

# Agenda for Development Management Committee Tuesday, 6 October 2015; 2pm

[Members of the Committee](#)

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

[View directions](#)

**Contact:** [Hannah Whitfield](#)

01395 517542, Issued 24 September 2015

**Committee Members** please note that a training session by Devon County Council Highways will precede the meeting. The training session will be held at **12pm** in the Council Chamber (*lunch will be provided for Committee Members*).

Non-committee members are welcome to attend the session.



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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 28 September up until 12 noon on Thursday 1 October by leaving a message on 01395 517525 or emailing [planningpublicspeaking@eastdevon.gov.uk](mailto:planningpublicspeaking@eastdevon.gov.uk).

### Speaking on non-planning application items

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

- 1 Minutes of the Development Management Committee meeting held on 8 September 2015 (page 4 - 11)
- 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 12 - 20)  
Development Manager
- 7 **Cranbrook Plan DPD - feedback from scoping consultation** (page 21 - 38)  
Planning Policy Manager
- 8 **Local Plan update** (Verbal update)  
Service Lead – Planning Strategy and Development Management
- 9 **Applications for determination - please note that the order in which applications will be taken is subject to change - see the front of the agenda for when the revised order will be published.**

**15/1628/OUT (Minor)** (page 39 - 49)  
Budleigh Salterton  
2 Westfield Close, Budleigh Salterton EX9 6ST

**15/1728/OUT (Minor)** (page 50 - 56)  
Dunkeswell  
Marylea, Dunkeswell, Honiton EX14 4RQ

**15/1222/MFUL (Major)** (page 57 - 75)  
Exmouth Halsdon  
Land between Exeter Road and Exe Estuary Trail, Exmouth

**15/1172/MFUL (Major)** (page 76 - 86)  
Feniton and Buckerell  
Blamphayne Sawmill, Gittisham, Honiton EX14 3AN

**15/1258/MFUL (Major)** (page 87 - 115)  
Ottery St Mary Rural  
West Hayes, West Hill Road, West Hill EX11 1UZ

**15/1390/VAR (Minor)** (page 116 - 122)  
Ottery St Mary Rural  
55 Village Way, Aylesbeare, Exeter EX5 2BX

**15/1486/FUL (Minor)** (page 123 - 133)  
Ottery St Mary Rural  
The Gap (land to the north of), Lower Broad Oak Road, West Hill EX11 1UD

**15/1081/COU (Other)** (page 134 - 138)  
Ottery St Mary Town  
Car park (land adjacent), Brook Street, Ottery St Mary

**15/1571/FUL (Minor)** (page 139 - 148)  
Tale Vale  
Pitmans Farm, Dulford, Cullompton EX15 2ED

**15/1814/FUL (Minor)** (page 149 - 152)  
Woodbury and Lympstone  
11 Glebe Close, Lympstone EX8 5JA

**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](#)

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## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 8 September 2015**

#### **Attendance list at end of document**

The meeting started at 12pm and ended at 3.53pm (the Committee adjourned for lunch at 12.32pm and reconvened at 1.30pm).

The Vice Chairman, Councillor Mike Howe, chaired the meeting in the absence of the Chairman, Councillor David Key. The Committee agreed for Councillor Alan Dent to assume the role of Vice Chairman for the meeting.

#### **\*28 Minutes**

The minutes of the Development Management Committee meeting held on 4 August 2015 were confirmed and signed as a true record, subject to Councillors Alison Greenhalgh and Steve Gazzard being removed from the list of attendees at the meeting (both had sent their apologies for non-attendance).

#### **\*29 Declarations of interest**

Cllr Peter Burrows; 15/0909/OUT, 15/1195/MOUT, 15/1381/FUL & 15/1393/FUL; Personal interest; Seaton Town Councillor

Cllr Peter Burrows; 15/1393/FUL; Personal interest; Applicant owned a property adjacent to the Councillor's residence.

Cllr Mark Williamson; 15/1781/FUL; Personal interest; Exmouth Town Councillor

Cllr Alison Greenhalgh; 15/1781/FUL; Personal interest; Exmouth Town Councillor

Cllr David Barratt; 15/0192/FUL & 15/1560/FUL; Personal interest; Sidmouth Town Councillor

Cllr Mark Williamson; 15/1781/FUL; Personal interest; Exmouth Town Councillor

Cllr Paul Carter; 15/0923/OUT; Personal interest; Ottery St Mary Town Councillor

Cllr Mike Allen; 15/0643/MFUL; Personal interest; Applicant's father was an acquaintance.

Cllr Jim Knight; 15/1195/MOUT; Pecuniary interest: Grazes horses on the site.

Cllr Mike Howe advised that in accordance with the code of good practice for Councillors and Officers dealing with planning Matters as set out in the Constitution he was declaring that he had been lobbied on application 15/0643/MFUL.

#### **\*30 Planning appeal statistics**

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

The Development Manager drew Members' attention to an appeal dismissed on land surrounding Walnut Cottages, Clyst St Mary, for the installation of ground mounted photovoltaic solar arrays. The Inspector had upheld the reason for refusal relating to the loss of best and most versatile agricultural land.

The four appeals dismissed for applications in Ebford were also highlighted. The Inspector had upheld highway safety and landscape amenity refusal reasons, however had not upheld the reason relating to the settlement being unsustainable. The Development Manager advised that the emerging Local Plan did not identify Ebford as one of the settlements considered to be sustainable. He commented that the decisions were

disappointing for the Council and for local residents who had also put a lot of effort into fighting the appeals.

**\*31 Implications of changes to Government guidance on Infrastructure contributions through planning obligations**

The Committee considered the Development Manager's report outlining the main changes to Government guidance as a result of a recent high court decision and the implications of this in terms of decision making on planning applications and infrastructure provision. Members had received a verbal update on the main changes at their previous meeting.

The Development Manager outline the key implications of the main changes to the guidance which included:

- being able to secure financial contributions towards open space, where necessary to mitigate impact of the development, for all new dwellings;
- securing an education contribution, where necessary to mitigate impact of the development, on developments consisting of 5 dwellings or more; and
- securing on site affordable housing for developments in accordance with thresholds set out in the adopted Local Plan.

Members were advised that changes had been made to the unilateral undertaking template to ensure that no more than five contributions were pooled for any one piece of infrastructure/project (this was in accordance with Community Infrastructure Levy (CIL) regulations).

**RESOLVED:**

- 1. that the Development Management Committee notes the high court decision and the implications of this as outline in the committee report;**
- 2. that the Development Management Committee agrees that for new applications received from 9 September 2015 planning obligations be sought for open space contributions (where necessary to mitigate the impact from the development) from all planning applications seeking the provision of additional dwellings;**
- 3. that the Development Management Committee agrees for new applications received from 9 September 2015 planning obligations be sought for education contributions (where necessary to mitigate the impact from development) from developments of 5 dwellings or more;**
- 4. that the Development Management Committee agrees that for new applications received from 9 September 2015 on-site provision of affordable housing be secured in accordance with the thresholds in Policy H4 of the adopted Local Plan.**

**\*32 Local Plan and five year housing land supply update**

Local Plan

Following the Committee's request that they receive an update on the emerging Local Plan at each meeting, the Service Lead – Planning Strategy and Development Management verbally updated Members on the current position. Prior to the meeting a report of additional work, following the July 2015 hearing sessions, and proposed changes to the Plan resulting from follow on work, had been circulated to the Committee. The Service Lead advised that the Local Plan Inspector had contacted the Council in the last few days to advise that those that had attended the housing sessions at the Hearing had been given the opportunity to comment on the latest housing papers (comments were to be received by the

end of September). The Inspector had indicated that he did not envisage the need for a further hearing session and that the Council should prepare to carry out a six week consultation on the main modifications to the Plan from early October. It was hoped that during or shortly after the consultation the Inspector would be in a position to advise when the final report would be received.

In response to questions raised, the Service Lead advised that:

- The additional work/information in respect of the habitat regulations had been sent to Natural England prior to being submitted to the Inspector and they had verbally advised that they were content with what had been provided; written confirmation was awaited.
- The Hill Barton and Greendale Business Parks would be dealt with through the Villages Development Plan Document. There had been some views previously expressed that they should receive Built-up Area Boundaries (BUABs) - this had not been the intention, however the criteria for BUABs was currently being consulted on and therefore dependant on the comments received the scope potentially could be expanded to include these sites.
- There were a range of indicators used for assessing the sustainability of the Local Plan and these could be viewed on the Council's website.

#### Five Year Housing Land Supply update

Prior to the meeting, the Committee had received a copy of a report being presented to Audit and Governance Committee on 24 September outlining the methodology used to calculate the Council's five year housing land supply position, including details of the evidence and information used to inform the assessment. The report also sought to explain the recent change in supply position – an up to date five year housing land supply could now be demonstrated (5.39 years and on adoption of the Local Plan this would rise to 5.86 years) and considered the implications of this. The current and future reporting arrangements were also outlined. Members noted that the latest housing monitoring report had been appended to the report, which updated on the current supply of housing in the district and the five year housing land supply position.

Although officers could now demonstrate a five year housing land supply, the Service Lead cautioned as to the amount of weight that could be given to this until the SHMAA, a key piece of evidence, had been fully considered as part of the Local Plan examination.

In his absence, Councillor Peter Burrows read out an email from Committee member Councillor Ben Ingham commenting on the report and advising that a number of people had contacted him raising particular concern about recommendation 4. He did not agree with Reason for the Recommendations, advising that East Devon communities wished to see controlled development and that the housing figure for the Plan period was unjustified.

Comments made during discussion on the report included:

- The report was very much welcomed, although it was a shame it had not been received a few months earlier.
- The report set out a clear methodology of how the five year housing land supply was calculated and contained a comprehensive inventory of sites as requested.
- A commitment to regular reporting on the five year housing land supply was important.

- The Committee should be making decisions on planning applications based on the most up to date information available, therefore as a five year land supply could be demonstrated a greater weight should be applied. In response the Service Lead advised a number of Inspectors considering recent appeals had made the point that at this stage of the Local Plan examination only limited weight could be applied, however the Committee were the decision makers and therefore ultimately it was up to them to decide how much weight should be given.
- It was suggested that a 'reasonable' weight should be given due to the Council now being able to demonstrate that it had an adequate supply.

**RESOLVED:**

**that the Audit and Governance Committee be advised that the Development Management Committee endorse the first three recommendations set out in the report on the five year housing land supply. In respect of the fourth recommendation the Development Management Committee, in light of the latest position, would like to see the recommendation amended to refer to 'reasonable' weight being given to the Council having a five year housing land supply, subject to a constant review of the position and regular updates to the Committee at each of their meetings.**

**\*27 Applications for Planning Permission and matters for determination**

**RESOLVED:**

that the applications before the Committee be determined as set out in Schedule 6 – 2015/2016.

**Attendance list**

**Present:**

Committee Members

Councillors:

Mike Howe (Chairman)

Alan Dent (Vice Chairman for the meeting)

Mike Allen

David Barratt

Colin Brown

Peter Burrows

Paul Carter

Alison Greenhalgh

Simon Grundy

Chris Pepper

Mark Williamson

Officers

Ed Freeman, Service Lead – Planning Strategy and Development Manager  
Alison Hayward, Regeneration & Economic Development Manager  
Chris Rose, Development Manager  
Shirley Shaw, Planning Barrister  
Graeme Thompson, Planning (Policy) Officer  
Hannah Whitfield, Democratic Services Officer

Jeremy Upfield, DCC Highways

Also present

Councillors:

Peter Bowden  
Paul Diviani  
Marcus Hartnell  
Geoff Jung  
Jim Knight  
Andrew Moulding  
Marianne Rixson

**Apologies:**

Committee Members

Councillors:

Susie Bond  
Matt Coppel  
Steve Gazzard  
Ben Ingham  
David Key

Non-Committee Members

Councillors:

Matt Booth  
Brenda Taylor

Chairman .....

Date.....



**EAST DEVON DISTRICT COUNCIL**  
**Development Management Committee**  
**Tuesday 8 September 2015; Schedule number 6 – 2015/2016**

**Applications determined by the Committee**

Committee reports, including recommendations, can be viewed at:  
<http://eastdevon.gov.uk/media/1274150/080915-combined-dmc-agenda-compressed.pdf>

Seaton  
(SEATON) 15/0909/OUT

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)

**RESOLVED:** REFUSED as per recommendation

*(Cllrs Allen and Pepper arrived after the above application had been considered)*

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Seaton  
(SEATON) 15/1195/MOUT

Applicant: Mr Michael Gardiner (Fosseway Developments Ltd)

Location: Land Off Barnards, Hill Lane, Seaton

Proposal: Construction of up to 20 no dwellings including 25% affordable housing (outline application with all matters reserved)

**RESOLVED:** APPROVED with conditions as per recommendation subject to a Section 106 Agreement.

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Whimple  
(WHIMPLE) 15/0643/MFUL

Applicant: Mr P Halse

Location: Land Off Brickyard Road, Exeter Road

Proposal: Construction of 3 agricultural storage buildings, two agricultural machinery workshops providing 10 workshop spaces, offices, welfare facilities and storage plus manoeuvring areas, loading areas and parking with access off Brickyard Road

**RESOLVED:** APPROVED with conditions as per recommendation.

Seaton  
(SEATON) 15/1381/FUL

Applicant: Ray Hole Architects

Location: Seaton Tramway, Harbour Road

Proposal: Demolition of existing terminus building, raise the site and track levels, construct a new terminus building on the site to shelter additional tramway platforms, a cafe, gift shop, storage areas and construction of an additional length of track

**RESOLVED:** APPROVED with conditions as per recommendation.

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Seaton  
(SEATON) 15/1393/FUL

Applicant: Mr & Mrs Stuart James Absalom

Location: Pendeen, Castle Hill

Proposal: Demolition of existing bungalow and construction of 3no flats

**RESOLVED:** APPROVED with conditions as per recommendation.

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Axminster Town  
(AXMINSTER) 14/2635/FUL

Applicant: St Georges Properties Axminster Ltd

Location: 19 St Georges, Chard Street

Proposal: Change of use of ground floor (former dentist) and part 1st floor to house of multiple occupancy (HMO)

**RESOLVED:** APPROVED with conditions as per recommendation.

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Exmouth Withycombe Raleigh  
(EXMOUTH) 15/1781/FUL

Applicant: Mr Jonathan Burns (EDDC)

Location: 31 Moorfield Road, Exmouth

Proposal: Proposed access ramp and platform lift

**RESOLVED:** APPROVED with conditions as per recommendation.

Ottery St Mary Rural  
(OTTERY ST MARY) 15/0923/OUT

Applicant: Paul Hunt Investments Ltd

Location: West Hayes, West Hill Road

Proposal: Construction of 3no detached dwellings and formation of shared vehicular access and driveway (outline application discharging details of access and layout and reserving details of scale, appearance and landscaping)

**RESOLVED:** that the Planning Inspectorate be advised that the application would have been APPROVED with conditions had the applicant not appealed against non-determination.

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Sidmouth Rural  
(SIDMOUTH) 15/0192/FUL

Applicant: Mr & Mrs Ross

Location: Stratton Lodge, Sidcliffe

Proposal: Removal of greenhouse and construction of holiday letting unit.

**RESOLVED:** APPROVED with conditions as per recommendation and subject to an additional condition restricting the use of the property to holiday accommodation only.

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Sidmouth Town  
(SIDMOUTH) 15/1560/FUL

Applicant: Mrs Esther Harbour

Location: Connaught Gardens, Peak Hill Road

Proposal: Construction of 30 m length of steel railings along cliff top edge

**RESOLVED:** APPROVED with conditions as per recommendation.

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

**Ref:** 15/1007/FUL                      **Date Received** 18.08.2015  
**Appellant:** Mr & Mrs B Curwood  
**Appeal Site:** South View Chardstock Axminster EX13 7BW  
**Proposal:** Demolition of garage and erection of dwelling  
**Planning Inspectorate Ref:**

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**Ref:** 15/1239/FUL                      **Date Received** 20.08.2015  
**Appellant:** Ms Jacqui Roehrig  
**Appeal Site:** Land To Rear Of Malls Orchard Smallridge Axminster EX13 7LY  
**Proposal:** Construction of new dwelling and garage  
**Planning Inspectorate Ref:** APP/U1105/W/15/3132993

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**Ref:** 15/0174/OUT                      **Date Received** 21.08.2015  
**Appellant:** Mr & Mrs K & L Hawkins & Roden  
**Appeal Site:** 7 And 5 Copp Hill Lane (land To The Rear Of) Budleigh Salterton EX9 6DT  
**Proposal:** Outline application for the construction of two dwellings (all matters reserved)  
**Planning Inspectorate Ref:** APP/U1105/W/15/3133072

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**Ref:** 14/1901/MFUL                      **Date Received** 11.09.2015  
**Appellant:** Heritage Developments (SW) Ltd  
**Appeal Site:** Branscombe Farm Ebford Lane Ebford Exeter EX3 0QX  
**Proposal:** Construction of 9 dwellings, garaging and landscaping with access off Ebford Lane incorporating works to Ebford Lane.  
**Planning Inspectorate Ref:** APP/U1105/W/15/3134459

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**Ref:** 15/1399/FUL **Date Received** 13.09.2015  
**Appellant:** Mr Willis  
**Appeal Site:** 3 Glebe Close Otterton Budleigh Salterton EX9 7JW  
**Proposal:** Construction of rear dormer and internal alterations to loft  
**Planning Inspectorate Ref:**

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**Ref:** 15/0642/MRES **Date Received** 14.09.2015  
**Appellant:** Cavanna Homes (Devon) Ltd And Pencleave 2 - Mr Ed Brown  
**Appeal Site:** 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).  
**Planning Inspectorate Ref:** APP/U1105/W/15/3134519

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**Ref:** 15/1451/FUL **Date Received** 14.09.2015  
**Appellant:** Mr S Brown  
**Appeal Site:** Land Rear Of 15 & 15A Everest Drive Seaton EX12 2ED  
**Proposal:** Erection of detached dwelling  
**Planning Inspectorate Ref:** APP/U1105/W/15/3134555

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East Devon District Council  
List of Planning Appeals Decided

**Ref:** 14/1912/FUL                      **Appeal Ref:** 15/00012/REF

**Appellant:** Mr & Mrs J Brown

**Appeal Site:** Little Gosford Farm Gosford Lane Taleford Ottery St Mary  
EX11 1NA

**Proposal:** Re-location of farm shop, access to highway and provision of parking.

**Decision:** **Appeal Allowed (with conditions)**                      **Date:** 17.08.2015

**Procedure:** Written representations

**Remarks:** Delegated refusal, amenity and ecology reasons overruled (EDLP Policies S5, D1,SH8 & EN6).

**BVPI 204:** **Yes**  
The Inspector acknowledged that the removal of the hedgerow, the development, access and hard surfacing would change the character and appearance of the field, however, he considered that the effect on the local landscape would be minimal. Furthermore, he considered that the proposed additional hedge and tree planting would more than compensate for the removal of the existing hedgerow.  
A dormouse survey and assessment report was submitted with the appeal documentation and the Inspector was satisfied that the methodology to be followed for the proposed hedge removal would not cause harm to dormice, nesting birds or other protected wildlife.

**Planning Inspectorate Ref:** APP/U1105/W/15/3006993

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**Ref:** 14/2222/PMB **Appeal Ref:** 15/00019/REF  
**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.  
**Decision:** **Appeal Dismissed** **Date:** 17.08.2015  
**Procedure:** Written representations  
**Remarks:** Delegated refusal  
The Inspector agreed with the Council that the extent of the structural works which would be necessary to convert the building would not constitute permitted development.  
**BVPI 204:** **No**  
**Planning Inspectorate Ref:** APP/U1105/W/15/3007024

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**Ref:** 15/0445/FUL **Appeal Ref:** 15/00025/HH  
**Appellant:** Mr & Mrs J Westoby  
**Appeal Site:** Threepenny Lodge Poltimore Exeter EX4 0AU  
**Proposal:** Construction of first floor extension to provide additional living accommodation  
**Decision:** **Appeal Dismissed** **Date:** 17.08.2015  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, design, appearance and listed building conservation reasons upheld. (EDLP Policies D1 & EN9).  
**BVPI 204:** **Yes**  
**Planning Inspectorate Ref:** APP/U1105/D/15/3032675

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**Ref:** 13/1832/MOUT **Appeal Ref:** 14/00057/REF

**Appellant:** Mrs Adams and Broom

**Appeal Site:** Land At Weeks Farm Talaton Exeter EX5 2RG

**Proposal:** Construction of 10 dwellings (outline application discharging means of access only).

**Decision:** **Appeal Dismissed** **Date:** 24.08.2015

**Procedure:** Informal Hearing

**Remarks:** Committee refusal.

The Inspector considered that the benefits of the scheme in terms of the supply of affordable housing when weighed against the limited services available within Talaton, were positive and negative factors which were evenly balanced. He dismissed the appeal on the basis of the lack of a suitable mechanism to secure an off-site playing pitch and children's play provision, contrary to the requirements of EDLP Policy RE3. In addition, he considered that the proposal would harm the integrity of the SAC/SPA when considered in combination with other planned development in the area.

Application for a partial award of costs against the Council refused.

**BVPI 204:** **Yes**  
**Planning** APP/U1105/A/14/2223944  
**Inspectorate**  
**Ref:**

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**Ref:** 13/1833/MOUT **Appeal Ref:** 14/00058/REF

**Appellant:** Mr Adams and Broom  
**Appeal Site:** Land At Weeks Farm Talaton Exeter EX5 2RG  
**Proposal:** Construction of 25 dwellings and 20-space car park for village hall (outline application discharging means of access only).  
**Decision:** **Appeal Dismissed** **Date:** 24.08.2015  
**Procedure:** Informal Hearing  
**Remarks:** Committee refusal.  
The Inspector considered that the benefits of the scheme in terms of the supply of affordable housing when weighed against the limited services available within Talaton, were positive and negative factors which were evenly balanced. He dismissed the appeal on the basis of the lack of a suitable mechanism to secure an off-site playing pitch and children's play provision, contrary to the requirements of EDLP Policy RE3. In addition, he considered that the proposal would harm the integrity of the SAC/SPA when considered in combination with other planned development in the area.

Application for a partial award of costs against the Council refused.

**BVPI 204:** **Yes**  
**Planning Inspectorate Ref:** APP/U1105/A/14/2223948

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**Ref:** 14/2767/FUL **Appeal Ref:** 15/00011/REF

**Appellant:** Mr & Mrs Myles Blood Smyth  
**Appeal Site:** Land To Rear Of Dawlish Park Terrace Courtlands Lane Lympstone Exmouth EX8 5AA  
**Proposal:** Construction of two detached dwellings with access off Courtlands Lane  
**Decision:** **Appeal Dismissed** **Date:** 25.08.2015  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, sustainability reasons upheld (EDLP Policies TA1 & TC2).  
**BVPI 204:** **Yes**  
**Planning Inspectorate Ref:** APP/U1105/W/15/3007573

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**Ref:** 14/2904/FUL **Appeal Ref:** 15/00018/REF

**Appellant:** Mr & Mrs I Doble  
**Appeal Site:** Park View Stockland Honiton EX14 9BT  
**Proposal:** Demolition of workshop and erection of dwelling  
**Decision:** **Appeal Allowed (with conditions)** **Date:** 01.09.2015

**Procedure:** Written representations  
**Remarks:** Delegated refusal, sustainability reasons overruled (EDLP Policy TA1).  
The Inspector shared the Council's view that the dislocation of the property in relation to many essential services represents an adverse impact in the context of an appropriate assessment of the environmental sustainability of the proposal. However, taking into account the combined economic, social and environmental benefits of the proposal he considered that the scheme has several benefits, with the enhancement to the natural beauty of the AONB and the removal of a commercial use in close juxtaposition with extant residential property ranking as major benefits.

**BVPI 204:** Yes  
**Planning Inspectorate Ref:** APP/U1105/A/15/3032631

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**Ref:** 14/0167/MFUL **Appeal Ref:** 14/00079/REF

**Appellant:** Mr R Ashtari

**Appeal Site:** Land West Of Woodbury Road Clyst St George

**Proposal:** Construction of 25 dwellings, amenity land, noise barrier, garages, new footpath with access off Woodbury Road.

**Decision:** **Appeal Allowed (with conditions)** **Date:** 02.09.2015

**Procedure:** Written representations

**Remarks:** Delegated refusal, sustainability reasons overruled (EDLP Policies S5 & TA1).

The Inspector considered the relationship of the site to the primary school, cricket ground, community hall, public house and Dart's Farm and concluded that the proposal would meet the social, economic and environmental dimensions of sustainable development. As such, in assessing the proposal against the policies in the Framework taken as a whole, she considered that the proposal represented a sustainable form of development and that the very slight adverse effects of the proposed development would not significantly and demonstrably outweigh the resultant benefits.

**BVPI 204:** **Yes**

**Planning** APP/U1105/W/14/3001140

**Inspectorate**

**Ref:**

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**Ref:** 14/2201/FUL **Appeal Ref:** 15/00003/REF  
**Appellant:** Mr Daniel Beer  
**Appeal Site:** 12 Cawley Avenue Axminster EX13 5ES  
**Proposal:** Replacement boundary fencing (retrospective)  
**Decision:** **Appeal Dismissed** **Date:** 08.09.2015  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, amenity reasons upheld (EDLP Policy D1).  
**BVPI 204:** **Yes**  
**Planning Inspectorate Ref:** APP/U1105/W/14/3002243

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**Ref:** 14/F0382 **Appeal Ref:** 14/00084/ENFAPP  
**Appellant:** Mr Daniel Beer  
**Appeal Site:** 12 Cawley Avenue Axminster EX13 5ES  
**Proposal:** Replacement boundary fencing (retrospective)  
**Decision:** **Appeal Dismissed** **Date:** 08.09.2015  
**Procedure:** Written representations  
**Remarks:** Appeal against the serving of an enforcement notice in respect of the unauthorised development.  
Enforcement Notice upheld.  
**BVPI 204:** **No**  
**Planning Inspectorate Ref:** APP/U1105/C/14/3002239

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**Report to:** **Development Management Committee**  
**Date of Meeting:** 6 October 2015  
**Public Document:** Yes  
**Exemption:** None  
**Review date for release:** None



**Agenda item:** 7

**Subject:** **Cranbrook Plan DPD Feedback from Scoping Consultation**

**Purpose of report:** This report provides feedback to members on initial consultation on the potential future content of the Cranbrook Plan Development Plan Document (DPD).

**Recommendation:** **That Development Management Committee consider the feedback that has been received on the scoping of the Cranbrook Plan DPD in respect of the potential content of the plan.**

**Reason for recommendation:** To keep members informed of ongoing work.

**Officer:** Matthew Dickins, Planning Policy manager, [mdickins@eastdevon.gov.uk](mailto:mdickins@eastdevon.gov.uk) (01395 – 571540)

**Financial implications:** As this is an urgent item report it has not been possible to get comment.

**Legal implications:** As this is an urgent item report it has not been possible to get comment.

**Equalities impact:** Low Impact  
Whilst no specific equalities issues are identified for this aspect of work there will, as the DPD is developed, be matters of specific relevance.

**Risk:** Low Risk  
Whilst no specific risk issues are identified for this aspect of work there will, as the DPD is develops, be matters of specific relevance.

**Links to background information:**

- No specific links are noted in the committee report but there is an appended report to it that does have web links in it.

**Link to Council Plan:** Living in this Outstanding Place.

## **1 The Cranbrook Plan Development Plan Document**

1.1 The East Devon Local Development Scheme advises of the production of a Cranbrook Plan DPD with this formal policy document being informed by the ongoing work and outputs of the Cranbrook master planning work.

- 1.2 An early stage of work on production of any DPD is to consult on the potential content of the plan and to this end consultation ran from June into August 2015.

## **2 Comments on the Scoping Consultation**

- 2.1 The consultation attracted comments from 23 individuals and organisations. Attached to this report is a feedback report from the consultation that includes an officer summary of comments received. The feedback report will go onto the Council web site. As can be seen from the schedule the comments received cover a wide range of matters relating both to the potential form and issues that the DPD may contain and also to specific matters of policy detail. Some respondents proposed specific policies to include in the DPD and some comments related to issues that go beyond plan making and into operational matters.
- 2.2 All of the comments received are to be welcomed as they assist in our wider understanding of Cranbrook and how we should plan for its future development and longer term operational matters.

