

Agenda for Development Management Committee Tuesday, 8 December 2015; 10am



[Members of the Committee](#)

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

[View directions](#)

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01395 517542, Issued 26 November 2015

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Committee Members please note that there will be a training session on Sustainable Drainage Systems (SUDS) between 1pm and 2pm. The training session will be held in the Council Chamber and a working lunch will be provided for Committee Members (non-committee members are welcome to attend the session). The training session is not open to the public.

[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://eastdevon.gov.uk/council-and-democracy/committees-and-meetings/development-management-committee/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 30 November up until 12 noon on Thursday 3 December by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

Speaking on non-planning application items

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

- 1 Minutes of the Development Management Committee meeting held on 3 November 2015 (page 5 - 14)
- 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 15 - 20)
Development Manager
- 7 **Local Plan update** (Verbal update)
Service Lead – Planning Strategy and Development Management
- 8 **Applications for determination**

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

15/1969/FUL (Minor) (page 21 - 28)
Feniton and Buckerell
Sherwood Farm, Feniton, Honiton EX14 3DD

15/1424/FUL (Minor) (page 29 - 36)
Ottery St Mary Rural
North Cottage, Aylesbeare, Exeter EX5 2DB

15/1694/FUL (Minor) (page 37 - 46)
Ottery St Mary Rural
Land adjacent to Greytops, West Hill Road, West Hill

15/2090/OUT (Minor) (page 47 - 62)
Ottery St Mary Rural
West Hayes, West Hill Road, West Hill EX11 1UZ

15/1991/MRES (Major) (page 63 - 83)
Ottery St Mary Town
Former Gerway Nurseries, Ottery St Mary 1PN

15/1924/OUT (Minor) (page 84 - 97)
Seaton
Calvados, Couchill Lane, Seaton

15/2166/FUL (Minor) (page 98 - 103)
Seaton
Chine Cafe, Castle Hill, Seaton EX12 2QP

Break

(A working lunch will be provided for Development Management Committee members)

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

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

15/2168/COU (Other) (page 104 - 110)
Axminster Rural
Fairwater Head Hotel, Hawkchurch, Axminster EX13 5TX

15/1826/FUL (Minor) (page 111 - 115)
Exmouth Town
102 St Andrews Road, Exmouth EX8 1AT

15/2414/VAR (Minor) (page 116 - 129)
Exmouth Town
Mamhead Slipway, Mamhead View, Exmouth

15/2170/FUL (Minor) (page 130 - 134)
Otterhead
Monkton Court Hotel, Monkton, Honiton EX14 9QH

15/1051/FUL (Minor) (page 135 - 146)
Sidmouth Rural
Lower Chelson Farm, Salcombe Regis, Sidmouth EX10 0PD

15/2270/FUL (Minor) (page 147 - 151)
Sidmouth Town
33 Higher Woolbrook Park, Sidmouth EX10 9ED

15/1994/OUT (Minor) (page 152 - 174)
Trinity
Land west of Herons Brook (Wadley Hill), Venlake, Uplyme, Lyme Regis DT7 3SG

Application 15/0753/MOUT (Land to rear of no's 62-82 Douglas Avenue, Exmouth) – This application was due to be listed on this agenda having been deferred for a site inspection at the Committee's last meeting (3 November), however following an appeal for non-determination will be deferred to a later meeting.

Please note:

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

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

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

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

[Decision making and equalities](#)

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

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 3 November 2015

Attendance list at end of document

The meeting started at 10am and ended at 3.05pm (the Committee adjourned for lunch at 12.15pm and reconvened at 1.30pm).

***44 Minutes**

The minutes of the Development Management Committee meeting held on 6 October 2015 were confirmed and signed as a true record.

***45 Declarations of interest**

Cllr Mark Williamson; 15/0753/MOUT, 15/2053/FUL, 15/1897/FUL; Personal interest; Exmouth Town Councillor.

Cllr Ian Hall; 15/0645/MFUL; Personal interest; Signed a petition against the development before May district elections but now comes to debate with a clear and open mind.

Cllr David Barratt; 14/2994/FUL; Personal interest; Sidmouth Town Councillor.

Cllr Peter Burrows; 15/1609/FUL; Personal interest; Attended public consultation event.

Cllr Colin Brown; 15/1746/OUT; Personal interest; Acquaintance of the applicant.

Cllr Graham Godbeer; 15/1609/FUL; Personal interest; Vice Chairman of East Devon AONB Partnership.

Cllr Andrew Moulding 15/1830/VAR; Personal interest; President of sports centre adjacent to site.

In the interests of transparency, Cllr Susie Bond declared that she had been contacted in advance of the meeting regarding application 15/0753/MOUT.

***46 Planning appeal statistics**

The Committee received and noted the Development Manager's report setting out appeals recently lodged and two appeal decisions notified - one had been allowed and one had been dismissed.

***47 Consultation on the proposed criteria for defining Built-up Area Boundaries feedback**

The Committee considered the Planning Policy Manager's report, which provided a summary of the feedback received during a consultation on proposed criteria for defining Built-up Area Boundaries (BUABs). The Committee was advised that 169 consultation responses had been received (69 of these were in the form of a 'standard' letter from Clyst St Mary residents). The report sought agreement from the Committee for further work on defining BUABs to be put on hold until the Council had received the Local Plan Inspector's report, which was due before the end of the year.

Cllrs David Everett and Mike Dadds, of Chardstock Parish Council, spoke; their comments referred to:

- Unsound, undemocratic and unfair consultation.
- Chardstock needed to be regarded as unsustainable until the Local Plan Inspector had made his decision.
- Chardstock was not sustainable against all the relevant criteria.
- The criteria for determining whether a settlement was sustainable or otherwise needed to be applied consistently and objectively across East Devon.
- Supporting evidence and good asset management was needed.
- There was a danger that small settlements would be overdeveloped with inadequate infrastructure in place.
- There was an identified need for only 2 affordable homes in Chardstock – indicating minimal local need for new homes.
- Chardstock currently had a viable community – this could be threatened by significant new development.
- Additional housing did not necessarily mean more families coming to the area.

Comments made during discussion on the report included:

- Chardstock was at the mercy of developers and needed protection.
- The two significant business parks – Greendale and Hill Barton were mentioned in the Local Plan but needed to be cross-referenced for clarity. It needed to be clear that the development boundary around the business parks would limit further extension. (The Planning Policy Manager responded by suggesting that there seemed to be some terminology confusion. The development boundary seemed to be read as the built-up area boundary. The Planning Policy Manager confirmed that he would clarify this with the Inspector. All of East Devon was covered by the Local Plan including the business parks. These were in open countryside and so had clear constraints. The 'purple line' in the Plan bordered areas of business use to resist alternative uses, particularly residential.)
- The Inspector had identified 27 items for debate and ratification but these did not include sustainability issues relating to Chardstock or Dunkeswell. (The Planning Policy Manager advised that the Inspector had been informed about the challenge to the draft Plan in this respect and now had sufficient information on which to make a decision.)
- In response to a request for clarification in respect of Sidbury, The Planning Policy Manager advised that Sidbury had been included within the Local Plan as a settlement with a boundary, the proposed Neighbourhood Plan could have policies in addition to those agreed by the district council.

RESOLVED:

1. that the responses received during the recent consultation on proposed criteria for defining Built-up Area Boundaries as part of the East Devon Villages Plan be noted;
2. that further work on defining Built-up Area Boundaries be put on hold until publication of the Local Plan Inspector's report at which time the issue will be reconsidered.

***48 Devon Mineral Plan pre-submission consultation**

The Committee considered the Planning Policy Manager's report summarising Devon County Council's Devon Minerals Plan, particularly highlighting issues of significance in East Devon, and setting out a proposed formal response to the pre-submission consultation on the Plan.

The new Minerals Plan would replace the Plan adopted in 2004 and, when adopted, would provide the planning policy framework for minerals development until 2033. The Plan was being published for consultation in advance of being submitted to the Secretary of State for Communities and Local Government and was the Council's opportunity to comment with scope to present evidence at oral examination hearings. Key issues for East Devon were the extent of the minerals safeguarding area and the proposed development of sand and gravel at Straitgate Farm due to concerns about the impact on landscape and heritage assets.

Reference was also made to the Blackhill Quarry and the need to protect this area into the future.

RESOLVED:

that the Council submit formal comments to the Devon Mineral Plan pre-submission consultation, expressing concerns about the proposals for Staitgate Farm on the basis of potential impacts on landscape, flood risk and water table, Exeter Airport and the setting of heritage assets, and questioning the effectiveness of the Plan should the proposed development at Straitgate Farm be found to be unacceptable.

***49 Gypsy and Traveller DPD consultation feedback and methodology for site selection**

The Planning Policy Manager presented the Senior Planning Officer's report outlining the consultation feedback received on the potential future content of the Gypsy and Traveller Development Plan Document (DPD) and methodology to be used for site selection.

The timetable for the Gypsy and Traveller Plan process was set out in the Local Development Scheme and was highlighted in the Committee report. Members noted that the initial evidence gathering stage had commenced, with receipt of the needs assessment, the annual caravan count statistics and a review of responses received in respect of gypsies and traveller policy work on the Local Plan to date. Before work on preparing the draft Gypsy and Traveller Plan could commence the Council was required to formally consult potential interested parties in respect of the matters and issues regarded as being appropriate for inclusion; this had been carried out. 29 comments had been received on the initial 'scoping consultation' and covered a wide range of matters as summarised in the report.

The next stage in the Plan process was to identify possible site options for gypsy and traveller occupation through a 'call for sites'. This would be promoted widely to landowners, parish councils, those involved in the development industry, general public, organisations and through press releases. The landowners of sites put forward during the consultation period would also be invited to confirm the availability of their site for gypsy and traveller use. Direct contact would also be made with the gypsy and traveller community in East Devon to look at possible options for the expansion of existing sites. A draft methodology had been prepared to ensure that the site selection process was fair and transparent. When a range of alternative site options was available, a draft Plan, incorporating sites which

performed well against the site assessment criteria, could be produced followed with a further round of consultation.

Cllr Kevin Blakey, Chairman, Cranbrook Town Council, spoke with concern about recent communication from the Council setting out the need for 37 permanent pitches over the district but that the majority would be in the east, a number of which had been displaced by the development of the Growth Point. Councillor Blakey advised that identification of the sites was needed for the Local Plan Inspector but that insufficient time had been given to undertaking this work. Cranbrook Town Council objected to the proposed revision which was seen as being disproportionate (81% site allocation) and would have a social and economic impact on the community. He also added that gypsy and traveller required different provisions within their sites and should not necessarily be considered together.

In response to a question about gypsy and traveller housing provision, the Planning Policy Manager advised that gypsies and travellers were a defined ethnic group and that some families wanted to live in a settled home. This need would be met through general housing stock – all homes including affordable homes and those within the private sector. Applications for affordable homes would be assessed against objective criteria.

RESOLVED:

1. that the feedback received on the scoping of the potential content of the Gypsy and Traveller Development Plan Document be noted;
2. that the commencement of a 'call for sites' be approved;
3. that the draft methodology for site selection be consulted upon and be carried concurrently with the 'call for sites'.

***50 Local Plan update**

The Service Lead – Strategic Planning and Development Management updated the Committee. The consultation on the main modifications within the draft Plan had commenced on 16 October and would run until 30 November – all comments were welcomed.

The Service Lead – Strategic Planning and Development Management also responded to a number of questions raised:

- Policy E8 in respect of succession planning within agricultural holdings to help sustain family farms had been dropped from the draft Plan at the Inspector's suggestion. This was assumed to be because there was duplication between this policy and H4 – new dwellings to meet rural needs.
- Sites for development which had already been given planning permission were not included within the Plan - these had already been acknowledged as contributing to the future growth of a settlement. New applications submitted would be considered against the agreed Plan based on their own merits.
- The draft Plan included a table of all sites of residential development throughout the district – including recent builds, those under construction and those proposed.
- Officers were confident that the Council now had a five-year land supply and awaited the Inspector's feedback on this – weight could not be given to this until confirmation from the Inspector had been given.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 8 – 2015/2016.

Attendance list

Present:

Committee Members

Councillors:

Cllr David Key (Chairman)

Mike Howe (Vice Chairman)

Mike Allen

David Barratt

Susie Bond

Colin Brown

Peter Burrows

Paul Carter (until 11.30 am)

Alan Dent

Simon Grundy

Ben Ingham

Chris Pepper (afternoon only)

Mark Williamson

Officers

Matt Dickins, Planning Policy Manager

Ed Freeman, Service Lead – Planning Strategy and Development Management

Claire Rodway, Senior Planning Officer

Chris Rose, Development Manager (left the Council Chamber during consideration of application 15/1965/OUT)

Shirley Shaw, Planning Barrister

Gavin Spiller, Principal Planning Officer

Graham Thompson, Planning Officer (Policy)

Diana Vernon, Democratic Services Manager (morning)

Hannah Whitfield, Democratic Services Officer (afternoon)

Also present

Councillors:

Peter Bowden

Iain Chubb

Paul Diviani

Roger Giles

Graham Godbeer

Ian Hall

John Humphreys

Geoff Jung

Andrew Moulding

Helen Parr

Tom Wright

Apologies:

Committee Members

Councillors:

Matt Coppell

Steve Gazzard

Alison Greenhalgh

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL
Development Management Committee
Tuesday 3 November; Schedule number 8 – 2015/2016

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:

<http://eastdevon.gov.uk/media/1354068/031115-combined-dmc-agenda-compressed.pdf>

Exmouth Littleham
(EXMOUTH)

15/0753/MOUT

Applicant: Littleham 2010 Ltd

Location: Land To Rear Of No's 62-82 Douglas Avenue Exmouth

Proposal: Outline application seeking approval for access (matters of layout, scale, appearance and landscaping reserved) for up to 44 dwellings and demolition of 76 Douglas Avenue to create new vehicular access

RESOLVED: INSPECT

Reasons: To allow the Committee to assess:

- the suitability of the proposed access;
- the visual impact upon Douglas Avenue from the demolition of a dwelling to create the proposed access;
- the wider impact on the Maer Valley.

The Committee asked that a Devon County Highways representative attend the site inspection.

Axminster Rural
(HAWKCHURCH)

15/0645/MFUL

Applicant: INGR Solar Parks Ltd

Location: Land East Of Wadbrook Farm (nr Axe View Farm) Wadbrook

Proposal: Installation of ground mounted photovoltaic solar arrays with transformer stations, internal access track, biodiversity enhancement, landscaping, fencing, security measures, access gate and ancillary infrastructure.

RESOLVED: REFUSED (contrary to officer recommendation) with delegated authority given to the Development Manager to draft reasons for refusal.

Members considered that the harm from the loss of Grade 3a agricultural land, the visual impact (particularly from land to the north of the site), and the detrimental impact to the character of the wider area as a result of the cumulative impact of solar farms in the parish outweighed the benefits of the proposal.

Axminster Rural
(AXMINSTER)

15/1830/VAR

Applicant: Mr Maxwell Rafferty

Location: Cloakham Lawn Chard Road

Proposal: Variation of condition 2 of application 14/0774/MRES to vary design and form of plot 82

RESOLVED: APPROVED with conditions as per recommendation.

Exmouth Littleham
(EXMOUTH)

15/2053/FUL

Applicant: EDDC (Housing)

Location: 9 Rodney Close Exmouth

Proposal: Installation of new ramp to allow disabled/elderly access to property

RESOLVED: APPROVED with conditions as per recommendation.

Exmouth Town
(EXMOUTH)

15/1897/FUL

Applicant: Mr Peter Gilpin (Leisure East Devon)

Location: Exmouth Leisure Centre Royal Avenue

Proposal: New section of roof to accommodate a new platform lift

RESOLVED: APPROVED with conditions as per recommendation.

Trinity
(COMBPYNE
ROUSDON)

15/1835/LBC

Applicant: Mr & Mrs M Dalton-Aram

Location: 1 The Gables Rousdon

Proposal: Repair and replacement of windows, re-configuration of kitchen/dining room layout, reinstatement of doorway from dining room to rear courtyard, conversion of outdoor toilet to internal toilet, installation of biomass boiler in rear outbuilding and other associated works including provision of flue.

RESOLVED: APPROVED with conditions as per recommendation.

Dunkeswell
(DUNKESWELL)

14/2852/FUL

Applicant: Mr Philip Stevens

Location: Bowerhayes Farm Dunkeswell

Proposal: Construction of dwelling for agricultural worker (retrospective application)

RESOLVED: APPROVED (contrary to officer recommendation) with delegated authority given to the Development Manager to impose appropriate conditions on the temporary permission. Members considered that the proposal represented a good example of succession housing for the farmer's son in accordance with Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the emerging Local Plan.

Coly Valley
(SOUTHLEIGH)

15/1609/FUL

Applicant: Mr J Franks (Abbeywood House Developments Ltd)

Location: Three Horse Shoes Inn Branscombe

Proposal: Proposed demolition of existing derelict public house with flat above, construction of 4 no. new residential dwellings, 2 no. replacement dwellings and associated works

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

Coly Valley
(COLYTON)

15/1965/OUT

Applicant: Mrs A Gould

Location: Land South Of Yaffles, Coly Road, Colyton

Proposal: Outline application for 4 no. dwellings and associated access

RESOLVED: REFUSED (contrary to officer recommendation) with delegated authority given to the Development Manager to draft reasons for refusal. Members refused the application for the same two reasons as the previous application on the site (15/0269/OUT) – these related to the site being outside the Built-up Area Boundary and having a detrimental impact on the character of the area.

Newbridges
(KILMINGTON)

15/1746/OUT

Applicant: Mr & Mrs Jonathan And Clare Hansford

Location: Land At Pit Orchard Bim Bom Lane

Proposal: Construction of 6 no. dwellings (outline application with all matters reserved)

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

Ottery St Mary Rural
(AYLESBEARE)

15/1390/VAR

Applicant: Mr P Stacey

Location: 55 Village Way Aylesbeare

Proposal: Retention of garden shed (variation of condition 7 of planning permission 13/0360/FUL)

RESOLVED: APPROVED with conditions as per recommendation.

Sidmouth Town
(SIDMOUTH)

14/2994/FUL

Applicant: Mrs S Sargent

Location: Land Rear Of 19 - 20 Fore Street Sidmouth

Proposal: Demolition of outbuilding and construction of a pair of semi detached houses and construction of a boundary wall.

RESOLVED: REFUSED as per recommendation.

Ottery St Mary Rural
(AYLESBEARE)

15/1424/FUL

Applicant: Mr & Mrs Peter Carhart

Location: North Cottage Aylesbeare

Proposal: Detached single storey dwelling and detached garage

Application withdrawn from the agenda prior to the meeting.

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

Ref: 15/0521/OUT **Date Received** 13.10.2015
Appellant: Mr R.G Seward
Appeal Site: Land Adjoining Furze Hill Church Road Whimble Exeter
EX5 2TF
Proposal: Outline application with all matters reserved for the
construction of a dwelling.
Planning APP/U1105/W/15/3136406
Inspectorate
Ref:

Ref: 15/1719/FUL **Date Received** 14.10.2015
Appellant: Mr Rick Elliott
Appeal Site: Hamble Barline Beer Seaton EX12 3LR
Proposal: Proposed dwelling
Planning APP/U1105/W/15/3136516
Inspectorate
Ref:

Ref: 15/1353/PDQ **Date Received** 15.10.2015
Appellant: Mosaic (Exeter) Ltd
Appeal Site: Cowley Barton Farm Cowley Exeter EX5 5EJ
Proposal: Prior approval for conversion of agricultural buildings to 3 no.
dwellings (use class C3)
Planning APP/U1105/W/15/3136549
Inspectorate
Ref:

Ref: 15/0767/VAR **Date Received** 21.10.2015
Appellant: Mr & Mrs R Kiernan
Appeal Site: Harcombe House Harcombe Lyme Regis DT7 3RN
Proposal: Removal of condition 2 of planning consent 99/P1711
(alteration and change of use to single dwelling and 8 no.
units of holiday accommodation) to facilitate unrestricted
dwellings
Planning APP/U1105/W/15/3137366
Inspectorate
Ref:

Ref: 15/0774/FUL **Date Received** 23.10.2015
Appellant: Mr P German
Appeal Site: Land South Of Bridge Cottage Stony Lane Woodbury
Salterton Exeter EX5 1PP
Proposal: Construction of detached two storey dwelling with integral
garage and creation of new vehicular access
Planning APP/U1105/W/15/3137128
Inspectorate
Ref:

Ref: 15/0958/FUL **Date Received** 03.11.2015
Appellant: Mr B Wright
Appeal Site: Whimble House Farm Church Road Whimble Exeter EX5
2SZ
Proposal: Erection of two storey 3 bedroom dwelling and proposed new
vehicular access and garage
Planning APP/U1105/W/15/3137785
Inspectorate
Ref:

Ref: 15/0753/MOUT **Date Received** 04.11.2015
Appellant: Littleham 2010 Ltd
Appeal Site: Land To Rear Of No's 62-82 Douglas Avenue Exmouth EX8
2HG
Proposal: Outline application seeking approval for access (matters of
layout, scale, appearance and landscaping reserved) for up to
44 dwellings and demolition of 76 Douglas Avenue to create
new vehicular access
Planning APP/U1105/W/15/3137880
Inspectorate
Ref:

Ref: 15/0131/MOUT **Date Received** 05.11.2015
Appellant: DBD Developments
Appeal Site: Land Adjacent Peace Memorial Playing Fields (South Of
Ham Lane) Colyton
Proposal: Residential development of up to 16 no. units, including 6 no.
affordable units, access road and amenity land (outline
application, all matters reserved)
Planning APP/U1105/W/15/3137990
Inspectorate
Ref:

Ref: 15/1899/VAR **Date Received** 11.11.2015
Appellant: Mr B Wright
Appeal Site: The Cellar Talewater Farm Talewater Talaton Exeter
Proposal: Removal of condition no 2 of planning approval 06/0613/FUL to allow residential use
Planning Inspectorate Ref: APP/U1105/W/15/3138352

Ref: 14/2722/FUL **Date Received** 12.11.2015
Appellant: Mr T Markham
Appeal Site: 23 Elizabeth Road Exmouth EX8 4NT
Proposal: Construction of replacement dwelling and garage
Planning Inspectorate Ref:

Ref: 15/0132/COU **Date Received** 13.11.2015
Appellant: Mr M Keywood
Appeal Site: Land To The East Of The Old Cider House Heathstock Stockland Honiton
Proposal: Change of use of land for siting of a touring caravan
Planning Inspectorate Ref:

Ref: 15/1253/FUL **Date Received** 16.11.2015
Appellant: Mr R Harris
Appeal Site: The Honiton Dairy 60 High Street Honiton EX14 1PQ
Proposal: Proposed entrance door to create access to first floor accommodation.
Planning Inspectorate Ref:

Ref: 15/1254/LBC **Date Received** 16.11.2015
Appellant: Mr R Harris
Appeal Site: The Honiton Dairy 60 High Street Honiton EX14 1PQ
Proposal: Proposed entrance door and internal alterations to create first floor access to flat
Planning Inspectorate Ref:

East Devon District Council
List of Planning Appeals Decided

Ref: 15/0009/FUL **Appeal Ref:** 15/00026/HH

Appellant: Mr And Mrs Atkins

Appeal Site: 18 Northview Road Budleigh Salterton EX9 6DE

Proposal: Two storey extension on east elevation, pitched roofs over existing dormer and bay window and rendering of all elevations (resubmission of 14/2290/FUL seeking permission for clear glazing in the first floor bedroom window on the east elevation)

Decision: **Appeal Allowed (with conditions)** **Date:** 20.10.2015

Procedure: Written representations

Remarks: Delegated refusal, amenity reasons overruled (EDLP Policy D1).
The Inspector considered that due to the degree of separation between the site and the adjacent properties, the development would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties through overlooking from the window.

BVPI 204: **Yes**

Planning Inspectorate Ref: APP/U1105/D/15/3097691

Ref: 14/2141/FUL **Appeal Ref:** 14/00083/NONDET

Appellant: WIMS (UK) Ltd

Appeal Site: Land South Of Powells Way Dunkeswell

Proposal: Construction of 8 no affordable dwellings and associated external works with public amenity space.

Decision: **Appeal Allowed (with conditions)** **Date:** 26.10.2015

Procedure: Written representations

Remarks: Appeal against non-determination of the application within the statutory period. Delegated resolution to refuse; countryside protection, landscape and sustainability reasons overruled. (EDLP Policies S5, TA1& EN1).

The Inspector acknowledged that, as a result of the urbanising nature of the proposal, there would be some limited harm to the rural character and appearance of the area and the wider natural beauty of the AONB. He also acknowledged that future occupants were likely to some degree to be reliant on a private motor vehicle. However, he did consider that there is a good range of local services and facilities available in Dunkeswell within walking distance of the site and some limited opportunities to utilise public transport.

The Inspector concluded that the decision was finely balanced; although the proposal would cause some adverse environmental effects, he did not consider that these were of such a scale to significantly and demonstrably outweigh the scheme's benefits in terms of the social and economic dimensions. The proposal therefore amounted to sustainable development in terms of the Framework.

BVPI 204: **No**
Planning APP/U1105/W/14/3001024
Inspectorate
Ref:

Ref: 15/0332/TRE **Appeal Ref:** 15/00021/TRE

Appellant: Mr J Harvey
Appeal Site: Elvestone, Fore Street Hill Budleigh Salterton
Proposal: Fell two Holm Oaks.

Decision: **Appeal Allowed (with conditions)** **Date:** 29.10.2015

Procedure: Fast track

Remarks: Delegated refusal, amenity reasons overruled.
The Inspector considered that both of the trees are in a poor condition which provides support for the proposal that outweighs the possible impact upon the setting and appearance of the conservation area.
A condition has been imposed which requires the planting of two replacement trees.

BVPI 204: **No**
Planning Inspectorate Ref: APP/TPO/U1105/4579

Ref: 15/0610/FUL **Appeal Ref:** 15/00034/REF

Appellant: Mr & Mrs R Amos
Appeal Site: Broadoak Barn West Hill Road West Hill Ottery St Mary EX11 1UZ

Proposal: Conversion and extension to garage to form dwelling.

Decision: **Appeal Dismissed** **Date:** 12.11.2015

Procedure: Written representations

Remarks: Delegated refusal, amenity reasons upheld (EDLP Policies S4 & D1).

BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/15/3127841

Ward Feniton & Buckerell

Reference 15/1969/FUL

Applicant A P Down And Sons

Location Sherwood Farm Feniton Honiton
EX14 3DD

Proposal Construction of fodder and general
purpose agricultural building with
associated hardcore track and
external apron.



RECOMMENDATION: Refusal

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		Committee Date: 8.12.2015
Feniton & Buckerell (FENITON)	15/1969/FUL	Target Date: 11.11.2015
Applicant:	A P Down And Sons	
Location:	Sherwood Farm Feniton	
Proposal:	Construction of fodder and general purpose agricultural building with associated hardcore track and external apron.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is brought before the Committee because the Ward Member supports the proposal and the recommendation is to refuse.

Planning permission is sought for an agricultural building for general purpose use, along with a yard and access track. The building would be situated in an isolated position in a field about 250 metres from the main farm buildings and on the opposite side of the lane. Part of the building would lie within the flood zone, however, there is land at a lower risk of flooding in the same field or elsewhere.

The proposal relies on a need for a building to replace buildings vacated elsewhere and also on the fact that the farm is tenanted whereas the field in which the building would be located is owned by the applicant. However, these reasons have not been substantiated by evidence of a need or of barriers to investment in the tenanted farm. In the absence of this information, there is not a clear and convincing case for developing on this site.

Further concern arises because the building would have an adverse effect on the rural character and appearance of the area which would not be mitigated by the proposed landscaping measures. This harm has not been justified by evidence of a need for a building of this size and design in this location.

Finally, the lack of detail about the proposed intensity of use of the building for livestock gives rise to concerns about pollution of surrounding land and watercourses which have not been addressed in the application.

In the absence of a convincing case for this building and given the landscape harm and the flooding and drainage concerns, the proposal is recommended for refusal.

CONSULTATIONS

Local Consultations

Feniton And Buckerell - Cllr S Bond

This application is in my ward and my preliminary view is that it should be APPROVED.

The application is for provision of a general purpose agricultural building.

Sherwood Farm is a thriving farm on the edge of Feniton and the barn is needed for the future long-term needs of the business.

In the event that my view differs to that of officers, I call for this application to be heard at Development Management Committee.

However, I will reserve my position until all the facts are known and until I have heard full discussions at committee.

Clerk To Feniton Parish Council

Feniton Parish Council has no objections to the application.

Other Representations

None received.

Technical Consultations

Environment Agency

This application is for an agricultural building the majority of which is 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.

County Highway Authority

Does not wish to comment

PLANNING HISTORY

Reference	Description	Decision	Date
82/P0393	Erection Of Agricultural Stock Shed On Part Land.	Approval - standard time limit	18.05.1982
90/P0171	Construct 3 Tanks For Storage Of Agricultural Effluent.	Approval - standard time limit	05.03.1990

95/P1789	General Purpose Building	Approval with conditions	10.01.1996
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POLICIES

New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D7 (Agricultural Buildings and Development)

EN14 (Control of Pollution)

EN18 (Maintenance of Water Quality and Quantity)

EN21 (River and Coastal Flooding)

Adopted East Devon Local Plan Policies

S5 (Countryside Protection)

D1 (Design and Local Distinctiveness)

D4 (Landscape Requirements)

EN15 (Control of Pollution)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

Sherwood Farm is located about 350 metres to the north west of Feniton and is comprised of a cluster of both modern and traditional agricultural buildings on the south side of the lane. The application site is a further 250 metres to the north west in a field on the north side of the lane. The triangular field is accessed from a gate in the south west corner where gates for two adjacent fields also access the lane. Running the full length of the western boundary there is a public footpath in the adjacent field.

The field is about 2 hectares in size and is classified as grade 2 agricultural land. It slopes down to the east and the lower lying land, amounting to about two thirds of the field, is within flood zones 2 and 3.

ANALYSIS

Planning permission is sought for an agricultural building for general purpose use. The building would measure 30.48 metres in length and 24.38 metres in width. The

sides of the steel framed building would be finished with concrete panels on the lower half with olive green profiled metal sheeting above. The roof would be covered with grey fibre cement sheets. A single galvanised steel roller shutter door measuring 6 metres wide and 4.8 metres high would provide access to the building from the south elevation.

In front of the building there would be a yard of about 300 square metres as well as a new track following the western boundary of the field to the existing access.

The building would be situated on the highest part of the field and owing to the slope of the land it would require some cut and fill to create a level platform. The greatest amount of soil removal would be about 1.5 metres in the north west corner and there would be a similar amount of ground raising in the south east corner.

Policy

Policy S5 of the adopted East Devon Local Plan contains a presumption against development in the countryside unless such development is justified and compatible with the character and appearance of the area.

The emerging New East Devon Local Plan is more specific and sets out in policy D7 the criteria which new agricultural buildings must meet. Essentially, these relate to need, effect on the character and appearance of the area, neighbour amenity, traffic impacts and drainage. Although the NPPF does not provide specific guidance for agricultural buildings, policy D7 is consistent with its core principles and therefore can be attributed reasonable weight.

Based on these considerations, the main issues in this case are: whether there is a genuine agricultural need for the development; the effect on the character and appearance of the area; and the risk of flooding and pollution of surrounding land and watercourses.

Need

The applicant rents 500 acres of land in total with 240 acres of that on a 3-generation tenancy at Sherwood Farm. The only land owned by the applicant is the single field in which the proposed building would be located.

The building would be used for the storage of grain, potatoes and blends (animal feed), as well as machinery and, occasionally, some livestock.

Almost no information about the nature of the agricultural enterprise has been provided in any of the supporting documents. All that can be surmised from the description of the intended use of the building is that it is a mixed arable and livestock farm. The location of the majority of the rented farm land has not been disclosed and no information about any buildings on the land has been provided. Through correspondence with the agent it has been established that the applicant has been forced to vacate some rented buildings elsewhere but they have been unwilling to disclose where those buildings are and no information has been provided about what they were used for. It is understood that the vacated buildings are

proposed to be converted to residential accommodation but in the absence of further details this has not been verified.

At Sherwood Farm itself there are numerous buildings of traditional and modern construction. Although the submitted information suggests that these do not have the capacity or are unsuitable for the proposed use, there is no information to justify that claim. Moreover, it appears that one of the applicant's principle concerns is that he does not own the buildings and therefore has no control over their future use. He is also concerned about investing in the construction of a building on land which is tenanted rather than owned. These, however, are not considered to be valid concerns given that the three-generation tenancy provides sufficient protection and allows for compensation to the farmer for improvements he has made (such as new buildings) if the tenancy is ended. The tenancy is not, therefore, considered a barrier to investment in new buildings at Sherwood Farm.

For these reasons, it is concluded that the need for a new building has not been justified and nor has the location of the building on a site isolated from the main cluster of buildings at Sherwood Farm.

In addition to these concerns, the construction of the building casts doubt over its suitability for the housing of livestock, albeit occasionally. With no natural ventilation or light and relatively poor access for cleaning out, the building does not appear to be well-suited to accommodating livestock.

