Change of use of land to allotments for use in connection with approved residential development at Old Park Farm (application ref. 10/0641/MOUT) and associated access and parking	Approval with conditions	29.06.2012
13/0956/MRES	Reserved matters application for the substitution of the approved house types on plots 90 and 91.	Approval with conditions	27.06.2013
13/1921/MRES	Layout, scale and appearance details of plots 80 - 89 (inclusive) comprising two ground floor retail units and ten two-bedroomed apartments (amendment to approved development 12/0130/MRES).	Approval with conditions	01.11.2013

ANALYSIS

Background

The Old Park Farm phase 1 outline was approved on 5 December 2011 subject to conditions and a Section 106 agreement.

While the outline permission was subject to the normal time limits for submission of reserved matters and commencement of development (3 and 5 years respectively) clauses 7.1 and 7.2 of the Section 106 reduced this to 12 months from the date of permission for the submission of all reserved matters with commencement of development to be within 12 months of the date of the reserved matters approval.

Schedule 2, dealing with Education, required the reserved matters application for the school to include a plan identifying the land for the school site with the offer to transfer the site to DCC being triggered on the grant of the reserved matters permission. The school site was defined as an area of not less than 1.3 hectares to provide a 210 entry form primary school.

Schedule 3, dealing with Open Space and play, required community consultation on the LEAP between the occupation of the 200th and 307th dwelling with the approved LEAP being laid out prior to the occupation of the 307th dwelling. Upon completion of the Open Space the land is to be transferred to a management company or the Parish Council.

Schedule 7, dealing with Sport Pitches, required the reserved matters application for the sports pitches to include a plan identifying the land for the pitches with community consultation on the type of sport pitches required between the occupation of the 200th and 307th dwelling. The pitches are required to be laid out in the first planting season following approval of the Sport Pitch Specification and upon completion the land is to be transferred to a management company or the Parish Council with an obligation to use reasonable endeavours to secure dual use for the primary school. The sports land was defined as an area of 0.7 hectares.

Schedule 8, dealing with the Park and Change site, required the reserved matters application to include a plan and specification with phase 1 to be laid out prior to the first occupation of any dwelling, with the notice requirements for phase 2 being triggered prior to the first occupation of the 100th dwelling.

Proposed Variations

A number of proposed revisions have been discussed with officers with additional matters being added as things have moved on with the delivery of parts of the development. The current position is that the following amendments are now being sought:

1. Alternative occupation triggers for the delivery of the two phases of the park and change site
2. Transfer of the education and sports land as one parcel of 2 hectares to DCC
3. Transfer of the specified areas for the sports pitch and play area to Broadclyst Parish Council who have undertaken to manage the site in co-operation with the school

Assessment

Planning guidance is clear that Local Authorities should adopt a flexible approach to renegotiating 106 agreements. Where there has been a change in circumstances from when a Section 106 Agreement is finalised, it is sensible to review the obligations in that legal agreement. This is to ensure that desirable developments are not hindered by unnecessary hurdles, while at the same time ensuring that the contributions/mitigation measures secured in the original S106 are still provided to a sufficient level.

The deed of variation has been under negotiation for some time. The initial amendments sought related to changes to the park and change trigger points and the time limit on the submission of reserved matters the school and the sports pitches. However as time has moved on a number of other matters have arisen that also require changes to the 106 obligations.

Reserved Matters submissions

The outline planning permission was subject to the standard time limits for submission and subsequent commencement of the reserved matters although the 106 imposed a shorter time limit of 12 months to submit and 12 months to commence.

The time limit for submission of all reserved matters was passed on 5 December 2014 and at that point reserved matters had not been applied for in relation to the school and sports pitches. These facilities therefore now require a separate full or outline/reserved matters application but the 106 needs to be varied to secure delivery, either through imposing a time limit for transfer of the land and/or submission and implementation of a separate planning application.

The shortened time limit for submission of the reserved matters was intended to secure early delivery of the housing as at the time the Council's lack of 5 year land supply was a significant issue. The reserved matters application for the residential parcels was approved and development commenced within that timescale and approximately 200 occupations have now been reached. Therefore the intention behind this restriction has been fulfilled. Provided an alternative trigger/backstop for delivery of these associated outstanding items can be agreed that delivers them within a reasonable timescale this is considered acceptable.

Park and Change

The reserved matters application for the park and change was approved 20 September 2012 and provided for construction in two phases with interim landscaping approved for the second phase. While the permission can still be implemented under the time limit on the outline consent (the latest reserved matters was approved 28 November 2013) the 106 required phase 1 to be laid out prior to first occupation. First occupation occurred June 2013 but the park and change was not laid out. Separate discussions were held with DCC regarding setting back this trigger and consequently the triggers pertaining to phase 2 and these are now proposed as the 250th dwelling or within 6 months of DCC's approval of the park and

change specification for phase 1 and the 400th dwelling or within 6 months of DCC's approval of the park and change specification for phase 2 (if required).

The park and change facility was part of the highway/transport mitigation measures for the development and as such it falls to DCC as the highways authority to consider the merits of delaying the park and change facility. The amended triggers have been considered by DCC and no objections have been raised.

Education, Sports Pitches and Play

Various negotiations have taken place regarding an alternative trigger point for the school and sports primarily relating to specified dates for submission of location plans and/or applications and subsequent implementation or/laying out.

However, following the successful bid for a Free School on the site DCC Education were seeking an additional 0.2 hectares of land to take the school site from 1.3 hectares to 1.5 hectares but this additional land was proposed to be taken from the sports land reducing that site to 0.5 hectares. Although the provision of an adequately sized school to serve the Pinhoe developments is important, so is the provision of a useable sports pitch meeting the requirements of the community and concerns were raised that reducing the sports land would render any useable sports pitch undeliverable. EDDC also identified that the original location of the play area was not suitable for such a use as it did not benefit from natural surveillance and was in conflict with an area of approved swales. As the play area is for primary age children relocating it in association with the school is highly desirable.

If the education and sports land is taken as a whole the 2 hectare site can accommodate the required 420 place primary school and minimum competition 9 v 9 standard pitch together with the required primary age LEAP. If the land is laid out efficiently all three uses can be accommodated and have the potential to work together. This has been agreed with DCC Education and a variation is now proposed which would see the land transferred as a whole to DCC to enable it be Masterplanned, with the sport and play land subsequently transferred to the Parish Council. It would then be managed by the Parish Council with the school and a dual arrangement with the school would be secured. This amendment would also make it desirable for the sports and play provision to be delivered at the same time as the school (which is along the same timeframe as would have been delivered anyway).

Although this represents a change to the size, disposition and delivery point of the education and sports land from what was originally secured in the 106 it represents the best use of the land available to provide these important facilities. The development will still deliver the required education, sports and play facilities but in a much more efficient and effective way.

In terms of timescales the school is set to open in September 2016 in temporary accommodation, places for which will be open from November 2015 and therefore the Multi Academy Trust (MAT) wishes to start advertising to prospective parents from September 2015. In order for the EFA to release design funding, which would set out the individual areas in the Masterplan detail, the EFA needs to be confident that a Deed of Variation can be agreed. A resolution from Development Management Committee would suffice to allow the EFA to begin the Masterplan process in order

not to hold up the process, with the legal agreement to vary the Heads of Terms being finalised later in the year.

The Section 106 Officer has been involved in these negotiations along with the local Member and Parish Council and they are satisfied with these arrangements and revised timescales. This amendment will ensure the school, sport, and, play facilities are delivered on the site in a manner acceptable to all parties.

RECOMMENDATION

It is recommended that the revised legal agreement be accepted subject to the agreement of final wording to be delegated to the Development Manager in consultation with the Council's lawyer.

List of Background Papers

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

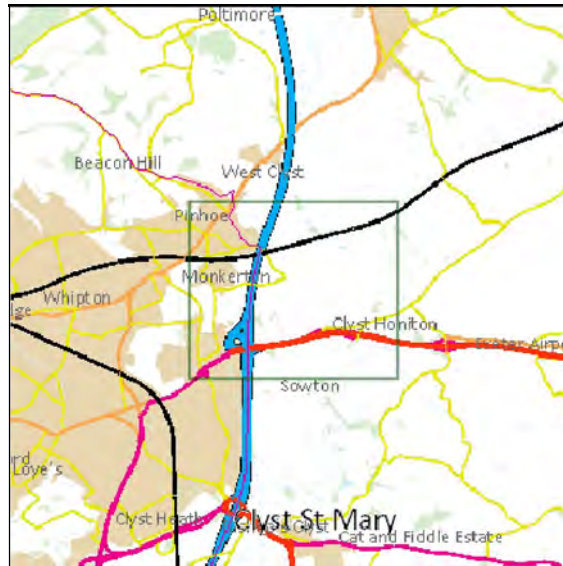
Ward Broadclyst

Reference 15/1565/V106

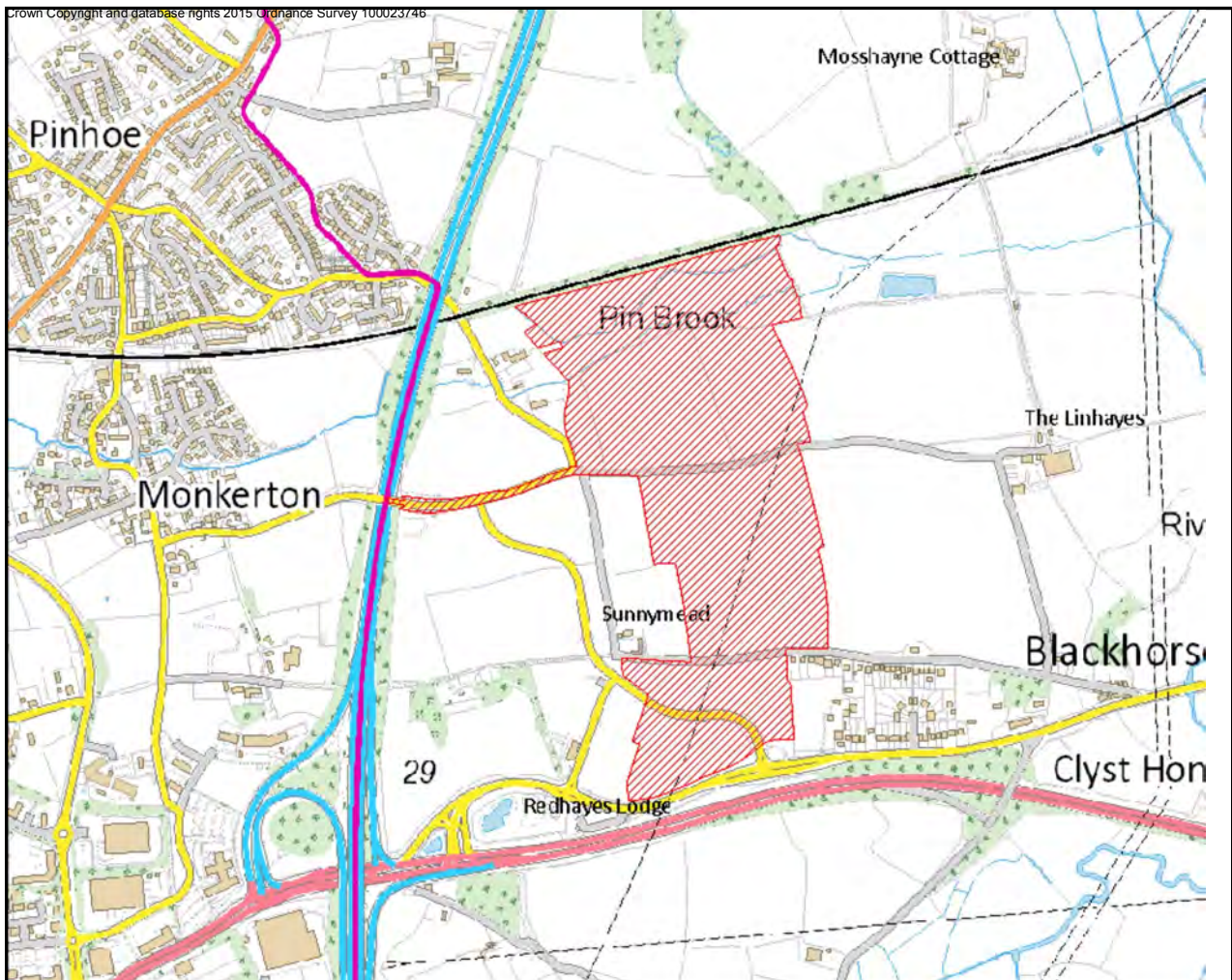
Applicant Eagle Homes Ltd

Location Land At Tithebarn Lane Clyst Honiton

Proposal Variation to the Section 106 Agreement accompanying the Tithebarn Green planning permission 12/1291/MOUT to modify the affordable housing obligations.



RECOMMENDATION: Approval - standard time limit



		Committee Date: 4 August 2015
Broadclyst (BROADCLYST)	15/1565/V106	Target Date: N/A
Applicant:	Eagle Homes Ltd	
Location:	Land At Tithebarn Lane	
Proposal:	Variation to the Section 106 Agreement accompanying the Tithebarn Green planning permission 12/1291/MOUT to modify the affordable housing obligations.	

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

Planning permission was granted in November 2013 for the Tithebarn Green development, subject to three Section 106 Agreements dealing with Devon County Council matters, Exeter City Council matters and East Devon District Council matters.

The EDDC agreement contained a number of obligations including the provision of 28% affordable housing and a deed of variation is being sought to reduce the level of affordable housing down to 25% and to alter the triggers for the delivery of the affordable units within the scheme.

This amendment is being sought on the basis of the Pinncourt appeal decision where the Inspector and Secretary of State endorsed the use of the Council's emerging affordable housing policy Strategy 34. Viability is not being raised. The proposed variation would accord with emerging policy and would bring the development of affordable housing forward on the site. Both the Council's Housing Enabling Officer and Solicitor have been consulted on the proposed amendments and no objections have been raised. Given the clear direction provided by the Secretary of State on the weight to be given to this emerging policy the proposed variation is considered to be reasonably justified. It is therefore recommend that the revised Section 106 agreement be accepted.

PLANNING HISTORY

Reference	Description	Decision	Date
12/1291/MOUT	Development of the site to provide up to 930 dwellings, a new link road, employment area (B1a Use Class), park and ride facility, local centre/square, health and fitness centre, creche, public and private open space and car and cycle parking, together with landscaping and associated servicing (all matters reserved except points of access)	Approval with conditions	29.11.2013

ANALYSIS

Background

This application, which extended over the administrative areas of both East Devon District Council and Exeter City Council, was approved in 29 November 2013 subject to conditions and three Section 106 agreements (one for Devon County matters, one for Exeter City matters and one for EDDC matters.) Within East Devon the application provided for up to 580 dwellings, a section of the Tithebarn link road, a new local centre, leisure facilities, a park and ride, employment area and associated infrastructure and open space.

Schedule 1 of the EDDC Section 106 provided for 28% of the units to be affordable equating to 162 dwellings with a split of 63% affordable rented/7% social rented/30% shared ownership (clause 1). The delivery of the affordable units were linked to three trigger points limiting the occupation of a specified number of Open Market Dwellings until a specified percentage of Affordable Dwellings have been transferred to a registered provider (clause 7). These triggers are respectively; 250 Open Market/30% Affordable, 300 Open Market/65% Affordable and 350 Open Market/100% Affordable.

The overall percentage secured did not accord with the 40% required by adopted Policy H4 but this was a negotiated figure taking into account the other infrastructure required by the development, in particularly the delivery of the Phase 3 Tithebarn link road and district heating connection.

Proposed Variations

Through discussions with officers a draft deed of variation has been negotiated which secures the following amendments:

1. Overall percentage of Affordable Housing reduced to 25% (equating to 130 dwellings)
2. Delivery triggers amended to; 50% Open Market occupation /50% Affordable transferred and 70% Open Market occupation/100% Affordable transferred, within any given phase
3. Percentage of Affordable Dwellings to be provided in any given phase to be not less than 25%, unless otherwise agreed
4. Cross referencing of the phasing condition corrected (the 106 refers to condition 23 but should refer to condition 22)

The reduction in the overall percentage is being sought in light of the Pinncourt appeal decision and the bringing forward of the delivery of the Affordable units is being sought to address difficulties the applicant is experiencing in negotiations with prospective developers. As the current trigger arrangement leaves the affordable housing to the latter stages of the development this is causing problems with the subdivision of the site and the interrelationship between different developers seeking to build out concurrently.

Assessment

Planning guidance is clear that Local Authorities should adopt a flexible approach to renegotiating 106 agreements. Where there has been a change in circumstances from when a Section 106 Agreement is finalised, it is sensible to review the obligations in that legal agreement. This is to ensure that desirable developments are not hindered by unnecessary hurdles, while at the same time ensuring that the contributions/mitigation measures secured in the original S106 are still provided to a sufficient level.

In the recent appeal decision at Pinncourt farm (appeal ref APP/U1105/A/13/2208393) both the Inspector and Secretary of State indicated that the emerging East Devon Local Plan Strategy 34, which deals with affordable housing, should be given "a considerable degree of weight" in preference to the adopted Local Plan Policy H4. Strategy 34 sets a target of 25% of the dwellings to be affordable within the BUAB's of the key towns and the major strategic West End development sites as shown on the proposals map. The Tithebarn Green site is identified as one of the strategic West End sites and is allocated on the proposals map and therefore falls within the 25% requirement. The reduction in the overall Affordable percentage would result in a loss of 32 Affordable units but given this clear policy position it is not considered that it would be reasonable to resist this amendment.

The loss of these 32 units must also be balanced against the benefit of bringing the delivery of the Affordable element forward. Whereas previously delivery would not have occurred until 250 occupations taken across the development as a whole, now each separate phase must provide the same percentage of Affordable units and the

delivery of those units will be linked to stages of occupation within that phase. This will ensure that the Affordable units are appropriately dispersed throughout the entire development site and are delivered at a much earlier point. This should also provide greater certainty for prospective developers and would enable multiple phases to be constructed concurrently thereby assisting the applicant in bringing the site forward.

The Council's Housing Enabling Officer has been consulted on the proposed amendments and has not raised any objections to the revisions.

RECOMMENDATION

It is recommended that the revised legal agreement be accepted subject to the agreement of final wording to be delegated to the Development Manager in consultation with the Council's Solicitor.

List of Background Papers

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

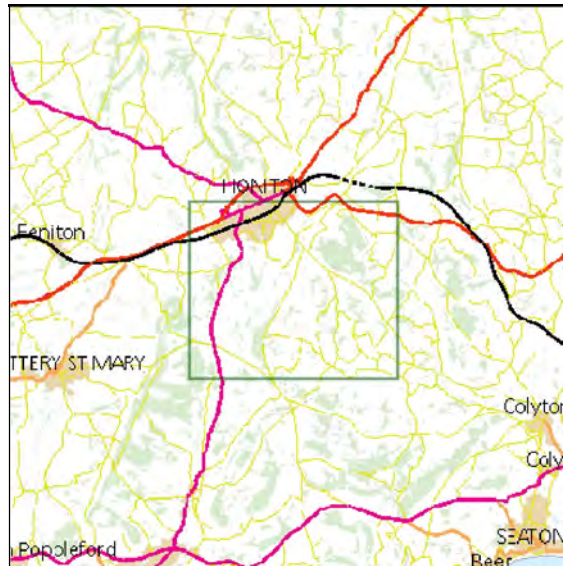
Ward Coly Valley

Reference 15/0655/MFUL

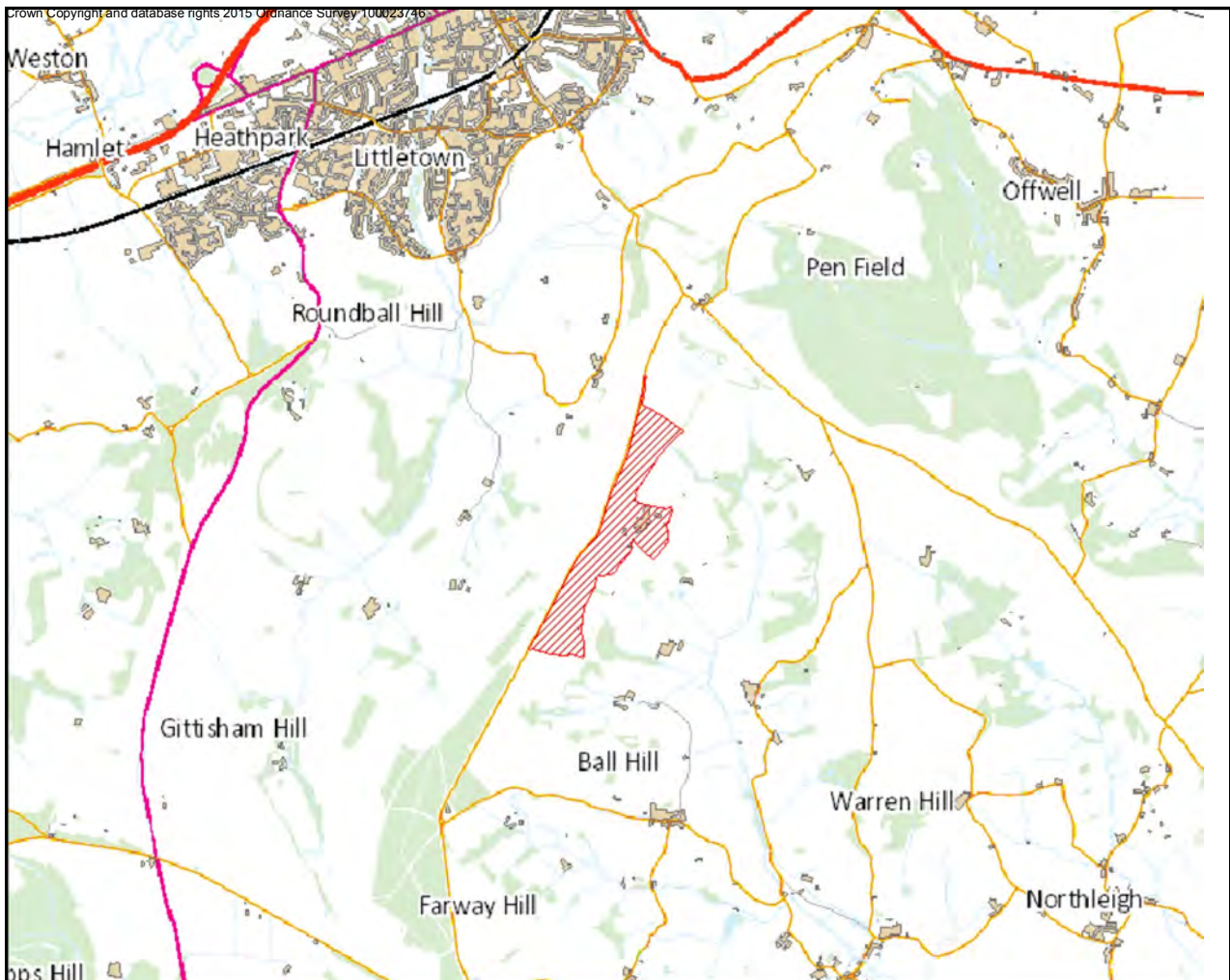
Applicant Mr Steve Walkden

Location Brookfield Farm Offwell Honiton
EX14 9SU

Proposal Construction of veterinary hospital
and donkey reception unit



RECOMMENDATION: Approval with conditions



		Committee Date: 4 August 2015
Coly Valley (FARWAY)	15/0655/MFUL	Target Date: 17.06.2015
Applicant:	Mr Steve Walkden	
Location:	Brookfield Farm Offwell	
Proposal:	Construction of veterinary hospital and donkey reception unit.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The proposal is referred to the Development Management Committee as the comments of the parish council conflict with the officer recommendation.

The proposal seeks planning consent for the creation of veterinary hospital and donkey reception unit for use in association with The Donkey Sanctuary. The proposal also involves the creation of 14 field shelters.

Negotiations have taken place during the consideration of the proposal in order to alter the position and layout of the donkey field shelters so that these structures would be screened by natural field boundaries. This also reduces the prominence and amount of hardstanding. In light of these amended plans and proposed landscape mitigation measures the visual impact of the proposal on the AONB is considered to be acceptable.

The proposal would continue to support agricultural activities on the site and would provide facilities to support a local charity which generates employment and expenditure in the locality. Subject to conditions there would not be harm to ecology, archaeology or highway safety. The proposal would contribute towards job creation in the local economy, support an ongoing successful tourism facility without harm to the wider environment. The proposal is therefore considered to meet the social, economic and environmental dimensions of sustainable development.

CONSULTATIONS

Local Consultations

Parish/Town Council

At a meeting of Farway Parish Council on Monday 30th March 2015, councillors have the following comments regarding application 15/0655/MFUL;

Councillors accept the proposed hospital within the existing complex and that the roofing material on any further development be dark in colour.

Regarding the proposed 11 field shelters stretching away on either side of the site, it is felt this is over development and will have a large visual impact on the Farway valley below which is in an Area of Outstanding Natural Beauty.

Councillors notice there is landscaping proposed and ask that this is enforced as in the past these conditions have not been adhered to.

Archaeological reports show that this is a very sensitive site over which councillors have concerns.

01/07/2015 – Amended plans

Farway Parish Council met on Monday 29th July to discuss and review this application.

Councillors disagree with the planning proposal, strongly feel it is far too much development for the area, of the visual impact and general change in environment.

Adjoining Parish (Honiton)

The comments from Farway PC were noted. The Town Council expressed concern that the proposals may have an adverse impact on Wadmore Lane which is located in Honiton parish and for this reason the Town Council objects to this application.

Technical Consultations

Devon County Archaeologist

Brookfield Farm lies in a prominent position in the landscape on a ridge where a concentration of prehistoric funerary monuments (a barrow cemetery) are recorded some 400m to the south. This barrow cemetery has been described as "One of the most significant and well-preserved non-moorland barrow complexes in south-west Britain, comprising a dense concentration of more than one hundred barrows and monuments set in a roughly triangular upland plateau, some 9 kilometres east-west by 10 kilometres north-south." Groundworks within the area of the proposed new veterinary buildings, as well as the field shelters have the potential to expose and destroy archaeological and artefactual deposits associated with this known and extensive prehistoric activity.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise 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 applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason - To ensure that an appropriate record is made of archaeological evidence that may be affected by the development and in accordance with Policy EN8 (Proposals Affecting Sites Which May Potentially be of Archaeological and Historic Interest) of the East Devon Local Plan and paragraph 141 of the National Planning Policy Framework (2012).

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological investigation, commencing with the excavation of a series of evaluative trenches in areas where the proposed development has a below-ground impact. The results of this initial stage of work would enable the requirement and scope of any further archaeological mitigation to be understood and implemented in advance of any construction works commencing. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. I can provide the applicant with a Brief setting out the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

Further comments 08/07/2015 - I have received a report from Oakford Archaeology on the results of the archaeological evaluation of the above site. Limited prehistoric activity was identified by findspots of flint artefacts as well as two possible prehistoric ditches.

In consideration of these results and the limited below-ground impact of the proposed development at Brookfield Farm I would like to withdraw the advice previously given by the Historic Environment Team and would consider the impact of the proposed development as having little or no impact upon any significant heritage assets.

As such, no archaeological mitigation is required and any consent that may be granted by your Authority does not need to have an archaeological condition applied.

Paul Taylor Police Crime Prevention Officer

Please can the applicant insure that the construction of the controlled drug/drug storage area takes into account crime prevention measures.

External doors serving the immediate area should comply with LPS1175 SR2 or above. Glass in either doors or surrounding accessible windows should comply with BS EN 356 as a minimum

Internal doors serving the drug rooms should comply with at least PAS24 or LPS1175SR1 or above.

CCTV should cover the entrances of drug rooms and the internal areas.

Approved drug safes for relevant drugs should be fitted.

The building should have a suitable monitored alarm suitable for a Police response.

County Highway Authority

The CHA has attended on-site meetings and inspections (29th January 2015) and offered pre-application advice regarding existing and enhanced access proposals.

The existing main access to the site will remain and is suitable for HGV access.

Existing field accesses that gain access to the highway will be enhanced to facilitate use as accesses that are separate from donkeys that may be in isolation.

The proposed development of the veterinary hospital and donkey reception is likely to lead to a further 25-30 staff being located at the site in addition to the existing 27 staff that are already located there. Whilst this is in the region of a 100% increase, it is hoped that this increase is somewhat offset by the transferral of staff that currently work at Slade House Farm site. Because of the rural location of the site it is likely that staff will travel by private vehicle, there is not any regular public transport that passes the site. However, although there are not any formal pedestrian provisions at this location, it is a location that could be cycled from Honiton. The CHA would wish to see an appropriate Travel Plan to promote more sustainable forms of transport wherever possible and car-sharing.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. The site accesses shall be constructed, laid out and maintained thereafter in accordance with the attached diagrams 141049/02/T02 & 141049/02/T04.