## **3 Next stages of work**

- 3.1 The Cranbrook Plan DPD will be developed alongside ongoing work on the Cranbrook master plan. The DPD will translate the master plan outputs into a formal planning policy document that will be published for formal comment; objections can of course be assumed but we would hope statements of support and agreement will also be submitted.
- 3.2 The Cranbrook Plan DPD will need to be supported by technical assessment and review. Key documents will include:
- a) Sustainability Appraisal (incorporating Strategic Environmental Assessment) – the Planning Policy section have appointed consultants to undertake this work and they will start with scoping consultation.
  - b) Habitat Regulations Assessment – it is envisage that the planning policy section will appoint consultants to assist with this work.
  - c) Equalities Impact assessment – it is envisaged that this work will be undertake by the Planning Policy section.
- 3.3 The published DPD, comments received and supporting technical assessment will be submitted to the planning inspectorate and will be subject to examination. The Inspector can be expected to propose modification to the plan before it can be adopted. In the run up to and through Examination the plan will carry some weight. When adopted it will be the key formal planning policy document for use in determining Cranbrook planning applications and therefore in securing and providing for the long term development of the new town.

# Feedback Report on Comments Received on the Cranbrook Plan – Development Plan Document

## Scoping Report Consultation Feedback September 2015

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## 1 Background and Context

- 1.1 Cranbrook is a rapidly developing new town in East Devon, close to the City of Exeter. By mid 2015 there were around 1,000 new homes built and occupied. The new emerging East Devon Local Plan proposes the expansion of Cranbrook, up to 2031, for close to 8,000 new homes. This will make it the second biggest town in East Devon.
- 1.2 Whilst development is occurring at a rapid speed, and there is much that is positive about the new town, it was deemed appropriate in 2014 to take stock of what had happened to date, consider lessons learned and to more actively plan for the future. An output from this review led to the consultancy firm, Savills, being appointed to produce a masterplan for the future development of Cranbrook. This masterplan will be an advisory document to guide aspects of the future development of Cranbrook. However, to give the Cranbrook work real policy status and full weight in the decision making process it is relevant for the masterplan and other emerging work and assessment on future Cranbrook development to be translated into a formal planning policy document – the Cranbrook Plan - Development Plan Document (or Cranbrook Plan DPD).
- 1.3 More information about the Cranbrook Plan DPD and its production can be viewed on the Council web site at:  
<http://eastdevon.gov.uk/planning/planning-policy/emerging-plans-and-policies/the-cranbrook-plan-development-plan-document-2015/>



## 2 Consultation on the Potential Content of the Cranbrook Plan DPD

- 2.1 To gain formal planning status a DPD needs to go through a series of stages of work that ultimately culminate in the plan, comments on it and the evidence behind it being submitted to the planning inspectorate for formal examination. Through this process a planning inspector may make recommendations for changes to the DPD.
- 2.2 The first stage in DPD production is to seek views on the potential content of the plan. Whilst the Council will have some early thoughts on what issues and subjects the Plan may contain, and the emerging East Devon Local Plan sets a higher level policy context, it is also a requirement (and it is desirable) to seek the views of other organisations and individuals. This process also forms part of the overall and ongoing consultation on plan production.
- 2.3 In June 2015 the Council consulted organisation and individuals on the Planning Policy database that may have an interest in future Cranbrook development. Notification of the consultation was also posted on the Council web site, press notices were issued and people were otherwise encouraged to respond. The consultation was open to anyone to respond to.
- 2.4 The consultation advised;

***“Cranbrook: The Future  
Development Plan Document (DPD)***

*East Devon District Council would like to hear your views to help us develop plans and policies to guide the future expansion of Cranbrook new community.*

*The replies we receive will help us shape the future of Cranbrook in two ways:*

- 1) in the preparation of a Cranbrook Development Plan Document (DPD) - a formal planning policy document to explicitly guide and regulate development (notice of this consultation is given under Regulation 18 of the Town and Country Planning Regulations 2012).*
- 2) feed into wider work being undertaken by specialist consultants on our behalf to develop a ‘Cranbrook Plan’ – this will provide a framework for the future expansion of the new town, and will be compliant with the policies of the emerging new district-wide East Devon Local Plan.*

**What should be included?**

*The Cranbrook DPD may cover the topics listed below and we are particularly interested to know what alternative or additional issues you think should be addressed and what factors you consider should be taken into account in the overall plan production work.*

- 1) *allocate specific sites and land areas for new development;*
- 2) *designate land for ‘protection’ or safeguarding which will prevent or limit development;*
- 3) *include policies, cross-referencing where appropriate to specific land areas, in respect of development of:*
  - a) *new homes;*
  - b) *gypsy and traveller accommodation;*
  - c) *community facilities;*
  - d) *education facilities;*
  - e) *sports and play areas and facilities;*
  - f) *shops;*
  - g) *parks and open space;*
  - h) *places of employment; and*
  - i) *other possible uses not detailed above.*
- 4) *establish the supporting infrastructure and means for its delivery required by the above uses;*
- 5) *establish forms and principles of development and materials and design standards to promote the highest quality outcomes;*
- 6) *define mitigation required to off-set potential adverse impacts that might otherwise arise as a consequence of development;*
- 7) *determine mechanisms for monitoring the success and quality of what is happening and being built and set targets; and*
- 8) *determine whether planning applications submitted to the Council should be granted planning permission and what conditions might apply.*

*The on-going work on the Cranbrook Plan is already involving a wide range of stakeholders and we intend to ensure that this partnership approach continues.*

**Getting involved**

*You can find out more about the Cranbrook DPD by viewing the Development Management Committee papers from the 16 June 2015 online at:*  
<http://eastdevon.gov.uk/media/1162155/160615-combined-dmc-agenda-compressed.pdf>

*Then please either email your comments to*  
[localplan@eastdevon.gov.uk](mailto:localplan@eastdevon.gov.uk)  
*with ‘Cranbrook DPD’ in the subject box*

*or by post to:*  
*Planning Policy Section*

*East Devon District Council  
Knowle  
Sidmouth, EX10 8HL*

*To arrive on or before: Friday 7 August 2015.*

***Next steps***

*The Cranbrook Plan will form the overarching evidence base for the DPD and its conclusions and associated outputs will form the basis of, or feed directly into, the publication draft of the Cranbrook DPD. It is the publication draft that is made publically available for formal comment and any comments received will be submitted, along with the DPD, and supporting evidence to the planning Inspectorate for formal examination.*

*Please pass this communication on to anyone else you think might be interested in getting involved.”*

- 2.5 In total there were responses received from 23 individual and organisations, these are listed in Appendix 1.

### 3 Summary of consultation responses received

- 3.1 The 23 responses received to consultation provide valuable feedback to inform the potential matters and issues that the DPD could address. To see the full details of all matters raised the original submissions should be viewed and these are in the council web site at:  
<http://eastdevon.gov.uk/planning/planning-policy/emerging-plans-and-policies/the-cranbrook-plan-development-plan-document-2015/>  
Guide Page 3 – Comments on initial Cranbrook Plan DPD Consultation
- 3.2 The table below sets out a brief officer summary of key matters that feature in responses received. Comments summarised in the table are generally not attributed to specific individual or organisations, rather they are grouped by broad subject matter. It is stressed that the summaries are an officer review only (hence the importance of viewing full original submissions) and also they are not set out in specific respondent order; rather they are grouped by general themes raised, this is done so in a manner aimed to assist users and readers of this document.
- 3.3 It should be noted that a number of respondents referred to not just potential content of the plan and process/structure issues but also to wider issues including some non-plan making but more operational concerns. These wider comments, and all comments, are to be welcomed as they add to the overall knowledge and understanding of Cranbrook.

<b>General Subject Matter</b>	<b>Officer Summary of Issues Raised</b>
<b>Procedural matters</b>	<p>A number of respondents referred to procedural matters that need to be followed in respect of production of the DPD</p> <p>It was specifically highlighted that the plan should be supported by Sustainability Appraisal. The importance of meeting obligations under the Public Sector Equality Duty (PSED) in the Equality Act 2010 was highlighted by the Equalities and Human Rights Commission.</p>
<b>Structure of the DPD</b>	<p>The Environment Agency recommended a number of potential sections or parts to the DPD, which included ensuring that it:</p> <ul style="list-style-type: none"> <li>a) Sets out a clear vision for Cranbrook going forward (the importance of a vision was made in other submissions as was the specific issue of making best use of development opportunities);</li> <li>b) clearly identifies the evidence base that has been used to inform the document;</li> <li>c) considers ‘lessons learnt’ from the Cranbrook development to date and how these are used; and</li> <li>d) identifies the legislative and policy framework that has been used to inform production.</li> </ul>
<b>Flexibility on policy in the DPD</b>	<p>Whilst the DPD will set out policy for future development it was suggested that the DPD should not be over-prescriptive and should allow for responses to the market and provide flexibility to respond to changing conditions in the future. It was also considered that the DPD work should not hold up delivery of suitable schemes and should not require a comprehensive development scheme to come forward from all different landowners. It should not, therefore, prevent discreet third party land areas ‘at’ Cranbrook coming forward for development. In representation the view was expressed that prescribed mitigation should not be set out in the DPD or conditions be pre-determined.</p>
<b>Timescale for master plan production and DPD production</b>	<p>There was a question raised by the agents for Skypark about the timescale for production of the Cranbrook master plan and the separate DPD, the relationship between the two and the determination of current extant planning applications at Cranbrook.</p>
<b>The current residents of Cranbrook</b>	<p>In representation it was noted that East Devon has an aging population and this fact should be reflected in the Cranbrook DPD, noting positive benefits that an older population can offer (also reference was made to the current younger age profile of Cranbrook). A respondent noted that Cranbrook is a very community spirited town with lots of activities going on.</p>
<b>Consultation and collaborative working</b>	<p>A number of respondents indicated or inferred the importance of working in partnerships in the plan making process and for the future of Cranbrook.</p> <p>A comment was made that in the future there should be greater and specific consultation, including with, public, private, charitable, Church and community representatives (comment was specifically made about the future of the County Park but has wider applicability). A number of respondents expressed a desire to be actively involved in future work, workshops and engagements activities on the Cranbrook Plan DPD.</p>

<b>General Subject Matter</b>	<b>Officer Summary of Issues Raised</b>
<b>Infrastructure provision, delivery and developer contributions</b>	<p>Infrastructure provision featured in a many of the representations (with specific references elsewhere in this table). There was, however specific reference made to the importance of the DPD in promoting infrastructure delivery noting success of the current approach.</p> <p>There was, as well, a submission by Devon County Council advising that the DPD should be accompanied by an infrastructure schedule setting out the infrastructure required, the organisation responsible for its delivery, potential funding sources and timescale for delivery. The County Council advised that they would be happy to work with the district and town council to help inform this piece of work.</p> <p>The County Council also advised that the DPD should assess the mitigation required to make Cranbrook acceptable in planning terms. This they advised should be assessed against potential viability and the Community Infrastructure Levy and anticipated s106 should be amended accordingly.</p>
<b>Monitoring and reviewing</b>	<p>Comment was made on the need for ongoing monitoring and assessment at Cranbrook.</p>
<b>Cranbrook Town Council and Neighbourhood Plans</b>	<p>The involvement and input of the local community was specifically highlighted as important and reference was made to the positive potential for Cranbrook to produce a Neighbourhood Plan. A respondent encouraged specific action for the Town Council to promote production of such a plan. Another respondent called for devolved planning and wider powers to the town council and greater ‘planning gain’ to go to the town council.</p>
<b>Learning from history</b>	<p>One respondent made comment specifically in respect of learning from and being informed by new town development in the past. The response highlighted some of the successes and failures of new towns from the 20<sup>th</sup> century, and more recent developments. The submission highlighted the relevance of master plan work to new town development and the links to high quality environmental standards.</p>

General Subject Matter	Officer Summary of Issues Raised
<p><b>Longer term development issues</b></p>	<p>There was comment made in respect of the longer term development of Cranbrook and the role the DPD should play. Devon County Council were of the view that the DPD should avoid precluding development, for example in terms of town centre uses and transport networks, that may be appropriate in the longer term. They advised the DPD should, however, identify where there may be clear strategic boundaries to the built up area that need to be robustly maintained.</p> <p>Representation on behalf of the Cranbrook consortium (New Community Partners) focussed on the view that the DPD should plan for longer, post 2031 development, to include:</p> <ul style="list-style-type: none"> <li>a) the ultimate scale of Cranbrook (over and above the commitments in the Local Plan to 2031);</li> <li>b) the establishment of permanent safeguards for the existing villages of Rockbeare, Clyst Honiton, Whimble and Broadclyst and their relationships with Cranbrook – through the affirmation and expansion as appropriate of green wedge or similar policies;</li> <li>c) any development of policy in respect of the town centre for Cranbrook, having regard to its ultimate size;</li> <li>d) how smaller scale infill developments should be addressed over the longer term.</li> </ul> <p>A number of respondents raised concerns around the scale of future development and Cranbrook growing too much and too quickly. Some comments partly related to matters of ensuring timely infrastructure and service provision. On a general level particular importance was attached in comments to ensuring that services and facilities were provided in line with and proportionate to the pace of growth envisaged.</p>
<p><b>Relationship with surrounding areas</b></p>	<p>A number of respondents highlighted the fact that Cranbrook does not exist in isolation and it should be looked at within the context of surrounding locations, developments and land uses. This included reference to other major new developments to include:</p> <ul style="list-style-type: none"> <li>a) development at/near Blackhorse;</li> <li>b) Skypark;</li> <li>c) the airport; and</li> <li>d) intermodal.</li> </ul> <p>Comments addressed matters relating to wider service and community infrastructure provision and delivery. Representation also noted the importance of protecting surrounding settlements from development, specifically noting the role of Neighbourhood Plans in other areas.</p>

General Subject Matter	Officer Summary of Issues Raised
<p><b>Housing provision</b></p>	<p>Many of the respondents highlighted matters relating to future housing provision including a call for a greater mix of housing types and provision. Specific comments in submissions included matters relating to:</p> <ul style="list-style-type: none"> <li>a) <b>Affordable homes</b> – provision of affordable housing featured in a number of representations with a specific submission advocating more 1-2 bed homes.</li> <li>b) <b>Minimum Space standards</b> – it was proposed that minimum space standards should be set out for new housing and new dwellings should be designed with flexibility to allow for subsequent extension and adaption.</li> <li>c) <b>Storage space</b> – it was proposed that new houses should incorporate greater storage space, noting decrease in average house sizes over recent years, and it was advised that lack of garage provision exacerbates storage deficiencies.</li> <li>d) <b>Density of housing development</b> - whilst there were representations that advocated higher density housing, including in central areas and responding to areas lacking constraints and landscape considerations, there was also a submission highlighting garden city concepts that considered that housing densities should be lower.</li> <li>e) <b>Self build Housing</b> - provision for self build housing was advocated in representations.</li> <li>f) <b>Parking provision</b> - higher standards of parking provision and better off-road provision were advocated in submissions, including for residents and visitors. A respondent noted that in the near future there will be large numbers of mobile teenagers.</li> <li>g) <b>Gypsy &amp; traveller accommodation</b> – there was acknowledgment of the need to plan for gypsy and traveller provision but also some opposition. There was observation raised about potential impacts of provision, including in respect of delivery of employment sites and jobs (specifically at Skypark).</li> <li>h) <b>Elderly person housing</b> – a number of respondents called for specific housing provision for the elderly including in respect of care homes, extra care homes and provision with day services. Devon Senior Voice called for specific consultation with health and social care providers in respect of provision. One respondent promoted bungalow development specifically restricted to over 55 year olds.</li> <li>i) <b>Private sector rental</b> - there was a call for a specific policy targeted at Private sector rental development, with constraints placed on retention in this sector.</li> </ul>



General Subject Matter	Officer Summary of Issues Raised
<p><b>Commercial and retail provision and employment</b></p>	<p>Jobs and employment related matters featured extensively in submissions received, including in respect of such matters as:</p> <ul style="list-style-type: none"> <li>a) <b>Nature of employment provision</b> - it was suggested in submission that the role of employment provision at Cranbrook should be in respect of workspace/workshops which will assist start-up businesses or shared space. A respondent referred to provision of a business centre.</li> <li>b) <b>Distribution of facilities</b> - there was a specific call for shops and other services to be located across Cranbrook, with easy access to residents, and from Devon Senior Voice, for ‘dementia friendly’ services in a one building unit. There was also the view that provision should be made at an earlier stage/phased to be developed sooner.</li> <li>c) <b>Relationship with Skypark</b> - Agents for Skypark raised specific concern around employment provision and development at Cranbrook potentially adversely impacting on the delivery of the Skypark employment site. Delivery of Skypark was noted to be of strategic importance though with particular infrastructure and land remediation challenges attached. Concern was expressed that too much employment land at Cranbrook could lead to an over-provision of employment land and adversely impact on Skypark delivery.</li> <li>d) <b>Jobs for local people</b> –one respondent considered that there should be an emphasis on providing jobs for local residents.</li> <li>e) <b>Benefits of an elderly population</b> - It was noted in a submission that incomes in the Cranbrook area/surrounds are lower than averages and elderly people were cited as a group that can bring positive economic benefits.</li> </ul>
<p><b>Town centre</b></p>	<p>There were comments specifically promoting provision of a town centre, and that the DPD should include its location, orientation and design criteria and should include an assessment of likely development quantum (i.e. the overall size of the town centre). A specific call was made for an ‘an outstanding Town Centre’ reflecting traditional Devon market town architecture and with a mix of national retailers and independents. Views expressed included that the town centre should be supported by a mix of commercial and community facilities and flats above.</p>

General Subject Matter	Officer Summary of Issues Raised
<p><b>Social and community facilities</b></p>	<p>Many respondents highlighted the specific need for social and community facilities at Cranbrook and some highlighted the importance of provision in line with development and had concerns in respect of a current lag in provision. Specific facilities (in addition to those noted elsewhere in this paper) included:</p> <ul style="list-style-type: none"> <li>a) <b>Adequacy of school provision</b> - There was specific concern about the schools at Cranbrook not be sufficient to meet education needs and numbers of pupils.</li> <li>b) <b>Public Houses</b> – there was a specific call for provision of a pub.</li> <li>c) <b>Allotments</b> – respondents saw need for allotment provision.</li> <li>d) <b>Places of worship</b> – a general expansion of provision was identified as needed.</li> <li>e) <b>Health provision</b> – there was seen to be a need for more GP surgery provision and also community health services and there was also a specific call for a community hospital.</li> <li>f) <b>Leisure and sports facilities</b> – greater provision for sports and leisure was promoted with specific reference (explicitly by Sport England) to levels and standard of provision at Cranbrook that should be provided.</li> </ul>
<p><b>Green space and environmental protection and enhancement</b></p>	<p>The importance of environmental protection and enhancement featured in a significant number of responses with matters identified including:</p> <ul style="list-style-type: none"> <li>a) <b>Green Infrastructure</b> – the importance of green infrastructure provision as a general heading (which covers such matters as open space, plantings, footpaths, water areas, etc) featured in representations with calls for detailed provision through and in policy of the DPD.</li> <li>b) <b>Suitable Alternative Natural Greenspace (or SANGs)</b> – SANGs are large open space areas provided as a means to attract damaging recreation activity away from the most important wildlife sites (the Exe Estuary and Pebblebed Heaths) and submission specifically referred to the need for provision.</li> <li>c) <b>Trees</b> – the need to protect existing trees was highlighted in a number of submissions as was a call for more planting and submission also highlighted the wider role and benefits that trees offer.</li> <li>d) <b>Woodland</b> – representation highlighted the importance of the woodland around Cranbrook and its relevance in considering future planning and development – the Woodland Trust advocated use of ‘the Woodland Access Standard’ and it was noted that new urban tree planting can have economic, social and environmental benefits.</li> <li>e) <b>Resisting loss of green assets</b> – there was submission specifically seeking to avoid the loss of green assets to development.</li> <li>f) <b>landscaping and development of Cranbrook</b> – the importance of landscaping issues and landscape setting featured in submissions. The National Trust were keen to promote links between Cranbrook and Trust land and assets and advised of the publication of a Trust publication ‘<i>A Prospectus for Action; Opportunities arising from the Exeter and East Devon Growth Point</i>’.</li> </ul>

General Subject Matter	Officer Summary of Issues Raised
<p><b>Built environment quality and design</b></p>	<p>Respondents commented on the overall design and build quality issues at Cranbrook, with these to some extent referring to development to date. Matters raised included:</p> <ol style="list-style-type: none"> <li>a) <b>Local distinctiveness</b> – there was a call for development to establish locally distinctive forms and patterns of development and for individual areas in Cranbrook to come forward with distinct local characteristics.</li> <li>b) <b>Local Vernacular</b> – there were calls for locally distinct design styles and to be used.</li> <li>c) <b>Security</b> – in representation greater security and endorsement of principles of ‘Secure by Design; was called for.</li> <li>d) <b>Historic Environment</b> – it was considered that the historic built environment in and around Cranbrook should be protected (with more detailed assessment and investigation undertaken) and the historic environment should inform future development.</li> </ol>
<p><b>Water infrastructure</b></p>	<p>A number of respondents commented on the importance of water and water resource issues and environmental quality issues and enhancement opportunities related to water. South West Water made reference to the fact that their strategic infrastructure plans would provide for growth.</p> <p>The Environment Agency specifically highlighted the need to take into account such factors as:</p> <ul style="list-style-type: none"> <li>• Climate change,</li> <li>• the Water Framework Directive and</li> <li>• flood risk and</li> </ul> <p>policies should address areas liable to flood, the safeguarding from development of areas liable to flood, the use of sustainable urban drainage and design considerations in and of flooding related infrastructure.</p>
<p><b>Transportation issues</b></p>	<p>Transport issues featured in many of the representations with matters raised including:</p> <ol style="list-style-type: none"> <li>a) <b>Over-arching transport principles</b> – views expressed considered that the DPD should set out principles for the transport system within and linking to and from Cranbrook.</li> <li>b) <b>Understanding of transport routes</b> – which would include looking and promoting potential routes for different transport modes.</li> <li>c) <b>Setting design objectives</b> - such as route locations, widths, use of shared or segregated space in different areas.</li> <li>d) <b>interaction with surrounding</b> – which could include issues such natural surveillance.</li> <li>e) <b>2<sup>nd</sup> Railway station</b> - there was representation proposing provision of a second station given that the first is remote from much of Cranbrook. There was, however, concern expressed over delays in the opening of the first.</li> <li>f) <b>Congestion</b> - existing congestion on streets was noted and it was highlighted in a comment that there should be parking restrictions and road humps to manage traffic.</li> </ol>

General Subject Matter	Officer Summary of Issues Raised
<b>Existing railway operations</b>	Specific concern was raised by the Office of Rail and Road Regulation in respect to rail crossings and the safety impacts associated with new development and potential for replacing a level crossing with a bridge. Network Rail also raised specific concerns and noted that development near to crossings, generating extra movements across the rail lines, could adversely impact on train services.
<b>Healthy living environment</b>	<p>Whilst ensuring that Cranbrook is a healthy place to live should be an outcome of many of the comments and observations made (including matters such as sport and recreation provision) it was specifically highlighted in representation as being a positive objective in its own right. Attention was drawn to the importance that Cranbrook should be developed to ‘Active Design Principles’ to include</p> <ul style="list-style-type: none"> <li>• Access for all</li> <li>• Walkable communities</li> <li>• Connected walking and cycling routes</li> <li>• Co-location of community facilities</li> <li>• Network of multifunctional green space</li> <li>• High quality streets and spaces</li> <li>• Active Design in buildings</li> <li>• Management and maintenance.</li> </ul> <p>Others raised similar considerations to these and to links to wider surrounding areas and to protection of existing routes and provision of new links to open spaces. Allied to these matters there was a specific concern raised about quality and availability of footpaths and cycle paths and conflict between cars and pedestrians. It was advocated in representation that open space and recreation provision should be dispersed across Cranbrook. A respondent was also concerned about general lack of accessible green space to homes.</p>
<b>Tele-communications</b>	There was a specific request for a telecommunications policy in the DPD from mobile operators (Mono consultants) with a specific policy for mast provision being proposed.
<b>Minerals reuse</b>	The potential for use of minerals in the area such as sand and gravel deposits either including excavation prior to construction for use offsite and/or use of the deposits for the construction of the town was highlighted as an issue.
<b>Waste considerations</b>	Representation highlighted the potential to minimise waste generation throughout the construction of the development, and promoted a consideration of how to manage waste in accordance with the waste hierarchy once the development is ‘operational’.
<b>Collection of waste and provision of waste bins</b>	A specific comment was made about the lack of waste bins (including for dog poo) with specific reference to current absence from the Country Park.

## Appendix 1 – List of respondents to consultation

The respondents to the consultation are listed below.

[28 - Dr M Hall, Chairman, East Devon CPRE](#)

[124 - Mr M Dunn, South West Water](#)

[164 - Mr G Parsons, Sport England](#)

[305 - Mr E Moffatt, Diocese of Exeter](#)

[508 - Mr Le Riche, Clerk, Lympstone Parish Council](#)

[521 - Mr M Calder, National Trust](#)

[521 - National Trust - The Killerton Estate: Opportunities arising from the Exeter and East Devon Growth Point - A Prospectus for Action](#)

[526 - Mr I Lings, Woodland Trust](#)

[540 - Mono Consultants Ltd on behalf of Mobile Operators Association](#)

[553 - Mr O Varney, Equality and Human Rights Commission](#)

[595 - Hilary Winter, Devon Countryside Access Forum](#)

[949 - Mr C Twitchett, Office of Rail and Road Regulation](#)

[3209 - Mr N Freer, David Lock Associates on behalf of East Devon New Community Partners \(EDNCp\)](#)

[3712 - Mr M Salmon, Environment Agency](#)

[6737 - Mr J Keech, Devon County Council](#)

[6741 - Honiton Town Council](#)

[6929 - C Baxter, BEA Group](#)

[7007 - Mr G Gibson, Network Rail](#)

[7040 - Devon Senior Voice](#)

[7169 - Bilfinger GVA on behalf of Skypark Development Partnership \(SDP\)](#)

[7188 - Mr A Wheatland](#)

[7190 - Bell Cornwell on behalf of Cranbrook LVA LLP](#)

[7194 - Mr P Smith](#)

[7195 - Mr Alan G. Lascelles](#)

**Ward** Budleigh Salterton

**Reference** 15/1628/OUT

**Applicant** Dr R Hill

**Location** 2 Westfield Close Budleigh Salterton EX9 6ST

**Proposal** Demolition of existing garage and construction of dwelling (outline application discharging details of access and reserving details of layout, scale, appearance and landscaping).



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 6<sup>th</sup> October 2015</b>
<b>Budleigh Salterton (BUDLEIGH SALTERTON)</b>	<b>15/1628/OUT</b>	<b>Target Date: 11.09.2015</b>
<b>Applicant:</b>	<b>Dr R Hill</b>	
<b>Location:</b>	<b>2 Westfield Close Budleigh Salterton</b>	
<b>Proposal:</b>	<b>Demolition of existing garage and construction of dwelling (outline application discharging details of access and reserving details of layout, scale, appearance and landscaping).</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

This application is before members as the officer recommendation differs from the view of the Ward Members.

Outline planning application is being sought for a single storey dwelling house on the front garden of the property.

The principle of development is considered to be acceptable given the location of the site within the Built-up Area Boundary of Budleigh Salterton. It is considered that subject to securing a suitable design of dwelling that appears as a subservient outbuilding to the host property at single storey height, and subject to a suitable landscaping scheme being secured at the reserve matters stage, the proposal would not have a detrimental impact upon neighbours amenity, on the AONB, or detrimental impact upon the character and appearance of the area.