Character and Appearance

The site is located in the countryside in an area characterised as 'Lowland Plains' in the East Devon Landscape Character Assessment. Its gently sloping landform, mixed use farmland and low hedges are typical of the type. With regard to development, the management guidelines encourage a characteristic low, small-scale pattern in new development, including industrial uses.

More widely, the landscape is described as 'Clyst Lowland Farmlands' in the Devon Character Assessment and is characterised by its dispersed pattern of villages and dispersed farmsteads. Both assessments note the tranquillity and isolation (or remoteness) which are characteristic of the type.

To a large degree, the scale, form and appearance of agricultural buildings is determined by need. A low, small-scale building may not, therefore, be appropriate to meet an agricultural need. However, in this case, the need, and hence the scale and appearance of the building, has not been justified. Furthermore, the building would be isolated from others, would be somewhat industrial in appearance and would be prominent in views from the lane, the adjacent public footpath and in longer range views in the surrounding landscape. To try to address these concerns, tree planting is proposed in a belt on the eastern side of the building and it is also proposed to allow the hedge on the western side to grow taller. However, neither of these would reinforce the landscape character of the area or provide meaningful screening in what is a fairly open landscape.

Owing to its isolation, appearance and prominence, the building would appear incongruous in the landscape and would harm the rural character of the area, which has a traditional pattern of settlement and is generally well conserved.

Flooding and Drainage

Part of the building would encroach on the flood zone and in this area ground levels would be raised. Although this would mean that the building would be unlikely to flood (owing to it being raised above flood levels), it may give rise to a small increased risk of flooding downstream. Before validation the agent was asked to consider moving the building to a position entirely outside of the flood zone. The flood risk assessment submitted in response to that request acknowledges the risk and notes the raising of ground levels, but does not justify the position of the building, which has not been moved. In spite of the lack of objection from the Environment Agency, it is considered that the proposal is not justified given that there would appear to be lower risk sites within the same field or elsewhere on the tenanted land, such as at Sherwood Farm.

Surface water from the roof of the building would be collected in a holding tank beneath the yard and discharged to a soakaway. It is proposed that the access track and yard would be constructed from permeable materials.

Details of foul water drainage have not been provided but the presence of livestock in the building would necessitate collection and separation of foul and surface water flows. At present, there is no provision for foul drainage within the building and therefore there is a risk of contamination of the surrounding land. Given the lack of detail about the proposed intensity of use of the building for livestock, it would not be reasonable to leave this information to be the subject of a condition.

Other Matters

The nearest dwelling, other than the farmhouse, is about 250 metres away but closer to the buildings at Sherwood Farm. Given this separation, there is unlikely to be an adverse effect on the amenity of occupants.

Based on a use for agricultural storage (rather than storage and distribution, or a more intensive commercial use) the proposal is unlikely to result in an increase in traffic which would adversely affect highway safety or the character of the area.

Conclusion

The information submitted to justify the proposal is severely lacking in detail and appears to be based on possible future scenarios rather than current needs. The applicant may be trying to secure the future of the farm business by establishing a building on his own land but the justification for doing so is lacking. In the absence of a convincing case for this building and given the landscape harm and the flooding and drainage concerns, the proposal is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed agricultural building, by reason of its scale, appearance and isolated position within an open field would appear unduly prominent and visually intrusive, to the detriment of the character and appearance of the rural landscape. Part of the building would also be situated on land which is designated as flood zones 2 and 3 when there are other sites or positions available with a lower risk of flooding. In addition, provision has not been made for foul drainage of the building and this is likely to lead to pollution of the surrounding land and watercourses owing to the intended use for livestock housing. In the absence of any justification in terms of a need for the building and a reason for its siting, as well as the risk of pollution from the use of the building, it is the opinion of the Local Planning Authority, that the proposal would be contrary to the provisions of policies S5 (Countryside Protection), D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the adopted East Devon Local Plan, Strategy 7 (Development in the Countryside) and policies D1 (Design and Local Distinctiveness), D7 (Agricultural Buildings and Development), EN14 (Control of Pollution), EN18 (Maintenance of Water Quality and Quantity) and EN21 (River and Coastal Flooding) of the emerging New East Devon Local Plan and guidance in the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

2015.035.01	Proposed Plans	Combined	16.09.15
2015.035.03	Block Plan		16.09.15
2015.035.02	Block Plan		16.09.15

List of Background Papers

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

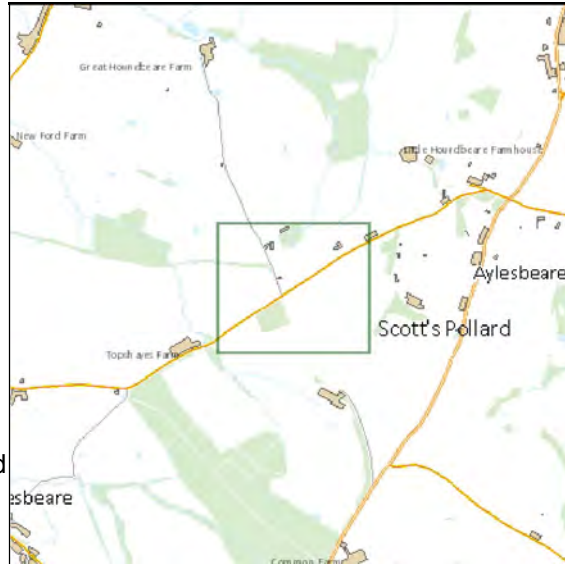
Ward Ottery St Mary Rural

Reference 15/1424/FUL

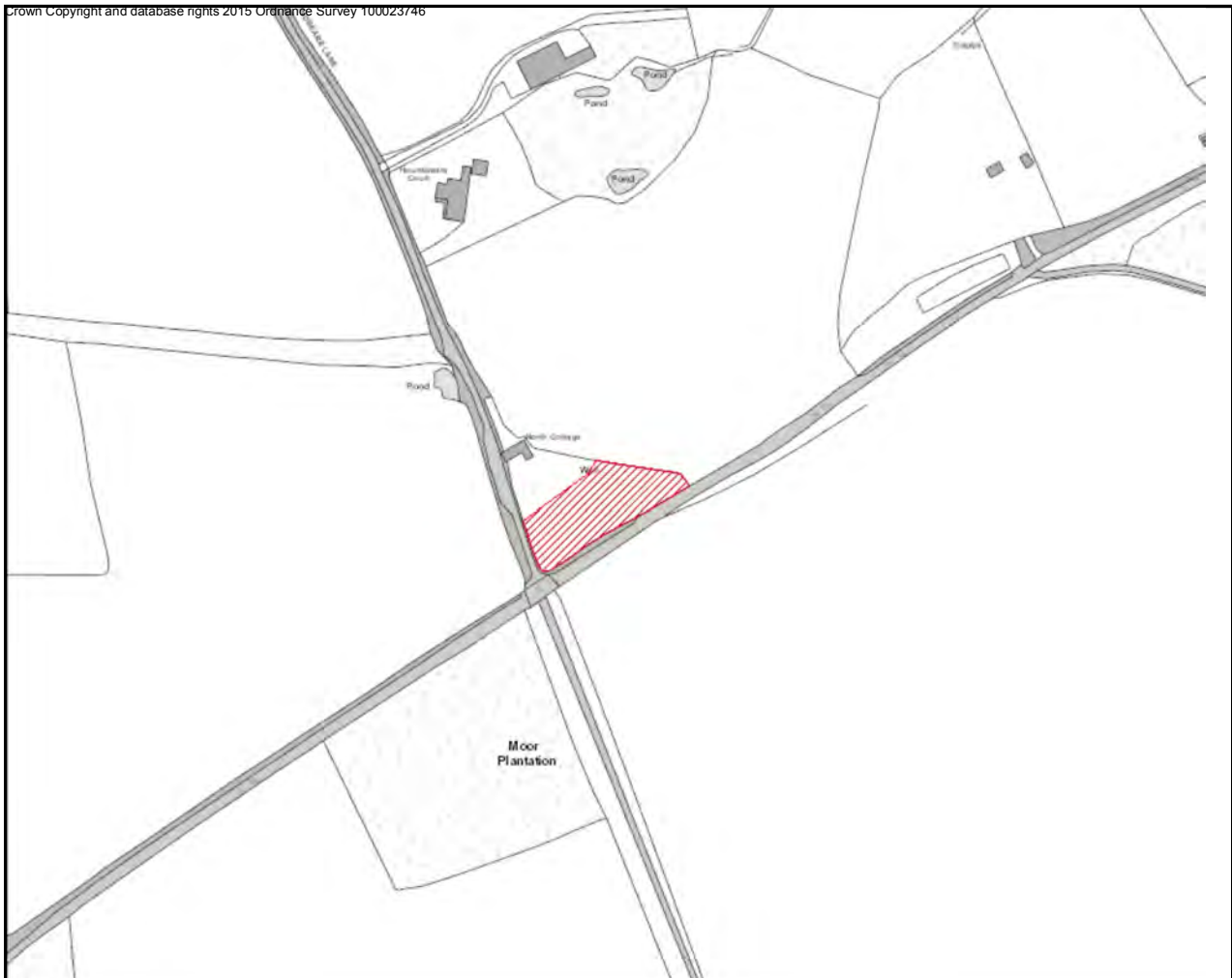
Applicant Mr & Mrs Peter Carhart

Location North Cottage Aylesbeare Exeter
EX5 2DB

Proposal Detached single storey dwelling and
detached garage



RECOMMENDATION: Refusal



		Committee Date: 8 December 2015
Ottery St Mary Rural (AYLESBEARE)	15/1424/FUL	Target Date: 02.10.2015
Applicant:	Mr & Mrs Peter Carhart	
Location:	North Cottage Aylesbeare	
Proposal:	Detached single storey dwelling and detached garage	

RECOMMENDATION: REFUSE

EXECUTIVE SUMMARY

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

The application proposes the construction of a detached dwelling with associated access and landscaping on a small parcel of land in the countryside mid-way between Aylesbeare and West Hill. There is no special planning justification for the dwelling in this countryside location as it is proposed to benefit from unrestricted occupancy.

Given the remote location of the site, the proposal is not considered a sustainable form of development, as it is not well served by local services and facilities or public transport links.

In addition to the above, the application is within 400m of the Pebblebed Heaths where new dwellings are not allowed under Strategy 47 of the emerging New Local Plan due to a likely adverse impact upon birds.

Accordingly the application is recommended for refusal.

CONSULTATIONS

Local Consultations

Ottery St Mary Rural - Cllr M Coppel

I am favourable towards this application, and would ask that it be taken to committee should officers find reasons for refusal. Should this be the case, I reserve my final judgement until presented with all the facts on the day.

Parish/Town Council

Members of Aylesbeare Parish Council would wish to recommend that this application is approved.

Technical Consultations

County Highway Authority

Does not wish to comment

Other Representations

There have been no third party representations received in respect of this application.

POLICIES

New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

Strategy 47 – (Nature Conservation and Geology)

EN5 (Wildlife Habitats and Features)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

D3 (Trees and Development Sites)

Adopted East Devon Local Plan Policies

S5 (Countryside Protection)

TA7 (Adequacy of Road Network and Site Access)

TA1 (Accessibility of New Development)

D5 (Trees on Development Sites)

EN4 (Nationally Important Sites - including Sites of Special Scientific Interest)

EN6 (Wildlife Habitats and Features)

OFFICER REPORT

Site Location and Description

The application site is a small parcel of land located in the countryside adjacent to the road approximately half way between Aylesbere and West Hill. The site lies on the western side of the road and is roughly triangular in area. The roadside boundary

is formed by a hedgebank and the other boundaries are interspersed with mature trees. The site is surrounded by farmland and there is a copse of trees to the south. Adjacent to the north side of the site is a detached dwelling in same ownership.

The site lies within 400m of the Pebblebed Heaths Special Protection Area.

Relevant Planning History

There is no planning history on the site that is relevant to the current proposed development.

Proposed Development:

The application seeks full planning permission for the construction of a detached single storey dwelling and detached garage on the land, together with the formation of a new vehicular access from the adjacent road, towards the southern end of the roadside boundary. The dwelling would be located towards the north east side of the plot, and the garage located to the east of the dwelling.

The applicant has advised that they wish to remain in the area and would move into the new smaller dwelling as the existing dwelling is in need of refurbishments with the garden overgrown and a burden.

ANALYSIS

The main considerations in the determination of this application are;

- The principle of the proposed development;
- The impact on the character and appearance of the area;
- Amenity Impacts;
- Impact on highway safety.

Principle:

The site lies in the countryside around 1.25 km north east of Aylesbeare and around 1.5 km south west of West Hill. Both of these settlements have a defined built up area boundary (BUAB) in the Adopted Local Plan, but only West Hill is proposed to retain its BUAB in the New East Devon Local Plan. The site is therefore in open countryside (this being defined as all areas outside built-up area boundaries or specific allocations).

There is a presumption against new development in the countryside contained in both the Adopted and New East Devon Local Plans (Policy S5 and Strategy 7 respectively) unless supported by a special circumstance or another policy in the Local Plan. There are no other policies that support residential development in this location and such a special circumstance could include the requirement for an agricultural worker's dwelling, optimal viable use of a heritage asset or re-use of a redundant or disused building where it leads to an enhancement of the immediate setting. No such justification has been put forward in this instance and as such the

proposal is considered to represent a departure from the adopted Local Plan. Whilst the intention of the applicant to downsize is acknowledged and appreciated, the occupation of the existing and new dwellings cannot be controlled through the planning system in this instance and the reason does not amount to a special circumstance in planning policy terms.

A number of recent appeal decisions in the District have confirmed that (amongst others) Policy S5 of the adopted Local Plan and Strategy 7 of the New East Devon Local Plan are consistent with National Planning Policy Framework policy objectives and can be given 'great weight' (Appeal Ref: APP/U1105/W/15/3003548 Land adjacent The Last Resort, Green Lane, Exton EX3 0PW and Appeal Ref: APP/U1105/A/14/2229080, Land at Down Close, Newton Poppleford).

However, the Adopted East Devon Local Plan is now out of date and despite Inspector's recognition of the weight that can be afforded to countryside protection policies, the proposal needs to be considered against the presumption in favour of sustainable development as defined by the National Planning Policy Framework.

The NPPF advises that the "golden thread" running through Planning is the presumption in favour of sustainable development and the three dimensions to it: economic, social and environmental. This means approving development that accords with the Development Plan or, if this is out of date, granting permission unless any adverse impacts of doing so would significantly and demonstratively outweigh the benefits when assessed against the policies as a whole within the framework; or specific policies in the framework indicate that development should be restricted. The NPPF also advises that Local Planning Authorities should maintain an up to date 5 year supply of housing (including a 20% reserve where there has been a history of under supply) this is therefore a material consideration where development is considered to be sustainable.

In this case the Council consider that it can demonstrate a five year land supply (+ 20% buffer) but it is acknowledged that full weight cannot be given to this until it has been tested at the current Local Plan Examination and agreed by the Local Plan Inspector. In any case the social benefits from the proposal are limited given the location of the site (see below). In terms of economic benefits the proposal may provide some support to the local construction industry but there would be very limited wider benefits to the wider rural economy particularly due the lack of businesses and services in the village that any residents might help to sustain.

In terms of the environmental element, there are only very limited services available locally, with nearest services at Aylesbeare and West Hill. Services in Aylsebeare are limited to a village hall and a church, and West Hill offers a convenience shop, post office, primary school and petrol filling station. Whilst West Hill is considered to be a sustainable location, access by foot or bicycle would not be attractive given the lack of dedicated footways or street lighting. As such it is considered that future residents of the site would have to rely on the private car for much of their day-to-day needs. In that context, the proposal would substantively add to the need to travel by car, bringing it into conflict with Policies TA1 and TC2 respectively of the Adopted and Emerging Local Plans. In addition, concerns are raised below regarding the change to the character and appearance of the area from the proposal.

In addition to the inaccessible location of the site, it is located within 400m of the Pebblebed Heaths Special Protection Area. Strategy 47 of the emerging New Local Plan states the following that is relevant to this proposal:

“To help to preserve the integrity of the East Devon Pebblebed Heaths, specifically on account of the impact of domestic cats through bird predation, new dwellings will not be allowed on or within 400m of the Pebblebed Heaths Special Protection Area.”

This Strategy wording follows concerns raised by Natural England regarding the impact from new development in close proximity to the East Devon Pebblebed Heaths and a particular concern identified regarding the impact from domestic cats.

Given this, the proposal would have a detrimental environmental impact and as a result of its likely impact on the Special Protection Area and inaccessible location of the site, the principle of the development is unacceptable and contrary to both the adopted and emerging Local Plans.

Character and Appearance:

At present the site where the dwelling is proposed has a rural, undeveloped character, the land within and surrounding the site being fairly level and the site having many mature trees and shrubs along the boundaries and throughout the site. The residential development of the site would fundamentally alter the rural and undeveloped character of the site. As the site also falls within the open countryside there is a requirement for development to seek to conserve and enhance the landscape character of the area.

The application proposes to clear the site and construct a dwelling with a large hard standing linking the dwelling with the proposed new access. The construction of a dwelling in this location would appear distinctly separate from the existing pattern of development and it is considered that there will be public views of the site from the adjacent road. Development of this site for residential purposes would fundamentally alter the undeveloped character of the site and lead to a consolidation of development in the countryside contrary to the environmental role of sustainability.

Residential Amenity:

The nearest dwelling to the site is the existing dwelling on the adjacent plot and within the same ownership, known as North Cottage. The proposed dwelling would be situated around 30.0 metres from the existing dwelling, and separated by a new boundary definition between the two plots. There is no submitted information regarding proposed boundary treatments, however a 2 metre close boarded fence or equivalent height hedgerow would provide a base level of screening. The proposed dwelling would be located approximately 32 metres from North Cottage and oriented so that it would not directly face North Cottage. It is considered that there would be sufficient space between the properties to maintain adequate privacy and residential amenity between them. On balance it is considered that the proposed development would not impact unduly on the privacy or amenities of any nearby occupants. There have been no representations received from members of the public in relation to this proposal.

Highways Issues:

The proposed development would provide a new vehicular access from the road adjacent to the south east boundary of the site. The existing access on the southern corner of the site would be closed up and new hedge bank planted. The proposed new access would be 5 metres in width and would provide visibility splays of 45 metres in either direction. There would be sufficient space available within the proposed hard standing area to accommodate traffic attracted to the site and to provide turning areas to enable vehicles to arrive and depart in forward gear. The county highways authority has been consulted and has not raised any issues in respect of the proposal and it is considered that the proposed development would not pose a danger to the safe operation of the highway network.

Conclusion

The location of the site within the countryside remote from adequate services with a likely adverse impact upon the Pebblebed Heaths Special Protection Area represent an unsustainable form of development with the adverse impacts from its location and visual impact significantly and demonstrably outweighing any benefits. As such the proposal is unacceptable despite no concerns regarding the proposed access to the dwelling or impact upon residential amenity.

RECOMMENDATION

Refuse permission for the following reason(s):

1. The proposed development would be located in the countryside beyond any defined settlement and without a designated built-up area boundary. The development would therefore, in the absence of any special justification and given its location remote from adequate services, employment, education, and public transport, and where it would therefore increase the need for travel by private vehicles, represents an unsustainable form of development with the adverse impacts significantly and demonstrably outweighing any benefits. The proposal would therefore be contrary to the provisions of Policy S5 (Countryside Protection) and TA1 (Accessibility of New Development) of the East Devon Local Plan 1995 to 2011, and Strategy 7 (Development in the Countryside) and Policy TC2 (Accessibility of New Development) of The emerging East Devon Local Plan and guidance within the National Planning Policy Framework on sustainable development.
2. By virtue of the proposed development being within 400 metres of the East Devon Pebblebed Heaths, it has the potential to lead to the deterioration of habitats and loss or disturbance of wildlife within the East Devon Pebblebed Heaths Site of Special Scientific Interest, East Devon Pebblebed Heaths Special Area of Conservation and East Devon Heaths Special Protection Area arising from the increased likelihood of predation by domestic pets and increased recreational use. Therefore, the proposed development is contrary to the Conservation of Habitats and Species Regulations 2010, guidance contained in the National Planning Policy Framework, Policy EN4 (Nationally Important Sites - including Sites of Special Scientific Interest) of the East Devon Local Plan and

Strategy 47 (Nature Conservation and Geology) of the submitted New East Devon Local Plan.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

Site Location Plan, 14.504/02, 14.504/03, 14.504/04, 14.504/05, 14.504/06

List of Background Papers

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

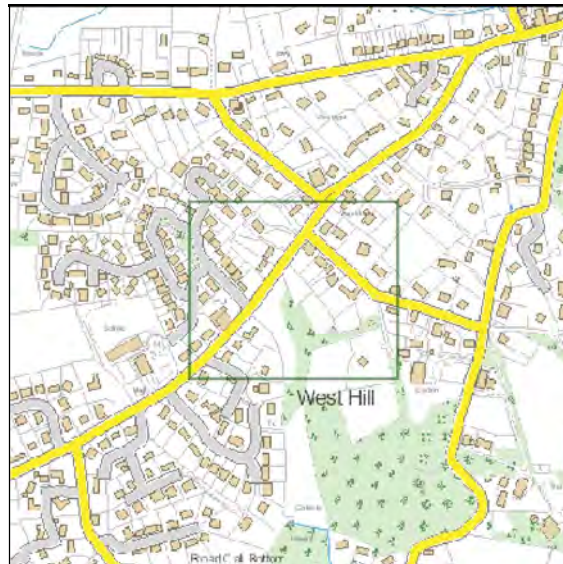
Ward Ottery St Mary Rural

Reference 15/1694/FUL

Applicant Mr Kevan Cornfield

Location Land Adjacent Greytops West Hill Road West Hill

Proposal Construction of single dwelling on plot 1 (revised design and layout)



RECOMMENDATION: Approval with conditions



		Committee Date: 8 December 2015
Ottery St Mary Rural (OTTERY ST MARY)	15/1694/FUL	Target Date: 24.09.2015
Applicant:	Mr Kevan Cornfield	
Location:	Land Adjacent Greytops West Hill Road	
Proposal:	Construction of single dwelling on plot 1 (revised design and layout)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as it represents a departure from the adopted Local Plan.

The proposal seeks planning permission for a large, detached, two-storey dwelling with an integral double garage. The principle of development for a dwelling on the site (plot one) has already been established through the granting of the outline planning (13/1248/OUT) and reserved matters permissions (14/0262/RES).

A full planning application is necessary as the proposal seeks to change the siting of the proposed dwelling as well as the position and layout of the access to the site.

The proposal initially submitted sought the removal of a Scots Pine tree which is subject to a Tree Preservation Order (TPO) and protected by condition eight of the outline consent (13/1248/OUT). However, the current proposal has been revised to alter the siting of the proposed dwelling to retain the protected tree following objections from the Local Planning Authority, Ward Member, Town Council and the West Hill Residents' Association to its proposed removal.

The main issues for consideration relate to the specific site constraints and components of development namely its design, vehicular access, and impact on trees and landscaping. The proposal is considered acceptable as it complies with relevant policy requirements and the previous objections to the loss of the protected tree have been address by the revisions to the scheme. The proposal is, therefore, recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

20/08/15 - The Planning Committee does not support this application:
Potential felling of T6 is not justified.

Further comments 07/10/15

15/1694/FUL - Land adjacent Grey Tops, West Hill
Previously supported with no further comments

Ottery St Mary Rural - Cllr M Coppel

5.10.15 - I'm afraid I cannot support this application whilst it includes the unnecessary and unjustified felling of a tree that has a TPO on it.

However, should this application come to DMC I will reserve my final judgement until in possession of all the facts.

Further comments 9.10.15 -

Happy to withdraw my objection.

Technical Consultations

Environmental Health

I have considered the application and do not anticipate any environmental health concerns. The EA were consulted on previous applications on this site.

County Highway Authority

Highways Standing Advice

Other Representations

An objection was received from the West Hill Residents' Association as the initially submitted proposal sought the removal of the Scots Pine tree which is subject to a Tree Preservation Order.

Wales and West Utilities have provided a plan in relation to the site showing the approximately position of pipes to the site frontage.

No other representations had been received at the time of writing the report.

POLICIES

New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

TC7 (Adequacy of Road Network and Site Access)

Adopted East Devon Local Plan Policies

S5 (Countryside Protection)

D1 (Design and Local Distinctiveness)

D5 (Trees on Development Sites)

EN6 (Wildlife Habitats and Features)

EN15 (Control of Pollution)

TA1 (Accessibility of New Development)

TA7 (Adequacy of Road Network and Site Access)

Relevant Planning History

Outline planning permission for the construction of four dwellings at the site was granted under application reference 13/1248/OUT. This permission established the principle of development together with the means of access to the site.

Reserved Matters approval was granted for the construction of two of the four dwellings permitted at outline stage under application reference 14/0262/RES. The reserved matters approved the appearance, layout, scale and landscaping of plots one and four of the proposed development.

Site Location and Description

The site is at the northern end of a tract of woodland and fields extending from the countryside on the edge of West Hill right to the centre of the village. This particular area is an open field surrounded by mature trees of varying heights, ages and species. The site has a frontage onto West Hill Road (the main road through the centre of the village) and there is a gated vehicular access positioned adjacent to the mini roundabout by the village shop. This frontage is typical of the site as a whole with mature trees on a bank along the road frontage.

The topography of the site comprises an elevated strip to the north (behind the road frontage) with a gradual slope falling away from the trees and down to the southern end of the site. Of note and running contrary to the general slope of the site is a more step gradient along the eastern side of the southern portion of the site. This boundary is tree covered and provides a distinct woodland character at the edge of and beyond the site.

Proposed Development

This application seeks approval for the construction of a single dwelling on plot one (also known as 1 Cooper Court). It is noted that reserved matters approval has already been granted for plots one and four under planning application ref. 14/0262/RES, however, a further full planning application is required as it is

proposed to revise the siting of the proposed dwelling as well as slightly altering the position and layout of the access to the site.

The proposal is for a large, detached, two-storey dwelling with an integral double garage. The dwelling's front elevation would comprise two gable ends either side of a double height glazed entrance. The proposal would provide a kitchen/dining/family area, lounge, study, entrance hallway, utility/boot room, toilet and plant room at ground floor level. At first floor level the proposal would provide five bedrooms, three of which would have en-suite bathrooms/dressing areas.

The proposal initially submitted sought the removal of a Scots Pine tree which is subject to a Tree Preservation Order (TPO) and protected by condition eight of the outline consent (13/1248/OUT). However, the current proposal has been revised to alter the siting of the proposed dwelling to retain the protected tree following objections to its proposed removal.

The proposal would be finished externally with a mix of white rendered walls and cedar boarding with brick plinths. The roof would be tiled. To the rear of the property, at first floor level, a balcony is proposed above the family area. The balcony would have a glass balustrade with an etched obscure glass screen.

ANALYSIS

Principle of development

The principle of development for a dwelling on plot one has already been established through the granting of the outline planning and reserved matters permissions.

While the site is outside the built-up area of the village it is well located in relation to the main village amenities and would contribute towards the housing land supply in the district. Although it is likely that occupiers of the dwellings would rely on their cars to access jobs, limited shops and recreation facilities exist within the village. With the principle having already been established, together with the issues already outlined, the development is considered to be reasonably sustainable and acceptable

The main issues for consideration, therefore, relate to the specific site constraints and components of development namely its design, vehicular access, and impact on trees and landscaping.

Design of the proposed dwelling and its impact on amenity

It is noted that a large, albeit more traditionally designed, dwelling was previously approved under the reserved matters application. This current application seeks permission for a large 5 bedroom dwelling of a more contemporary design. While the scale of the dwelling is relatively large it would be set within a plot of approximately 2,400 square metres which would provide sufficient space to accommodate the new dwelling.

The area surrounding the site is primarily residential in nature and is characterised predominately by large single dwellings set in large plots. Therefore, the proposed dwelling is considered to be in keeping with the character and appearance of the existing village and its environs. Further, the proposed dwelling would be located far

enough away from any existing adjoining properties, namely Summercourt House, Haworth and Little Bowden, so that it would not give rise to any adverse impact on loss of amenity in terms of privacy, overlooking or dominance. The proposed dwelling on plot one would also be acceptable in this regard in terms of its relationship with the approved dwelling on plot two which would be approximately 15 metres to the south-west and in relation to the properties on the opposite side of West Hill Road.

Impact on traffic and highway safety

It is noted that the County Highway Authority has indicated that this application falls under its Standing Advice. The proposal complies with the Standing Advice's recommended minimum widths and lengths, and visibility splays for a private drive serving a single dwelling. The proposed scheme also provides adequate space in which to turn a vehicle within the curtilage and to enter/exit the site in a forward gear.

The proposed development is considered acceptable as it would meet the requirements of the County Highway Authority's Standing Advice and is unlikely to have an adverse impact on traffic generation or highway safety. In addition, the access is in a very similar position to that previously granted as part of the outline planning permission.

Impact on trees and landscaping

The Tree Officer (verbally), Ward Member, Town Council and the West Hill Residents' Association have all objected to the initially proposed removal and loss of the protected Scots Pine tree located centrally within the site.

In response to the objections to the loss of the protected tree, the application has been revised to alter the siting of the proposed dwelling to move it further away from the tree to allow its retention.

The revised siting of the proposed dwelling would be adjacent to the crown spread and root protection of protected Scots Pine tree. The proposed access and driveway to the dwelling would also be partly within the crown spreads and root protection areas of protected trees along the north-western boundary of the site. However, an Arboricultural Report (which includes an Arboricultural Method Statement and Tree Protection Plan) has been submitted outlining the use of protective fencing and ground protection measures and other construction techniques to mitigate against adverse harm of the trees during construction of the development. The proposal is now considered acceptable subject to a condition securing the proposed tree protection measures set out in the Arboricultural Report.

In response to the changes to the proposal the Ward Member has now withdrawn their objection and the Town Council now supports the proposal. The changes to the scheme also address the objection raised by the West Hill Residents' Association.

While no additional landscaping is proposed as part of the development it would retain all mature hedging and protected trees within the site. Therefore, the proposal is now considered acceptable as it would not have an adverse impact on any protected trees, hedges or landscaping subject to securing conditions to ensure the

trees and their root protection areas are protected during construction of the development.

Impact on ecology and protected species

An Extended Phase 1 Habitat Survey and Bat Emergence Survey (along with a recent update) have been submitted in support of the application and recommend several measures to mitigate harmful impact on several species including bats, badgers, nesting birds and reptiles.

Given this, and given that consent has previously been granted on the site, officers are satisfied that the proposed development would not have an adverse impact on ecology or any protected species subject to a condition to secure the mitigation measures.

Other matters

The outline planning permission (13/1248/OUT) was granted subject to the payment of financial contributions towards open space and education infrastructure provision with regard to the demands created by the occupiers of the new dwellings.

This revised proposal is a full planning application seeking permission for the construction of a standalone dwelling. The Council's policy position in relation to securing relevant financial contributions has evolved since the outline planning permission was granted. When this full planning application was submitted the Council was only seeking habitat mitigation contributions towards the Pebblebed Heaths to offset recreational pressures that are known to arise. A Unilateral Undertaking has been submitted with this application to secure a habitat mitigation contribution of £626 for the Pebblebed Heaths which is in accordance with policy applicable at the time of submission 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. The final finished floor levels and finished ground levels of the development hereby approved shall be carried out in accordance with the details shown on drawing number 1624/06C Rev B received by the Local Planning Authority on 18 September 2015.
(Reason - To ensure that adequate details of levels are available in the interest of the character and appearance of the locality.)

4. Visibility splays shall be provided, laid out and maintained for that purpose at the site access, in accordance with drawing number 1624/05C received by the Local Planning Authority on 18 September 2015, where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway/drive 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 33 metres in both directions.
(Reason - To provide adequate visibility from and of emerging vehicles, 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 East Devon Local Plan).
5. The site access road shall be hardened, surfaced and drained for a distance of not less than 10 metres back from its junction with the public highway prior to the first occupation of the dwellings hereby permitted.
(Reason - To prevent mud and other debris being carried onto the public highway in accordance with policy TA7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan and TC7 (Adequacy of Road Network and Site Access) of the Emerging East Devon Local Plan).
6. The development shall be carried out in accordance with the findings, mitigation measures and recommendations of the Extended Phase 1 Habitat Survey and Bat Emergence Survey undertaken by Devon Wildlife Consultants dated June 2013 and the letter from Ecologic Consultant Ecologists dated 29 July 2015.
(Reason - To ensure the protection of wildlife within the development 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 East Devon Local Plan).
7. The development hereby permitted shall be carried out in accordance with the Arboricultural Report prepared by Rowse Tree Services received by the Local Planning Authority on 18 September 2014.
(Reason - To ensure the continued well being of retained trees in the interests of the amenity of the locality in accordance with policy D5 (Trees on Development Sites) of the Adopted East Devon Local Plan and policy D3 (Trees and Development Sites) of the Emerging East Devon Local Plan.)
8. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed Construction Specification / Method Statement for driveways or other hard surfaces within the root protection areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.
(Reason - To ensure the continued well being of the trees in the interests of the amenity of the area and in accordance with policy D5 (Trees on Development Sites) of the East Devon Local Plan.)

9. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings 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 Adopted East Devon Local Plan and policy D1 (Design and Local Distinctiveness) of the Emerging East Devon Local Plan. 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.)

10. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed service, foul and surface water drainage layout 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 long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved service / drainage layout. (Reason: To ensure the continued well being of the trees in the interests of the amenity of the area in accordance with policy D5 (Trees on development sites) of the Adopted East Devon Local Plan and policy D3 (Tree on Development Sites) of the Emerging East Devon Local Plan. Such details are required at the earliest opportunity in the development process to allow appropriate control of trees on site which contribute to the character of the area.)

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.

This planning permission shall be read in conjunction with a Unilateral Undertaking securing financial contributions towards Exe Estuary and Pebblebed Heaths mitigation signed and dated on 29 June 2015.

Plans relating to this application:

	Location Plan	23.07.15
1624/01	Proposed Elevation	23.07.15
1624/02	Proposed Combined Plans	23.07.15
1624/03	Proposed Floor Plans	23.07.15
1624/04	Proposed Floor Plans	23.07.15

1624/05C	Proposed Site Plan	18.09.15
1624/06C	Sections	18.09.15

List of Background Papers

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

Ward Ottery St Mary Rural

Reference 15/2090/OUT

Applicant Paul Hunt Investments Ltd

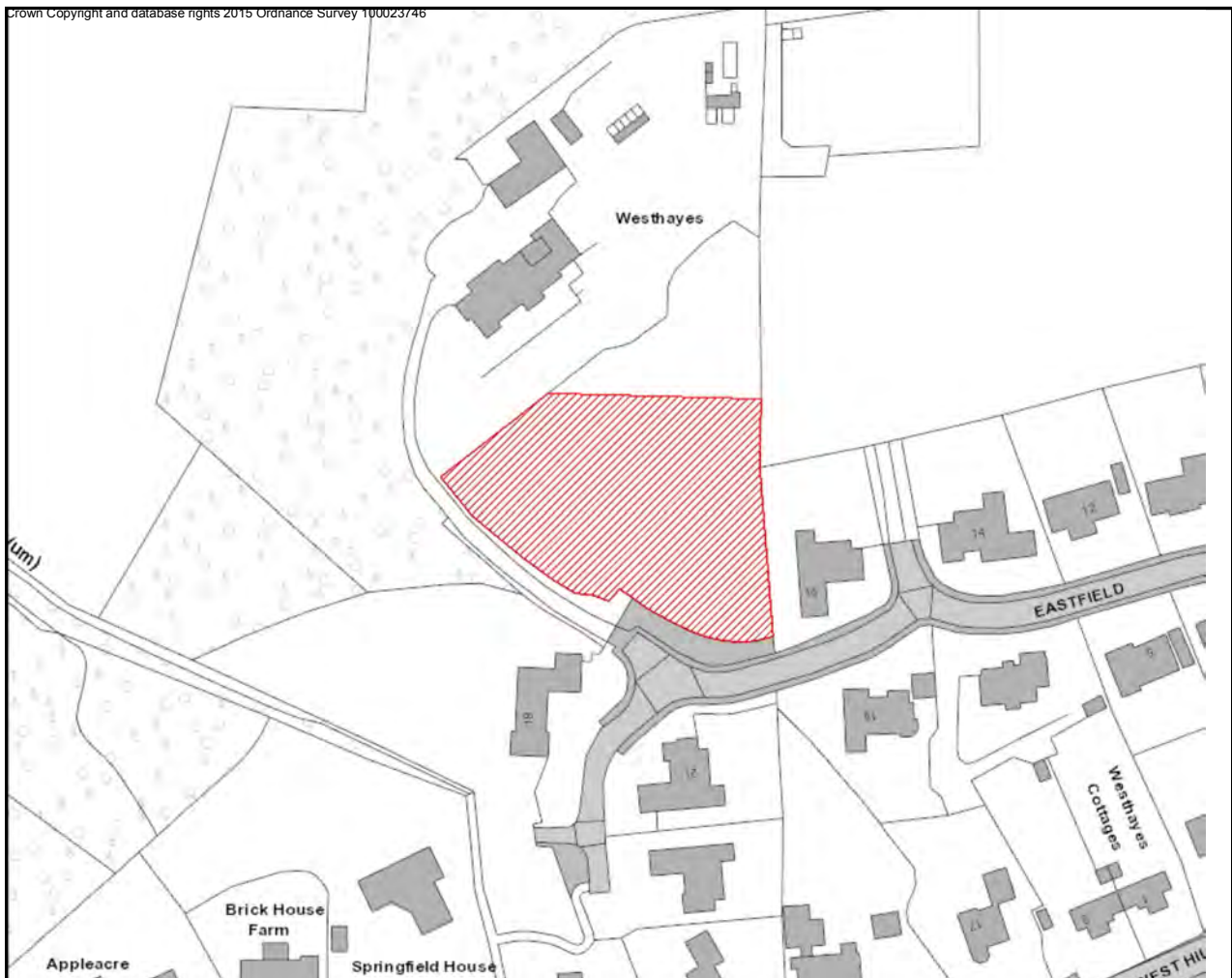
Location West Hayes West Hill Road West Hill Ottery St Mary EX11 1UZ

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



RECOMMENDATION: Approval with conditions

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		Committee Date: 8 December 2015
Ottery St Mary Rural (OTTERY ST MARY)	15/2090/OUT	Target Date: 10.11.2015
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)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

The application seeks outline planning permission (discharging matters of access and layout) for three detached dwellings on the front lawn of West Hayes. The site is located outside but adjoining the defined built-up area boundary for West Hill and is between sites with planning permission for 10 and 25 dwellings on land to the west and east respectively.

The application is also entirely identical to a previous application (ref. 15/0923/OUT) that was reported to the Development Management Committee at its meeting on 8th September this year. However, at the time of its referral to Members, an appeal against non-determination had been lodged with the Planning Inspectorate, therefore removing the power of the Local Planning Authority to determine it. However, the resolution taken by Members at the meeting was that it would have been minded to approve the application with conditions had the appeal not been lodged and this has been reported to the Planning Inspectorate.

This repeat application therefore seeks a determination by the Council pending the outcome of the appeal against non-determination. In the event of a grant of planning permission for this second application, it is at the discretion of the applicants whether to then withdraw the appeal.

Although the site is outside the built-up area, the Council's belief that it has a five year supply of housing land cannot be given full weight at this time. In light of this, the main consideration in this case is whether or not the proposal would

constitute sustainable development.

In this regard, the site is sustainably located reasonably close to the village primary school and shop/post office and there is also has a regular bus service which provides access to Exeter and Honiton. West Hill is characterised by low density housing in wooded surroundings. In that respect this proposal would be entirely compatible with the village and members have previously resolved that the proposal is acceptable. In the absence of environmental harm and with the benefits of providing additional housing and economic activity, the proposal is regarded as sustainable development. For this reason and given the previous resolution, the proposal is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

15/2090/OUT - West Hayes, West Hill Rd, West Hill

Previous comments from original application (below) will stand.

The Planning Committee does not support this application:

Outside of the Built Up Area Boundary

Pine trees (16) to be felled with no Arboriculturist report

Contrary to the West Hill Village Design Statement

The application does not comply with the Interim Mixed Affordable and Market Statement which requires 66% affordable dwellings and evidence that there is a local need for affordable housing.

Technical Consultations

County Highway Authority

Observations:

The proposed access for the application is an existing access on to Eastfield, Visibility from the site proposed is adequate. Eastfield is a unclassified county road. The speeds around the site are low with very little traffic. Eastfield accesses on to West Hill Road.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY,

1. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, visibility splays, turning area, parking space and garage/hardstanding, access drive and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

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

2. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 10 metres back from its junction with the public highway.

REASON: To prevent mud and other debris being carried onto the public highway.

3. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

REASON: In the interest of public safety and to prevent damage to the highway.

Natural England

Planning consultation: Construction of 3 detached dwellings and formation of shared vehicular access and driveway (outline application with details of access and layout and reserving details of scale, appearance and landscaping).

Location: West Hayes, West Hill Road, West Hill, Ottery St Mary, EX11 1UZ.

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)

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

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 the East Devon Heaths Special Protection Area (SPA). The sites are also notified at the national level as Sites of Special Scientific Interest (SSSIs).

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.

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.)

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 approximately 1km from the East Devon (Pebblebed) Heaths SAC and 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.

We note that a Section 106 Heads of Terms document has been submitted with this application. The developers confirm that they will pay a Habitat Mitigation Contribution of £1,878 for this development. This needs to be secured in order to help avoid and mitigate additional recreational impacts from the proposal, should it be granted planning permission. Assuming that the financial contribution is secured and is sufficient, 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 c. 1km 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.

Protected Species

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

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

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

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

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

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 geo-diversity)
- 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 geo-conservation 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](#).

Other Representations

Three representations have been received, including one on behalf of the West Hill Residents Association which raises no objection. The remaining two representations express objections/concerns on the following grounds:

1. Already too many houses allowed for in new developments off Eastfield leading to an over density of houses in this part of the village.
2. Eastfield is a narrow road unsuitable for extra traffic which will have a negative impact upon residents' quality of life and change it from a quiet residential road to a busy one.
3. Facilities in West Hill inadequate to cope with current number of residents, let alone the extra the new developments will bring in.
4. Question whether sewerage system will be able to cater for all the new houses proposed.
5. Existing damaged road surface of Eastfield will not be improved by allowing the building of three further dwellings.
6. Access to and from Eastfield is at a dangerous junction with poor visibility and the two traffic islands do not slow down traffic travelling along West Hill Road.

PLANNING HISTORY

West Hayes

Reference	Description	Decision	Date
15/0923/OUT	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)	Non-determination appeal lodged	10.11.2015
15/1258/MFUL	Construction of 10no. dwellings (including 4no. affordable) together with associated access and landscaping.	Committee resolution to Approve – Section 106 agreement pending	
14/1518/VAR	Amendment to planning permission 12/2672/MFUL (construction of 10 no. dwellings) to reduce the size of properties on plots 1-6 and maintain affordable provision at 60% (alternative proposal to application 14/1127/VAR)	Withdrawn	17.10.2014

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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12/2672/MFUL	Construction of 10no dwellings (including 6no affordable) together with associated access and landscaping.	Refusal - Appeal Allowed	28.02.2013 21.10.2013
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11/1886/MFUL	Construction of 15 dwellings (including 10 affordable) together with associated access (off Eastfield) and landscaping.	Refusal - Appeal Dismissed	08.12.2011 28.05.2012
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Land North of Eastfield

Reference	Description	Decision	Date
14/2861/MRES	Reserved matters application for the erection of 25 no. dwellings (seeking approval of appearance, layout, scale and landscaping) pursuant to permission 13/1809/MOUT	Approval with conditions	01.05.2015

10/0761/MOUT	Outline application (seeking determination of means of access only) for the erection of 50 dwellings of which 20 to be age restricted dwellings and 30 to be for general needs housing, together with associated open space and necessary infrastructure, the change of use of part of the site to educational use and provision of a new building for educational purposes	Refusal - Appeal Dismissed	08.12.2011 15.11.2011
13/1809/MOUT	Construction of up to 25no dwellings (circa 10 age restricted, 10 affordable and 5 open market), provision of access, open space and associated works (outline application with details of access only)	Approval with conditions	27.06.2014

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)

D3 (Trees and Development Sites)

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)

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)

TA7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

ANALYSIS

Site Location and Description

West Hayes is a large detached twentieth century dwelling set in very spacious grounds and surrounded by many mature trees. It is located on the edge of West Hill, outside the built-up area and is accessed from Eastfield. To the west is the former parkland extending from the grounds of West Hayes and to the east is a field and further housing. On both sides of the site planning permission has been granted for housing.

Proposal

This application seeks outline planning permission for three detached dwellings on the front lawn of West Hayes. All matters are reserved except for details of access and layout. Access would be from the private drive leading to West Hayes and within the site the three plots would branch off a central access road.

The proposal is identical to a previous application (ref. 15/0923/OUT) that was reported to the Development Management Committee at its meeting on 8th September this year. However, at the time of its referral to Members, an appeal against non-determination had been lodged with the Planning Inspectorate, therefore removing the power of the Local Planning Authority to determine it. However, the resolution taken by Members at the meeting was that it would have been minded to approve the application with conditions had the appeal not been lodged and this has been reported to the Inspectorate and is a material consideration in the determination of the current application.

This repeat application therefore seeks a determination by the Council pending the outcome of the appeal against non-determination. In the event of a grant of planning permission for this second application, it is at the discretion of the applicants whether to then withdraw the appeal.

Considerations/Assessment

The site is located outside but adjoining the defined built-up area boundary for West Hill and is between sites with planning permission for 10 and 25 dwellings on land to the west and east respectively.

Circumstances regarding housing land supply have changed since the permissions were granted on the adjacent sites in 2013 and 2014. In March this year a Strategic Housing Market Assessment was published and housing monitoring figures were reviewed. As a result of that work it was concluded that the Council can demonstrate that it has a five year supply of housing land, including a 20 percent buffer. However, full weight cannot be given to that position until the Local Plan Inspector has considered the district-wide housing position in his assessment of the emerging Local Plan. Consequently, full weight cannot be given to the five year supply or the built-up area boundary around the village.

In light of that, the main consideration in this case is whether or not the proposal would constitute sustainable development.

The site is located reasonably close to the village primary school and shop/post office. Although there is not a continuous footway connecting the site to those facilities, this is unlikely to deter occupiers of the dwellings from making the 500-600m journey on foot. The village also has a regular bus service which provides access to Exeter and Honiton. The adjoining developments have been considered to be sustainable located and the previous resolution from Members on the previous identical application is material to determination of this application.

West Hill is characterised by low density housing in wooded surroundings. In that respect this proposal would be entirely compatible with the village. Given that sizeable developments have been permitted on both sides of the site, the proposal would not be incompatible with the pattern of development in this particular part of the village. Furthermore, the mature screening provided by the existing trees and hedgerows mean that it would have little visual impact or cause any loss of amenity to the occupiers of surrounding properties.

The site benefits from substantial tree planting and the application is accompanied by an Arboricultural Report and Tree Schedule that covers a wider area than the site and includes the land to the west where a number of trees are to be felled to enable the 10 dwellings at West Hayes to be constructed.

The proposed layout ensures that the existing trees within the site are retained falling within the gardens of the proposed dwellings. Where tree works are necessary, any adverse effect would be mitigated by new planting as part of a landscaping scheme. Furthermore, the protection of the retained trees during construction can be secured through condition. Subject to these conditions the proposal would preserve the character and appearance of the surrounding landscape. The Council's Tree Officer raised no objection to the impact upon trees as part of the previous application and the impact remains unchanged.

Highway Safety

It is considered that the amount of traffic generated by the development can be safely accommodated within the highway network leading to the site and via the new access that will only require the removal of a small section of hedge.

Amenity

With regard to any impact upon the amenity of surrounding properties, the existing tree coverage and distances to surrounding properties (approximately 27m to number 16 Eastfield and approximately 22m to number 18 the two closest properties) result in acceptable relationships that would not result in an unacceptable loss of amenity to surrounding residents. There would be approximately 35m to West Hayes which itself retains a large garden.

Conclusion

In the absence of environmental harm, given the previous resolution to support development of an identical development, and with the benefits of providing additional housing and economic activity, the proposal is regarded as sustainable development and is supported.

The submission is accompanied by a completed unilateral undertaking securing the payment of a habitat mitigation contribution, upon commencement of the development, of £1,878.00. This is in line with the Council's adopted approach towards meeting its obligations under the Habitat Regulations in relation to mitigation of the impacts of additional residential development upon the integrity of the Pebblebed Heaths Special Protection Area.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Approval of the details of the scale and appearance of the buildings 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.)
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
(Reason - In accordance with the requirements of Section 92 of the Town & Country Planning Act 1990.)
3. 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.)

4. 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 during and after the construction of the dwellings and in the interests of the amenity of the area. In this regard it is necessary to have an agreed tree protection scheme before the start of development to ensure suitable protection is in place for trees of high amenity value before any vehicles/machinery or materials are taken onto site. This is in accordance with policy D5 (Trees on Development Sites) of the adopted East Devon Local Plan and Policy D3 (Trees and Development Sites) of the emerging New East Devon Local Plan.)

5. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed and timetabled specification for all necessary arboricultural work to retained trees shall be submitted to and approved in writing by the Local Planning Authority. The specification will accord with the principles given in BS 3998:2010. All tree felling and pruning works shall be carried out in full accordance with the approved specification and the principles of British Standard 3998:2010 - Recommendations for Tree Works, and in accordance with the agreed timetable of operations or such other works at such other times as may be agreed in writing by the Local Planning Authority.

(Reason - To ensure that details of any works necessary to facilitate the commencement of development are agreed in advance of that work in the interests of the continued well being of retained trees during and after the construction of the dwellings and in the interests of the amenity of the area. This is in accordance with policy D5 (Trees on Development Sites) of the adopted East Devon Local Plan and Policy D3 (Trees and Development Sites) of the emerging New East Devon Local Plan.)

6. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed plan showing the 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 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 retained trees during and after the construction of the dwellings and in the interests of the amenity of the area. In this regard it is necessary to have an agreed services plan before the start of development to ensure that the infrastructure works for the development are positioned appropriately in relation to trees. This is in accordance with policy D5 (Trees on Development Sites) of the adopted East Devon Local Plan and Policy D3 (Trees and Development Sites) of the emerging New East Devon Local Plan.)

7. Any landscaping scheme approved as part of a reserved matters application 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 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.)

8. Before any development above slab level is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used in the construction of the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

9. No dwelling shall be occupied until those parts of the carriageways and footways within the site which provide access to it have been constructed, except for the application of the final wearing course, in accordance with the plans hereby permitted.

(Reason - To ensure that adequate access is provided before dwellings are occupied 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.)

10. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, visibility splays, turning area, parking space and garage/hardstanding, access drive and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.
(Reason - To ensure that adequate facilities are available for the traffic attracted to the site in accordance with 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.)
11. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 10 metres back from its junction with the public highway.
(Reason - To prevent mud and other debris being carried onto the public highway 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.)
12. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.
(Reason - In the interests of public safety and to prevent damage to the highway 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.)

NOTE FOR APPLICANT

Informatives:

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.

This permission shall be read in conjunction with the unilateral undertaking relating to the payment of a habitat mitigation contribution.

For the avoidance of doubt, this permission does not authorise any felling or pruning of trees protected by a Tree Preservation Order.

Plans relating to this application:

EWD/103	Location Plan	02.09.15
EWD:285/102	Proposed Site Plan	02.09.15

EWD:285/101	Proposed Site Plan	02.09.15
EWD:285/100	Proposed Site Plan	02.09.15

List of Background Papers

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

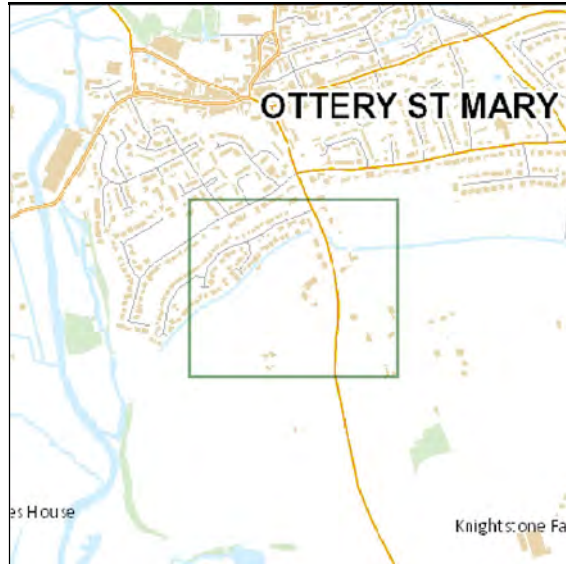
Ward Ottery St Mary Town

Reference 15/1991/MRES

Applicant David Wilson Exeter

Location Former Gerway Nurseries Ottery St Mary EX11 1PN

Proposal Reserved Matters application in respect of appearance, landscaping, layout and scale pursuant to outline consent 14/1227/MOUT for the erection of 45 dwellings with associated open space infrastructure to include the discharge of conditions 3, 4, 5, 8, 11, 14, 15 and 16 of the outline approval.



RECOMMENDATION: Approval with conditions



		Committee Date: 8 December 2015
Ottery St Mary Town (OTTERY ST MARY)	15/1991/MRES	Target Date: 19.11.2015
Applicant:	David Wilson Exeter	
Location:	Former Gerway Nurseries Ottery St Mary	
Proposal:	Reserved Matters application in respect of appearance, landscaping, layout and scale pursuant to outline consent 14/1227/MOUT for the erection of 45 dwellings with associated open space infrastructure to include the discharge of conditions 3, 4, 5, 8, 11, 14, 15 and 16 of the outline approval.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the recommendation of Officers differs from the view of the Town Council.

The application seeks approval of the details reserved by the outline planning permission (ref. 14/1227/MOUT) granted in December 2014 in respect of a residential development of up to 45 dwellings together with associated open space and infrastructure.

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

The submitted details show a mix of two storey detached and semi-detached units for the open market element of the scheme and a mix of two storey apartments and terraced units for the affordable housing element. It is noted that the affordable housing is to be clustered together rather than dispersed throughout the site however they have been designed to be visually the same as the open market dwellings using the same materials, detailing and boundary treatments. Further the rear parking court/turning head adjacent to site's boundary with New Harcourt and Cardarroch would provide pedestrian and cycle access to Ottery St Mary, via the newly proposed footpath.

The scheme proposes a reasonable mix of dwelling forms the design of which uses a traditional style of housing with a large number of different house types

and a materials palette comprising predominantly red brick with some render and a mix of grey and dark red roof tiles. In addition, the proposed landscaping scheme, which seeks also to retain the mature trees around the perimeter of the site and those either side of the site access, would provide an attractive setting for the development that pays appropriate regard to its surroundings.

Devon County Council's Flood and Coastal Risk Management Team initially raised concerns about the proposed disposal of surface water on the site including the use of a significant underground feature, which would be adopted by South West Water, rather than above ground attenuation/Sustainable Drainage Systems (SuDS).

The applicant has since provided further information to address Devon County Council's concerns which has advised that it now has no objections to the proposed surface water management scheme subject to the consideration of other additional SuDS features and how they would be maintained. Therefore, the proposed surface water drainage scheme is now considered acceptable.

Although the concerns raised by the Town Council and third parties with regard to the proposal are acknowledged, they primarily relate the principle of development (as well as the proposed footpath to be considered under a separate planning application reference 15/1974/FUL) which has already been considered at outline stage and found to be acceptable. The concerns raised are not considered to represent significant objections upon which refusal of the details could reasonably be justified.

In view of the above it is considered that the details, as amended, are acceptable.

CONSULTATIONS

Local Consultations

Ottery St Mary Town Council

11 September 2015 – The Planning Committee unanimously does not support this application:

1. Specific policies in the NPPF that indicate that this proposed development should be rejected;
2. The adverse impacts of the proposed development that significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole;
3. Those policies in the current EDDC local plan that continue to have value and effect having regard the decisions of various planning inspectors whom have considered and supported the continuing relevance of parts of the plan in appropriate circumstances; and

4. The lack of local support. While the applicant has taken some steps to seek the views of local people, the application has failed to set out the outcome of those consultations for the information of the planning authorities and for those, such as the Town Council whom they consult, an essential step if the applicant is to comply with the spirit and the openness advanced in paragraph 189 of the NPPF. Ottery St Mary has received a significant number of written representations and heard from local people at its Planning Committee meeting. None are in favour of the development.

Certain of these points are covered in more detail in the following text.

1. NPPF

A. The NPPF's three key drivers

The proposal is not sustainable development within the meaning of the National Planning Policy Framework and its three key dimensions of an economic role, a social role and an environmental role.

It fails to meet the economic dimension because the development is not of the right type or in the right place to support growth and innovation; and it does not help to coordinate development across East Devon. Ottery St Mary already has more than sufficient grants of planning permission to meet the numbers set for new homes by EDDC's draft local plan for Ottery St Mary: to place yet more in the Town is to deny other locations within the District the opportunities that come from planned sustainable development.

The applicant's Planning Statement is wrong at paragraph 5.20 in asserting that there is uncertainty over development of the Cutler Hammer site and fails to take account of the Butts Road development when suggesting that there is an under provision of new homes in the Town and that a target of 300 units is 'not deliverable.' Current grants of planning permission are already approaching 500 new homes.

It fails to meet the social dimension because it does not supply housing to meet a current need: and there are not sufficient local services for its support.

Ample housing to meet current needs is already guaranteed by the planning consents already granted. Social facilities and services are already at breaking point: the GP surgery is full to capacity as is the local secondary school.

It fails to meet the environmental dimension because it fails to contribute to protecting and enhancing the natural and built environment of Ottery St Mary. Instead, it proposes the urbanisation of a rural gateway into the Town, (not least with terraces of houses at the otherwise rural setting of the entrance to the development as shown in the indicative layout).

B. The NPPF's 12 Core Planning Principles

It fails to comply with the 12 Core Planning Principles of the NPPF as set out at paragraph 17 of the NPPF:

Principle 1- It is not genuinely plan led.

- The site has not been identified in the time-expired local plan and the draft local plan as a site suitable for new housing.

- The applicant fails to acknowledge those parts of the time-expired local plan that remain relevant and takes no account of the draft local plan in its proposals for the Town.
- Planned development in the draft local plan is on the western boundary of the Town where good and sustainable communication links, by vehicle, cycle and on foot, are provided to the regional employment and commercial centre of Exeter, into the centre of Ottery St Mary and to essential services such as the secondary school, the hospital and GP surgery. The linkage of the proposed development to essential services in the Town and, more widely, to Exeter does not provide a sustainable solution.

Principle 2- It does not enhance or improve the place in which people live.

- It only offers 25% 'social/affordable' housing rather than 40%.
- It would place further excessive burdens on the GP surgery and the local schools all of which are at capacity.
- There are other significant difficulties with this proposed site as noted below.

Principle 3- It does not support sustainable economic development in East Devon.

- Recent major Ottery St Mary planning approvals have all been for new housing and there have been none that will lead to sustainable new employment close to places where people live.
- The proposal reduces employment opportunities by seeking a change of use from high-value horticultural activities to residential housing. It reduces job opportunities and increases the number of job-seekers.
- The excess of new homes approved for the Town over that in the draft local plan is not sustainable for the Town: and it denies opportunities for sustainable development in other East Devon settlements.

Principle 5- It takes no account of the character and beauty of this part of the countryside and fails to recognise the intrinsic character of the rural gateway to Ottery St Mary. The proposed development would:

- Create a finger of developed land extending out from the built-up area boundary and into the rural environs.
- Compromise the rural gateway to the Town by what is 'ribbon development' along a principal access route.
- Be outside the built-up area boundary.

Principle 6- It fails to take account of the well known Zone 3 flooding risk to the proposed pedestrian and traffic route to the town centre.

- Paragraph 99 of the NPPF requires that regard should be had to flood risk. The principal pedestrian and vehicular access route from the development passes through the highest category of flood risk - Zone 3 and the development will therefore be cut off from the Town and its essential services and facilities in the event of flooding: recent history shows that this is a reality not a hypothetical possibility.
- Moreover, the applicant's report recognises the inevitable increase in flooding events that are to be expected as a consequence of climate change: but fails

to draw attention to the significant access and egress difficulties that the proposed development would face as a result.

Principle 7- It fails to conserve and enhance the natural environment.

- The development is on high ground (well above the level of the roadway) and its visibility would create a significant impingement into the countryside and into views from the west of the Town and from West Hill.

Principle 8- It is land used for horticultural purposes and is not a brownfield site.

- This point is acknowledged and conceded by the applicant in his supporting documentation.

Principle 11- It fails actively to manage patterns of growth that make the fullest possible use of public transport, walking and cycling and fails to meet the need for focusing development in locations that are sustainable.

- The Sidmouth Road serving the proposed development has long been acknowledged by Devon County Council to be substandard along its length from the Town southwards to The Bowd junction. It makes no sense to introduce extra traffic onto this road no matter which direction it turns as it leaves the proposed development.
- Public transport on the boundary of the proposed site is infrequent. The applicant's 'Hail and Ride' proposals for buses are completely unrealistic: there are no places for buses safely to stop anywhere nearby to the development.
- There is no satisfactory walking route within the development: walkers are required to walk away from the Town centre in order to exit the development.
- There is no satisfactory walking route to the Town centre:
 - 1) Even with the changes suggested by the applicant, the walking route will remain highly dangerous.
 - 2) It is unreasonable and highly dangerous for the applicant to propose the narrowing of the already challenging Sidmouth Road from 6.48m to 4.8m so that a footway can be constructed (See paragraph 4.5 of the applicant's Planning Statement).
 - 3) The applicant's proposal for a footway of minimal width (1.4m) at the point where it also proposes to narrow the carriageway will be highly dangerous to pedestrians (no matter what pedestrian railings might be proposed) (See paragraph 4.12 to 4.14 of the applicant's Planning Statement).
 - 4) There is no continuous safe footway into the Town centre: rather, there will be the need to cross the Sidmouth Road at its most dangerous point, that is at the crossroad with Longdogs Lane and Winters Lane and on the brow of a blind hilltop in order to use what footways there are.
- The proposed cycle route into the Town is equally unsatisfactory for securing the safety of cyclists and would be highly dangerous.

Principle 12- It fails to take account of and support local strategies to improve health, social and cultural wellbeing for all and contribute to the delivery of sufficient community and cultural facilities and services to meet local needs.

- The GP Health Centre and schools are at capacity.

- The library, the youth services, the children's services and the hospital are all under threat.
- There is nothing in this application that addresses any of those issues.
- There is nothing in the application that seeks to support local strategies for improvement and for the provision of local services.

Further comments:

10 November 2015 - The Planning Committee does not support these amendments

Technical Consultations

Devon County Archaeologist

Previous archaeological work undertaken on this site indicates that the development of this site will not have an impact upon any known heritage assets. The Historic Environment Team has no comments to make on this planning application.

Housing Strategy Officer

Original comments

3 September 2015 - All the affordable homes should be provided in accordance with the signed Section 106 Agreement dated 15th December 2014.

From the plans etc is it not clear if a disable unit is included. The S106 requires 5% of the total number of affordable units to be suitable for disable use. This equates to one dwelling.

The S106 also states that 10% of the affordable units should be Social Rent, 60% Affordable Rent and 30% as Shared Ownership. From the plans submitted it is unclear what the tenure split is. This, along with the location, and property details of the disabled dwelling needs to be clarified and agreed before permission is granted. Confirmation is also sought that all the affordable dwellings will be constructed to Code for Sustainable Homes level 3 and meet the Homes and Communities Agency Design and Quality Standards.

We remain disappointed that the affordable dwellings remain grouped in one area and not dispersed throughout the development as previously mentioned.

Further comments:

3 November 2015 - This Reserved Matters application meets with our expectations regarding the property types and overall tenure split of affordable housing. However we would like to see the disabled dwelling clearly identified within the submitted plans and Accommodation Schedule. At a recent meeting with the Applicant it was agreed that Plot 26 would be the disabled use dwelling. At this meeting concerns were raised about the external layout of this dwelling. It is unclear from the plans submitted that this has been fully addressed. The allocated garden appears small and has little or no privacy. Access to the garden shed appears to be difficult, when considering gated access to the first floor flat. From the Planning Site Layout Drg No. 1404:03 it is difficult to clearly identify the proposed garden area for plot 27.

We note that most of the affordable dwellings only have access to one parking space each. This may cause future management issues for the Registered Provider involved and for the residents with two vehicles.

The S106 also states that 10% of the affordable units should be Social Rent, 60% Affordable Rent and 30% as Shared Ownership. From the plans submitted it remains unclear what the tenure split is. Confirmation is still sought that all the affordable dwellings will be constructed to Code for Sustainable Homes level 3 and meet the Homes and Communities Agency Design and Quality Standards.

We still remain disappointed that the affordable dwellings remain grouped in one area and not dispersed throughout the development.

DCC Flood Risk SuDS Consultation

18 September 2015 - We have concerns for the proposals for the disposal of surface water on this site for the following reasons:

- The proposed strategy is different to that proposed in the approved FRA dated 21 May 2014 with the inclusion of a significant underground feature rather than above ground attenuation. The proposed system is not wholly sustainable and does not meet the principles for sustainable drainage. Above ground attenuation features should be utilised unless it can be demonstrated that this is not feasible. SuDS features should be designed in accordance with the SuDS Manual and Devon County Councils own guidance.
- It is not clear how discharge rates have been calculated for the attenuation structures and it appears a page is missing from the Micro Drainage outputs. Further clarification is required on rates and volumes of the proposed scheme which match Greenfield performance at all times.
- Attenuation structures are located within Flood Zone 3 and the attenuation pond is located in close proximity to the proposed water pipe diversion. The attenuation pond is also located in close proximity to the watercourse edge; clarification would be required on the construction method of this pond in order to secure the stability of the watercourse edge.
- Exceedance routes are located to fall towards the watercourse, clarification is required to whether this is likely to cause issues to the existing development on the opposite bank. Flood risk should not be increased up or downstream of the development.
- Some historic flooding and drainage issues have been recorded on Sidmouth Road at the site access point.