REASON: To provide a satisfactory access to the site.

2. No part of the development hereby approved shall be brought into its intended use until the accesses, parking facilities have been provided and maintained in accordance with attached details and retained for that purpose at all times.

REASON: To ensure that adequate facilities are available for the traffic attracted to the site.

Natural England

DESIGNATED SITES

We advise your authority that designated wildlife sites do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

PROTECTED LANDSCAPES

The development site is located within the East Devon Area of Outstanding Natural Beauty (AONB). Natural England has assessed the information available in the submitted Landscape and Visual Assessment and note that 'the report does not constitute a full Landscape and Visual Impact Assessment (LVIA) as required under the EIA regulations', as stated in the document's introduction. We recommend that LVIAs are produced in line with the Guidelines for Landscape and Visual Impact Assessment (GLVIA 3), which came into force in 2013. Natural England is therefore unable to advise on the potential significance of impacts on the East Devon AONB. We advise you to seek the advice of the AONB Partnership. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able advise on whether the development accords with the aims and policies set out in the AONB Management Plan.

OTHER ADVICE

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

PROTECTED SPECIES

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at consultations@naturalengland.org.uk.

BIODIVERSITY ENHANCEMENTS

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF.

Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat

East Devon AONB

The site is an isolated farmstead located on the edge of the plateau that runs between Farway Hill and Honiton Golf Course. The nature of the landscape is one of large open fields with predominantly trimmed hedgerows with hedgerow trees. The site is on the edge of the plateau with the Farway valley falling steeply to the east giving the site a prominent position on the skyline when viewed from the east.

Natural England National Character Area Assessment
NCA No : 147 NCA Name: Blackdown Hills

Key Statements of Environmental Opportunity relevant to this site

SEO 3. Protect and manage the open and exposed character of the ridge top plateaux and the associated rich cultural heritage.

SEO4 Protect the relatively unsettled, rural character of this nationally important landscape, maintaining open skylines.

Devon Landscape Character Area Assessment
DCA Name :-East Devon Central Ridge
Key management guidelines relevant to this site.

Protect the distinctive, unspoilt, and exposed skylines of the central spine and its outstanding views across East Devon

East Devon Landscape Character:- LCT1A Open inland planned plateau
Management Guidelines relevant to this site

Boundaries: conserve and enhance by;

1. Encouraging management to maintain hedges at between 1 and 2 metres of woody growth to encourage species diversity. Plant up gaps and replace individual hedgerow trees as they become over mature or die, but ensure that they are appropriately spaced
2. Encouraging maintenance of earth banks.
3. Encouraging continuing management of beech hedges and tree rows to maintain local prominence, including replanting individual trees in rows to maintain continuity, while generally encouraging the planting of locally indigenous multi-species hedges.

Settlement and development : conserve by
Locating development away from the plateau edge, where it would be more visible.

Comments

The proposed veterinary hospital and donkey reception are well positioned forming a cluster with the existing buildings. The proposed dark roofs will help them blend into the landscape as will the proposed landscaping works. The roof lines of these buildings will not project into the skyline above that of the existing buildings, an important factor when considering impact on landscape character in this location.

The proposed hedge bank construction, associated hedge planting and hedgerow trees around the farm and the planting of species rich grassland on the steeper slope below paddocks 10 and 11 are to be welcomed as strengthening the landscape character of the area and enhancing the biodiversity value of the holding.

The in-field shelters are stated to have been 'positioned at a reduced level to minimise visual mass impact and potential impact on the landscape'. It is difficult to see how this has been achieved as the proposed location for these shelters in paddocks 5 to 11 will place them on the skyline when viewed from the east. Such positioning conflicts with landscape and character guidelines seeking to protect unspoilt and exposed skylines. These shelters could be more sympathetically located close to existing and proposed hedge lines to soften their impact on this

important aspect of the landscape character. Draft Equine Guidance being developed by the AONB Partnership with EDDC identifies the following factors to consider when siting equine shelters.

Consideration Guidance

Siting : Field shelters should be located to respect local landscape pattern, avoid skyline locations

Ideally located adjacent to existing buildings

As a general rule locate on field boundaries

Open field locations are not acceptable for permanent or mobile structures

Design/materials: Respect local design and where permanent shelters are proposed seek to match the local vernacular/built form

Landscaping: If permanent, consider hedge/screening using local species

Within AONBs there will be an additional requirement to ensure any development results in the conservation and enhancement of the character and quality of the landscape

Re-locating these 7 shelters away from the centre of the proposed paddocks will also help to soften the impact of the proposed permanent fencing which would subdivide these paddocks. The draft equine guidance identifies that the sub division of fields gives an impression of clutter and over intensive use of the land. The relocation of these shelters need not compromise the ability to 'provide optimum grazing and conditions for sick donkeys'

The effect of all 12 in-field shelters could further be reduced by ensuring the minimum height of screening hedgerows are maintained at the same level as the ridge height of the in-field shelters. Landscape character guidelines suggest up to 2 metres of woody growth on top of the bank to be desirable.

17/06/2015 – Amended Plans

The recent amendments to the planning application at Brookfield Farm that resulted from our earlier concerns about the visual impact of the in-field shelters in Paddocks 5 to 11 have addressed these concerns. The relocation of these shelters to edge of fields and adjacent to hedgerows has lessened their impact on the landscape character of the area. These changes have also permitted a reduction in the provision of access roads which will also reduce the visual impact of the proposal.

DC Footpath Officer

Please note that Farway public footpath 12 runs through the proposed site. The application states that the applicant does not want to divert the footpath. If the proposal were to go ahead then consideration needs to be given to walkers safety due to the increase in vehicular traffic.

Environment Agency

Thank you for consulting us on the above proposal.

Please refer to our flood risk standing advice for the appropriate comment for this application.

Other Representations

To date 2 letters of objection from the same person has been received, in summary;

- Concern that if the application is approved with development as shown on both sides of the Wadmore Lane, the applicants will cite the grant of planning permission and bio security as reasons for closing this centuries old route which marks the boundaries of Honiton and Farway (and further north east Offwell).

PLANNING HISTORY

Reference	Description	Decision	Date
15/0875	Provision of covered feed yard	Pending	
10/0147	Replacement of existing derelict timber framed stables with new timber clad steel portal frame donkey shelter including woodchip exercise yard	Approved	17.03.2010
09/0716	Construction of covered yard to include re-roofing and extension of existing barn	Approved	04.06.2009
06/0742	Multi-purpose building to provide staff room, toilets, office, feed store and workshop	Approved	05.06.2006
06/0743	Two replacement field shelters	Approved	07.06.2006

POLICIES

New East Devon Local Plan Policies

E5 (Small Scale Economic Development in Rural Areas)
D1 (Design and Local Distinctiveness)
Strategy 46 (Landscape Conservation and Enhancement and AONBs)
TC9 (Parking Provision in New Development)
TC7 (Adequacy of Road Network and Site Access)
D3 (Trees and Development Sites)

Strategy 7 (Development in the Countryside)

Adopted East Devon Local Plan Policies

E6 (Small Scale Employment Development in Rural Areas)
D1 (Design and Local Distinctiveness)
EN1 (Developments Affecting Areas of Outstanding Natural Beauty)
S5 (Countryside Protection)
TA1 (Accessibility of New Development)
TA9 (Parking Provision in New Development)
D5 (Trees on Development Sites)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)
NPPG (National Planning Policy Guidance 2013)

Site Location and Description

Brookfield Farm is an established agricultural holding that acts as a satellite site to the main donkey sanctuary at Slade Farm House, Weston. The whole of the farm is within the Blackdowns East Devon Area of Outstanding Natural Beauty (AONB). The site is located on the edge of a plateau that runs between Farway Hill and Honiton Golf Course. The complex of farm buildings sits on the side of a hill with open views of the site from the north east. The land falls steeply to the east which forms part of Farway Valley.

Proposed Development

The Donkey Sanctuary has identified that a number of key issues that pose concern for animal welfare and have established a forward looking masterplan to ensure that Slade Farm House (near Sidmouth) can operate safely as a working donkey sanctuary. The existing veterinary hospital at Slade Farm House is centrally positioned within an environment where visitors have the potential to come into close contact with infected or diseased animals. Additionally there are also associated biosecurity issues and therefore relocation of the hospital would provide improved facilities and suitable isolation. Once the veterinary unit has relocated the site at Slade Farm this would free the existing site for a new cafe/restaurant and enlargement of the visitors centre (which forms planning application ref; 15/0861/FUL, currently pending consideration).

The proposal seeks planning consent for the creation of new veterinary Hospital and Donkey reception unit at Brookfield Farm. This would comprise, for the most part, of three main buildings with staff accommodation, operating centre and additional building for X-ray and dentistry. The proposed veterinary building would comprise of a new building of approximately 1,100 sqm with ancillary outbuildings for a biomass boiler, recycling facilities/medical gasses and a cycle store. Internally this building would contain stables, operating theatres, drug store and overnight accommodation. A staff car park and service yard are also proposed. The proposed donkey reception unit consist of a new management en suite of approximately 100 square metres.

Within the surrounding fields are 14 paddocks each with its own field shelter, which would be also used in association with the veterinary hospital. The field shelter would be positioned within each field plot with new natural subdividing hedges. These shelters would be accessed via a gravel hardstanding track.

ANALYSIS

The main issues concerning this proposal are;

- The principle of the development
- The proposed design and impact on the AONB
- Impact on ecology
- Impact on listed building and sites of archaeological interest
- Impact on traffic and highway safety
- Impact on listed building and sites of archaeological interest
- Drainage and flooding

Principle of the development

Policy S5 (Countryside Protection) of the local plan establishes the protection of the countryside within East Devon. This states that development in the countryside will only be permitted where in accordance with a specific local plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities. The proposal could be viewed as simply supporting and continuing the agricultural nature of the existing farm, which would be acceptable as a matter of principle within a rural context.

It is also considered reasonable to assess the development against policy E6 (Small Scale Employment Development in Rural Areas). This policy facilitates development for the expansion of businesses on their existing sites provided they meet the following criteria in full;

1. The proposed buildings should be of a form, bulk and design that is in keeping with their surroundings, local building styles and materials.
2. There will be minimal or no adverse impacts on wildlife, landscape or historic interest.
3. Road access and services are adequate.

The aims of policy E6 broadly accord with paragraph 28 of the National Planning Policy Framework (NPPF) which aims to support a prosperous rural economy. Planning policies should support economic growth in rural areas in order to create jobs and prosperity. In this instance and according to the submitted information the proposal would increase employees to the site with 23 more permanent and 16 additional part time staff. The veterinary aspect of the proposal supports the ongoing activities of the main site in Weston, rather than provide its own destination for visitors and indeed separation between sites is necessary for quarantine. The proposal would aid promotion of a land based rural business and indirectly support sustainable rural tourism. These factors weigh in favour the proposal. The following report will go on to assess the criteria of policy E6.

As such there is a sufficient policy basis for supporting the expansion of a recognised and established agricultural facility. However, almost all of these policy presumptions include criteria to ensure that the design is sympathetic, the local distinctiveness is retained and the landscape unharmed.

The design of the proposal and the impact on the AONB

Paragraph 115 of the National planning Policy Framework (NPPF) states that great weight should be given to conserving landscape and scenic beauty of Areas of Outstanding Natural Beauty (AONB) which have the highest status of protection in relation to landscape and scenic beauty. Policy EN1 (Developments Affecting Areas of Outstanding Natural Beauty) makes it clear that the conservation and enhancement of their natural beauty will be given priority over other considerations. Policy D1 (Design and Local Distinctiveness) is designed to ensure that new development has regard to its context and does not adversely affect the amenity of an environment. This policy seeks to ensure that development reinforces key characteristics and special qualities of the area, and that development does not adversely affect groups of buildings and open spaces.

The Landscape Character Assessment (2008) describes the proposal as taking place with dispersed small farms. This area has a very uniform appearance with occasional copses and small conifer plantations punctuating the open farm land. The assessment suggests conserving and enhancing development by maintaining the existing settlement pattern by resisting anything other than small-scale development. Additionally development should be located away from the plateau edge where it would be more visible.

The three main buildings proposed would be seen within the context of the existing group of farm buildings. The materials proposed, profile standing seam (grey aluminium) and wall with timber cladding (left to silver) ensure that these main buildings would retain a rural and utilitarian aesthetic.

A Landscape Visual Impact Assessment (LVIA) has been submitted within the proposal. This correctly identifies that the application site can be seen from a number of close viewpoints along Farway Common Road and a larger number of long range viewpoints to the east. The southern part of the application site (referred to as field 1 within the LVIA) as the most visible from long range views. Aside from this main view the site is relatively well contained with hedgerow precluding road users to only glimpses of the development along Glanville Road, with lower parts of the site partially obscured by the existing boundary hedgerow and trees along Farway Road.

During the consideration of the planning application negotiations took place with the applicants regarding the position of the field shelters (on the south west parcels) in response to concerns raised by officers and consultees. Originally the paddocks were placed on the skyline contrary to the management guidelines of the landscape character assessment. The repositioning of these field shelters, to the edges of each field now prevents the structures from being prominent, when viewed the site from the east. Additionally, the field shelters are now more spread out and maintain viewpoints through the 'gaps' produced. The pattern of development now represents a more traditional agricultural layout in line with the established character of the area.

The agricultural nature of the site would remain unchanged and due mass, size and scale of the buildings proposed overdevelopment of the site is avoided.

Further key aspects of the impact of the proposal on the designated AONB are the proposed landscape measures, both hard and soft. Detailed plans have been submitted with the planning application which to a large extent ensures that the development can be assimilated and mitigated. The introduction of a species rich native hedge is vital, as this would bring about new field subdivisions and screen proposed outbuildings. The submitted plans show that the hedging would be building upon 900mm topsoil bund with feathers whips planted above. Elsewhere post and wire fencing and post and rail fencing (both 1.2 metre high) provides suitable subdivision of a rustic nature. The proposed car parking area, close to the farm complex would utilities reinforced grass paving areas thereby reducing its visual impact. It is clear from the proposal that landscaping has been given thought and in accordance with the amended plans the proposed landscaping plans would soften the impact of the proposal. Although the development proposed would be permanent it would not fundamentally change the character of the land use and given time for landscaping to establish the resulting development would preserve the character of the AONB.

Paragraph 116 of the NPPF states that major development within AONB designation would only be allowed within exceptional circumstances. There a consideration should be made as to whether the development constitutes as major development under this consideration. In terms of floor space, category of application for validation and description the proposal is considered to form a major application. However, under the terms of paragraph 116 the National Planning Policy Guidance ('NPPG' paragraph 8-005-20140306) states that the matter of whether the proposed development in these designated areas should be treated as a major development to which the policy applies will be a matter for the relevant decision takers, taking into account the proposal in question and the local context. In terms of the landscape impact the structures would not appear as 'significant' within this AONB landscape context for the reasons outlined above. Accordingly the proposal is not considered to form 'major development' for the purposes of paragraph 116 of the NPPF.

It is considered that this design preserves the visual setting of the location whilst providing a functional building to fulfil the requirements of the veterinary hospital. The proposal therefore accords with policy EN1 of the Local Plan and guidance contained within the NPPF.

Impact on ecology

An ecological appraisal has been conducted in order to survey the site for evidence of protected habitats or species and also evaluate the habitat potential of the site. The survey acknowledge a nearby county wildlife site which lies directly adjacent to the south west of the site perimeter. However, Natural England have pointed out the works would not affect this designated site.

There is evidence of badger activity related to a single sett located on the west hedgebank. The sett entrance hole was of a suitable size and shape for badgers although there was a lack of evidence of recent use. Due to the rural location this

area is likely to provide foraging area. As the development would not be within a 30 metre radius of the badger set the works would not affect this set with suitable foraging areas remaining undisturbed.

With regards to bats there are previous records of a range of bat species present. The hedgebank provides flight lines and a species rich habitat for foraging bats. The hedgerows also provide wildlife corridors for dormice of which there are records within the area. A nearby grassland bund is likely to support reptile species; however this habitat is limited and isolated from other habitat suitable for reptiles.

In terms of recommendation and mitigations a conservation action statement within the ecological appraisal establishes both avoidance measure and compensation/enhancement measures. These consist of precautionary measures, sensitive timing of works and ensuring no additional lighting. Compensatory land of rich grass lane and additional hedgebank and woodland planting would provide compensatory habitat. These measures shall be secured via condition and as such the proposal would accord with policy EN6 (Wildlife Habitats and Features) of the local plan, which accords with the NPPF.

Impact on traffic and highway safety

The Highway Authority held an on-site meeting and offered pre-application advice regarding the proposals. The main access point to the farm would remain and would continue to be suitable for HGV use. The proposed development of the veterinary hospital and donkey reception is likely to lead to a further 25-30 staff being located at the site in addition to the existing 27 staff that are already located there. Whilst this is in the region of a 100% increase, it is hoped that this increase is somewhat offset by the transferral of staff that currently work at Slade House Farm site. There are no objections raised to the ongoing use of this existing access with the public highway. The planning authority have suggested conditions relating to construction and maintenance of an access and accommodating parking prior to initial use of the development. As the existing highway access are acceptable there is no reason to impose the first condition and it is understood that this is a error. A travel plan has been submitted that illustrates other alternative methods for reaching the site which on balance are considered to be acceptable. This travel plan highlights the inclusion of cycle facilities and the inclusion of a car sharing database for staff.

There is a public footpath that crosses over the application site in the position of the existing main entrance. Due to the increase in traffic generated by the proposal concerns has been raised regarding pedestrian safety. However, there should be no reason why the installation of traffic calming measures should not mitigate the anticipated increase in traffic. Such a scenario would be similar to the footpaths that cross over some of the busiest parts of the Donkey Sanctuary site at Slade Farm without hindrance to pedestrians. Subject to such mitigation measures the proposal would accord with policy TA4 of the local plan.

Concern has also been raised that both the public footpath and Wadmore Lane (which is not a publicly maintained highway) could be closed due to bio security reasons. Any decision to close the public route would come under the remit of the appropriate highway authority. There is other legislation in place outside that of the

Planning Act to contain bio security and there is no evidence to suggest that such a scenario would lead to permanent closure of the footpath or lane. Further, the existing agricultural activities on the land could raise similar bio security issues whether permission is granted for these additional structures or not. Indeed bio security could arise from any agricultural livestock activity and this issue alone would not preclude consent from being issued.

Impact on listed building and sites of archaeological interest

Within the wider location there are several isolated listed buildings and three scheduled ancient monuments located along the ridgeline to the west of the application site. Although the listed buildings are positioned a significant distance from the proposal to impact their setting the area nevertheless has high archaeological potential. Accordingly the applicant has conducted an archaeological evaluation of the land. The Devon County Archaeologist has been consulted on the proposal and originally considered that an appropriate condition should ensure that a suitable programme of investigation is carried out. Although since these original comments a completed scheme of investigation has been conducted and submitted by the applicant. Accordingly limited prehistoric activity was identified as such no archaeological mitigation or conditions in this respect are required.

Drainage and flooding

A Flood Risk Assessment and Drainage Strategy have been submitted. The proposal takes place within floodzone 1 and therefore even though parts of the development constitutes as 'more vulnerable' development there are no in principle objections in this regard in line with the NPPF and NPPG. Further, the EA has not raised an objection to the proposal.

It is proposed that surface water runoff from the site would be managed via a series of individual Sustainable Drainage Systems (SUDs). The run off from the new veterinary hospital would be collected into an attenuation feature before discharging into an existing ditch. The paddocks would be drained by a series of filterer drains filled with permeable materials parallel to the contours of the field. Given the large site area and the measures proposed there is no reason why suitable drainage should not be accommodate as part of the scheme.

Conclusion

The proposal would continue to support agricultural activities on the site and would provide facilities to support a local charity which generates employment and expenditure in the locality. Further, the development can be accommodated within a sensitive AONB landscape without harming the qualities that lead to its designation. As such, and with no other overriding considerations, the proposal is considered to meet the environmental, social and economic dimensions that comprise sustainable development.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. For the avoidance of doubt and unless otherwise agreed within the landscaping strategy, planting shall take place no later than the first planting season following the commencement of development. In addition the landscaping shall be maintained for a period of 5 years following its first implementation. 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 preserve and enhance the character and appearance of the designated Area of Outstanding Natural Beauty in accordance with Policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and EN1 (Development affecting Areas of Outstanding Natural Beauty) of the East Devon Local Plan.)
4. The development shall be carried out in accordance the Ecological Appraisal conducted by Devon Wildlife Consultants, received by the Local Planning Authority on 16th March 2015. The development shall be carried out in accordance with the agreed scheme. (Reason - In the interest of safeguarding protected species and wildlife in accordance with policy EN6 (Wildlife Habitats and Features) of the East Devon Local Plan).
5. The development hereby approved shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy dated January 2015 and conducted by Clarkebond. (Reason – To ensure that drainage arising from the development is suitably controlled, in accordance with the National Planning Policy Framework).
6. Prior to the development hereby approved being first brought into use plans and details to illustrate traffic safety calming measures and mitigation for the resulting increase in vehicular traffic using the public footpath track shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans.
(Reason - In the interest of protecting pedestrian safety, in accordance with policy TA4 (Footpaths, Bridleways and Cycleways) of the East Devon Local Plan).
7. Prior to their installation samples of the external materials used in the construction of the veterinary hospital and donkey reception units including any cladding, pressed metal, timber boarding, external wall rendering, fascia boards

and details of roof shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be presented in a sample reference panel constructed on site for inspection by the Local Planning Authority. The panel shall be no less than 1m² in size and shall represent the final colour, finish and texture of material to be used. The development shall be carried out in accordance with the agreed panel of materials. (Reason - To ensure that the proposed materials are compatible within the designated landscape, in accordance with policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and EN1 (Development affecting Areas of Outstanding Natural Beauty) of the East Devon Local Plan).

8. The development hereby approved shall be operated as an 'veterinary hospital and donkey reception unit' in conjunction with the registered charity 'The Donkey Sanctuary' and for no other use. (Reason – To prevent other potential uses which would not constitute as sustainable development within this rural location, in accordance with policies S5 (Countryside protection) and TA1 (Accessibility of New Development) of the East Devon Local Plan and the National Planning Policy Framework).
9. The development hereby approved shall be constructed and carried out in accordance with the Tree Protection Measures as detailed within the Tree Survey and Arboricultural Impact Assessment, conducted out by 'Devon Tree Services' and received by the Local Planning Authority on the 16th March 2015. The works hereby consented shall be carried out in accordance with British Standard 5837:2012. (Reason: To protect nearby trees during construction and to assimilate the development within a high quality landscape, in accordance with D5 (Trees on Development Sites) of the East Devon Local Plan).
10. No part of the development hereby approved shall be brought into its intended use until the accesses, parking facilities have been provided and maintained in accordance with the submitted details and plans hereby approved and retained for that purpose at all times. (Reason: To ensure that adequate facilities are available for the traffic attracted to the site, in accordance with policy TA9 (Parking Provision in new Development) of the East Devon Local Plan).

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

14069_BRK_L01_ 02 P2	Layout	15.06.15
14069_BRK_L01_	Layout	15.06.15

03 P2		
14069_BRK_L01_04 P2	Layout	15.06.15
14069_BRK_L01_05 P2	Layout	15.06.15
14069_BRK_L01_06 P2	Layout	15.06.15
14069_BRK_L01_08 P2	Layout	15.06.15
14069_BRK_L01_09 P2	Layout	15.06.15
14069_BRK_L01_10 P2	Layout	15.06.15
14069_BRK_L01_15 P2	Proposed Site Plan	15.06.15
14069_BRK_L01_20 P2	Proposed Site Plan	15.06.15
14069_BRK_L02_00 P2	Proposed Floor Plans	15.06.15
14069_BRK_L02_01 P2	Proposed roof plans	15.06.15
14069_BRK_L02_10 P2	Proposed Combined Plans	15.06.15
14069_BRK_L02_11 P2	Proposed Combined Plans	15.06.15
14069_BRK_L03_00 P2	Sections	15.06.15
14069_BRK_L04_00 P2	Proposed Elevation	15.06.15
14069_BRK_L063_01 P2	Perspective Drawing	15.06.15
14069_BRK_L93_01 P2	Landscaping	15.06.15
14069_BRK_L93_02 P2	Other Plans	15.06.15
14069_BRK_L93_03 P2	Other Plans	15.06.15

14069_BRK_L93_ 04 P2	Other Plans	15.06.15
14069_BRK_L93_ 05 P2	Other Plans	15.06.15
14069_BRK_L93_ 06 P2	Other Plans	15.06.15
14069_BRK_L93_ 07 P2	Other Plans	15.06.15
14069_BRK_L93_ 08 P2	Other Plans	15.06.15
14069_BRK_L94_ 01 P2	Other Plans	15.06.15
14069_BRK_L94_ 02 P2	Other Plans	15.06.15
14069_BRK_L94_ 03 P2	Other Plans	15.06.15
14069_BRK_L94_ 04 P2	Other Plans	15.06.15
14069_BRK_L94_ 05 P2	Other Plans	15.06.15
14069_BRK_L94_ 06 P2	Other Plans	15.06.15
14069_BRK_L94_ 07 P2	Other Plans	15.06.15
14069 BRK L. 02.05	Proposed Combined Plans	16.03.15
14069 BRK L. 02.13	Proposed Combined Plans	16.03.15
14069 BRK L. 02.14	Proposed Combined Plans	16.03.15
14069 BRK L. 02.15	Proposed Combined Plans	16.03.15
14069 BRK L. 02.16	Proposed Combined Plans	16.03.15
14069 BRK L. 09.15	Existing Combined Plans	16.03.15

14069 BRK L. 92.00	Landscaping	16.03.15
14069 BRK L. 92.01	Landscaping	16.03.15
14069 BRK L. 92.02	Landscaping	16.03.15
14069 BRK L. 92.03	Landscaping	16.03.15
14069 BRK L. 01.00	Location Plan	16.03.15

List of Background Papers

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

Ward Coly Valley

Reference 15/1310/FUL

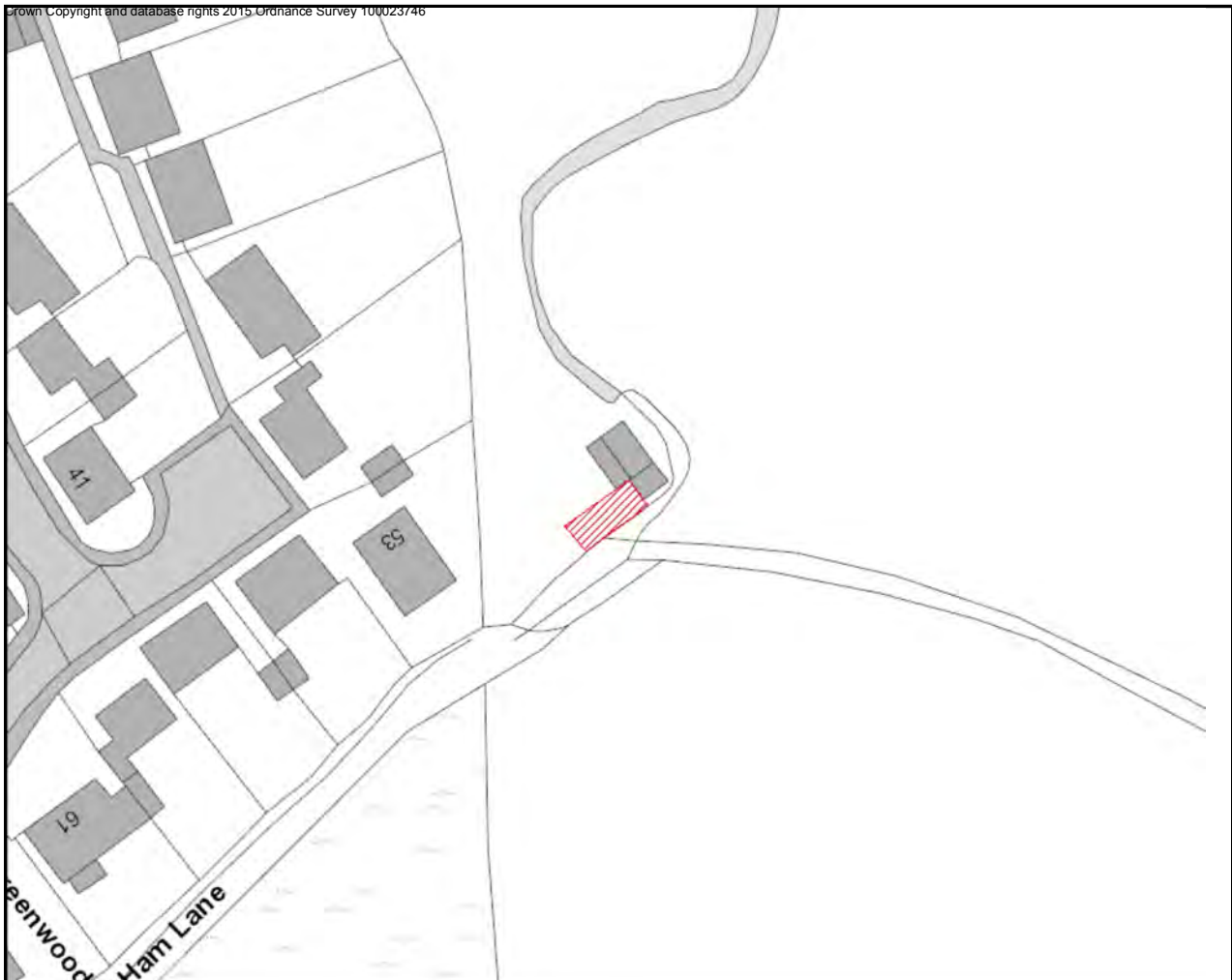
Applicant Mr James Knight

Location Land Adjoining Rear Of 53 Govers Meadow Colyton

Proposal Erection of stable and hay store



RECOMMENDATION: Approval with conditions



		Committee Date: 4 August 2015
Coly Valley (COLYTON)	15/1310/FUL	Target Date: 29.07.2015
Applicant:	Mr James Knight	
Location:	Land Adjoining Rear Of 53 Govers Meadow	
Proposal:	Erection of stable and hay store	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is referred to the Development Management Committee as the applicant is a Member of East Devon District Council.