The proposed dwelling house would not result in significant increase in vehicle movements on Westfield Close and the proposal would not adversely impact upon the junction with Upper Stoneborough Lane. Adequate car parking to serve the new dwelling and existing dwellings would be provided.

In light of the above the application is recommended for approval subject to conditions.



## **CONSULTATIONS**

### **Local Consultations**

#### **Parish/Town Council**

Observations:

This Council is unable to support the application for the following reasons:

1. The proposal will result in a cramped form of development and would be out of character with the existing street scene.
2. There would be a loss of amenity and likelihood of overlooking for the neighbouring properties, particularly as this is front garden development.
3. The proposal will create additional traffic burden on a small road. Councillors also feel there is insufficient room for parking at the site.

#### **Budleigh - Cllr T Wright**

03/08/15 - 15/1628/OUT - 2 Westfield Close Budleigh Salterton EX9 6ST

I object. Over development and out of character of this area that consists of large dwellings in large plots.

Further comments 18.08.15:

I object to the amended plans as I did to the initial proposal. This is overdevelopment of the site. This area has large houses in large plots. This is out of keeping and against the policy of front garden development. It must also be considered with the same applicant's proposal to convert the ground floor flat at 3 Westfield Close into 3 flats greatly increasing the traffic flow in this narrow road and removing vehicle parking spaces at the same time as increasing the number of residents.

Further comments 15.09.2015

I still consider the development should not proceed on the same grounds of my earlier submissions, BSTC has had a policy of not supporting front garden developments and that is set out in the BSTC planning policy lodged with EDDC. Having also looked at Google Earth I am even more firm in my view that this is overdevelopment and totally at odds with this small area.

#### **Budleigh - Cllr S Hall**

03/08/15 - 15/1628/OUT - 2 Westfield Close Budleigh Salterton EX9 6ST

I cannot support this application for the following reasons; - Not in keeping with the existing street scene.

- Loss of amenity.
- Building beyond existing building line. Front garden development is contrary to current policy.
- Scale and mass is excessive.
- Potential overlooking issues.
- Within AONB.

## **Technical Consultations**

### **County Highway Authority**

#### **Observations:**

The application is one of scale and location that the County Highway Authority (CHA) initially left for the LPA to make highway observations under their powers of Standing Advice it being for a single dwelling accessed off an unclassified road within the existing built up area of Budleigh Salterton and therefore the CHA declined to make any comment. Subsequently on 27th August the LPA Planning Officer asked me to look at this application but unfortunately because other more pressing matters I have not been able to make a site visit the as I had intended. I do however offer advice below from what I can see in the application material and from the DCC mapping system and Google Street View Mapping. I do apologise for this. The access to the application site is proposed from an unclassified, narrow, unlit road which serves approximately 4 properties and a sports club. Some of the properties may have already been converted into flats.

There are no parking restrictions on the road except to say that parking on a narrow highway that obstructs free passage or access to other properties is in itself an offence under the Highway Act 1980.

From what is proposed it appears that the purpose of the application is whether suitable access to the development could be gained safely and therefore whether the application would comply with chapter 32 of the NPPF.

The existing junction of Westfield Close and Upper Stoneborough Lane, being on the outside of a bend and with a standard width footway on the junction side of Stoneborough Lane, I would think offers adequate visibility in both directions. I do stress here that I have not visited the location recently or specifically for this application.

The proposed development offers off-street parking for the new dwelling and appears to retain parking for the existing dwelling/s and it does not propose any on-street parking. Again

I would remind you that there is no existing restriction to parking on the highway of Westfield

Close and the CHA could not insist on off-street parking on this classification of road unless it was unsafe or stopped free passage up and down the road.

Because of the sports club at the end of the cul-de-sac, there will be a considerable amount of existing traffic movements that will associated with that activity. Therefore I do not believe the the addition of one dwelling would have any severe impact on the amount of traffic using the Westfield Close or its junction with Stoneborough Lane or the surrounding highway network.

All in all, I do not think that the CHA would be able to sustain any highway reason for refusal of this application.

## **Recommendation:**

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

### Other Representations

An objection has been received by the Otter Valley Association stating:

- The application should be withdrawn and resubmitted with correct measurements;
- The current plan, by inspection shows the plan is misleading and grossly out of scale to the site.

There have been four letters of representation making the following comments:

- The dimensions of the proposed building does not match the measures detailed and concern is raised to a building that would a quarter the size of the plot. The internal dimensions have been given but not the external, the agent should be made to resubmit the plans;
- Cramped form of development and therefore out of proportion with neighbouring dwelling houses in the Westfield Close;
- The proposal is sited on a high piece of land within the protected landscape and should be compatible with its surroundings and therefore such development would be contrary to the ideals of the AONB;
- If the proposal is to be a two storey dwelling house then issue of loss of privacy and amenity from the proposed development is of great concern;
- Impact upon the effectiveness of neighbouring property's solar array;
- Concerns tight turn in the Close, the narrow road is not wide enough for turning and reversing manoeuvres;
- The application merely provides a plan of the building no detailed plans or elevations and therefore it cannot be accepted that it would have a minimal impact upon the local area;
- The applicant has failed to declare in section 10 of the planning application form that vehicle access and parking are necessary as he has submitted another application 15/1629/FUL to convert Flat 3 into three dwellings;
- If the new flats application is approved then there is no suitable distribution of hard surface between the proposed flats and the existing flats and the new house and this would result in hazardous vehicle manoeuvres;
- It is stated on the planning application form that there are no trees or hedges on the site that would be lost because of this development this is incorrect there are two mature trees on the site and hedges will need to be removed;
- The red lines on application 15/1628/OUT overlaps that of 15/1629/FUL therefore a conflict with both applications.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
<a href="#">15/1629/FUL</a> Application	Full Sub-division of existing flat to form 3no flats and associated external alterations. <a href="#">View Documents</a>	Approval with conditions	09/09/2015

## **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)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### Adopted East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

TA1 (Accessibility of New Development)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

## **OFFICER REPORT**

### Site Location

The site is located to the north of Budleigh Salterton town centre with access taken off Upper Stoneborough Road via Westfield Close. The land in question forms part of

the residential curtilage of the property of Hale Lodge that is divided into three flats, although it should be noted that Flat 3 has recently benefitted from planning permission to be sub-divided into three flats.

The site is to the north east of the main dwelling house that currently consists of a block of three garages (a double and single garage) and overgrown garden that is adjacent to the courtyard area of the main house. The site is located within the East Devon Area of Outstanding Natural Beauty.

### Proposed Development

The proposal is an outline application for the construction of a dwelling seeking approval for the means of access only on the site of the double garage and side garden area.

The indicative plans provided show a building that could cover an area of some 84.4 sq.m with an internal area of 70.4 sq.m and sited centrally on the land with off street parking to east of the building adjacent to the retained neighbouring single garage with access taken from the existing driveway. Amenity space is provided to the rear.

Parking for the existing flats would be retained as existing in two locations and through the retention of the garage to the road frontage.

### Consideration and Assessment

The main issues for consideration with this application relate to the principle of development, impact upon the character and appearance of the area, impact upon the amenity of surrounding residents and highway safety.

#### Principle

The proposed construction of a dwelling house within the curtilage of this property is acceptable in principle as the site is within the settlement boundary of Budleigh Salterton. The site is sited with good links to public transport on Upper Stoneborough Lane and the town centre of Budleigh Salterton is approximately around a 10 minute walk for convenience shopping and therefore is sited within a sustainable location.

Flat 3 has an extensive garden to the west and to the north of Hale Lodge, and whilst the proposed dwelling would reduce the garden area, sufficient amenity space would be retained to serve the remaining flats.

Concerns raised regarding the principle of front garden development are noted but there is no specific local plan policy in the adopted or emerging Local Plans that restricts such development in front gardens. Policies D1 of the Adopted and Emerging East Devon Local Plans encourage sympathetic development that respects the existing urban form, massing and scale and this is considered in detail below. Although the NPPF clarifies that garden areas do not fall under the definition of previously developed land, the NPPF does not provide any specific guidance stating that development on front gardens is unacceptable in principle.

The objections raised stating that the application does not include detailed elevations is noted although this is because the application is for outline planning permission with matters of scale and appearance reserved. If permission is granted then a further application for reserved matters would be submitted and would include the design of the building and detailed elevations.

Concern have also been raised that this application's red line denoting the extent of the site overlaps that of planning application 15/1629/FUL. Whilst this is noted, each application is required to indicate that access is taken from an existing highway. Therefore both applications are acceptable and a shared access into the site is recognised by the Local Planning Authority as being required and would not be a reason to refuse this application.

### Character

Although the application is in outline form, an assessment of the impact of a dwelling on the character and appearance of the area is required to ensure that a development of an appropriate form is achievable on the site whilst protecting the visual amenity of the area and conserves or enhances the AONB.

Whilst the site is located within the AONB, subject to any development being restricted to single storey in height, it will not be highly visible from the north, south or west of the site due to the topography of the area (the site being raised substantially above the land to the west) and location of the site forward of Hale Lodge.

Any dwelling would be visible from the road frontage on Westfield Close but the dwelling would be read in association with Hale Lodge and the adjoining bungalow to the north (Tarchyne). Subject to a suitable design of single-storey building that appears as an outbuilding to Hale Lodge, it is considered that there would be no harm to the character or appearance of the area or on the AONB. Whilst there are a number of properties with large gardens on Westfield Close, there are also properties on Westfield Road that have smaller gardens and therefore this proposal would not be out of keeping with the local character to an extent that could justify refusal of planning permission.

It is considered that a traditionally designed bungalow would be out of character with the area and have an awkward relationship with Hale Lodge. However, it is believed that a suitable design of building, more akin to a single-storey subservient coach house or outbuilding, would not appear out of character or cramped. Subject therefore to any dwelling being single storey (this can be secured by condition) and of a suitable design at the reserve matters stage that compliments the main building, it is not considered that a refusal of planning permission could be justified on the basis of any detrimental visual impact or impact upon the AONB.

The objection that trees and hedges would be removed from the site and the application form states no such works will be undertaken are noted. A revised application form and design and Access Statement has been submitted stating that a conifer tree would be removed though the existing boundary hedge between Hale Lodge and the application site would be retained. In any case detailed matters of landscaping are for approval at any reserve matters stage.

The objections received stating that the proposal would be a cramped form of development and overdevelopment of the site are noted though there is sufficient amenity land for all the existing dwelling houses on the site together with off street car parking. It is recognised that a recent planning permission has been granted for Flat 3 to be divided into three dwellings with associated off street parking though due to the large curtilage that this property benefits from there is sufficient amenity land provided to all units of accommodation.

### Neighbour amenity

Concerns have been raised regarding the height of any building and its possible dominance and loss of light to neighbouring properties on Westfield Close and Westfield Road. However, subject to the building being conditioned to be single-storey in height, and subject to careful consideration of the height, layout and relationships at any reserve matters stage, it is considered that a dwelling could be provided on the site without detriment to the amenity of surrounding occupiers.

The objection that the proposal would result in the reduction of the solar array of the neighbouring property of Tarshyne is noted although it is considered that a single-storey building would not result in any such impact.

The comments received that only internal dimensions have been provided on the plans and not external have been noted and revised drawings have been submitted and are acceptable. The comment that the building has increased from 70 sq.m to 84 sq.m is noted though the dimension of the proposed building has not increased only that the external dimensions have been provided on the drawings. In any case, the location and size of any dwelling is for detailed consideration at the reserve matters stage.

### Highways

The existing access road serves four properties and the croquet club and concerns raised regarding parking on street are noted though there are no parking restrictions on Westfield Close and any parking that would obstruct the highway would be an offence under Highways Act 1980.

Whilst it is acknowledged that Westfield Close is a narrow lane, the Croquet Club already has a considerable amount of existing traffic movements and the addition of one small dwelling would not generate adverse numbers of movements from the site to warrant the refusal of this application. The comments from Devon County Highways support the position.

Sufficient off street parking is provided with this application and it would only result in the loss of one car parking space to No. 3 Hale Lodge that would be provided within the existing courtyard of the property and be adequate to serve the subdivision of the flat to 3 units.

In light of the above there are no highway safety objections to the application.

## East Devon Pebblebed Heaths

The submission is accompanied by a unilateral undertaking relating to the payment of a financial contribution of £749 towards mitigation of the impacts from recreational use of the development upon the ecologically sensitive habitats of the European-designated East Devon Pebblebed Heaths Special Protection Area (SPA) in line with the Council's adopted approach. Any grant of planning permission will therefore need to be read in conjunction with this obligation.

## Conclusion

The principle of development of the site is considered to be acceptable in this location and there are no concerns regarding highway safety.

Subject to any dwelling being single storey in nature, and subject to a suitable design of building at the reserved matters stage that appears as an outbuilding or 'coach house', it is considered that the proposal would not harm the amenity of surrounding residents or the visual amenity of the area or have a harmful impact upon the AONB.

## **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. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).
2. Approval of the details of the layout, scale and appearance of the building, the means of access thereto 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.)
3. The development hereby permitted shall take the form of a single storey dwelling (and for the avoidance of doubt a chalet style bungalow is not regarded as a single storey dwelling).  
(Reason - In the interests of the appearance and character of the area and to restrict the height of the development to protect the amenities and privacy of adjoining occupiers in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan and Policy D1 (Design and Local Distinctiveness) of the Emerging East Devon Local Plan.)
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.)



## 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.

You are advised that a two-storey dwelling or chalet bungalow would not be considered to be acceptable. Any living accommodation should be limited to the ground floor although in order to provide a suitable design of dwelling in its context, it will need to appear as an original outbuilding/coach-house. A traditionally designed bungalow would not be acceptable.

### Plans relating to this application:

D068-15-100C	Location Plan	04.08.15
D068-15-102	Proposed Site Plan	25.08.15

### List of Background Papers

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

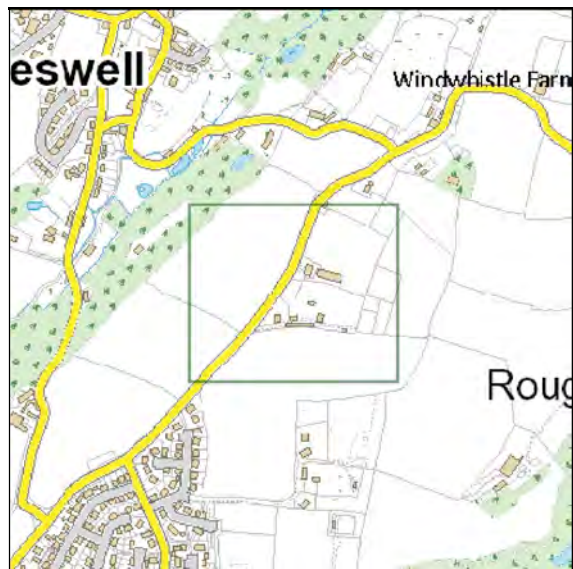
**Ward** Dunkeswell

**Reference** 15/1728/OUT

**Applicant** Mr & Mrs Colin Barrow

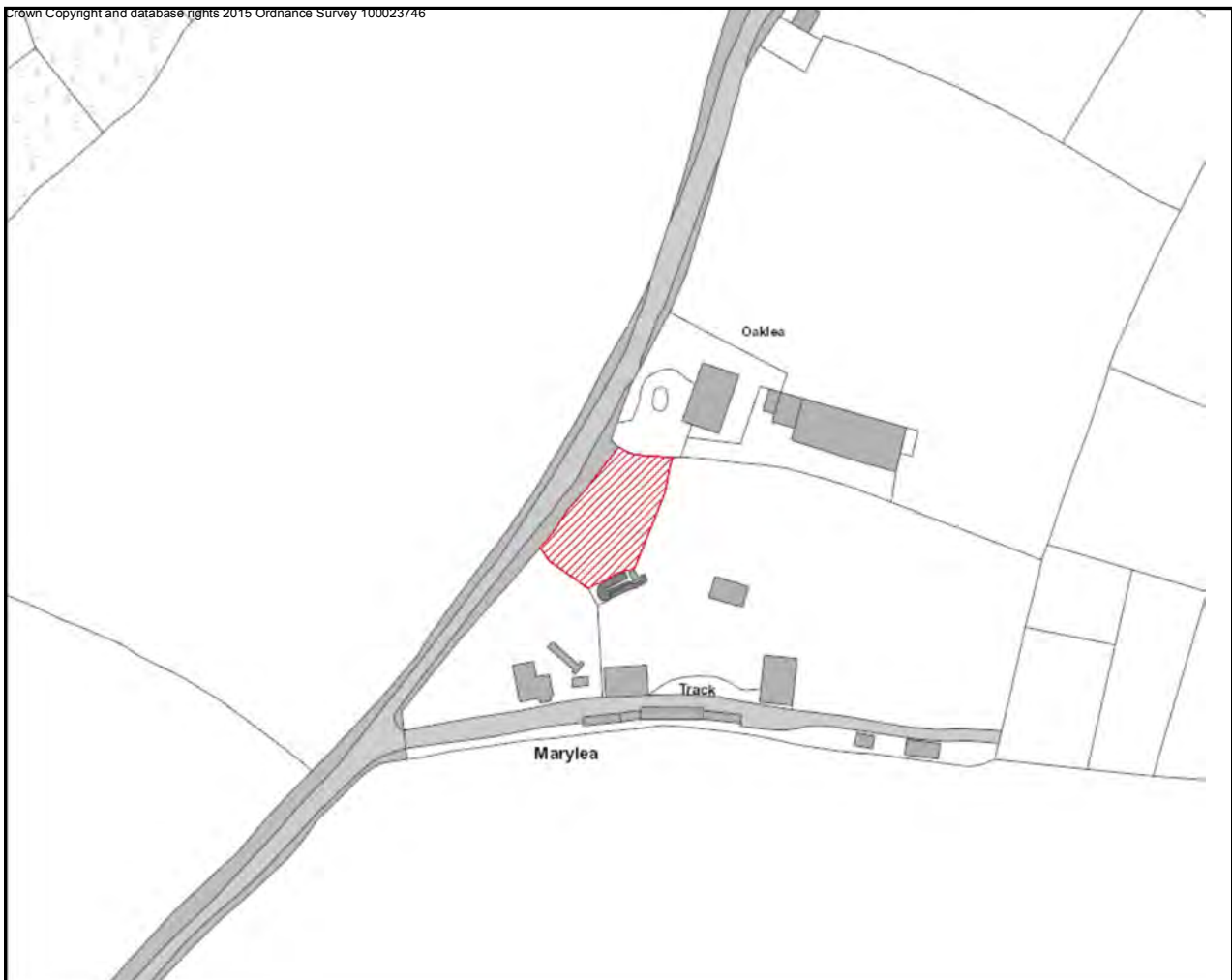
**Location** Marylea Dunkeswell Honiton EX14 4RQ

**Proposal** Construction of agricultural workers dwelling (outline application with all matters reserved)



**RECOMMENDATION: Refusal**

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		<b>Committee Date: 6<sup>th</sup> October 2015</b>
<b>Dunkeswell (DUNKESWELL)</b>	<b>15/1728/OUT</b>	<b>Target Date: 24.09.2015</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs Colin Barrow</b>	
<b>Location:</b>	<b>Marylea Dunkeswell</b>	
<b>Proposal:</b>	<b>Construction of agricultural workers dwelling (outline application with all matters reserved)</b>	

**RECOMMENDATION: Refusal**

### **EXECUTIVE SUMMARY**

**This application is before Members as the officer recommendation differs from the view of the Ward Member.**

**The application seeks outline planning permission for the construction of an agricultural workers dwelling. All matters comprising appearance, means of access, landscaping, layout and scale are reserved for future consideration. As such, the main issue for consideration is the principle of the development.**

**The applicant considers the business has grown to an extent that an additional dwelling is now required and that its provision would enable the more efficient operation of the business. However, the local planning authority is not satisfied that the applicant has satisfactorily demonstrated that there is a functional need for an additional dwelling on the site or provided satisfactory financial information to demonstrate the businesses commercial viability.**

**The proposal is unacceptable as it would be tantamount to the creation of a new dwelling in an unsustainable location in the open countryside for which there is no demonstrated functional need. The proposal is, therefore, considered unacceptable as it would be contrary to adopted and emerging local plan policy and the guidance in the NPPF.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Parish/Town Council**

**15/1728/OUT Marylea, Dunkeswell - construction of agricultural workers dwelling (outline application with all matters reserved). Cllr Barrow declared an interest in**

application and left the room while the discussion and vote was taken as it is on his land and the application is in his sons name, and while the vote and discussions were held Cllrs Luscombe also declared an interest and didn't take part in the vote or discussion. COMMENTS: The parish council support agricultural workers dwellings and have no objection to this application.

Dunkeswell - Cllr C Brown

I am in favour of this application as it will help to make things easier for the applicant with regards to his agricultural machinery business which is stored on the application site. Which is some distance from him at present. This will help with the security. This will also free up a property that could be classed as affordable to the open market.

If there is a difference of opinion between myself and the officers then I would like this to go to planning committee.

**Technical Consultations**

County Highway Authority

Does not wish to comment

Blackdown Hills AONB Project Partnership

Thank you for seeking comments from the Blackdown Hills AONB Partnership on the above application.

I see this outline application, with all matters reserved, as essentially an issue of principle; in establishing a need and satisfying the case for a dwelling at this location. Should the application be approved on the basis of agricultural need, full consideration of the details of any subsequent application will be key to determining the impact on conserving and enhancing the AONB.

Environmental Health

I have considered the application and do not anticipate any environmental health concerns.

Other Representations

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

**PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
15/0507/FUL	Construction of dwelling for agricultural worker.	Withdrawn	21.04.2015

**POLICIES**

New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (landscape Conservation and Enhancement and AONB's)

H4 (Dwellings for Persons Employed in Rural Businesses)

Adopted East Devon Local Plan Policies

S5 (Countryside Protection)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

H9 (Occupancy Conditions on Agricultural / Forestry Dwellings)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

**ANALYSIS**

Site Location and Description

The site is a small section of arable land, currently used for growing crops, comprising approximately 800m<sup>2</sup> which is located 450 metres south-east of Dunkeswell and 200 metres north-east of the Dunkeswell estate (Highfields).

The site is currently part of a 1 hectare (2.5 acre) small holding which also contains an existing dwelling, Marylea, to the south-west of the site and a larger agricultural field to the east. The small holding and the existing dwelling are in the same ownership as the applicant's family.

To the north the site is adjoined by a dwelling, Oaklea, to the rear of which is a large agricultural building. The area surrounding the site is primarily characterised by agricultural land.

The site is also located within the Blackdown Hills Area of Outstanding Natural Beauty.

Proposed Development

The application seeks outline planning permission for the construction of an agricultural worker's dwelling. All matters comprising appearance, means of access, landscaping, layout and scale are reserved and, therefore, only the principle of the development is for consideration as part of this application.

Consideration/Assessment

The Agricultural Assessment submitted in support of the application advises that agricultural contracting business, CJ Barrow Ltd, has been operated by the applicant from the family owned small holding in Dunkeswell for the past 26 years.

The business provides contract services to a number of farming clients within an eight to ten mile radius of Dunkeswell. The Agricultural Assessment highlights that the business initially started by clearing gulleys, hauling hay bales, hedge cutting and clearing out of farm sheds. Manure spreading services were added to the firm's offerings and by early 2000 the business offered a bale wrapping services to its customers. The business further expanded to offer clamped silage and bale haylage

production and pasture rejuvenation which includes ploughing and preparing ground for the grass harrow, cultivation and reseedling

In the winter months the business provides snow clearing services to Devon County Council and services to the Environment Agency in relation to the cleanup of slurry and other farm waste spillages.

The business has three full time employees and another three part time workers who undertake work on behalf of the business.

#### Need for the proposed rural workers dwelling

The Agricultural Assessment highlights that the business started in 1989 with a small number of tractors and some second hand machinery, however, the applicant considers the business has grown to such a level they now consider it is not possible to run it without living on the site.

Policy H8 (Dwellings for Persons Employed in Agriculture and Forestry) of the adopted East Devon Local Plan and H4 (Dwellings for Persons Employed in Rural Businesses) of the Emerging East Devon Local Plan permit dwellings in the countryside for new agricultural workers or people employed in rural businesses or activities subject to a number of criteria including:

- there being a proven and essential agricultural need for the occupier to be housed on site permanently for functional reasons;
- the size of the dwelling being commensurate with the need;
- the use having operated for a minimum of 3 years and supported by a financial assessment demonstrating that the use has and will continue be viable;
- there being need for at least 1 full-time equivalent employee;
- there being no other buildings available on the holding; and,
- any permission being subject to a condition restricting occupation to people employed in agriculture/rural business.

Paragraph 55 of the National Planning Policy Framework (the “NPPF”) also highlights that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities and local planning authorities ‘should avoid new isolated homes in the countryside unless there are special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside’.

It is acknowledged that a successful business has been operating from the site for the past 26 years, however, the primary matter for consideration is whether there is a proven and essential agricultural need for the occupier of the proposed dwelling to be housed permanently on the site for functional reasons. Such a justification often involves the need to be on site to protect/manage livestock on a 24 hour basis.

It is acknowledged there are no buildings on the holding which are suitable for conversion to meet the residential need. However, there is an existing dwelling at the small holding, currently occupied by the applicant’s parents, which provides a sense of security as well as a regular on site presence meaning it is less likely to be

burgled than a vacant and unattended site. In addition, the applicant lives in a 3 bedroom house on the Dunkeswell estate approximately 700 metres from the site.

The applicant contends there is an essential need to live on site to enable the farming contracting business to be run more efficiently and to:

- Improve security to prevent thefts;
- Reduce time spent travelling between home and the site;
- Enable potential clients to visit the site;
- Enable deliveries to be signed for;
- Improve health and safety for lone workers and for the repair and safety of machinery on-site; and
- Provide an on-site office as running the business off-site is difficult.

In this case, the business operates from the small holding as an agricultural contracting business providing services to farmers primarily in the Dunkeswell area, within an eight to ten mile radius.

It is noted the applicant works long hours, on average around 70 hours per week, and their employees' average around 45-75 hours per week, however, the primary business activity on site involves the repair and maintenance of farm-related machinery and getting it ready for use off-site at a client's property.

It is acknowledged the ownership of large and expensive machinery is often beyond the resources of individual farmers and this means they instead use the services of agricultural contractors to meet their needs. However, it is not essential that an agricultural contracting business necessarily needs to be located in the open countryside and even if it is located in the countryside, it does not require on site residential accommodation.

The applicant considers that travelling back and forth to the business from home has affected the efficiency of the business, however, it is noted the applicant's home is only a short two minute drive or a 10 minute walk from the site. This is a close relationship based on any home to work arrangement and as there is no livestock on site with a need to be in sight and sound of, this undermines the proposal and is not sufficient justification for the construction of a dwelling in the countryside in the AONB. In terms of many of the other issues raised by the applicant it is considered they could be addressed by an on-site office building rather than a new dwelling.

It is noted there is an on-site workshop with a vast array of tools and equipment for the repair and maintenance of machinery and there have been thefts of equipment and fuel in the past. While the applicant's parents who live on site are unable to deal with security issues due to their advanced age, security could be improved, as exists for many businesses, by installing electronic surveillance, alarm systems or providing more secure storage buildings. While the local planning authority is sympathetic to the need for improved security and office facilities it does not consider that a satisfactory justification for the functional need for a new dwelling has been demonstrated.

Further, the Agricultural Appraisal states that the business is "profitable, highly technical and well organised" and explains that the business has been operating well

in excess of the minimum three year period required by the Council's policies. However, no financial information has been submitted to satisfactorily demonstrate the commercial viability of the business, its future prospects for remaining so, or the essential need for a new dwelling.

#### Impact on the surrounding landscape

The proposed development is situated within an open countryside location in Blackdown Hills Area of Outstanding Natural Beauty (AONB). Matters comprising appearance, means of access, landscaping, layout and scale are all reserved and this outline application only seeks permission for the principle of the development.

However, the proposal would not be overly prominent in the surrounding landscape as it would be situated between existing dwellings and agricultural buildings. Therefore, it is considered that a suitable position and design of dwelling could be achieved that would not harm the landscape or AONB.