Further comments:

10 November 2015 - Further to correspondents with Infra Design Ltd clarification has been provided on the points raised within our letter dated the 18th of September 2015. Consideration to other additional SuDS features should be considered where possible, such as those identified by EDDC's landscape architect such as bio-retention methods and options within the green verges. But further to information provided above we have no objection to the proposed surface water management strategy but the inclusion of additional features will provide betterment.

A suitably worded condition should be provided for the detailed design of the adoptable below ground storage (particularly buoyancy calculations due to the

proximity of the adjacent watercourse) and details of the maintenance regimes of the proposed SuDS features and their relevant management company.

Devon and Cornwall Police Architectural Liaison Officer

Pedestrian Link

Connectivity to a main parking area, including visitors spaces where vehicle owners may not be within view of their vehicles is a concern with lack of surveillance and ownership.

As a result I am concerned many visitors will ignore these spaces and park on the street and pavements. Visitors spaces can then become used for other non intended uses that may create community conflict (such as un-official play areas).

Pedestrian link provides an easy escape route for criminals.

Design of path – paths should be straight, well lit and be devoid of potential hiding places (SBD and Safer Places Guidance). The dog-legged design doesn't allow for clear lines of site.

A design that allowed the connection path to enter onto an area of shared and overlooked public space would provide a more secure alternative.

Lighting provision

Unclear on the proposals a. Which areas of the site will be adopted to highways standard and b. Especially the proposed pedestrian link.

A well designed lighting scheme is crucial and affects 6 out of the 7 designing out crime principles.

Rear service alleyways

I accept that attempts have been made to minimise their use, and various gating systems are used.

There are however some very long service alleyways serving only one building.

It is common experience that gates are fixed too far behind the building line and often handed over with no locking provision.

Gates must be fixed as close to the building line as practicable and be provided with code locking hardware.

Blank gable ends and parking area surveillance

Any house type that is overlooking parking provision must have a gable window that is from a lived in downstairs room (i.e. sitting room).

Parking provision plots 37-40

The proposed parking arrangement isolated car spaces away from the car owners.

Effective surveillance over the car parking provision for these spaces is a concern.

I believe the result will be that owners will simply park on the main access road.

Segregated areas of parking should be re-designed to be overlooked by the houses who own the vehicles. Segregated parking areas increase the fear of crime and opportunities for crime.

Other Representations

5 representations have been received which raise issues with the development on the following grounds:

- The principle and suitability of the site for development;
- Development outside of the built-up area boundary;
- Lack of capacity of sewage treatment plant and schools;
- No pedestrian access to Ottery St Mary;
- Issues with the newly proposed footpath link;
- Impact on existing properties in terms of ambience, privacy and noise;
- The loss of agricultural land; and
- Highway safety implications and traffic generation.

PLANNING HISTORY

Reference	Description	Decision	Date
14/1227/MOUT	Phased residential development (use class C3) of up to 45 dwellings with associated open space and infrastructure (means of access only to be determined)	Approval with conditions	17.12.2014

POLICIES

New East Devon Local Plan Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 3 (Sustainable Development)

Strategy 5 (Environment)

Strategy 24 (Development at Ottery St Mary)

Strategy 38 (Sustainable Design and Construction)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN13 (Development on High Quality Agricultural Land)

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

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

RC2 (New Open Space, Sports Facilities and Parks)

TC7 (Adequacy of Road Network and Site Access)

Adopted East Devon Local Plan Policies

S2 (Built-up Area Boundaries for Area Centres and Local Centres)

S4 (Development Within Built-up Area Boundaries)

S5 (Countryside Protection)

D1 (Design and Local Distinctiveness)

D4 (Landscape Requirements)

D5 (Trees on Development Sites)

EN4 (Nationally Important Sites including Sites of Special Scientific Interest)
EN6 (Nationally and Locally Important Archaeological Sites)
H3 (Range and Mix of New Housing Development)
H4 (Affordable Housing)
RE3 (Open Space Provision in New Housing Developments)
TA1 (Accessibility of New Development)
TA7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The site is located on land approximately 500 metres south of the centre of Ottery St Mary, adjacent to the main Sidmouth to Ottery St Mary Road. The site immediately adjoins the residential development along Claremont Field to the north. The site is currently bordered by mature hedges with a number of trees contained within it. The site was previously used as a horticultural nursery with glass houses and polytunnels, which have since been demolished. An existing residential property, Gerway Close, remains on the site and there is an existing vehicular access at the south-eastern corner of the site.

Proposed Development

The scheme seeks to build on the outline planning permission that secured consent for up to 45 dwellings with associated open space and infrastructure under reference 14/1227/MOUT. The outline permission defined access only with all matters of scale, layout, appearance and landscaping reserved for future consideration.

The assessment that will be made for this application considers the remaining four reserved matters. It does not, therefore, consider the principal or vehicle access arrangements which have previously been approved. It is noted that Ottery Town Council has submitted an identical objection to that which it submitted for the outline application. The matters raised by the Town Council largely relate to the principle of development which has already been considered at outline stage and does not relate to the reserved matters to be considered under this application.

In addition to seek approval of the remaining reserved matters, the application has included a number of other details which seek to address pre-commencement conditions of the outline approval (no's 3, 4, 5, 8, 11, 14, 15 and 16). To structure the report the four reserved matters will be considered in turn with outstanding conditions at the end.

Considerations/Assessment

Layout

The site as recognised at the outline stage lies to the south of Ottery St Mary and on generally flat land albeit elevated above Sidmouth Road, which runs adjacent to the site to the east. As noted in the outline planning application this has the effect of increasing the prominence of any development on the site which is set on a substantially lower level than much of the development to the immediate north which is on a rising hillside into the town. This has the effect of providing a back drop of

land and built form from the main vantage point of the site from the Sidmouth to Ottery road.

The site is bounded by existing mature hedgerows with hedgerow trees which are proposed to be retained within the layout. In addition, key specimen trees are also proposed to be retained within the layout, primarily those around the site's access and those around the existing property Gerway Close. As such these trees would add a sense of maturity to the landscaping and setting for the development which is supported.

While the topography of the site is relatively level it is considered that the housing has as far as possible been located to minimise cut and fill and the various levels that are found across the site. While there are a number of retaining walls proposed to be located at the back of and between respective garden areas to help to stagger development across the site these structures have only a limited visual impact from the public realm and as such do not adversely affect the character of the area beyond which can be reasonably be expected from a housing development on a Greenfield site.

The proposed layout would provide a central spine road which would run up the middle of the site from the access with Ottery Road toward the north-western corner of the site. A linear strip of housing would be provided along the western edge of the central spine road adjacent with the remaining housing clustered in the form of a series of cul-de-sacs along village streets. This provides interest to what otherwise may have been a straight-line road which could have been a harsh feature. The introduction of changes to the width of the central spine road after it meets Gerway Close and the change of road surfacing adjacent to plots 7, 8, 26/27 and 37/38 add further interest and breaks up the length of road-dominated sections.

The outline consent required there to be 350 sqm of informal open space which is separate to the biodiversity area (discussed later). Therefore, the proposal would provide a pocket green in front of plots 16 and 17 with a further 200 sqm of informal land to be provided at either side of the site entrance. Therefore, amenity land is well spread around the site and is used to both give the retained trees space and also make use of the areas identified at higher risk of flooding. In particular the larger area of amenity land in the form of the pocket green would be ideally located for use as a more formal recreation area.

The outline application proposed a 2 metre wide footway from the vehicle access to the site, following the top of the embankment adjacent to Sidmouth Road which would have connected with the existing footpath outside of Robinsmede. This footway is no longer proposed and instead the reserved matters application proposes a new footpath link accessed via the turning head/rear parking court at the end of village street 3 adjacent to the rear boundaries of Cardarroch and New Harcourt. The footpath would run between Cardarroch and New Harcourt and connect the development to Sidmouth Road. It is acknowledged that issues in terms of the footpath's design and safety have been raised by local residents and the County Highway Authority, however, the proposed footpath does not form part of this reserved matters application and will be considered under a separate planning application (reference 15/1974/FUL) which has been submitted to the Local Planning

Authority. Moreover footpath access is important and to ensure that either the permitted route or proposed route is a provided a suitable condition could be added to the Reserved Matters in the event of approval.

Scale

The overall housing numbers were established at outline stage and, therefore, scale refers more particularly to the actual size and massing of the housing proposed. In this instance a total of 45 new two storey dwellings are proposed, comprising 29 open market dwellings and 16 affordable dwellings (35% of the development).

The open market element would comprise 25 detached dwellings and 4 semi-detached dwellings. The existing property, Gerway Close, is also proposed to be retained on site and is incorporated into the overall layout of the proposed scheme. The larger detached properties of the proposed development are generally proposed to be laid out along the south-western and north-western fringes of the site which adjoin the surrounding open countryside and the proposed biodiversity area (discussed later in this report).

It is noted that issues have been raised concerning the external layout of the disabled unit, the tenure split of the development, the provision of a single parking space for each of the affordable units and the clustering of the affordable housing element.

One unit for use by a disabled person is required under the outline planning permission's S106 agreement and the developer proposes to make unit 26, a one bed ground floor apartment, available for this purpose. While the concerns about the size of the dwelling's garden and its privacy are noted, it is considered that the proposed dwelling has been designed with disabled access in mind and would afford its future occupants with a satisfactory level of amenity and is in keeping with the street scene. The 16 affordable dwellings would comprise 11 units for affordable rent (70%) and 5 units for shared ownership (30%), which is in accordance with the S106 requirements.

While the affordable housing is proposed to be clustered together in a single area around Village Street 3, rather than dispersed throughout the site, the affordable dwellings have been designed to be visually the same as the open market dwellings using the same materials, detailing and boundary treatments. Further the rear parking court/turning head adjacent to site's boundary with New Harcourt and Cardarroch is likely to provide the pedestrian and cycle access to Ottery St Mary, via the newly proposed footpath. As such it can be agreed that the position of the affordable units within the layout are well integrated with the likely movements around and through the site.

The development proposes a total of 119 off street parking spaces and garages, which averages 2.64 spaces across the site. Further, the central spine road has also been designed to provide on-street parking across the site and, therefore, the proposal is considered acceptable in terms of parking provision particularly recognising the maximum parking standards set out within the adopted Local Plan.

Views across the site will undoubtedly change but two storey dwellings were envisaged at outline when the principal was established. With careful planting and building on a broadly acceptable layout as already discussed it is considered that the scale of development is acceptable.

Appearance

The design of the proposed development employs a more traditional style of housing which aims to take design cues from period homes and historic qualities which exist within Ottery. In this instance the developer proposes a large number of different house types with a materials palette comprising predominantly red brick with some rendered homes, and a mix of grey and dark red roof tiles. The proposed use of differing house types with a range of materials would provide continuity and coherence between the units while at the same time ensuring there is sufficient individuality and variety within the proposed scheme.

As noted above the affordable dwellings have been designed to be visually indistinct from the open market dwellings and will be constructed using the same materials, detailing and boundary treatments.

In terms of appearance it is also necessary to consider the relationship between the respective dwellings and the fenestration and importantly degree of passive surveillance that is obtained from them over the surrounding open space.

In terms of window arrangement and passive surveillance this has also been considered and discussed in detail during the consideration of the application. In this instance the key areas of open space are the pocket green outside of plots 16 and 17 and the areas of informal open space either side of the proposed access to the site, as well as the parking court area for the affordable housing element of the scheme to the rear of the existing property, Cardarroch. The potential overlooking of New Harcourt and Cardarroch is considered acceptable as the windows of plots 32-36 which are closest to the boundary with the properties all look out primarily onto the rear parking court/turning head. Further, there are no windows proposed in gables ends which directly overlook or have an adverse impact on Cardarroch and New Harcourt in terms of loss of privacy. The initially submitted landscaping scheme proposed a limited range of native hedgerow species, however, the revised landscaping scheme now proposes a far wider range of native species which is considered an improvement. Therefore, all areas of the layout have good levels of surveillance from the proposed houses which are orientated in a variety of ways to ensure good levels of overlooking as well as interest to the character of the area.

Landscaping

The landscaping element of the scheme has been the subject of detailed discussions during the consideration of the application, as well as involvement of EDDC's Landscape Architect which have resulted in the submission of recently received amended plans. These plans have not significantly altered the arrangement of landscaping or the broad structure that was originally proposed. However, the changes to the scheme have included additional tree planting at strategic locations of the proposed development to strengthen its visual character and appearance, including views into and out of the site, improve the development's street scene and to reduce its impact on the surrounding landscape. Additional tree planting is

proposed along the central spine road outside of house numbers 2, 4, and 5 as well as additional tree planting in front of plot 18 and plot 31 to improve landscaping at the rear parking court of the affordable housing element.

Along the north-western boundary of the site is an area adjacent to a stream within Flood Zone 3 which is of high risk of flooding. As part of the landscaping proposals, a biodiversity corridor, approximately 15 metres in width, is proposed in this area in the form of a grassed meadow which in addition to providing wildlife benefits would also provide an area to deal with surface water drainage during storm events. As part of the landscaping layout underground attenuation storage tanks are proposed to deal with storm events up to 1 in 30 years while an attenuation pond is proposed in the north-east corner for 1 in 100 year events. It is proposed to keep development away from this area to minimise public access and leave it as wildlife corridor.

It is noted that Devon County Council's Flood and Coastal Risk Management Team initially raised concerns about the proposed disposal of surface water on the site including the use of a significant underground feature, which would be adopted by South West Water, rather than above ground attenuation/Sustainable Drainage Systems (SuDS). The team also sought clarification on the calculation of discharge rates, the stability of the watercourse edges, and historic flooding and drainage issues at the site's access.

The applicant has since provided further information to address Devon County Council's concerns which has advised that it now has no objections to the proposed surface water management scheme subject to the consideration of other additional SuDS features such as bio-retention methods and options within the green verges. The team has recommended a condition for the provision of the detailed design of the adoptable below ground storage (particularly buoyancy calculations due to the proximity of the adjacent watercourse) and details of the maintenance regimes of the proposed SuDS features and their relevant management company. Therefore, the proposed approach is considered appropriate to help manage surface water (particularly as it low lying and located within the high risk flood area) and will create significant wildlife habitat within the scheme.

Existing mature hedgerows and trees along the south-western, south-eastern and north-eastern boundaries of the site are to be retained which provide sections of wildlife habitat as well as further screening of the development.

Generally there is a good level of planting proposed across the site with a good mix of native and non-native species that are appropriate for the edge of town location. The landscaping proposals propose additional tree planting at sensitive nodes of the site including at the proposed vehicular access (primarily a mix of natives including Field Maple, Hazel and Hawthorn) and along the boundary between the proposed parking court and its boundary with the rear of Cardarroch. In addition, substantial tree planting is also proposed at the biodiversity area and around the attenuation pond.

Hard surfacing has been broken up by the use of a mixture of tarmac for the main central spine road, village roads, and associated pavements which are punctuated by the use of landscaped service strips and on-street parking spaces at regular

intervals. Differently coloured paving blocks are used for the proposed raised ramp (outside of Gerway Close and house no 44) and the proposed paved table top at the junction with the entrance to the affordable housing element of the scheme. The delineation of space using different materials rather than requiring unnecessary signage is an advantage and appropriate in this context.

Other Matters

Set out below is a summary and where necessary of information submitted in relation to the conditions imposed on the outline consent. Following good practice the applicants have attempted to address all pre-commencement conditions which is an approach that is encouraged.

(outline conditions)

- 1 - Timescale for implementation (compliance)
- 2 - Approval of reserved matters (Discussed above)
- 3 - Statement of compliance for ecology (submitted)
Details acceptable - condition can be discharged
- 4 - Tree Protection details to accompany reserved matters applications
This has been provided with this application and shows broadly appropriate fencing around the important trees and hedges. Importantly the protection details demonstrate that the scheme as considered can be built without causing harm to the trees and hedges.
- 5 - Archaeological Written Scheme of Investigation – condition can be discharged. Work has already been secured and Devon County Council's Archaeologist has advised that previous archaeological work under taken on the site indicates that development of the site will not have an impact on any known heritage assets.
- 6 - Compliance with Flood Risk Assessment (compliance)
- 7 - Lighting details (still to be submitted)
- 8 - Construction and Environment Management Plan (CEMP) – A CEMP has been submitted considering how the development will take place, working hours and working practices. As such it is considered a robust document that reasonably address the requirements of the condition such that the condition can be discharged.
- 9 - Land contamination (compliance)
- 10 - Visibility splays in accordance with approved plans – see below condition 11.
- 11 - Visibility splays approval of details – details of visibility splays have been submitted and are considered appropriate.
- 11 - Details construction and drainage details
The drainage details are included within the reserved matters application and are considered acceptable and can be discharged.
- 12 - Construction of site access – To be complied with during construction of scheme.
- 13 - Closing up of existing access on completion of new access – To be complied with during construction of scheme.
- 14 - Construction and drainage details – Details of access, parking facilities, visibility splays, turning area and access drainage and it maintenance have been provided and are considered acceptable and can be discharged.
- 15 - No surface water drainage onto County Highway (compliance)

16 - Phasing programme - condition can be discharged as a phasing plan has been provided and is considered acceptable.

17 - Occupation of development before 1 April 2015 (compliance)

Based on the submitted information it is recommended that the scheme be approved with conditions as indicated.

RECOMMENDATION

APPROVE subject to the following conditions:

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

- (a) Appearance
- (b) Landscaping
- (c) Layout
- (d) Scale

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. No. 14/1227/MOUT) granted on 17 December 2014.

The following reserved matters have yet to be approved:

None

The following Conditions attached to the Outline Planning Permission (ref 14/1227/MOUT) referred to above are discharged in relation to the part of the site covered by this reserved matters application:

3, 4, 5, 8, 11, 14, 15, 16

The following Conditions attached to the Outline Planning Permission (ref 14/1227/MOUT) referred to above remain to be complied with where details are required to be submitted prior to the first occupation of development in so far as they relate to the site covered by application 15/1991/MRES:

13

The following conditions attached to the Outline Planning Permission (ref 14/1227/MOUT) referred to above remain to be complied with during the implementation of the development:

6, 7, 9, 10, 12

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

2. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area 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.)
3. Prior to the occupation of any dwelling subject to this permission the layout shall be set out and implemented in full either in accordance with the plan hereby approved (in the event that the alternative footpath route under reference 15/1974/FUL is approved and implemented) or an alternative layout plan which shall previously have been submitted to and approved in writing by the Local Planning Authority which ensures full connectivity with the current footpath route established under the Outline Planning Permission (reference 14/1227/MOUT).
(Reason: To comply with the outline planning permission and in the interest of pedestrian safety and to secure a suitable link between the site and the Town Centre in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the Adopted Local Plan 2006 and Policy TC7 (Adequacy of Road Network and Site Access) of the emerging New East Devon Local Plan.)
4. Prior to commencement of development, details of the SuDS feature for the site including the design of the adoptable below ground storage (particularly buoyancy calculations due to the proximity of the adjacent watercourse) and details of the maintenance regimes of the proposed SuDS features and their relevant management company shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.
(Reason: These details are required to ensure a suitable drainage system is designed and can be implemented prior to any construction in accordance with Policy EN22 (Surface Run-Off Implications of New Development) of the emerging New Local Plan and the guidance contained in the NPPF.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

15008/001 E	Layout	26.10.15
15008/005 C	Sections	26.10.15
15008/006 D	Layout	26.10.15
15008/010 E	Layout	26.10.15
15008/012 B	Sections	26.10.15
15008/013 B	Sections	26.10.15
15008/015 D	Layout	26.10.15
15008/020 E	Layout	26.10.15
15008/021 E	Layout	26.10.15
15008/023 B	Sections	26.10.15
1404:03 A	Layout	26.10.15
1404:04 A	Layout	26.10.15
1404:05 A	Other Plans	26.10.15
1404:06 A	Other Plans	26.10.15
1404:07 A	Other Plans	26.10.15
1404:08 A	Other Plans	26.10.15
1404:09 A	Other Plans	26.10.15
1404/32 A	Proposed Elevation	26.10.15
1404/33 A	Proposed Floor Plans	26.10.15
1404/36 A	Proposed Elevation	26.10.15
1404/37 A	Proposed Floor Plans	26.10.15
1404/40 A	Proposed Elevation	26.10.15
1404/41 A	Proposed Floor Plans	26.10.15
1404/42 A	Proposed Floor Plans	26.10.15
1404:44	Other Plans	26.10.15

P1404/60	Street Scene	26.10.15
GL0444 02	Landscaping	26.10.15
GL0444 01 E	Landscaping	26.10.15
P1404:01	Location Plan	19.08.15
1404:02	Other Plans	19.08.15
P1404/10	Proposed Elevation	19.08.15
P1404/11	Proposed Floor Plans	19.08.15
P1404/12	Proposed Elevation	19.08.15
P1404/13	Proposed Floor Plans	19.08.15
P1404/14	Proposed Elevation	19.08.15
P1404/15	Proposed Floor Plans	19.08.15
P1404/16	Proposed Elevation	19.08.15
P1404/17	Proposed Floor Plans	19.08.15
P1404/18	Proposed Elevation	19.08.15
P1404/19	Proposed Floor Plans	19.08.15
P1404/20	Proposed Elevation	19.08.15
P1404/21	Proposed Floor Plans	19.08.15
P1404/22	Proposed Elevation	19.08.15
P1404/23	Proposed Floor Plans	19.08.15
P1404/24	Proposed Elevation	19.08.15
P1404/25	Proposed Floor Plans	19.08.15
P1404/26	Proposed Elevation	19.08.15
P1404/27	Proposed Floor Plans	19.08.15
P1404/28	Proposed Elevation	19.08.15
P1404/29	Proposed Floor Plans	19.08.15

P1404/30	Proposed Elevation	19.08.15
P1404/31	Proposed Floor Plans	19.08.15
P1404/34	Proposed Elevation	19.08.15
P1404/35	Proposed Floor Plans	19.08.15
P1404/37	Proposed Floor Plans	19.08.15
P1404/38	Proposed Elevation	19.08.15
P1404/39	Proposed Floor Plans	19.08.15
P1404/45	Proposed Combined Plans	19.08.15
P1404/46	Proposed Combined Plans	19.08.15
P1404/47	Other Plans	19.08.15
P1404/48	Other Plans	19.08.15

List of Background Papers

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

Ward Seaton

Reference 15/1924/OUT

Applicant Ms G Hayter

Location Calvados Couchill Lane Seaton
EX12 2JF

Proposal Erection of 1 no. dwelling (outline application with all matters reserved)



RECOMMENDATION: Approval with conditions



		Committee Date: 8 December 2015
Seaton (SEATON)	15/1924/OUT	Target Date: 15.10.2015
Applicant:	Ms G Hayter	
Location:	Calvados Couchill Lane	
Proposal:	Erection of 1 no. dwelling (outline application with all matters reserved)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

The application seeks outline planning permission for the construction of a dwelling house in the front garden of Calvados, which lies within the Built up Area Boundary of Seaton on the northern side of Couchill Lane. All matters comprising appearance, means of access, landscaping, layout and scale are reserved for future consideration, although an indicative layout is shown together with an access point. The access point utilises an existing access opening at the south-western boundary of the property which leads onto a private track, over which a public footpath runs. The existing garden contains a number of trees and several trees subject to Tree Preservation Orders are located near to (but outside of) the site boundary. The area is also characterised as having gardens well screened by boundary vegetation.

The main issues for consideration are the principle of the development and the potential for the development to impact upon the character and appearance of the area, particularly given that an additional dwelling within the plot of Calvados would differ from the development layout pattern of the properties on the northern side of Couchill Lane and that the removal of trees is likely in connection with the development.

The principle of development is considered to be acceptable given the location of the site within the Built-up Area Boundary of Seaton. An indicative plan demonstrate that a layout would be possible which would not necessitate the loss of important trees and that there is potential for the development to be well screened from public view by new landscape planting, such that the character and appearance of the area would be maintained. It is also considered that a layout could be achieved which would not harm neighbouring amenity in relation

to privacy and would provide adequate space for parking and manoeuvring for the new dwelling and some garden area, without loss of important trees or excessive loss to the garden area of Calvados.

A new dwelling at this location would not result in significant increase in vehicle movements on Couchill Lane or have an adverse impact upon highway safety and the proposal would not adversely impact upon the amenity or safety of the public footpath which runs along the private access track to the west of the site.

It is considered that subject to conditions restricting maximum building height, addressing protected species issues, requiring a scheme to limit construction noise impacts and subject to a suitable details relating to landscaping, tree protection, design and layout being secured at the reserved matters stage, the proposal would not have a detrimental impact upon neighbouring residential amenity, protected wildlife or the character and appearance of the area.

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

CONSULTATIONS

Local Consultations

Parish/Town Council

The Town Council objects to this application for the following reasons:

- The proposed highway will access onto a public footpath.
- The deep excavation necessary at the site will potentially undermine neighbouring hedgerow.
- The property will have an overbearing effect on the street.
- The proposal will lead to a loss of visual amenity and a loss of privacy to surrounding houses.
- There will be a large loss of trees.
- Due to habitat concerns the Town Council requests that a bat survey be undertaken at the site.
- The application conflicts with the Seaton Design Statement.

Seaton - Cllr M Hartnell

This outline application for a single dwelling at Calvados, Couchill Lane is, in my opinion, not compatible with the character of its surroundings, contrary to policy S4 of the emerging local plan. There is a clear building line across the adjacent plots, including Calvados, all with extending south facing gardens that are rich with mature trees and hedges. Whilst this application is in outline form, all manner of concerns have been raised in terms of drainage, access, loss of privacy/amenity, and the potential size and bulk of the proposed building.

Technical Consultations

DC Footpath Officer

15/10/15 - I wish to comment on the above application, if planning is granted would the machinery needed during the build use the footpath to access the site? If so then

we would insist that the path is reinstated to the same standard it is now and that the right of way remains open during the works.

Also after construction, if there will be more vehicles using the footpath then the public's safety needs to be considered.

EDDC Trees

It is my opinion that the site can accommodate a new dwelling without compromising any of the important (A and B category) trees.

The proposed new access may have implications for the RPA of the mature Oak close to the southern side of the existing gateway.

The details of both layout design and construction of both the house and the access will need to be informed by BS 5837:2012.

I suggest the following condition is used to secure this.

Tree Survey and Report, 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 survey and report to include a Tree Protection Plan (TPP) and Arboricultural Method Statements (AMS) for the protection of all retained trees, hedges and shrubs on or adjacent to the site, shall be submitted to and approved in writing by the Planning Authority.

The layout and design of the development shall be informed by and take account of the constraints identified in the survey and report.

The tree survey and report 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. The development shall be carried out in accordance with the approved details

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.

County Highway Authority

01/09/15 - Highways Standing Advice

05/11/15 – Further comments: The proposed addition of one dwelling from the substandard access (lacking in visibility) does not constitute over intensification and the highway impact would not be severe.

Other Representations

5 representations have been received raising the following planning issues:

- The safety of Couchill Lane, which is primarily a footpath used by walkers, dogs and cyclists, will be compromised
- Couchill Lane has no parking or passing places and its use for the development will hinder emergency vehicles and neighbours accessing neighbouring properties
- The junction of Couchill Lane with Merrowdown Drive, where traffic converges from several properties on a narrow radius blind bend, is dangerous and its use for the proposed development (including construction) will exacerbate this
- Noise from construction will impact on neighbouring residential amenity
- There would be an enormous impact on trees including specific Poplars which are local landmarks and the proposal would also damage the hedge at the boundary with Cottingley, resulting in a loss of privacy to that property
- The visibility splay shown on the diagram indicates that a substantial portion of an existing bank southeast of the proposed access would be removed but this bank is part of an ancient Devon hedgerow which is hundreds of years old (and is shown on Tithe maps) and is protected, and in addition, the removal of the bank would jeopardise a nearby mature Oak (shown on the tree survey)
- There would be an impact on wildlife and wildlife habitat, including bat roosts which may be present in trees to be removed
- The tracks from Foxenholes and the forestry flood and the proposed development will subject them to damage, with debris blocking surrounding drains, exacerbating flooding.
- The proposal will be harmful to visual amenity as it is not in keeping in the locality (where the majority of properties are bungalows well set back from the road), will be overpowering and dominant (being seen as a large two storey dwelling from Couchill Lane), will interrupt the existing natural transition from town to countryside and conflict with the Seaton Design Statement.
- The proposal would adversely affect the use of a right of way, including damaging its surface and vehicular use of it to access the proposed development would endanger pedestrians using it, as vehicles will have difficulty stopping due to the gravelled surface
- The bins from the property would be obstructive and dangerous in cumulation with those of the existing dwelling, since they would need to be placed in Couchill Lane for collection
- The proposed dwelling would lack natural light

PLANNING HISTORY

Reference	Description	Decision	Date
79/C0423	Re-building of dilapidated garage and garden store	Approval with conditions	26/4/1979
78/CO670	Division of bungalow into two units	Refusal	11/7/1978
74/CO938	Shower, outside WC and dining room extension	Approval with conditions	28/10/1974

POLICIES

New East Devon Local Plan Policies

Strategy 6 (Development within Built-up Area Boundaries)

D3 (Trees and Development Sites)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

D2 (Landscape Requirements)

D1 (Design and Local Distinctiveness)

Adopted East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

D5 (Trees on Development Sites)

TA1 (Accessibility of New Development)

TA7 (Adequacy of Road Network and Site Access)

D4 (Landscape Requirements)

D1 (Design and Local Distinctiveness)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

OFFICER REPORT

Site Location and Description

The site consists of the south-eastern half of the front garden of Calvados and is approximately 0.1 hectares in area. Calvados itself is a single split level bungalow lying within a plot of 0.21 hectares. The curtilage of Calvados lies largely to the south east and south west of the dwelling and consists of a garden, dominated by trees and shrubs to the west and south, a garage and a branched gravelled driveway linking the garage to the dwelling and to 2 separate access points at the property boundary. One access point adjoins Couchill Lane to the southeast, the other adjoins private un-metalled track to the west, along which a public footpath also runs.

The site lies within the Built-Up Area Boundary of Seaton approximately a kilometre to the northwest of the town centre. There are 4 trees subject to Tree Preservation Orders (TPO) to the southwest of the site and outside of it on the far side of the private track. A further tree covered by a TPO lies to the southeast of Calvados outside of the site, on the far side of Couchill Lane. The site slopes steeply down towards the southeast.

The existing dwelling is almost completely screened from views from Couchill Lane by boundary vegetation though the driveway and garage are visible. The house and the application site are more visible in a glimpsed view through an access gap adjoining the private track. Residential development to the east and southwest is relatively low density whilst to the north and south, along Merrowdown Drive, Couchill Drive and Churston Rise, residential development is higher density. To the west, southwest and south lies open countryside, which is 50m from the site at its closest point. There are a few isolated dwellings within this countryside area and a large area of woodland lies beyond further to the west and south.

Proposed Development

The application seeks outline planning permission for the construction of a dwelling within the front garden of Calvados. All matters relating to appearance, means of access, landscaping, layout and scale are reserved and therefore only the principle of the development is for consideration in this application.

Indicative details are provided within the application to demonstrate that there is potential for an L-shaped dwelling covering an area of 155 m² to be sited in the north-eastern area of the site and that the dwelling could be split level to accommodate the gradient of the plot. Indicative plans also indicate that access would be derived entirely from the track to the west of Calvados and that areas for access, parking and manoeuvring could be accommodated within the site, with surrounding garden on all sides. A tree survey accompanies the application and the building footprint shown on the indicative plans would not intrude into the Root Protection Area of individual trees or groups of trees which that survey indicates as being worthy of retention. The indicative plans also indicate a potential revised alignment of the existing driveway, which does overlap that Root Protection Area.

ANALYSIS

Assessment

The main issues for consideration with this application relate to the principle of development, impact upon trees and wildlife, impact upon the character and appearance of the area, accessibility, highway safety, impact on a public right of way and impact upon the amenity of surrounding residents.

Principle of the development

Although the proposed dwelling would reduce the garden area of Calvados, sufficient amenity space would be retained to serve Calvados and there is no specific local plan policy in the adopted or emerging Local Plans that restricts development in front gardens. The site is within the settlement boundary of Seaton and convenient access is available to public transport routes with frequent bus services into the nearby town centre, from where public transport links to areas further afield are available. In addition, the town centre is only approximately 15 minutes away on foot. Overall it is considered that the site is suitably located for convenience shopping and access to the services and facilities required for everyday life, such that the site is considered to be sited within a sustainable location. The principle of locating an additional dwelling at this location is therefore acceptable.

Impact on Trees and wildlife

Objections raise concerns regarding the loss of trees (including specific Poplars) and potential damage to a boundary hedge, which would provide important screening between the development and a neighbouring dwelling (Cottingley) and the impact of the new access splay on a Devon hedge-bank on the south western side of the site.

Although it is likely that some trees would have to be removed to enable the proposed development to proceed (which could include some of the Poplars referred to in an objection), comparison of the indicative building layout with the tree Survey and associated plan shows that a dwelling could be erected on the eastern side of the site without loss of or threat to the boundary hedge or existing trees assessed as being of amenity importance and in good condition (i.e. those trees judged to be within category A and B set out in British Standard 5837 2012 (Trees in Relation to Construction), or the trees subject to TPOs situated nearby.