The application seeks planning permission for the erection of a small building for use as a stable and hay store on the site of an existing low walled enclosure within a small field outside of the development boundary of Colyton. The field lies within the East Devon Area of Outstanding Natural Beauty (AONB), Flood Zone 3 and is crossed by a public footpath. Within the field is an existing stable building, gates and fencing.

The main issues relate to the impact of the new building upon the countryside setting, the AONB and the amenity of the footpath, and its impact on flood risk and neighbouring residential amenity in relation to pollution and noise. In assessing these issues it is considered that the small scale of the proposed building, together with its location and design would ensure that it would not adversely affect the landscape, the natural beauty of the AONB or the amenity of the public right of way. The use of the proposed building is considered to be in keeping with the rural character of the countryside setting. However, the imposition of a condition is recommended to prevent pollution or nuisance arising from the burning of manure or other wastes, in order to protect the amenity of neighbouring residences and the right of way. In the absence of any other concerns the proposal is recommended for approval, subject to conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council

NOT SUPPORTED - This was felt to be an overdevelopment on a small field which already has stabling.

Technical Consultations

County Highway Authority

Does not wish to comment

Environmental Health

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

There shall be no burning of manure or any other waste materials arising from the use of the stables.

Reason : To protect the amenity of local residents.

Other Representations

One representation has been received from a neighbour who considers the proposal is overdevelopment of the paddock, pointing out that it already has 2 empty stables and questioning the need for an additional stable.

POLICIES

New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

EN14 (Control of Pollution)

Adopted East Devon Local Plan Policies

S5 (Countryside Protection)

D1 (Design and Local Distinctiveness)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

EN15 (Control of Pollution)

National Guidance

NPPF (National Planning Policy Guidance 2013)

Relevant Planning History

There is no recorded planning history for this site.

Site Location and Description

The proposed development would be located at the southern end of a small, irregularly shaped level field, which is within the applicant's ownership and does not form part of a larger agricultural holding or use within the surrounding area. To the immediate west of the field lie the rear boundaries of the easternmost dwellings of Govers Meadow, with a residential area beyond to the west. The centre of the town of Colyton lies approximately 375 metres to the west of the site and the site lies immediately adjacent to, and outside of, the town's Built up Area Boundary. The land to the north, east, south and southwest of the field consists of grassed fields in agricultural use.

The site of the proposed development lies approximately 130 m to the west of the River Coly and lies within Flood zone 3 which extends up to (and in some cases overlaps) the curtilage boundaries of dwellings of Govers Meadow. A small stream bounds the field to the north, east and south.

The site lies within the East Devon Area of Outstanding Natural Beauty (AONB). The field is bounded along its northern, eastern and southern edges by a mixture of dense hedge and more widely spaced medium sized trees, such that it is largely screened from external views. However, clear public views of the field and of the development site within it are available from a public footpath which passes through the field, running approximately north-south.

Within the field lies an existing stable building with a concrete path leading up to it. Aerial photographs show that an existing building, which appears to be this stable building, has been at this same location since at least 2006, though it may have been present before this time. A number of wooden fences and metal gates have been erected within the field creating smaller enclosures within it. At the time of the site visit in June, chickens and sheep were present within the field, together with paraphernalia associated with the operation of a smallholding (e.g. tools, a small tractor and trailer and animal feeding equipment).

The application site itself is occupied by an existing low-walled rectangular enclosure (approximately a metre high) which has a gap in one side. The enclosure has a concrete base and the walls consist of concrete blockwork. Much of the walling appears to have been in place for some time, as indicated by the presence of surface vegetation on the wall, whilst other parts appear to have been more recently built. At the time of the site visit the enclosure was being used for the storage of equipment in connection with the use of the field.

Proposed Development

The application proposes building up the walls of the existing low walled enclosure to create a stable and hay storage building. It is proposed that timber featherboard walls be affixed above the existing blockwork walls to create the walls of the new building which would be approximately 9 metres long and 2.75 metres wide. The

building would have a sloping single pitch roof which would be constructed of corrugated sheet, similar to that used on the existing stable building. The roof would be 2.3 metres high on the northern façade (which would face into the field) and 2 meters high on the southern façade, which would face into trees. The building would have a stable half door on the northern façade near one end. The building would be immediately adjacent to the existing stable building and positioned at a right angle to it.

The applicant has advised verbally that the additional stable and store are required to cater for the arrival of two additional horses.

ANALYSIS

The main considerations in the determination of this planning application are the impact of the development upon the countryside and AONB, impact on the flooding and the impact on residential amenity.

Impact upon the countryside and Area of Outstanding Natural Beauty

The site is outside of the development boundary and is therefore defined as open countryside. Policy S5 (Countryside Protection) of the Local Plan states that within open countryside development will only be permitted where this is in accordance with a specific local plan policy which specifically permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities of the area in which it is located, including (inter alia) any view from a public place which forms part of the distinctive character of the area, and where it would not otherwise cause significant visual intrusions.

The relevant parts of Policy D1 (Design and Local Distinctiveness) reiterate these same points with the addition that the fenestration and materials used in buildings should relate well to the context of buildings. Policy EN1 (Developments Affecting Areas of Outstanding Natural Beauty) of the Local plan seeks to ensure that the natural beauty of AONBs is conserved and enhanced as a priority above all other considerations, which is echoed by paragraph 115 of the National Planning Policy Framework which states that AONBs have the highest status of protection in relation to landscape and scenic beauty.

The proposed building would be largely screened from views from outside of the field, though it would be clearly visible from the public realm, due to the presence of the public right of way passing through. The Parish Council comment that the proposed building would constitute overdevelopment of the site has been taken into account in assessing the impact of the building in the context of the countryside setting and AONB within which it is located. Given that there is an existing stable building and a blockwork enclosure at the site (which would form the base of the proposed building), together with the fact that the proposed new building would be relatively small comparative to the available plot, the proposal is not considered to be overdevelopment of the site. The design would be compatible with the existing stable building (and a condition is recommended to ensure that the roof colour is green matching the existing stable) and it would be viewed within the context of that existing building and against a backdrop of trees close behind it. It is considered that

the proposal to erect a building would not adversely affect the character of the existing landscape and that the relevant requirements of Policy D1 are satisfied. In addition the applicant has confirmed that the stable and store is required to cater for an additional two horses and this is considered to be adequate justification for the additional buildings.

The use of the building as a stable and hay store is considered to be a rural based activity which would be limited in scale by the small size of the building. In addition, the use of the building would not be particularly dissimilar in nature to that of an agricultural building which might reasonably be expected to be found within a countryside setting. It is therefore not considered that the proposed use of the building would adversely impact upon the environmental qualities, amenity of the area or the right of way passing through the field. Therefore, although the erection of a building for use as a stable/hay store is not explicitly supported by any local plan policy, it is considered that the proposed use would not represent a significant conflict with the aims of Policies S5 or EN1.

Impact on Flooding

National Planning Practice Guidance indicates that, for the purpose of assessing flood risk, this proposal is classed as 'minor development', because it is an extension to non-residential development with an area of less than 250 m². For minor development, neither a sequential test (which is applied in some cases to steer new development to areas with the lowest probability of flooding) nor a subsequent exception test is required. As the proposed development is classed as minor and would be similar in nature to an agricultural use, it is classed as being 'less vulnerable' to flooding. Consequently, in accordance with the Environment Agency's standing advice, the proposed development is considered to be appropriate development within Flood Zone 3. The floor level of the stable would be no lower than the existing ground level of the walled compound or the neighbouring stable building and it is therefore considered that this building would not be at a higher flood risk than the existing development at the site.

Impact on Residential Amenity

There are residential neighbours close to the site, the façade of the nearest dwelling being 21 metres to the west of the proposed building. The relevant part of Policy D1 (Design and Local Distinctiveness) of the Local Plan requires that the amenity of occupiers of adjoining residential occupiers be taken into account. Similarly Policy EN15 (Control of Pollution) states that permission will not be granted for development which would generate unacceptable levels of noise, smell or smoke. The use of the building is considered to be a 'quiet' activity and thus it is not considered that it would generate an unacceptable noise impact on residential amenity. The generation of animal waste is considered to be likely to be at a small scale, given the limited size of the stable building, and far enough away from residences so as not to generate an unacceptable impact due to smell. However, the burning of manure or other waste material associated with the use of the stable would have the potential to cause more significant pollution and nuisance which could affect the amenity of the right of way and residences. For this reason the

condition suggested by Environmental Health is recommended to be imposed if permission is granted.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved. (Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice. (Reason - For the avoidance of doubt.)
3. There shall be no burning of manure or any other waste materials arising from the use of the stables. (Reason : To protect the amenity of local residents and in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan).
4. The development hereby approved shall be carried out in accordance with the submitted Flood Risk Assessment received by the Local Planning Authority 10th July 2015, completed by the applicant James Knight. (Reason – In order to ensure that the development mitigates the potential flood risk, in accordance with guidance contained within the National Planning Policy Framework).
5. Within one month of the erection of the stable and hay store hereby approved, the roof shall have been coloured dark green to match the colour of the roofing to the existing stable unless otherwise agreed in writing by the Local Planning Authority. (Reason – In the interests of the visual amenity of the area in accordance with Policy D1 (Design and Local Distinctiveness) and EN1 (Developments Affecting Areas of Outstanding natural Beauty) of the East Devon Local Plan.)

Informative:

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

Plans relating to this application

	Location Plan	03.06.15
17A	Other Plans	03.06.15
FRONT ELEVATION	Proposed Elevation	03.06.15

REAR ELEVATION	Proposed Elevation	03.06.15
LEFT END ELEVATION	Proposed Elevation	03.06.15
RIGHT END ELEVATION	Proposed Elevation	03.06.15
	Proposed Floor Plans	03.06.15

List of Background Papers

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

Ward Newton Poppleford And Harpford

Reference 15/0642/MRES

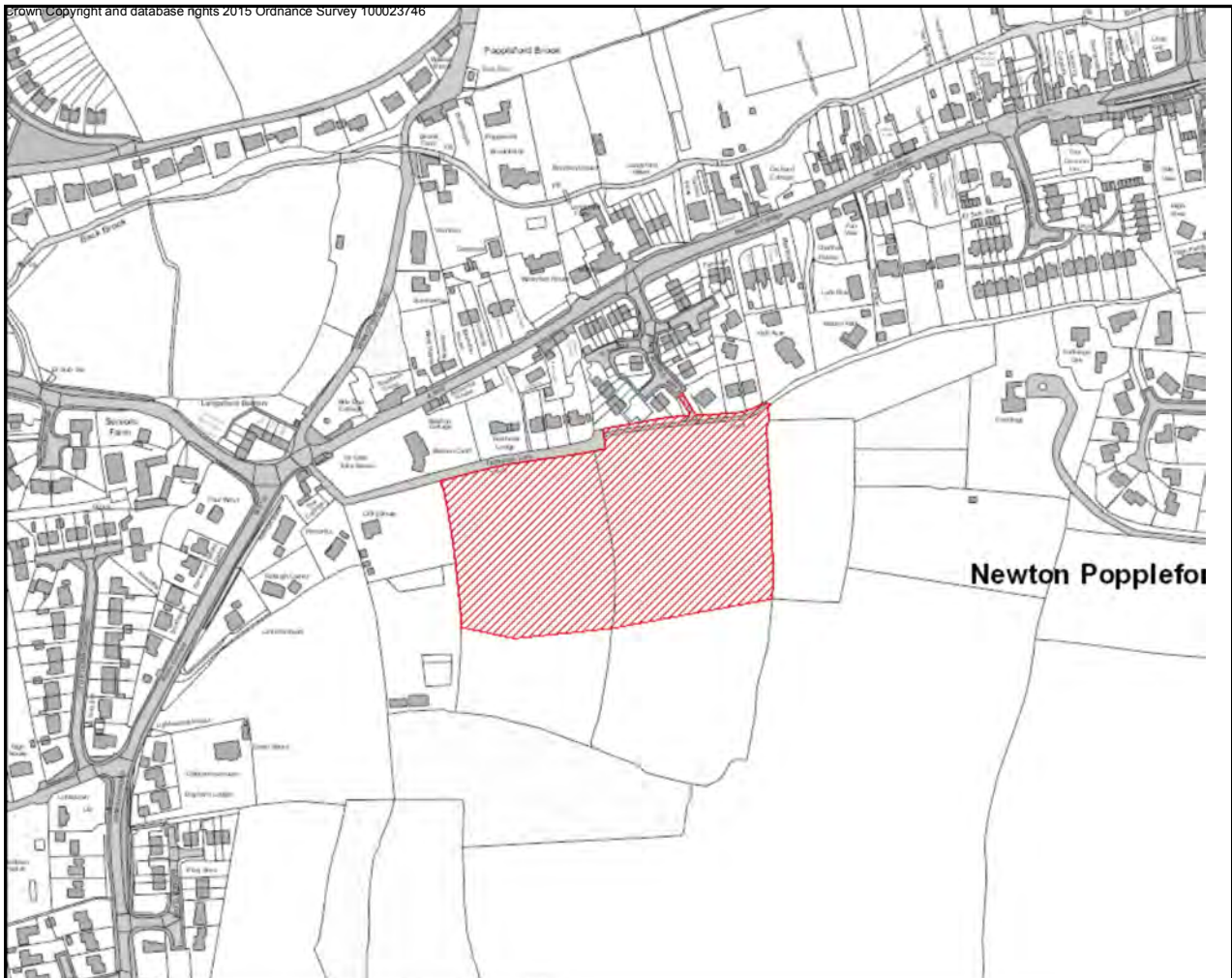
Applicant Cavanna Homes (Devon) Ltd And
Pencleave 2 - Mr Ed Brown

Location Land South Of King Alfred Way
Newton Poppleford

Proposal Construction of 40 dwellings
(including 16 affordable), doctors'
surgery and associated works
(approval of details reserved by
outline planning permission
13/0316/MOUT).



RECOMMENDATION: Approval with conditions



		Committee Date: 4 August 2015	
Newton Poppleford And Harpford (NEWTON POPPLEFORD AND HARPFORD)	15/0642/MRES	Target Date: 02.07.2015	
Applicant:	Cavanna Homes (Devon) Ltd And Pencleave 2 - Mr Ed Brown		
Location:	Land South Of King Alfred Way Newton Poppleford		
Proposal:	Construction of 40 dwellings (including 16 affordable), doctors' surgery and associated works (approval of details reserved by outline planning permission 13/0316/MOUT).		

RECOMMENDATION: APPROVE subject to the conditions set out below and the applicants entering in to a supplemental agreement to the Section 106 agreement attached to outline planning permission ref. 13/0316/MOUT to secure an appropriate mechanism for the management of the private attenuation tank to be installed to deal with surface water drainage.

EXECUTIVE SUMMARY

This application is before Committee as the recommendation differs from the view of the Parish Council and former Ward Member.

The application seeks approval of the details reserved by the outline planning permission (ref. 13/0316/MOUT) granted in May 2014 in respect of a residential development of up to 40 dwellings together with a doctors surgery and associated roads, public open space and infrastructure on land to the south of King Alfred Way.

The outstanding details for which approval is sought relate to the layout, scale and appearance of the development and the landscaping of the site, details of the means of access having previously been approved at the outline stage.

The submitted layout details are largely in line with the principles established through the illustrative masterplan submitted during the course of the outline application. They also reflect changes to the layout that effectively swapped the location of the public open space and surgery and car park that were the subject of a subsequent deed of variation to the legal agreement entered into in respect of the on-site provision of 40% affordable housing and public open space in addition to the payment of financial contributions towards open space

provision/enhancement, school transport provision, off-site improvements to Farthings Lane (including implementation of an improvement plan) and implementation of an ecological mitigation plan in respect of the Pebblebed Heaths.

The other main change to the layout involves the introduction of a cul de sac road arrangement in place of the lopped cul de sac shown on the previous masterplan. This removes the need for a second breach of the central hedgerow that separates the two fields that form the application site and facilitates the formation of a second pedestrian link with Farthings Lane via an existing gateway.

The details as to the scale and appearance of the development are considered to be acceptable. None of the dwellings would be greater than two storey in height whilst the surgery building would be single storey. Although providing for little in the way of front garden space for each plot, this is partially necessitated by both the desirability of reducing excavation and maintenance of a roof ridge height level at no higher than the 55.5 metres A.O.D. agreed at the outline stage.

It is also for the first of these reasons that there are few opportunities for tree planting to soften the street scene along the principal length of the main estate road. However, this would be compensated for by the introduction of extensive planted areas adjacent to the surgery and car park, within the south eastern and south western corners of the site and along the 'new' southern boundary to be introduced along the edge of the development.

Whilst it is recognised that the scheme has once again prompted significant local concern the principle of the development, with the 40% affordable housing level, has already been accepted and cannot be revisited through this submission. Furthermore, a number of the details of concern, including the management of the construction phase, the proposed lighting of the site and the measures to upgrade Farthings Lane, are already secured through the legal agreement entered into at the outline stage whilst it is proposed that appropriate maintenance of the private attenuation tank necessary to accommodate surface water drainage disposal at the required greenfield equivalent runoff rate can be achieved through a supplemental agreement to the existing legal agreement.

Whilst it is acknowledged that the affordable housing mix and location are not supported by the Housing Officer, the Housing Needs Survey is arguably dated and the application is supported by a letter from a Housing Association stating that the affordable housing types and layout are acceptable to them. Given this, it is considered that it would be difficult to refuse permission on the basis of the mix and location of the affordable units in one corner of the site.

CONSULTATIONS

Local Consultations

Clerk To Newton Poppleford & Harford Parish Council

Interim response to the Planning Application 15/0642/MRES. Land South of King Alfred Way, Newton Poppleford.

Interim Observations are set out below:-

Members of the Public considered not enough time on publicity had been given for the full consideration of the detailed reserved matters application. They requested that an extension of time to respond was sought.

The Clerk was asked to make a request to allow the new Parish Council members to fully consider the matter. It was therefore requested that the time limit be extended to the middle of May.

District Councillor Potter was also requested to seek the permission of the DMC Chairman to take the matter to the DMC and not via delegation.

Points of further concern & clarification considered are set out below:-

It was again pointed out that the council's response to the outline application was one of objection and this should be their continued stance.

More discussion with the agents on matters was needed.

The west end of the site accommodates three rows of houses, not spread further over the site.

The principle is established, but the public still have misgivings.

Maintenance of the attenuation tanks and who is to be responsible over future years, who will own them?

It was highlighted that letters advising that the application was now running did not arrive early enough for in depth consideration.

Concern over access by large and heavy vehicles and alleged shaking of properties close to the road. (One way in and out was also raised).

Is there to be appropriate street lighting?

Newton Poppleford & Harpford - Cllr K Potter (Former ward member)

Serious concerns were raised by members of the public at last Monday's (20th April 2015) Parish Council meeting .

Flood prevention and traffic issues were among the many items mentioned.

As this is a major application I request it be brought to DMC for consideration.

Technical Consultations

EDDC Trees (Original comments)

My provisional comments relate mainly to landscaping and hedges:

Landscaping

The newly proposed hedge along southern boundary should be composed of a greater proportion of holly + Elm to support the other dominant hedge features.

There is no tree planting, on main road through site, some tree planting should be incorporated into the design (Step back of individual units, traffic islands fastigiated plantings).

Tree selection and planting details should follow guidance in BS8545:2014

There is a drop of level (1.6m to 1.8m) shown between the line of dwelling to the north and those centrally, in addition there will be a 1.8m high close board fence. This is potentially an imposing barrier for those properties to the north.

Hedges

It is difficult to tell what the location of the hedgerow protection fencing. The dimension of the fencing should be marked on the TPP to ensure correct positioning and for future monitoring.

It is not clear how the RPA of the hedgerow has been calculated from the submitted details to cross reference with the TPP.

The eastern face of hedgerow H6 and the western face of hedgerow H3 abut residential boundaries. It is not clear how these can be appropriately managed in the future or that they will not become significantly cut back and or removed over time. Ideally the layout of the site should provide public open space around the hedges to secure appropriate long term management and retention of the hedges.

EDDC Trees (Response to further/amended information)

I would ideally like to see more tree planting along or adjacent to the site. At a minimum making use of the south side of the access road where it cuts through the hedgebank or some fastigiate tree plantings at the front of the road side dwellings.

The amended landscape details still make no reference to tree selection and planting following guidance in BS8545:2014. Any planning approval should be subject to a pre-commencement condition covering this to ensure establishment of new tree plantings and independence in the landscape.

The eastern face of hedgerow H6 and the western face of hedgerow H3 abut residential boundaries. It is not clear how these can be appropriately managed in the future or that they will not become significantly cut back and or removed over time. Ideally the layout of the site should provide public open space around the hedges to secure appropriate long term management and retention of the hedges. Any planning approval on this site will also need to secure ongoing long term management of these features.

Environment Agency (Original comments)

The proposal has been reviewed and I enclose the Environment Agency's comments on:

Land to the south of King Alfred Way Newton Poppleford

Thank you for referring the above application which was received on 9th April 2015.

ENVIRONMENT AGENCY POSITION.

We object to this proposal.

A consideration of previous Environment Agency responses and the subsequent condition placed on the outline planning approval references the provision of a SUDS scheme and appropriate percolation testing to demonstrate the feasibility of infiltration.

The 'Reserved Matters Planning Submission Drainage Statement - King Alfred Way, Newton Poppleford' does not make any references to percolation tests to BRE digest 365 having been carried out. Without consideration of infiltration options we cannot consider that disposal options for surface water have been appropriately assessed under the normal hierarchy.

In addition, the drainage scheme proposed is not considered to constitute a recognised SUDS scheme. Such a scheme should provide water quality and biodiversity benefits, as well as the ability to mimic greenfield performance over the full range of varying intensity rainfall events. In particular, any approved scheme should offer some degree of infiltration for low intensity events where surface runoff is unlikely to be realised on the undeveloped site.

It is appreciated that the proposed drainage scheme may be the best viable option, but until appropriate justification and consideration of other options is provided the Environment Agency would wish to sustain an objection.

Environment Agency (Response to further/amended information)

Dear Sir/Madam

CONSTRUCTION OF 40 HOUSES, A COMMUNITY HALL, DOCTORS SURGERY AND ASSOCIATED WORKS. LAND TO THE SOUTH OF KING ALFRED WAY NEWTON POPPLEFORD

I refer to the above proposal and my response dated 21st April 2015, additional information has been received from Consultants acting on behalf of the developer.

ENVIRONMENT AGENCY POSITION.

We can now withdraw our objection for the following reason.

The information received from Jamie Purdue (TWP Consulting Engineers), on the 27th April 2015, provides evidence that infiltration to dispose of surface water is not an option at this site. It also confirms that steep gradients within the site would be unsuited to infiltration techniques.

Given that there is no natural watercourse available in close proximity to the site, it has to be accepted that draining to the SWWplc public surface water sewer is the only viable option for surface water disposal.

The option to drain to the public sewer raises a number of issues which conflict with policies in the NPPF, particularly in relation to the provision of a recognised SUDS scheme. The use of sealed underground attenuation tanks, as required by SWW to secure their adoption, is not considered a true SUDS scheme. However, a consideration of the EDDC Local Plan indicates that SUDS should be encouraged where practicable (under Policy EN22) and is therefore not a definite requirement.

Given the discussions that have taken place and the flood risk benefits provided by the proposed scheme, it is considered reasonable for the Environment Agency to lift their objection on the grounds that the proposed surface water drainage scheme is the best that can be achieved given the site constraints.

Environmental Health

I have considered the application and do not anticipate any environmental health implications once constructed. However we would recommend a condition relating to environmental management of the construction site in the event of approval:

- a. There shall be no burning of any kind on site during construction, demolition or site preparation works.
- b. No construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, and not at all on Sundays or Public Holidays.
- c. Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance .

Reason: To protect the amenity of local residents from smoke, noise and dust.

Natural England

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

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (AS AMENDED)

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

European wildlife sites:

East Devon Heaths Special Protection Area (SPA)

East Devon Pebblebed Heaths Special Area of Conservation (SAC)

The application site is within 700m of the East Devon Heaths SPA and East Devon Pebblebed Heaths SAC, which are European wildlife sites.

This Reserved Matters application does not change our previous response (See appendix A). As such, our advice is that the measures contained in the Ecological

Mitigation Plan appended to the Section 106 Agreement (dated 16/01/14) should be sufficient to avoid Likely Significant Effect/Adverse Effect on Integrity on the European Sites.

East Devon Pebblebed Heaths SSSI

Natural England advises that there will be no additional impacts on the features of interest of these SSSI sites resulting from the proposed development beyond those already identified with regard to the European wildlife sites above.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

Housing Strategy Officer Paul Lowe

The proposal is for 40% (16 units) affordable housing and the Section 106 has been completed and signed.

The schedule of accommodation identifies the affordable units as plots 13-28 inclusive, of which there are 10 x 2 bedroom units and 6 x 3 bedroom units. The housing needs survey for Newton Poppleford identified a need for smaller homes for single people and couples together with small family homes. There was also a need for units which provide ground floor living and sleeping accommodation. The proposed mix of accommodation does not take into account the housing need. There are too many 3 bedroom properties and no provision for one bedroom units or single storey units. We would have preferred to see 3 x 3 bedroom units, 3 x 1 bedroom units and 10 x 2 bedroom units.

It is not clear from the plans or the schedule of accommodation the two different tenure types for the affordable units. Whilst the Section 106 does state that there will be 11 rented units and 5 shared ownership units we would like clarification on which units are to be rented and which are to be shared ownership.

The affordable units are not dispersed throughout the development in small clusters as we would have preferred but instead are concentrated in one area to the north-west. Given that 5 units are to be shared ownership it would have been possible to integrate these with the market housing.

Devon County Archaeologist

My ref: Arch/DM/ED/20020b

I refer to the above application and your recent consultation. The outline consent granted for this development (application 13/0316/MOUT is conditional upon a programme of archaeological work being undertaken - Condition 10.

This programme of archaeological work has only been partially implemented through the excavation of trial trenches across the proposed development site. This initial stage of work has identified prehistoric activity within the application area, and identified a concentration of prehistoric features. On the basis of these results further archaeological mitigation is required in the form of excavation of the areas known to contain prehistoric archaeological deposits - see attached plan.

To date, the second stage of mitigation has yet to be undertaken and, as such, I would advise that the applicant was made aware of the outstanding requirement to undertake the second stage of archaeological mitigation.

Stephen Reed
Archaeologist

South West Water

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

DCC Flood Risk Management Team

Devon County Council will not be commenting on reserved matters applications that were processed prior to us becoming a statutory consultee. The Environment Agency has agreed that it will deal with applications pre-dating this change which they may have commented on. As outline planning was given prior to us becoming a statutory consultee I suggest that contact is made with the EA and/or South West Water in relation to the .

County Highway Authority

LOCATION: Land South Of King Alfred Way
Newton Poppleford

Observations:

Original response to Planning Authority

The application as submitted is in made in outline with all matters reserved except means of access. The highway authority therefore has been requested by the planning authority to assess the application effectively as if it was a detailed application. The highway authority has read and considered all representations made to and received by the planning authority before making this response. The site has been visited on at least five separate occasions by officers from the highway authority, at different times of the day, both off-peak and during the peak hours.