#### **RECOMMENDATION**

REFUSE for the following reasons:

1. The proposed development would be tantamount to the creation of a new dwelling in an unsustainable location in the open countryside for which there is no demonstrated functional or essential need. In addition, in the absence of any financial information to demonstrate the continued commercial viability of the business, the proposal is considered unacceptable and contrary to policies Policy H8 (Dwellings for Persons Employed in Agriculture and Forestry) of the adopted East Devon Local Plan 2006, Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the emerging New East Devon Local Plan and paragraph 55 of the National Planning Policy Framework.

#### Plans relating to this application:

2015-01A	Location Plan	29.07.15
2015-02+PHOTOS	Proposed Site Plan	28.07.15

#### List of Background Papers

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



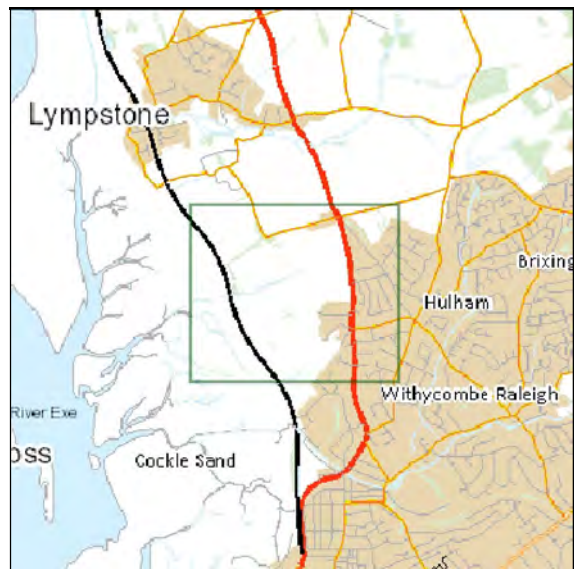
**Ward** Exmouth Halsdon

**Reference** 15/1222/MFUL

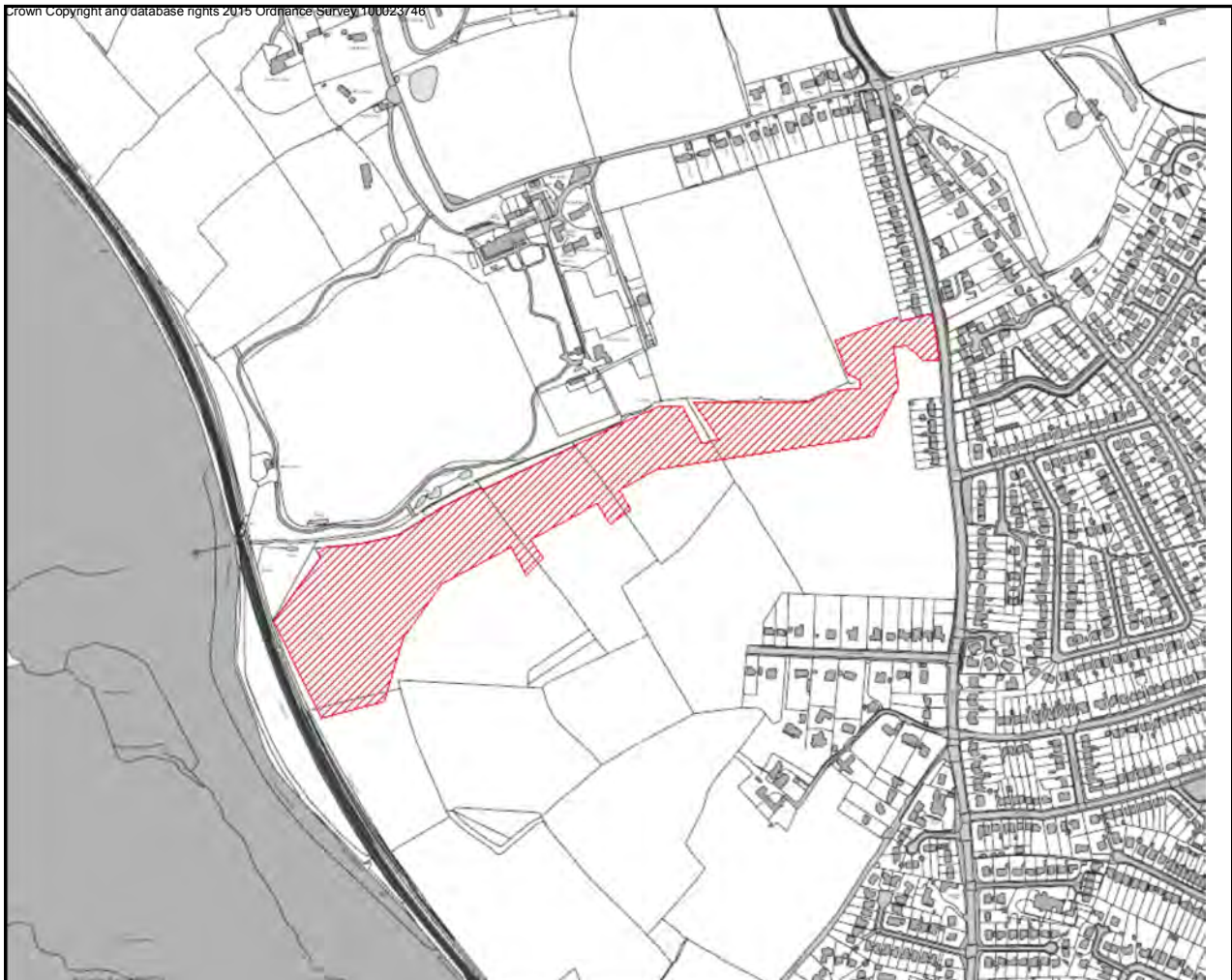
**Applicant** Mr Peter Blyth (National Trust)

**Location** Land Between Exeter Road And Exe Estuary Trail Exmouth

**Proposal** Construction of a multiuser path between 321 & 347 Exeter Road (A376) to Exe Estuary Trail



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 6 October 2015</b>
<b>Exmouth Halsdon (EXMOUTH)</b>	<b>15/1222/MFUL</b>	<b>Target Date: 27.08.2015</b>
<b>Applicant:</b>	<b>Mr Peter Blyth (National Trust)</b>	
<b>Location:</b>	<b>Land Between Exeter Road And Exe Estuary Trail Exmouth</b>	
<b>Proposal:</b>	<b>Construction of a multiuser path between 321 &amp; 347 Exeter Road (A376) to Exe Estuary Trail</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Members as the officer recommendation differs from the view of the Ward Members.**

**Planning permission is sought for the formation of a combined cycle/pedestrian link extending from the A376 Exeter Road in the east to the Exe Estuary Trail in the west. The link extends to around 950m and would be formed by a hard-surfaced path with associated landscaping and enclosed from the adjacent farmland by stock proof fencing and hedging.**

**The proposed link would facilitate off-road pedestrian and cycle links between the northern part of Exmouth and the Exe Estuary Trail and is considered to make a positive contribution to the permeability of the town.**

**There are no objections to the proposal from any statutory bodies and whilst concerns have been raised in respect of the potential increase in the numbers of people using the roads through Lympstone and Exton, it is not considered that this would be a reason to withhold permission for a sustainable form of development. The proposal is therefore recommended for approval subject to appropriate conditions.**

#### **CONSULTATIONS**

##### **Local Consultations**

**Exmouth Town Council**  
Meeting 15.06.15

No Objection subject to Environment Agency's comments and approval, possible provision of a bus layby to alleviate traffic backing up and any road improvement that can be made to ensure the safety of cyclists exiting onto and across the A376.

Further comments 20/07/15:  
No Objection to amended plans

#### Adjoining Parish (Lympstone)

At the Lympstone Parish Council meeting held on the 15 June 2015 the decision was taken to OBJECT to 15/1222/MFUL the construction of multiuser path between 321 & 347 Exeter Road to Exe Estuary Trail at Exeter Road, Exmouth on the grounds that this proposal will not attract commuters, who will continue to use Summer Lane and therefore the Courtlands Lane route. Also that the proposal will increase the number of cyclists travelling through the lower village where conditions are already hazardous and thereby compounding an already real problem regarding safety. Therefore the multiuser path is premature until an off-road route is created through Lympstone.

#### Woodbury & Lympstone - Cllr R Longhurst

This application is premature and should be deferred until an alternative routes through Lympstone and Exton villages are created for the Exe Estuary Trail. This trail is forecast to have 500,000 users this year. Where it passes through the village itself it is dangerous to both users and villages alike. Anything that adds to the number of cyclists is to be resisted until such time as a route by-passing the narrow village roads is put in place.

Joining a further trail linking the north of Exmouth will increase this traffic. Devon County Council Safety Audit does not recommend that young children use the on road section of the trail in Lympstone for safety reasons and action is awaited from DCC to create an alternative safe off road route. Noise of cyclists shouting as they go through Lympstone and Exton is disruptive and often abusive causing disturbance to residents living in houses bordering the street and other people using the road. In addition little or no attention has been paid to off road parking along the trail which is also causing concerns to residents in Lympstone and Exton.

I oppose this application.

#### Woodbury & Lympstone - Cllr B Ingham

Here are my brief comments on this planning application:

I recommend refusal of this Planning Application AT THIS TIME.

I agree with and support the comments made by Mrs Judith Carter and Cllr Rob Longhurst. i.e. Before this linkage is built, DCC must upgrade the EET through Lympstone with a cycle/pedestrian link/bridge from Sowden End to Lympstone Station. In addition, upgrade the EET at Exton with a route on Network Rail land to improve user safety. Yet again, DCC are considering new projects before they have safely and effectively closed previous ones (safe implementation of the EET to promote sustainable travel and commuting). We should not be promoting increased usage of an unsafe cycle/pedestrian route. Correct that and then please reapply. Then you will have our communitys' (Exmouth, Lympstone, Exton) full support.

Unfortunately, as usual, DCC are consulting but not listening. Please change your attitude DCC!

### **Technical Consultations**

#### **County Highway Authority**

Observations:

The CHA has examined the plans of the proposed multiuser path and visited the application site looking at the points of connection to the existing Estuary Trail and the A376 Exeter Road.

The CHA believes that the proposed development will be a useful addition to the Estuary Trail in that it will give easier access to the existing cycle and pedestrian route between Exmouth and Exeter from northerly parts of Exmouth, thereby promoting more sustainable forms of travel to a wider population.

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

#### **Simon Bates**

Thanks for consulting me on amended plans. I don't have any additional comments to make.

#### **Natural England**

Thank you for your consultation on the above proposal, which was received by Natural England on 01 July 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.

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

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

COUNTRYSIDE AND RIGHTS OF WAY ACT 2000 S. 84 (AONBs)

INTERNATIONALLY AND NATIONALLY DESIGNATED SITES

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites) and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Exe Estuary Special Protection Area (SPA) which is a European site. The site is also listed as the Exe Estuary Ramsar site<sup>1</sup> and also notified at a national level as the Exe Estuary Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>2</sup>. The Conservation objectives for each European site.

1 Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

2 Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/> explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

No objection

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects:

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.

The reason for this advice is because the Design and Access statement indicates that the multiuser path will be positioned such that it avoids the parts of the farm that are most used by SPA birds.

The area of spreading room, which mitigates against disturbance from dog-walking in the most sensitive areas, is located in the least sensitive place with screening hedges and dog proof fences providing a physical barrier. The spreading room is

also located adjacent to the existing Exe Estuary Trail, an area with existing disturbance.

Signage promoting the responsible use of the multiuser path, informing users of the special and protected features of the area, will be agreed with input from Natural England and the RSPB.

Monitoring to determine the use of the route and the effectiveness of the spreading room, as per the pre-application discussions between the National Trust, RSPB and Natural England, should also form part of the proposal.

### Exe Estuary SSSI

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

### PROTECTED LANDSCAPES

The application site lies approximately 2.5km outside of the East Devon Area of Outstanding Natural Beauty (AONB). Having considered the application, Natural England does not believe that it would impact significantly upon the purposes of designation of the AONB.

### 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

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](mailto:consultations@naturalengland.org.uk).

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.

### Environmental Health

Your attention is drawn to the Council's adopted Code of Practice for the Construction Sites Code of Practice which is available on the EDDC website here

<http://eastdevon.gov.uk/noise/noise-guidance-and-advice/guidance-and-advice-for-developers-builders-and-contractors/>

The Code of Practice details the measures that the Council expects all works on construction sites to comply with to avoid excessive nuisance to residents. You should therefore ensure that all contractors on site are provided with a copy of this document and told to comply with it. Failure to comply with the code may lead to action under the Environmental Protection Act 1990 or the Control of Pollution Act 1974.

### EDDC Trees

#### Trees

The application is accompanied by an arboricultural report which accurately describes the on site tree constraints and has made reasonable recommendations regarding layout of the route and measures to avoid damage to the trees during site works.

The proposed scheme is considered acceptable on arboricultural grounds. Any planning approval should be subject to a condition requiring the submission of an arboricultural method statement detailing when and how the trees will be protected. The AMS should also make provision for site monitoring of tree protection measures.

I would suggest a condition similar to the following for the AMS and site monitoring:

#### Tree Protection Plan and Arboricultural Method Statement

Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority.

The development shall be carried out in accordance with the approved details.

The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process.

Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

Reason: To ensure the continued well being of retained trees in the interests of the amenity of the locality.

### Landscaping

We will require more details as to how the actual hedge planting will be undertaken. It should take the form of hedge planted on earth banks as is typical of the area. This will need to include details of bank dimensions and how the banks will be constructed and consolidated. Many of the trees are mature / veteran it would be advisable that the landscape scheme contain some new landscape tree planting to provide future large canopy open growing specimen trees.

This could be done prior to approval or the subject of a landscaping condition.

### Conservation

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

The proposed development would be situated just south of Courtlands House and its associated parkland setting that forms the northern boundary of the site. Principal views would be from the existing cycle path and railway with additional, but more distant views from the estuary. Courtlands is also prominent above the application site from the end of Seafield Avenue.

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

I am satisfied that the proposed path itself would have no visual impact upon the setting of Courtlands, either from the higher land to the south or from the Courtlands estate itself. The route of the path closely follows a robust tree belt running down the valley bottom to the estuary. Even from views from the upper floor windows in Courtlands House looking south I am satisfied that the path and even the post and wire fences would not be visible.

My only concern relates to the possible requirement for lighting of the path which does not appear to be included in the proposals. If this is indeed a requirement I would resist the use of tall standard lamps that may be unduly prominent, and would suggest ground-set units flush with the path. These are very discreet and would only probably be noticeable when lit at night. Could this be conditioned?

#### PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

SUGGESTED CONDITIONS: specification of any lighting.

### Environment Agency 15.05.15

We object to this application for the following reasons.

The Flood Risk Assessment document (ref. Appendix 5) has been reviewed. It is noted that there is no specific author and date associated with the document.



There is no specific analysis of the level of risk posed to users of the cycle track in the area where it passes through the mapped flood zones 2 and 3 at the western end of the path. It is noted that the path level would be in the region of 3.0mAOD at this location, which would give flood depths in the region of 1.0m for the 200yr design tidal event. This would certainly make the route unsafe for use.

We wish to make the recommendation that the route could be relocated to avoid the flood zone 2/3 designations at the western end of the path. Drawing C12024/001E(2) defines the 'extent of works' and it would be considered feasible to relocate the path further to the south within this boundary to avoid the area of flood risk.

Further comments 29.06.15:

I refer to your recent consultation which included a revised Flood Risk Assessment (FRA).

Environment Agency Position

We have reviewed the revised FRA (ref. Peter Blythe, 16 June 2015) and associated email (18 June 2015). The two areas of concern which we previously expressed have now been addressed in a satisfactory manner.

We are now able to remove our objection to the application. This is on the basis that appropriate warning signs can be located on the path to warn users of the risks of flooding and that flood warning notifications can be set up with our flood warning service to allow National Trust Staff to close the path in the event of flooding.

#### Environmental Health

I have assessed the application and recommend the following condition:

- 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 .
- d. No high frequency audible reversing alarms shall be permitted to be used on any vehicle working on the site.

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

For further information on construction noise, please see our web page: <http://eastdevon.gov.uk/noise/noise-guidance-and-advice/guidance-and-advice-for-developers-builders-and-contractors/>

#### South West Water

I refer to the above application and would advise that whilst South West Water has no objection public sewers as shown on the attached run along the general route of the proposed path.

Full access to this sewer and its associated manholes must be retained and no planting or structures should be placed in close proximity to it.

As the applicant does not appear to have an Agent acting for them I have copied this to Devon County Council Engineering Design Group who produced the plans submitted with the application.

### Other Representations

There have been a total of 43 representations in response to the application, of which 30 raised objections, 12 supported the proposal and one making observations.

### Objections

- Proposal will increase traffic through Lympstone
- Application is premature pending alternative route round Lympstone and Exton
- Improvements to existing route should be undertaken before new access points created
- Cyclists already over-populate the main village street in Lympstone
- Danger to residents due to additional cyclists using narrow streets, blind corners and steep gradients
- Additional noise, litter and nuisance
- Increased traffic crossing A376
- Safety of cyclists emerging onto highways
- Restricts the use of the land for farming
- Proposed access of path onto A376 is in a dangerous location
- Speed and numbers of cyclists will increase with consequent danger to pedestrians and motorists
- Should not be tarmacing over any more of the countryside

### Support

- Improved access for Exmouth residents to the Trail
- Will afford easier access to A La Ronde
- Will promote sustainable transport
- Increased tourism offer
- Reduction in traffic and pollution
- Encourage health benefits from additional activity
- Promotion of key commuter route reducing congestion in Exeter
- In accordance with local and national planning policy
- Further use of Trail will potentially reduce traffic on A376
- Will fit as a missing link into the "Cycle Strategy for Emouth"
- Will enhance the cycling opportunities in the area
- Will facilitate safe off road access to Exmouth town centre
- A problem in one part of the cycleway should not prevent enhancements elsewhere

## Observations

- Proposal is a good idea but need to improve route through Lypstone

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
14/2803/MFUL	Construction of multi-use path between No.321 and 347 Exeter Road (A376) to Exe Estuary Trail	Withdrawn	23.02.2015

## **POLICIES**

### New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

### Adopted East Devon Local Plan Policies

S5 (Countryside Protection)

D1 (Design and Local Distinctiveness)

D4 (Landscape Requirements)

D5 (Trees on Development Sites)

TA1 (Accessibility of New Development)

TA4 (Footpaths, Bridleways and Cycleways)

TA7 (Adequacy of Road Network and Site Access)

### Lypstone Neighbourhood Plan

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

## **Site Location and Description**

The application site comprises part of an agricultural field, generally between 15 – 20 metres in width, although wider at the eastern and western ends, at Lower Halsdon Farm, Exmouth. The site is linear in form and extends from the A376 (Exmouth

Road) in the east, running westwards to link with the Exe Estuary Trail (EET), with the total length being around 950 metres.

The land slopes from east to west down towards the Estuary, and crosses four fields that are currently laid to pasture and which are delineated by hedge boundaries.

### **Proposed Development**

Planning permission is sought for the formation of a new multi-user path to provide an off-road access to link the A376 to the EET. The path itself comprises a 3 metre wide hard-surfaced track, that meanders across the fields with associated landscaping and planting adjacent that is enclosed from the larger field area by stock proof fencing, although agricultural access points are provided at three locations along its length.

The points of access to the path at the A376 has been designed to avoid existing trees that are located adjacent to the highway, with a splayed access with chicane barriers to provide unfettered access to the highway. Visibility splays of 200 metres to the north and 300 metres to the south are proposed at this point.

Access onto the existing Trail is proposed from an existing gated access that would allow access onto a splayed area with good visibility in either direction. Again appropriate speed control design would be required to ensure that there is no danger at the joining point.

The proposed path would require three new openings through existing field boundaries that would necessitate the removal of some hedging, around 15m, and a short length of bank to provide one of the new farm crossing points. One tree, identified in the submitted arboricultural report as a category C Common Ash, is proposed to be felled. To mitigate the loss of this tree and hedging the landscaping planting plan proposes the planting of over 70 metres of hedging along the boundary fence, and around 200 trees in the form of copse blocks adjacent to the path.

### **ANALYSIS**

The main issues are considered to be the principle of the proposed development and issues relating to visual, environmental, arboricultural, and ecological impact; highway safety; the setting of a listed building, and the concerns raised regarding the wider impact of the proposal leading to additional use of the EET.

#### **Principle of the development**

This application, although submitted by The National Trust, has been prepared following consultation with a number of bodies including Devon County Council, Sustrans, East Devon District Council and Exmouth County Council. The rationale behind the proposal is stated to provide a motorised traffic free link between the northern areas of Exmouth and the Exe Estuary Trail. At present though to the north of Exmouth have two choices when accessing the trail. Either travel down the A376 to access the path at Mudbank Way, or use the currently promoted route down

Courtland Lane to Lymptone that is narrow with no pavements, high hedges and some blind bends.

The application is considered to be compliant with both national and local planning policy by encouraging the use of alternative forms of transport to the private motor vehicle. New residential development within Exmouth is generally being proposed on the northern side of the town, and it is considered that the proposed path would offer a valuable and safer alternative access onto the EET for existing and future residents within this area of Exmouth.

It is accepted that an area of farmland (Grade 3) would be lost by the proposal, although this would be relatively minor and the use of the surrounding land for agricultural purposes would not be compromised by the proposal.

On this basis and as the proposal would encourage sustainable development there is no objection to the principle.

### Visual Impact

Whilst the proposed route of the path crosses an open field close to the access onto the A376, the majority of its length follows closely to existing hedge boundaries which will largely mitigate against any substantive visual impact from the more open views of the site which are afforded from the EET to the south. Additional planting, in the form of new hedging and trees are proposed to further reduce the visual impact of the path. Having said this the nature of the proposal is such that after a relatively short period of time any new physical works and particularly the initial brash appearance of the new path will soften and quickly become assimilated within the countryside.

It is considered that the meandering form of the path and lack of rigid boundaries will further assist in reducing any potential landscape harm arising from the proposal and overall it is not considered that there would be any visual or landscape harm arising from the proposal.

### Environmental Issues

Following concerns raised by the Environment Agency in respect of the Flood Risk Assessment that was submitted with the application an amended Assessment has been submitted which makes appropriate provision in the event of a severe (200 year event). Following this the EA has withdrawn its objections.

South West Water raise no objection to the proposal subject to access being maintained and no planting within the vicinity of the public sewer.

### Arboricultural Impact

There are a number of trees located within the application site although the route of the path has been designed in order to protect their root protection areas, and the proposed access onto the A376 indicates the relocation of the access gate to provide protection to the trees fronting the highway. One tree, a category C

Common Ash is proposed to be removed, and part of the root protection area under an Oak tree would be affected by the route of the proposed path. These issues have been considered by the Council's Arboricultural Officer who, subject to appropriate conditions relating to the protection of the trees, no dig construction methods where appropriate, and the submission of an Arboricultural Method Statement raises no objections to the application.

### Ecological Impacts

The application site lies very close to the Exe Estuary Special Protection Area which is a European designated site, and is also identified as a Ramsar Site and a Site of Special Scientific Interest (SSSI).

Bearing in mind the sensitivity of the site, the applicants have been working in conjunction with Natural England in order to ensure that the proposed development has sufficient regard to this sensitive location, and that appropriate measures are taken to protect the environment. In this regard, and bearing in mind the works and consultation that has been undertaken in the preparation of the application, the advice from Natural England states that the proposal is unlikely to have a significant effect on any European site and can be screened out from any requirement for further assessment. Similarly Natural England advise that the proposal will not have any additional impact on the features of the SSSI beyond those already identified.

Natural England advise that monitoring works, and appropriate signage will be required, however these issues can be conditioned should an approval be forthcoming.

Lower Halsdon Farm, including the application site has been the subject of further ecological survey work which has identified a number of protected species, including bats, wading birds, and rare Cirl Buntings, which have generally been observed within the centre of the farm, not by the application site. These are being supported in conjunction with the RSPB by improved nest sites in the hedgerow restoration and the planting of seed plots.

The farm is also home to a large badger set, and provision for Badger gates in the fence construction is proposed in order that their movements are not restricted.

Overall it is considered that the proposal offers the opportunity through appropriate hedge planting, drainage direction and protection measures to increase biodiversity and offer an opportunity for ecological improvement.

### Highway Safety

The application proposes a new/altered pedestrian/cycle access onto the A376 and therefore the views of the Highways Authority were sought. No objections were raised to the proposal and support offered to the provision of alternative sustainable travel methods to the motor vehicle.

### Setting of Listed Buildings

The route of the proposed path lies to the south of the grounds of Courtlands House, a Grade II listed building, however given the existing and proposed hedge planting and landscaping, it is not considered that there would be any adverse visual or other impact on the setting of Courtlands House or other nearby listed buildings including A La Ronde.

The Conservation Officers concerns relating to any impact arising from lighting of the path are appreciated and shared, however no lighting is proposed and this issue can be conditioned.

### Wider Impact

The main areas of concern arising from this application identified by third parties relate not to the proposed path, or the visual or other immediate impacts of the proposal, but rather from the 'knock-on' effect which the use of the proposed path, in terms of the increased activity and numbers of people using the path will have in other areas of the EET.

There is particular concern raised from residents of Lympstone, and to a lesser extent Exton, regarding the potential increase in the number of people using the Trail, both pedestrian but more particularly cyclists and the impact which this will have on the villages, in terms of noise, nuisance and highway safety.

The issue of highway safety, in particular the conflict between cyclists, pedestrians and the drivers of vehicles using the narrow roads with poor visibility and varying gradients has resulted in the Lympstone Neighbourhood Plan having a policy which promotes the provision of an alternative route which runs parallel with the railway line. However, and whilst these concerns are realised, there are no current proposals to alter the route at the present time and such a route could not be required as part of this current application that in itself provides benefits to Exmouth from a more direct route linking the northern part of the town to the EET and will provide a safer alternative route than the current route down Courtland Lane. In this respect the proposal can be argued to provide some highway safety benefits to cyclist and pedestrians alongside the general sustainability benefits from promoting cycling and walking and better links.

Furthermore, it is not considered that planning permission for the current scheme could be reasonably withheld on the basis that the proposal *may* increase movements through villages that are located away from the development without any tangible evidence that this will lead to danger or increased harm as a result of the proposal itself. It is unreasonable in planning terms to expect the current application to solve existing problems.

It is appreciated that there may be some issues regarding the current route running through Lympstone and Exton and that the Neighbourhood Plan identifies that this needs to be resolved and it is hoped that the comments received on this application will be taken on board by Devon County Council in seeking to resolve any issues and address the policy in the Neighbourhood Plan.

In light of the above and given the benefits of the proposal, it would not be reasonable to withhold planning permission for this proposal.

## **CONCLUSION**

Whilst the concerns of Members, Lympstone Parish Council and some residents of the neighbouring villages are appreciated, the benefits of providing an improved and safe off-road access to the Exe Estuary Trail for residents in the northern part of Exmouth are considered to outweigh the concerns and in the absence of other objections approval is recommended on the basis that the proposal represents a sustainable form of 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. Prior to commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the AMS. The development shall be carried out strictly in accordance with the agreed details.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

(Reason - To ensure retention and protection of trees on the site 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), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the Adopted East Devon Local Plan 2006 and Policies D1 (Design and Local



Distinctiveness), D2 (Landscape Requirements) and D3 (Trees and Development Sites) of the emerging New Local Plan.)

4. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall include details as to how the actual hedge planting will be undertaken. It should take the form of hedge planted on earth banks as is typical of the area. This will need to include details of bank dimensions and how the banks will be constructed and consolidated.

The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the Adopted East Devon Local Plan 2006 and Policies D1 (Design and Local Distinctiveness) and D2 (landscape Requirements) of the emerging New Local Plan.)

5. Notwithstanding the submitted information no development shall take place until details of the proposed junctions with the A376 Exeter Road, and the Exe Estuary Trail including any proposed barriers or other speed calming measures, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before the path is used, and shall be retained thereafter without alteration of addition.