The hedge bank has been discussed with the Tree Officer and he has confirmed that whilst this bank is not protected, the requirement to protect A and B Category Trees would necessarily entail leaving the bank largely, if not completely, undisturbed in order to protect a mature Category B Oak growing within it. In discussion, the County Highway Officer has also subsequently advised that the provision of a lesser visibility splay than that which would be required through Standing Advice, such as that provided by the existing access opening onto the private track, would not be considered to have a severe highway safety impact. It is therefore considered that it would be possible, and acceptable in highways terms, to use this existing access without removing important trees or altering the bank. It is recommended that the Tree Protection condition suggested by the Tree Officer be imposed to secure the protection of important trees. A condition could also be imposed to ensure that the boundary hedge between Calvados and Cottingley is protected to ensure that this vegetative screening would be retained.

In terms of impact on bats, the trees shown within and close to the building footprint on the indicative plan consist of Poplars, Leylandii and Lawsons Cyprus. Natural England's standing advice regarding bat roosts and trees indicates that these tree species are unlikely to contain bat roosts and it was also apparent from the site visit that these trees were not densely covered with ivy. As the application is for outline permission only the building footprint could be different to that shown on the indicative plan at the reserved matters stage, with different trees to those mentioned above being proposed to be removed. It is therefore recommended that a condition be imposed to require that, in the case that trees other than those described above are to be subject to arboricultural works or removal in connection with the proposed development (as proposed at the reserved matters stage) a survey is done to check for the presence of bats and appropriate mitigation measures secured, to ensure the protection of any bats present and compensation for the impact of the loss of any tree(s) providing a bat roost or roosts.

The removal of tree and shrub vegetation in connection with the development could impact on other wildlife and habitats such as nesting birds, however it is considered unlikely that this would impact on other protected species or particularly significant wildlife habitats and considering that the area is currently a garden which in common

with other gardens could be subject to vegetation clearance irrespective of development, it is considered unreasonable to require any further measures to be taken in connection with impacts on wildlife in this case.

Impact upon character and appearance of the area

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 development of an appropriate form is practically achievable within the site without harming the character and appearance of the area. Concerns have been raised by the Town Council and others that the proposal conflicts with the Seaton Design Statement. Objections also raise concerns regarding the impact of the proposal on the character of the area, the proposal not taking account of an established building pattern and the development being overbearing.

The application lies within Zone 4 of the 6 design Zones described in the Design Statement. The area in the vicinity of the site is described as being low density with mature private gardens, often screened by planting, with the area having a leafy open feel. The buildings in the area are described as having individual character covering many periods and architectural styles. The guidance within the Statement states that in order to retain the mix at the urbanised edge of zone 4 and the open green areas that surround it, substantial green planting must form part of any new development and hedges, trees and banks which line roads should be retained and wherever possible increased to provide natural screening and requires that mature trees of special interest should be retained in any future development. It also requires that the skylines of the western slopes surrounding the area should be retained as an undeveloped and natural skyline. The guidance also raises points relating to good design, which echoes those set out in Policy D1 of the adopted Local Plan.

With respect to these points, whilst the proposed development would not conform with the layout pattern of existing development on the northern side of Couchill Lane, it is considered that by virtue of the extensive vegetative screening bounding the site, this variation from the existing development pattern would not be particularly noticeable from public viewpoints. In addition it would be possible to infill the existing access gap to the south of Calvados, adjoining Couchill Lane, with boundary treatment and soft landscape planting to soften the appearance of the new development and ultimately screen it from views from the immediate south. It is also noted that another dwelling 'The New Bungalow', is located very close to Couchill Lane and is clearly visible from it, as are other dwellings within the vicinity. With the imposition of a condition limiting the maximum height of the building (to that shown on the indicative layout plan), to secure the submission of adequate cross-sections with any reserve matters application, in addition to a condition requiring landscape screening, it is considered that the character and appearance of the area would not be harmed by the proposed development and that it would broadly accord with Seaton Design Statement. However it is noted that in any case the Statement does not form part of the adopted Development Plan and thus does not carry significant weight.

Accessibility, highway safety and impact on Public Right of Way

Two access points currently serve Calvados and the submitted indicative plans show how the westernmost access point could be used to serve both this dwelling and the proposed new dwelling. The use of this access point for both properties would introduce additional traffic movements onto the adjacent private track to the east, over which a public footpath runs. It is considered that the additional vehicular use associated with the development of an additional dwelling would be minimal.

The condition and possible deterioration of the track (and any subsequent effects caused by that) are not planning considerations, however the safety and amenity of the public right of way are planning considerations, though only in relation to the impact of the proposed development.

This track is already used for vehicular access to several properties in the area and can also currently be used by vehicles entering and leaving Calvados.. The comments of the Rights of Way Officer are noted, however taking into account all relevant factors, including that limited additional traffic would be generated by one additional dwelling and that the right of way is already shared with some degree of vehicular use, it is not considered that the proposal would have a significant additional impact on the safety of the use of the right of way to an extent that refusal of permission could be justified. However, in order to ensure the safety of the right of way during construction works, which could generate additional traffic and traffic consisting of large commercial vehicles, it is recommended that a condition be imposed to require signage warning of the presence of the right of way in connection with any use of the westernmost access by construction traffic.

With regard to the surface condition of the Right of Way it is noted that the Local Highway Authority are responsible for maintaining the surface of a Right of Way in a fit state to for use and that where necessary, they can carry out works to make good a damaged surface and recover expenses for doing so. Objections also raise concerns regarding highway safety in relation to the use of Couchill Lane and the junction with Merrydown Drive however the Highway Authority raise no objection to the proposal and matters such as the design and layout of the access and provision of manoeuvring space within the site (which would ensure that it would not be necessary to reverse out of the site) would be dealt with at the reserved matters stage. Consequently it is considered that the proposal is acceptable in relation to highway safety.

Impact upon the amenity of surrounding residents

Concerns have been raised that the development would cause overlooking, however this application is for outline permission and thus matters of scale, layout, building design and orientation are reserved. When the application for reserved matters is submitted, the provision of detailed elevations will enable a full assessment to be made of any impact on privacy. Notwithstanding this, the indicative layout indicates that there is potential for a new dwelling to be built at this location without causing harmful overlooking and it is therefore considered that it would be possible for a layout and design to be proposed at the reserved matters stage which would not harm the amenity of surrounding occupiers with regard to privacy. The most affected property, Cottingley, is separated from the site by a high hedge and as such would only be likely to view the roof of any development.

Objections raise the issue of construction noise impacting on neighbouring residential amenity. Whilst noise arising from construction works is inevitable it is usually short lived, such that its impact is ultimately limited. A condition is however recommended to control construction hours to limit the disturbance to neighbouring occupiers.

Other matters

An objection raises a concern that the proposed property would lack natural light, however as the application is outline only; it is not possible at this stage to make a judgement relating to the acceptability of the design of the proposed dwelling in relation to daylight levels inside the proposed building. It is nevertheless considered that there is the potential for the new dwelling to be designed so that it has adequate levels of daylight. An objection also raises a concern about the bins of the new house obstructing the highway, however it is not considered that the placement of bins on Couchill Lane for bin collection would cause a significant impact on highway safety as the obstruction would be minimal, temporary and Couchill Lane carries a low volume of traffic.

Conclusion

The principle of development of the site is considered to be acceptable in this location and it is considered that with conditions imposed in relation to the maximum height of any building, tree protection, protection of bats and birds, control of construction impacts on the environment and with matters relating to layout, scale, appearance, means of access and landscaping reserved, the proposal would not have a harmful impact upon the character and appearance of the area, neighbouring amenity, highway safety, the amenity or safety of the right of way or wildlife.

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 to the site and the landscaping thereof (which, in addition to details of new landscape planting and boundary treatment to block the existing access gap adjacent to Couchill Lane, shall include details of trees, tree groups and shrubs to be retained, together with measures for their protection during construction (as specified in condition 3) and measures to protect the hedge boundary between Calvados and Cottingley, (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. No development (including demolition and site clearance or tree works) shall commence until a tree survey and report to include a Tree Protection Plan (TPP) and Arboricultural Method Statements (AMS) for the protection of all retained trees, hedges and shrubs on or adjacent to the site, has been submitted to and approved in writing by the Planning Authority. The layout and design of the development shall be informed by and take account of the constraints identified in the survey and report. The tree survey and report 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. The development shall be carried out in accordance with the approved details. 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 from the commencement of construction works and in accordance with Policy D5 (Trees on Development Sites) of the Adopted East Devon Local Plan and Policy D3N (Trees on Development Sites) of the emerging New East Devon Local Plan.

4. Any landscaping scheme approved as part of a reserved matters application 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 and Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the emerging New East Devon Local Plan.)

5. Any Reserve Matters application shall be accompanied by cross-sections through the site to adequately demonstrate the relationship of the proposed dwelling with surrounding properties and those details shall show the ridge of the roof of the proposed dwelling at a height no greater than 76 metres Above Ordnance Datum in accordance with drawing number C0259/P1 hereby approved.

(Reason – In the interests of the amenity of surrounding residents and to preserve and enhance 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).

6. Trees/tree/hedge groups other than TG2, 692, H5 and 682 as illustrated on the Tree Constraints Plan produced by Aspect Tree Consultancy dated 24.3.15 referenced 04398 TCP 23.03.15, shall not be felled, topped, lopped, crown lifted or coppiced, and unless a bat survey, undertaken by a qualified ecologist, is first undertaken and that survey indicates such trees/tree/hedge groups are not being used as bat roosts, or unless a scheme for such tree work/removal, which takes account of potential bat roosting its importance and sets out appropriate mitigation measures (such as avoiding times of year when bats may be present and provision of compensatory roost site(s)), is first submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with any approved details.
(Reason - In the interests of the protection of bats and in accordance with Policy EN6 (Wildlife Habitats and Features) of the East Devon Local Plan and Policy EN5 (Wildlife Habitats and Features) of the emerging New East Devon Local Plan).
7. No development shall commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. That plan shall set out: (a) details of the means of construction and deliveries to the site including the location of a construction compound, (b) a scheme for on-site signage to warn drivers of any construction vehicles existing the site using the westernmost access of the site of the presence of the public right of way and potential presence of pedestrians and (c) measures to limit the impact of construction noise upon neighbouring residential amenity, including, but not limited to, limitations to construction hours. The approved plan shall be adhered to during the construction of the development hereby permitted. (Reason – To ensure that the interests of residential amenity in relation to noise are protected from the commencement of construction works and in accordance with Policy EN15 (Control of Pollution) and EN14 (Control of Pollution) 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:

	Location Plan	20.08.15
C0259/P1	Block Plan	15.10.15

List of Background Papers

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

Ward Seaton

Reference 15/2166/FUL

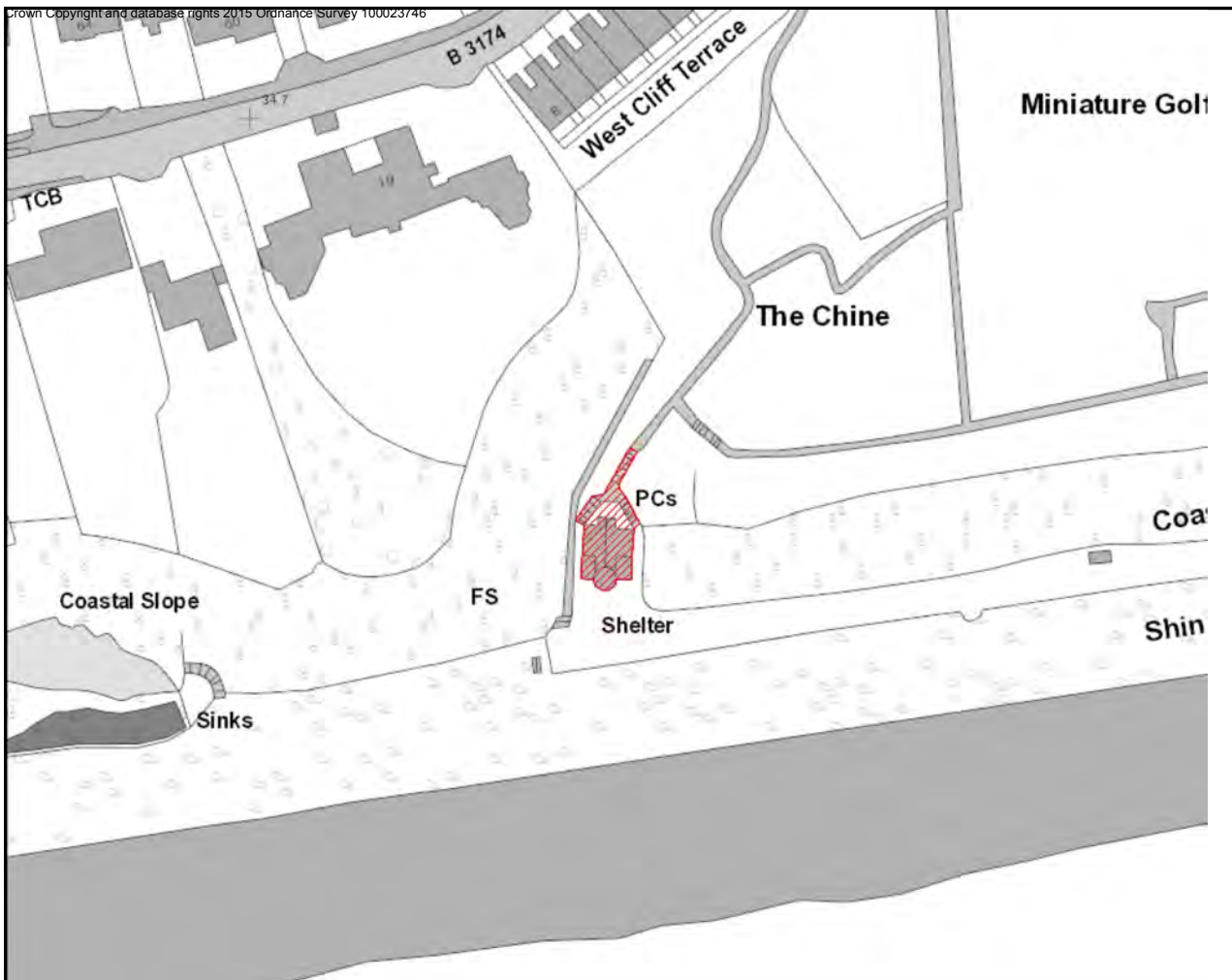
Applicant Ms H Goodier

Location Chine Cafe Castle Hill Seaton EX12 2QP

Proposal Integration of public toilets into cafe and provision of community toilets



RECOMMENDATION: Approval with conditions



		Committee Date: 8 December 2015
Seaton (SEATON)	15/2166/FUL	Target Date: 19.11.2015
Applicant:	Ms H Goodier	
Location:	Chine Cafe Castle Hill	
Proposal:	Integration of public toilets into cafe and provision of community toilets	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is before committee because East Devon District Council are the owners of the building.

The Chine shelter is currently closed and has been since about April 2014. Prior to its closure the front part of the building operated as a beach cafe with the rear part providing public conveniences.

The current proposal looks to extend the cafe use to the whole of the building, thereby more than doubling the size of the existing cafe use. However, this would result in the loss of the existing public toilet facilities. This loss would, at least partially, be compensated by permitting community access to the toilet facilities serving the cafe.

The re-opening of the building would provide a number of benefits both economically and socially in providing a visitor facility at this end of the West Walk and would do so without any significant environmental harm or harm to any nearby shopping centres. The proposal is therefore considered to be acceptable and is recommended for approval, subject to the conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council
No objection

Technical Consultations

County Highway Authority

Does not wish to comment

Other Representations

2 no. letters of representation have been received raising objections to the scheme. These objections can be summarised as follows:

- Loss of public toilet facilities;
- Inadequate alternative toilet facilities in terms of both number and opening times;
- Access by vehicles is restricted;
- How will waste disposal be dealt with?
- Existing sewage issues;
- New front doors will be inappropriate.

POLICIES

New East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

Strategy 6 (Development within Built-up Area Boundaries)

TC2 (Accessibility of New Development)

RC6 (Local Community Facilities)

E9 (town Centre Vitality and Shopping Areas)

E15 (retail Development in Rural Areas outside Villages)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

S5 (Countryside Protection)

C2 (Local Community Facilities)

TA1 (Accessibility of New Development)

SH1 (Town Centre Shopping Areas)

SH8 (Rural Shops, Garden Centres, nurseries and Similar Retail uses)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Site Location and Description

The Chine shelter building is located at the far west end of Seaton's seafront walkway. It is a single storey building with a flat roof and a rounded bay front elevation. The front (southern) section of the building is laid out as a cafe (A3 use) with the rear part of the building serving as public toilets (Sui Generis use). The building sits in a narrow gap (or chine) in the cliffs and to its rear a pathway runs up towards West Field Terrace and the Cliff Field Gardens. The site lies outside of the Built-up area boundary of the town.

Proposed Development

The application seeks to change the use of part of the building from public conveniences (sui generis use) to cafe (A3 use) by reconfiguring the internal layout and extending the existing cafe use to incorporate more of the internal floor area.

The existing public conveniences would be lost as a result but as part of the terms for letting the building, it is understood that EDDC would secure a reduced facility as part of the cafe that would be available for wider community use.

ANALYSIS

It is considered that the main issues in the determination of the application relate to:

- The principle of the proposed development
- Design and impact on the character and appearance of the area and wider landscape
- Economic Impact

THE PRINCIPLE OF THE PROPOSED DEVELOPMENT

The proposal looks to extend an existing lawful use rather than introduce a new use but this extension would be at the expense of the existing public conveniences currently housed in the rear part of the building. The loss of the public toilet facilities in this location would be compensated to a degree by the provision of alternative facilities being made available to the public within the cafe, albeit likely to be restricted only to the cafe opening hours. The nearest other public conveniences are at the far end of West Walk approximately 300m to the east of the site.

In planning terms there is no policy requirement to provide or retain toilet facilities and as such a refusal of planning permission on the basis of the loss of the public toilets would be very difficult to justify. It is for the council as a whole, and as owners of the building, to determine what level of provision is appropriate.

The relatively small extension of the cafe (the majority of which would be used as a kitchen, store and toilets) is considered to be acceptable and would not harm the vitality or viability of any nearby shopping centres or retail provision.

DESIGN AND IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA AND WIDER LANDSCAPE IMPACT

The proposal does not include any proposals for external alterations to the building other than on the eastern elevation where it is proposed to replace a combined existing door and window opening with a larger window. The new window will match an existing window on the same elevation with the lower part of the door blocked up. This alteration relates to a side elevation of the building that is not prominent and not highly visible from the beach. As such there are no objections to this.

There has been a concern aired about new doors to the building on the front elevation but this does not form part of the current proposal and there are no details of this on which to pass comment.

ECONOMIC IMPACT

It is understood that the existing cafe use has been closed for some 18 months following the end of the previous lease and as such the potential economic benefit arising from a cafe business operating out of the building has been forfeited. The current proposal to re-introduce such a use on a larger scale (cafe element of building increasing from 49m² to 124m²) offers potential benefits in terms of additional employment provision and a further tourist/visitor facility at this end of the town's sea front.

OTHER ISSUES

Concern has been raised as to how the site would be accessed for delivery and other purposes, with the walk way restricted to pedestrian use only. Similarly, there are concerns regarding waste disposal and access for associated vehicles. The applicant has advised that the matter has been raised with Devon Contract Waste; however, these issues would have been the same for the previous tenants where presumably a suitable arrangement was reached and it would be unreasonable to impose conditions on this application given that the situation already exists.

It is hoped that agreement could be reached to provide restricted vehicular access to the site at certain times for delivery/collection purposes (as was the case with the previous tenant) but this would be best controlled by any lease agreement rather than a planning condition. The internal layout of the building includes a store where waste could be kept prior to collection/disposal.

It is not considered necessary from a planning perspective to look to restrict the hours of opening given that these are not currently controlled and the site is a considerable distance from residential properties. This does not prevent such conditions being included within any lease agreement and/or licensing of the premises.

RECOMMENDATION

APPROVE subject to the following conditions:

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

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

	Location Plan	24.09.15
	Proposed Floor Plans	16.09.15
EAST	Proposed Elevation	24.09.15

List of Background Papers

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

Ward Axminster Rural

Reference 15/2168/COU

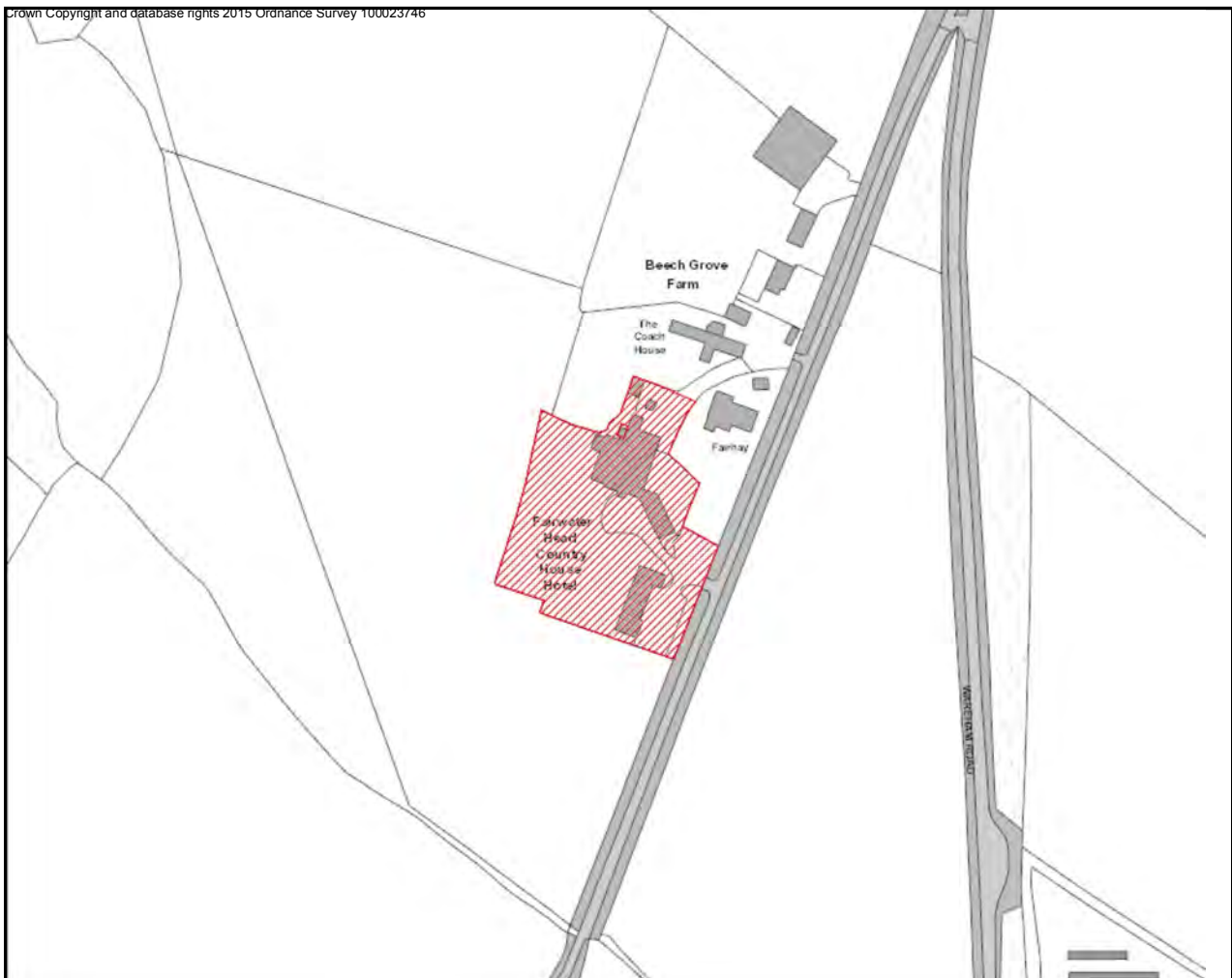
Applicant C Southwell (Fairwater Head Hotel)

Location Fairwater Head Hotel Hawkchurch
Axminster EX13 5TX

Proposal Change of use of hotel to dwelling



RECOMMENDATION: Approval - standard time limit



		Committee Date: 8 December 2015
Axminster Rural (HAWKCHURCH)	15/2168/COU	Target Date: 20.11.2015
Applicant:	C Southwell (Fairwater Head Hotel)	
Location:	Fairwater Head Hotel Hawkchurch	
Proposal:	Change of use of hotel to dwelling	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as it represents a departure from adopted and emerging local plan policy.

The site lies in the open countryside approximately 600 metres to the south east of the settlement of Hawkchurch. It currently comprises an independently run hotel based in two main buildings comprising 17 letting rooms together with private accommodation for the owners/managers. The site is accessed off a country lane. There are a handful of properties to the north of the proposal site.

There is no policy support for the proposed change of use of the hotel into a single dwellinghouse in either the local plan or emerging local plan or from Paragraphs 28 or 55 of the NPPF due to its location within the open countryside. As such the proposal is contrary to Policy S5 of the adopted Local Plan and Strategy 7 of the emerging Local Plan.

There would be benefits of the proposed development in that it would lead to the reduction in the number vehicle movements in the rural area and it would prevent a set of rural buildings becoming disused and derelict. There would be harm from the proposed development including the loss of visitor spend in the local economy, closure of the hotel and its associated jobs. However, the hotel has been marketed and is no longer viable and in accordance with Paragraph 14 of the NPPF it is not considered that the harm would demonstrably outweigh the benefits of the proposal.

Furthermore, as there is already a lawful residential use on the site in the form of the manager's accommodation, and if the hotel were to cease trading the end result would be a smaller dwelling on site but with redundant buildings, it is considered that the use of these buildings as an active use rather than being left to decay would be seen as the overall benefit in this instance.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Council supports this application as it feels that the applicant has done all within its power to keep the hotel as a viable business over a period of time.

Technical Consultations

County Highway Authority
Highways Standing Advice

Other Representations

No third party representations received

PLANNING HISTORY

Reference	Description	Decision	Date
82/P0580	Extension To Hotel.	Approval - standard time limit	11.06.1982
85/P1489	Erection Of Building Comprising Four Hotel Bedrooms And Self-Contained Owner's Accommodation.	Approval with conditions	08.10.1985
97/P1941	Extension To Create Manager's Accommodation	Approval with conditions	10.02.1998

POLICIES

New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

TC7 (Adequacy of Road Network and Site Access)

E18 (Loss of Holiday Accommodation)

Adopted East Devon Local Plan Policies

S5 (Countryside Protection)

D1 (Design and Local Distinctiveness)

TA7 (Adequacy of Road Network and Site Access)

TO3 (Loss of Holiday Accommodation)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

ANALYSIS

Site Location and Description

The site lies in the open countryside approximately 600 metres to the south east of the settlement of Hawkchurch. It currently comprises an independently run hotel based in two main buildings comprising 17 letting rooms together with private accommodation for the owners/managers. The site is accessed of a country lane. There are a handful of properties to the north of the proposal site.

Proposed Development

This application proposes the change of use of the hotel to a single dwellinghouse. The existing owner's accommodation within the main building would form part of the larger single dwelling. There are no external alterations proposed as part of the application.

Assessment

The main considerations in the determination of this application are the principle of the proposed development, the impact of the development on its surroundings and an overall balance of sustainability.

Principle

The site lies in the open countryside where under Policy S5 of the East Devon Local Plan and Strategy 7 of the new Emerging East Devon Local Plan ensure that development in the countryside should only be granted where it is in accordance with a Local Plan policy and does not detrimentally impact on the character and appearance of the area. The creation of a dwelling in the open countryside is usually resisted unless it is specifically supported by an essential need to live in the locality (usually for an agricultural or forestry worker) or complies with the criteria to paragraph 55 of the NPPF. No such need or compliance with Paragraph 55 has been demonstrated or argued as part of this application.

There are no policies in the adopted development plan, or emerging plan that allow the conversion of hotels to dwellings in the countryside therefore the proposal represents a departure from adopted and emerging development plan policy.

Policies in the adopted and emerging local plan resist the loss of tourist accommodation in the main tourist areas of Exmouth, Sidmouth, Seaton and Budleigh Salterton but there is no policy that restricts the loss of tourist accommodation in other locations.

Furthermore, whilst the NPPF supports the growth and expansion of business in the rural area under Paragraph 28 with particular reference to the expansion of tourism facilities where needs are not in serviced centres, there is no specific policy support for the conversion of large hotels to residential dwellings.

As the proposal does not have the support of any local or national planning policies, and in the light of not being able to give full weight to the five year housing land supply position, it is considered that it is necessary to make an assessment of whether or not the proposal represents sustainable development. This involves a balance of economic, social and environmental factors. Each of these considerations will be addressed in turn below.

Economic

The proposal would add one additional dwelling to the five year land supply figures but as a consequence would result in the loss of the business and jobs and remove any visitor spend the 17 existing letting rooms would contribute to the local economy. As there are no physical works to the property proposed, there would be little work for the local construction industry other than any internal alterations.

This loss of spend in the local area would weigh against the proposal although this loss would be limited as the applicant has demonstrated as part of the application that the current hotel is unviable and that over the last few years it has struggled to exceed 50% occupancy. The business has been marketed for a couple of years without any significant interest. Any lost spend is therefore likely to be taken up by businesses elsewhere in the district.

Social

The documentation submitted with this application suggests that should an alternative use not be found for the hotel then it would cease trading. There has been some effort to market the hotel and also consideration to make improvements to it to make it more attractive to visitors; however both efforts have concluded that the hotel is in the wrong location to attract sufficient visitors to make it or any improvements viable. Therefore, socially the loss of the hotel and an abandoned range of building would be unsightly and create local disharmony where people are aware of the unviable nature of the existing use and this would weigh in favour of the proposed development.

Environmental

The loss of 17 letting rooms, the owner's accommodation and worker's accommodation would lead to the reduction in traffic movements in the area. The site is not on or close to a reliable bus route where visitors could travel to and from the site by any other means than private motor vehicle, thereby creating a reduction

in CO² emissions. Furthermore, use of the hotel as a single dwelling house would lead to the re-use of the buildings and not leave them to become abandoned or disused. Therefore, these considerations weigh in favour of the proposed development.

The site lies in the open countryside with only a handful of properties in close proximity. The site is well screened from the passing highway by mature trees and hedgerows and is not overtly visible in the surrounding landscape. The proposal does not seek any works of development to the property, seeking to change its use inside the existing buildings only.

In terms of the impact of the change of use on its surroundings, these have largely been discussed above, however to reiterate, the use as a single dwelling would see a reduction in the number of traffic movements on the rural road network, prevent the building becoming vacant but also have the potential to impact on the local economy through the removal of visitor spend from the 17 letting rooms.

Given the reduction in the intensity of the use of the building and lack of alterations to the building, it is considered that the impact of the proposal on the surrounding area would be acceptable and this weighs in favour of the proposal.

Balance of sustainability

There would be benefits and harm from the proposed development as described above.

In weighing up the benefits and harm considerable weight is given to the fact that there is already a lawful residential use on the site in the form of the manager's accommodation. If the hotel were to cease trading the end result would be a smaller dwelling on site but with redundant buildings. It is considered that the presence of the existing manager's accommodation and keeping the building in active use, rather than being left to decay, would outweigh the harm, particularly given the marketing of the hotel.

In light of the above, it is considered that the benefits would significantly demonstrably outweigh any harm from the proposal and as such the application is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

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

(Reason - For the avoidance of doubt.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

Location Plan	18.09.15
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List of Background Papers

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

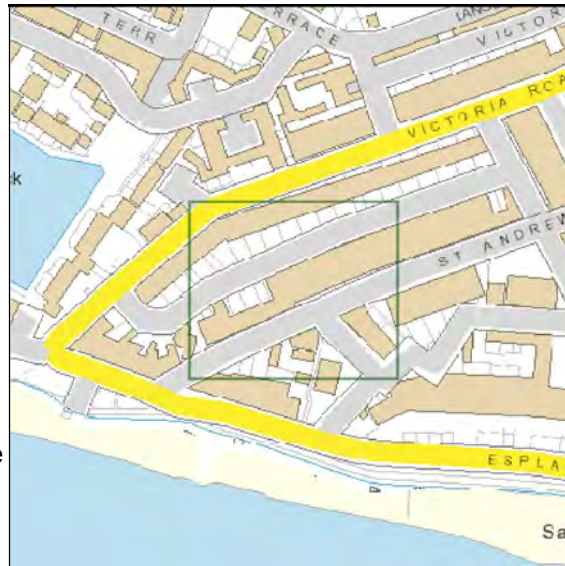
Ward Exmouth Town

Reference 15/1826/FUL

Applicant Jonathan Burns (EDDC)

Location 102 St Andrews Road Exmouth
EX8 1AT

Proposal Alterations to rear flat roof,
rendering of rear walls and increase
in size of bike storage area



RECOMMENDATION: Approval - standard time limit



		Committee Date: 8 December 2015
Exmouth Town (EXMOUTH)	15/1826/FUL	Target Date: 04.12.2015
Applicant:	Jonathan Burns (EDDC)	
Location:	102 St Andrews Road Exmouth	
Proposal:	Alterations to rear flat roof, rendering of rear walls and increase in size of bike storage area	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the Development Management Committee as the Council is the applicant.