The content of the Transport Statement made in support of this application is broadly accepted by the highway authority and it is agreed that the carriageway width of King Alfred Way is technically wide enough to serve as vehicular access to the site. The presence of on-street parking on King Alfred Way combined with the alignment of the access road means that the route is slightly restricted for the traffic generated by the number of units proposed combined with the community centre. It would however be difficult to sustain an objection in principle to the proposals having regard to the content of Paragraph 32 of the National Planning Policy Framework which states 'Developments should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. Although earlier in that paragraph (Para 32), it states that '...decisions should take account of whether...safe and suitable access to the site can be achieved for all people' the highway authority does not believe that an objection could be sustained on the 'safety and suitability' of the access as the junction and the carriageway width and footways comply with contemporary design guidance in most regards. It would be preferable from a highway perspective if fewer units were proposed, so that any potential conflict could be reduced, but the highway authority and planning authority have to assess the application as submitted, even if the numbers proposed would appear to be at the upper limit of acceptability.

Because the internal layout has to be considered as means of access is to be assessed in detail, there are some issues that will need to be addressed before the

plans as submitted are acceptable to the highway authority. It may be considered that these are matters of 'layout' but these comments are included for the convenience of the planning authority and at their specific request.

They are as follows:-

1. The continuous perpendicular parking around the inside of the bend is particularly bad for forward visibility and for exiting visibility from the spaces.
2. It is disappointing that the layout could not have been designed with shorter straights allowing for flexibility with the greater use of shared surfaces.
3. There appears to be no adequate turning for refuse vehicles or pantechnicons at the end of the cul-de-sac.

Once these issues have been satisfactorily addressed then the highway would wish to be re-consulted so that appropriate conditions could be recommended in the event that planning permission is granted

Further response following receipt of additional information in the revised Transport Statement and amended plans resulting in further consultation from the planning authority:-

The issues previously raised have been addressed to the satisfaction of the highway authority and it is now recommended that the application, if granted, is subject to appropriate conditions.

In light of the above the CHA has agreed to potential for the amount of development on the site and the access arrangements. It is understood that there has been meetings with the LPA and that alterations to the internal layout of the site and in particular the changed place of the doctors' surgery has met with the initial approval of planning team. I am somewhat disappointed that CHA was not party to these discussions, as I would have liked to have made some comments regarding the internal layout before this outline application was submitted.

The existing footpath which runs along the northern perimeter of the site that connects with is Farthings Lane and King Alfred Way and continues to the east past the site boundary has the potential for eventual connection to Newton Poppleford Primary School, thereby creating a pedestrian connection that would avoid the poor and unsatisfactory pedestrian links on the A3052. Whilst I am aware that full connection to the school is not available at this time, future connectivity may some day be possible. With this in mind it could gone further to influence the internal layout of the proposal before me. As it is, there is a proposed link to this footpath via a Path 2 to northwest of the development (plot 18) and also what appears to be steps back to the existing footpath at plot 28. It does not show the existing footpath accessing the proposed Path 1 or how it would link to and cross the access road.

Whilst I understand that the LPA does not want to have a break in the existing hedge line that runs north/south through the middle of the site, linking of good pedestrian and cycle routes across the northern perimeter of the site would have distinct advantages for future connectivity, not only from Farthings Lane through the site to King Alfred Way, but potentially between the school and doctors surgery and the wider community to the east.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

2. No other part of the development hereby approved shall be commenced until:

A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway

B) The ironwork has been set to base course level

C) A site compound and car park have been constructed to written satisfaction of the Local Planning Authority

REASON: To ensure that adequate facilities are available for the traffic attracted to the site during the construction period, in the interest of safety of all users of the adjoining public highway and to the amenities of the adjoining residents.

3. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

A) The cul-de-sac carriageway including the vehicle turning head shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

B) The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;

C) The cul-de-sac visibility splays have been laid out to their final level;

D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;

E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;

F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;

REASON: To ensure that adequate access and associated facilities are available for the traffic attracted to the site

Officer authorised to

sign on behalf of the County Council 8 May 2015

Other Representations

10 representations have been received, 9 of which express objections to the application. The remaining representation is submitted on behalf of the Newton Poppleford and Harpford Neighbourhood Plan Steering Group and raises a number of queries concerning the proposal.

Objections are raised on the following grounds:

1. The social housing to be provided does not match the identified requirement.
2. Inadequate notification of the current consultation period.
3. Drainage/flooding concerns were raised at the outline stage and assurances given that appropriate SUDS mitigation would be specified; this assurance is not currently detailed nor any reference as to how the required tanks will be maintained (physically and financially) throughout their agreed lifetime.
4. Kerb and surface damage to King Alfred Way due to the heavy vehicles using this road during the construction phase, difficulties in large vehicles being able to gain access due to existing "on road" parking arrangements and safety issues regarding children used to playing on the currently quiet estate roads.
5. Block walls are to be built around the south of the site to retain soil due to the gradient change which will be visually obtrusive and should be replaced with turfed gabion or other "green" natural surface.
6. Roof heights were an issue during outline stage.
7. This is a sensitive site and no detail has been given to the type and quantity of the street lighting system to be used, recognising that the security of the doctors surgery needs to be considered and managed.
8. No plans submitted for the promised footpath upgrade and the details of the footpath crossing compete with roadway markings.
9. Inadequate provision of affordable housing.
10. Density of housing is too great with a poor layout and inadequate provision of green space leading to additional surface water and increased risk of flooding.
11. Road layout will result in traffic conflicts with parked cars causing environmental and noise pollution.
12. Detrimental impact on scenic quality of village within the AONB and visible from the East Devon Way.
13. The site lies outside the Built Up Area Boundary (BUAB) for Newton Poppleford which can now once again be given significant weight.
14. Question likelihood of any improvements being made to footpath 1.

15. Surgery exceeds the clinical needs of the parish and expansion would not be justified.

16. Impact upon privacy of neighbouring properties.

17. Surgery is a potential white elephant; there is no feasibility study to support it.

18. Inadequate off street parking provided which will cause overspill parking issues to King Alfred Way and beyond.

19. King Alfred Way and the A3052 cannot handle the additional traffic that will be generated.

PLANNING HISTORY

Reference	Description	Decision	Date
13/0316/MOUT	Outline application for the development of up to 40 houses, doctors' surgery and associated infrastructure, open space and landscaping (all matters except access reserved)	Approval with conditions	16.05.2014

POLICIES

New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

Strategy 38 (Sustainable Design and Construction)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 49 (The Historic Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN6 (Nationally and Locally Important Archaeological Sites)

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

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

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

RC5 (Community Buildings)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Adopted East Devon Local Plan Policies

S7 (Infrastructure Related to New Development)

D1 (Design and Local Distinctiveness)

D2 (Sustainable Construction)

D4 (Landscape Requirements)

D5 (Trees on Development Sites)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

EN6 (Wildlife Habitats and Features)

EN7 (Nationally and Locally Important Archaeological Sites)

EN8 (Proposals Affecting Sites Which May be of Archaeological Importance)

H3 (Range and Mix of New Housing Development)

H4 (Affordable Housing)

C2 (Local Community Facilities)

RE3 (Open Space Provision in New Housing Developments)

TA4 (Footpaths, Bridleways and Cycleways)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Relevant Planning History

Outline planning permission was granted in May 2014 for a development of 40 houses, a doctors surgery and associated infrastructure, open space and landscaping (application 13/0316/MOUT refers). Although details of the means of access to the site were approved as part of the grant of planning permission all other detailed matters, comprising the layout, scale and appearance of the development and the landscaping of the site, were reserved for later approval.

The permission is accompanied by a Section 106 agreement that secures the on-site provision of 40% affordable housing and public open space in addition to the payment of financial contributions towards open space provision/enhancement, school transport provision, off-site improvements to Farthings Lane (including implementation of an improvement plan) and implementation of an ecological mitigation plan in respect of the Pebblebed Heaths.

The approved access details at outline stage showed an extension of the existing estate road from its southern end crossing Farthings Lane and through an existing field entrance with the spine road serving the development then looping round to the west to follow the site contours.

These also included an indicative masterplan containing site layout details showing the proposed surgery located adjacent to the entrance to the site to its west with the area of public open space positioned on the opposite (eastern) side of the estate road from it.

However, subsequent to the grant of outline planning permission, a deed of variation to the Section 106 agreement was approved in the form of a modified layout plan detailing a revised siting of the on-site public open space to the west of the estate road.

Site Location and Description

The application site is located to the south of King Alfred Way and lies adjacent to the existing built-up area boundary of the village of Newton Poppleford. It extends to an area of land totalling 2.25 ha comprising two pasture fields. The land rises from the existing built up area to the south and east and continues to rise beyond the application site to a wooded copse to the south and open fields to the east. The application site, together with the whole of Newton Poppleford and the surrounding countryside is located within the designated East Devon Area of Outstanding Natural Beauty. It is also a little over 700 metres to Harpford Common (part of the Pebblebed Heaths) which under European legislation is designated as a Special Area of Conservation (SAC) and Special Protection Area (SPA).

The northern boundary of the site is formed by an existing hedge adjacent to a public footpath (no. 1), known as Farthings Lane, that extends from School Lane to the east to the western end of High Street to the west.

The western boundary of the site is formed by an existing hedge bordering a residential property known as Little Shule. There are no other existing physical boundaries to the site although an existing hedge running from north to south divides the site.

King Alfred Way itself, a residential cul de sac, extends to the northern boundary of the site from which vehicular access to serve the site was approved at outline stage alongside a further pedestrian access from the public footpath, Farthings Lane.

Proposed Development

The application seeks approval of the outstanding details reserved by the outline planning permission granted under ref. 13/0316/MOUT referred to above relating to the layout, scale and appearance of the development together with the landscaping of the site.

In this regard, the scheme broadly follows the illustrative masterplan that formed part of the outline submission, more particularly in terms of the general layout of the principal spine road and the general arrangement of the dwellings around it. The former is shown to loop through the southern part of the site and follow the contours of the hillside before curving to the north and east to run parallel with Farthings Lane to the north.

There are however a number of changes to the indicative layout aside from the swapping of the locations of the public open space and the doctors surgery that were subject of the deed of variation referred to above. Principal among these are the introduction of a conventional cul de sac road layout in place of the looped cul de sac previously illustrated and the creation of a stepped pedestrian access route from Farthings Lane utilising an existing gateway at the north eastern corner of the western of the two fields that make up the site to connect the end of the cul de sac with the public footpath. This prevents the need for the formation of a second breach of the central hedgerow that separates the two fields and facilitates the laying out of the public open space area within the part of the site where previously it was shown that the road would extend and reconnect with itself near to the site entrance. It also facilitates the setting back of development on the eastern side of the central hedgerow to allow for the inclusion of a footpath to connect the public open space with the spine road towards the southern and south western parts of the development.

The layout also provides for a landscape buffer to the south of the development that would mainly comprise a planted bund to define the southern boundary of the site with the remaining more elevated portions of the two fields as well as a native species woodland copse along part of the eastern boundary in line with the illustrative masterplan. It also sets out a second pedestrian connection with Farthings Lane at the north western corner of the site, again in accordance with the masterplan.

In line with the outline permission, the scheme provides for a total of 40 dwellings with 16 (40%) of these being affordable. The units would consist of a mix of 10 2-bedroom, 17 3-bedroom and 13 4-bedroom houses. The affordable element would comprise semi-detached pairs and two 3-unit terraces of dwellings that would be located towards the lower north western corner of the site. The open market dwellings would all be detached or link detached. With the exception of two bungalows towards the south western corner of the site, all units are to be two storey in height. External parking at a ratio of two spaces per dwelling would be provided alongside or in front of each of the affordable units while each of the open market properties would feature attached single garages and a parking space.

The layout also incorporates a car parking area and cycle storage facilities to serve the proposed surgery. This would be located to its immediate south and would also accommodate a drop-off area.

The site levels and maximum roof ridge heights of the dwellings addresses the requirement set out at outline stage that an Ordnance Datum level of 55.5 metres should not be exceeded. In order to achieve this across the site, and in particular to ensure that the levels of the units occupying the more elevated southern portion of the site comply with this stipulation, it is necessary to address a drop in level between the rear of a number of the dwellings along the northern side of the spine road and those to the north. It is proposed that this be addressed through the use of gabion retaining walls.

The scheme proposes a range of house types featuring a mixed palette of materials consisting of render, brick, tile hanging and timber boarding external wall finishes (including some timber clad garages) with either slate or terracotta roof tiles. A variety of architectural features to individual units is also envisaged, including gabled and hipped roof forms, front gable elements that break eaves lines, lean-to porch canopies of various sizes and full height bays.

The surgery building would be single storey and of simple gabled form with a mix of render, face brick and vertical timber cladding wall finishes with a fibre cement slate roof. It would accommodate two consultation rooms, kitchen, utility room, disabled toilet and a waiting area and 'atrium' reception. Whilst the submitted floor plan details suggest the possibility of two further consultation rooms and utility room being added at a future stage, these do not form part of the current proposals to be considered.

Considerations/Assessment

The submitted details fall to be considered having regard principally to the four remaining matters reserved by the outline planning permission that are each considered in turn below. There are also other detailed matters that are discussed in greater detail.

Layout

As stated above, the general disposition of the scheme accords largely with that considered at the outline stage in the form of the illustrative masterplan as amended by the deed of variation to the Section 106 agreement accompanying the permission

to show the relocation of the public open space to the west of the estate road on a part of the site that is more level. It is intended that it will provide a buffer to the existing housing in King Alfred Way and create a flatter space that will have the benefit of more natural surveillance from the proposed units on plots 38-40 to the south. Similarly, there are also perceived to be modest benefits in the repositioning of the surgery and car park in that the latter would be moved further away from the proposed housing whilst retaining an accessible location within the development.

Most of the proposed detached units are intended to be positioned where they back towards the more elevated southern boundary of the site. These will include split level and, as stated, bungalows, that better address the levels and height constraints presented both by the site and the requirement that roof ridge heights should not exceed 55.5 metres AOD.

Whilst there are also some differences between the general layout of the proposed semi-detached and terraced housing proposed and that shown on the indicative masterplan, it is not thought that this would present an unduly unacceptable street scene to the public domain.

Equally, although the layout shows a limited set back of the majority of the southern units from the street, it has been explained that the bringing forward of these towards their respective plot frontages is necessary given the need to address both levels and the ridge height restriction. It also reduces to some extent the amount of excavation, and therefore movement of material off site, that is required.

The revision to the estate road layout involving the standard cul de sac arrangement (in place of the looped cul de sac shown on the indicative masterplan) is thought to have benefits in the form of a reduction in the number of breaks in the central hedgerow from two to one with an associated ecological gain to be derived in terms of reduced disturbance to wildlife habitat as well as a more limited impact in terms of the amenity value of the hedge itself, which is one of the key landscape features of the site. It is also argued that the layout would reduce traffic movement near to the northern site boundary and therefore the potential for disturbance to existing residents on the opposite side of Farthings Lane to the north.

The introduction of the proposed gabion retaining walls enables the creation of levelled garden areas for individual plots since they would avoid the need to otherwise lay out sloping gardens which are thought to be less usable and desirable, in amenity terms, for prospective occupiers. Although intended to be introduced along significant lengths of the rear boundaries between plots 19-28 and 29-34 and 39-40 and 35-38, they would be largely screened from public views by the majority of these units themselves with only relatively modest glimpsed views likely to be available between individual plots.

The introduction of the proposed landscape buffer and hedge along the 'new' southern boundary with the remaining portions of both fields would provide a soft green 'edge' to the scheme and create an appropriate transition between the built-up area and the adjacent open countryside.

Importantly, the layout would ensure that reasonable separation between the development and existing properties, both to the west of the site and within King Alfred Way itself beyond Farthings Lane to the north, would be achieved.

The clustering of the proposed affordable units towards the north western corner of the site is unfortunate and it would ordinarily be preferred for these to be more dispersed and 'pepper potted' throughout the site. However, as is often the case with comparatively smaller affordable housing numbers such as those proposed with this scheme, it has once again been highlighted that the registered social provider to which the management of these units would be transferred places controls over the extent to which this can be accommodated. It is argued that it is impractical to manage smaller clusters of units since this places additional costs and burdens on the provider to the extent that they become unattractive to them. In this case, it is also contended that the units themselves are designed to be 'tenure blind' and that there is in any event little opportunity to modify the site layout to accommodate the affordable element in a meaningfully different location given the comparatively modest site area. In the circumstances, and given that the applicant has a registered provider on board who accepts the proposed layout, it is conceded that objection to the scheme on the basis of its affordable housing layout would be difficult to justify on appeal. The applicant having refused the offer of amending the layout to address the these concerns.

Although the comments raised by the Highway Authority with regard to certain elements of the layout are acknowledged, they are not considered to represent significant concerns that strongly justify further modification.

Scale

The overall scale, including the massing and height, of the proposed built forms within the scheme are considered to be largely appropriate. Significantly, they would reflect the character of the development as an edge of village extension to an existing residential cul de sac. The proportions of both the individual units and groups of semi-detached and terraced dwellings would retain a domestic scale that would be essentially sympathetic to that of the existing development in King Alfred Way.

Similarly, the proposed surgery building would be of a relatively modest scale overall. It would measure 11.2 metres by 7.05 metres and incorporate a roof ridge height of 5.3 metres.

It is not thought that either element of the proposal would be of a scale that would result in the scheme appearing unduly dominant or prominent given the location of the site on the edge of the village, more especially in view of the compliance with the agreed datum level established at the previous outline stage.

Individual plot ratios would appear to be acceptable and it is not considered that any of the proposed buildings would appear to overdevelop their respective plot areas in a manner that would undermine the character, appearance or quality of the scheme overall.

Appearance

The scheme proposes a mix of nine different house types throughout the site which collectively incorporate a reasonable variety of building forms and palette of external wall and roof finishes that will lend interest to the street scene within the development and create an attractive development overall.

Although the semi-detached and terraced arrangement of the affordable units would represent something of a contrast with the detached layout of the open market dwellings, it is considered that these also feature a reasonable mix of face brick and render wall finishes that would blend in well with them.

Equally, the surgery building would exhibit an appearance that belies its modesty with the mix of wall finishes that is proposed to its principal west elevation which would lend visual interest to its otherwise comparatively simple form.

It is intended that the road serving the development would be designed as a shared surface space with block paving and laid out to promote pedestrian priority at the main access point. The shared private driveway serving plots 38-40 would be designed with low kerbs and a flush surface to reduce its impact upon the adjacent public open space.

Landscaping

The submission incorporates detailed planting and hardworks drawings to illustrate the proposed soft and hard landscaping proposals respectively.

One of the key elements of the former comprise the introduction of garden hedge evergreen shrub planting along the principal frontages of all of the plots that are intended to front the main estate road (including that occupied by the surgery), the exceptions being the affordable housing plots 19-28 where parking spaces would be positioned in front of the units.

Such planting would help to soften the street scene and compensate to some extent for the absence of specimen tree planting along a substantial length of the estate road, which is contended by the applicants to be difficult in any event owing to the proximity of the majority of the dwellings to their respective plot frontages and therefore the lack of adequate space to allow tree planting to develop and mature.

However, there is specimen tree planting proposed elsewhere throughout the nearer part of the site to the northern boundary with Farthings Lane which is intended to be supplemented by the reinforcement and infilling of the existing hedgerow along this boundary with further planting using native hedgerow species. Tree, shrub and wildflower planting is also proposed around the surgery building and car park whilst the boundary of the latter with plot 1 would be defined by a Devon bank and hedge.

A similar treatment would be introduced along the proposed eastern boundary of the site as well as the southern boundary to which reference has already been made. In both cases, this would be supplemented by areas of woodland copse planting towards the south eastern and south western corners of the site.

In terms of hard landscaping, the majority of the shared surface estate road and shared driveway serving plots 38-40 would be surfaced in silver grey block paving. The first part of the former, along with the proposed footpaths and the surgery car park and its entrance, would incorporate a bituminous surface. Natural coloured slab paving would define private pathways and patios around and to the rear of individual dwellings.

Elsewhere, the boundary treatments between and along the rear of private rear gardens would comprise a mix of 1.8 metre and 1.2 metre high close-boarded timber fences, timber post and wire fences and, in the case of plots 1-4, railings to raised garden areas. The boundaries of plots whose main private garden areas side on to the estate road are to be mainly defined by a 1.8 metre high rendered on a brick plinth.

As referred to above, stone-filled gabion retaining banks are proposed at the rear of a number of the properties that front onto the estate road as well its return length near to the Farthings Lane boundary.

The landscaping proposals taken as a whole are considered to be largely acceptable. In particular it is thought that the soft landscaping proposals, and more especially the treatment around the southern perimeter of the site at the point of the transition between the edge of the development, as well as the built-up area of the village more widely, are appropriate. The importance of creating a 'soft' edge to the built-up area in this location, within the designated AONB, is of particular significance and in this regard it is maintained that the submitted landscaping proposals would largely achieve this objective.

Other Matters

There are other matters, some of which are the subject of ongoing concerns that have been expressed by the parish council, ward members and third parties that are considered in greater detail below.

Drainage

One of the conditions attached to the outline planning permission requires the submission of a detailed scheme for dealing with surface water. It stipulates that this should take the form of a SUDS scheme that should be designed to mimic greenfield level of run-off and to a standard to deal with a 1 in 100 year storm event.

Details of a scheme, which involves the controlled discharge to a nearby surface water sewer, have been submitted as part of the reserved matters application. This takes the form of attenuation tanks, one of which would be designed to the 1 in 100 year requirement, with an allowance for 30% climate change, to an adoptable standard. However, South West Water as the water authority would only be obliged to adopt the attenuation required for the 30-year plus 10% climate change storm. The 30-year to 100-year storage would need to be held within a privately-maintained attenuation tank which would be connected to the adoptable attenuation tank storage by means of a flow control chamber to ensure that agreed runoff rates are achieved.

The attenuation tanks would be located underneath the proposed public open space.

Soft SUDS solutions, such as detention basins, swales, filter strips and ponds are not acceptable as the water authority will not permit these to discharge into the sewer network and there are no natural watercourses within proximity of the site. Moreover, infiltration techniques have been considered to be unsuitable as the topography of the site, and more particularly its steep gradient in places, would not allow for these to operate safely.

This therefore leaves a controlled discharge to the sewer as the only viable option for dealing with surface water from the development.

It is stated by the applicants that the management and maintenance of the private attenuation tank can be achieved through a private maintenance company. It is recommended that arrangements for the provision of such maintenance in perpetuity be secured through an appropriate mechanism such as a legal agreement (or by supplementary agreement annexed to the Section 106 agreement entered into at the outline stage).

It is accepted that the requirement for a second, private attenuation tank to ensure that greenfield surface water runoff rates are not increased stems from the need for the affordable housing element to comply with the appropriate code level of the Code for Sustainable Homes (i.e. without the affordable housing there would be no need for a private attenuation tank to be maintained alongside the adoptable tank). However, the weight given at the outline stage to the social benefits of the scheme in largely providing for the identified social housing requirements of the village in the wider sustainable development balance materially outweighs any environmental issues associated with the means by which surface water drainage is discharged from the scheme, more especially given the management regime for the private tank that can be secured.

Local Needs

Concern has been expressed that the proposed affordable housing mix does not wholly reflect the identified local housing needs set out in the relevant housing needs survey for the village, in particular in terms of the number of three bedroom units that the scheme is proposing. The proposed mix comprises ten 2-bedroom and six 3-bedroom dwellings. However, it is recommended by the Council's Housing Enabling Officer that three of the 3-bedroom units be swapped for 1-bedroom units.

In response, the applicants highlight the 2011 date of the local housing needs survey underpinning this recommendation, its low response rate and the fact that it represents only a snapshot in time. They also confirm that three offers have been made by registered providers on the basis of the affordable housing mix set out within the proposal with 1 provider having been selected who has expressed their satisfaction with the mix of housing provided.

In the circumstances, and in view of the balance of the foregoing factors and benefits from the provision of affordable housing, it is not considered that the submitted

details could be reasonably opposed on the basis that it is not directly aligned with the identified local housing need.

Maintenance of boundary and internal hedges

It is intended that the conveyancing of individual plots where they border either the central hedge to be retained or the hedge that defines the western site boundary would exclude the various lengths of these hedges themselves with the extent of ownership extending to the face of these landscape features. They would thereafter be maintained through a management company which can be appointed under the provisions of the Section 106 agreement attached to the outline permission.

Provision of surgery building

The applicants have confirmed that it is intended that the proposed surgery building be constructed with the housing as a single phase. It would be retained by Clinton Devon Estates but rented out to future occupiers. Discussions between Clinton Devon Estates and the NHS are ongoing.

Although not required as part of the overall development in order to make the scheme acceptable, there is a commitment to provide the building.

Archaeology

Archaeological investigation of the site has been carried out (as per a requirement of one of the conditions of the outline planning permission) in the form of a trial trench evaluation in accordance with a written scheme of investigation previously submitted to, and agreed with, the County Archaeology service.

Whilst this investigation exposed two small prehistoric features as well as buried cultivation soils, based on the evidence it is thought that the site does contain the potential for further localised prehistoric occupation and for more artefacts of this period to be recovered. Further archaeological mitigation would therefore be required in the form of excavation of the areas known to contain prehistoric archaeological deposits.

Ecology

The submission is accompanied by a wildlife and ecology management plan as required by one of the conditions on the outline permission. This document sets out objectives and prescriptions for the management of the site based upon key ecological features previously identified. It covers the pre-construction, construction and post-construction phases of the development. The latter cover a 10-year period. It also sets out a monitoring programme.

The management incorporates retention and creation of wildlife habitats within the public areas within the development and deals with mitigation measures for protected fauna species, such as reptiles, bats, badgers, nesting birds and hazel dormice, as well as the protection of retained trees and hedgerows and new hedgerow, wildflower grassland, tree and woodland planting.

Trees/Hedges

An Arboricultural Impact Assessment report and tree protection plan also forms part of the reserved matters submission. Its principal content comprises measures for the protection of trees and hedgerows within and bordering the site.

Providing that these protection measures are implemented in line with the report and plan, there are no objections to the proposal from an arboricultural perspective.

Impact during Construction

One of the conditions attached to the outline permission requires the submission of a construction and environment management plan prior to the commencement of any works. This should set out measures for dealing with matters of air and water quality, dust, lighting, noise and vibration, control of pollution and monitoring. It also restricts construction working hours and prevents burning and the use of high frequency audible reversing alarms.

In conjunction with the Council's adopted Code of Practice for the Construction Site Nuisance, which outlines the measures that the Authority expects works on construction sites to comply with in order to avoid excessive nuisance to residents, it is considered that there are appropriate safeguards in place to address the concerns expressed by local residents with regard to disruption and associated problems anticipated during construction of the development.

RECOMMENDATION

APPROVE subject to the following conditions:

1. East Devon District Council as Local Planning Authority HEREBY APPROVE THE FOLLOWING RESERVED MATTERS of the above described development proposed in the application numbered as shown above and in the plans and drawings attached thereto, copies of which are attached to this notice relating to:-
 - (a) Appearance
 - (b) Landscaping
 - (c) Layout
 - (d) Scale

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. No. 13/0316/MOUT) granted on 16th May 2014.

The following reserved matters have yet to be approved:

None

The following Conditions attached to the Outline Planning Permission (ref.: 13/0316/MOUT) referred to above are discharged in relation to the part of the site covered by this reserved matters application:

1, 2

The following Conditions attached to the Outline Planning Permission (ref. 13/0316/MOUT) referred to above remain to be complied with where details are required to be submitted prior to the commencement of development in so far as they relate to the site covered by application 15/0642/MRES:

5, 6, 10, 11, 12, 13

The following additional conditions are attached to this reserved matters approval:

2. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area which is designated an Area of Outstanding Natural Beauty in accordance with Policies D1 (Design and Local Distinctiveness) and EN1 (Development Affecting Areas of Outstanding Natural Beauty) of the adopted East Devon Local Plan and Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policy D1 (Design and Local Distinctiveness) of the emerging New East Devon Local Plan.)
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order, with or without modification), no gates, fences, walls or other means of enclosure shall be constructed forward of any of the dwellings hereby permitted without a grant of express planning permission from the Local Planning Authority.
(Reason - To enable the Local Planning Authority to retain control over operations that would not ordinarily require a grant of planning permission in the interests of the character and appearance of the development and to comply with the provisions of Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan and Policy D1 (Design and Local Distinctiveness) of the emerging New East Devon Local Plan.)
4. The development hereby permitted shall be carried out in full accordance with the recommendations for the protection of trees and hedges during the course of construction set out in the Arboricultural Impact Assessment report (ref.: 04267 AIA 4.2.15) dated 4th February 2015 and as shown on the tree protection plan (ref.: 04267TPP Rev A 8.5.15) (as modified) prepared by Aspect Tree Consultancy Ltd.