(Reason - In the interests of highway safety and preserving and enhancing the character and appearance of the area and in accordance with Policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and TA4 (Footpaths, Bridleways and Cycleways) of the Adopted East Devon Local Plan 2006, and Policies D1 (Design and Local Distinctiveness), D3 (Trees and Development Sites), and TC4 (Footpaths, Bridleways and Cycleways) of the emerging New East Devon Local Plan.

6.
  - 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 .
  - d. No high frequency audible reversing alarms shall be permitted to be used on any vehicle working on the site.

(Reason - To protect the amenities of local residents in accordance with Policy EN15 (Control of Pollution) of the Adopted East Devon Local Plan 2006 and Policy EN14 (Control of Pollution) of the emerging New East Devon Local Plan. The CEMP needs to be approved prior to commencement because its provisions need to take effect upon commencement of the development).

7. Notwithstanding the submitted information no development shall take place until details of the proposed site compound, including the precise location, means of access to and the proposed enclosure shall be submitted to and approved in writing by the Local Planning Authority. The details shall also include the proposed remediation of the compound site following completion of the path and the development shall be undertaken in strict accordance with the approved details

(Reason - In the interests of highway safety and preserving and enhancing the character and appearance of the area and in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the Adopted East Devon Local Plan 2006, and Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the emerging New East Devon Local Plan.

8. Notwithstanding the submitted details and the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no artificial lighting shall be installed along the path or within the application site.

(Reason - To avoid detriment to the character and appearance of the area and the amenities of nearby residents in accordance with Policies D1 (Design and Local Distinctiveness), EN15 (Control of Pollution) of the Adopted East Devon Local Plan and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the emerging East Devon Local Plan.)

9. Prior to the first use of the path hereby approved, any signage shall have been erected in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter the signage shall be retained in accordance with the approved details.

(Reason: In the interests of protecting nearby sensitive ecological areas in accordance with Policy EN6 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2006 and Policy EN5 (Wildlife Habitats and Features) of the emerging New East Devon Local Plan.)

**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:

C12024/001F	Location Plan	25.06.15
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C12024/001F (1)	Layout	25.06.15
C12024/001F (2)	Layout	25.06.15
C12024/001F (3)	Layout	25.06.15
C12024/001F (4)	Layout	25.06.15
C12024/001F (5)	Layout	25.06.15
C12024/001F (6)	Layout	25.06.15
C12024/001F (7)	Layout	25.06.15

List of Background Papers

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

**Ward** Feniton & Buckerell

**Reference** 15/1172/MFUL

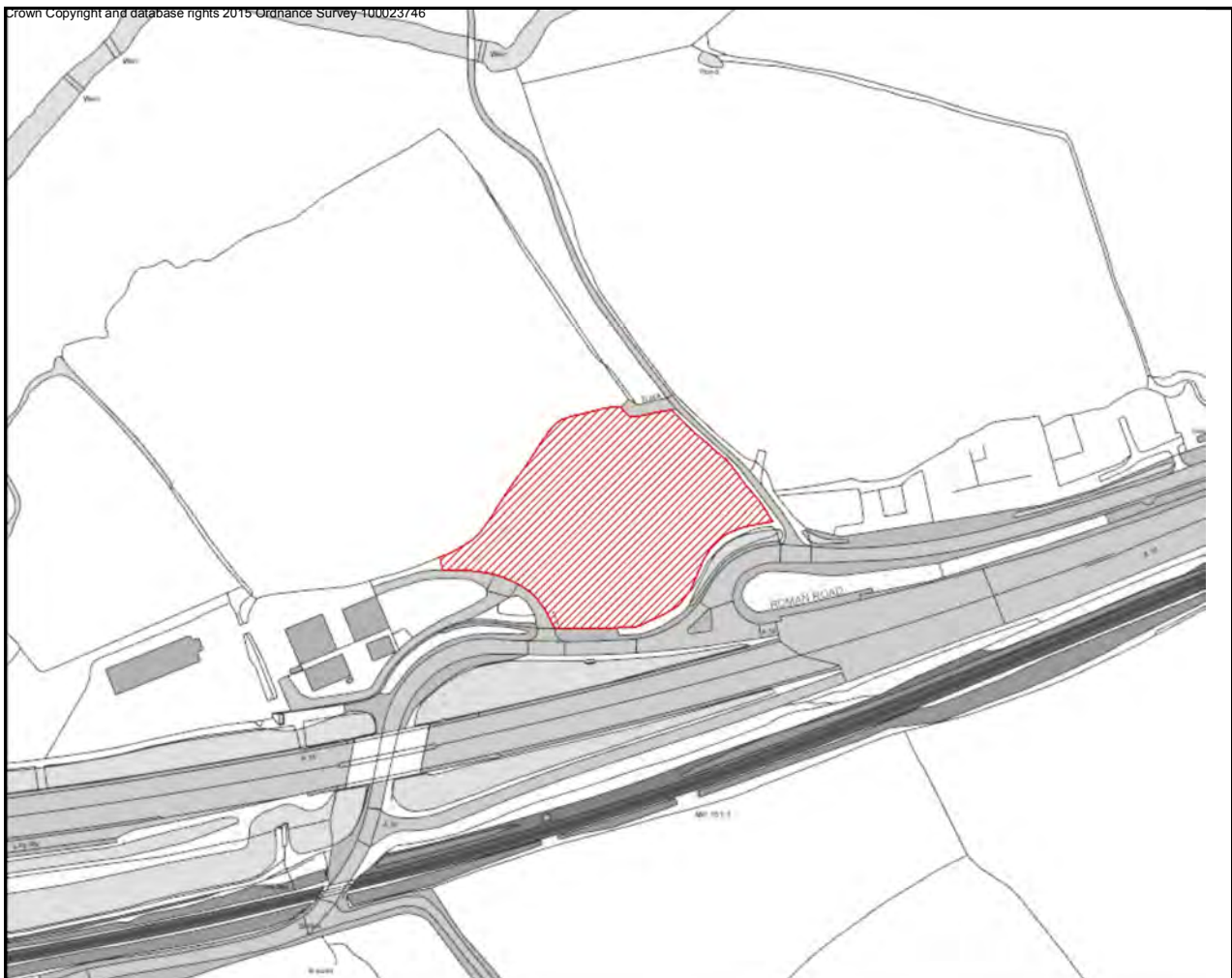
**Applicant** Blampayne Sawmill (Mr J Willis)

**Location** Blampayne Sawmill Gittisham  
Honiton EX14 3AN

**Proposal** Construction of workshops, stores  
and office/shop with associated  
landscaping and parking



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 06.10.2015</b>
<b>Feniton &amp; Buckerell (GITTISHAM)</b>	<b>15/1172/MFUL</b>	<b>Target Date: 16.09.2015</b>
<b>Applicant:</b>	<b>Blampayne Sawmill (Mr J Willis)</b>	
<b>Location:</b>	<b>Blamphayne Sawmill Gittisham</b>	
<b>Proposal:</b>	<b>Construction of workshops, stores and office/shop with associated landscaping and parking</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Members as it is a departure from the Adopted Local Plan.**

**Planning permission is sought for an office, retail and storage building with associated parking to support the existing timber supply and manufacturing enterprise. The building would be located on pasture to the east of the driveway which serves the site.**

**The business moved to the site after permission was granted in 2005 and has now reached the point where there is limited space available within the existing complex for further expansion. Furthermore, concerns have been raised by insurers and the Health and Safety Executive about the lack of separation between visitor/customer areas and the production and storage areas. To resolve this conflict and allow the business to continue to expand, it is proposed to move the customer facing aspects of the business to a building situated away from the production areas.**

**The site has no near neighbours and has good access to the strategic road network. It also has space to accommodate bulky goods which is not so readily available in established employment areas. The proposal would be a significant expansion of the site but the building would not appear prominent or intrusive in short or long range views. Subject to consideration of external finishes and securing a landscaping scheme to soften the visual impact, the effect on the landscape would be acceptable.**

**The proposal would allow a thriving business to continue to expand and provide benefits to the local economy. In the absence of any adverse effects which would outweigh this benefit, the proposal is acceptable.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Clerk To Gittisham Parish Council**

Gittisham parish councillors have no objection to this application

#### **Other Representations**

None received.

### **Technical Consultations**

#### **Devon County Archaeologist**

I refer to the above application. The proposed development lies in an area where evidence of prehistoric activity was exposed during the course of the construction of the A30 dual-carriageway to the south. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the known prehistoric activity here.

For this reason and in accordance Policy EN8 (Proposals Affecting Sites Which May Potentially be of Archaeological and Historic Interest) of the East Devon Local Plan and 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 the archaeological monitoring and recording of all groundworks associated with the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

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

#### Contaminated Land Officer

I have considered the application and do not anticipate any contaminated land concerns, although this site is located on previously developed land and it is possible that contaminated material may be encountered. If this is the case the contractor is advised to contact the contaminated land officer for advice if required.

#### County Highway Authority

Observations:

The application is for the construction of a workshop, stores office/shop. There is an existing workshop on site with car parking facilities. There is a pre-posed increase in parking space to accommodate the pre-posed employees and customers visiting the shop.

The access to the site is good with good visibility in each direction. The internal drive and access to the site is of a hardened surfaced.

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. A turning area and access drive shall be laid out and maintained for those purposes in accordance with the attached diagram Z.

REASON: To ensure the provision of adequate facilities within the site for the traffic generated by the development

2. The parking space required by this permission shall be provided in addition to and separate from the required turning space

REASON: To ensure that vehicles parked on the site are able to enter and leave in forward gear

#### Environmental Health

I have considered this application and there is no movement of manufacture to this application therefore I do not foresee any environmental health pollution issues with this application and recommend approval.

#### DCC Flood Risk SuDS Consultation

Devon County Council Flood Risk Management Position.

The proposals do not give sufficient information on how surface water from the site will be managed. It should be demonstrated that disposal through infiltration would work through testing in accordance with BRE 365 and groundwater monitoring.

Surface water runoff from the site should not be increased when compared to the pre-development greenfield conditions.

In addition to the above the Environment Agency should be consulted in respect to development in the flood plain.

Environment Agency

Thank you for your consultation.

We have no objection to the application from the point of view of flood risk.

Natural England

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](mailto:consultations@naturalengland.org.uk).

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development



cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

#### 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.

#### Sites of Special Scientific Interest 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.

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.

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
14/0811/FUL	Retrospective application for the installation of a 49kW roof mounted solar PV system	Approval retrospective (conditions)	11.07.2014
13/2146/FUL	Proposed workshop	Approval with conditions	13.11.2013
11/1669/FUL	Proposed relocation of tana-lising plant and formation of yard and approach road (revised siting to 10/1046/FUL).	Approval with conditions	05.09.2011

11/0668/VAR	Variation of 5 of permission 10/1046/FUL to allow use of site for general industry (class B2)	Approval with conditions	06.05.2011
11/0674/VAR	Variation of condition 6 of permission 05/1082/COU to allow use of site for general industry (class B2)	Approval with conditions	06.05.2011
10/1046/FUL	Proposed relocation of tanaising plant and formation of yard	Approval with conditions	04.08.2010
06/1191/FUL	Erection of office building	Approval with conditions	26.06.2006
05/1082/COU	Change of use of land and buildings to timber mill and wood manufacturing plant.	Approval with conditions	12.07.2005
04/P1448	Change Of Use Of Land And Buildings To Timber Mill And Wood Manufacturing Plant	Refusal	18.10.2004

## **POLICIES**

### New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

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

EN22 (Surface Run-Off Implications of New Development)

E7 (Extensions to Existing Employment Sites)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### Adopted East Devon Local Plan Policies

S5 (Countryside Protection)

D1 (Design and Local Distinctiveness)

D4 (Landscape Requirements)  
EN8 (Proposals Affecting Sites Which May be of Archaeological Importance)  
E6 (Small Scale Employment Development in Rural Areas)  
TA1 (Accessibility of New Development)  
TA7 (Adequacy of Road Network and Site Access)  
TA9 (Parking Provision in New Development)

#### Government Planning Documents

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

#### Site Location and Description

Blamphayne Sawmill is located on land to the north of the A30 near Honiton. At this point the A30 is on an elevated embankment with the site lying on lower ground adjacent to it. The access to the site is off the former A30 and sweeps left to a car park with the operational buildings beyond. Open countryside extends around the site and the River Otter crosses the valley floor about 300 metres to the north.

#### ANALYSIS

Planning permission is sought for an office, retail and storage building to support the existing timber supply and manufacturing enterprise. The building would be located on land to the east of the driveway which is currently pasture.

The building would measure 70 metres by 16 metres and would be clad in metal profile sheeting with solar panels on the south east facing roof slope. Internally it would be divided in four, with three of the sections used for storage and the fourth used as an office/shop. The building would be situated on the lower part of the land with a parking area to the north and an access road forming a circuit around the building and connecting with the existing driveway.

#### Background

The business was established at the site after planning permission was granted in 2005. Previously it had occupied smaller premises at a remote location near Northleigh. Since moving to the new site, which has much better access to the strategic road network, the business has grown significantly and a series of permissions have been granted to allow the business to expand further.

The business has now reached the point where there is limited space available within the existing complex for further expansion. Furthermore, concerns have been raised by insurers and the Health and Safety Executive about the lack of separation between visitor/customer areas and the production and storage areas. To resolve this conflict and allow the business to continue to expand, it is proposed to move the customer facing aspects of the business to a building situated away from the production areas.

## Considerations

The site is easily accessible from the strategic highway network but less well related to the nearest major settlement at Honiton. Nevertheless, the site is able to meet the businesses need for large buildings and outside storage areas for processing and storage of bulky timber goods. As a result of this and the lack of any nearby dwellings which are sensitive to noise, the business has thrived. Further expansion would benefit the local economy and this weighs in favour of the proposal.

Policies E6 of the adopted Local Plan and E7 of the emerging Local Plan seek to limit the scale of expansion on sites in rural areas such as this to within the existing site. On this basis the proposal is a departure from policy. However, the NPPF is less prescriptive and encourages sustainable growth through well designed new buildings and is supportive of rural business.

In this proposal, the site extends beyond the established complex of buildings into an open field. Proportionally it would be a significant expansion of the existing site in terms of site area and floorspace. However, it is clear that there is a need for a building of this size and that there are no suitable sites to the west bearing in mind the need for separation from production areas.

The building proposed is utilitarian in appearance and somewhat larger than a typical agricultural building but in the context of the existing buildings and the backdrop of the A30 it would not appear prominent or intrusive in short or long range views of the site. Subject to consideration of external finishes and securing a landscaping scheme to soften the visual impact, the effect on the landscape would be acceptable.

The access and parking arrangements proposed are satisfactory and the risk of flooding on the lower part of the site has been addressed appropriately by siting the building outside the flood zone. Conditions to secure details of surface water drainage and a programme of archaeological work would however be required.

## Conclusion

The proposal would allow a thriving business to continue to expand and provide benefits to the local economy. In the absence of any adverse effects which would outweigh this benefit, the proposal is acceptable.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

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

(Reason - For the avoidance of doubt.)

3. No development 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 first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

(Reason - To ensure that no ground disturbance takes place before a WSI is agreed to secure an appropriate record of archaeological evidence that may be affected by the development in accordance with policy EN8 (Proposals Affecting Sites Which May Potentially be of Archaeological and Historic Interest) of the adopted East Devon Local Plan, policy EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance) of the emerging New East Devon Local Plan) and paragraph 141 of the National Planning Policy Framework (2012).)

4. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that landscape mitigation measures are timed to be implemented at the first opportunity after development commences in the interests of the character and appearance of the area in accordance with policy D4 (Landscape Requirements) of the adopted East Devon Local Plan and policy D2 (Landscape Requirements) of the emerging New East Devon Local Plan.)

5. No development shall take place above foundation level until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

6. No development shall take place until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

(Reason - To ensure that drainage infrastructure is incorporated in the first stages of the development in the interests of avoiding surface water flooding in

accordance with policy EN22 (Surface Run-Off Implications of New Development) of the emerging New East Devon Local Plan.)

7. The retail element of the part of the building labelled 'office/shop' hereby permitted shall be restricted to the identified area only and shall only be operated as a retail timber merchant in association with the existing Sawmill and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).  
(Reason - To protect the vitality and viability of local shopping areas in accordance with policy SH8 (Rural Shops, Garden Centres, Nurseries and Similar Retail Uses) of the adopted East Devon Local Plan and policy E15 (Retail Development in Rural Areas outside Villages) of the emerging New East Devon Local Plan.)
8. No part of the development hereby approved shall be brought into its intended use until the parking and turning facilities have been provided in accordance with drawing number TW13/34/2.  
(Reason - To ensure that adequate facilities are available for the traffic attracted to the site in accordance with policy TA7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan and policy TC7 (Adequacy of Road Network and Site Access) of the emerging 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 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:

1:2500	Location Plan	17.06.15
TW15/03/1	Proposed Site Plan	17.06.15
TW15/03/2	Survey Drawing	17.06.15
TW15/03/3A	Proposed Combined Plans	17.06.15

##### List of Background Papers

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

**Ward** Ottery St Mary Rural

**Reference** 15/1258/MFUL

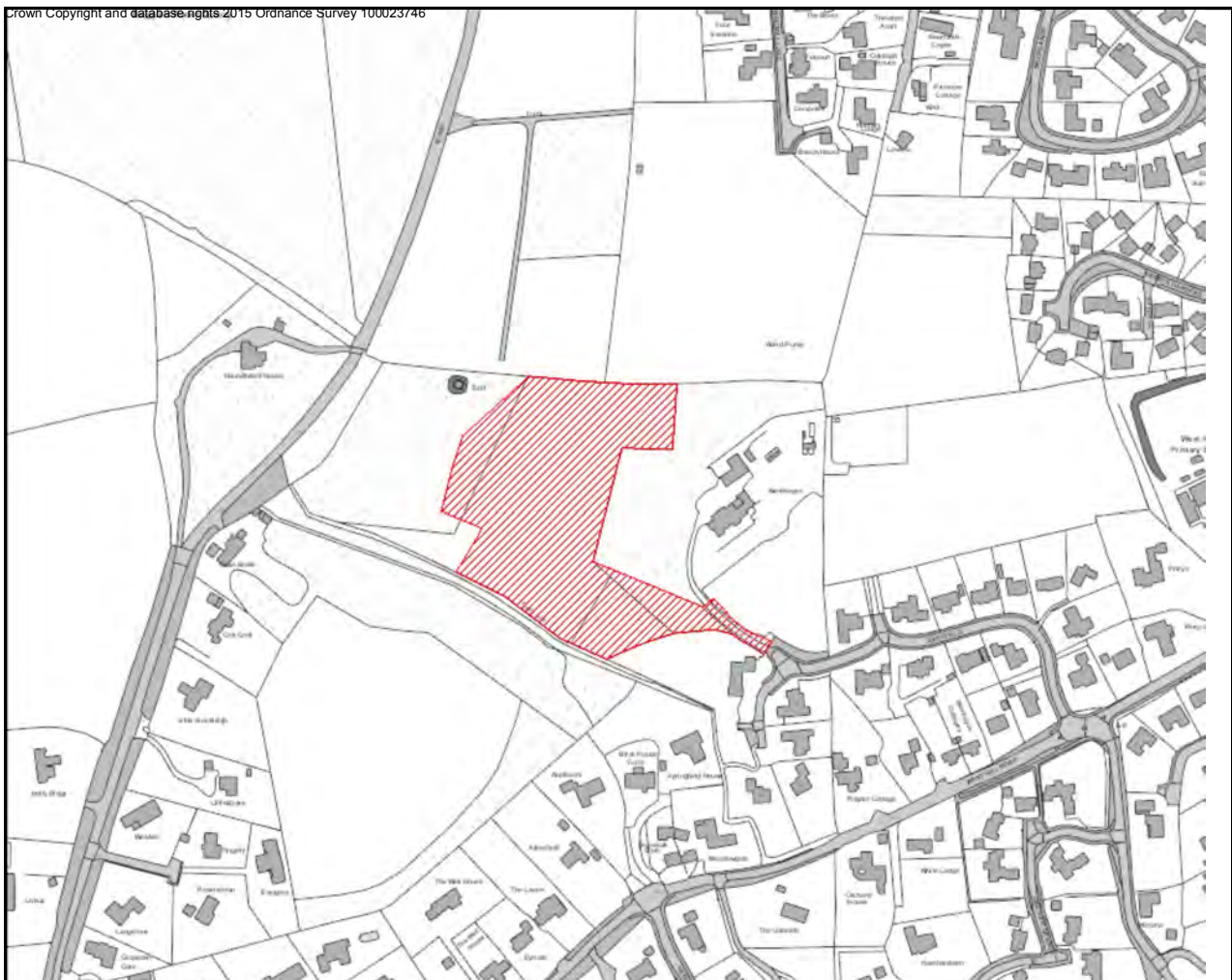
**Applicant** Strongvox Homes

**Location** West Hayes West Hill Road West Hill Ottery St Mary EX11 1UZ

**Proposal** Construction of 10no. dwellings (including 4no. affordable) together with associated access and landscaping.



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 06.10.2015</b>
<b>Ottery St Mary Rural (OTTERY ST MARY)</b>	<b>15/1258/MFUL</b>	<b>Target Date: 23.09.2015</b>
<b>Applicant:</b>	<b>Strongvox Homes</b>	
<b>Location:</b>	<b>West Hayes West Hill Road</b>	
<b>Proposal:</b>	<b>Construction of 10no. dwellings (including 4no. affordable) together with associated access and landscaping.</b>	

**RECOMMENDATION:** Approval subject to conditions and the applicants first entering into a Section 106 agreement to secure affordable housing and the payment of financial contributions towards open space provision/enhancement, education infrastructure and habitat mitigation

#### **EXECUTIVE SUMMARY**

The application is brought before the Committee as the proposal constitutes a departure from the Local Plan on account of the location of the site outside of the defined settlement boundary.

The application relates to a revised scheme for a development of 10 dwellings, 4 of which would be affordable, on land to the west of Westhayes, off Eastfield in West Hill. It succeeds two previous schemes for the same scale of development on the site, both of which are the subject of extant planning permissions that run until September 2016. The original permission, itself granted on appeal, provides for 6 affordable units with the more recent permission comprising a series of variations, including a reduction to 4 affordable units.

The site is located outside but within close proximity of the built-up area boundary of West Hill as defined in the adopted Local Plan. It is also close to land to the north of Eastfield to the east that has planning permission for a scheme of 25 dwellings as well as the front garden area of Westhayes itself in respect of which Members have resolved to grant outline planning permission for a development of three units although this is currently at appeal for non determination.

Although this remains the case, the Council's view that there is the required five year supply of available housing land cannot be given full weight at this stage in the absence of the conclusions of the examining Inspector with regard to the district-wide housing position as part of his review of the emerging local plan. As such, the principal consideration in this case relates to the extent to which the proposal can be considered to constitute sustainable development.



In this regard, the site occupies a reasonably sustainable location, as evidenced by both the previous history of the site and the permission granted for the nearby development at Eastfield, close to the village primary school, shop/post office and a regular bus service that connects the village with Exeter and Honiton. Moreover it is considered that the development would provide for house types of a higher quality design, relative to those of the previous schemes, that would be more locally distinctive and sympathetic to both the rural parkland character of the site and its setting and the wider character of the village.

The quality of the scheme and fall back consent providing 40% affordable housing is thought to be sufficient justification in this instance to offset the lack of the required provision of 50% affordable housing on the site that would ordinarily be sought in line with Strategy 34 of the emerging local plan. In addition, it is possible to ensure a prompt start to the delivery of the development by linking its timescale for commencement to that of the previous approval.

## **CONSULTATIONS**

### **Local Consultations**

#### **Parish/Town Council**

The Planning Committee does not object to the revised application but would prefer to see native species hedging and Devon Banks to separate the properties, rather than brick and close boarded fencing, to comply with the West Hill Design Statement (Design principles D3 and D4).

#### **Ottery St Mary Rural - Cllr M Coppel**

I must decline to comment on this application. The reason being my decision is predetermined due to the close proximity of the proposed site to my brother's house in Eastfield.

### **Technical Consultations**

#### **County Highway Authority**

##### **Observations:**

The site has been the subject of several previous planning applications. The proposed site access is coming off of an existing estate road. The residential road is served off of a double mini roundabout, there is good visibility in all direction from the residential road.

It is proposed that access to the site is to be to 4.8 metres. A footpath is to be provided and tied in to the existing footway, it is pre-posed that this is to run though the development.

##### **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 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 and the visibility splays required by this permission laid out

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

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect 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 within that phase 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 street lighting for and cul-de-sac and footpaths has been erected and is operational;

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

E) 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.

4. When once constructed and provided in accordance with the appropriate condition above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority

REASON: To ensure that these highway provisions remain available.

5. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

#### Housing Strategy Officer Paul Lowe

This application site appears to be located outside the development boundary for West Hill. Under Strategy 35 of the emerging Local Plan we believe this application would be classed as an Exception Mixed Market and Affordable Housing site. The actual proposal is to provide 40% (4 units) affordable housing, which is below emerging policy requirements. We understand that this application has not been submitted on this basis. As a consequence, we are informed that 50% on -site affordable housing provision will be sought.

A Housing Needs Survey was completed in July 2011 which identified a need for 9 rented homes over the next 5 years. Should this proposal secure planning permission then the affordable housing should reflect the need as identified by the survey.

We expect all the affordable homes to be constructed to the relevant local and national standards at the time of completing a Section 106 Agreement. Once completed the affordable homes should be transferred to and managed by a preferred Registered Provider.

We expect to see a tenure mix that reflects local need; this is typically 70/30% in favour of rented accommodation, the remaining as shared ownership or similar affordable housing product as defined in the National Planning Policy Framework document or relevant policy at that time. However the Housing Needs Survey should prevail. Consideration should also be given to providing a number of smaller homes for single people.

It appears that the proposed development site is located within a Designated Protected Area, therefore any staircasing should be restricted to 80%.

Nomination priority in the first instance should always go to those who have a local connection to West Hill, then cascading to adjoining named Parishes and finally the District. We also expect the Nomination Agreement allows for the Local Authority or a preferred Register Provider to nominate individuals from the Common Housing Registers.

#### 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

Further information required: No Habitats Regulations Assessment

The application site is in close proximity to two European Wildlife Sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their ecological interest. European wildlife sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and East Devon Heaths Special Protection Area (SPA) which are European wildlife sites. The sites are also notified at the national level as Sites of Special Scientific Interest (SSSI(s)).

In considering the European site interests, Natural England advises that your authority, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' (HRA)

process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process.

The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided by your authority do not include any information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered, i.e. your authority has not recorded your assessment and conclusions with regard to the various steps within a Habitats Regulations Assessment.

It is Natural England's advice that, as the proposal is not necessary for European site management; your authority should determine whether the proposal is likely to have a significant effect on any European site. If your authority is not able to rule out the likelihood of significant effects, there are uncertainties, or information to clarify areas of concern cannot be easily requested by your authority to form part of the formal proposal, you should undertake an Appropriate Assessment, in accordance with Regulation 61 of the Habitats Regulations, including consultation with Natural England.

On the basis of the information provided, Natural England is able to advise the following to assist you with your Habitats Regulations Assessment. Decisions at each step in the Habitats Regulations Assessment process should be recorded and justified:

#### East Devon Pebblebed Heaths SAC and East Devon Heaths SPA

The application site lies c. 1.2km from the East Devon Pebblebed Heaths SAC and East Devon Heaths SPA. This is within the 10km zone within which impacts of residential development on the aforementioned sites could reasonably be expected to arise in the absence of appropriate mitigation.

It is normal practice that all planning applications for housing in East Devon District have Section 106 Legal Agreements (containing a Habitats Mitigation Contribution) covering impacts on European Sites within 10km of the proposed development. We cannot find any reference to mitigation for the impact of this development on the East Devon Pebblebed Heaths SAC and East Devon Heaths SPA.

Your authority must be clear that sufficient financial contributions and/or specific measures to provide mitigation for both European Sites (East Devon Pebblebed Heaths SAC and East Devon Heaths SPA) are secured before granting permission. If sufficient financial contributions and/or measures are sufficient and secured, Natural England would concur with the view that a Likely Significant Effect can be avoided.