The application relates to 102 St. Andrews Road in Exmouth, which is a three storey terraced property situated within the built-up area boundary of Exmouth. The property is also within flood zone 2 designated by the Environment Agency. The rear area of the property faces towards a service road and the rear of terraced properties on Victoria Road. All of the properties in the area have relatively large rear garden/yard areas.

Planning permission is sought to increase the height of the existing flat roof to the rear of the property, to install insulation with painted render over on the rear elevation, to increase the size of the bike storage area at the rear of the property and to remove two small windows at the rear of the property.

The key consideration in the determination of this application is whether the proposal would have any detrimental impact on the area immediately surrounding the property and, in particular, the neighbouring properties and those adjacent. In this regard, it is considered that the nature of the works is such that they could be carried out without being overly harmful to the occupiers of any other property, or to the visual amenity of the area around the site.

With regard to the flood zone, it is considered that the nature of the works is such that they could be undertaken without resulting in an increased flood risk.

Given the above comments, it is considered that the proposal is acceptable and, therefore it is recommended that this application should be approved.

Local Consultations

Clerk To Exmouth Town Council

Meeting 19.10.15

No Objection

Technical Consultations

Environment Agency

Thank you for consulting us on the above application. However, the nature and scale of this development is such that we do not wish to be consulted for bespoke advice in this case. Please refer instead to our standing advice. In particular, that relating to development and flood risk.

County Highway Authority

Does not wish to comment

Other Representations

No third party representations have been received.

PLANNING HISTORY

Reference	Description	Decision	Date
14/0682/CPL	Certificate of Lawfulness for proposed change of use from dwelling (Class C3) to multiple occupancy dwelling (Class C4) including external alterations and removal of garage and provision of cycle and bin storage area in rear yard.	CPL Approve Part 3	31.03.2014
14/2212/CPL	Certificate of lawfulness to remove existing chimney	CPL Approve Part 1	20.11.2014

POLICIES

New East Devon Local Plan Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

EN21 (River and Coastal Flooding)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

S4 (Development Within Built-up Area Boundaries)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

102 St. Andrews Road is a three storey terraced property situated within the built-up area boundary of Exmouth. The property is also within flood zone 2 designated by the Environment Agency. The front of the property faces onto St. Andrews Road and the rear of the property faces towards a minor service road serving many of the terraced properties in the area. The rear areas of the terraced properties on Victoria Road face towards the property. All of the properties in the area have relatively large rear garden/yard area.

Proposed Development.

Planning permission is sought to increase the height of the single-storey existing flat roof to the rear of the property, to install insulation with painted render over on the rear elevation, to increase the size of the bike storage area at the rear of the property and to remove two small windows at the rear of the property.

ANALYSIS

The proposed works would all take place to the rear of the property. Although this area is widely visible from the immediately surrounding vicinity of the site, other properties ensure that there are no views of the site beyond this. Consequently, the proposal would not have any impact upon the wider area. The key consideration in the determination of this application is therefore whether the proposal would have any detrimental impact on the area immediately surrounding the site and, in particular, the neighbouring properties.

In this regard, the element of the proposals most likely to impact upon the occupiers of neighbouring properties is the increase in height of the existing flat roof to the rear of the property on its single-storey projection. This would increase by approximately 250 millimetres. This amount is considered to be modest. Given this, and notwithstanding that the western elevation of the flat roof area forms the curtilage boundary with the neighbouring property, it is considered that the proposed increase in height would not cause any significant detriment to the occupiers of any neighbouring property.

The second element of the proposals is the installation of insulation and render. This would be applied to the rear of all three storeys of the building. However, the nature of this element of the works is such that it would not result in an increase in height of the building, and only a very modest increase in the width of the building (by virtue of the insulation being installed on the outside of the building). Therefore, the main alteration resulting from this element of the works is the change in appearance of the building. Given that the property is not within a conservation area or a listed building, it is considered that this element of the works could be undertaken without resulting

in any significant visual harm. Furthermore, it is considered that this element of the works would not be detrimental to the occupiers of other properties.

The third element of the works for consideration is the installation of a bike store at the rear of the property. This would involve installing a number of bike stands. It is considered that these could be installed without causing harm to the amenity of the occupiers of other properties or to visual amenity.

It is also proposed to remove two windows from the rear elevation. These windows are small, and their removal is not considered to raise any concerns.

The application site falls within flood zone 2 but the nature of the works is such that they could be undertaken without resulting in an increased flood risk.

Given the above comments, it is considered that the proposal is acceptable and it is recommended that this application should be approved.

RECOMMENDATION

APPROVE

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:

P134-13-HH100	Location Plan	06.08.15
P134-13-HH103	Proposed Floor Plans	06.08.15
P134-13-HH104	Proposed Combined Plans	06.08.15

List of Background Papers

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

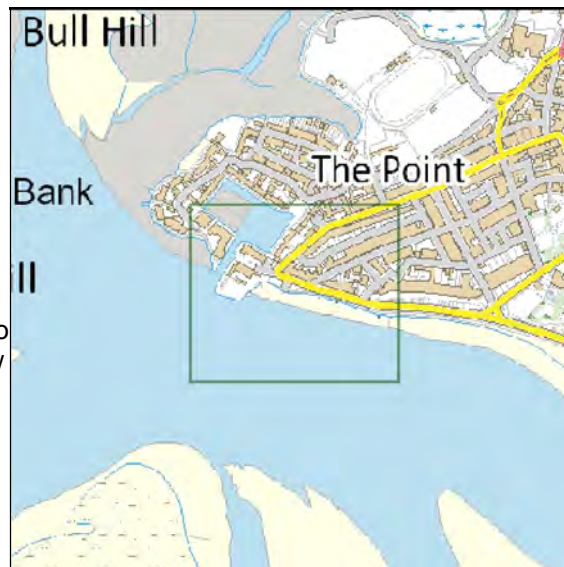
Ward Exmouth Town

Reference 15/2414/VAR

Applicant East Devon District Council (Ms Alison Hayward)

Location Mamhead Slipway Mamhead View Exmouth

Proposal Variation of condition 3 (q) of planning permission 14/1768/FUL to allow tidally dependant works below Mean High Water Springs to take place between 06:30am and 10pm and any work which generates noise limited to no earlier than 7am and finish no later than 9pm



RECOMMENDATION: Approval with conditions



		Committee Date: 8 December 2015
Exmouth Town (EXMOUTH)	15/2414/VAR	Target Date: 16.12.2015
Applicant:	East Devon District Council (Ms Alison Hayward)	
Location:	Mamhead Slipway Mamhead View	
Proposal:	Variation of condition 3 (q) of planning permission 14/1768/FUL to allow tidally dependant works below Mean High Water Springs to take place between 06:30am and 10pm and any work which generates noise limited to no earlier than 7am and finish no later than 9pm.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

Members will recall that planning permission and listed building consent was granted for the redevelopment of the slipway and Mamhead View gardens to realign and enlarge the slipway with associated vehicle manoeuvring. The permission also included the provision of a site compound to the Esplanade opposite Morton Crescent. The planning permission was subject to a number of conditions, one of which, 3(q) limited the working hours of the development particularly because of impact on the estuary and impact upon neighbouring residents stating: "Construction working hours shall be 8am to 6 pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays".

However some construction activities (those below Mean High Water Springs) are dependant upon the state of the tide, and strict application of the working hours condition could effectively preclude useful activity in the water on some days in the 4 weekly tide cycle, leading to inefficient working and extending the overall duration of the works. The amendment seeks some extended hours working for particular activities which are tidally dependant, stating:

"Construction Working hours above Mean High Water Springs shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays. For tidally dependent work in the estuary below Mean High Water Springs works to be permitted between 6.30am and 10pm to suit tidal conditions, with any work which generates noise limited to commence no earlier than 7am and to finish no later than 9pm. There

shall be no work on Sundays and Bank Holidays”.

The amended working hours have been considered by the Environment Agency, Natural England and Environmental Health department who have not raised any objection to the proposed change in hours. It is not considered that an amendment to the condition to allow work to continue which is tidally dependent would result in any detrimental harm to the site or surrounding area, and would potentially allow the overall construction time to be shortened. The application is recommended for approval.

CONSULTATIONS

Local Consultations

Exmouth Town - Cllr B Nash

This is essential work for Mamhead Slipway and I agree with the application for revised working times to allow completion of this important project.

Parish/Town Council

Meeting 02.11.15

No Objection subject to Environmental Health monitoring the noise levels to ensure there was no noise before or after the times stated.

Technical Consultations

County Highway Authority

Observations:

Because of the nature of working with tidal flows the CHA does not have any reason to oppose this variation of condition.

Natural England

Natural England currently has no comment to make on the variation of condition 3 of permission 14/1768/FUL.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Environmental Health

I have discussed the need for occasional extended working hours with the applicant and agree that these are unique circumstances. Furthermore this is a short term construction project which would benefit from completion in a short timescale. I agree that the wording proposed by the applicant is a suitable change and accurately describes the needs of the project. I have advised the applicant to communicate with the local community during the works to ensure that they are aware of the need

for extended hours and the agreed start and finish times. Any particularly noisy plant will be provided with noise mitigation and piling works, if required, will only take place during standard working hours.

Environment Agency

I am happy to advise we have no objections to the variation.

Other Representations

No letters of representation have been received at time of writing the report.

PLANNING HISTORY

14/1767/LBC - Removal of wall adjoining the western face of the listed sea wall, cleaning of the western end of the listed sea wall and re-pointing to enable the redevelopment of the slipway proposed under application 14/1768/FUL. Approved with conditions 20.11.14.

14/1768/FUL - Redevelopment of Mamhead slipway and Mamhead View Gardens to provide realigned and enlarged slipway with associated vehicle manoeuvring. Provision of construction site compound to the Esplanade opposite Morton Crescent. Approved with conditions 20.11.14.

POLICIES

National Planning Policy Framework

New East Devon Local Plan Policies

Strategy 5 (Environment)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 44 (Undeveloped Coast and Coastal Preservation Area)

Strategy 45 (Coastal Erosion)

Strategy 47 (Nature Conservation and Geology)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

EN4 (Nationally Important Sites including Sites of Special Scientific Interest)

EN5 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites)

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

EN14 (Control of Pollution)

EN15 (Control of Pollution)

EN22 (Surface Run-Off Implications of New Development)

EN23 (Coastal Erosion and Surface Water Run-Off)

EN24 (Coastal Defence Schemes)

EN25 (Development Affected by Coastal Change)

RC1 (Retention of Land for Sport and Recreation)

RC4 (Recreation Facilities in the Countryside and on the Coast)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Adopted East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

EN4 (Nationally Important Sites including Sites of Special Scientific Interest)

EN5 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites)

EN6 (Wildlife Habitats and Features)

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

EN15 (Control of Pollution)

RE1 (Retention of Land for Sport and Recreation)

TA1 (Accessibility of New Development)

TA4 (Footpaths, Bridleways and Cycleways)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

SPG17 (Exmouth Masterplan)

Site Location and Description

Mamhead Slipway is a slipway into the Exe Estuary located on the eastern side of the estuary at the western end of the Esplanade in Exmouth. The slipway is adjacent to Pier Head, a small amenity gardens area and is the main point of access to the water for trailer-launched boats. The current slipway has been there for many years providing a 35m long concrete slab varying from 8m down to 6m in width. At present the slipway is at right angles to the road and accessed directly off Mamhead View with no turning or drop-off areas.

The slipway was closed a couple of years ago following underwater surveys that found that the slipway had voids underneath and was unsafe for continued use.

The application site comprises the following:

- The existing slipway;
- An area off the existing slipway at 30 degrees projecting into the estuary;
- The Mamhead Public Gardens to the west of the existing slipway;
- The retaining wall adjoining the Grade II listed Sea Wall;
- An area (4.5m by 100m) comprising 45 on-street car parking spaces further along the Esplanade opposite Morton Crescent for provision of a temporary site compound.

The Proposals

Planning Permission and listed building consent was granted in 2014 for the removal of the existing slipway and gardens and construction of a new enlarged slipway. The new slipway would maintain the current slope (1 in 6) but would be lengthened, rotated by 30 degrees to the west and widened. The new slipway would cover an area 12m wide and 40m long extending from the road to 1m below Mean Low Water Springs and would be constructed in concrete. The scheme requires the removal of the existing Mamhead Gardens to provide a triangular 40m by 16m hard-standing area for vehicles and trailers to turn and wait. This would necessitate lowering existing garden levels to road level by approximately 600-800mm. An entrance and exit at 6m wide would be provided to the area along with a widened footpath around the site frontage. The slipway toe, with a vertical drop down to the seabed, would be positioned approximately 1m below Mean Low Water Springs (MLWS).

Continued pedestrian access to the beach is proposed along with a new flood/wave wall bounding the vehicle turning and waiting area with flood defence gates to the access and exit. An associated listed building application was also submitted and approved as the new slipway works necessitate the removal/repair of the retaining

wall adjoining the Grade II Listed Sea Wall. This will expose the western face of the Sea Wall. Once exposed, the listed Sea Wall would be cleaned and re-pointed.

The slipway would be constructed predominately using land based plant as this involves less risk than the use of marine/floating plant. Piling of the new slipway is likely to commence from the land and be constructed in sections. Given this, a site compound is proposed on the public highway close to the slipway on the Esplanade opposite Morton Crescent. It would consist of temporary offices, storage of materials, welfare facilities and parking.

The original planning application was accompanied by an Environmental Statement (ES) as the proposals are subject to the EIA Regulations and Habitats Regulations given the potential impact from the proposal upon the Exe Estuary SPA and Ramsar Site. The ES is relevant again to this application that is also accompanied by an addendum to the ES assessing the impact from the proposed change to the condition on the contents and conclusion of the ES.

Alongside the need to secure planning permission, the applicant will need to secure a Marine Licence from the Marine Management Organisation as the proposals fall under the activity 'Construct, alter or improve any works below Mean High Water Springs (MHWS)'.

Given the level of the works that will need to be carried out as illustrated above, and because of the sensitivity of the site, the approved planning application was subject to a number of conditions to mitigate the impact upon the estuary and impact on neighbouring residents. The conditions include restrictions on delivery hours, construction traffic, use of vibro piling, and restricted construction to the summer months.

Of particular relevance to this current application is condition, 3(q) that states:

“Construction working hours shall be 8am to 6 pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays”.

This condition was imposed with the agreement of the applicant following consultation with Environmental Health, the Environment Agency and Natural England.

Due to the nature of the site and its estuary location works will be dependant upon the state of the tide, and following discussions with contractors it has become clear that a strict application of the working hours condition could effectively preclude useful activity in the water on some days in the 4 weekly tide cycle, leading to inefficient working and extending the overall duration of the works. A variation to condition 3(q) is therefore sought to enable works to continue when they are tidally dependant.

The suggested amended condition would state:

“Construction Working hours above Mean High Water Springs shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays. For tidally dependent work in the

estuary below Mean High Water Springs works to be permitted between 6.30am and 10pm to suit tidal conditions, with any work which generates noise limited to commence no earlier than 7am and to finish no later than 9pm. There shall be no work on Sundays and Bank Holidays”.

The supporting information states that some construction activities (those below Mean High Water Springs) are dependant upon the state of the tide, and strict application of the working hours condition could effectively preclude useful activity in the water on some days in the 4 weekly tide cycle, leading to inefficient working and extending the overall duration of the works.

For example, if the time of the low tide is mid afternoon, and the contractor is doing work in the estuary at the end of the slipway, the contractor would have to stop work at 18.00 but usefully could carry on to 20.00 before the tide comes back in sufficiently to require activity to cease.

The amendment seeks some extended hours working for particular activities which are tidally dependant (Note: Piling is unlikely to be tidally dependant).

Such extended working would not be operated continuously - it would depend on the tide times. On some days the aim would be to start construction an hour earlier, and in others to work later, after 18.00. On some days there would be no need to work before 08.00 or after 18.00. The maximum extension requested for activities that involve any noise would be to start such activities an hour earlier (07.00), or finish later up to 21.00. Some additional "quiet" preparatory time would be requested, in addition, in order to get the greatest benefit from the proposed construction hours.

It is stressed that such extensions for working hours would be solely related to construction activity in the estuary, below Mean Water Springs. Construction work for the land side works, on the Mamhead Gardens area closest to residents, would be restricted to the timings currently imposed by condition 3(q).

This application seeks a variation to a condition, however, in accordance with the Guidance contained within The National Planning Practice Guidance the effect of such an application is that a new planning permission is issued, sitting alongside the original permission, which remains intact and un-amended, to assist, such an application should repeat the relevant conditions from the original permission unless they have already been discharged.

The principle of the replacement of the slipway and its design, visual impact and traffic generation has been established and agreed as part of the previous application and as such is not revisited as part of this application as there have been no material changes in circumstance to necessitate re-consideration of these issues, particularly given that the 2014 permission can be implemented..

It is considered that the main consideration for this variation application relates to the impact of the proposed changes to working hours, on the estuary, on neighbouring residents and on the highway network.

ANALYSIS

The EIA considered a wide range of potential impacts of the slipway, for both its construction and operational phases. With regard to the construction time (the subject of the application to vary condition 3(q)) the most pertinent considerations are:-

- The impact of construction on over-wintering birds
- The impact of construction on migrating fish
- The impact of construction noise on local residents

In order to mitigate any impact on over-wintering birds the works below Mean High Water Springs are limited to the summer months (30 April to 30 September). In order to mitigate any impact on migrating fish there is to be no piling at night, and vibration piling is to be used where possible. This is not proposed to be changed as part of the current application.

The Environmental Impact Assessment submitted with application 14/1768/FUL remains an appropriate basis for consideration of the current application to vary condition 3(q). It should be noted that the original EIA included consideration of construction activity during the hours proposed in the current variation of condition application.

With regard to the season for construction, there is no proposal to amend the limitation to working below MHWS during the summer months (30 April to 30 September). However it might also be noted that the extension of working hours sought by the variation of condition 3(q) should be beneficial in this context, because it will lead to a shorter construction period overall which will therefore:-

- Reduce the risk of construction over-running beyond the 30 September end date
- Reduce the potential for any impact on fish migration, given that the Environment Agency's preferred time for works is April to mid-June, as this avoids the typical migration peak for salmonids in late summer.

With regards to daily working hours, the key element of the variation of condition 3(q) being sought, the EIA considered the impact of construction noise for the following time periods - 0700 to 1900 on weekdays; 1900 to 2300 on weekdays; 0700 to 1300 on Saturdays.

Chapter 11 of the EIA considered the noise impact separately for daytime work and evening work, for 12 separate construction phases, at four receptors - Shelley Court, Mamhead View, the Waterfront café and Morton Crescent.

The tidally sensitive activities for which the amended condition with extended working hours is sought are essentially the following construction phases

- phase 3 (Demolition and removal of lower slipway)
- phase 4 (Preparation for slipway piling works)
- phase 6 (Construction of concrete deck and capping beam)
- phase 8 (Access steps and ladders)

The mitigated evening (after 1900) impacts of these activities on the four receptors are outlined in Table 11.22 of the EIA, and summarised in para 11.7.3. This indicates, in relation to evening work:-

- At receptor 1 (Shelley Court) no impacts are anticipated
- At receptor 2 (Mamhead View) temporary moderate adverse impacts are anticipated during phases 3, 4 and 8 and temporary minor adverse impacts are anticipated during phase 6
- At receptor 3 (Waterfront café) temporary moderate adverse impacts are anticipated during phases 3, 4, 6 and 8
- At receptor 4 (Morton Crescent) no adverse impacts are anticipated.

The mitigated daytime (0700 to 0800 and 1800 to 1900) impacts of the additional hours during which tidally sensitive work could be conducted are identical to those already covered in existing condition 3(q).

In light of this, any impacts will be localised and temporary. As with all construction works there will be a degree of local impact and it is for this reason that no noisy works will be permitted before 0700 or after 2100.

In this instance it is considered that the temporary nature of any disturbance, it being confined to areas below Mean High Water Springs (e.g. on lower ground below Mamhead View) combined with the benefits of ensuring a speedy and smooth construction of the slipway, outweigh any minimal disturbance to Mamhead View and the Cafe on the occasional days when construction is outside of the usual 0800 to 1800 hours.

This application has been submitted with an update to the original EIA covering the above and detailing that the proposed amendment to the working hours will not have a detrimental environmental or amenity impact.

The views of the Environment Agency, Natural England (NE), Highway Authority and Environmental Health have been sought. The Environment Agency, Natural England and Highway Authority have not raised any objections to the proposals in terms of any ecological impacts upon birds or fish or highway safety concerns.

Environmental Health have stated that this site is indeed unique circumstances. Furthermore this is a short term construction project which would benefit from completion in a short timescale. Environmental Health agrees that the wording proposed by the applicant is a suitable change and accurately describes the needs of the project. The Environmental Health department have advised the applicant to communicate with the local community during the works to ensure that they are aware of the need for extended hours and the agreed start and finish times. Any particularly noisy plant will be provided with noise mitigation and piling works, if required, will only take place during standard working hours.

In light of the above, in the absence of any objections from statutory consultees, and subject to the imposed of the same conditions as previous imposed on application number 14/1768/FUL, the application is not expected to result in any detrimental

environmental or amenity impacts that could justify refusal of permission and as such is recommended for approval.

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 part of the development hereby approved, the Planning Authority shall have received and approved in writing a Construction Environment and Management Plan (CEMP) including the following and covering the mitigation detailed in the Environmental Statement hereby approved:
 - (a) the timescale of the works (including the timescale for provision and removal of the temporary compound);
 - (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 Monday 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;
 - (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 and welfare facilities.
 - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

- (o) matters of Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements;
- (p) no burning on site and no use of high frequency audible reversing alarms used on the site;
- (q) Construction Working hours above Mean High Water Springs shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays. For tidally dependent work in the estuary below Mean High water Springs works to be permitted between 6.30am and 10pm to suit tidal conditions, with any work which generates noise limited to commence no earlier than 7am and to finish no later than 9pm. There shall be no work on Sundays and Bank Holidays.
- (r) timetable for construction to comply with the Environmental Statement and consultee comments from the Environment Agency;
- (s) use of vibro piling where possible and agreed to consult the Local Planning Authority and Environment Agency if percussive piling exceeds 25% of piling;
- (t) Use of soft start techniques if percussive piling is used.

Thereafter, the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

(Reason: To protect the amenities of existing and future residents in the vicinity of the site from construction, noise, air, water and light pollution in accordance with Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) and in the interest of ecology in accordance with Policies EN4 (Naturally Important Sites - including Sites of Special Scientific Interest)

4. The development hereby approved shall be carried out in full accordance with the Mitigation Strategy dated 14th October 2014 prepared by Royal HaskoningDHV unless otherwise agreed in writing by the Local Planning Authority.

(Reason: In order to address the Habitats Directive and to ensure the protection of wildlife in accordance with Policies EN4 (nationally Important Sites - including Sites of Special Scientific Interest) and EN6 (Wildlife Habitats and Features) of the East Devon Local Plan.)

5. Notwithstanding the details on the plans hereby approved, before development is commenced samples of the following shall be submitted to and approved in writing by the Local Planning Authority.:
 - facing stone to the new masonry clad retaining wall and the new flood/wave wall; and
 - railings to the steps down to the beach.

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 Policies D1 (Design and Local Distinctiveness) Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) and of the East Devon Local Plan.)

6. The development hereby approved shall be carried out in full accordance with the Flood Risk Assessment received 10 July 2014 unless otherwise agreed in writing by the Local Planning Authority.

(Reason: In the interests of preventing flood risk and in accordance with the National Planning Policy Framework.)

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

(Reason: To ensure that any contamination existing and exposed during the development is identified and remediated in accordance with the National Planning Policy Framework.)

Plans relating to this application:

NON TECHNICAL SUMMARY	General Correspondence	10.07.14
STATEMENT OF COMM INVOLVEMENT	General Correspondence	10.07.14
APPENDICES TO ENV STATEMENT	General Correspondence	10.07.14
ENVIRONMENT AL STATEMENT	General Correspondence	10.07.14
TECHNICAL NOTE	Flood Risk Assessment	10.07.14
	Design and Access Statement	10.07.14
PB2004-0002 REV P2	Sections	10.07.14
PB2004-0003 REV P2	Proposed Combined Plans	10.07.14
PB2004-0004 REV P2	Proposed Combined Plans	10.07.14
PB2004-0005 REV P1	Sections	25.07.14
PB2004-0001	Proposed Combined	20.10.14

REV P6	Plans	
MITGATION STRATEGY	General Correspondence	14.10.14
STATEMENT OF SIGNIFICANCE	General Correspondence	10.07.14
ADDENDUM TO EIA	General Correspondance	2015

List of Background Papers

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

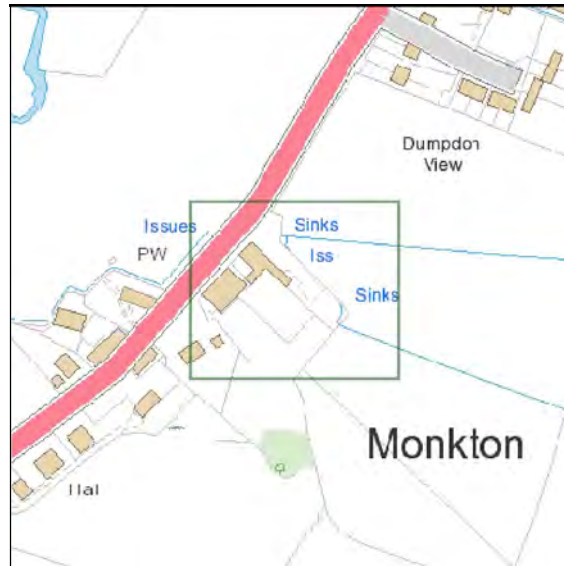
Ward Otterhead

Reference 15/2170/FUL

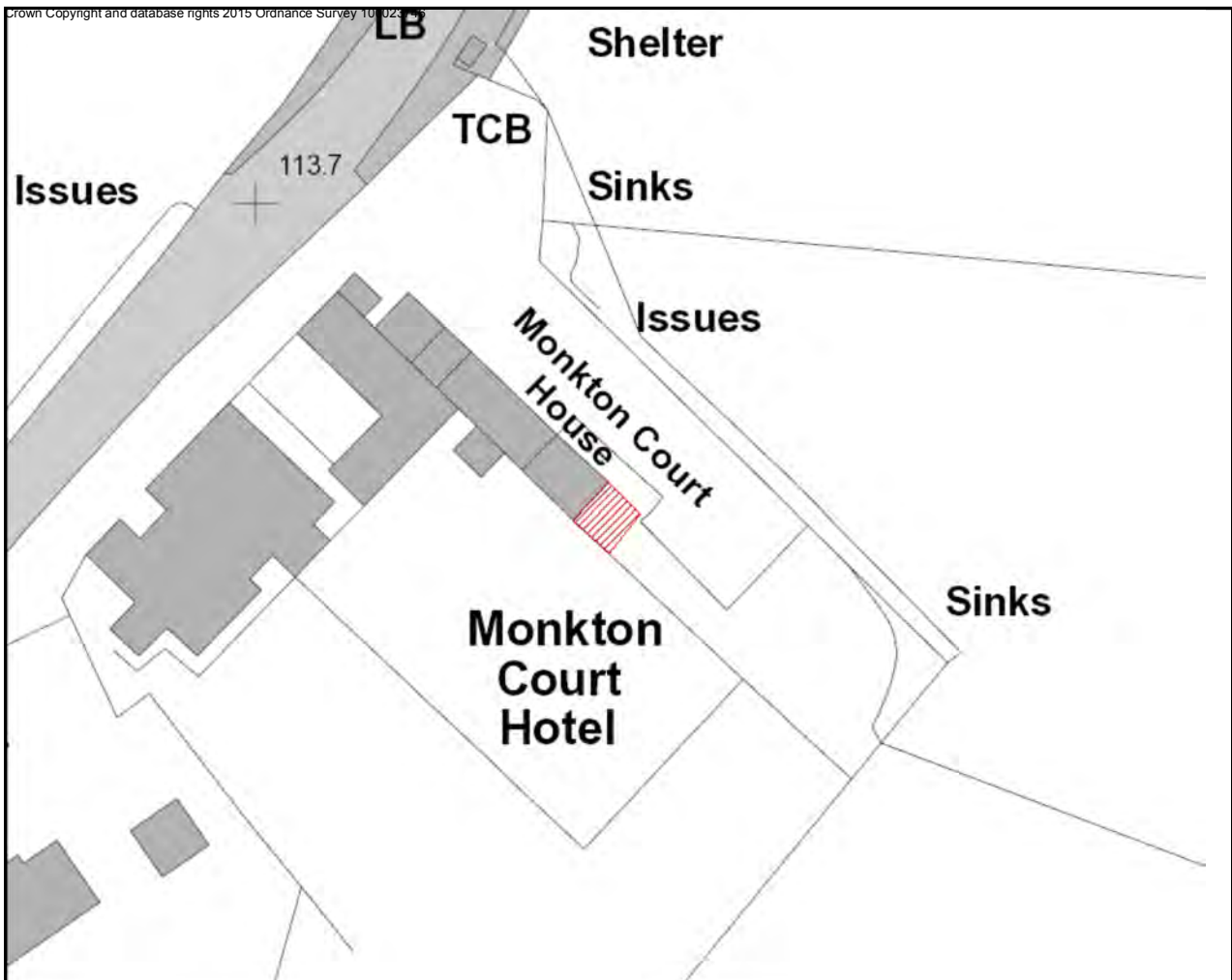
Applicant Mr & Mrs C Brown

Location Monkton Court Hotel Monkton
Honiton EX14 9QH

Proposal Proposed garage



RECOMMENDATION: Approval - standard time limit



		Committee Date: 8 December 2015
Otterhead (MONKTON)	15/2170/FUL	Target Date: 10.11.2015
Applicant:	Mr & Mrs C Brown	
Location:	Monkton Court Hotel Monkton	
Proposal:	Proposed garage	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the applicant is a Councillor of East Devon District Council.

The proposed garages are considered to be acceptable in principle in this location and of a reasonable size and design. The proposal would have an acceptable visual impact upon the character and appearance of the local area. There have been no objections received during the consultation period and the application is considered to be acceptable and is therefore recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

At the meeting of the Monkton Parish Council it was agreed to support this application.

Otterhead - Cllr D Key

21.09.15 Although the application is by a fellow councillor I can see no reason to object on the position.

Until this application comes to Committee I will reserve my final position on this application until I am in full possession of all the relevant facts and arguments both for and against.

Further comments 08.10.15:

I have no further comments on the change of materials.

Technical Consultations

County Highway Authority
Does not wish to comment

Other Representations

No third party comments received at the time of writing this report.

PLANNING HISTORY

Reference	Description	Decision	Date
12/2288/FUL Application	Full Replacement of extant planning permission 09/1698/FUL- extensions to hotel to create additional letting bedrooms, function room, ancillary storage and kitchen facilities and revised parking and access.	Approval with conditions	28/11/2012
12/2086/FUL Application	Full Proposed extension to form foyer to hotel	Approval with conditions	08/03/2013
09/1698/FUL Application	Full Extensions to hotel to create additional letting bedrooms, functions room, ancillary storage and kitchen facilities and revised parking and access arrangements.	Approval with conditions	20/10/2009

POLICIES

Strategy 7 Development in the Countryside

Strategy 46: Landscape Conservation and Enhancement and AONB's

Policy D1: Design and Local Distinctiveness

Policy TC9: Parking Provision in New Development

Adopted East Devon Local Plan Policies

Policy S5: Countryside Protection

Policy D1: Design and Local Distinctiveness

Policy EN1: Developments Affecting Areas of Outstanding Natural Beauty

Policy TA9: Parking Provision in New Development

Site Location and Description

The site is located to the north east of Honiton in the hamlet of Monkton that is adjacent to the A30 Putler Way. The property is the Monkton Court Hotel that consists of the main hotel building with car park, with Monkton Court House, garages and out buildings to the north and east of the site and a large garden to the rear (south and east). The existing garages are finished with stone walls, natural slate roof and black ridge tiles. The site is located within the East Devon Area of Outstanding Natural Beauty.

Proposed Development

The proposal is for the construction of three garages adjacent to an existing set of garages and stores set back from the main road at the end of the car park. They would be built with painted rendered walls, painted timber doors and a natural slate lean-to roof.

The garage block is proposed to measure approximately 8.8m wide by 6.4m deep at a maximum height against an existing stone wall of approximately 3.1m. The garages are of larger dimension than the existing garages due to the fact that modern day cars cannot be accommodated in the smaller sized garages.

ANALYSIS

Principle

The proposed construction of a garage adjacent to the existing garages and stores is acceptable in principle with no highway safety concerns raised given that the access already serves a number of garages and there is no objection to the proposal from the Highway Authority. As such, the main considerations for the application relate to its visual impact and impact upon the amenity of neighbouring properties.

Visual Impact

The application as originally submitted proposed rendered walls for the garage and although views from the road will be limited, this was not considered to be in keeping with the adjoining garages and rear boundary wall that are finished in stone.

As a result of this amended plans have been received proposing the use of painted timber boarding. This is considered to be acceptable and more in keeping with the timber doors and windows to the existing garages that are painted grey.

This results in an acceptable visual impact on the character and appearance of the area and on the AONB.