(Reason – In the interests of assimilating existing landscape features into the development and to comply with the provisions of Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the adopted East Devon Local Plan and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the emerging New East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

12706 L04 01 REV. D	Proposed Combined Plans	21.05.15
04267 TPP A	Other Plans	08.05.15
1276 01 100	Other Plans	01.05.15
12706 L94 02	Landscaping	01.05.15
12706 L94 01	Landscaping	21.05.15
12706 H02 A 02.01 P2	Proposed Floor Plans	17.03.15
12706 HO2 A 02.00 P2	Proposed Floor Plans	17.03.15
12706 HO2 A 04.01 P5	Proposed Elevation	17.03.15
12706 HO6 A 02.01 P4	Proposed Floor Plans	17.03.15
12706 HO6 A 02.00 P6	Proposed Floor Plans	17.03.15
12706 HO5 A 02.01 P6	Proposed Floor Plans	17.03.15
12706 H05 A 02.00 P7	Proposed Floor Plans	17.03.15
12706 H02 A 04.00 P5	Proposed Elevation	17.03.15

12706 H03 A 04.00 P6	Proposed Elevation	17.03.15
12706 H03 A 04.01 P5	Proposed Elevation	17.03.15
12706 H03 A 02.02 P2	Proposed Floor Plans	17.03.15
12706 H03 A 02.03 P2	Proposed Floor Plans	17.03.15
12706 H03 A 02.00 P4	Proposed Floor Plans	17.03.15
12706 H03 A 02.01 P4	Proposed Floor Plans	17.03.15
12706 H04 A 04.00 P8	Proposed Elevation	17.03.15
12706 H04 A 02.00 P5	Proposed Floor Plans	17.03.15
12706 H04 B 04.00 P8	Proposed Elevation	17.03.15
12706 H04 B 02.00 P6	Proposed Floor Plans	17.03.15
13133 L 04.01 P1	Proposed Elevation	17.03.15
12706 H01 A 04.01 P7	Proposed Elevation	17.03.15
12706 H01 A 04.00 P7	Proposed Elevation	17.03.15
12706 H01 A 02.01 P4	Proposed Floor Plans	17.03.15
12706 H01 A 02.00 P4	Proposed Floor Plans	17.03.15
13133 L 02.01	Proposed Floor Plans	17.03.15
12706 H01 A 04.02 P7	Proposed Elevation	17.03.15

12706 H05 A 04.00 P9	Proposed Elevation	17.03.15
12706 H06 A 04.01 P6	Proposed Elevation	17.03.15
12706 H06 A 04.00 P10	Proposed Elevation	17.03.15
12706 H07 A 02.00 P3	Proposed Floor Plans	17.03.15
12706 H07 A 02.01 P3	Proposed Floor Plans	17.03.15
12706 H08 A 02.00 P7	Proposed Floor Plans	17.03.15
12706 HO8 A 02.01 P4	Proposed Floor Plans	17.03.15
12706 HO8 A 04.00 P9	Proposed Elevation	17.03.15
12706 H07 A 04.00 P6	Proposed Elevation	17.03.15
12706 HO6 A 02.02 P2	Proposed Floor Plans	17.03.15
12706-L04.01 B	Street Scene	17.03.15
12706_L93_02C	Other Plans	17.03.15
12706_L01_10 R	Proposed Site Plan	01.04.15
12706_93_04A	Landscaping	17.03.15
12706_93_03A	Other Plans	17.03.15
14149-019A	Other Plans	17.03.15
14149-015B	Sections	17.03.15
14149-014B	Sections	17.03.15
14149-008B	Sections	17.03.15
14149-009B	Sections	17.03.15

14149-011B	Sections	17.03.15
14149-012B	Sections	17.03.15
14149-013B	Sections	17.03.15
14149-007B	Sections	17.03.15
14149-003L	Layout	17.03.15
14149-002L	Layout	17.03.15
14149-001M	Layout	17.03.15
14149-018F	Layout	17.03.15
14149-017F	Layout	17.03.15
14149-016F	Layout	17.03.15
14149-006D	Other Plans	17.03.15
14149-010 B	Layout	17.03.15
12706 H06 A 02.03 P1	Proposed Floor Plans	02.04.15
12706_L93_01 C	Other Plans	01.04.15
12706_L01_14	Location Plan	01.04.15
12706 H06 A 02 00 P6	Proposed Floor Plans	01.04.15
12706 H06 A 02 01 P4	Proposed Floor Plans	01.04.15
12706 L06.01	Sections	15.05.15

List of Background Papers

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

Ward Sidmouth Sidford

Reference 15/1354/CPL

Applicant East Devon District Council

Location 13 Lymebourne Park Sidmouth
EX10 9HX

Proposal Certificate of lawfulness for alterations and improvements to existing rear single storey tenement.



RECOMMENDATION: Approve



		Committee Date: 4 August 2015
Sidmouth Sidford (SIDMOUTH)	15/1354/CPL	Target Date: 05.08.2015
Applicant:	East Devon District Council	
Location:	13 Lymebourne Park Sidmouth	
Proposal:	Certificate of lawfulness for alterations and improvements to existing rear single storey tenement.	

RECOMMENDATION: CPL Approval

EXECUTIVE SUMMARY

The application is a Certificate of Proposed lawfulness for alterations to the rear of a dwelling and is brought before Members because it is on Council owned land and the applicant is East Devon District Council.

As the proposal is for a Certificate of lawfulness for proposed use or development, the only question is whether what is being proposed needs planning permission and if it does, does it have it. Whilst what is proposed clearly amounts to 'development' and would need permission, the details of the proposal demonstrate that permission for it is granted through Article 3 and Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015. As such, the Council is obliged to issue the certificate applied for.

PLANNING HISTORY

No relevant planning history

ANALYSIS

Site Location

The site is located to the north of Sidmouth town centre with access taken from Arcot Road via Lymebourne Park. The property is an end of terrace dwelling house built with rendered walls, UPVC windows and doors and concrete tiled roof.

Proposed Development

The proposal is for alterations to the existing attached storage building on the rear elevation of the property to allow conversion to a bedroom to aid a disabled person. The only alterations are the construction of thermally efficient walls and the raising of the eaves to the building, therefore flatten out the roof slope though not projecting higher than the existing ridge height.

Consideration and Assessment

As this application is for a Certificate of Lawfulness for an extension to a dwelling, it must be considered under Schedule 2 Part 1 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015. No other considerations can be taken into account. The assessment of the proposal with regard to the aforementioned legislation is permitted development as:

- (a) - The property was not granted permission under Class M, N, P, or Q of Part 3 of the above-mentioned legislation.
- (b) - The proposed development would not result in the total area of ground covered in buildings, excluding the original dwelling, exceeding 50% of the curtilage.
- (c) - The height of the areas where work is proposed would not exceed the height of the highest part of the original dwelling.
- (d) - The eaves height of the areas where work is proposed would not exceed the eaves height of the original dwelling.
- (e) – The proposed extension is on a rear elevation.
- (f) - The proposal does not seek to extend the building further beyond the rear wall of the original dwellinghouse.
- (g) - The proposed application is not for a larger home extension.
- (h) – The proposed extension does not have more than a single storey.
- (i) - The proposed extension is within 2 metres of any boundary but the eaves height is less than 3m.
- (j) - The proposed extension does not have a height that exceeds 4 metres, does not have more than one storey and does not have a width greater than half the width of the original dwellinghouse.
- (k) - The proposed does not include a veranda, balcony, raised platform, antenna, chimney, flue, soil or vent pipe or alteration to the roof.
- (A.2) - The property is not on article 2(3) land.
- (A.3) - It is proposed to use materials which are of a similar appearance to the existing dwelling. No other elements of part A.3 apply to the proposal.
- (A.4) - No elements of this section apply to the proposal.

CONCLUSION

As the proposed development complies with the criteria for being permitted development, and therefore complies with Schedule 2 Part 1 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015), the proposal constitutes permitted development.

RECOMMENDATION

APPROVE – Permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Plans relating to this application:

P047-15-100	Location Plan	10.06.15
P047-15-102	Proposed Combined Plans	10.06.15

List of Background Papers

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

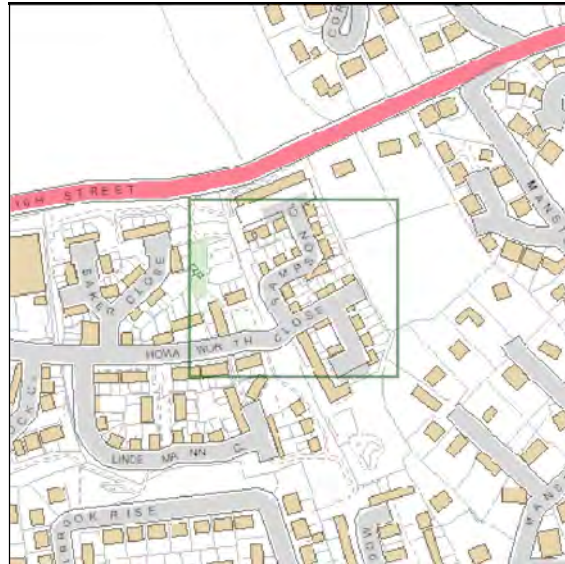
Ward Sidmouth Sidford

Reference 15/1506/FUL

Applicant Mrs Ruth Alam

Location 37 Sampson Close Sidmouth
Devon EX10 9FD

Proposal Re-location of existing shed to
driveway.



RECOMMENDATION: Approval with conditions



		Committee Date: 4 August 2015
Sidmouth Sidford (SIDMOUTH)	15/1506/FUL	Target Date: 24.08.2015
Applicant:	Mrs Ruth Alam	
Location:	37 Sampson Close Sidmouth	
Proposal:	Re-location of existing shed to driveway.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is before Committee as the applicant is a close relation of a member of staff.

The proposed loss of one parking space is considered to be acceptable given the location of the site, temporary nature of the structure being placed upon on it, benefit of the increase amenity space for the occupiers and the narrow nature of this part of the parking area.

CONSULTATIONS

Local Consultations

None

Technical Consultations

None

Other Representations

At the time of writing this report no third party representations have been received.

POLICIES

New East Devon Local Plan Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

TC9 (Parking Provision in New Development)

Adopted East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

TA9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

OFFICER REPORT

Site Location

The site is located to the north of Sidmouth town centre and accessed from Stowford Rise. The property is a semi-detached dwelling house with a garden to the rear (north east) and parking area measuring 2.8m wide by 10.1m in length. The site is located within the East Devon Area of Outstanding Natural Beauty.

Relevant Planning History

09/1820/MFUL - Residential development consisting of 133 dwellings to include 1 & 2 bedroom apartments and 2,3 & 4 bedroom houses. Including associated parking, highways, landscaping, open space and drainage works. Approved with conditions 18/03/2010.

Proposed Development

The proposal is for the relocation of a garden shed (measuring 1.84m wide by 2.35m in length) from the rear garden onto the rear section of the parking area of the property.

Planning permission is required as permitted development rights for the property have been removed for extensions and outbuildings.

Consideration and Assessment

The main issues to consider relate to the loss of car parking space, the visual impact from the relocated shed and any impact upon the amenity of neighbouring properties.

Principle and loss of parking

The Adopted East Devon Local Plan Policy TA9 (Parking Provision in New Development) states that a house with two or more bedrooms should provide a maximum of two parking spaces. Whilst the loss of one parking space is unfortunate, in this case the existing land measures 10.1m in length with the proposed garden shed taking up 2.35m and the remaining land being 7.75m. This would provide provision for one family car, or two small cars, and given the location of the site and narrow nature of the parking area, the loss of the space is considered to be acceptable.

In addition the structure does not have any foundations as it is merely being placed on the parking space and therefore can be removed and the space returned to off street car parking at a future date if needed by future occupiers. In addition, the applicant has advised that the relocation of the garage would provide valuable additional amenity space for the family to the rear of the property that does not benefit from a large garden.

It is noted that the Emerging East Devon Local Plan states that for a dwelling with two bedrooms or more a guide of 2 car parking spaces should be provided, however, this document has not been formally adopted and the policy does allow for a relaxation of the number of spaces where sites are well located.

Therefore the proposed placement of a garden shed onto one of the allocated parking spaces of the property is considered to be acceptable.

Character

It is not considered that it would have any implications in terms of its visual impact on the character and appearance of the area, nor would it be intrusive upon the surrounding properties.

Neighbour amenity

The proposal would not adversely impact upon neighbouring properties given the size of the shed and its proposed location.

RECOMMENDATION

APPROVE subject to the following conditions:

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

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

D	Proposed Elevation	29.06.15
C	Block Plan	29.06.15
B	Block Plan	29.06.15
A	Location Plan	29.06.15

List of Background Papers

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

Ward Sidmouth Town

Reference 15/1420/FUL

Applicant Miss Rebecca Heal

Location 33 Higher Woolbrook Park
Sidmouth EX10 9ED

Proposal Erection of 2 no. wooden gates,
brick wall and post & wire fence.



RECOMMENDATION: Approval with conditions



		Committee Date: 4 August 2015	
Sidmouth Town (SIDMOUTH)	15/1420/FUL	Target	Date:
		17.08.2015	
Applicant:	Miss Rebecca Heal		
Location:	33 Higher Woolbrook Park Sidmouth		
Proposal:	Erection of 2 no. wooden gates, brick wall and post & wire fence.		

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Committee as the applicant is an employee of East Devon District Council.

Planning permission is required for the proposed gates, brick wall and post and wire fence as Permitted Development rights for the property have been removed.

The design, position and height of the two gates, brick wall and post and wire fence are considered to be acceptable in terms of their visual impact and will not be harmful to the amenity of the area or the amenity of surrounding residents.

CONSULTATIONS

Local Consultations

Clerk To Sidmouth Town Council

SPLIT DECISION (a part of the application was supported and a part was unsupported).

Members supported the erection of 2 no. wooden gates and the post and wire fence. Members were unable to support the erection of the brick wall due to insufficient information being provided in respect of the height of the proposed wall.

Technical Consultations

County Highway Authority

Does not wish to comment

Other Representations

At the time of writing the report no third party representations have been received.

PLANNING HISTORY

The property has had its permitted development rights for the construction of walls and fences removed.

POLICIES

New East Devon Local Plan Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

Adopted East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Site Location

The site is located to the north west of Sidmouth town centre with access taken off Woolbrook Road on Higher Woolbrook Park. The property is a detached bungalow built with brick and rendered walls, UPVC windows and doors and concrete tiles.

Proposed Development

The proposal is for the erection of a low brick wall to a height of 0.2m stepped down the side of the driveway to a distance of 7m, the driveway would be extended to the proposed wall, the erection of a timber garden gate with support posts on either side (north east and north west) of the property to a height of 0.9m. It also proposes a 1m high concrete post and wire fence on the rear boundary to separate the garden from the stream.

Consideration and Assessment

Principle

The proposed extension of driveway construction of a low boundary wall adjacent to the driveway, erection of timber gates and rear boundary fence are all considered to be acceptable in principle as it is not considered to result in any significant visual harm upon the character and appearance of the local area.

The Town Council has given a split decision on this application stating that there is insufficient information on the proposed brick wall. Whilst this comment is noted, the application drawing is drawn to scale and the wall would be built to a height of 0.2m stepped down the land. Therefore sufficient information has been provided to determine the application.

Character

The proposed low boundary wall retains the open character of the estate and the use of brick work that would match the existing bungalow is acceptable.

The erection of two 'Haydon' timber garden gates on either side of the property would not result in any harm upon the character of the local area and therefore are acceptable.

The concrete post and rail fencing along the rear boundary would ensure the applicant's dog does not escape from the land via the stream that traverses the rear southern boundary and to define the boundary of the property. The visual impact from the post and rail fence is also considered to be acceptable.

Neighbour amenity

The proposed wall and gates would not adversely impact upon neighbouring properties given their position and height.

The rear boundary post and wire mesh fencing would not result in any harm upon neighbouring properties due to its height and position.

RECOMMENDATION

APPROVE subject to the following conditions:

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

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

	Location Plan	19.06.15
R11615-3	Combined Plans	19.06.15
A	Additional Information	19.06.15

List of Background Papers

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

Ward Woodbury And Lymstone

Reference 15/1366/FUL

Applicant Mr Jonathan Burns (East Devon District Council)

Location Churchill Court Lymstone Exmouth EX8 5JB

Proposal Retention of two bin stores



RECOMMENDATION: Approval with conditions



		Committee Date: 4 August 2015
Woodbury And Lypstone (LYMPSTONE)	15/1366/FUL	Target Date: 07.08.2015
Applicant:	Mr Jonathan Burns (East Devon District Council)	
Location:	Churchill Court Lypstone	
Proposal:	Retention of two bin stores	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before members of the Development Management Committee as the development is on land owned by East Devon District Council.

Retrospective planning permission is sought for the siting of two bin stores which have been constructed in two areas around Churchill Court in Lypstone. One of the bin stores (B) has been discretely sited within an internal courtyard of the EDDC owned flats and therefore has no impact on the character and appearance of the area. The other bin store (A) has been sited in front of the flats where it appears prominent and visible within Glebelands.

The bin stores have been constructed by East Devon District Council's housing section in response to the demands set by the fire risk assessments for communal blocks of flats.

Whilst bin store A does have a negative impact on the streetscene, if it were slight smaller it would not require permission and its retention is considered to be acceptable subject to a condition requiring some planting to be undertaken around the sides of the building and for it to be stained in a colour to be agreed which would help to reduce its visual impact and its stark appearance.

The application is recommended for approval subject to the following conditions.

CONSULTATIONS

Local Consultations

Woodbury & Lympstone - Cllr R Longhurst
Supported as much needed.

Other Representations

Two letters of objection have been received raising concerns which can be summarised as:

Visually harmful to the streetscene
Prominent position and adverse impact on the character of the area.
Can the bin store be painted?
Why was planning permission not sought before construction?
External bin store is a fire hazard
Safety concerns for being ambushed

Technical Consultations

County Highway Authority
Does not wish to comment

POLICIES

New East Devon Local Plan Policies
D1 (Design and Local Distinctiveness)

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

Government Planning Documents
NPPF (National Planning Policy Framework 2012)
Government Planning Documents
National Planning Practice Guidance

Site Location and Description

The site refers to Churchill Court, a two storey block of flats owned by East Devon District Council in Lympstone. The flats occupy a prominent position in the streetscene on the corner of Glebelands and Trafalgar Road and are arranged in an 'L' shape with interconnecting footpaths and small inner courtyards. No landscape or townscape designations apply.

Proposed Development:

Retrospective planning permission is sought for two timber bin stores that have been constructed in two locations at Churchill Court.

Bin store A is located on Glebelands and measures 2.052 metres in height, 3.978 metres in depth and 4.882 metres in length. The bin store is enclosed on three sides and provides an area for recycling box storage and for bins.

Bin store B is located internally within Churchill Court in a small enclosed courtyard area. The bin store has two sides with its rear being formed by an existing 2.1 metre high brick wall which forms the rear boundary to the gardens of properties on Glebelands. This bin store measures 2.567 metres in depth and 4.925 metres in length at a height of 2.145 metres providing an area for bins and recycling storage boxes.

Issues and Assessment:

The main issues to consider in determining this application are in terms of the design, size and siting of the bin stores and the impact they have on the streetscene and the character and appearance of the area.

Justification:

The two bin stores have been constructed by East Devon District Council's housing section in response to the demands set by the fire risk assessments for communal blocks of flats. It is understood that the particular need for the bin stores externally has been a direct response to tenants of the flats who are not supposed to leave rubbish / rubbish bags for collection in communal internal spaces as it creates a high fire risk. Therefore the bin stores have been purposely designed to provide space for the storage of waste bins and recycling boxes. It is therefore accepted that there is reasonable justification for the provision of these structures.

ANALYSIS

Character and Appearance:

In terms of the visual impact of the bin stores each is assessed as follows:

Bin Store A:

Bin store A has been constructed on an area of grassed land at the front of Churchill Court adjacent to an off road parking area on Glebelands. Unlike bin store B, this bin store is not particularly sensitively sited and does appear prominent within the streetscene particularly when viewed from Glebelands. Its impact on the character and appearance of the area is further exacerbated because of the area is characterised by its open plan layout and where the untreated timber construction contrasts not only with the softer boundary treatments found within this part of the estate but also against the brick building and boundary walls of Churchill Court itself. Whilst acknowledging that the bin store does have an adverse impact on the streetscene, this impact is reduced to a degree because of the amount of off road parking that exists on either side of the structure.

Furthermore, it is important to note that as a means of enclosure, if the height of the bin store were to be lowered by 52mm it would in fact be permitted development under Schedule 2, Part 2, Class A of the General Permitted Development Order.

On balance, given how close the development is to being permitted development, coupled with the justification that been put forward for the need for the external bin store, it is considered that planning permission should be granted subject to the imposition of a condition requiring the timber to be stained or painted in a colour to be agreed by the Local Planning Authority which would help to soften its appearance within the streetscene. In addition, a condition is recommended requiring some landscaping around the sides of the bin store to provide further mitigation against its visual impact.

Bin Store B:

Bin store B has been constructed internally within an enclosed courtyard in Churchill Court. As the bin store is enclosed on all sides by surrounding development, it is not visible from public vantage points outside of the site and therefore its impact on the streetscene and the character and appearance of the area is negligible. From a practical aspect, the bin store is positioned behind an existing brick wall providing easy access for tenants in the surrounding flats.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Notwithstanding the time limit to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission being retrospective as prescribed by Section 63 of the Act shall have been deemed to have been implemented on the 11th June 2015.
(Reason - To comply with Section 63 of the Act.)
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Notwithstanding the submitted details, within two months of the date of this permission, bin store A shall be stained or painted in a colour that shall have previously been submitted to and agreed in writing by the Local Planning Authority.
(Reason: In the interests of the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan).
4. Notwithstanding the submitted details, within two months of the date of permission, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs and herbaceous plants and areas to be grassed. The landscaping scheme shall be carried out in the first planting season after

commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

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

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

P076-15-100	Location Plan	11.06.15
P076-15-102	Existing Combined Plans	11.06.15
P076-15-103	Existing Combined Plans	11.06.15

List of Background Papers

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

Ward Clyst Valley

Reference 15/0793/OUT

Applicant Ms C Fairburn & Mr A Fowler

Location Land At 1 The Barn Church Lane
Clyst St Mary Exeter EX5 1AB

Proposal Outline application (discharging means of access only) for the construction of a new dwelling and associated garage



RECOMMENDATION: Approval with conditions



		Committee Date: 4 August 2015
Clyst Valley (CLYST ST MARY)	15/0793/OUT	Target Date: 28.05.2015
Applicant:	Ms C Fairburn & Mr A Fowler	
Location:	Land At 1 The Barn Church Lane	
Proposal:	Outline application (discharging means of access only) for the construction of a new dwelling and associated garage	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is brought before Members of the Development Management Committee as a departure from the Local Plan.

Outline planning permission is sought for the erection of a detached dwelling and garage (with all matters other than access reserved) on land adjacent to 1 The Barn, Clyst St Mary. The application site comprises part of the garden land associated with that dwelling which is located on the edge of the built up boundary of the village.

At the present time the 5 year housing supply remains uncertain. The Council's policy position recently changed following publication of the new Strategic Housing Market Assessment on the 9th March 2015 in which the Council's housing monitoring figures have been updated to take account of the new needs assessment. A number of recent appeal decisions have however suggested that whilst the Council are clearly taking steps to address housing shortfall, full weight should not yet be given to its position on 5 year land supply until the objective assessment of housing need has been fully tested and resolved by the Local Plan Inspector.

Therefore in accordance with paragraph 49 of the NPPF, current policies for the supply of housing should not be considered up to date and applications for housing should be considered in the context of a presumption in favour of sustainable development.

Whilst the site is technically in the countryside, it abuts the built up area boundary for Clyst St Mary and is adjacent to the proposed extended boundary that includes Winslade Park which is proposed for further residential and employment development.

The site is considered to be reasonably well located in terms of walking and

cycling distances to village services as well as public transport links into Exeter such that it is considered to be in an accessible location.

The proposed access arrangements are considered to comply with highways standing advice, and the site is considered to be capable of accommodating a single dwelling and garage without detriment to the character and appearance of the area, the setting of the adjacent listed building or residential amenity, although these are issues to be further considered under the submission of a reserved matters application.

The application has been assessed in the context of paragraph 14 of the NPPF and it is considered that planning permission should be granted as there would be no adverse effects of doing so that would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The application is therefore recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

16/04/15 - It was pointed out that there had been a refusal of a similar application about ten years ago as the site was outside the Village envelope and would generate more traffic on Church Lane which was essentially rural in character and popular for walking.

OBJECT on the grounds that the site is outside the Built Up Area boundary, increased traffic on Church Lane and the proposal would adversely affect the essentially rural nature of the area.

Technical Consultations

County Highway Authority Highways Standing Advice

Natural England

Planning consultation: Outline application (discharging means of access only) for the construction of a new dwelling and associated garage.

Location: Land At 1 The Barn Church Lane Clyst St Mary Exeter EX5 1AB.

Thank you for your consultation on the above dated 02 April 2015 which was received by Natural England on 02 April 2015.

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

The Wildlife and Countryside Act 1981 (as amended)
The Conservation of Habitats and Species Regulations 2010 (as amended)
Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Impact Risk Zones for Sites of Special Scientific Interest

Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

Further comments 17.06.15

Natural England has no comments to make regarding this application.

SSSI Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015, which came into force on 15 April 2015, has removed the requirement to consult Natural England on notified consultation zones within 2 km of a Site of Special Scientific Interest (Schedule 5, v (ii) of the 2010 DMPO). The requirement to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" remains in place (Schedule 4, w). Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the gov.uk website.

Please see the information below for further advice on when Natural England should be consulted and links to guidance on the gov.uk website.

Unless there are additional local consultation arrangements in place, Natural England should be consulted for all developments where:

- o The proposal affects a protected species not covered by the Standing Advice
- o The proposal requires an environmental impact assessment
- o The proposal is likely to damage features of a Site of Special Scientific Interest (SSSI)
- o The proposal is likely to have a significant effect upon Special Area of Conservation (SAC), Special Protection Area (SPA) or Wetland of International Importance under the Ramsar Convention (Ramsar Sites)
- o The proposal could lead to the loss of more than 20 ha of the best and most versatile agricultural land
- o Any minerals and waste development where the land will be restored for agriculture

Other Representations

Two representations have been received, one raising objections and the other in support of the proposal.

Objections

- The site is outside of the settlement boundary
- Unacceptable visual impact on countryside

- Highway safety and poor access
- No justification for additional dwelling
- Two storey house too dominant
- Noise and disruption during construction
- Drainage ditches and verges will be destroyed by lorries
- Church Lane is heavily used and will exacerbate situation
- Junction with A3052 is already difficult and will add further pressure
- One house will not address housing shortfall

Support

- No problem with this application

PLANNING HISTORY

Reference	Description	Decision	Date
98/P0596	Erection of house and garage	Refused	12.05.1998

An older application, submitted in 1988, under reference 88/P1009 was dismissed on appeal on the basis of new development in the countryside and concerns over access arrangements.

POLICIES

New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Adopted East Devon Local Plan Policies

S3 (Built-up Area Boundaries for Villages)

S5 (Countryside Protection)

TA1 (Accessibility of New Development)

TA7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The application site comprises part of a large garden associated with a property known as 1 The Barn, Church Lane, Clyst St Mary. The site is relatively level and is

occupied by a green house, a summer house and a further single storey block built outbuilding/workshop building.

The site is located on the edge of the built up area of the village, with the rear of the properties in Clyst Valley Road to the west, allotments to the north and east of the site, and the gardens from The Barns and Grindle House, a Grade II Listed Building, together with the edge of the office complex at Winslade Park to the south.

Proposed Development

Outline planning permission is sought for the erection of a detached dwelling with garage, with all matters other than the access being reserved.

It is proposed to widen the existing access that currently serves The Barns to a width of 5m (from the current 4.3m) and to provide wider visibility splays to the entrance onto Church Lane. An enlarged turning area would be provided within the site that would serve both the proposed dwelling and the two properties in The Barns.

ANALYSIS

The main issues to be considered are the principle of the development; whether the Council can provide a 5 year supply of deliverable housing sites, and whether the proposal amounts to sustainable development. Other issues to be considered are the impact of the proposed development on the character and appearance of the area, on the setting of the listed building, highway safety, and residential amenity.

The National Planning Policy Framework requires that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide for five years worth of housing against their housing requirements with an additional buffer of 5% or 20% if there has been a persistent under delivery of housing.