In the case of the European sites referred to above, your authority cannot grant permission for this proposal in the absence of a Habitat Regulations Assessment which concludes either i) no likely significant effect due to mitigation included by the applicant or, ii) no adverse effect on integrity following an Appropriate Assessment.

Natural England is a statutory consultee at the Appropriate Assessment stage of the Habitats Regulations Assessment process.

#### EAST DEVON PEBBLEBED HEATHS SSSI

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

#### PROTECTED LANDSCAPES

The application site lies in close proximity to the East Devon Area of Outstanding Natural Beauty (AONB). We therefore 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 to advise 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.

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.

## 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'.

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.

### Devon County Council Education Dept

Further to your recent correspondence regarding the above planning application I write to inform you that a contribution towards education infrastructure via a Section 106 agreement is sought.

There currently sufficient capacity at the nearest primary school and therefore a contribution towards primary education would not be sought.

In respect of secondary provision, The King's School, Ottery St Mary is forecast to be at capacity but has indicated it is not willing to expand without significant investment addressing constraints on their existing site. Should capital resources to expand the school be secured, DCC would request £27,361 towards education infrastructure at the school however if this is not achievable, a contribution towards the mitigation of potentially having to transport children who were unable to get to the local school from Ottery St Mary to the nearest Secondary School in Honiton totalling £3,946 would be sought.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

Should you require any further information regarding either of the above please do not hesitate to contact me.

\*These contributions should be adjusted on the date of payment in accordance with any increase in Building Cost Information Service (BCIS) all in tender price index.

### Environment Agency

This application is entirely within Flood Zone 1 for which we are no longer a statutory consultee. Accordingly we will not be providing any comments. I would advise you to consult Devon County Council who are the Lead Local Flood Authority.

### DCC Flood Risk SuDS Consultation

Further to my recent email, requesting better quality plans, please find some initial comments regarding the above planning application. I have concerns about the surface water strategy for the proposed site. My initial comments are:

- The current soakaways are designed to the 1 in 10 year event, however at this design they are nearly or at capacity. No detail has been shown for additional infiltration or attenuation features for the site to deal with the exceedance or exceedance routing. The current ground profile would suggest the surface water would be routed into Eastfield Road area. As per DCC's Sustainable Drainage Design Guidance (attached) and the non-statutory guidance:
  - o Unless an area is designed to hold or convey water, flooding within the development must not occur under the following circumstances:
- S9 - on any part of the development for a 1:30 year (+30 CC) rainfall event;
- S10 - in any part of a building or any utility plant susceptible to water for 1:100 year (+30%) event;
- S11 - flows resulting from the event in excess of the 1:100 year event must be managed in exceedance routes that minimise risk to people and property.
- A full surface water drainage strategy should be designed in accordance to DCC's Sustainable Drainage Design Guidance.
- Drainage of the road is shown through gullies and into a single aqua-cell, infiltrating into the road sub-base. However no detail is shown that this will work and convey water, as above, to suitable devices or away from nearby properties. The road layout suggests it allowing further routing of surface water into Eastfield.
- The individual soakaways proposed for Plots 3-8 are shown to be possibly above the level of the properties and behind retaining wall structures, exceedance and operation of these soakaways could cause flooding to properties or stability issue in the retaining structures.
- Although some infiltration testing has been conducted this has been done at limited depth range due to time in completing the tests. It is not clear whether the depth ranges within the trial pit tests corresponds to the depths of the proposed soakaways. Proposed changes to ground level must be taken into account prior to the testing taking place, so that the tests are carried out over the proposed depth range of the system.
- Three test runs are required over proposed depth range of the infiltration device. Only one test was conducted and it is not clear whether a 2nd or 3rd



test would work if the soils become fully saturated.

- The applicant states that more soakaway testing will be carried out but given the above, this should have been undertaken for the proposed areas and proposed depths to inform the final drainage strategy. If infiltration is shown to be unsuccessful what further options are to be proposed?

Other Representations

Two representations of objection (including one from West Hills residents' Association) have been received raising the following grounds:

- Field has poor access via a single track road approached by a cul de sac which is not suitable for extra traffic
- The new residents would increase traffic on the West Hill Road which is a danger to school children walking to school because there is no proper path.
- The nature report about this field did not mention many of the species which live there; It is a track for deer, badgers, rabbits and foxes travelling across woods east of the development. There are also rare birds which nest in the trees in this field.
- The local doctors' surgery is oversubscribed and many new houses are being built in Ottery and West Hill already. There is a need to get more school places and another doctors' surgery rather than just adding dozens more clients for the existing services by building more houses.
- No objections to principle of development based on previous permission
- Regret that 40% rather than 66% affordable housing is being offered
- Design of the buildings is acceptable
- Landscaping should include native species and hedging rather than brick and close boarded fencing
- Development should be managed under a Construction and Environment Management Plan

**PLANNING HISTORY**

Reference	Description	Decision	Date
12/2672/MFUL	Construction of 10no dwellings (including 6no affordable) together with associated access and landscaping.	Refusal	28.02.2013
11/1886/MFUL	Construction of 15 dwellings (including 10 affordable) together with associated access (off Eastfield) and landscaping.	Refusal	08.12.2011

14/1127/VAR	Amendment to planning permission 12/2672/MFUL (construction of 10 no. dwellings) to reduce the size of properties on plots 1-4 and reduce the affordable housing provision from 60% to 40%.	Approval with conditions	17.10.2014
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## **POLICIES**

### New East Devon Local Plan Policies

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

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

Strategy 35 (Mixed Market and Affordable Housing Outside Built-up Area Boundaries)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

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)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### Adopted East Devon Local Plan Policies

S3 (Built-up Area Boundaries for Villages)

S5 (Countryside Protection)

S7 (Infrastructure Related to New Development)

D1 (Design and Local Distinctiveness)

D4 (Landscape Requirements)

D5 (Trees on Development Sites)

EN6 (Wildlife Habitats and Features)

H3 (Range and Mix of New Housing Development)

TA1 (Accessibility of New Development)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

## **ANALYSIS**

### **Site Location and Description**

The application site comprises an area of land approximately 1.6 hectares in area beyond part of the western edge of West Hill outside of the built-up area boundary of the settlement as defined in the adopted local plan. It is largely a greenfield site that has historically been associated with Westhayes, a large detached residential property to the east, and which occupies sloping ground (with higher ground to the north and lower ground to the south) with mature trees situated in and around the site in a parkland style environment.

A public footpath runs along the southern boundary of the application site, views from which look directly into it. This public right of way connects the B3180 to the west to Eastfield and West Hill Road. There are approximately 23 dwellings which have access onto Eastfield, which itself is connected to West Hill Road, one of the main roads through the village.

Part of the site is covered by an area tree preservation order (TPO), which concerns land shown as being retained by the property Westhayes and within the area of the proposed access road. Although this area TPO does not extend into the areas to be occupied by the plots of the proposed dwellings to which the application relates there are trees of significant amenity value within the application site which are considered as category A and B trees (as originally classified under B.S. 5837) and which are worthy of retention.

Aside from the TPO, the site is not the subject of any landscape designation or other constraints that are material to consideration of the current application proposal.

The West Hill Village Design Statement (VDS) document describes West Hill as a woodland village. It states that it is for the most part a low density village that has had the good fortune to have been allowed to grow within a framework of beautiful Beech, Oak, Silver Birch and Pine woodland. It is the glimpses of tree-framed views and maturity of these trees which makes West Hill 'special'.

The VDS contains design principles to be applied to all new development. Specifically, Design Principle G - Built-Up Area Boundary states that the design of any new dwelling located towards the built-up area boundary should be in sympathy with the surrounding countryside. Furthermore, development that causes unacceptable visual damage should be avoided to safeguard the distinctive landscape character. Key views from and towards the village should be maintained.

To the east of Westhayes is a field upon which planning permission has been granted for a scheme comprising the construction of 25 dwellings. Members will also recall, at the last meeting of the Development Management Committee on 8th September, resolving to approve an application for outline planning permission for a scheme of three dwellings on land to the immediate south of Westhayes (application 15/0923/OUT refers) that is the subject of an appeal against non-determination.

### Proposed Development

There are currently two extant detailed planning permissions for a development of 10 dwellings on the site.

The first of these (submitted under application ref. 12/2672/MFUL), consisting of 6 affordable and 4 open market units, was granted on appeal in October 2013.

However, a subsequent application (ref. 14/1127/VAR) seeking revisions to this scheme, principally involving a reduction in the sizes of the units on four of the approved plots together with a reduction in the level of affordable housing provision to 4 units (i.e. from 60% to 40%), was approved in October 2014.

The present application, submitted on behalf of a different developer to both of these previous applications, relates to an amended scheme for the site. Although maintaining the same number of units and the 60%/40% split between open market and affordable housing as before, the proposal incorporates wholly different house types and designs of dwelling alongside some relatively modest revisions to the approved site layouts.

In contrast to the form, design, external appearance and finishes of the schemes subject of the extant permissions described above, the design emphasis with the current proposal is placed strongly upon the intent to reflect an Arts and Crafts style of built form, including that of the four proposed affordable units which are shown to be arranged as a short terrace instead of two pairs of semi-detached dwellings as approved.

To this end, each dwelling/building form would incorporate a number of elements that seek to reflect this tradition in the form of steeply pitched roofs to gabled building forms, a mix of ground floor face brick and first floor render external wall finishes, patterned and plain tile cladding to gables and bay windows, timber double glazed windows incorporating leaded lights and open fronted canopies and verandas.

The terrace of two and three bedroom affordable units would take the form of a largely symmetrical building with a pair of gabled projections at either end of, and at right angles to, a central section incorporating a pitched roof with a number of pitched roof dormers and smaller gables that would all break the roof eaves. A pair of covered ways would be provided at each end of the terrace with lean-to verandas on bracketed support posts extending along its length between the front and rear hipped and gabled projections.

The proposed road layout, as well as the layout of the open market dwellings on plots 1 - 4 within the northern part of the site, would be essentially identical to that of the approved schemes comprising a shared private driveway arrangement off of the present driveway that serves Westhayes itself.

The more significant modifications that are proposed relate to the terracing of the affordable units (plots 5 - 8) and their plot areas and configurations which, by comparison with those of the open market dwellings, are quite limited.

However, elements of the layout of this part of the scheme have been further amended by negotiation to show the removal of a communal vehicle parking area at the rear of the affordable dwellings, which was originally shown to extend right up to the southern boundary of the site with the public footpath, and its substitution for two blocks of four parking spaces each at the end of a turning head adjacent to plot 5 and along the southern side of the estate road to the west. This would also preserve an existing Silver Birch tree that was originally intended to be felled to enable the parking facility to be laid out. A communal bin and cycle storage facility would also be provided for the affordable housing adjacent to the first of these blocks.

The application is supplemented by detailed landscaping plans detailing both hard surface treatments and planting throughout the scheme as well as a tree protection plan. Boundary treatments would take the form of 1.8 metre high brick walls against public areas with those between the more private rear garden areas comprising 1.8 metre high close boarded fencing. However, aside from the boundary treatment to plot 1 at the end of the cul de sac serving the development, it is envisaged that road frontages would be defined by hedge and tree planting.

The applicants have in principle agreed the transfer of the affordable housing to the Yarlington Housing Group who would manage these units in perpetuity.

#### Considerations/Assessment

The proposal falls to be mainly considered having regard to three main issues, namely: the extent to which the principle of a residential development of the site remains acceptable in the context of the current 5 year housing land supply position given that the application relates to an entirely fresh revised scheme and the site is located outside of the defined built-up area boundary of West Hill; matters relating to the layout and design of the scheme and its impact upon the character and appearance of the area when compared against the schemes to which the extant permissions relate, and whether 40% affordable housing within the scheme represents an acceptable level of provision in the light of the weight that may be given to the relevant strategy of the emerging new local plan.

These are discussed in turn below.

#### **Principle of Development**

There has been some change in circumstances regarding the housing land supply position since the granting of both of the previous permissions referred to above which it is thought carries some, albeit limited, weight in the overall balance of considerations in this case.

Earlier this year, the Authority published its Strategic Housing Market Assessment (SHMA) following which its housing monitoring figures were updated to take account of the needs assessment. At that stage, it was concluded that the Council was able to demonstrate the requisite five year supply of available housing land, including a 20% buffer due to previous under supply.

However it has since emerged, not least as a result of a number of appeal decisions received from the Planning Inspectorate in relation to housing schemes across the

District, that full weight cannot be given to this position until the Inspector assessing the emerging New Local Plan has considered the wider district-wide housing position. Consequently, rather more limited weight can only be given to the five year supply or policies relevant to it, including the defined built-up area boundaries set out within the adopted and emerging documents.

In the light of this, it is once again therefore necessary to consider the extent to which the proposal amounts to sustainable development. In this regard, the sustainability credentials of the location of the site are first examined before other relevant dimensions of sustainable development are considered further below in the following section of the report.

The conclusions that may be drawn in respect of this issue are essentially identical to those reached by the appeal Inspector in his original grant of permission for development of the site two years ago. It is located within reasonable proximity of the main facilities in West Hill, principally the village primary school, shop/post office and a regular bus service along routes that use West Hill Road and which connect the village with both Exeter and Honiton. Whilst there is not a continuous footway that links the application site with these facilities, owing to an absence of the same in places along West Hill Road, the distance from the site to these facilities and services is not so lengthy as to be a likely deterrent to pedestrian access for this reason.

The sustainable location of the site is reflected not only in the permissions that have been granted for the development of the site previously but also that relating to the housing scheme on the nearby land north of Eastfield to the east of Westhayes and the position that the Council has resolved that it would be minded to take in respect of the scheme for three dwellings within the garden area to the south of Westhayes referred to above, which is immediately adjacent to the application site.

In the circumstances, and given the limited weight that may be given to the built-up area boundary and the five year land supply position, it is maintained that objection to the principle of a revised scheme for the development of the site could not reasonably be supported.

### **Design, Layout, Appearance and Landscape Impact**

It is accepted that much of the proposed layout, particularly in relation to plots 1 - 4, is generally largely unchanged from the approved schemes for the site, the only differences being the footprint areas of the individual units.

However, by contrast with the comparatively unremarkable quality of the dwelling types that were approved under the previous applications it is considered that the approach offered by the current application represents a significant improvement in the standard of house design for the site. Indeed, it is anticipated that the Arts and Crafts influences behind the design of both the individual units and the terrace of affordable dwellings would result in a more architecturally and visually distinctive development to the benefit of the character and appearance of the area.

On the face of it, the terracing of the affordable element appears regrettable when viewed in plan form by comparison with the pairs of semi-detached units to which the extant permissions relate. Moreover, when considered alongside the scale of the individual open market units on plots 9 and 10, they result in a higher density layout for the southern part of the site with fewer gaps and spaces of any significance between built forms to create a more spacious setting for individual buildings. Mindful that this part of the scheme is likely to be highly prominent in views from the adjacent public footpath to the south west, this is arguably a consideration that weighs against the development.

However, it is very much in evidence that the design and form of the terrace has been conceived with the objective of seeking to visually integrate its built form with the six detached open market units as far as possible. Furthermore, the incorporation of design elements such as the pair of gable projections at right angles to the principal roof and the front and rear verandas help to create the impression of a single larger unit (or a pair of semi-detached units bearing in mind the relative symmetry of the building) as well as significantly reduce the impact of the front doors to each unit to the extent that it is not immediately recognisable as a terrace of four units. In this respect, it is thought to represent an appropriately sensitive solution to the objective of creating a 'tenure blind' form of housing within the scheme.

Although the presence of much smaller rear gardens to these units and groups of adjacent parking spaces would to an extent betray the fact that these are affordable dwellings, the former would be largely screened by the terrace itself. Equally, it is maintained that the revisions to the layout that have secured the disaggregation of the car parking spaces and the retention of a Silver Birch tree within what would be the rear garden of plot 5 represent improvements to the scheme.

Although there are arguably elements of the layout of this part of the site that remain less successful than those of the previously approved schemes, most notably in respect of the absence of significant spaces between buildings, the overall improvement to the development as a whole created through the substituted house types and their 'Arts and Crafts' form and design is thought to weigh rather more significantly in favour of the current scheme. This in turn would itself be more complementary to the parkland landscape character of the surrounding area which is a particular feature locally.

As such, it could be argued that the proposal represents sustainable development having further regard to the environmental dimension set out in the National Planning Policy Framework (NPPF) when compared with the approved schemes for the site. Aside from occupying a reasonably sustainable location in relation to the services and facilities in West Hill (and beyond given the opportunities for public transport connectivity) as already discussed, it would constitute a more sympathetic development in relation to the parkland setting of the site and the wider settlement. In this regard, these considerations weigh in the positive when considering the balance for sustainable development.

### **Affordable Housing**

As per the previous application for the site (14/1127/VAR), this amended scheme offers 4 affordable units at a proportion of 40% of the total number of dwellings

proposed overall. The agents representing the applicants maintain that this level of provision is in line with Policy H4 of the adopted local plan and is therefore policy compliant.

However, as reported to Members of the Committee previously, the Council's stance in respect of the level of affordable housing provision sought within schemes has changed in recent months. This follows a decision taken by the Secretary of State (SoS) in March this year in respect of an appeal against the Authority's refusal of a major development, including the construction of up to 430 dwellings, on land at Pinn Court Farm, Pinn Hill, Exeter.

The decision indicated that Policy H4 is out of date, mainly on the basis that it was not subject to any strategic viability testing, it fails to address the requirement set out in the NPPF to provide competitive returns to a willing land owner, it is an aged policy (even when measured against the June 2009 date of the letter confirming it as a 'saved' policy) and taking into account the Council's failure to adopt any supplementary planning guidance on affordable housing as the preamble to the policy suggested would be the case.

Most significantly however in the context of the emerging New Local Plan, and by way of contrast with the above conclusions regarding Policy H4, is the 'considerable degree of weight' that can be given to the provisions of Strategy 34 of this plan which the SoS acknowledged as being both at an advanced stage and supported by detailed and un-criticised evidence. The implications arising from this are that the weight that can be given to adopted plan Policy H4 must be extremely limited.

As a result of this decision, the revised policy position set out in Strategy 34 of the emerging plan has been since been adopted. This sets a target level of affordable housing provision of 25% for schemes in Axminster, Exmouth, Honiton, Ottery St. Mary, Seaton and major strategic developments within the growth point area at the western end of the district with a 50% requirement elsewhere.

The agents representing the applicants have been made aware of this position and negotiations have been held to seek to secure the provision of one additional affordable unit.

In response however, it has been argued that the opportunity provided by this revised application to deliver a higher quality scheme incorporating an attractive design of housing that is both complementary to the landscape setting of the site and the living conditions of prospective future occupiers outweighs the imposition of the increased affordable housing target sought through Strategy 34. More importantly, the fallback position of development of the previously approved scheme, as amended to reduce the level of affordable housing provision on the site from 6 units to 4, the permission for which remains extant, would result in a less attractive and sympathetic scheme for the locality. It is therefore contended that this represents a material consideration of some significance in the overall planning balance.

It is also stated that the imposition of a 50% affordable housing requirement would have 'viability implications' and render the extant permission the more attractive option for the developer from a commercial perspective. Emphasis is also placed



upon the NPPF's requirement that consideration should also be given to the willingness of the developer to bring forward the scheme.

Furthermore, the ability to give weight to 'other material considerations' in the determination of planning applications, in this case the fallback position set out above with regard to the ability to implement the extant permission for development of the site, can be directly related to the site specific circumstances impacting on the current application. As such, allowing application of the previously approved 40% affordable housing target in place of the 50% target sought through Strategy 34 of the emerging plan would not necessarily set a precedent for the concession of affordable housing levels for schemes on sites elsewhere or prejudice the Council's ability to continue to apply it in the light of the Pinn Court Farm appeal decision.

No evidence has been submitted to demonstrate the nature and extent of the 'viability implications' to which reference is made. It is therefore difficult to give this assertion any meaningful weight. Nevertheless, the fallback position represented by the extant permission and the superior quality of the submitted amended scheme for development of the site to that subject of the extant permissions are duly recognised along with the fact that the difference between the level of affordable housing that is offered and that sought under Strategy 34 amounts in this case to only a single unit.

In this regard, it is accepted that the considerably improved layout and design of this revised proposal represents a significant material consideration in the context of the environmental dimension of sustainable development (in terms of both the attractive and more visually distinctive form and design of the individual units and building forms together with the enhanced impact upon the character and appearance of the locality) that would outweigh the social disbenefit arising from the inability to secure the one extra affordable unit in line with emerging local plan strategy.

However, it is once again recommended that any time limit for implementation to be attached by condition to the grant of planning permission in the event that it is resolved to approve this revised scheme be restricted in line with the previous planning permission to ensure that the development is brought forward as soon as possible and that the sustainability benefits of securing an improved residential scheme for the site can be realised in order to offset the shortfall of the one affordable unit.

### **Other Matters**

As before, detailed arboricultural and ecological surveys of the site have been undertaken, the former having helped to inform the proposed site layout.

Whilst the arboricultural report recommends the felling of a number of trees across the site, the greater majority of these are already earmarked to be removed as a result of the previous permissions, principally to facilitate the laying out of the access road from the existing driveway serving Westhayes. Of the remainder, a number are in poor condition or are of a lower 'R' or 'C' category according to the submitted B.S. 5837 survey information and therefore of lesser amenity value to the site and surrounding area.

No objections are raised from an arboricultural perspective to this revised scheme subject again to the imposition of a condition to secure the implementation of appropriate means of protection during construction works.

In terms of ecology, the submitted appraisal is supplemented by a bat report containing the results of further emergence surveys. The principal conclusions and recommendations set out in the former include mitigation measures to avoid adversely impacting upon badgers, bats and birds. In addition, a reptile mitigation strategy sets out measures for the appropriate management of the existing grassland and relocation where reptiles are encountered.

It is therefore considered that any ecological impacts arising from the development can be minimised.

The submitted surface water drainage strategy has been the subject of consultation with Devon County Council's Flood Risk Management Group as Local Lead Flood Authority (LLFA). It has prompted a number of concerns that have been addressed through the submission of additional information. Further consultation has been undertaken with the LLFA in respect of this and at the time of writing the report its further comments are awaited although it is considered that technical solution exists such that this does not weigh against the proposal. Foul drainage would be connected to the mains sewerage network.

Draft heads of terms for a prospective Section 106 agreement have been submitted with the application that relate to the securing of the affordable units alongside the payment of financial contributions towards education infrastructure facilities and open space provision/enhancement. Devon County Council as Local Education Authority are seeking a contribution of £27,361 towards secondary provision at The King's School in the event that capital resources to expand the school, which is forecast to be at capacity, are secured. However, if not, a payment of £3,946 towards mitigation of the potential impact of transporting pupils to the nearest secondary school at Honiton instead is sought.

In the event of a resolution to grant permission for the scheme, any prospective legal agreement would also need to include provisions to secure a habitat mitigation contribution (not included within the submitted draft heads of terms) in line with the Council's adopted approach towards mitigation of the effects of increased development upon the European-designated East Devon Pebblebed Heaths to fulfill the requirements of the Habitat Regulations.

## **RECOMMENDATION**

APPROVE subject to the applicant entering into a S.106 Agreement to secure 40% affordable housing, education contributions and wildlife contributions and subject to the following conditions:

1. The development hereby permitted shall be begun before 23rd September 2016 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 and to ensure that the scheme is brought forward under the same timescales as the extant permission for this site, maximising the sustainability benefits arising from its layout and design whilst recognising the shortfall in affordable housing provision.)

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. No development above foundation level shall take place until 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 have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan and Policy D1 (Design and Local Distinctiveness) of the emerging New East Devon Local Plan.)
4. No dwellings shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.  
(Reason - In the interests of highway safety in accordance with the requirements of Policy TA7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan and Policy TC7 (Adequacy of Road Network and Site Access) of the emerging New East Devon Local Plan.)
5. No development above foundation level shall take place until full details of walls, fences and other means of enclosure together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. These details shall include a hedgebank incorporating the planting of native species along the southern boundary of the site adjoining the public footpath. For the avoidance of doubt details of the hedgebank shall include details of the species, size, planting density and methods of pest protection as well as a method for constructing the bank. The development shall be undertaken in accordance with the agreed details.  
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the adopted East Devon Local Plan and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the emerging New East Devon Local Plan.)
6. No works or development shall take place until full details of all existing trees to be retained have been submitted to and approved in writing by the Local Planning Authority. No tree to be retained shall be cut down uprooted or destroyed nor shall any retained tree be topped or lopped other than as may be agreed in writing by the Local Planning Authority. The development shall only be undertaken in accordance with the agreed details.  
(Reason - To ensure retention and protection of trees on the site prior to the first taking of any machinery or materials on site, and 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), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the adopted East Devon Local Plan and Policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and D3 (Trees on Development Sites) of the emerging New East Devon Local Plan.)

7. The plans and particulars (details) submitted in accordance with the Condition no. 6 above shall include:

(i) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;

(ii) details of the species, diameter (measured in accordance with paragraph (i) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (iii) and (iv) below apply;

(iii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

(iv) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site.

(v) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

(Reason - To ensure retention and protection of trees on the site 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), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the adopted East Devon Local Plan and Policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and D3 (Trees on Development Sites) of the emerging New East Devon Local Plan.)

8. The erection of fencing for the protection of any retained tree shall be undertaken in accordance plans and particulars that shall previously have been submitted to and agreed in writing by the Local Planning Authority, before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

(Reason - To ensure retention and protection of trees on the site 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), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the

adopted East Devon Local Plan and Policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and D3 (Trees on Development Sites) of the emerging New East Devon Local Plan.)

9. No development above foundation level shall take place until full details of proposed tree planting, and the proposed times of planting, have been submitted to and approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation. The development shall be undertaken in accordance with the agreed details.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the adopted East Devon Local Plan and Policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and D3 (Trees on Development Sites) of the emerging New East Devon Local Plan.)

10. No works or development shall take place until a cross section of the road within the root protection area of the English Oak shown as tree no. 43 on the tree protection plan (drawing no. TPP 02) together with details illustrating the no dig construction method and materials to be used have been submitted to and approved in writing by the Local Planning Authority. The scheme shall adhere to the general principles embodied in B.S. 5837 (2012). The development shall be undertaken in accordance with the agreed details.

(Reason – From the outset of the development occurring there is a need to ensure retention and protection of trees on the site 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), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the adopted East Devon Local Plan and Policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and D3 (Trees on Development Sites) of the emerging New East Devon Local Plan.)

11. No works or development shall take place until details, including construction details and a revised position for an alternative pedestrian walkway adjacent to the root protection area of the Noble Fir shown as tree no. 9 on the tree protection plan (drawing no. TPP 02) have been submitted to and approved in writing by the local planning authority. These details shall adhere to the principles embodied in BS 5837 (2012). The pedestrian walkway route shall be constructed in accordance with a no-dig methodology and on level ground. The development shall be undertaken in accordance with the agreed details.

(Reason - From the outset of the development occurring there is a need to ensure retention and protection of trees on the site 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), D4 (Landscape

Requirements) and D5 (Trees on Development Sites) of the adopted East Devon Local Plan and Policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and D3 (Trees on Development Sites) of the emerging New East Devon Local Plan.)

12. Construction works shall not take place outside 0730 hours to 1800 hours Mondays to Fridays and 0730 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.  
(Reason - In the interest of neighbour amenity in accordance with 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.)
13. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures contained within the Preliminary Ecological Appraisal report prepared by First Ecology dated April 2015 and the Bat Report prepared by First Ecology dated July 2015 submitted with the application.  
(Reason - In the interests of maintaining the ecological value of the site in accordance with Policy EN6 (Wildlife Habitats and Features) of the adopted East Devon Local Plan and Policy EN5 (Wildlife Habitats and Features) of the emerging New East Devon Local Plan.)
14. Notwithstanding the submitted details, no development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. No surface water shall drain onto any County highway. The development shall be undertaken in accordance with the agreed details.  
Reason - From the outset of the development occurring there is a need to ensure that surface water is properly controlled in the interests of flood control and to comply with Policy EN22 (Surface Run-Off Implications of New Development) of the emerging New East Devon Local Plan and policy contained within the National Planning Policy Framework.)
15. 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 and in the interests of highway safety in accordance with the requirements of Policy TA7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan and Policy TC7 (Adequacy of Road Network and Site Access) of the emerging New East Devon Local Plan.)