Neighbour Amenity

The proposal would not adversely impact upon neighbouring properties due to it being sited adjacent to non habitable buildings (garages and stores) a considerable distance from the closest property to the south-west of the hotel.

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 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:

TW15/86/1	Proposed Plans	Combined	07.10.15
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List of Background Papers

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

Ward Sidmouth Rural

Reference 15/1051/FUL

Applicant Mr & Mrs G Powell

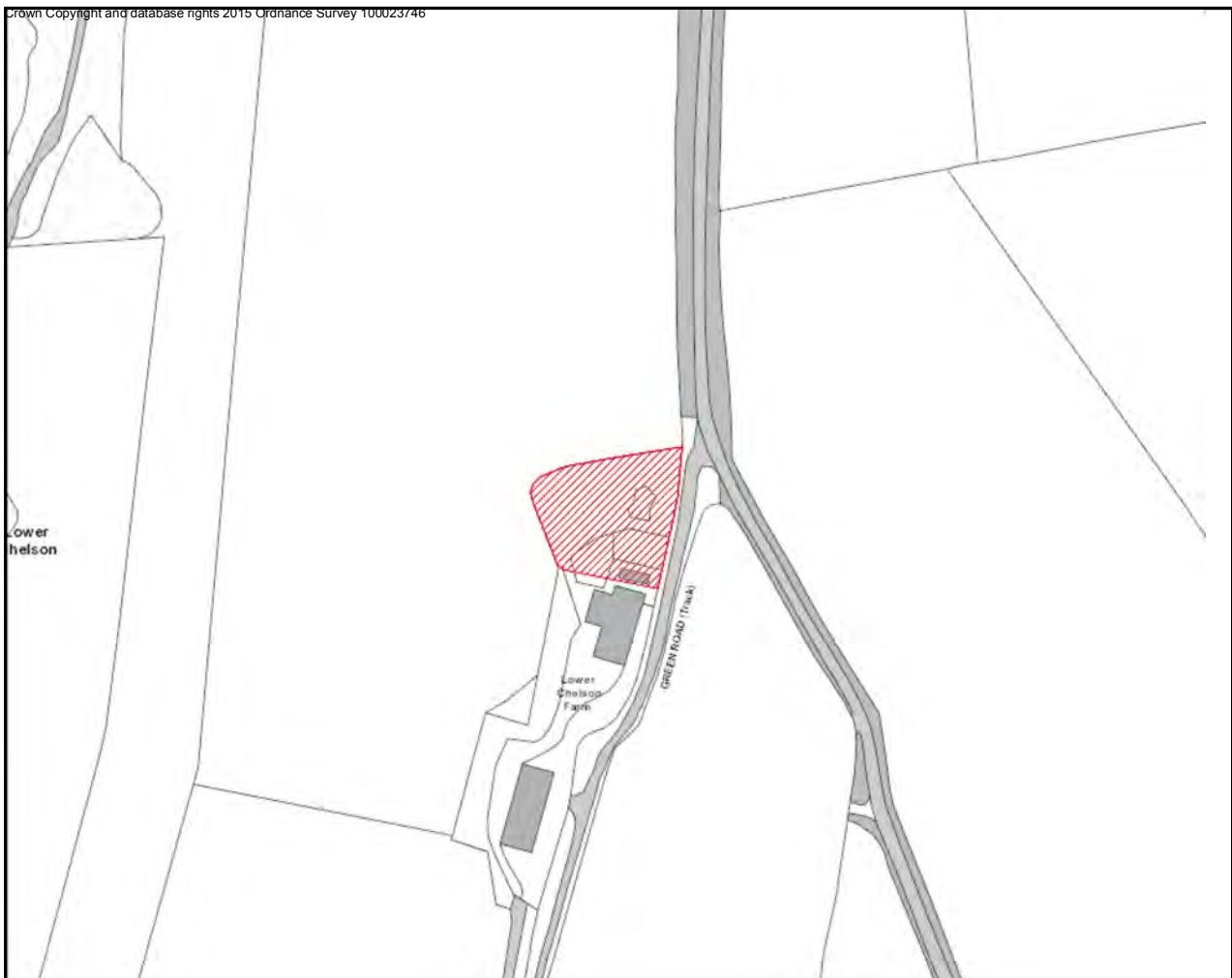
Location Lower Chelson Farm Salcombe Regis Sidmouth EX10 0PD

Proposal Construction of permanent agricultural workers dwelling and new vehicular access.



RECOMMENDATION: Refusal

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		Committee Date: 8 December 2015
Sidmouth Rural (SIDMOUTH)	15/1051/FUL	Target Date: 17.08.2015
Applicant:	Mr & Mrs G Powell	
Location:	Lower Chelson Farm Salcombe Regis	
Proposal:	Construction of permanent agricultural workers dwelling and new vehicular access.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

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

The proposed development seeks planning permission for the construction of a detached farm worker's dwelling replacing a temporary mobile home permitted in 2013. While financial information shared with Officers is unclear in respect of the calf rearing business, significant investment has been made in the business in recent years and there is reasonable evidence that the functional need set out previously continues to be demonstrated. Other than in respect of the lack of clarity concerning the financial evidence the principle for a permanent dwelling is not therefore disputed.

However at over 350 square metres in floor area (and not including a triple garage which is also proposed and would add a further 72 square metres) the proposed dwelling is considered excessively large and fails to meet the tests for a dwelling that is commensurate with the essential functional needs of the holding. Importantly the assessment made in respect of an 'essential functional need' does not simply equate to the labour requirement for the business, rather it is the level of onsite supervision where someone needs to be readily available at most times to deal with emergencies etc. In this instance the applicants have sought to justify the proposal on the basis of the proposed labour requirement equating this to the number of bedrooms proposed. However this is not appropriate when considering the delivery of a restricted dwelling in a rural and isolated area where permission would not normally be granted for such development.

In addition, the siting of the dwelling would take place on an elevated plateau within a landscape designated as an Area of Outstanding Natural Beauty. While maintaining the character of the area, in respect of an isolated farmstead located

within the landscape, the form design and height of the proposed dwelling fails to respect the local vernacular or its prominent location. This too weighs against the proposal and is considered contrary to policy.

While it is considered that there is a case for a permanent dwelling and that this would assist with the development of a rural business, together with the economic benefits that would arise from construction, these are outweighed by the environmental harm arising in respect of an excessively large dwelling of poor design and form which would fail to conserve and enhance the special qualities of the landscape or be commensurate with the essential needs of the rural holding.

CONSULTATIONS

Local Consultations

Sidmouth Rural - Cllr D Barratt

This property appears to be particularly large and imposing, however, providing an appropriate agricultural use condition is placed on the dwelling and land I cannot oppose the application.

Regards

David Barratt

(In the event that this application should come to committee I would reserve my position until I am in possession of all relevant facts for and against)

Sidmouth Town Council

Support subject to an agricultural tie being placed on the dwelling and on the land. Occupation of the dwelling should not take effect until the additional agricultural buildings granted with permissions 12/2347/FUL and 12/2438/FUL are in use.

Technical Consultations

County Highway Authority

Observations:

The application is proposing to access on to a unclassified road with national speed limit.

The visibility required for this class of road is 215 metre. Diagram 503/03 shows a turning and parking area.

Recommendation:

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

1. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 10

metres back from its junction with the public highway

REASON: To prevent mud and other debris being carried onto the public highway

2. A parking space and garage/hardstanding and access drive shall be laid out and maintained for those purposes in accordance with the attached diagram 503/05.

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

East Devon AONB

Lower Chelson Farm is located within the East Devon AONB on the edge of the coastal plateau close to the Paccombe valley. The site falls within the following landscape character types, the Blackdowns National Character Area, the Devon Sidmouth and Lyme Bay Coastal Plateau and the East Devon Open Coastal Plateau.

The site is close to Beech Lane but is screened by a hedgerow which has been allowed to grow up in recent years but is visible from distant views from Chelson Lane across the Paccombe valley.

Key Statements of Environmental Opportunity relevant to this site

- SEO 4: Protect the relatively unsettled, rural character of this nationally important landscape, maintaining open skylines and historic settlement form. Reflect the local vernacular and geodiversity in new development and encourage provision of high-quality green infrastructure.

Devon Landscape Character Area Assessment

(Sidmouth and Lyme Bay Coastal Plateau)

- Protect open emptiness of the coastal plateau and estuaries and the strong horizontal emphasis of these areas, avoiding the location of new development and vertical structures on prominent skylines.

East Devon and Blackdown Hills AONBs and East Devon District Landscape Character Area Assessment

- High, open plateaux, separated by river valleys and dissected by combes
- Regular medium to large field pattern
- Dense low hedges (often elm) with occasional hedgerow oaks
- Mixed land use, mainly arable
- Little woodland
- Very low settlement density

Key management guidelines relevant to this site

- 1. Maintaining the inherent pattern of isolated farms and small hamlets

- 2. Discouraging development that extends to the edges of Land Description Units, where it is more visible in the wider landscape.

Comments

The existing pattern of isolated farms in the coastal plateau would be reflected by the proposed development of this dwelling beside the existing farm building. Very close proximity to the agricultural buildings being important in creating the impression of a traditional farmstead rather than new residential development in the AONB.

The closeness of the proposal to the edge of the plateau means that care should be taken regarding the impact any development might have on the skyline particularly when viewed from Chelson Lane.

Without the high hedge on Beech Lane the proposed dwelling would occupy a prominent location beside this rural road which is a popular route way for commuting traffic to and from Sidmouth. The nature of this hedge is not in-keeping with the landscape character of the area, which are more typically dense low hedges with occasional hedgerow trees. The transient nature of such screening should be considered when determining what structures are acceptable within the AONB.

The importance of the vernacular geodiversity to the character of the area should be reflected in the design and character of the proposed dwelling and this should also respect traditional local built form.

Summation

Development of this nature in this location would continue the pattern of isolated farmsteads, however care is needed to ensure that there is an acceptable impact on the landscape by close attention to the scale of the development and by ensuring that its built form both respects local tradition and makes use of local building materials.

Other Representations

1 Letter received raising the following objections

Proposal is very large for a farm workers dwelling
Uncertain whether the land available can support such a dwelling

PLANNING HISTORY

Reference	Description	Decision	Date
14/0116/FUL	Erection of agricultural workers' dwelling and creation of new vehicular access.	Refusal	06.11.2014

12/2437/FUL	Proposed erection of an additional agricultural livestock building (barn 3), extension of hardstanding and re-alignment of bank and screening hedge	Approval with conditions	21.02.2013
12/2438/FUL	Proposed erection of an additional agricultural livestock building, extension of hardstanding, re-alignment of bank and screening hedge and retention of agricultural workers temporary dwelling (mobile home) and associated domestic curtilage.	Approval with conditions	06.03.2013
10/2163/FUL	Extension to livestock building	Approval - standard time limit	20.01.2011
10/0602/FUL	Erection of livestock building.	Approval with conditions	01.07.2010
09/2232/FUL	Retrospective application for alterations to barn (06/1484/FUL)	Approval retrospective (no conds)	24.12.2009
09/0294/FUL	Erection of livestock building.	Refusal	29.07.2009

POLICIES

New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

H4 (Dwellings for Persons Employed in Rural Businesses)

TC7 (Adequacy of Road Network and Site Access)

Adopted East Devon Local Plan Policies

S5 (Countryside Protection)

D1 (Design and Local Distinctiveness)
TA7 (Adequacy of Road Network and Site Access)
H8 (Dwellings for Persons Employed in Agriculture or Forestry)

Government Planning Documents

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

ANALYSIS

Site Location and Description

The site is located in the countryside to the east of Sidmouth about 400 metres north of the A3052. It is situated on the edge of a field adjacent to the road and close to some existing agricultural buildings. Surrounding the site there is an earth bank dividing it from the adjacent field and there is a mature hedgerow screening it from the road. Access is currently via a track which leads to the southern end of the site and then through the farm yard up to the northern end. The land is on the open plateau in the East Devon AONB and has extensive views across the surrounding countryside.

Proposed Development

Planning permission is sought for an agricultural worker's dwelling to replace the mobile home which is already on the site. Access to the dwelling would be via a new entrance which would be cut in through the boundary hedge. The two storey dwelling would have five bedrooms and an attached triple garage. On the ground floor there would be a kitchen, sitting room and dining room, as well as a farm office and a separate office/rest room. The dwelling would measure about 353 square metres over two floors (measured externally and including the rest room and laundry area at approximately 35sqm) while the triple garage would add an additional 72 square metres.

Considerations/Assessment

The need for a dwelling on the site was first established in March 2013 following the approval and retention of a mobile home when it was recognised that there was a need for continuous on site presence for a sheep and calf rearing enterprise. Since that time it is acknowledged that the applicants have continued to grow the business and have invested in one of the new buildings which formed part of the business case and justification stated when the application for the mobile home was considered. Evidence submitted with this application sets out the farming operation as currently comprising:

- Calf rearing - where 80-90 calves are reared from 2-3 weeks old until 11-12 weeks old in groups of 25 and 30. It is indicated that this operation would increase to around 300 calves when both calf rearing buildings (previously permitted) are erected. Since the submission of this application one of the buildings has in fact been erected and it is recognised that this shows a demonstration and commitment to the business and investment in it.

- Sheep with a current flock of 340 breeding ewes producing 460-530 lambs per annum.

In managing the above operations, the report states that the business has two full partners who deal with the day to day management together with support from their son who continues to contribute to the existing enterprise particularly during peak labour times. It is suggested that if the expansion continues to take place additional farm workers would be required.

Based on the above and in recognising the nature of the agricultural activity taking place, it is considered that the main issues in this case (arising from Policy H8 of the adopted Plan and H4 of the emerging Plan) are:

- Whether there is a continuing need for a full-time worker to live on the site;
- Whether the enterprise has been operational for three years, is commercially viable and has clear prospects of remaining so;
- Whether the size of the dwelling is commensurate with the scale of the established functional need; and
- Whether the development would conserve or enhance the character and appearance of the East Devon AONB.

Need

Although planning permission for the mobile home was granted in March 2013, it is understood that the applicants have been living permanently on the site since January 2012.

The delegated report for application 12/2438/FUL set out the reasons why the retention of the mobile home was accepted (for a temporary period of three years until 6 March 2016). At the time, stock levels and the management/welfare requirements of the livestock were considered sufficient to justify a temporary retention of the mobile home on the site so that the applicants could be readily available at most times of the day and night to tend to the animals and to allow the business to become fully established and further develop. Although the stock numbers have fluctuated with time, the activities carried on today are broadly similar in kind to those considered in 2012/2013. On that basis the established on-site presence continues to be justified.

However the appraisal which accompanies the current application sets out that current labour requirements are at 1.99 units (2 full time workers). It recognises that this would increase to 4.30 units in the event that the business plan as previously set out is fulfilled and then seeks to relate the calculated future labour requirement for the agricultural business with the number of workers permanently required on site. This effectively equates the number of workers on site, both with the number of people who need to be on site and readily available at most times of day or night to deal with emergencies, with the scale of development being proposed. This assertion is not appropriate or justified in planning terms. The justified need at present is not for 4.30 units of workers to be living on site but for 1 in accordance with the temporary planning permission in 2013.

In sustainability terms the agent has suggested that the dwelling would be of a size to house both the existing partners in the business, their son and his family. While combined living can have its advantages in this regard, and it is recognised that the son would play a full and active role in the farming business and therefore weigh in favour of the application, this is not considered to be a significant benefit given the restrictions that should apply to such a dwelling.

As long as the permanent on site presence is sufficient to handle the immediate and likely emergencies that can arise, it is not expected or necessary for all the labour requirements that are generated by a business to be permanently on site. In particular, while there would be a peak in requirements at lambing time, this is a relatively short lived season and would not justify a second dwelling or the scale of accommodation proposed. The set up for many typical farms is a modest but permanent on site presence with additional labour then derived from non residential employees. It is not considered that sufficient or substantial evidence has been submitted to suggest that such a set up would not be appropriate in this instance and that the proposal justifies a very large 5 bedroom house.

Viability

The enterprise was established at a basic level in 2005 when the applicants sold Chelson Farm and retained the land which is now Lower Chelson Farm. The current calf-rearing enterprise was established in August 2011. Shortly after, the applicants moved permanently onto the farm from their house in Sidford. The enterprise has, therefore, been operational for about 4 years.

The current application is accompanied by an appraisal of need dated February 2015 which sets out the current operation (as discussed above). Following the same approach as with the previous application, no more financial information has been submitted in terms of income and expenditure or in consideration of the plans for the future. To address this shortcoming, further financial information has been submitted which shows a reasonable profit from the “sheep business” and a conclusion that the business looks to be sustainable going forward. However the accounts do not overtly refer to the calf rearing business although recognise a substantial livestock purchase cost which might refer to such activity. While it is anticipated that the overall business may well be viable (particularly given the recent investment made by the applicants) the doubt in respect of the accounts is considered to weigh slightly against the proposal.

Size

By any standards the proposed dwelling is large. Moreover, having regard to the wording of paragraph 55 of the Framework, it is larger than is considered essential in relation to the established need. Typically a dwelling of approximately 150 square metres would reasonably meet the essential needs of a worker living on site. Although this can vary according to individual circumstances (even up to 180 square metres), the proposed dwelling, at 353 square metres including 5 bedrooms, is exceptionally large.

None of the submitted information provides reasonable justification for permitting such a large dwelling. Furthermore, the lack of financial information as discussed above casts doubt on the ability of the enterprise to sustain it. Previous concern raised in this regard with the last application and which was also refused has resulted in the omission of accommodation over the garage block. While this has reduced the scale and floor space being proposed the size of building is still considered excessive.

It is noted that in the supporting information a number of cases have been cited by the agent where large detached dwelling in the AONB have been approved. However with the exception of only one site, none of these are restricted to agricultural workers – being replacement dwellings or new build within existing settlements. In addition examples are also cited of large agricultural workers dwellings approved by East Devon albeit outside of the AONB. With the exception of again a single example which is in excess of that proposed here, these range in floor area from 190 square metres (internal) to 238 square meters external. The remaining example proposed was itself a replacement farmhouse for an existing unrestricted farmhouse which was replaced following severe fire damage. While none of these examples set a precedent and most have very different planning histories to that proposed each application must be considered on its own merits. While the family circumstances are noted, in that essentially two family units wish to live together to manage the farm this does not demonstrate the need for the level of continuous onsite provision being advocated.

The applicant has tried to justify the scale of the dwelling by comparing it to the size of other buildings on the holding but an assessment is needed of whether this scale of building is needed to meet the needs of the business in accordance with the NPPF and Policies H8 of the Adopted Local Plan and H4 of the emerging New Local Plan that require the dwelling to be commensurate with the scale of the need/business.

AONB

The site is located in an area of the AONB which is defined as 'open coastal plateau' in the Landscape Character Assessment for East Devon. The area exhibits a number of key characteristics of this landscape character type, including high, open plateau, regular medium to large field pattern and low settlement density. Hedges in this character type are usually dense and low but the hedgerow adjacent to the site has been allowed to grow such that it is not now typical of the area.

The proposed dwelling would be reasonably well related to the established farm buildings and, by virtue of its isolation, would maintain the inherent pattern of isolated farms which is characteristic of the area. However, owing to its position on an elevated plateau, the dwelling would be visible from the adjacent road and in some long range views.

Policy EN1 of the adopted Local Plan states that development will only be permitted within the AONB where it preserves or enhances the landscape character of the area and respects traditional local built form. This applies equally to dwellings for agricultural workers as to other development.

In this case, the development would preserve the settlement pattern of the AONB and the visual impact could be softened by securing a good landscaping scheme. However, the dwelling would still be a prominent building owing to its size and scale and its siting near to a road.

In terms of the dwelling's design, no reference has been made to forms of building which are traditional in the local area. Although the proposed flintstone facing to the front and rear elevations would make use of local materials, the building has a suburban form which is not appropriate for the AONB. The excessive height of the dwelling, its broad gables which dominate the front and rear elevations, the bay windows and balcony together with the attached triple garage all combine to create a building which bears no relation to traditional farm dwellings in the AONB.

In the absence of justification for a building of this size and design, the dwelling would appear excessively large, intrusive and out of character in the landscape and therefore contrary to the requirements of policy EN1.

Other matters

A new access to the site is proposed. Although it would result in the loss of a section of hedgerow, this is considered reasonable in order to avoid conflict with the vehicles and livestock in the working areas of the farm. In terms of highway safety there are no objections and while the loss of hedgerow is regretted this is not of such significance that the scheme should be refused for this reason.

Drainage details have been submitted which are satisfactory.

A unilateral undertaking has been submitted which would secure a financial contribution towards the provision of Habitat mitigation. The contribution is proportionate to the provision of an additional unit of accommodation which would lead to increased recreational pressure on the internationally designated SAC, and SPA forming the important Heathland environment. As such the mitigation proposed is considered appropriate to offset any harm arising and negates the need for a bespoke appropriate assessment.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed dwelling by reason of its scale would be excessively large in relation to the agricultural needs of the unit such that it would not be commensurate with the essential on site functional need arising at the holding. As such the scheme does not represent sustainable development in a rural area so that the proposal is therefore contrary to Policies H8 (Dwellings for Persons Employed in Agriculture or Forestry) of the adopted East Devon Local and H4 (Dwellings for Persons Employed in Rural Businesses) of the submitted New East Devon Local Plan and guidance in the National Planning Policy Framework.

2. The proposed dwelling by reason of its scale and design would result in a prominent and unsympathetic development within the Area of Outstanding Natural Beauty. While in character terms the provision of an isolated farmstead is appropriate, the building's form and appearance accentuated by its height would result in an unsympathetic form and appearance which would fail to conserve and enhance the quality and local distinctiveness of the landscape. As such the proposal is therefore contrary to policies D1 (Design and Local Distinctiveness) and EN1 (Developments Affecting Areas of Outstanding Natural Beauty) of the adopted East Devon Local Plan, policies D1 (Design and Local Distinctiveness) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the submitted New East Devon Local Plan and guidance in the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

Location Plan Received 11.05.15

503/01A Proposed Floor Plan Received 05.05.15

503/02A Proposed Floor Plan Received 05.05.15

503/03A Proposed Elevation Received 05.05.15

503/04A Proposed Elevation Received 05.05.15

503/05 Proposed Site Plan Received 05.05.15

List of Background Papers

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

Ward Sidmouth Town

Reference 15/2270/FUL

Applicant Miss Rebecca Heal

Location 33 Higher Woolbrook Park
Sidmouth EX10 9ED

Proposal Construction of a rear extension.



RECOMMENDATION: Approval with conditions



		Committee Date: 8 December 2015
Sidmouth Town (SIDMOUTH)	15/2270/FUL	Target Date: 04.12.2015
Applicant:	Miss Rebecca Heal	
Location:	33 Higher Woolbrook Park Sidmouth	
Proposal:	Construction of a rear extension.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the applicant is a member of staff.

The application seeks planning permission for the construction of a single storey extension to the rear of the existing bungalow.

The proposal is supported by the Town Council and no objections have been received from Ward Members or neighbouring residents.

The proposed extension would be subservient to the existing dwelling and of a design that would be in keeping with the character and appearance of the existing dwelling and the surrounding area. Given that the extension is single-storey in height, there would be no detrimental impact upon the amenity of adjacent residential properties.

The application is therefore recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council
Support.

Technical Consultations

County Highway Authority
Does not wish to comment

Other Representations

No representations were received at the time of writing this report.

PLANNING HISTORY

Reference	Description	Decision	Date
15/1420/FUL	Erection of 2 no. wooden gates, brick wall and post & wire fence.	Approval - standard time limit	06.08.2015

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

To the front of the bungalow is a small garden with a parking area forward of an attached single garage.

The area surrounding the site is primarily residential in nature and is characterised by detached bungalows.

Proposed Development

The application seeks planning permission for the construction of a single storey extension to the rear of the existing bungalow. The extension would replace an existing conservatory of a smaller size.

The proposed extension would project 3.8 metres beyond the existing rear wall of the property, and would be 6 metres wide and 4.6 metres to the ridge. The extension would be constructed with brick walls, a tiled pitched roof and a predominantly glazed gable with bi-fold patio doors. Due to the nature of the site, which gently slopes towards the brook at the rear of the property, the bi-fold patio doors would open onto raised patio area with steps down into the garden.

Impact on character and appearance

Due its relatively minor nature and scale the proposal is subservient to the existing dwelling. The proposal would also be in keeping with the character and appearance existing dwelling and the surrounding area. It is recommended that a condition be

attached to any permission to ensure the extension's materials match the existing dwelling.

Impact on residential amenity

There are no windows proposed in the north-eastern elevation although a single door is proposed. Given the single-storey nature of the extension there would be no detrimental overlooking of the adjoining property 31 Higher Woolbrook Park. A window is proposed in the south-western elevation which would face toward 35 Higher Woolbrook Park, however, it would be set back approximately 8 metres from the property boundary and would not have an adverse impact in terms of loss of privacy or overlooking. Four velux windows are proposed in the roof of the extension but these will not result in any overlooking of neighbouring properties.

To the rear of the existing property, across the opposite side of a brook, is an area used for parking and garaging for the residential properties of Evening Star and The Cherries. The existing property boundaries are screened by existing mature vegetation which minimises the visual impact of the proposed extension from this area.

The proposal is therefore considered acceptable as it would not have an adverse impact on the amenity of adjacent properties.

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. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those of the existing building.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the existing building 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 East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District

Council works proactively with applicants to resolve all relevant planning concerns, however in this case the application was deemed acceptable as submitted.

Plans relating to this application:

	Location Plan	09.10.15
R11615-2	Proposed Combined Plans	02.10.15

List of Background Papers

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

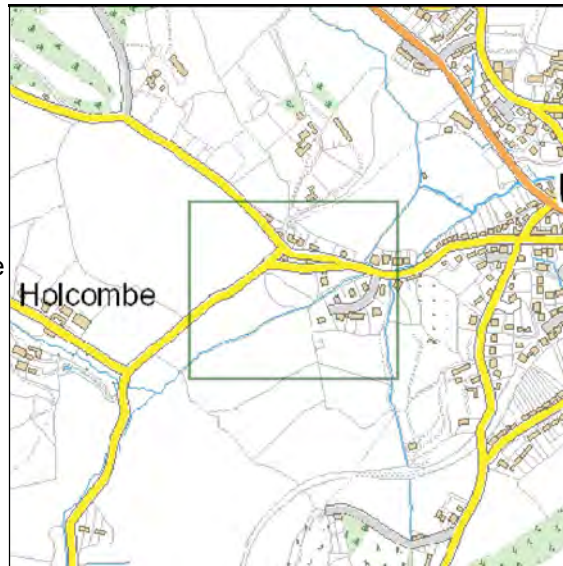
Ward Trinity

Reference 15/1994/OUT

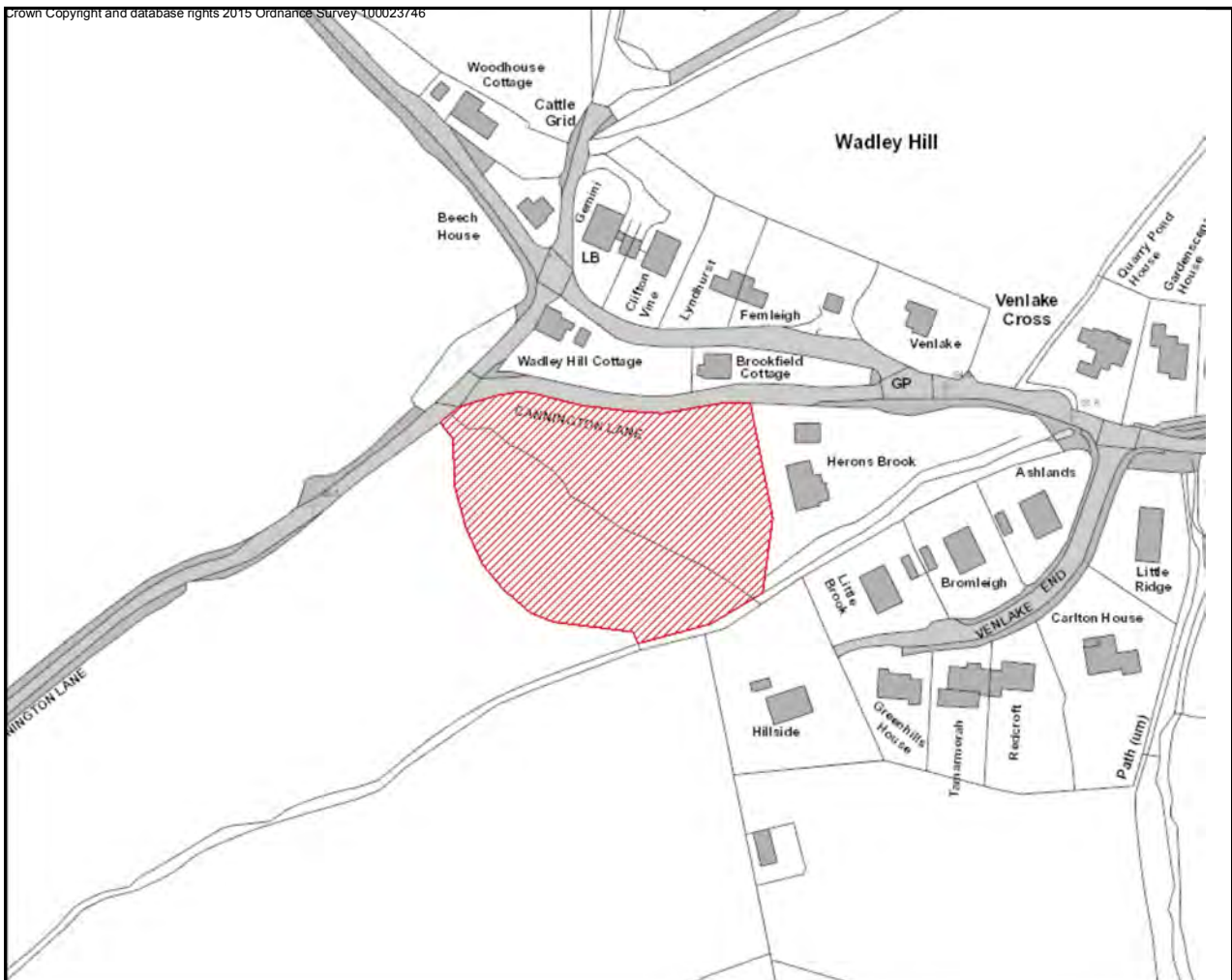
Applicant Mr A Turner

Location Land West Of Herons Brook
(Wadley Hill) Venlake Uplyme Lyme
Regis Devon DT7 3SG

Proposal Outline application with all matters reserved for the construction of 4 no. dwellings (three affordable and one open market), community orchard and provision of two rear access paths



RECOMMENDATION: Approval with conditions



		Committee Date: 8 December 2015
Trinity (UPLYME)	15/1994/OUT	Target Date: 23.10.2015
Applicant:	Mr A Turner	
Location:	Land West Of Herons Brook (Wadley Hill) Venlake	
Proposal:	Outline application with all matters reserved for the construction of 4 no. dwellings (three affordable and one open market), community orchard and provision of two rear access paths	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is before committee as it represents a departure from the policies of the Adopted East Devon Local Plan.

The application relates to a rural site on the edge of the village of Uplyme and within the East Devon Area of Outstanding Natural Beauty. The site is a pasture field and slopes down from the northwest corner to the south east corner. An open stream runs along part of the southern boundary with the remaining site boundaries formed by tree/hedge planting. There are neighbouring residential properties to the north, east and on the opposite side of the stream to the south.

Outline permission with all matters reserved is sought for the construction of 4 no. dwellings on the site, 3 of which would be affordable. In addition the proposal looks to provide a community orchard facility on the eastern part of the site. Whilst the site is outside of the designated built-up area boundary it physically abuts this on its east side. The site is accessed via narrow and winding rural lanes without footpaths or street lighting, however the County Highway Authority have withdrawn an initial objection and are satisfied that the local roads can safely accommodate the additional traffic generated by the development. In addition there are permissive footpaths available which provide an alternative means of accessing the main facilities in the village.

The affordable housing need for Uplyme (based on the 2014 Housing Needs Survey) demonstrates a need for 7no. affordable dwellings and the proposed development will go some way to meeting this.

Weighed against the benefits of the affordable housing provision is the environmental harm that might arise from developing on this site outside the

designated settlement boundary and within an Area of Outstanding Natural Beauty. In this respect whilst it is recognised that there would be some intrinsic harm to the character of the site, visually and in landscape terms any impact would be predominantly localised. In weighing the benefits against the potential harm it is considered on balance to be acceptable and is recommended for approval subject to a S.106 agreement to secure the affordable housing in perpetuity and contributions towards open space infrastructure and subject to conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Parish Council Planning Committee does not object to the application. The decision was unanimous.

Trinity - Cllr I Thomas

This application relates to the same site as previous application 15/0803/MOUT, but for a total of four new dwellings, including three as 'affordable rental'. This sector is identified as being of need for local people. The proposal is a significant reduction on the previous application for ten dwelling of which eight were to be designated 'affordable'. The previous application was withdrawn.

It appears that two representations (one is duplicated) received by EDDC in September 2015, after application 15/0803/MOUT was withdrawn, may have been intended for the current application, notwithstanding the inclusion of the original application reference.