At the time of writing this report the Council are of the opinion that bearing in mind the Inspector's view on recent appeal decisions (in particular 2229080 & 3003548), and until fully tested by the Local Plan Inspector at the reconvened Examination in Public, the Council cannot fully demonstrate a five year supply of housing. It is however considered that the Strategic Housing Market Assessment (SHMA) and the fact that the housing land supply calculations are based on the objectively assessed need derived from the SHMA data, is a material consideration but does not carry full weight at this time. Bearing this in mind the proposed development needs to be considered on the basis that there is not a demonstrable 5 year supply and having regard to Paragraph 49 of the Framework it is therefore considered that relevant policies for the supply of housing should not be considered to be up to date, and therefore the presumption in favour of sustainable development in paragraph 14 of the Framework needs to be engaged.

This means that for decision taking the weight to be attached to Policy S5 (Countryside Protection) of the Local Plan which defines the countryside as everywhere outside the built up area boundaries or allocated sites and which restricts development in the countryside. Without a 5 year housing supply new

development falls to be considered on the basis of whether the site is sustainably located. The settlements with built up area boundaries are identified in Policy S3 (Built-up Area Boundaries for Villages) of the Local Plan, which identifies those villages having a range of services and facilities and as appropriate to accommodate a limited scale of future development.

In this respect Clyst St Mary has a number of facilities including a public house, community hall, primary school and general convenience store and post office, although there is limited employment and census data suggests that the vast majority of residents that travel to work do so by private vehicle. The village has public transport links in terms of bus services along the A3052. In terms of accessing these facilities there is a pedestrian link through to Clyst Valley Road, where there is a pedestrian footpath that links through to the A3052 close to the bus stops and pedestrian crossing. This offers an alternative to walking along Church Lane, although there is a footpath beyond the Clyst Valley Road junction.

The emerging Local Plan identifies land to the south of the site, part of the former Winslade Park development, as being suitable as a redevelopment site capable of providing an additional 150 dwellings together with further employment and sports facilities. A current application identifies new housing abutting part of the southern boundary of the site.

Bearing the above in mind, and particularly the relationship between surrounding existing and proposed development, and the lack of a 5 year housing land supply, the sustainability of the site, albeit marginal is considered to be acceptable.

There is significant concern within the village that the numbers of new housing development being proposed will create a social imbalance and that the existing facilities will not be able to cope with the additional demands placed by so many new dwellings. In this respect 80 new dwellings have been approved on land adjacent to the village hall (with a reserved matters application having now been submitted under reference 15/1269/MRES), the Winslade Park redevelopment will provide 150 houses, and a further 12 new properties at Bridge House. This issue was explored by the Planning Inspector in the consideration of a number of large housing proposals around the village of Feniton where the Inspector considered that increasing the village by 12.2% would constitute a sizeable expansion which would take the existing community some time to adapt, and which may have adverse consequences for the social and cultural wellbeing of existing residents. (PINs Reference: APP/U1105/A/13/2202124). At the present time the houses numbers approved and proposed at Clyst St Mary would result in a population increase of over 25%, substantially above that proposed at Feniton. That being said, the application proposal would not have a significant impact in terms of numbers and bearing in mind its relationship with the existing and proposed built form of the village, one additional dwelling is not in itself considered to be unacceptable.

There are 3 dimensions to sustainable development – social, economic and environmental – which must be considered jointly. The provision of a new dwelling would make a positive but limited social contribution to the district's shortfall in housing supply and would also bring limited economic benefits for the area. The site is considered to be within accessible walking and cycling distance to existing

services and facilities in Clyst St Mary such that it is considered that it would be difficult to argue that the site is not sustainably located. The principle of development is therefore considered to be acceptable unless any adverse effects of doing so that would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The application has been accompanied by an Access Statement which addresses the highway issues raised in respect of the previously refused applications, and the Highway Authority state that standing advice should be applied. The proposed arrangements are considered to comply with the standing advice requirements, and therefore there is no highway objections to the proposal.

The application has been submitted in outline form, and therefore issues of design, scale and siting will form part of any reserved matters application. However the application site abuts the boundary of Grindle House, a Grade II Listed Building. In this respect the views of the Conservation Officer have been sought, and whilst there is the possibility that a new dwelling may be seen from within the curtilage of the listed property, any impact of this on the setting would be further considered in the reserved matters application and as such no objection is raised to the principle of a new dwelling on the site. Special regard has been given to the impact upon the listed building and no harm is considered to arise from the development.

In other respects it is considered that the site is of a sufficient size to be able to accommodate a new dwelling without having an unacceptable impact on the character and appearance of the area or on residential amenity.

Exe Estuary and Pebblebed Heaths Special Protection Area

The applicant has submitted a unilateral undertaking as a deed of planning obligation under s106 of the Act. This would effectively secure a contribution of £749 towards measures to mitigate of the impact of the development on the nearby Exe Estuary and Pebblebed Heaths Special Protection Areas. This would ensure that the proposal meets Council's development plan objectives intended to protect the SPAs. Any grant of planning permission will therefore need to be read in conjunction with this obligation.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
(Reason - In accordance with the requirements of Section 92 of the Town & Country Planning Act 1990.)
2. Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
(Reason - The application is in outline with one or more matters reserved.)

3. Approval of the details of the layout, scale and appearance of the building and the landscaping of the site hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline with one or more matters reserved.)
4. 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.)
5. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

	Location Plan	01.04.15
SWW MAP	Other Plans	01.04.15
1503 SK08 B	Proposed Site Plan	01.04.15

List of Background Papers

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

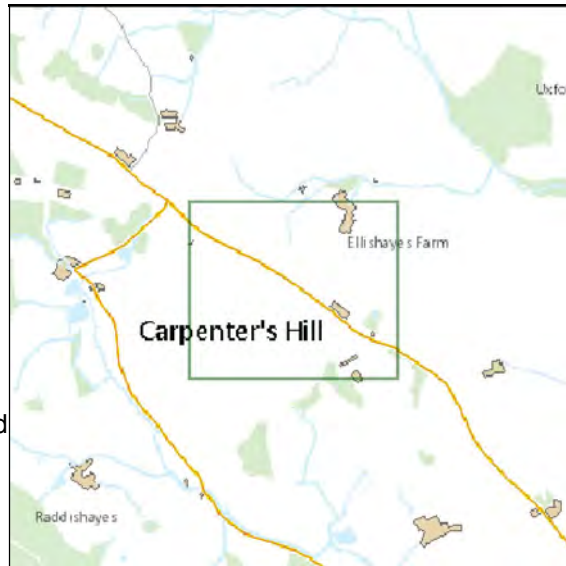
Ward Dunkeswell

Reference 15/0488/FUL

Applicant Mr & Mrs Lazarus

Location Combe Hill Combe Raleigh Honiton
EX14 4UQ

Proposal Installation of 40kw ground mounted
solar pv array and associated
infrastructure.



RECOMMENDATION: Refusal

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		Committee Date: 4 August 2015	
Dunkeswell (COMBE RALEIGH)	15/0488/FUL	Target 23.04.2015	Date:
Applicant:	Mr & Mrs Lazarus		
Location:	Combe Hill Combe Raleigh		
Proposal:	Installation of 40kw ground mounted solar p.v. array and associated infrastructure.		

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before Committee as the recommendation differs from the view of the former Ward Member.

The application proposal relates to the installation of a private 40 kW solar photovoltaic array and associated infrastructure on a site within the northern portion of a field to the north of Combe Hill, a Grade II listed property that occupies a sizeable estate located between Honiton and Dunkeswell within the Blackdown Hills Area of Outstanding Natural Beauty (AONB). The array would consist of a total of 160 panels laid out in eight separate double rows of 20 panels each, all of which would be mounted at an angle of around 30 degrees and oriented to face south to optimise electricity production efficiency.

Whilst there is a strong emphasis placed at both national and local policy levels upon the need to increase the supply of renewable and low carbon energy development and approve schemes where impacts are or can be made acceptable, great weight is also attached to the need to conserve landscape and scenic beauty within AONBs and other designated landscape areas which carry the highest level of protection in relation to the same.

It is considered that the harm to the rural landscape character and natural and scenic beauty of the AONB that would result from the proposed development, owing to its locally prominent and elevated siting in relation to the adjacent road that connects Honiton and Dunkeswell and isolated position within the landscape where it would not be read in the context of any other buildings or structures and would therefore represent the introduction of an alien element to the area's landscape character, would outweigh the benefits of facilitating a private supply of renewable energy to Combe Hill and its associated buildings and properties. There is no concerns regarding any impact upon the listed building.

Although the support offered to the proposal by the former ward member along with the absence of any third party comment is acknowledged, it is thought that the level of harm to the AONB that would be caused by the development and the extent to which it would compromise the objectives of conservation or enhancement of its natural beauty carries greater weight in the overall balance of the material considerations that apply in this case.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Parish Meeting considered the above application on 17 March 2015, but was unable to reach a recommendation. I have been asked to seek an extension of time to enable further consideration to be given to the proposal.

(No further comments received)

Dunkeswell - Cllr R Buxton (former Ward Member)

I support this planning application in principle.

Technical Consultations

County Highway Authority

PLANNING APPLICATION - HIGHWAY CONSULTATION REPLY

APPLICATION NO: ED/00488/2015

APPLICANT: Mr & Mrs Lazarus

DETAILS OF APPLICATION: Installation of 40kw ground mounted solar pv array and associated infrastructure.

LOCATION: Combe Hill Combe Raleigh Honiton EX14 4UQ

Observations:

The Highway Authority has visited the site. The site is located off an unclassified road. It is proposed to use the existing access. Due to the number of arrays pre-posed there will be no significant increase in traffic generated. The Highway Authority has no objections.

Recommendation:

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

Other Representations

No third party representations have been received in respect of the application proposal.

POLICIES

New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN8 (Extension, Alteration or Change of Use of Buildings of Special Architectural and Historic Interest)

Strategy 39 (Renewable and Low Carbon Energy Projects)

Adopted East Devon Local Plan Policies

S5 (Countryside Protection)

D1 (Design and Local Distinctiveness)

D4 (Landscape Requirements)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest)

C6 (Renewable Energy)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Relevant Planning History

Although there is extensive history relating to both Combe Hill itself and its outbuildings, which have been converted to form additional staff accommodation, there is none of direct relevance to the application site itself.

Site Location and Description

The site comprises part of an open pasture field located to the north west of Combe Hill, a substantial Grade II listed residential property and surrounding estate, that occupies an elevated hillside location within the open countryside. It is positioned

within the designated Blackdown Hills Area of Outstanding Natural Beauty (AONB) approximately 2.5 km. to the north of Honiton and 4 km. to the south of Highfield village (Dunkeswell) on the side of Carpenter's Hill.

The field has a frontage with the adjacent Class 3 highway that connects Honiton and Dunkeswell in relation to which it is mainly set at a higher level.

Proposed Development

The application proposal involves the installation of a private 40 kW ground mounted solar photovoltaic (PV) array towards the northern corner of the field. It would comprise 160 panels in total laid out in eight separate double rows of 10 panels each with each panel itself measuring 0.99 metres in width by a height of 1.65 metres. The maximum array height would be 2.4 metres with each of the double rows measuring 10 metres in length by a width of 3 metres. The panels would be mounted at an angle of around 30 degrees and oriented to face south to optimise energy production efficiency but laid out so that they would be parallel with the adjacent hedge that the highway frontage.

The panels would be dark blue-black in colour and enclosed within silver aluminium frames and mounted on a galvanised steel frame that would be pile driven into the ground. Inverters would be mounted on brackets attached to the frame beneath the panels and a supply cable laid underground to connect to the domestic supply within Combe Hill and its associated accommodation. It is not proposed that the array would be fenced off from the remainder of the field which would continue to be capable of being cultivated as is the case at present on completion of the installation. A minimum distance of 5 metres between the array and the existing roadside hedge would be maintained.

Although mainly intended to generate electricity for on-site usage, any excess electricity that is generated would be exported to the National Grid.

The proposal has been amended during the course of the application to relocate the array from a position within the field nearer to Combe Hill itself owing to the applicants' concerns at the visual impact that the development would cause upon the occupiers of nos. 1 and 2 Combe Hill Cottages on the opposite side of the road from the intended siting.

Considerations/Assessment

The proposal falls to be considered having regard principally to both the impact of the array upon the rural landscape character and scenic beauty of the designated AONB in which the site is located and its effect upon the character of the setting of Combe Hill itself and the extent to which this contributes towards its overall heritage significance. The context set out within the National Planning Policy Framework (NPPF) and adopted and emerging local plan policies in relation to both of these main issues is also clearly material to assessment of the merits of the development.

The NPPF states that authorities should recognise the responsibility on all communities to contribute towards energy generation from renewable or low carbon sources and, among other things, design policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are satisfactorily

addressed, including cumulative landscape and visual impacts. It also advises that authorities should approve applications for such development (unless material considerations indicate otherwise) if its impacts are, or can be made, acceptable.

Policy C6 of the adopted local plan supports renewable energy projects and permits development provided that certain criteria are met, including the avoidance of any significant adverse impact on the surrounding landscape. These provisions are largely reflected in the wording of Strategy 39 of the emerging new plan which also requires that applicants demonstrate that they have taken appropriate steps in considering the options available in relation to scale, location and design for firstly avoiding harm and then reducing and mitigating any unavoidable harm to ensure an acceptable balance between harm and benefit.

However, both the NPPF and local plan policies also place great weight upon the conservation and enhancement of the landscape and natural and scenic beauty of AONBs. The NPPF also confers upon such areas the highest status of protection in relation to landscape and scenic beauty.

The landscape and visual impact assessment that forms part of the application submission concludes that the small scale nature and careful siting of the proposed array are such that it would have little impact upon the landscape character of this part of the AONB. It states that the adjacent road is slightly lower than the field and that the presence of the roadside hedge along the length of the field means that there would be minimal visibility of the development from it. Other parts of the supporting statement claim that the proposal is sited at a low point in the field and runs along the hedge which screens it from the highway.

It is thought however that this assessment rather underplays both the extent to which the proposed array would be visible in views from the road and the difference in level between the site and the highway. Whilst it is accepted that the intended siting is at the lowest part of the field, the development would still be elevated at a ground level around 2 metres above that of the adjacent road. Taken together with the height of the array itself coupled with the modest height of the existing hedge on top of the roadside bank, it is not agreed that the level of visibility that would be available of the development from the road is as limited as is suggested.

Although limited to some degree by the short stretch of the road from which the array would be viewed, the combination of the elevated nature of the field in relation to the road, the openness of an adjacent field gateway close to the intended position of the development that would facilitate clear views of the array and the relatively low height of the hedge mean that it would be readily visible to passing motorists (as well as occasional pedestrians) descending Carpenter's Hill from the north west (Dunkeswell) direction. Furthermore, in the absence of any adjacent or nearby buildings or other structures to help to mitigate its visual impact, it would appear as an unduly locally prominent and alien intrusion within an otherwise unspoilt landscape to the detriment of the landscape character and natural beauty of this part of the AONB.

Whilst there are clearly significant numbers of both smaller arrays of more domestic scale as well as larger scale solar farms throughout the countryside, both within East

Devon and elsewhere, very few in the District are located within the AONB in locations as sensitive in landscape impact terms as the application site. As such, and in view of the importance that the NPPF places upon the conservation of the landscape and scenic beauty of such areas in the control of development, it is considered that the introduction of the proposed array in this elevated position, within both a localised and a wider landscape context, would have a harmful and detrimental effect upon the rural landscape character and natural beauty of this part of the designated AONB.

The potential assimilation of the development into the landscape through screen planting has been discussed with the agents representing the applicants. Draft landscaping proposals, involving limited tree planting inside the field gateway and simply allowing the roadside hedge to grow, have also been submitted for informal consideration. However, aside from these being thought to be unsatisfactory in terms of their effectiveness in screening the array in the short to medium term, there is a wider concern at the principle of introducing a more structured form and layout of landscaping into this part of the AONB. Indeed, it is thought that such landscaping would itself be potentially detrimental to, and out of keeping with, the local landscape character that largely comprises fields interspersed with established native species hedges.

It is therefore thought that the introduction of the proposed development to the area would be unduly harmful to the character and appearance of the AONB. Whilst the suggestion that the repositioning of the array to the location nearer to Combe Hill originally proposed, where it would not be exposed to the open views through the field gateway, has been put to the applicants, as stated above there is a strong keenness to avoid locating it where it could adversely impact upon the amenities enjoyed by the occupiers of Combe Hill Cottages directly opposite.

Although no other possible locations for the development within the extensive Combe Hill estate have been explored, it is thought that there would be likely to be difficulties in identifying suitable alternative positions for the array given the rising nature of the field within which it is currently proposed as well as the potential impact of any siting upon the character of the setting of the listed building arising from any location to its south.

These considerations aside however, it is thought that the intended siting is unacceptable.

Turning to the issue of the impact upon the character of the setting of the principal listed building and its significance in heritage terms, it is considered that the proposed array would be located sufficiently distant from the rear of the main house with minimal impact upon its setting as a result. Furthermore, it would not be seen at all from the main front elevation of the property. In the circumstances therefore, there are not thought to be any objections to the proposal from the perspective of the impact upon the setting of Combe Hill.

However, in the light of the level of protection that is given in national and local policy terms to the protection of the landscape and scenic beauty of the AONB and the

isolated location and alien character and appearance of the proposed solar array, it is maintained that the proposal should be resisted.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed solar array would, by reason of its elevated siting, local visual prominence in view from the adjacent highway and position within the landscape where it would be isolated from any other buildings or structures, appear as an alien intrusion within the open countryside that would be to the detriment of the conservation or enhancement of the landscape and scenic beauty of the designated Area of Outstanding Natural Beauty in which the site is located. As a consequence, the proposal would be contrary to the provisions of Policies S5 (Countryside Protection), D1 (Design and Local Distinctiveness), EN1 (Development Affecting Areas of Outstanding Natural Beauty) and C6 (Renewable Energy) of the adopted East Devon Local Plan, Strategies 7 (Development in the Countryside), 39 (Renewable and Low Carbon Energy Projects) and 46 (Landscape Conservation and Enhancement and Areas of Outstanding Natural Beauty) and Policy D1 (Design and Local Distinctiveness) of the emerging New East Devon Local Plan and guidance contained within the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

1 VERSION 2	Location Plan	09.03.15
2 VERSION 2	Proposed Site Plan	09.03.15
3 VERSION 2	Proposed Elevation	09.03.15
4 VERSION 2	Proposed Elevation	09.03.15

List of Background Papers

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

Ward Dunkeswell

Reference 15/0844/FUL

Applicant Mr Ross Juniper

Location Unit 10 Flightway Dunkeswell
Business Park Dunkeswell Honiton
EX14 4RD

Proposal Conversion of part of existing workshop to living accommodation to form a live/work unit, including insertion of windows and doors in side and rear elevations and construction of a balcony/car port on rear elevation.



RECOMMENDATION: Refusal

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		Committee Date: 4 August 2015
Dunkeswell (DUNKESWELL)	15/0844/FUL	Target Date: 17.07.2015
Applicant:	Mr Ross Juniper	
Location:	Unit 10 Flightway	
Proposal:	Conversion of part of existing workshop to living accommodation to form a live/work unit, including insertion of windows and doors in side and rear elevations and construction of a balcony/car port on rear elevation.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before members as the recommendation of officers differs from the view of the Ward Member.

The proposed conversion of part of the building to providing residential accommodation as part of a live/work unit would result in the loss of the rear section of the industrial unit from employment use contrary to Adopted East Devon Local Plan Policy E3, emerging East Devon Local Plan Strategies 31 and 32 and Para's 19 and 20 of the National Planning Policy Framework.

Whilst a previous appeal decision from 2007 allowed a nearby unit to be converted to live/work use, that was almost 8 years ago and that building was vacant and adjacent to a group of existing live/work units. The current application site is occupied and as such the proposal would result in the loss of employment space on a site divorced from the group of live/work units.

CONSULTATIONS

Local Consultations

Dunkeswell - Cllr C Brown

The parish do not have a problem with this providing no additional agricultural land at the rear is included.

29/06/15 - if this application is not being recommended for approval it should go before the Development Management Committee as it conforms to the recommendations given by the inspector at a resent planning appeal.

Parish/Town Council

Conversion of part of existing workshop to living accommodation to form a live/work unit, including insertion of windows and doors in side and rear elevations and construction of a balcony/car port on rear elevation. COMMENTS: The Parish Council has no objections to live work units which they feel have a positive impact in the reduction of crime on the industrial estate and reduction of commuting traffic. The Parish Council are however concerned that the proposed extension might be on designated agricultural land and if the plot of agricultural land behind this unit is now in the ownership of the property, it would not be desirable to set a precedent to allow extensions on to agricultural land, nor start allowing the industrial boundary to start encroaching on to the agricultural land behind.

Technical Consultations

Environmental Health

I have assessed the application and have the following comments:

I am concerned that the live / work unit could become separated and the "live unit" could be adversely affected by the "work unit". I assume this is dealt with through a planning mechanism to ensure that only the owner of the "live" unit lives in the "work" unit and the live unit cannot be rented or leased to another tenant.

I also recommend the following conditions:

No construction or demolition works associated with the development hereby permitted shall take place outside the hours of 8am to 6pm Monday to Friday, and 8am to 1pm on Saturdays. No works shall be carried out on Sundays or Bank Holidays.

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

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.

Other Representations

At the time of writing this report

PLANNING HISTORY

Reference	Description	Decision	Date
12/2469/FUL	Construction of rear extension	Approval with conditions	09.01.2013

01/P2002	Industrial Development B1,b2 & B8 Offices, General Industrial And Wholesale Distribution	Approval with conditions	03.12.2001
00/P1120	Industrial Development For B1 (Business),b2(General Industrial) & B8(Storage Or Distribution)	Approval with conditions	18.08.2000

POLICIES

New East Devon Local Plan Policies

Strategy 31 (Future Job and Employment Land Provision)

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

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

E3 (Safeguarding Employment Land and Premises)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Site Location

The site is located to the north west of Dunkeswell at Dunkeswell Business Park accessed off Flightway. The building is a detached industrial unit with B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) use Classes and is currently being used for car modifications and repairs. The site is located within the East Devon Area of Outstanding Natural Beauty.

Proposed Development

The proposal is for the conversion of rear part of the unit to form a live/work accommodation that would include four bedrooms (two with en-suite), bathroom, utility room and porch at ground floor with kitchen, and living area with balcony at first floor level. The dimensions of the accommodation would be 20m by 6m at both levels therefore a total of 240 sq.m of living space. The proposed balcony would measure 8.5m in width by 4.5m in depth and would provide a covered area for a car to park beneath.

The proposed would result in the installation of 5 sets of double doors at first floor level and four at ground floor along with two floor to ceiling windows and porch door on the rear elevation. Further two widows are proposed on side elevations at ground floor for two of the bedrooms.

Consideration and Assessment

Principle

The proposed living accommodation 20m by 6m at ground and first floor levels would result in the loss of employment land and therefore would be contrary to Local Plan Policy E3 of the Adopted East Devon Local Plan and Policy Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the emerging East Devon Local Plan.

It is, however, noted that a planning permission 07/1165/FUL Unit 17 (now indicated on map as Unit 20A) Flightway, Dunkeswell was allowed at appeal APP/U1105/A/2052923 for a similar size residential element to a business unit to the east of the site. The reasoning for allowing this appeal as the economic benefits of providing a more attractive prospect to small and start up businesses. It is stated by the Inspector that the unit would still remain as employment land and the residential element would be ancillary restricted by an appropriate condition. The unit would also be close to the existing live/work units sited to the east of the site and thereby not result in any adverse impact upon nearby business units.

The Inspector also added weight to their decision in that the premises was vacant and therefore a residential element would make the unit more attractive to small business. Whilst this decision is material to the current application, it is considered that the circumstances are different as the application site is currently occupied, it is divorced from the group of live/work units with the appeal decision being some 8 years ago.

Therefore the Local Planning Authority raises a principle objection to the loss of employment space (B1, B2 and B8) with residential accommodation as it would limit the current and future uses of this industrial unit and therefore would be contrary to Adopted East Devon Local Plan Policy E3 and emerging East Devon Local Plan Strategy 32. This proposal would therefore be contrary to economic growth as detailed in Para's 19 and 20 of the NPPF that details significant weight should be placed on the need to support economic growth and meeting the needs of business as opposed to the needs of applicant's personal circumstances

The agent argues that there are no specific local plan policies to retain employment, the LPA would disagree with this claim as Strategy 32 and Policy E3 of the Local Plan both seek to prevent the loss of employment land.

Paragraph 21 of the National Planning Policy Framework (NPPF) states flexible working practices including integration of residential and commercial uses within the same unit should be facilitated but provision is already made for live/work units provided within the Flightway Industrial Estate and therefore the existing unaltered

industrial units should be retained in line with adopted and emerging Local Plan policies. Allowing this unit to lose employment floorspace could potentially lead to the loss of employment floorspace from the other units with a significant overall loss of employment floorspace.

Under Paragraph 37 of the NPPF balance of land uses and people should be encouraged to minimise journey length for employment. The village of Highfield is only 1.2 Km from the estate where appropriate housing can be source and this argument does not override the need for residential accommodation in an industrial unit.

Landscaping

It is noted that amenity land would be restricted to the north west of the building due to part banking that has been eroded overtime. The applicant has purchased the land to the north west of the site and originally included it within the red line of the site. This was not acceptable and the red line has been amended to be drawn around the original boundary where the eroded banking is sited and this banking rebuilt and planted appropriately. The agent has submitted a revised plan detailing the correct red line with remaining land in the ownership of the applicant edged in blue. The piece of land edged in blue, whilst may be in the ownership of the applicant, should not be landscaped in a domestic appearance and no domestic paraphernalia shall be placed upon it.

Design and Character

The proposed first floor glazing on the rear elevation as originally submitted was excessive resulting in an overly domestic appearance upon an industrial building. The planning permission 12/1562/FUL at Unit 17 (20a) provides an adequate level of window fenestration and this application should be amend to provide similar amount of glazing.

In addition, the proposed balcony as originally submitted measured 4.5m in depth by 8.5m in width and was not considered to be in keeping with the appearance of an industrial building. The planning approval 12/1562/FUL provides an adequate balcony of 1.5m in depth by 3.8m in width and as the proposed residential use is of similar dimensions to that permission the Local Planning Authority would insist that the balcony be amended to these dimensions.

A revised drawing has been submitted reducing the balcony down to 2m in depth by 4m in width and the first floor window fenestration on the rear elevation has been amended and is now considered to acceptable.

Neighbour amenity

The proposal would not adversely impact upon neighbouring properties. As the unit is detached from its neighbours the concerns to noise, smells and pollution is minimised.

Environmental Health

Concern is raised to the 'live unit' could be separated from the work unit and therefore the impact by the work unit upon the live unit would be unacceptable. It is recommended that only persons who work in the unit would be permitted to own/lease the unit. This comment is noted and if any permission were to be granted an occupancy condition to the above effect could be placed on any permission granted.

Other recommended conditions are no construction outside of hours 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday with no works on Sunday and Bank Holidays. Any ventilation ducts, refrigeration or air conditioning units shall be installed prior to the occupation of the live unit. These comments are noted and if any permission was to be granted a condition could be placed on any approval.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development will result in the loss of 234m² of employment land, and in the absence of further information concerning the availability of employment land in the area the Local Planning Authority is of the opinion that the proposed development will be contrary to the provisions of Policy E3 (Safeguarding Employment Land and Premises) of the Adopted East Devon Local Plan 1995-2011 emerging East Devon Local Plan Strategies 31 and 32 and Para's 19 and 20 of the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

14.78 SP 01B	Combined Plans	26.06.15
14.78 P 02A	Proposed Floor Plans	19.06.15
14.78 P 03A	Proposed Elevation	19.06.15
14.78 P04 A	Proposed Elevation	19.06.15

List of Background Papers

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

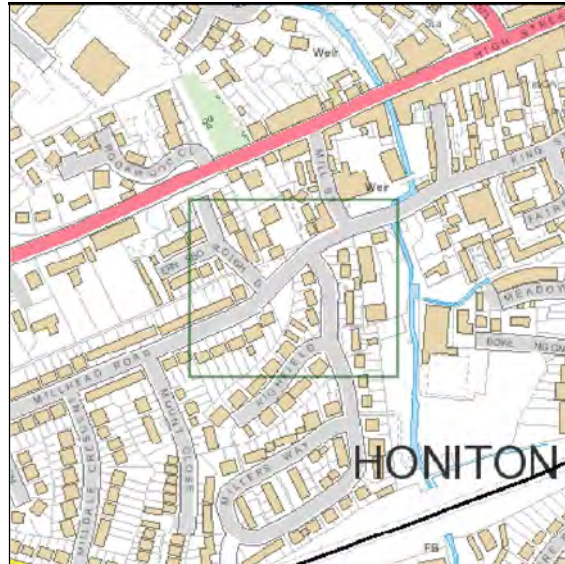
Ward Honiton St Michaels

Reference 15/0786/FUL

Applicant Mr J Singleton - Wales & West Utilities

Location Land At Millhead Road Honiton

Proposal Installation of a gas governor



RECOMMENDATION: Approval with conditions



		Committee Date: 4 August 2015
Honiton St Michaels (HONITON)	15/0786/FUL	Target Date: 09.06.2015
Applicant:	Mr J Singleton - Wales & West Utilities	
Location:	Land At Millhead Road Honiton	
Proposal:	Installation of a gas governor	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the recommendation of the officer conflicts with the comments of the Ward Members and as the proposal is on land owned by East Devon District Council.