16. No 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 and the visibility splays required by this permission laid out
  - C) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority
- REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan and Policy TC7 (Adequacy of Road Network and Site Access) of the emerging New East Devon Local Plan.)
17. 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 within that phase 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 street lighting for and cul-de-sac and footpaths has been erected and is operational;
  - D) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
  - E) 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 and in the interests of highway safety in accordance with the requirements of Policy TA7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan and Policy TC7 (Adequacy of Road Network and Site Access) of the emerging New East Devon Local Plan.)
18. When once constructed and provided in accordance with the appropriate condition above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority
- REASON: To ensure that these highway provisions remain available in the interests of highway safety and in accordance with the requirements of Policy TA7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan and Policy TC7 (Adequacy of Road Network and Site Access) of the emerging New East Devon Local Plan.)

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

REASON: To ensure that from the outset of any development and before machinery or materials are taken onto the site the amenity of neighbouring residents and the safety of the highway access and surrounding network is considered in accordance with the requirements of Policies D1 (Design and Local Distinctiveness) and TA7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan and Policies D1 (Design and Local Distinctiveness) and TC7 (Adequacy of Road Network and Site Access) of the emerging New East Devon Local Plan.)

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:

15.14.02	Location Plan	28.05.15
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1947.004	Other Plans	28.05.15
1947.003A	Landscaping	12.06.15
APRIL 2015	Ecological Assessment	28.05.15
ENGINEERING APPRAISAL	Additional Information	28.05.15
ENGINEERING APPRAISAL	Additional Information	28.05.15
ENGINEERING APPRAISAL	Additional Information	28.05.15
ENGINEERING APPRAISAL	Additional Information	28.05.15
ENGINEERING APPRAISAL	Additional Information	28.05.15
ENGINEERING APPRAISAL	Additional Information	12.06.15
ENGINEERING APPRAISAL	Additional Information	28.05.15
ENGINEERING APPRAISAL	Additional Information	28.05.15
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ENGINEERING APPRAISAL	Additional Information	28.05.15
ENGINEERING APPRAISAL	Additional Information	28.05.15
15.14.10	Proposed Floor Plans	28.05.15
15.14.11	Proposed Floor Plans	28.05.15
15.14.12	Proposed Elevation	01.06.15
15.14.12 A	Proposed Floor Plans	12.06.15
15.14.16	Proposed Floor Plans	28.05.15
15.14.17	Proposed Floor Plans	28.05.15
15.14.18	Proposed Elevation	01.06.15
15.14.18	Proposed Elevation	01.06.15

15.14.18 A	Proposed Floor Plans	12.06.15
15.14.22	Proposed Floor Plans	28.05.15
15.14.22 A	Proposed Elevation	12.06.15
15.14.23	Proposed Elevation	28.05.15
15.14.24	Proposed Floor Plans	28.05.15
15.14.25	Proposed Elevation	28.05.15
15.14.25	Proposed Elevation	28.05.15
15.14.26	Proposed Elevation	28.05.15
15.14.26	Proposed Elevation	28.05.15
15.14.27	Proposed Elevation	28.05.15
15.14.27	Proposed Elevation	28.05.15
15.14.28	Proposed Floor Plans	28.05.15
15.14.28	Proposed Floor Plans	28.05.15
JULY 2015	Protected Species Report	13.07.15
15.14.01C	Proposed Site Plan	04.09.15
1947.001.1D	Landscaping	04.09.15
1947.001.2D	Landscaping	04.09.15
1947.002.1C	Landscaping	04.09.15
1947.002.2C	Landscaping	04.09.15
15.14.13A	Proposed Elevation	08.09.15
15.14.14A	Proposed Floor Plans	08.09.15
15.14.15A	Proposed Floor Plans	08.09.15
15.14.19A	Proposed Elevation	08.09.15
15.14.20A	Proposed Floor Plans	08.09.15
15.14.21A	Proposed Floor Plans	08.09.15

DRAINAGE INFO	General Correspondence	04.09.15
DRAINAGE INFO	General Correspondence	04.09.15
DRAINAGE INFO	General Correspondence	04.09.15
DRAINAGE INFO	General Correspondence	04.09.15
DRAINAGE INFO	General Correspondence	04.09.15
C.10	Other Plans	04.09.15
C.01B	Other Plans	04.09.15

List of Background Papers

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



		<b>Committee Date: 6 October 2015</b>
<b>Ottery St Mary Rural (AYLESBEARE)</b>	<b>15/1390/VAR</b>	<b>Target Date: 11.09.2015</b>
<b>Applicant:</b>	<b>Mr P Stacey</b>	
<b>Location:</b>	<b>55 Village Way Aylesbeare</b>	
<b>Proposal:</b>	<b>Retention of garden shed (variation of condition 7 of planning permission 13/0360/FUL)</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Members as the officer recommendation differs from the view of the Ward Member.**

**Planning permission is sought to vary condition 7 of planning permission granted under reference 13/0360/FUL to allow the loss of a parking space and the retention of a shed on land at 55 Village Way, Aylesbeare.**

**The application site will still retain space for 2 private off-road parking spaces available for their exclusive use and whilst concerns regarding additional parking on Village Way are appreciated, the road in this location has unrestricted parking and is considered to be of sufficient width to allow parking without causing a danger to highway safety.**

**There are no objections to the proposal from a highway safety perspective, and no planning reasons to resist the loss of a parking space serving the property given the availability of additional parking to the rear adjacent to the shed.**

**Visually the shed is not intrusive and would not be highly visible from public vantage points. Where visible it will be viewed in association with the rear of the dwellings. As such its design and visual impact are acceptable.**

**The application is therefore recommended for approval.**

#### **CONSULTATIONS**

##### **Local Consultations**

### Parish/Town Council

Members of Aylesbeare Parish Council could not find any material grounds not to support this application.

### Ottery St Mary Rural - Cllr M Coppel

I cannot support this retrospective application as allowing the shed to remain will exacerbate the parking problems already being experienced on Village Way.

### **Technical Consultations**

#### County Highway Authority

Does not wish to comment

#### Other Representations

Six representations have been received all raising objections to the proposal. These are summarised below:

#### Objections

- The new dwellings have resulted in increased traffic and parking problems and the loss of a space will exacerbate this;
- On street parking is already causing obstruction;
- Approval could set a precedent for the loss of other spaces;
- Traffic is increasing and parking to the front of the properties is causing problems;
- On street parking is making manoeuvring of vehicles difficult.

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
13/0360/FUL	Construction of 3 no. dwellings	Approved	11.06.2013
11/0246/OUT	Construction of two semi-detached dwellings	Approved	17.05.2011
06/3509/OUT	Erection of two semi-detached dwellings	Approved	20.02.2008

### **POLICIES**

#### New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

TC9 (Parking Provision in New Development)

## Adopted East Devon Local Plan Policies

S3 (Built-up Area Boundaries for Villages)  
S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)  
D4 (Landscape Requirements)

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 the rear parking area serving a recently constructed property, one of a terrace of three that were built within the former garden area of the Aylesbeare Inn.

Each of the three dwellings has a private parking area to the rear of the property that is accessed through the entrance to the car park that served the public house.

There is also unrestricted on-street parking available to the front of the properties.

## **Proposed Development**

Planning permission is sought to vary condition 7 of the approval under which the property was granted (reference: 13/0360/FUL) to allow the retention of a garden shed that has been constructed within the parking area serving number 55.

Condition 7 of 13/0360/FUL states

*“The parking and turning areas and access drive thereto shall be laid out, properly consolidated and surfaced in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details and shall be retained for that purpose in perpetuity.”*

The reason for the condition was as follows

*“(Reason: To ensure the provision of adequate facilities within the site for the traffic generated by the development and to prevent debris from spilling out onto the public highway in accordance with policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan).”*

The shed erected on the site measures 1.8m wide by 3.6m deep at a maximum height of 2.7m.

## ANALYSIS

The main issues to be considered are whether sufficient car parking would be retained to serve the dwelling, and any visual or other impact which the proposed shed would have on the character and appearance of the area.

Each of the new dwellings has space for 3 private parking spaces located to the rear of the property within their curtilage and located on part of the former public house car park. There is a pavement to the front of and within the curtilage of each of the properties in Village Way. The road has unrestricted parking to the front of the dwellings and the road is of sufficient width to allow on street public parking without causing an obstruction or any danger to highway safety.

Whilst the local residents concerns regarding vehicles parking on Village Way are appreciated, there are no restrictions on the parking of vehicles in this location and there are no highway objections to the proposal.

The siting of the shed means that one of the spaces to the rear is no longer available for private parking, however space remains for the parking of 2 average sized cars that are available for the exclusive use of the property.

Within the adopted local plan there are no specific parking standards, although Policy TA9 (Parking Provision in New Development) provides a *maximum* standard which states that a dwelling with 2 or more bedrooms should not have more than 2 spaces. Policy TC9 (Parking Provision in New Development) of the emerging Local Plan states that

*“Spaces will need to be provided for Parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home”*

The loss of one of the spaces serving the property would still comply with both the existing and proposed local plans by providing 2 spaces exclusively for the property, and there are therefore no policy grounds for resisting the loss, or planning reasons for a refusal.

In terms of visual impact the shed is a relatively modest structure that is not considered to be particularly intrusive. It is located at the rear of the property and is not highly visible from any public vantage points and viewed in association with the rear of the dwellings. As such it is not considered that planning permission should be withheld on the basis of its visual impact.

As this application is seeking a variation of condition to a previous permission, any relevant conditions on the varied application need to be carried over to any grant of this permission.



## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. Condition 7 of planning permission 13/0360/FUL is hereby varied to read:

The parking and turning areas and access drive thereto shall be laid out, properly consolidated and surfaced in accordance with details specified in the Discharge of Conditions Certificate dated 21 October 2014 except with regard to number 55 Village Way where it shall be in accordance with the plans and details listed at the end of this decision notice. The development shall thereafter be carried out in accordance with the agreed details and shall be retained for that purpose in perpetuity.

(Reason - To ensure the provision of adequate facilities within the site for the traffic generated by the development and to prevent debris from spilling out onto the public highway in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

2. 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 17 July 2015.

(Reason - To comply with Section 63 of the Act.)

3. Visibility splays shall be maintained for that purpose at the site access where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 600mm above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 23 metres to the centreline in the easterly direction and 23 metres to the nearside carriageway edge in the other direction.

(Reason - To provide adequate visibility from and of emerging vehicles in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 1995-2011.)

4. The site access shall be maintained at a width of not less than 5.0 metres for the first 17.0 metres back from its junction with the public highway and shall be provided with a 4.0 metre kerb radii at the junction.

(Reason - To minimise congestion of the access in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 1995- 2011.)

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule Part 1 Classes A, B, E or F for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the

buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool, [other than any enclosure approved as part of the landscape management scheme] or for the provision within the curtilage of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse. (Reason - The space available would not permit such additions without detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.  
(Reason - To retain the open character of the landscaped frontage in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
7. The rooflights in the northern elevation of the dwelling shown on drawing no 1666:4 shall be at a minimum cill height of 1.7 metres above the level of the floor of the room they serve and shall be retained as such thereafter.  
(Reason - To protect the privacy of adjoining occupiers in accordance with the provisions of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 1995 to 2011.)

#### 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	16.06.15
1666:5	Proposed Site Plan	16.06.15
1A	Proposed Site Plan	29.06.15

##### List of Background Papers

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

**Ward** Ottery St Mary Rural

**Reference** 15/1486/FUL

**Applicant** Mr Roy Stuart

**Location** The Gap (land To The North Of)  
Lower Broad Oak Road West Hill  
Ottery St Mary EX11 1UD

**Proposal** Demolition of existing barns,  
construction of dwelling, car port  
and plant room and store and  
formation of new access, driveway  
and parking area.



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 06.10.2015</b>
<b>Ottery St Mary Rural (OTTERY ST MARY)</b>	<b>15/1486/FUL</b>	<b>Target Date: 24.08.2015</b>
<b>Applicant:</b>	<b>Mr Roy Stuart</b>	
<b>Location:</b>	<b>The Gap (land To The North Of) Lower Broad Oak Road</b>	
<b>Proposal:</b>	<b>Demolition of existing barns, construction of dwelling, car port and plant room and store and formation of new access, driveway and parking area.</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Members as it is a departure from Adopted Local Plan Policy and the offer recommendation differs from the comments of the Ward Member.**

**The application site is a triangular site with 2 agricultural barn buildings to the north of The Gap, West Hill accessed by a private road from Lower Broad Oak Road. The site is outside of, but immediately adjoining, the Built-up Area Boundary for West Hill.**

**Planning permission is sought for the erection of a single storey contemporary detached dwelling house replacing the agricultural barns taking a V shaped floor plan which reflects the triangular form of the site and the trees on site.**

**In the absence of being able to give full weight to the 5 year supply of housing land, an assessment of whether the scheme is considered sustainable development is required.**

**In relation to the built up area boundary the site sits amongst other dwellings and abuts the boundary. In addition it is considered accessible being within 500m of services and public transport links within the village. Having assessed the impact of the development upon the character of the wider area, upon trees and hedges, amenity of neighbours, ecology, habitat mitigation, highway safety, and flood risk the scheme is considered to be sustainable development.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Clerk To Ottery St Mary Town Council**

The Planning Committee does not support this application:

- Outside of the Built Up Area Boundary

#### **Ottery St Mary Rural - Cllr P Carter**

I would like to support this well designed sympathetic to the area planning application in this sustainable location.

With the emerging local plan West Hill is seen to have the greatest range of facilities and hence most suited in sustainability in terms of accommodating a full range of housing needs. West Hill is also one of the developments in the strategy 27 (Development of small Towns and Larger Villages), these settlements BUAB will be defined through the East Devon Villages plan which will form part of the new local plan which is now being used as part of the decision process.

This application will also remove the visual impact of non sustainable usage of these Agriculture buildings and replace them with a sustainable single storey residential building with little or no visual impact. This application will help to support the local facilities and services, which is supported by the West Hill Village design statement.

#### **Ottery St Mary Rural - Cllr M Coppel**

Please see below my representation for this application:

"Although this application is acceptable in all other terms, the site is outside the current BUAB. A Neighbourhood Plan for West Hill and the rest of the Ottery parish is being developed, and until such time as the community has had an opportunity to define the location and nature of development in the village all applications outside of the BUAB should be rejected on the grounds of prematurity, notwithstanding other material planning considerations.

However, I do not object to this application in principle and would therefore request that it come before DMC to be determined by committee."

### **Technical Consultations**

**County Highway Authority**  
Highways Standing Advice

#### **EDDC Trees**

The submitted Advanced Arboriculture Arboricultural Report, Tree Protection Plan and Arboricultural Method Statement accurately describe the condition and parameters of the trees, the potential arboricultural impacts of the proposed development and the methods to be adopted to ensure that any impacts are minimal

and that these trees are protected during the development. On the understanding that the development is carried out in accordance with the Arboricultural Report I do not have any objections to raise.

I note that to date there is no information on the location, types or depths of service runs. Therefore please ensure that if consent is granted the following condition is attached:

#### Service / Drainage layout

Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed plan showing layout of above and below ground services, foul and surface water drainage and other infrastructure shall be submitted to and approved in writing by the Local Planning Authority (notwithstanding any additional approvals which may be required under any other Legislation). Such layout shall provide for the short term protection and long term retention of the trees and hedgerows. No development or other operations shall take place except in complete accordance with the approved service / drainage/infrastructure layout.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the area.

#### Natural England

Thank you for your consultation on the above dated 29 June 2015 which was received by Natural England on 29 June 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. Natural England notes that there is a S106 Agreement including a Habitats Mitigation Contribution of £626 that will mitigate any impacts of the development on the East Devon Pebblebed Heaths SAC, SPA and SSSI.

#### 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.

#### Sites of Special Scientific Interest 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.

#### Other Representations

1 no. letter of support was received regarding the application stating that the structure was a well thought out scheme which would improve the area.

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
06/2562/COU	Conversion of existing stables to guest accommodation	Withdrawn	16.11.2006
95/P1359	Demolition & Alterations To Existing Dwelling	Approval with conditions	11.10.1995
87/P0023	Agricultural Building.	Approval with conditions	21.09.1987

### **POLICIES**

#### New East Devon Local Plan Policies

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

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

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

## Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

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

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### Adopted East Devon Local Plan Policies

S3 (Built-up Area Boundaries for Villages)

S5 (Countryside Protection)

S7 (Infrastructure Related to New Development)

D1 (Design and Local Distinctiveness)

D4 (Landscape Requirements)

D5 (Trees on Development Sites)

EN6 (Wildlife Habitats and Features)

TA1 (Accessibility of New Development)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

## **ANALYSIS**

### Site Location and Description

The application site is triangular piece of land to the north of The Gap, West Hill, accessed by a private road from Lower Broad Oak Road. The Built-up Area Boundary for West Hill is to the north and east. Residential dwellings are located on the opposite sides of the road. Two dwellings are located to the south of the site separated by an open field. The site is within flood zone 1 and the topography of the site is relatively level.

Currently on site are 2.no agricultural barn buildings, a grassed area to the south of the barns and numerous trees, specifically on the boundaries of the site and within the northern half of the plot. The western boundary is made up of an approx 2.5m high Devon bank and hedge, to the south the boundary is currently open timber fencing and the eastern boundary is part open, part hedge.

### Proposed Development

Planning permission is sought for the erection of a single storey detached dwelling house replacing the existing 2.no agricultural barns. This new dwelling has design features such as a living wall (metal frame with creeping plant coverage) on the east elevation, and a V formation floor plan which reflects the triangular form of the site made up of two separate blocks.



Two sections make up the dwelling house which is linked by a glazed entrance atrium. The larger of the sections, to the east is comprised of the living area, kitchen, utility, study and lounge. The smaller structure to the west of the site angled at approximately 40 degrees to the living section and running parallel to Lower Broad Oak Road would house 4 no. bedrooms and associated bathrooms. Between the two sections are stepped courtyards and water features. A variety of materials would be used in the construction of the dwelling. In addition to the east elevation's living (green) wall natural stone, timber cladding and painted render make up the palette of materials. The north and west elevations would be predominantly natural stone, the east elevation painted render and the east wings west elevation is indicated as predominantly timber clad. The long narrow form of the two sections and atrium combined with the zinc standing seam roof covering have allowed for a low, shallow pitched roof. As such the roof ridge is lower than that of the existing barns currently on site.

In addition to the main dwelling, a store and plant rooms are proposed which would be 4.2m in length x 2.9m in width with a shallow pitched roof. At the northern point of the triangular site a pitched roof carport is proposed in close proximity to the Devon bank and hedge. The car parking and drive links the property first to the private drive running along the east elevation of the site, then onto Lower Broad Oak Road.

## **Considerations/Assessment**

### **Key Considerations**

The key issues to be addressed in the assessment of this application are the principle of development, the sites accessibility, the impact of the development upon the character of wider area, upon trees and hedges, amenity of neighbours, ecology, habitat mitigation, highway safety, and flood risk.

### **Principle**

The site is located outside the Built-up Area Boundary and the proposed dwelling is therefore contrary to Policy S5 of the adopted East Devon Plan. However while evidence exists of a 5 year housing land supply this cannot be given full weight at present. As such, and in line with the NPPF, assessment of whether the scheme is considered sustainable development is therefore required.

Concerns have been raised regarding the proposal coming forward in advance of the Neighbourhood Plan for the area. However, the Neighbourhood Plan is still at a relatively early stage of preparation without a publicised draft. As such, the Neighbourhood Plan cannot be afforded much weight in the decision making process at this time and could not be used to justify a refusal of the current application.

### **Accessibility**

The site is located within 500-600 meters walking distance of local amenities on relatively level quiet lanes and footpaths. West Hill has a good level of services in relatively close reach of this dwelling including a post office/shop, school and hall.

The dwelling is also within approximately 500meters and 800m walking distance of three bus routes. Therefore it is considered that the scheme is relatively well located and is therefore is an accessible location to a range of service. In the overall balance for sustainable development this clearly weighs in the developments favour.

#### Impact on the character of wider area

The scheme would replace agricultural buildings on site with a considered structure which would not harm the character or appearance of the area. The use of materials, design, height and its siting would result in a proposal which would not be widely visible as the trees on site and Devon bank bounding the site would shield views from the public realm into the site. The replacement of the agricultural buildings would decrease the total built area and to an extent the height of buildings on site which would better suit the character of the area. The current use of the agricultural buildings on site is not one that needs to be protected in this location considering the sites proximity to existing residential dwellings. The site is not considered an isolated site due to there being a number of dwellings to the north, east and south of the site. This too is considered to weigh in favour the proposal.

#### Impact upon trees and hedges

The scheme would not harm the wide variety of trees on site, and does not require the loss of hedgerows to allow for access to the site. Therefore following consultation with EDDC's tree officer, comments received have been positive and the proposal both during its construction phase and also when occupied, subject to conditions, is not considered to harm the existing trees and hedges on site.

Within the proposal 5.no trees are to be felled as they have been deemed to have limited future potential and in felling these specimens neighbouring trees would be able to thrive. Works to other trees on site are also required, however this work is considered to have limited impact upon the visual amenity of the trees. The design and layout of the property would minimize shading and nuisance from the remaining trees as the courtyards to the south of the building are the areas of the site furthest from the trees on site.

#### Design/Vehicular Access

The design of the dwelling would reflect the sites shape and constraints of the trees on site. High quality finishes have been proposed for the dwelling and associated outbuildings and car port which would be of benefit to the site and area. Vehicular access to the site is deemed acceptable and importantly DCC highways have not objected to the scheme.

#### Residential Amenity

Whilst not separated by a large distance from other residential dwellings in the area, the proposal would not harm the amenity of neighbouring properties and would offer good levels of amenity for future residents. The orientation of the outdoor amenity space would be in a well lit space within the site as most rooms are duel aspect,

spacious and follow a logical room layout. Boundaries and distance to neighbours would ensure no issues of overlooking will occur.

### Flood Risk, Ecology and Habitat Mitigation

The site is not located within flood risk area 2 or 3 and therefore flood risk is not considered a significant issue. Following consultation with Natural England and assessment of the Ecological survey the impact on protect species and habitat is not such that would warrant either further survey or refusal. The applicants have entered into a unilateral undertaking to provide a financial contribution towards the mitigation against impacts this new dwelling would have upon the East Devon Heaths SPA, SAC and SSSI.

### Conclusion

In assessing whether the site is considered sustainable development a number of factors have been taken into account. On balance whilst the site lies outside the Built-up Area Boundary, the proposed dwelling is deemed to have a good accessibility to services and the impact upon the character of the area is acceptable in the absence of being able to given full weight to our 5- year housing land supply position or being able to give any meaningful weight to the emerging Neighbourhood Plan.

The quality of architecture is good; issues such as flood risk, ecology and impact on trees have been addressed and do not result in the scheme being unsuitable. Much of this is due to the location of the proposal within close proximity to the boundary of West Hill and its associated services. As such it is considered that the scheme is considered to be sustainable development in accordance with the policy framework. As no other material considerations weigh against the proposal the scheme is considered to be acceptable.

### **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason – this pre-commencement condition is required to ensure that the materials are sympathetic to the character and appearance of the area prior to any of the structure being constructed in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.

4. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed plan showing layout of above and below ground services, foul and surface water drainage and other infrastructure shall be submitted to and approved in writing by the Local Planning Authority (notwithstanding any additional approvals which may be required under any other Legislation). Such layout shall provide for the short term protection and long term retention of the trees and hedgerows. No development or other operations shall take place except in complete accordance with the approved service / drainage/infrastructure layout.

Reason: A pre-commencement condition is required to ensure from the outset of the development, the continued well being of the trees in the interests of the amenity of the area through during the excavation and layout of the site. In accordance with policy D5 of East Devon Local Plan (Trees and development sites) and Policy D3 (Trees and Development Sites) of the emerging East Devon Local Plan.

5. During the first planting season after commencement of the development hereby permitted, or at an alternative stage that shall previously have been agreed, a scheme of hard and soft landscaping shall be carried out in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority; such a scheme to provide details of the screen planting around the curtilage of the dwelling hereby permitted and details as to the surface treatment of the no dig drive and parking area, forecourt and courtyards shown on drawing no. 1655/02A. The landscaping scheme shall thereafter be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the adopted East Devon Local Plan and Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the emerging New East Devon Local Plan.)

6. Development hereby permitted shall only take place in complete accordance with the submitted tree report (dated 25th June 2015) and associated plans (Tree protection plan and Arboricultural method statement plan TH/X1199/0415 REV 1.0) including the erection of all the identified protective fencing prior to any works or machines being taken on site. For the avoidance of doubt the fencing shall be retained in the identified position for the duration of the construction of the property unless any alternative details, Tree Protection Plan and associated Arboricultural Method Statement are first agreed in writing with the Local Planning Authority.

Reason: To ensure the continued well being of the trees on site in the interests of the amenity of the area. In accordance with Policy D5 (Trees and Development Sites) of East Devon Local Plan and Policy D3 (Trees and Development Sites) of the emerging East Devon Local Plan.

Plans relating to this application:

A.10	Proposed Elevation	29.06.15
A.11	Combined Plans	29.06.15
A.12	Proposed Elevation	29.06.15
A.01	Proposed Site Plan	26.06.15
A.02	Proposed Floor Plans	26.06.15
A.03	Proposed Elevation	26.06.15
A.04	Proposed Elevation	26.06.15
A.05	Proposed Elevation	26.06.15
A.06	Proposed Elevation	26.06.15
A.07	Proposed Elevation	26.06.15
A.08	Proposed Elevation	26.06.15
A.09	Other Plans	26.06.15

List of Background Papers

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

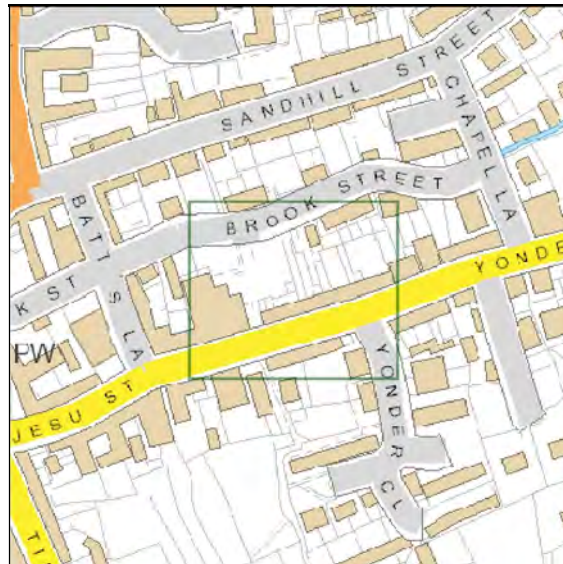
**Ward** Ottery St Mary Town

**Reference** 15/1081/COU

**Applicant** Mr Philip Johns

**Location** Car Park (land Adj) Brook Street  
Ottery St Mary

**Proposal** Change of use of corner of car park  
to domestic garden.



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 09.10.2015</b>
<b>Ottery St Mary Town (OTTERY ST MARY)</b>	<b>15/1081/COU</b>	<b>Target Date: 24.09.2015</b>
<b>Applicant:</b>	<b>Mr Philip Johns</b>	
<b>Location:</b>	<b>Car Park (land adjacent) Brook Street, Ottery St Mary</b>	
<b>Proposal:</b>	<b>Change of use of corner of car park to domestic garden.</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Members as the land is owned by EDDC.**

**The proposal seeks a change of the use of a section of land within the Brook Street Long Stay Car Park in Ottery St Mary to form part of the domestic garden of 27 Yonder Street. The site is within the Ottery St Mary Conservation Area.**

**The main issues for consideration are the impact on the Conservation Area and any loss of any parking resulting from the change of use of land which is currently part of the Council's car park.**

**The proposal is considered acceptable as its relatively minor nature and scale would preserve and enhance the appearance and character of the Conservation Area, and would not affect the setting or views in or out of the area. Further, while the site forms part of the existing car park it comprises a landscaped area which has become overgrown. As the site is not used for the parking of cars it would not result in any loss of any parking spaces and is therefore considered to be acceptable.**

#### **CONSULTATIONS**

##### **Local Consultations**

###### **Parish/Town Council**

**The Planning Committee has no objection to this application**

## **Technical Consultations**

### County Highway Authority

Does not wish to comment

### Other Representations

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

## **POLICIES**

### New East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

EN10 (Preservation and Enhancement of Conservation Areas)

### Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

EN11 (Preservation and Enhancement of Conservation Areas)

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

### Site Location and Description

## **ANALYSIS**

### Relevant Planning History

There are no applications which are relevant to the proposed development.