My initial comments on 15/0803/MOUT from 7th July 2015 are still relevant in several respects;

This determination of this application should reflect the balance between a local wish to provide this scale of primarily rented 'affordable' housing for people with an Uplyme connection, and the less than perfect location of the application site, in terms of the surrounding road network.

This balance is again reflected in contributor comment both in support and against the application.

Concerns expressed in the previous application re flooding on the lower part of the site have been restated.

The application site is in the East Devon AONB outside, but adjacent to the Uplyme Built Area Boundary. It is a level walk from the Village Centre in most weather conditions.

Uplyme is considered a 'sustainable' village within the emerging East Devon Local Plan with modest services of a village school, shop, garage, access to public transport and public house, it would be a reasonably sustainable site under the three assessment criteria.

The provision of three new 'affordable rental' houses for occupation by those with an Uplyme connection, would satisfy some of the identified Uplyme requirement of 7. This was evidenced by a survey completed in October 2014 as part of the information gathering process for the Uplyme Neighbourhood Plan.

An application of this scale would not normally be considered 'major' and as such bring into play paragraph 116 of the NPPF. However great weight should still be given to conserving landscape and scenic beauty as identified within para 115, due to the site and surround AONB status. As such the impact and scale of the development of this sloping site must be carefully considered.

I note the Highways objection has been repeated, despite the reduction in dwelling numbers proposed, again primarily under paragraph 32 of the National Planning Policy Framework which states;

"All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- o the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;

- o safe and suitable access to the site can be achieved for all people; and

- o improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

The Highways Objection includes reference to lack of footpaths and other issues almost universal characteristics of rural areas or village fringes.

I would appreciate clarification as to whether the number of houses proposed on this modest 'exception' site would constitute a 'significant' amount? Further I can see no argument for a '...need for major transport infrastructure'.

The third paragraph states that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe"

Could the impact of this application truly be considered 'severe'?

Uplyme is a village surrounded by the East Devon AONB, it is in the Lym Valley and characterised by both land instability issues and a network of narrow roads with blind bends and high hedges.

Whilst this proposed site might not be ideal, despite the significantly improved visibility splays proposed, do 'better' located small sites exist which are likely to become available and could better satisfy the modest identified Uplyme housing requirement?

If not, then this might question the East Devon Local Plan designation of Uplyme as a 'sustainable' settlement?

The application therefore has my balanced support, whilst I acknowledge valid argument toward the opposing view.

Should Officers not share this view then I believe the application would benefit from consideration by the collective wisdom of the Development Management Committee.

Technical Consultations

County Highway Authority

04.09.15:

Observations:

The LPA will be aware that the County Highway Authority has given responses for pre-application advice in July 2014 and for the outline application (15/0803/MOUT), the later being for 10 no. dwellings on this site.

Our advice and responses to the previous applications have been consistent and reflected the CHA's concerns that the site is unlikely to offer safe and suitable access for all road users. Application 15/0803/MOUT was subsequently withdrawn.

This application is for a reduced number of dwelling, 4 rather the 10, and the accompanying Access Statement argues that this reduction in itself is significant in access terms. I do not agree with this argument. Just because the number of vehicular traffic movements for 4 dwellings may be less than those for 10 dwellings, does mean that the accesses are any safer.

The Access Statement goes on to give possible pedestrian routes to various local amenities, proclaiming that these would be acceptable and desirable to the residents via a public footpath and permissive footpath rather than use private vehicles. It does not mention that these paths are unlit, un-metalled and are across an open field and through a Cricket Ground. In the case of the public footpath, it steeply climbs across the middle of a windswept field without any protection from the elements. In the case of the other path, this is permissive only, and as such the permission could be withdrawn at any time.

Whilst these pedestrian routes may technically be sustainable in terms of the length to the available amenities from the application site. The likelihood of them being attractive to residents, potentially mothers with young children and pushchairs, at times of inclement weather, in the winter or in the hours of darkness is remote in the extreme.

With regard to the 'assumed' traffic speeds quoted in the Access Statement in and around the application site and the proposed visibility splays arising from these traffic speeds. They are merely conjecture and they are not based on any verified traffic speed data readings.

Therefore are not admissible for access design consideration purposes.

As before, taking all the application factors into account, unfortunately the CHA recommends that the application is refused for the following reasons.

RECOMMENDS THAT PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:

1. The proposed development would be likely to result in a material increase in the volume and a material change in the character of traffic entering and leaving The Unclassified County Road through accesses which do not provide adequate visibility from and of emerging vehicle s, contrary to paragraph 32 of the National Planning Policy Framework.
2. The use of the site accesses resulting from the proposed development would be likely to increase the conflict of traffic movements close to junctions resulting in additional danger and inconvenience to all road users contrary to paragraph 32 of the National Planning Policy Framework.
3. The roads giving access to the site are by reason of thier inadequate width, poor vertical alignment, poor horizontal alignment, gradient and junctions are unsuitable to accommodate the likely increase in traffic attracted to the development and contrary to paragraph 32 of the National Planning Policy Framework.

4 Because of the lack of alternative usable and viable footpaths the proposed development is likely to generate an increase in pedestrian traffic on highways lacking adequate footways or width with consequent additional danger to all road users of the road contrary to paragraph 32 of the National Planning Policy Framework

Further comments 06.11.15:

The LPA will be aware that the CHA has consistently recommended refusal for development proposals on this site based on poor access visibilities, its concern that the proposed pedestrian routes put forward would not be safe or desirable and the safety of the roads and junctions leading to the proposed development site.

There has been considerable discussion with the applicants highway consultant and also with the Parish Council in which the pedestrian routes of the public footpath and the permissive route via the lower hedge line have been explored with regard their existing use and also their suitability for the proposed development. Also a new access proposal requiring only one access to the development with its suitably improved and agreed visibility splays for the traffic speeds passing the site has been submitted, substituting the previous plan with two accesses with substandard visibilities.

The new access arrangement is much more acceptable to CHA as it reduces the number of regularly used accesses to one single access for all the dwellings now proposed. I am also satisfied that the existing footpath, although not ideal in times of inclement weather or in the dark winter months, is regularly used at present by large numbers of the residents of Venlake at all times and is probably safer than walking on the carriageways.

With regards to the existing roads and junctions that give access to the site, the CHA has re-examined these roads and junctions and the traffic that currently use them and concludes that in the vast majority of cases drivers drive sensibly, carefully and at reduced speeds on these roads, which is partly due to the constrained nature of the roads and junctions themselves. Therefore the relatively low numbers of additional numbers of vehicles attracted to the very modest sized development are likely to do likewise in their driving techniques and this would not be against the NPPF.

In the light of these discussions and with the new access arrangements proposed the CHA is content that its previous recommendation for refusal can be lifted to one of recommended conditions and that this recommendation is correct for this location and accords with guidance within the NPPF.

The change to one access for all the residential elements will mean that the existing access to the field via the gate can stay. But this "agricultural" access will not attract any greater traffic movements than it always has done with its permitted use.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY,

RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. The site access and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with the attached Diagram 15/056/01 Revision F where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres 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 centre of the carriageway of the public highway (identified as Y) shall be 25 metres in a westerly direction and 33 metres in the other direction.

REASON: To provide a satisfactory access to the site with adequate facilities for short term parking and to provide adequate visibility from and of emerging vehicles.

2. The site access road shall be widened and maintained thereafter to not less than 4.8 metres for the first 10 metres back from its junction with the public highway and shall be provided with 4 metre kerb radii at the junction.

REASON: To minimise congestion of the access

3. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, visibility splays, turning area, parking space and garage/hardstanding, access drive and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

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

4. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

REASON: In the interest of public safety and to prevent damage to the highway.

5. The accommodation hereby approved shall be restricted to domestic use.

REASON: To control the character, and to minimise the volume, of traffic attracted to the site.

6. No part of the development hereby approved shall be commenced until 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.

DCC Flood Risk Management Team

Thank you for referring the above application which was received on 16/10/2015.

Devon County Council Flood and Coastal Risk Management Position.

I understand that this application is now classed as minor. Consequently, Devon County Council's Flood and Coastal Risk Management Team is not a statutory consultee for this application because it is not classed as a major development under Part 1(2) of The Town and Country Planning (Development Management Procedure) (England) Order (2015).

Although we are not a statutory consultee for this application, the applicant is still required to provide the Local Planning Authority with a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. Specifically, the applicant has not appeared to provide the following information, which should be submitted to the Local Planning Authority for review:

- Assessment of existing flood risks to the site, including groundwater, overland surface water flows, sewer flooding, infrastructure flooding, watercourse flooding and the risk from the proposed on-site surface water drainage system;
- Explanations of flood risk mitigation measures for the entire site;
- Non-technical summary of the proposed drainage strategy;
- Evidence that the drainage hierarchy has been followed, providing robust explanations as to the viability of otherwise of the drainage to:
 1. Infiltration or soakaway;
 2. A watercourse or highway ditch (with permission);
 3. A surface water sewer or highway drain (with permission);
 4. A combined sewer (with permission).
- Evidence that the site has an agreed point of discharge;
- Calculations of current runoff from the site;
- Calculations of proposed runoff from the site;
- Calculations of the storage volume required for the 1 in 100 (+30% allowance for climate change) year rainfall event;
- Plans showing viable attenuation storage locations within the site;
- Explanations of likely forms of SuDS for the site and a justification for their use;
- Explanations of who will maintain and fund the maintenance of the proposed systems over the entire lifetime of the development;

The applicant is advised to refer to Devon County Council's draft SuDS Design Guidance, which is attached to this letter, for further information.

The provision of this information is imperative because the village of Uplyme is a hydrologically sensitive area and has recently experienced surface water flooding. In

particular, there are high-risk surface water flooding issues in Gore Lane, Venlake and Cuckoo Lane.

We have been made aware of the above planning application which was previously submitted as a major application 15/0803/MOUT. Although this is now classed as a minor application and we are not a statutory consultee, we still have concerns that there is no assessment of flood risk or reference to any potential drainage strategy in this sensitive area.

As a minor application our standing advice on sustainable drainage requirements will apply and I have attached our latest SuDS guidance for this. Please also find attached our response to the previous major application

Housing Strategy Officer Paul Lowe

We welcome this opportunity to provide affordable homes in Uplyme.

The application site is located outside the development boundary for Uplyme and under Strategy 35 of the emerging Local Plan the site would be classed as an Exception Mixed Market and Affordable Housing site. The proposal intends to provide a policy compliant number of affordable homes (3), and is to be welcomed.

A housing needs survey was carried out in October 2014 which identified a need for 7 rented homes over the next 5 years.

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.

Generally, 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 most recent Housing Needs Survey has only identified a need for rented homes.

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 Uplyme, 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.

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 is not sought.

There is currently capacity at both the nearest primary and secondary schools for the number of pupils likely to be generated by the proposed development.

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

Other Representations

14 no. representations have been received to the application, of these 11 no. raise concerns/objections and 3 no. are in support. The comments raised are summarised below:

Objections/Concerns:

- Concerns over potential for further development of field in future
- Site access is poor and nature of approach roads would make additional traffic hazardous
- Lack of footpaths and poor pedestrian access
- The permissive footpath referred to is unlit and would be unsuitable for use in winter months
- Flooding and surface water concerns resulting from development in an area already susceptible to surface water flooding
- Adjoining properties need to employ a water pump at times of flooding.
- Loss of wildlife habitat. The field and surrounding area are used by bats, badgers, foxes, owls etc.
- Poor layout which would restrict further future development of the field
- Loss of medieval hedgerow totally unacceptable
- Loss of hedge and development on fringes of village would suburbanise the AONB
- The site is steeply sloping and will require significant earth movement and retaining works
- There are other areas in the village better suited to meet any affordable housing need.

Reasons for Support:

- Uplyme needs affordable housing
- Extra traffic will be negligible
- The site has never flooded
- Young people are needed to help support the school and other local amenities

PLANNING HISTORY

15/0803/MOUT - Outline application with all matters reserved for the construction of 10 no. dwellings (8 affordable), community allotment and orchard and provision of new access. This application was withdrawn prior to determination.

POLICIES

New East Devon Local Plan Policies

EN14 (Control of Pollution)

EN22 (Surface Run-Off Implications of New Development)

D1 (Design and Local Distinctiveness)

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 35 (Exception Mixed market and Affordable Housing at Villages, Small Towns and Outside Built-up Area Boundaries)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

RC2 (New Open Space, Sports Facilities and Parks)

Adopted East Devon Local Plan Policies

EN15 (Control of Pollution)

D1 (Design and Local Distinctiveness)

S5 (Countryside Protection)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

TA7 (Adequacy of Road Network and Site Access)

TA1 (Accessibility of New Development)

D4 (Landscape Requirements)

D5 (Trees on Development Sites)

EN6 (Wildlife Habitats and Features)

RE2 (Open Space, Sports Facilities and Parks)

RE3 (Open Space Provision in New Housing Developments)

Government Planning Documents

National Planning Practice Guidance

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

SITE LOCATION AND DESCRIPTION

The application site relates to a small agricultural field on the western outskirts of the village of Uplyme. To the south and west of the site is open countryside and to the north and east is existing residential development which forms part of the ribbon of development extending out along Venlake from the village core. The built-up area boundary of the village abounds the site to the east and the whole of the site and surrounding area falls within the East Devon Area of Outstanding Natural Beauty.

The field itself slopes down from northwest to southeast and is bounded by native hedgerow with the lane to the north; a lower hedge to the east with Heron's Brook, and; a tree belt to the southern and western boundaries. A stream runs along the southern site boundary.

PROPOSED DEVELOPMENT

Outline Planning permission is sought (with all matters reserved) for the development of the site for 4 no. dwellings. A Draft Heads of Terms for a legal agreement has been submitted with the application which proposes 3 no. of the dwellings to be affordable rented properties.

The application is in outline with all matters reserved but the indicative layout indicates development parallel with the northern boundary of the site and on the eastern side of the site. The development would be served by a new access onto Cannington Lane and the land to the east of the internal access road and between it and the eastern site boundary is proposed as a community orchard.

ANALYSIS

It is considered that the main issues in the determination of the application relate to:

- The principle of the proposed development;
- Design and impact on the character and appearance of the area and wider landscape;
- Impact on residential amenity;
- Arboricultural impacts;
- Ecological Impacts;
- Highways;
- Flooding/Drainage Issues;
- Economic Impact;
- S.106 matters;
- Other Issues.

THE PRINCIPLE OF THE PROPOSED DEVELOPMENT

The site is considered to be in open countryside (this being defined as all areas outside built-up area boundaries or specific allocations). There is a presumption against new development in the countryside contained in both the Adopted and New East Devon Local Plans (Policy S5 and Strategy 7 respectively) unless supported by an exceptional justification e.g. a justified requirement for an agricultural worker's

dwelling or to meet a specific local housing need - this policy is considered further below.

In the absence of any such explicit policy justification development of the site would be considered to represent development in the countryside contrary to Local Plan policy. A number of recent appeal decisions in the District have confirmed that (amongst others) Policy S5 of the adopted Local Plan and Strategy 7 of the New East Devon Local Plan are consistent with National Planning Policy Framework policy objectives and as such are in accordance with Framework 215 and can be given 'great weight' (Appeal Ref: APP/U1105/W/15/3003548 Land adjacent The Last Resort, Green Lane, Exton EX3 0PW and Appeal Ref: APP/U1105/A/14/2229080, Land at Down Close, Newton Poppleford).

However, the Adopted East Devon Local Plan, is now out of date and despite Inspector's recognition of the weight that can be afforded to countryside protection policies the proposal needs to be considered against the presumption in favour of sustainable development as defined by the National Planning Policy Framework.

The NPPF advises that the "golden thread" running through Planning is the presumption in favour of sustainable development and the three dimensions to it: economic, social and environmental. This means approving development that accords with the Development Plan or, if this is out of date, granting permission unless any adverse impacts of doing so would significantly and demonstratively outweigh the benefits when assessed against the policies as a whole within the framework; or specific policies in the framework indicate that development should be restricted. The NPPF also advises that Local Planning Authorities should maintain an up to date 5 year supply of housing (including a 20% reserve where there has been a history of under supply) this is therefore a material consideration where development is considered to be sustainable.

In this case the Council consider that it can demonstrate a five year land supply (+ 20% buffer) but it is acknowledged that full weight cannot be given to this until it has been tested through the Local Plan process.

The development plan for the District is the East Devon Local plan 1995-2011 including the policies saved following the Secretary of State's Direction in 2009. Within the housing section of the Local Plan there is not a policy that would explicitly permit housing on this site. The successor plan The New East Devon Local Plan (NEDLP) has been to Examination in Public but the Inspector has asked the Council to carry out further work on certain aspects of the plan, therefore although at an advanced stage the Emerging plan cannot be given full weight at present.

The housing strategy policies of the NEDLP do not look to assign housing numbers to small towns and larger villages, nor would sites be designated through a Villages Development Plan Document. The provision of new housing in the settlements listed in Strategy 27 (which includes Uplyme) would therefore be left to Neighbourhood Plans, which is being prepared for the parish, however there is currently no approved plan. Nonetheless, the village is considered to be a sustainable location for limited residential development.

The Council has adopted for decision making purposes a Mixed Affordable and Market Housing Cross-Subsidy Position Statement which in certain circumstances provides support for such development outside designated settlements of a certain size. In terms of the emerging New East Devon Local Plan this contains a similar policy, Strategy 35, that looks to support such developments subject to meeting a number of specified criteria.

This exception to the normal policy of restraint permits schemes of up to 15 dwellings, outside of but well related to villages with built-up area boundaries where there is a proven local need and the affordable housing accounts for at least 66% of the proposed dwellings. In such circumstances the policy states that evidence will be required to demonstrate that: the affordable housing need, in any given locality, would not otherwise be met; is satisfactory in terms of its location in relation to the settlement where it is proposed, is well designed, sympathetic to the character of the settlement and has satisfactory highway access, and; the affordable housing is appropriately secured.

In relation to the proposed development no evidence has been submitted with the application to demonstrate a local affordable housing need. In the absence of submitted evidence the most up to date assessment of local need is considered to be the housing needs survey carried out in October 2014 for the parish, which identified a need for 7 rented homes over the next 5 years.

The cross-subsidy position statement similarly makes reference to the need for affordable housing being demonstrated for the settlement and/or in surrounding areas. The proposed scheme would provide for 75% of the dwellings to be affordable and is located where it is considered to be reasonably well related to the existing village which has a range of community services and facilities; the matter of satisfactory highway access and general accessibility is considered below but subject to this being available, in locational and housing terms the proposed site is considered to meet the requirements of proposed Strategy 35 and the cross-subsidy position statement.

The proposal would go some way (3 of 7 dwellings) to meeting an identified but unmet affordable housing need and where there is no knowledge of alternative schemes being brought forward which might otherwise meet it.

DESIGN AND IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA AND WIDER LANDSCAPE

The proposed scheme is in outline with all matters reserved but an indicative layout has been provided indicating how the site might be developed. The indicative layout, which has been amended during the course of the application, indicates development to the north and east sides of the site. The development of the site would affect a change in the character of the site from undeveloped and rural to a developed residential character, albeit relatively low density in keeping with surrounding pattern. The amendments to the original indicative layout show a reduction in the overall site area, thereby limiting the extent of the potential impact. In addition, the reduction in site area has removed the highest and most prominent part of the field from the site. The area now proposed for development is that adjacent to

the road and the lower lying land to the east side of the site, development in these locations would relate well to existing development on the north side of Cannington Lane and to Heron's Brook to the east of the site.

In terms of appearance and landscape impact, development of the site would be apparent both from localised views, and wider range views from the network of surrounding footpaths. Nonetheless, the development is low lying and would be seen in context with existing development. Furthermore, the retention of existing field boundaries and the potential for additional structural planting would help to assimilate the site with the existing built form of the village.

Policy EN1 and Strategy 46 of the EDLP and NEDLP respectively seek to conserve and enhance the quality and character of Areas of Outstanding Natural Beauty and to restrict development unless it cannot be reasonably accommodated elsewhere outside of the AONB. Similarly, the NPPF at para. 115 is concerned with conserving landscape and scenic beauty in such areas, which it advises should be given great weight. In this case, it is accepted that the development would result in some adverse impact on the landscape character and appearance despite the retention of tree planting on the site boundaries. Whilst the landscape impact is considered to be limited in this case some harm would arise through the change in character on the site and the visual impact of the development and this needs to be balanced against any potential benefits.

IMPACT ON TREES

The application site is surrounded by individual and groups of trees which form part of the hedgerows. An arboricultural survey submitted with the application indicates that the majority of the trees/hedges are C category and therefore do not represent a constraint on development. Nevertheless, the indicative layout shows that these could generally be retained in any development, save for access and visibility requirements. In terms of vehicular access this would need to be onto Cannington Lane and is indicatively shown at a point where maximum visibility could be achieved to the east. Furthermore, it is likely that any residential development would be set back from the boundaries to allow retention of any hedgerows/trees. Finally, the application includes proposals for provision of a community orchard at the eastern end of the site which would increase the tree stock on site and more generally enhance biodiversity.

ECOLOGICAL IMPACTS

There have been a number of representations relating to the use of the site by a number of species including bats, deer, barn owls, badgers and foxes. It has also been suggested that the removal of a section of the hedgerow to provide access to the site would have a negative impact on ecology. The site itself is used as pasture and as such would have limited ecological value, the hedgerows, trees and field margins being likely to provide the highest ecological potential. The application, save for the removal of a section of hedgebank to form the access, looks to retain and strengthen the existing field boundaries and would also provide further biodiversity enhancement through the proposed provision of a community orchard on the eastern site boundary. Whilst the comments of local residents are noted no evidence of use

of the site by protected species has been provided and subject to a suitable layout and landscaping scheme being submitted at the reserve matters stage and suitable management of the community orchard area, it is considered that the ecological impact of the development would be acceptable.

HIGHWAY SAFETY/ACCESS

Details of access are reserved for future consideration, although indicatively a site access is shown on the northern site boundary onto Cannington Lane and any access brought forward as part of a reserved matters application is likely to show an access in a similar location. The access would require the removal of a section of Devon hedge bank to provide the access and acceptable visibility splays.

The approach roads serving the site are narrow, winding and in sections sloping and there are no pavements or street lighting on the section of road leading to the site. A number of objections have been received to the scheme on the basis of the inadequacy of the pedestrian and vehicular access serving the site and the likely highway safety issues that would result.

The application is supported by a specific access statement prepared by a transport consultant and which considers highways and accessibility issues. The statement concludes that the site is sustainable in transportation terms with suitable access by alternative modes of transport; that the proposal would result in negligible additional traffic movements that could be safely accommodated on the local road network, and; that suitable access, parking and turning facilities could be provided.

The County Highway Authority (CHA) originally objected to the proposal on the grounds of the inadequacy of the visibility at the site access; the increased traffic associated with the site leading to conflicts on local roads, and the unsuitability of the road network to accommodate the additional traffic and the lack of alternative usable and viable footpaths to serve the development.

Since the application was originally submitted it has been amended and now proposes only one access point to serve the whole of the development. It is further understood that the highway authority has been in discussion with the Parish Council regarding the existing level of use and suitability of the existing permissive footpaths that link the site with the main services within the village. As a result the CHA has now withdrawn their original objection to the scheme citing the reduction to 1 no. access; further information from the parish in respect of the use of the permissive footpath to the village centre, and; a re-examination of the existing traffic conditions relating to the surrounding road network. A number of conditions are recommended in the event of an approval including: provision of suitable visibility splays and hard surfacing of access road; provision of access, parking, turning and drainage facilities and the provision of a site compound to serve the development. A further condition is recommended relating to the nature of the use of the site, however, the application is for the uses proposed and any further change of use would require a separate application for planning permission and as such this condition is not considered to be necessary.

FLOODING/DRAINAGE ISSUES

The application does not lie within a recognised high or medium risk flood zone, falling as it does within Flood Zone 1. However, the southeast corner of the site is recorded as being susceptible to surface water flooding and this is an issue that is raised by a number of local objectors. The concerns raised related to surface water run-off from higher land, which they say is channelled via Cannington Lane towards Venlake in times of extreme weather conditions. Incidences of localised flooding in the vicinity of the site have been cited in recent years.

On the previous application (15/0803/MOUT) Devon County Council as the Strategic Flood Risk Authority was a statutory consultee. At the time, they advised of the surface water flooding issue related to the southeast corner of the site and were seeking a drainage strategy which demonstrates how surface water from the development would be disposed of in a manner that would not increase flood risk up or downstream of the development in accordance with Sustainable Drainage principles. Whilst it is acknowledged that surface water flooding would remain a potential issue with the current application and that a suitable strategy for dealing with this should be provided, due to the reduction in size of the development, DCC are no longer a statutory consultee from a flood risk point of view.

The area susceptible to surface water flooding is the eastern side of the site, indicated as 'community orchard area', whereas the area indicated for development is to the east of this and outside this zone. Development of the site does have the potential to increase surface water run-off by increasing the impermeable areas of the site. However, it is also considered that the site area is relatively generous in relation to the number of dwellings proposed and as such presents opportunities for a variety of drainage measures to be considered to offset and potentially to improve upon the current situation. The applicant also controls other land (within the blue line) where off-site measures could also be considered if necessary. The applicant has provided a surface water drainage statement which acknowledges the issue and considers mechanisms to reduce surface water run-off however it is considered that given the scale of the development and that all matters are reserved for future consideration it would be reasonable to condition further details for submission with any subsequent Reserved Matters application.

IMPACT ON RESIDENTIAL AMENITY

There are 2 no. properties to the north side of Cannington Lane and opposite the site, Wadley Hill Cottage and Brookfield Cottage. In addition Heron's Brook lies immediately to the east of the site and Hillside lies to the south and on the opposite side of the stream that runs along the site's southern boundary. These properties are the ones closest to and therefore have the greatest potential to be affected by the proposed development.

In relation to the properties to the north these are set on an island of land surrounded by local roads. Each property is set toward the western end of their respective plots with their principle garden areas extending to the east. Whilst the submitted layout is indicative only it shows a terrace of 3 no. properties located on the site such that they would sit opposite the gap between Wadley Hill Cottage and Brookfield Cottage,

as such they would, in this position, avoid direct overlooking between properties. There is the potential for some overlooking of the garden area associated with Wadley Hill Cottage but there are 2 no. hedgebanks and a lane between the sites and as such any overlooking is likely to be restricted to first floor only and could be controlled at reserved matters stage.

To the east Heron's Brook is on low lying land and is separated from the site by a low hedge. It is proposed to replace the hedge with a new hedge and devon bank that would provide a greater degree of separation. In addition a community orchard area is proposed which would provide some further screening. The indicative layout shows a separation of a minimum 29 metres between Heron's Brook and the nearest dwelling, this is considered to be sufficient. To the south Hillside is over 25 metres from the site boundary and as such would be sufficiently distant from the development to avoid any adverse impact.

ECONOMIC IMPACT

The proposal would not provide any direct employment provision but would support construction jobs and would provide added economic benefit to the local area as future residents utilise local shops and services.

S.106 MATTERS

A housing needs survey was carried out for the parish in October 2014 which identified a need for 7 rented homes over the next 5 years. The proposal looks to provide 3 of the 4 dwellings as affordable and the applicant has confirmed that they are happy to provide all of these as affordable rented. In addition contributions of £7,058.64 toward offsite open space would be secured. Finally, the proposal includes proposals for a community orchard on the land, this is indicatively shown on the site plan at the eastern end of the site the provision and management of such a facility should also be secured through the s.106 agreement although the specific size and location of this can be determined at Reserved Matters stage.

OTHER ISSUES

A number of issues raised through the consultation process have not been addressed above and these are considered below.

It has been suggested that the proposal represents a poor layout which would restrict further future development of the field. Firstly, the layout shown is indicative only and secondly, any further development of the field, given previous consultee responses, may well prove to be unacceptable in terms of traffic generation.

The proposal would result in the loss of a medieval hedgerow. Any loss of hedgerow is regrettable but in this case the reduction is kept to the minimum acceptable to provide suitable visibility from the site access. In addition it is possible to relocate the hedgerow, such that the existing plating can be retained in its new location (set back behind the required visibility splay). The remainder of the site's boundaries would be retained and new Devon Hedge Bank planting is indicated along the eastern

boundary, together with the proposed community orchard there would be a net biodiversity gain.

The site is steeply sloping and will require significant earth movement and retaining works. It is accepted that the sloping nature of the site will require some retaining and earth works however, this can be achieved in a sensitive manner and is a matter to be considered in detail as part of any detailed reserved matters application.

Comments have also suggested that there are other areas in the village better suited to meet any affordable housing need. There are no other sites that have come forward to meet the village's affordable housing need and whilst there may be other sites that theoretically might be developable the whole of the village is covered by the AONB designation and the local road network is also generally narrow, winding and in places steep. It also must be recognised that applications need to be judged on their own merits and that whilst an alternative piece of land (of which none have been suggested) may appear more suitable, these may not be available for development.

PLANNING BALANCE

The application proposes development within the designated AONB and outside of a recognised settlement boundary. Whilst the development would clearly alter the character of the site and would have some limited landscape/visual impact, it is also recognised that there is an unmet affordable housing need in the village and given the topography and landscape designation constraints around the village, as well as the nature of the road network, opportunities to meet this need are limited.

Although not ideal the proposed site is physically well related to the village and relatively low lying, thereby limiting its wider visual impact. The road network and accessibility of the site also are not to the standard that would normally be expected but on the basis of existing traffic conditions are considered adequate to serve the development. Similarly there are recognised drainage issues at the eastern end of the site, although outside the area indicated for development, and a suitable drainage strategy to serve the development and prevent it from compounding this issue could be a conditional requirement.

Subject to planning conditions and a S.106 agreement related to the provision and management of the affordable housing, on-site open space/community orchard and off-site contributions it is considered that the overall benefits of the scheme are outweigh any harm and as such the proposal is supported.

RECOMMENDATION

APPROVE subject to the completion of a legal agreement and 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 scale, appearance, access, layout and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the development is commenced.
(Reason - To clarify the nature and content of the reserved matters application.)
3. 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.)
4. No development shall commence until details of finished floor and ridge levels and finished ground levels in relation to a fixed datum has 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 adequate details of levels are available in the interest of the character and appearance of the locality and 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 East Devon Local Plan.)
5. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings 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 Adopted East Devon Local Plan and Policy D1 (Design and Local Distinctiveness) of the Emerging East Devon Local Plan.)
6. Notwithstanding 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 works shall be undertaken within Schedule 2, Part 1 Classes A, D or E for the enlargement, improvement or other alterations to the dwellings 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.
(Reason - To enable the Local Planning Authority to retain control over any subsequent additions in the interests of the character and appearance of the site and surrounding 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 East Devon Local Plan.)
7. Details of the surface water drainage scheme for the development, incorporating sustainable drainage principles that will mimic or improve upon

Greenfield performance, shall be submitted to and approved in writing by the Local Planning Authority as part of any reserved matters application .
Development shall proceed in accordance with details as agreed.

(Reason - To protect third parties flooding and water quality interests. In accordance with Policy EN15 (Control of Pollution) of the Adopted East Devon Local Plan; Policies EN14 (Control of Pollution) and EN22 (Surface Water Run-off Implications of New Development) of the emerging East Devon Local Plan and guidance within the National Planning Policy Framework.)

8. The site access and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with the attached Diagram 15/056/01 Revision F where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres 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 centre of the carriageway of the public highway (identified as Y) shall be 25 metres in a westerly direction and 33 metres in the other direction.
(Reason - To provide a satisfactory access to the site with adequate facilities for short term parking and to provide adequate visibility from and of emerging vehicles in accordance with policies TA7 (Adequacy of Road Network and Site Access) and TA9 (Parking Provision in New Development) of the Adopted East Devon Local Plan and policies TC7 (Adequacy of Road Network and Site Access) and TA9 (Parking Provision in New Development) of the Emerging East Devon Local Plan.)
9. The site access road shall be widened and maintained thereafter to not less than 4.8 metres for the first 10 metres back from its junction with the public highway and shall be provided with 4 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 Adopted East Devon Local Plan and policy TC7 (Adequacy of Road Network and Site Access) of the Emerging East Devon Local Plan.)
10. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, visibility splays, turning area, parking space and garage/hardstanding, access drive and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.
(Reason - To ensure that adequate facilities are available for the traffic attracted to the site in accordance with policy 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 East Devon Local Plan.)
11. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the

site for the disposal of surface water so that none drains on to any County Highway.

(Reason - In the interest of public safety and to prevent damage to the highway 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 East Devon Local Plan.)

12. No part of the development hereby approved shall be commenced until 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 policies D1 (Design and Local Distinctiveness), TA7 (Adequacy of Road Network and Site Access) and TA9 (Parking Provision in New Development) of the Adopted East Devon Local Plan and policies D1 (Design and Local Distinctiveness), TC7 (Adequacy of Road Network and Site Access) and TA9 (Parking Provision in New Development) of the Emerging East Devon Local Plan.)

13. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboriculture 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 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 and in accordance with policy D5 (Trees on Development Sites) of the East Devon Local Plan and policy D3 (Trees and Development Sites) of the Emerging 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:

15/056/01 F +	Location Plan	15.10.15
BLOCK PLAN		

List of Background Papers

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