The proposal seeks planning permission for the installation of a gas governor on a parcel of land off Millhead Road, Honiton. The purpose of the governor is to regulate the pressure of gas to be supplied to customers.

Whilst there have been concern raised by neighbours based on noise, fumes and odours there are no objections to the proposal raised by the environmental health department. Instead a mitigating noise condition is proposed. Following amended plans negotiated with the applicant it is considered that the kiosk can be assimilated within the street scene without being overly prominent and would be seen as part of the street furniture. Without any overriding material considerations raised the proposal is recommended for approval.

CONSULTATIONS

Local Consultations

Honiton St Michaels - Cllr D Foster

I feel I must repeat already aired concerns over the potential loss of any open space of this kind no matter how small the affected area. These concerns I feel will be strongly felt by any near by residents and users of the space.

Honiton St Michaels - Cllr M Allen

I remain highly concerned at the appropriateness of this application for the reasons that Cllr Twiss has outlined. If there is any intention to approve, then I request that it should be looked at by DMC

I would completely agree with Phil Twiss' comments and ask that either it is withdrawn or taken to DMC.

Honiton St Michael - Cllr P Twiss

The location for this proposed gas regulator is on the site of a relatively small but popular and well used piece of amenity ground in a part of Honiton where green space is at a premium. The size and scale of the proposed construction and surrounding fencing in the centre of this amenity area reduce significantly the overall area for local residents to use.

Despite reassurances on grounds of safety I am concerned that this is not a suitable site for this construction being in close proximity to a number of neighbouring properties.

For the above reasons I cannot in any way support this application and would like it referred to DM for their consideration and to the EDDC Estates Dept as to why this proposal has not been discussed previously with ward members and the inappropriateness of EDDC thinking of disposal of this area of land is a good idea given the site location.

07/07/2015 – AMENDED PLANS - The concerns I have previously expressed are now amplified by the comments of the Environmental health Officer and the removal of fencing from this application, although my overriding concern and why I cannot support this application remains that it would result in the loss of a valuable open space and amenity land in this area where there is none in the immediate area and that the proposed location of this equipment does not benefit residents, quite the opposite.

Parish/Town Council

The Town Council unanimously objects to this application on the following grounds:

- The loss of any part of this public open space which is considered to be a community asset with easy access for all residents, particularly given the identified shortage of open space within the town.
- The proximity and impact on the immediately adjoining properties which are at a lower level
- The impact on the amenity and environment in a residential area
- The lack of previous consultation with EDDC Ward Members, local residents and the Town Council prior to this planning application

The Town Council noted the residents' concerns that installation of the gas governor would potentially devalue their properties and questioned the proposed location given the fact that the applicant owns an alternative and less obtrusive site in the local neighbourhood.

09/07/2015 – AMENDED PLANS - The Town Council noted residents' letters with regard to the amended plans. The Town Council continues to object unanimously to this application.

Technical Consultations

County Highway Authority

I have been forwarded the enquiry below from Mr McIntyre, without any reply details.

I have looked at the application details online and on google street view. Although I have not visited the site, I do not agree with Mr McIntyre's comments.

In my opinion the proposed 1.8m fence, set back as shown, would not cause visibility problems at this location for vehicles or pedestrians. Also there is an existing 1.7m fence to the north of the site, which does not hinder visibility.

There is full parking prohibition on this road and I do not see that a gas governor will alter this situation.

Environmental Health

I have assessed the application and have minor concerns that the governor may make some noise and consequently I recommend the following condition:

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.

Other Representations

There have been 24 objections received to date, in summary;

- Environmental health impact on nearby properties in terms of fumes, noise and odour.
- The proposal would erode public open space, of which Honiton is lacking.
- There would be a highway safety issue, as kiosk is situated on a hill with a bend in the road.
- Potential for leaking gas with safety issues raised.
- There are more favourable alternative positions for a gas governor.
- Harmful impact on the street scene, the governor is an eyesore which is not in keeping with the area.
- The proposal would lead to land contamination.
- The proposal would affect wildlife.

- Potential for flooding.
- The proposed kiosk would be unsecure.

POLICIES

New East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)
 EN14 (Control of Pollution)
 Strategy 6 (Development within Built-up Area Boundaries)

Adopted East Devon Local Plan Policies

EN15 (Control of Pollution)
 D1 (Design and Local Distinctiveness)
 S4 (Development Within Built-up Area Boundaries)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The application site concerns land off Millhead Road – Honiton, opposite the junction with Ernsborough Gardens. This is a grassed, triangular shaped parcel of land. The adjacent public highway slopes steeply down to the north east. The rear of the properties along Highfield are situated to the east, facing the application site. Due to the differences in ground levels these adjacent properties are situated at a lower level compared to the application site. The existing boundary to the east consists of close boarded fencing with hedging. To the west of the application site is the drive and property known as 13 Millhead Road. The boundary between this property and the site consist of a close boarded fence and chain fence.

Four trees are positioned along the road fronting boundary.

Proposed Development

The proposal seeks planning consent for the creation of a gas governor on land owned by East Devon District Council. During the consideration of the proposal amended plans have been received. These amended plans removed a 1.8 metre close boarded fence and also repositioned the proposed kiosk slightly further away from the highway toward the south. The proposal is considered in light of these amended plans.

A kiosk building would enclose the plant and machinery. The proposed kiosk would be 2.5 metres high at a width of 3.75 metres and length of 4.6 metres. On the roof small vent stacks are proposed. Planning permission is required due to the size of the kiosk proposed exceeding 29 cubic metres.

The purpose of the governor is to reduce the gas pressure. The inlet pressure is medium pressure (2 bar) which would then be reduced to low pressure (below 0.75

bar) for distribution to gas customers. This would replace the existing gas pressure reduction system on the former gas manufacturing site approximately 120 metres to the north east of the application site.

ANALYSIS

The main issues concerning this planning application are the impact on the adjacent properties, the potential environmental health impact of the proposal, the impact on the street scene and the impact on highway safety. Addressing each issue in turn below.

Impact on adjacent properties

The position of the cabinet is in close proximity to the rear boundary of the properties known as 2 and 4 Millars Way. Both of these properties are situated at lower levels than the application site due to the sloping ground levels. Although the cabinet would be 2.5 metres above ground level this is situated far enough away from these neighbouring properties to avoid an overbearing or loss of light impact on the adjacent properties. The existing hedgerow would remain and would form a suitable visual buffer between the development and these adjacent properties.

The main concerns raised by adjacent properties, however, are the environmental health impacts

Potential environmental health impacts

According to the submitted details the governor has been designed in accordance with IGE/TD13 (Institute of Gas Engineers recommendation on transmission and distribution practice - pressure regulating installations for transmission and distribution systems and T/SP/E/28 (Specification for the design of pressure regulating installations within inlet pressure no exceeding 100 bar). In addition it has been submitted by the applicant that all relevant legislation, codes of practice and design standards have been adhered to in the design philosophy.

The environmental health department has been consulted on the proposal and have suggested that it would be both necessary and reasonable to impose a condition to ensure that any noise emitted by the proposal would not harm the amenity of the surrounding properties. In this instance it is necessary to ensure a reduction in noise to below Noise Rating Curve 25, as defined in BS8233:2014. Paragraph 123 of the National Planning Policy Framework states that decisions should 'aim to avoid noise from giving rise to significant adverse impact on health and quality of life as a result of new development'. This paragraph relates to the Noise Policy Statement for England (March 2010) which defines 'significant observed adverse effect levels' as having a significant adverse effect on health and quality of life. In this instance it is not considered that the noise issue would have a significant impact on their quality of life, taking into account the nature of the development and imposition of a mitigating noise condition. Accordingly, the noise issue does not weigh against the proposal. No further concern was raised by the Environmental Health department were raised with regard to odour or potential emissions and so it is assumed that no objections are raised on this basis.

In terms of potential gas leaks and land contamination there are health and safety legislation in place to ensure that the governor operates in an appropriate and safe manner. Whilst these environmental health issues form material considerations in the determination of this planning application, as discussed above, it would be unreasonable to withhold planning consent based on elements that are controlled outside of planning legislation.

Impact on the street scene

The removal of the originally proposed close boarded fence means that the impact on the street scene would be less harsh, with suitable distance maintained between the highway and the proposed kiosk. The kiosk itself is utilitarian in design and would be typical feature within a suburban street scene. The colour of the kiosk is to be a British racing green which would not produce a prominent feature and would blend with the colours of the surrounding grass and hedgeline. Due to the relocated positioned of the kiosk there is no reason for the existing trees that currently front the highway to be removed. This is also to the benefit of the street scene.

Loss of open space

The proposal would result in the loss of some open space as the footprint of the kiosk covers 17.25 metres square and on a grassed area of approximately 728 metres square. As such the kiosk and land necessary for its operation are not considered to reduce the open space available to an extent that would make the surrounding grassed area unusable.

Impact on highway safety

Concern has been raised that the development would affect road users as the kiosk building would be positioned adjacent to the brow of a hill with bend in the road. The kiosk structure is considered to be positioned sufficiently far enough away from the carriageway edge to prevent any obstruction to road users. The Devon County Council highway officer has not raised any objection to the proposal and therefore the proposal does not represent a severe highway safety issue.

Other matters

There has been concern regarding wildlife on the site. A site inspection confirmed that the grassed area was unlikely to provide suitable habitat to any protected species. The erection of the kiosk is unlikely to affect a nearby hedge which would be more likely to provide an ecological habitat.

A condition is required to secure all four elevations of the kiosk building. However, the only drawing with all four elevations still shows the 1.8 high wooded close boarded fence, which has since been removed from the scheme. As such it is necessary to secure these elevations on the originally submitted drawing but clarify that the fence does not form part of the consent – for the avoidance of doubt and to maintain the street scene.

Whilst there could be alternative sites for the gas governor the above planning considerations are based on the site applied for and its merits. It is not for the local planning authority to suggest other alternative sites. The property values of surrounding properties are not a material consideration in the determination of this planning application.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. 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 gas governor 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, in accordance with policy EN15 (Control of Pollution) of the East Devon Local Plan).
4. The acoustic regulator kiosk hereby approved shall be finished in the British Standard Green Colour ref; 14 C 39, and maintained as such in perpetuity.
(Reason - In order to assimilate the development within the street scene, in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan).
5. Notwithstanding any indication on approved plan '001 sheet 2 of 2' the permission hereby granted only relates to the elevations of the kiosk building. All reference to a 1.8 m wooded closed boarded fence does not form part of this planning consent, in accordance with the submitted and approved layout plan '002 sheet 1 of 1'. (Reason - To clarify the terms of the consent and to ensure that there is no harmful visual impact on the street scene in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan).

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

002 1 OF 1 AMENDED	Proposed Combined Plans	22.06.15
001 - SHEET 2 OF 2	Proposed Combined Plans	02.04.15
	Proposed Block Plan	02.04.15

List of Background Papers

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

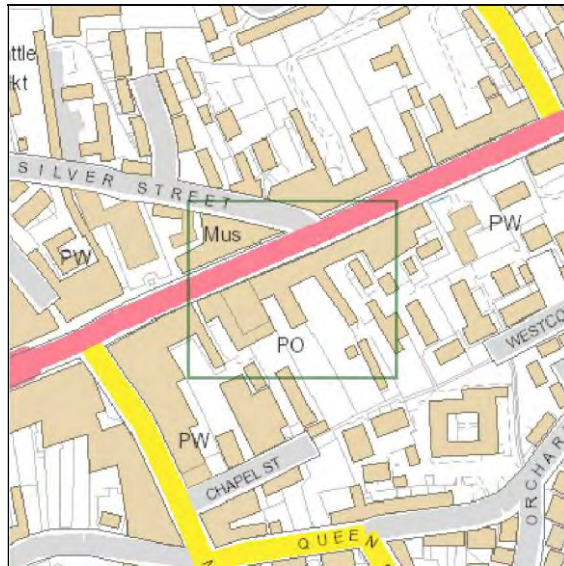
Ward Honiton St Pauls

Reference 15/1253/FUL &
15/1254/LBC

Applicant Mr R Harris

Location The Honiton Dairy 60 High Street
Honiton EX14 1PQ

Proposal Proposed entrance door and
Internal alterations to create access



RECOMMENDATION: Refusal



		Committee Date: 4 August 2015
Honiton St Pauls (HONITON)	15/1253/FUL	Target Date: 23.07.2015
Applicant:	Mr R Harris	
Location:	The Honiton Dairy 60 High Street	
Proposal:	Proposed entrance door to create access to first floor accommodation.	

RECOMMENDATION: Refusal

		Committee Date: 4 August 2015
Honiton St Pauls (HONITON)	15/1254/LBC	Target Date: 23.07.2015
Applicant:	Mr R Harris	
Location:	The Honiton Dairy 60 High Street	
Proposal:	Proposed entrance door and internal alterations to first floor access to flat.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

These applications are being reported the Development Management Committee as the Officer recommendation differs to the view of the Ward Member.

The applications seek planning permission and listed building consent for the creation of a new doorway and internal partition to provide a separate entrance to first floor accommodation above the Honiton Dairy.

Whilst no significant harm has been identified to the vitality of the High Street, neighbouring amenity or the highway network, an objection has been raised by the Conservation Officer.

The proposal to insert a new doorway between the right hand ground floor sash window and the boundary of the premises with No 62 would result in a cluttered appearance of the front facade harmful to the character and fabric of the listed building, which would consequently fail to preserve or enhance the character of the Conservation Area.

Whilst other options have been explored and discounted by the applicant it is considered the reasons outlined for setting these alternatives aside would not outweigh the harm identified to the Listed Building and accordingly the applications are recommended for refusal.

CONSULTATIONS

Local Consultations

Honiton St Pauls - Cllr D Barrow

I would like to support the above application, as we need more housing in the town and this small alteration will have little impact on the look of the High Street. There are numerous entrances and openings on this side of the street, to flats and offices.

Parish/Town Council

The Town Council supports the pre-application comments of the Conservation Officer and OBJECTS to this application on the grounds that it would be detrimental to the appearance of the listed building in the Conservation Area. The Town Council would prefer to see the installation of the separate access to the rear of the property

Technical Consultations

County Highway Authority

Does not wish to comment

Conservation Officer

No 60 ST 1600 1/61 II GV 2. . Probably C18, 2 storey and attic, 2 casement dormers, slates, eaves board, roughcast, 2 1st floor sash windows with exposed frames and glazing bars, and dummy centre window. Early C19 wood shop front with wide central entrance with divided fanlight, and matching entablature. Sash window, ground floor, right. Nos 38 to 62 (even) form a group.

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

The listed property consists of a shop unit at ground floor with two rear storerooms exiting onto a rear garden area. At the rear is a later annex running perpendicular to the main high street elevation. Above the shop is the flat providing accommodation

for the applicant and the self-contained annex is accessed from the rear. The applicant has recently gained planning permission to construct a new dwelling to the rear of the property, and this is now nearing completion.

The current application proposes the subdivision of the principal listed building to retain the shop on the ground floor and to create a self-contained flat on the first floor. Presently, the flat is accessed internally from the shop via a modern mid-20th century staircase. This is of no historic value and is probably not even in the position of the original stair. In terms of significance the property has lost virtually all of its internal architectural features and layout. Fireplaces are generally modern replacements, and while some partitions are of lathe and plaster construction, the significance of the asset is principally derived from its front facade onto the High Street and its group value. This is also the conclusion of the Statement of Significance. Also to the rear many of the windows have been replaced with PVCu units and a plastic conservatory has been constructed on the end elevation of the annex. Therefore, much of its integrity has been lost here.

The application to provide a separate access to the first floor has been subject of pre-application advice. The proposed new access to the first floor flat consisted of a new opening in the front facade of the building and a separate corridor accessing the existing position of the staircase. It was considered at the time that this would be the least desirable position for a new access since the space between the right-hand reveal of the ground floor sash window and the right-hand end of the building is too tight to comfortably accommodate a new door access. From the proposed elevation this new entrance appeared to be contrived and quite damaging to the significance of the asset. The front facade of the building presently works very well as a composition of a symmetrical 18th-century building with the early 19th century shopfront added later to one side of the central doorway. Following pre-application advice it was advised that alternative solutions should be explored. However, the application has been submitted on the basis of the original proposal, and in general terms I do not find this to be at all acceptable.

A site visit was carried out accompanied by the applicant and agent. Alternative routes to the first floor were explored. The rear annex has a staircase abutting the rear of the original building, and it was thought that this could access the first floor flat via an existing doorway at the top of the stairs. However, because of the arrangement of two storey accommodation in annex it was clear that this would not be possible without reducing the annex accommodation significantly (but probably not impossible). Another alternative solution was to use the existing rear door to the ground floor store as the new access to the first floor flat. This would require a new winding staircase in the corner of this room separated from the ground floor with the necessary partitions. This would exit at first floor within the existing kitchen. This seemed to be the most sensible solution as a self-contained flat accessed from the rear of the property could also be allocated a parking space at the rear, and therefore from a marketing perspective this would be more desirable than accessing from the High Street. I have since received an email from the agent stating that this solution could be made to work to comply with the building regulations and means of escape. However, where the staircase would enter the first floor kitchen this would need to be separated by a corridor serving the rest of the first floor, and therefore reducing the size of the kitchen. I would advocate that this sacrifice would far

outweigh the harm caused by creating a new door access in the principal elevation. If the proposals were to be amended to show this arrangement I would certainly be more supportive.

As it stands I see no valid justification for creating an access from the High Street as the architectural arrangement of the existing facade and the additional door would be terribly uncomfortable no matter how this were to be detailed. As there appears to be an alternative solution that would be less damaging but would provide the desired separation between the two floors then this should be explored further.

PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

Other Representations

No third party comments have been received.

PLANNING HISTORY

Reference	Description	Decision	Date
14/0773/FUL	Construction of dwelling	Approval with conditions	05.06.2014

POLICIES

New East Devon Local Plan Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

EN8 (Extension, Alteration or Change of Use of Buildings of Special Architectural and Historic Interest)

E9 (Town Centre Vitality and Shopping Areas)

EN10 (Preservation and Enhancement of Conservation Areas)

Adopted East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest)

SH1 (Town Centre Shopping Areas)

EN11 (Preservation and Enhancement of Conservation Areas)

ANALYSIS

Relevant Planning History

The area proposed for the door and new entrance hall became an ice cream parlour from permission granted in 1979; the shop premises formerly existing on the left hand side of the building with kitchen and store room behind on the ground floor according to plans submitted at the time.

Site Location and Description

The building comprises of an ice cream parlour at ground floor level with a flat above which is currently accessed via a staircase from within the ground floor of the shop premises on the right hand side; there is also a self contained annexe accessed from the rear. A new dwelling in the rear granted permission in 2014 is nearing completion.

The facade to Honiton High Street is of a regular format with central entrance door and sash windows; the shop front was inserted in the 19th Century on the left hand side. The building forms part of a group of Listed Buildings running from No 38 to No 62 on the south side of the High Street which are listed either Grade II or II*.

This part of Honiton is within the Town's Conservation Area and Centre Shopping Area. As a whole the buildings fronting the High Street make an attractive area for locals and visitors alike to shop and visit. An area to the rear is designated as land of local amenity importance but is not directly related to this application.

Proposed Development

The applications seek Planning Permission and Listed Building Consent (LBC) for the insertion of a new door, to provide a new point of access to the first floor accommodation, within the right hand side of the frontage facing onto the High Street and for the LBC alone, the insertion of partitions internally to separate the proposed entrance from the shop premises and utilising the same existing staircase.

It is proposed to utilise a matching period style solid panelled timber door with 3 light panel in the upper section with surrounding pilasters and leaded canopy above, echoing the appearance of the existing central doorway. Internally stud partitions would be installed to separate the new entrance area from the shop.

Considerations

For the Planning Application the matters to consider are the policy context; justification for the proposals; any affects to the Town Centre Shopping Area; neighbouring amenity; impact upon the listed building, impact upon the character of the Conservation Area; highways and any other matters arising.

For the Listed Building application, the key considerations are the policy context and justification for the proposals; impacts to the character and fabric of the Listed Building.

Justification

The applicant has advised that the works are proposed due to a change in circumstances brought about by the applicant's intention to vacate the flat over the shop and occupy the new dwelling at the rear (see 14/0773/FUL). The applicant will either continue to operate the shop or let it to a tenant, and let the first floor accommodation separately. It is the proposal to let the flat and shop premises separately from each other that forms the justification for these applications.

The applicant has also provided a list of alternative options to the proposal which are set out below.

Neighbouring amenity / Town Centre Shopping Area / Highways

Whilst the buildings to either side and opposite are occupied at ground floor level by commercial premises with residential uses above it is not considered the proposal would give rise to any significant amenity issues. Similarly it is not considered a new doorway would affect the shopping experience within the High Street to any significant effect. Although a partial subdivision of the ground floor proposed as part of the application would of course reduce the commercial floor space of the shop which would be available to let out to a third party or to be operated by the applicant themselves with a possible effect to rentable value, this would not harm the vitality or viability of the retail unit or wider shopping area.

The County Highways Authority do not wish to comment on the application.

Consideration of Listed Building

The Conservation Officer has provided pre-application advice prior to the applications being submitted. As outlined in his comments, which are extensive and do not need to be repeated again, it is considered the creation of a further opening between the right hand ground floor sash window and the right hand end of the building where it abuts No 58 would result in a cluttered appearance of the front facade as the space is limited. The strength of the building is considered to lie in its simple facade of what would have been a dwelling with central front door and matching sashes at one point in time prior to the later insertion of the 19th C shop window facing onto the High Street. The Conservation Officer has advised that the additional door would be 'terribly uncomfortable' (*in appearance*) no matter how it were detailed. (italics - authors addition).

As such it is considered the proposal would result in harm to the character, appearance and as a corollary the significance of the heritage asset.

Whilst a slightly amended position for the doorway still in the space between the window and right hand boundary has been discussed informally including alterations

to the detailing, it is not considered this would lessen the identified harm to the appearance of the principle facade.

The Conservation Area

Given the identified harm to the appearance and character of the Listed Building it is considered that an impact to the Conservation Area would follow as a consequence. Whilst this harm may be judged as being limited to the facade of this building alone it would lead to an effect to the appearance of the High Street and consequently fail to preserve the character of the Conservation Area. Although the facade of the building has already been altered when the 19th C shop front was inserted into the original dwelling it is considered the addition of a further opening would result in an appearance that compromises the appearance of the building and High Street at this point.

Alternative Options

The applicant has considered a number of other options to provide a separate access to the first floor including a rear staircase, access through a rear storage space or combining an existing entrance at the rear serving the rear flat. These are set out in detail in the Conservation Officers' report. These have been discounted by the applicant for reasons of the difficulty of complying with the Building Regulations, the use of an enclosed structure awkward to the appearance of the building, and reductions in the size of the storage area of the shop or reducing the level of existing residential accommodation. Whilst the applicant has outlined some cost implications for these alternatives and reductions in the size of the accommodation it is considered that these matters would not outweigh the identified harm to the character and fabric of the Listed Building and character of the Conservation Area.

It is suggested that given the conclusions of the Statement of Significance that the significance of the asset is principally derived from its front facade facing the High Street, there is more scope for an alternative solution at the rear given the existing context there of development of a more modern appearance even if this would involve some sacrifice in floor space.

Summary

It is considered that whilst the applicant has identified reasons for pursuing the proposals as opposed to an access from the rear these would not outweigh the harm to the listed building and consequently fail to preserve the character of the Conservation Area. The applications are recommended for refusal.

RECOMMENDATIONS

15/1253/FUL

REFUSE for the following reason:

1. The proposal would result in a cluttered front facade harmful to the character and appearance of the listed Honiton Dairy, and affecting the contribution of

the building towards the value of the group of Listed Buildings in this part of the High Street, which would fail to preserve the character of the town Conservation Area, contrary to Policies D1 (Design and Local Distinctiveness), EN9 (Extension, Alteration or Change of Use of Buildings of Special Architectural and Historic Interest), and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan, and Policies (D1 (Design and Distinctiveness), EN8 ((Extension, Alteration or Change of Use of Buildings of Special Architectural and Historic Interest) and EN10 (Preservation and Enhancement of Conservation Areas) of the draft Local Plan and the guidance in the NPPF.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

	Location Plan	28.05.15
TW14/101/02	Proposed Floor Plans	28.05.15

15/1254/LBC

REFUSE for the following reason:

1. The proposal would result in a cluttered front facade harmful to the character and appearance of the listed Honiton Dairy, contrary to EN9 (Extension, Alteration or Change of Use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan, and EN8 (Extension, Alteration or Change of Use of Buildings of Special Architectural and Historic Interest) of the draft Local Plan and the guidance in the NPPF.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

	Location Plan	28.05.15
TW14/101/02	Proposed Floor Plans	28.05.15

List of Background Papers

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

		Committee Date: 4 August 2015
Seaton (SEATON)	15/0909/OUT	Target Date: 15.06.2015
Applicant:	Mrs L M & C L Sweetland & Pinnock	
Location:	Land At Rear Of Chestnut House Bunts Lane	
Proposal:	Outline application for proposed dwelling (all matters reserved except for access)	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

The proposal seeks outline permission for the development of the site with all matters, save access, reserved. There is an extant permission for a dwelling on the site (12/0966/OUT) but where access remained a reserved matter despite consideration. At the time of the earlier application various access options were put forward and it is understood that the Planning Inspections Committee, which determined the application, indicated, against officer recommendation, a preference for access from Bunts Lane. In the event, however, the decision issued did not prevent access from Bunts Lane, however, neither did it specifically approve access from any of the options. Whilst recognising that the decision issued did not specifically require the submission of any further access details the application was outline with all matters reserved and therefore details of access remained to be considered under a later reserved matters application.

The site area is reduced from that on the previous application, where the land to the northeast and potential access to Seaton Down Hill was included. Although the area indicated for the dwelling is as previously indicated and the site size is considered to be acceptable in relation to the surrounding pattern of development, the exclusion of the land to the northeast and potential access to Seaton Down Hill reduces the access options to Bunts Lane only. The highways authority has considered the application and has, consistent with their response on earlier applications, recommended the refusal of the application on highway safety grounds. In other respects the application is considered to be acceptable and remains as approved under application 12/0966/OUT which remains extant.

Whilst recognising the extant permission that exists for the development of the site, that permission related to a larger site area and included the potential for alternative site access. The current application with the removal of the alternative access options would result in the development having to be served by an access with inadequate visibility and is therefore recommended for refusal on highway safety grounds.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Town Council objects to this application on highways grounds as there is inadequate access, with poor access onto a busy road.

Technical Consultations

Devon County Archaeologist

I refer to the above application. The consent granted for the earlier planning application for the development of this site was conditional upon a programme of archaeological work (condition 2) being undertaken in mitigation for the impact of the development upon site putative site of a Roman fort that occupies this area.

The Historic Environment Team would therefore advise that any consent granted for this new planning application should also be subject to the same worded archaeological condition.

I would envisage a suitable programme of work as taking the form of the archaeological supervision and control of all topsoil stripping and ground reduction 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.

I will be happy to discuss this further with you, the applicant or their agent. I can provide the applicant with a Brief setting out the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

County Highway Authority

The LPA will be aware that the CHA has been consulted on previous applications for this site and also believes that there was an appeal decision concerning access to the site, although this information does not appear to be supplied within this application.

The proposed access via the private drive off Bunts Lane is substandard in visibility at its junction with Bunts Lane, this is despite the existing dwellings that this private lane already serves. The NPPF Paragraph 32 makes it clear that:- '...decisions should take account of whether: ... safe and suitable access to the site can be achieved for all people'. For the CHA to endorse the use of a substandard access, especially in the light of a previous appeal inspector's view preferring an alternative access via Marl pits Lane and Seaton Down Hill, even though this alternative access is not being put forward in this application, would be wrong and inconsistent. Therefore unfortunately, the CHA recommends that this application is refused on highway safety reasons.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY,

1. The proposed development would be likely to result in an access which does not provide adequate visibility from and of emerging vehicles, contrary to paragraph 32 of the National Planning Policy Framework.