### Site Location and Description

The site is located within the Brook Street Long Stay Car Park in Ottery St Mary. It is located approximately 200 metres east of the centre of Ottery St Mary and the Town Centre Shopping Area. The land is within the Ottery St Mary Conservation Area and is owned by East Devon District Council (EDDC).

The site is a small section of land in the south-eastern corner of the car park which immediately adjoins the rear boundary of 27 Yonder Street and the site boundary of 29 Yonder Street to the east.

The land is a landscaped area which has become overgrown and is enclosed by a low, brick-built, dwarf wall. It is adjoined to the north and west by parking spaces. It is noted there is a street light currently within the site and this too would need consideration.

### Proposed Development

The proposal seeks a change of the use of the existing section of land within the car park to form part of the domestic garden of 27 Yonder Street. The proposal would involve the removal of the rear boundary wall of 27 Yonder Street and the installation of a timber fence on top of the existing dwarf wall to the site thus enclosing it as part of an extended domestic curtilage.



### Consideration and Assessment

The site forms part of the Brook Street Long Stay Car Park, however, it comprises a landscaped area in the corner of the car park which has become overgrown. The site is not used for the parking of cars, therefore, the change of use to form part of the domestic garden of 27 Yonder Street would not result in a loss of any parking spaces.

The relatively minor nature and scale of the proposed development is considered acceptable as it would not have an adverse impact on the Ottery St Mary Conservation Area. Further, public views of the proposed development would be restricted as it would be located behind the terraced houses along the Yonder Street frontage and is located within an area comprising an existing public car park with mixed boundary treatment.

In addition, the proposal would create no adverse impact on the residential amenity enjoyed by neighbouring properties in terms of privacy and overlooking.

It is understood that the applicant has been in discussions with the Council's Estate's Team about the potential relocation of the street light which would be done at the applicant's expense. The alternative option would be for the applicant to ensure that appropriate access is maintained for the repair and servicing of the light. Either way this is considered as a civil issue between the Council as land owner, Devon County Council who has responsibility for street lighting and the application. Other than slight uncertainty over the final configuration of the boundary fencing which can be conditioned, this is not considered a material issue to the determination of the 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. Prior to the enclosure of the land the subject of the development hereby permitted, details of type of fence to be used and a layout plan for the configuration of the boundary fence shall be submitted to, and approved in writing by, the Local Planning Authority. The fence shall be provided in accordance with the agreed details.

(Reason - To enable the Local Planning Authority to consider the details of materials and finishes to be used for the development in the interests of ensuring that they are sympathetic to and preserve and enhance the character

and appearance of the Ottery St Mary Conservation Area in which the site is located in accordance with policies D1 (Design and Local Distinctiveness) and EN11 (Preservation and Enhancement of Conservation Areas) of the Adopted East Devon Local Plan and Policy D1 (Design and Local Distinctiveness) and EN10 (Conservation Areas) of the emerging New East Devon Local Plan and guidance set out in the National Planning Policy Framework. To ensure that the development is constructed using the approved materials, the Local Planning Authority require that these details are submitted before any development commences.)

#### 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:

F	Proposed Site Plan	29.07.15
H	Proposed Site Plan	29.07.15
C	Sections	29.07.15
	Location Plan	29.07.15

##### List of Background Papers

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

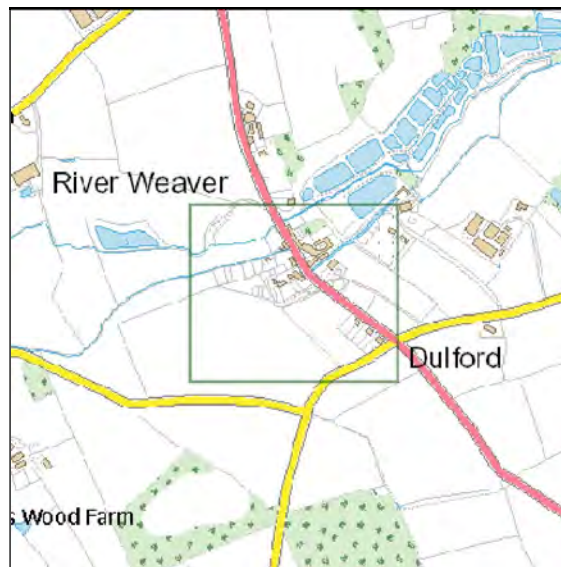
**Ward** Tale Vale

**Reference** 15/1571/FUL

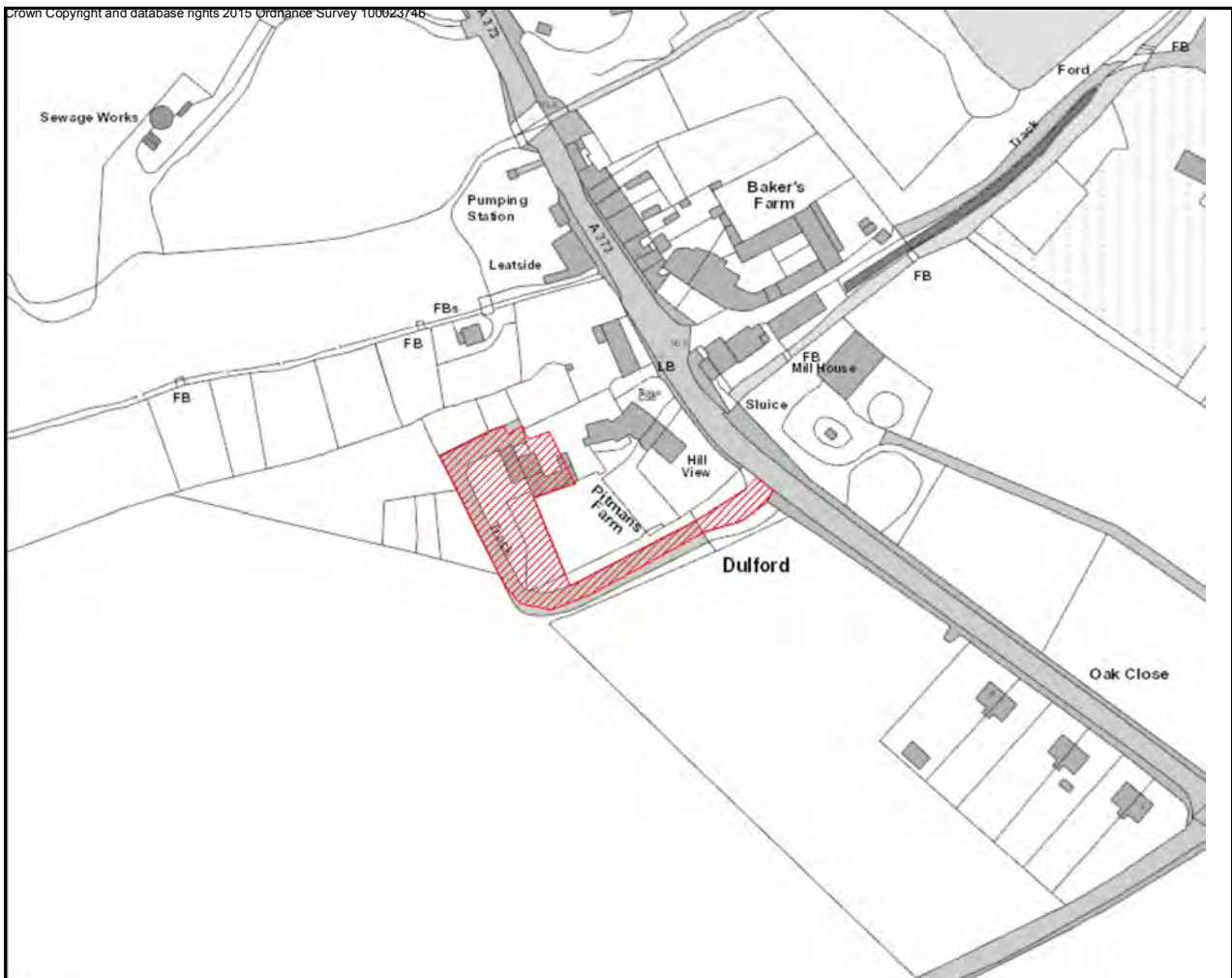
**Applicant** Ms Sophie/Harriet/Oliver Persey

**Location** Pitmans Farm Dulford Cullompton  
EX15 2ED

**Proposal** Conversion of existing redundant  
farm buildings to provide a  
three/four bedroom dwelling house  
with garage parking.



**RECOMMENDATION: Refusal**



		<b>Committee Date: 06.10.2015</b>
<b>Tale Vale (BROADHEMBURY)</b>	<b>15/1571/FUL</b>	<b>Target Date: 03.09.2015</b>
<b>Applicant:</b>	<b>Ms Sophie/Harriet/Oliver Persey</b>	
<b>Location:</b>	<b>Pitmans Farm Dulford</b>	
<b>Proposal:</b>	<b>Conversion of existing redundant farm buildings to provide a three/four bedroom dwelling house with garage parking.</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

**This application is before Members as the officer recommendation differs from the view of the Ward Member.**

**As an almost identical application to that previously submitted under reference 14/1756/FUL, this application seeks the conversion and extension to an existing group of single storey farm outbuildings to form a two storey 3/4 bedroom dwelling to the rear of the property known as Pitmans Farm in Dulford.**

**Dulford is a small collection of houses along the A373 and consequently does not have a designated settlement boundary (as defined by the East Devon Local Plan). The closest defined settlement is Broadhembury, more than 2 miles away by road. The application site is situated remote from local services such as shops, health and leisure services as well as employment opportunities. Future occupiers of such a dwelling are therefore likely to be reliant on the private car. This was a conclusion of an appeal Inspector following a previously refused and ultimately dismissed appeal in 2015 and continues to weigh against the proposal.**

**Since that time the policy position has remain largely unchanged. In particular Policy S5 (Countryside Protection) of the Local Plan seeks to restrict development in the countryside to only that explicitly permitted by another policy of the Local Plan while Policy D10 allows the conversion of rural buildings where they are structurally sound without need for substantial alteration, extension or reconstruction. In addition the NPPF continues to seek to restrict isolated homes in the countryside unless there are special circumstances including the reuse of a redundant building which would lead to an enhancement of its setting.**

**The Inspectors Decision letter from April this year raises concerns regarding**

whether the building is structurally capable of conversion concluding that whilst there is support from some areas of the NPPF, it is contrary to others. The Inspector was not satisfied that the NPPF was a material consideration of sufficient weight to justify a departure from Policies S5 and D10 that do not support the proposal given its location and current condition.

Although some further information has been submitted with the application to justify that the building is structurally sound and located in a sustainable location, there is not considered to be any significant change in evidence or circumstances to depart from the previous refusal of permission and decision from the Inspector.

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Fully Support. This would enhance the area plus the fact that neighbours were disappointed the previous application was turned down.

#### Cllr P Skinner

I am reiterating my comments which I have made previously and that is to SUPPORT this application. If it were to be proposed as a refusal by the Officers then I would seek to have it brought to committee where it can be fully debated.

### **Technical Consultations**

#### County Highway Authority

Does not wish to comment

#### Environmental Health

I have considered the application and do not anticipate any environmental health concerns.

#### Other Representations

None received.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
86/P1958	Reconstruction Of Farm Buildings To Form Dwelling With Garage And New Access.	Refusal	27.01.1987
10/2151/FUL	Erection of two dwellings (as concept homes)	Refusal	20.01.2011

14/1756/FUL	Conversion, alteration and extension of existing farm buildings to provide a dwellinghouse with garage parking.	Refusal and Appeal Dismissed 1 <sup>st</sup> April 2015	27.10.2014
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## **POLICIES**

### New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)  
 Strategy 48 (Local Distinctiveness in the Built Environment)  
 D1 (Design and Local Distinctiveness)  
 D8 (Re-use of Rural Buildings Outside of Settlements)  
 EN5 (Wildlife Habitats and Features)  
 TC2 (Accessibility of New Development)  
 TC7 (Adequacy of Road Network and Site Access)

### Adopted East Devon Local Plan Policies

S5 (Countryside Protection)  
 D1 (Design and Local Distinctiveness)  
 D10 (Re-Use of Rural Buildings Outside Settlements)  
 EN6 (Wildlife Habitats and Features)  
 TA1 (Accessibility of New Development)  
 TA7 (Adequacy of Road Network and Site Access)  
 TA9 (Parking Provision in New Development)

### Government Planning Documents

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

## **Site Location and Description**

The application relates to a group of connected agricultural buildings which lie to the west of the main dwelling at Pitmans Farm in Dulford.

The buildings are mostly brick and block structures but they are now in various states of disrepair. In particular, the central brick structure is lacking a roof and some walls or parts of walls have been lost. Nevertheless, they have in the past been used for agricultural purposes.

Dulford is a small group of houses that sits either side of the A373 between Honiton and Cullompton. The site is situated within the open countryside and is not part of a defined settlement. Dulford is surrounded by open fields with scattered farms and agricultural buildings set within the rural landscape. The closest defined settlement is Broadhembury, more than 2 miles away by road.

Immediate neighbouring properties include Dale House (grade II listed), 1 Rose Cottage, 2 Rose Cottage, and Hillview to the north and east of the site. The

buildings adjoin and form the boundary with the neighbouring garden to the south of the site.

## **ANALYSIS**

### Proposal

This application seeks full planning permission to create a dwelling using what remains of the agricultural buildings as a basis for conversion and extension. It is intended that the resulting building would resemble the structure which is shown in an undated photograph in the Design and Access Statement. At the centre would be a two storey structure which would require the construction of new gable walls and part of the front wall, as well as construction of a new roof. Perpendicular to this another two storey structure would be created by constructing a new front wall and completely new roof structure on what is currently an open yard. In addition, a small lean-to on the north side of the central barn would replace an open sided timber structure and the blockwork lean-to on the west side would be reconstructed (according to drawing no. 05 and paragraph 2.1.4 of the Structural Investigation). Finally, a lean-to on the south side would be removed and replaced with a much smaller lean-to structure.

### Background

This proposal follows the refusal of an identical scheme in 2014 (reference 14/1756/FUL) which was subsequently dismissed at appeal on the 1<sup>st</sup> April 2015. In that instance the Inspector's view was that Policies S5 and D10 of the Adopted Local Plan were in accordance with the NPPF and that whilst some parts of the NPPF supported the proposal, other parts did not. The Inspector stated that it had not been 'properly demonstrated that the existing building is structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction' and that he was 'not satisfied that the Framework is a material consideration of sufficient weight to justify a departure from the approach set out in the development plan.'

Prior to that the last attempt to seek permission to convert the building was in 1986. That application was also refused because of the amount of reconstruction necessary. At that time it was noted that 'the major building must have lost its roof some years ago and parts of the front wall have been demolished' (photographs taken at the time are available on the 1986 file). Since 1986 further structural elements of the buildings have collapsed or been demolished and therefore even greater amounts of reconstruction are now required.

Notwithstanding those considerations, the proposal has been resubmitted with additional structural information which seeks to demonstrate that the foundations are adequate to take the additional loads imposed by the development, which would include new floors and roofs, amongst other things. It is also argued that 'the minimal increase in vehicle movements' would not outweigh the benefits of the scheme.

## Considerations

The policy context for considering this proposal is that although the Council has evidence to show that it has a five year supply of housing land, this position has not been tested through the local plan process. Consequently, housing restraint policies of the adopted local plan do not carry full weight. The main consideration, therefore, is whether or not this proposal constitutes sustainable development having regard to its location, its use of existing structures and any economic or social considerations.

The site lies in the countryside in a small hamlet of dwellings which does not have any services or facilities. The nearest settlement which offers a full range of facilities is Cullompton some 3-4 miles to the west but there are also limited facilities in Broadhembury about 2.5 miles away. These settlements can, realistically, only be reached by car because travel on foot or by bicycle would not be an attractive option given the distance, lack of suitable footways and traffic on the roads. There is a bus stop near to the site but this is only served by one bus a day and only on weekdays. This allows travel to Honiton, arriving at 1018 and the return bus leaves at 1217. For journeys to Cullompton there is a 'fare car' service on Wednesdays only which arrives in the town at 1030 and leaves at 1300. Because these services are so infrequent, it is likely that occupiers of the proposed dwelling would rely on the private car for most, if not all, of their day-to-day needs. In this respect the Inspector in the last appeal concluded the following on this matter:

*'Moreover, Dulford is a relatively isolated settlement with little in the way of facilities. It may be possible to get to Cullompton, the nearest large settlement, conveniently, by public transport, or bicycle, though the road is relatively busy, but it seems to me most likely that residents of the converted building would have to rely on the private car for much of their day-to-day needs. In that context, the proposal will substantially add to the need to travel by car, bringing it into conflict with LP Policies D10 and TA1.'*

It is noted, as in the previous scheme, that an electric car charging point would be installed but this would rely on the occupiers having an electric car, which cannot be enforced. In any case, it would not make up for the lack of pedestrian or cycle accessibility, which are sequentially preferable in Policies TA1 of the adopted plan and TC2 of the emerging plan, as well as being a core principle in the NPPF.

The Inspector in the last appeal considered the nature of the building stating:

*'The Structural Report did not include any inspection of the existing foundations and it is not possible to conclude that they are adequate to take the additional loads imposed by the conversion, which would include new floors and roofs, amongst other things. In my view, it has not been properly demonstrated that the existing building is structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction. Again, that brings the scheme into conflict with LP Policy D10.'*

The latest Structural Investigation carried out on behalf of the applicant confirms that 'the inspected walls are viable to re-use should it be proposed to provide a first floor and roof without major rebuilding'. Specifically, this is referring to the brick and stone



walls, not the blockwork walls and is a comment on the existing structure rather than the amount of new construction needed. Sound though the existing structure may be, there is insufficient structure left to convert without significant new construction. Moreover, what is left is of no architectural or historic merit and is not worthy of conservation on those grounds. Given this, there is not considered to be any justification to depart from the Inspectors previous views and decision on the capability of the building for conversion.

Paragraph 55 of the NPPF states that 'in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby'. The use of the word 'village' suggests that this guidance was not intended to apply to small hamlets such as Dulford but even if it did, it is unlikely that the development of one dwelling would make a meaningful difference to Broadhembury, when there are more extensive facilities available in Cullompton which make it a more attractive destination for day-to-day needs.

Paragraph 55 goes on to note that new isolated homes in the countryside should be avoided unless, of relevance here, the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

It has already been noted in the Proposal and the Background sections to this report that this development goes beyond a simple conversion and requires significant construction of new walls and roofs, as well as construction of new extensions. In addition to this, on this point the Inspector stated the following:

*'However, paragraph 55 goes on to note that isolated new homes in the countryside should be avoided unless, of relevant here, the development re-use redundant or disused buildings and lead to an enhancement of the immediate setting. The proposal would enhance its immediate setting but, as set out, I have concerns about whether the existing building is structurally capable of being used as a base for re-use, in the manner proposed.'*

In conclusion the Inspector stated the following:

*'The proposal draws support from some areas of the Framework, but not others. In light of that equivocal position, I am not satisfied that the Framework is a material consideration of sufficient weight to justify a departure from the approach set out in the development plan.'*

#### Other Matters

Access to the site would be via an existing entrance with acceptable visibility. Parking and turning arrangements would also be acceptable.

The relationship with neighbouring properties has been considered and the dwelling has been designed to avoid loss of privacy.

A protected species survey has been undertaken and the report confirms that none were found and that the buildings, such as they are, would be unlikely to be suitable for bats and barn owls.

## Conclusion

It is clear that occupiers of the dwelling would rely on the private car for most, if not all, of their day-to-day needs. This weighs against the proposal. Furthermore, one dwelling is unlikely to make a meaningful difference to the provision of services in Broadhembury or other villages so little benefit would be gained by constructing a dwelling in this location. The proposal would therefore be contrary to Policies D10 and TA1 of the adopted Local Plan, Policies D8 and TC2 of the emerging Local Plan and guidance in the NPPF.

Although it would re-use some elements of the existing structure, significant new construction would be needed and this weighs against the scheme, particularly as the building does not merit retention.

While it would make a small contribution to housing supply in the district, and would enhance the immediate setting, these are small benefits. Similarly, the uplift to the economy arising from the construction work and the future occupation of the dwelling are small benefits.

Drawing the three strands of sustainable development together, it is clear that the minor social and economic benefits of the scheme are outweighed by the harm arising from creating a new dwelling from a building which is not worthy of retention in an unsustainable location. This conclusion is in accordance with the previous decision and the recent appeal decision.

## **RECOMMENDATION**

REFUSE for the following reasons:

1. The proposed development, by virtue of its position within an open countryside setting without any exceptional justification, is considered to be contrary to countryside protection policies. Furthermore, the site is poorly located and divorced from sufficient services facilities (including employment), and public transport and as consequence the proposed development would lead to additional travel by private vehicles. The proposal therefore fails to accord with the definition of sustainable development. The proposal does not comply with the strategic protection of countryside priority of Policy S5 (Countryside Protection) of the adopted East Devon Local Plan and is not considered as appropriate development to meet the District-wide housing deficit due to the unsustainable location of the site. As such, the proposal conflicts with the overarching objective to achieve sustainable patterns of land use contained within the National Planning Policy Framework. The proposal is therefore considered contrary to guidance contained within the National Planning Policy Framework and the provisions of Policies S5 (Countryside Protection) and TA1 (Accessibility of New Development) of the adopted East Devon Local Plan 1995-2011 and Strategies 5B (Sustainable Transport), 7 (Development in the

Countryside) and Policy TC2 (Accessibility of New Development) of the emerging New East Devon Local Plan 2006-2026.

2. The site lies within the countryside where conversion of existing buildings are permitted where the buildings are structurally sound and capable of conversion without substantial extension, alteration or reconstruction. This proposal seeks to extend, alter and reconstruct the existing single storey structures to create a two storey dwelling with new ground and first floor walls, new floors and a new roof. The proposal is therefore tantamount to the creation of new dwelling in the countryside and contrary to the guidance contained within the National Planning Policy Framework and the provisions of Policies S5 (Countryside Protection) and D10 (Re-Use of Rural Buildings Outside Settlements) of the adopted East Devon Local Plan and Policy D8 (Re-use of Rural Buildings Outside of Settlements) and Strategy 7 (Development in the Countryside) of the emerging New East Devon Local Plan 2006-2026.

#### 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:

07	Proposed Floor Plans	09.07.15
04	Existing Site Plan	09.07.15
150628/DRAWIN GS	Other Plans	09.07.15
09	Sections	09.07.15
08	Proposed Elevation	09.07.15
06	Existing Elevation	09.07.15
05	Existing Floor Plans	09.07.15
04	Proposed Site Plan	09.07.15
02	Block Plan	09.07.15
01	Location Plan	09.07.15

List of Background Papers

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

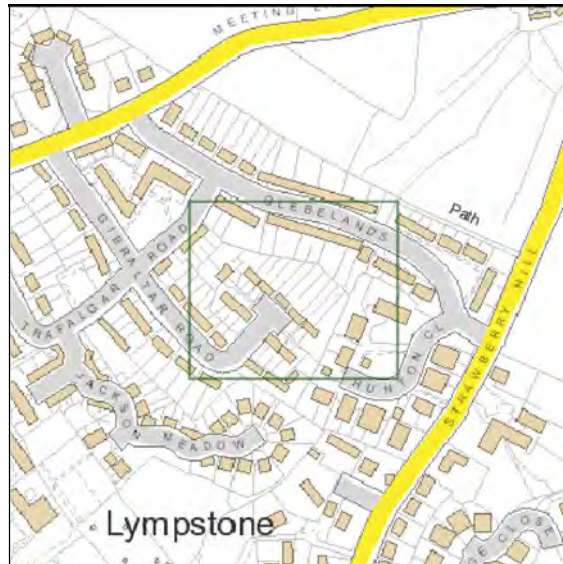
**Ward** Woodbury And Lypstone

**Reference** 15/1814/FUL

**Applicant** East Devon District Council

**Location** 11 Glebe Close Lypstone  
Exmouth EX8 5JA

**Proposal** Construction of single storey rear extension.



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 6<sup>th</sup> October 2015</b>
<b>Woodbury And Lympstone (LYMPSTONE)</b>	<b>15/1814/FUL</b>	<b>Target Date: 28.09.2015</b>
<b>Applicant:</b>	<b>East Devon District Council</b>	
<b>Location:</b>	<b>11 Glebe Close Lympstone</b>	
<b>Proposal:</b>	<b>Construction of single storey rear extension.</b>	

**RECOMMENDATION:** Approval with conditions

#### **EXECUTIVE SUMMARY**

**This application is brought before the Development Management Committee as the applicant is the East Devon District Council Housing Department.**

**The application proposes the construction of a single storey extension to the rear of the dwelling, which is a modern semi-detached property. There are similar extensions on other dwellings in the nearby area, including the adjacent attached dwelling.**

**The proposed development is considered acceptable in the context of current planning policy and is recommended for approval.**

#### **CONSULTATIONS**

##### **Local Consultations**

###### Parish/Town Council

Lympstone Parish Council supports planning application 15/1814/FUL.

###### Woodbury & Lympstone - Cllr R Longhurst

This is a limited extension to the rear of the property and will not be viewed from the road. I have received no comments from neighbours. I SUPPORT this application.

##### **Technical Consultations**

###### County Highway Authority

Does not wish to comment

### Other Representations

There have been no third party representations received.

### **PLANNING HISTORY**

There is no planning history relevant to the current proposal on this site.

### **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)

### **ANALYSIS**

#### Site Location and Description

The application site is a modern semi-detached dwelling located within an area of similar development, on the northern edge of Lypstone. The site is fairly level and the boundaries are defined by domestic garden fences. Distant views are obscured by surrounding residential development.

#### Proposed Development

The application seeks permission for the construction of a single storey extension to the rear of the dwelling, to facilitate a revised internal layout. The extension would accommodate a lounge / diner and the existing lounge would then be used as a bedroom. The extension would have a flat roof design and would be finished with materials to match the appearance of the existing dwelling.

#### Material Considerations

The main considerations in respect of this proposal are the visual impact of development on the site and surroundings, the impacts on the privacy and amenities of nearby residents and any other issues arising.

#### Visual Impact

The proposed extension would be sited at the rear of the property and not readily visible from public vantage points on the highway to the front of the property. The property is bounded by other residential properties to both sides and the rear, so the development would not be seen in public views.

The proposed extension would be single storey with a flat roof, allowing a low overall height of 2.7metres. The extension would be finished with facing brickwork to match the main dwelling, and uPVC doors, windows and rainwater goods to match the appearance of the existing dwelling. It is considered that the extension would have a low visual impact and would not significantly detract from the character and appearance of the site or its surroundings.

#### Amenity Impact

The extension would be sited so that the side wall abuts the boundary with the rear garden of the attached property, extending to a length of 4.5metres and a height of 2.7metres. The proposed extension would not feature any windows in the elevation facing the adjacent neighbour. There is a timber fence running the length of the boundary between the two properties, to a height of around 1.8metres. In addition, the adjacent property has a single storey extension to the rear elevation. In light of these factors it is considered that the proposed development would not have a significant harmful impact on the privacy or amenity of occupants of the adjacent property. There have been no objections received in relation to this application and it is considered that the impact of the development on amenity and privacy would be acceptable.

#### **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:

P074-15-100, P074-15-102

#### List of Background Papers

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