Other Representations

5 letters of objection have been received, these raise the following concerns:

- Contrary to restrictive covenant/ Access rights exist to the land
- Impact on wildlife
- Below ground services would be affected
- Access concerns relating to use of existing driveway onto Bunts Lane and the status of the existing approval
- Concerns over inaccuracies in the application itself relating to: presence of trees or hedges on the site; wildlife on the site; pedestrian and vehicular access across the plot to adjoining properties; the existing use of the site.

PLANNING HISTORY

Reference	Description	Decision	Date
07/2444/OUT	Proposed new dwelling	Refusal	17.10.2007
11/2625/OUT	Construction of new dwelling (appearance, landscaping and layout reserved)	Refusal	27.02.2012
12/0966/OUT	Construction of dwelling (all matters reserved)	Approval with conditions	10.09.2012

POLICIES

New East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

Strategy 6 (Development within Built-up Area Boundaries)

TC7 (Adequacy of Road Network and Site Access)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

S4 (Development Within Built-up Area Boundaries)

TA7 (Adequacy of Road Network and Site Access)

Government Planning Documents
National Planning Practice Guidance

Government Planning Documents
NPPF (National Planning Policy Framework 2012)

SITE LOCATION AND DESCRIPTION

The application site lies to the rear of properties fronting the north side of Bunts Lane and relates to a small paddock sandwiched between Bunts Lane properties and others to the north. The site and the neighbouring properties to the north and west are served by a shared private access drive off Bunts Lane which runs to the southwest side of Chestnut House. The land on the site slopes down from west to east with a slight cross slope from north to south. The paddock does not appear to have been used or cultivated for some time and is largely overgrown with bramble and undergrowth across the site.

The application site relates to the south-western half of the paddock but a finger of land is edged in blue running across the north-eastern half of the paddock and which extends down a narrow grassed track between properties to access a private drive serving properties to the southwest side of Seaton Down Hill.

The surrounding area is residential in character with generally detached properties set in plots of varying size (those to the immediate north and west tending to be larger) and displaying a variety of design and form. The site is located to the northwest of the town centre within the town's built-up area boundary.

PROPOSED DEVELOPMENT

Outline planning permission for a single dwelling is sought with all matters (except access) reserved for later consideration.

BACKGROUND

There have been three previous applications submitted for the construction of a dwelling at this site. An application submitted in 2007 (07/2444/OUT) sought permission for the same development on a slightly larger site but with access/egress proposed entirely from Bunts Lane. The application was submitted in outline form with all matters reserved. At the time the application was the subject of local objection largely related to the principle of the development of the land, impact on residential amenity and the additional traffic associated with access to it.

The application was refused by the Local Planning Authority on the grounds of highway safety relating to the increased use of the private access onto Bunts Lane where there was insufficient visibility and as it was not considered that it had been sufficiently demonstrated that the proposal would not have an amenity impact, through overlooking of surrounding properties.

The application was taken to appeal but the appeal inspector dismissed the appeal only on the highway safety grounds, considering that, "...the proposed development would result in satisfactory living conditions for its occupiers and for adjacent residents in terms of overlooking and privacy"

In 2011 a further application was submitted (11/2625/OUT refers). Again this application sought the construction of a new dwelling. This application was also refused. The application proposed traffic would use Bunts Lane from the private drive and as a result the proposal was considered to result in additional highway danger. The 2011 application 11/2625/OUT proposed a one way system of traffic that would prevent traffic leaving the site via Bunts Lane, however, it was not considered that such a system could be adequately conditioned to ensure its continued maintenance and operation indefinitely or to prevent the creation of alternative accesses onto the private lane and from there onto Bunts Lane.

Most recently in 2012 an application for the development of the site was approved (12/0966/OUT). That application granted outline permission for the construction of one dwelling, with all matters reserved including access (see note below regarding decision notice). At the time of the application and although access was a reserved matter 3 options were put forward by the applicant.

Option 1 - access arrangement as per application 07/2444/OUT (outlined above).

Option 2 - access arrangements as per application 11/2625/OUT (outlined above) for a one way system of access and egress arrangement controlled by a mechanical system via Bunts Lane and Seaton Down Hill, respectively.

Option 3 - The use of an approach from Seaton Down Hill with access and egress indicated by means of a private drive off of Marl pits Lane / Seaton Down Hill. The access would be situated to the south and side of the property known as Knoyle, and to the rear and north of Maresmead, Ridgeway and Hill Cottage.

The application was deferred by Development Management Committee to Planning Inspections Committee who visited the site and debated the proposals and various options.

It is understood that the outcome of the Committee's decision was that they favoured option 1 over the other proposals. Although there is no formal record of this, anecdotal evidence suggests this to be the case. In addition, it was clear that the report to committee recommended a condition be imposed stating:

"The means of vehicular access to and from the site shall be from Marlpit Lane only, there shall be no means of vehicular access to Bunts Lane and the site shall not be occupied until a permanent physical barrier along the north and western boundaries has been constructed. The barrier shall be constructed in accordance with details which shall have be submitted to and approved in writing by the Local Planning Authority and following consultation with the County Highway Authority. The barrier shall be installed and maintained in perpetuity around the entire north and western boundary of the site to prevent unauthorised access to Bunts Lane.

Reason - In the interests of highway safety and in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan. "

In the event the decision notice did not contain this condition which would indicate it was not agreed by committee and would support the view that they favoured option 1. Furthermore, the decision notice issued, as well as not stating the reserved matters to be submitted, did not specifically prevent any of the proposed access options nor did it require access to be taken from any particular point. This strongly indicates an acceptable of the access off Bunts Lane.

However, it is also the case that the application being considered was outline with all matters reserved and therefore approval was not and could not have been specifically approved at that time for access details. This being the case the permission granted would appear not to discount any of the options from future consideration but neither did it specifically approve any option.

ANALYSIS

The application is brought before committee at the Chairman of the committee's request given the history of the site.

It is considered that the main issues in the determination of this application relate to:

- Highway Safety

The principle of the proposed development, Impact on the character and appearance of the area and impact on residential amenity were addressed in the determination of the previous application and previous appeal decision and considered to be acceptable.

THE PRINCIPLE OF THE PROPOSED DEVELOPMENT

The site lies within the built-up area boundary of the town and within an established residential area. The site area, whilst slightly smaller than others in the vicinity, is considered to be acceptable and the site lies within easy reach of the town centre and the facilities available therein.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

The layout and external appearance of any dwelling are reserved for future consideration should the current application be approved. The proposal would clearly result in the loss of the open character of the site at present and whilst this may have been enjoyed by neighbours for a number of years it is not designated as public open space nor is it readily visible from or accessible by the general public and as such there is no planning reason to oppose the principle of its development.

HIGHWAY SAFETY

Local residents including those that utilise the proposed drive onto Bunts Lane have raised concerns regarding the use of this proposed access and the visibility from it.

The previous application proposed 3 Options for access, as outlined above. Of the options proposed at the time option 3 was favoured by officers and the highways authority and was the recommendation put forward in the report to committee. The applicant's agent has suggested that during consideration of the application it was actually option 1 which member's decided to support in approving the application. This has been queried by local residents and indeed there is no formal recognition of this decision in terms of a condition on the outline planning permission, it is also not referenced in the official minutes from the meeting.

Nevertheless, the agent has produced a note of the meeting from their own highways consultant who attended the meeting and which suggests members considered option 1 (access/egress via Bunts Lane to be the most appropriate), the committee clerk's own handwritten notes from the time also appears to support this view and it is also the case that the condition in the officer report to committee and designed to prevent access being taken from Bunts Lane was not included in the final decision notice, presumably having been removed at members behest and therefore allowing either of the proposed access options to be brought forward.

At the time of the earlier application the Highways authority made the following comments:

"With respect to the first two options, I am afraid I do not agree that the NPPF changes the situation at all. Paragraph 32 makes it quite clear that:-

'...decisions should take account of whether:safe and suitable access to the site can be achieved for all people'

In light of the previous appeal decision it would be wrong for the highway authority to take a different view to the previous Inspector when considering that appeal as, in effect, that consideration was taken into account at that time."

In relation to the current application the highways authority has effectively reiterated its previous comments.

Whilst recognising the unrecorded views of members on the earlier application appear to indicate acceptance of the access from Bunts Lane, this is not clear in the form decision paper work and is not reflected in the comments from third parties on this application. In addition, matters of access were not determined under the earlier scheme and would remain to be considered under any future reserved matters application. This being the case and given that there have been no material changes in circumstances that might, for example, have improved the visibility afforded at the Bunts Lane access, it is considered that there is no reason to change officer view on the appropriateness of this access to serve an additional dwelling. The application is therefore recommended for refusal on the grounds of highway safety in accordance with the previous appeal decision and County highway Authority comments.

AMENITY

This matter was considered fully at the time of the earlier application and in this respect the issues remain the same in so far as the indicative site plan indicates a dwelling in the same position/orientation as previously. However for completeness the previous considerations are repeated below with additional commentary as necessary.

"The position of the site is such that any dwelling would be located in the space between Portlight to the north and Chestnut House to the south. The sloping nature of the surrounding land meaning that Portlight would be at a slightly higher level and Chestnut House slightly lower. It is these two properties together with Broadclose, to the east of Chestnut House, that have the potential to be most affected. However, if as envisaged by the previous appeal inspector first floor windows were to be restricted to the southwest and northeast elevations any direct overlooking could be prevented. If any dwelling were to be further restricted to 1 1/2 storey form, as shown on the illustrative elevation submitted, this would reduce any overbearing impact by keeping the height of the building down. The respective distances between the side elevations of the proposed dwelling and these neighbours is also considered to be within acceptable parameters for separation distance."

The previous application went on to consider the potential impacts resulting from the access option to Seaton Down Hill, as this does not form part of the current proposals these are not repeated.

OTHER ISSUES

- Contrary to restrictive covenant/ Access rights exist to the land - These are private legal matters unrelated to the consideration of the planning application, as confirmed by the Planning Inspector at the previous appeal.

- Impact on wildlife - No evidence has been brought forward to demonstrate that the site is being used by any particular protected or other species and there are no particular features on the site which would suggest such use. Developers of the site would in any case be bound by the requirements of the Wildlife and Countryside Act in relation to the protection of wildlife.

- Below ground services would be affected - Any below ground services that cross the site and which may require diversion would be dealt with separately by the appropriate utilities companies and/or building regulations.

RECOMMENDATION

REFUSE for the following reason:

1. The proposed development would be likely to result in an access which does not provide adequate visibility from and of emerging vehicles, resulting in additional danger to all users, contrary to advise set out in paragraph 32 of the National Planning Policy Framework and policy TA7 (Adequacy of Road

Network and Site Access) of the East Devon Local Plan and policy TC7 (Adequacy of Road Network and Site Access) of the New East Devon Local Plan.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council 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:

TW15/46/1A	Proposed Plans	Combined	28.04.15
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List of Background Papers

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

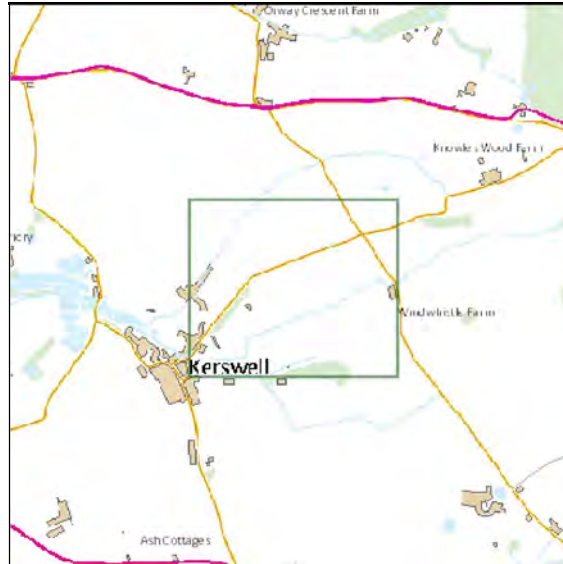
Ward Tale Vale

Reference 15/0014/FUL

Applicant Mr And Miss M Cottrell

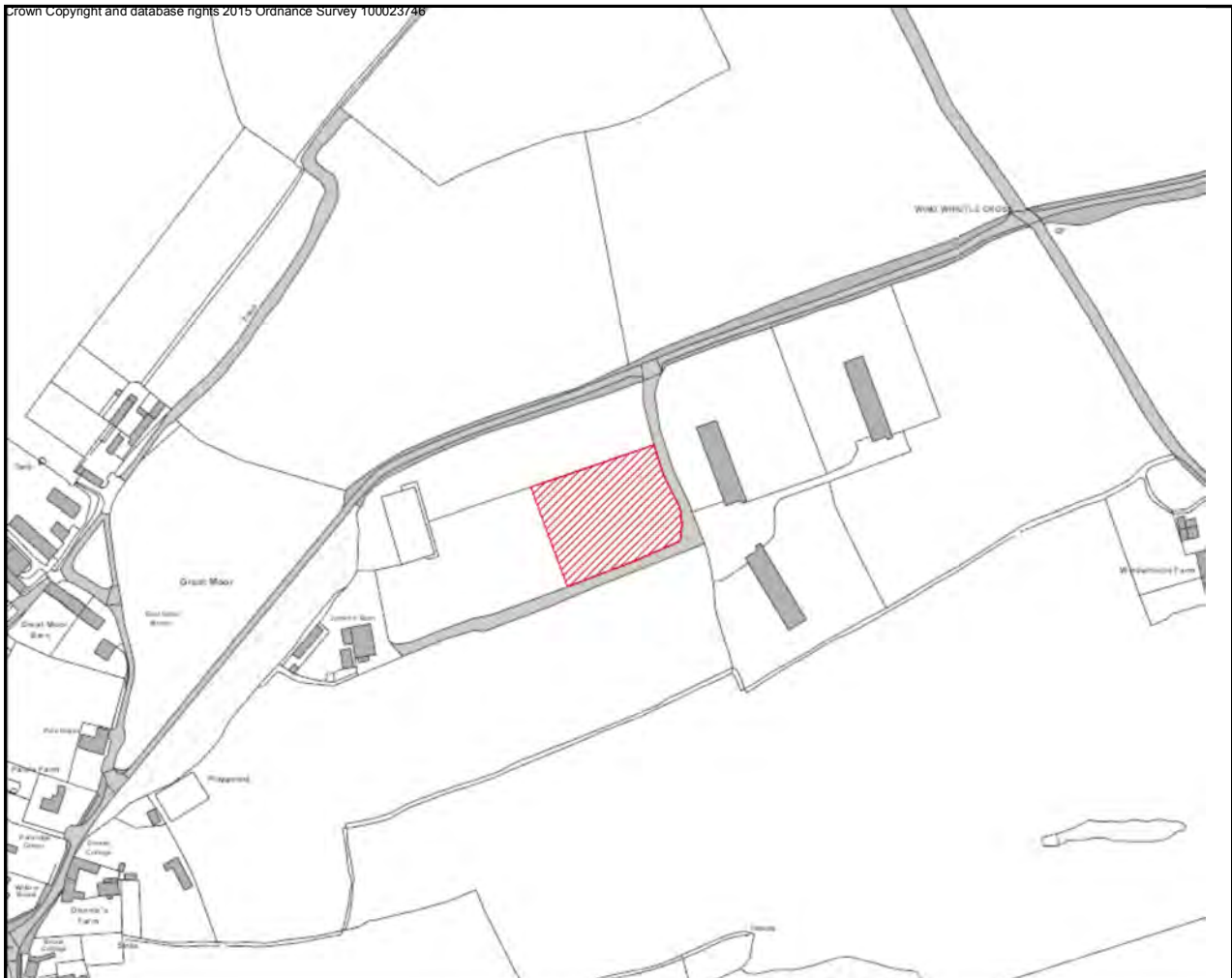
Location James Barn Kerswell Cullompton
EX15 2ES

Proposal Construction of agricultural dwelling
and garage.



RECOMMENDATION: Refusal

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		Committee Date: 4 August 2015
Tale Vale (BROADHEMBURY)	15/0014/FUL	Target Date: 10.04.2015
Applicant:	Mr And Miss M Cottrell	
Location:	James Barn Kerswell	
Proposal:	Construction of agricultural dwelling and garage.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before Committee as the recommendation differs from the comments from the Ward Member.

To grant planning permission for an agricultural workers dwellings is one the few exceptions that can be made to the housing restraint policies and countryside protection policies contained within both the emerging and adopted East Devon Local Plan as well as the NPPF.

In this regard this application seeks permission for the construction of a large four bedroom dwelling with enclosed hot tub and barbeque area together with an attached boot room and double garage. The dwelling would be positioned on elevated land to the east of two fields and set above the site for the existing caravan and barn which is in the far western corner of the site. The main issues with the proposal consider the principal for development and the need for such a dwelling, its scale and landscape impact and design, amenity impact and highway access.

In this instance the application follows the previous grant and subsequent renewal of a temporary consent for an agriculturally tied mobile home which has previously demonstrated the need for an onsite presence. With the business up and successfully running there is no difficulty in supporting the principal. However while no objections are raised in respect of design, amenity and highway access, the scale of development and landscape impact cause significant concern.

In terms of scale there is an expectation that the dwelling proposed is commensurate with the size of the holding. This not only helps to achieve a sound rural business but allows the longevity and retention of the unit as commercially realistic unit, for the unit to be held within the rural stock and for it to be capable of future onward sale with the restriction in place. In this instance and by reason of the scale, the proposed dwelling is at odds with this approach and therefore the concept of sustainable development in which the needs of the present and future generations is inherent.

While out of scale the dwelling is also considered to be poorly positioned in a prominent and elevated position. As such and by reason of the bulk massing and positioning the development would be readily apparent in the near and wider views and at odds with the rural character of the local landscape which to the east is designated as an Area of Outstanding Natural Beauty. This too undermines the proposal's relationship to sustainable development and the balance that must be achieved between the three main components. As such it is recommended that the application is refused.

CONSULTATIONS

Local Consultations

Broadhembury Parish Council

SUPPORT

Tale Vale - Cllr P Skinner

In regards to the above planning application above, I would like to submit my comments as follows;

It is quite clear from the initial reports that the principal of a house on site is not in question but almost every other aspect of the application is.

So to sum up in a bullet point fashion.

It is in my opinion that the house needs to be near the chicken sheds for security reasons and in fact to be moving it away from the farm unit defeats the purpose of security to some degree.

So in fact the citing of the house is down to considered opinion.

The size of the house with a growing family is not in my opinion "too large" I might like to cite the application at Farrington which was judged on the size of the farm. (hhmm) I have no problem with the size.

Lastly, I like the design and in fact to have a new build in a location such as this is quite exciting.

So I am of the opinion that I will SUPPORT this application.

I would ask this application to go before the development management committee if the council were minded to refuse the application.

Technical Consultations

County Highway Authority

Does not wish to comment

Environmental Health

Environmental Health Officers have recommended refusal of the applications for two additional poultry units in the locations proposed by the applicants due to the impact the current units are having on off-site residents and the increase in impact that will occur if additional poultry units are located even closer to the off-site property. We have suggested on several occasions that this problem could be resolved by achieving a separation distance of 200m and the applicants have land available on which to do this - the land on which they are now proposing to build this house. As justification for the two additional units they have advised that the poultry business is unviable without them - this is contrary to the statements contained in this application. We have no environmental health concerns regarding a dwelling within the curtilage of this smallholding and note that, were the two additional units to be located on this land rather than adjacent to an off-site residence, there is still land available where the existing portacabin and barn are located on which to construct a permanent dwelling. We therefore consider that the site should be considered in its entirety rather than piecemeal applications in order that good development and a viable business can be achieved without impacting negatively on off-site receptors.

Other Representations

2 letters of representation have been received from one address raising the following objections:

- Current temporary permission is for a mobile home lower down the hill
- Current proposal is for an unjustified dwelling in the open and on a completely different site
- Permanent residency on site should only be justified by 6 (not 3) poultry unit
- Recent applications for poultry units on site have been refused due to landscape harm and this has the same effect harming landscape which rises up to the Blackdown hills AONB
- Development of a house in the location proposed would result in the loss of a site for potential agricultural development
- Insufficient evidence submitted that the business is viable and sustainable
- Business (as whole) is in close proximity to neighbours and fails to respect amenity

PLANNING HISTORY

Reference	Description	Decision	Date
14/0739/FUL	Renewal of temporary planning consent for agricultural mobile home for one year.	Approval with conditions	02.05.2014

13/1830/FUL	Erection of agricultural building for poultry rearing with associated access and hardstanding (unit 5) (Accompanied by Environmental Statement with further information)	Refusal	09.04.2015
13/1829/FUL	Erection of agricultural building for poultry rearing with associated access and hardstanding (unit 6)	Withdrawn	25.03.2014
13/1828/FUL	Erection of agricultural building for poultry rearing with associated access and hardstanding (unit 4) (Accompanied by Environmental Statement with further information)	Refusal	09.04.2015
10/2383/FUL	The retention of existing mobile home for person or persons employed in agriculture	Approval retrospective (conditions)	24.03.2011

POLICIES

New East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN22 (Surface Run-Off Implications of New Development)

EN5 (Wildlife Habitats and Features)

H4 (Dwellings for Persons Employed in Rural Businesses)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Strategy 5 (Environment)

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

Adopted East Devon Local Plan Policies

S5 (Countryside Protection)
D1 (Design and Local Distinctiveness)
D4 (Landscape Requirements)
EN1 (Developments Affecting Areas of Outstanding Natural Beauty)
EN6 (Wildlife Habitats and Features)
H8 (Dwellings for Persons Employed in Agriculture or Forestry)
TA1 (Accessibility of New Development)
TA7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)
National Planning Practice Guidance

ANALYSIS

The application proposes the construction of a new permanent dwelling to replace the existing temporary dwellings which was granted planning permission and then renewed recognising the functional needs of the holdings. The dwelling as proposed constitutes a 4 bedroom dwelling with enclosed rear terrace, and attached boot room and double garage. It would be positioned on the upper area of the western field which together with the adjoining land to the east (being the land on which three existing poultry units sit) rises steadily to the east. As such the dwelling would be situated close to the entrance driveway, which serves the agricultural unit and is positioned close to the boundary between the two fields.

Planning considerations

As with any such application where a permanent dwelling is sought following the grant of permission for a temporary dwelling the tests concerning both functional and financial need must be considered together with the more general siting, design/appearance and landscape impact.

In this instance it is recognised that the temporary permission was granted on the evidence contained within an agricultural appraisal, which recognised the functional need from the holding arising from the siting of 6 poultry units on land at the farm. The current situation is that only three of the poultry units gained permission and have been constructed with the remaining three having been refused permission and variously dismissed at appeal and subsequently again refused by the District Council. However having recognised that the mobile home was granted by Members knowing that only three units were present it is difficult to now question the need when the same three units remain on site and fully operational. In terms of the financial information submitted this demonstrates that the business is operational and has developed into a successful business providing justification for the principle of a permanent rather than temporary dwelling to be provided on site.

Siting

While it is recognised that there may be a need for a dwelling on site based on the agricultural activity that takes place and the profit that this can generate, the siting of the proposed dwelling causes significant harm. In this regard, this is noted due to the rising landform within which the site is located.

Currently the farm has existing barns located on the lowest part of the site in the far western corner which are well screened from wider views both by their relatively low lying position and the mature vegetation that exists in the surrounding hedge banks. It is of note that the permitted caravan is itself already located within this corner and actually tucked to the west of the barn meaning that there is no direct line of sight to the poultry houses although this is overcome by a well managed and effective CCTV facility that has been installed. It is not argued that the new dwelling need necessarily be positioned within the same corner as the caravan as there is merit in being able to view the farm entrance from the dwelling and the existing corner is too restrictive to be able position a dwelling with satisfactory amenity for future occupiers. However the current location of the caravan does weaken the applicant's arguments for proposing the dwelling as far up the slope as identified and also by reason of the limited visual impact of the barn and existing caravan that a site in such location has significantly less landscape impact.

By positioning the dwelling up slope as currently sought, it is considered that the dwelling would be more prominent and apparent both in views from the adjoining lane but also the wider footpath network, particularly that which climbs the rising land on the opposite side of the valley to the west. From such a vantage the visual impact that would result is considered harmful as the site would be dominated by an intrusive built form that is at odds with the rural character that is found in this locality.

It is interesting to note that in considering the previous refusals for additional poultry houses which were on slightly higher land it was recognised by the Inspector in 2011 that:

The site is a field in open countryside, on rising ground. It is adjacent to the Blackdown Hills AONB and shares its distinctive landscape character. The intricate landscape of enclosed fields, hedges, trees and winding lanes is the result of centuries of traditional farming practice. This is very attractive countryside. The isolated site can be seen in this context from public viewpoints, particularly from higher ground to the south-west. The existing chicken houses, at the lower end of the site, are very noticeable despite some tree screening. Because of their size and industrial appearance, they appear as somewhat alien features in this landscape.

There has been no change in the landscape surrounding the site and therefore the inspector's assessment is still an accurate description of the area. In this regard it is important to note that the Inspector referenced the existing agricultural buildings on the lower part of the site – these would be immediately adjacent to that of the proposed siting for the dwelling which as such would reinforce the presence of built form and mass of development within a concentrated area. In this regard it is considered that by reason of the built form and domestic paraphernalia that results

from a new dwelling, the development would result in a significant and harmful impact that is contrary to policy and weighs significantly against the development.

Scale

While the NPPF is less prescriptive than the annexe to the Former PPS5 which remains a regularly used resource by many parties, this recognised that development of an agricultural workers dwelling should be commensurate with the holding and appropriate to meet the needs that are likely to arise. Such a requirement is again borne out within the emerging Policy to which some weight can be given. In this instance the dwelling as proposed is considered excessive in scale boasting 4 bedrooms a large central hallway with dividing staircase and enclosed Barbeque and hot tub covering an area of approximately 320sqm. As such it is considered that the resulting dwelling would have a value that would be out of scale with the agricultural needs of the holding or the wider agricultural area. This would result in any restricting condition being extremely difficult to enforce in the event that the site was sold or occupation by the current applicants ceased. In this regard it is not considered that the building by virtue of its scale is neither NPPF or emerging policy compliant nor does it represent a dwelling to which an exception to the housing restraint and countryside protection policy should be made - the site is remote from most shops, services and the day to day needs of the holding and therefore in an inaccessible and therefore unsustainable location.

Design

The design per se, that is the composition of the different elements within the appearance of the dwelling, is considered appropriate and no objections (notwithstanding the comments already made about scale) are noted. In the event that permission were to be granted a high quality palette of materials would be required but these could be controlled by condition.

Access

It has already been noted that the dwelling would ultimately be served by the existing access, which serves both the farm and the existing caravan. In this instance it is not considered that the dwelling (replacing the caravan) would significantly alter (if at all) the likely vehicle movements to and from the site and no objections have been received by the Local Highway Authority or could be sustained.

Conclusion

To grant planning permission for an agricultural workers dwellings is one of the few exceptions that can be made to housing restraint policies and countryside protection policies contained within both the emerging and adopted East Devon Local Plan as well as the definition of sustainable development contained within the NPPF. The long term future of the dwelling as an agriculturally tied dwelling that serves the needs of both this farm and the wider rural community would not be well served by such a dwelling. By reason of the proposal being out of scale and poorly positioned in a prominent and elevated position, it not only harms the rural character of the area but therefore results in a harm to the environmental component of sustainable

development also harming the economic future of the dwelling in serving its proposed purpose - that of an agricultural dwelling serving the need the rural economy and in particular this farm. In this regard the proposed development is considered contrary to policy and national guidance, does not represent sustainable development and is therefore recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development by reason of the scale of the dwelling does not represent sustainable development as it would provide a dwelling which is not commensurate with the size of the agricultural holding or the long term retention of such a dwelling as being available for use for the agricultural community. As such the proposed development is considered contrary to guidance contained in the Framework, Policy H8 (Dwellings for Persons Employed in Agriculture or Forestry) of the adopted East Devon Local Plan and Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the emerging East Devon Local Plan.

2. The proposed development by reason of the mass of the development, its siting in an elevated position and its proximity to existing poultry units within the holding, both from the dwelling itself and the cumulative impact, would cause a significant visual intrusion and unacceptably harmful impact on the open countryside. As such the development is therefore contrary to policies S5 (Countryside Protection) and D1 (Design and Local Distinctiveness) of the saved East Devon Local Plan, strategy 7 (Development in the Countryside) and D1 (Design and Local Distinctiveness) of the submitted New East Devon Local Plan and guidance in the National Planning Policy Framework

Informative:

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

Plans relating to this application:

	Location Plan	24.12.15
DRG-1939	Proposed Combined Plans	24.12.15
DRG-1939 D1	Proposed Combined Plans	24.12.15

DRG-1939 SP Block Plan
R1

24.12.15

List of Background Papers

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