

Agenda for Development Management Committee Tuesday, 10 February 2015; 2.00pm

[Members of the Committee](#)

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

[View directions](#)

Contact: [Hannah Whitfield](#)

01395 517542, Issued 28 January 2015

Please note that there are new speaking arrangements for this Committee.

[Speaking on planning applications](#)

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

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

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

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

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

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Monday 2 February up until 12 noon on Thursday 5 February 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.



East Devon District Council

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The Committee will break for 15 minutes at approximately 4.30pm, if required.

- 1 Minutes for 20 January 2015 (page 4 - 8)
- 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 9 - 12)
Principal Planning Officer

- 7 **Adoption of the Devon Waste Plan and Proposed Waste Management and infrastructure - Supplementary Planning Document** (page 13 - 18)
Planning Policy Manager

Please note that the order in which applications will be taken is subject to change.

Applications for determination:

14/2634/FUL (Minor) (page 19 - 28)

Axminster Town

Ivor Chubb Motorcycle Engineers, Castle Street, Axminster EX13 5NP

14/2779/FUL (Minor) (page 29 - 38)

Budleigh Salterton

12 Leas Road, Budleigh Salterton EX9 6SA

14/2882/MFUL (Major) (page 39 - 52)

Feniton and Buckerell & Ottery St Mary Rural

Land north and south of Lyndale, Station Road, Feniton

14/2175/FUL (Minor) (page 53 - 59)

Honiton St Michaels

Stout Farm, Honiton EX14 9TS

14/2310/FUL (Minor) (page 60 - 75)

Raleigh

RSPB, Hawkerland Brake Barn, Exmouth Road, Aylesbeare EX5 2JS

14/1897/FUL (Minor) (page 76 - 81)

Seaton

Seaton Seafront, Seaton

14/2829/COU (Other) (page 82 - 88)

Seaton

Unit 14, Riverside Workshops, Riverside Way, Seaton EX12 2UE

14/1783/VAR (Other) (page 89 - 97)

Sidmouth Rural

Duncombe Manor Caravan Park, Salcombe Regis, Sidmouth EX10 0PN

14/1987/FUL (Minor) (page 98 - 109)

Sidmouth Rural

Mincombe Post Farm, Mincombe Post, Sidbury EX10 0QW

14/2783/FUL (Minor) (page 110 - 123)

Sidmouth Rural

Sidbury Chapel, Greenhead, Sidbury

14/2604/FUL (Minor) (page 124 - 132)

Sidmouth Sidford

The Annexe, 12 Brook Lane, Sidford EX10 9PW

14/2742/FUL (Minor) (page 133 - 149)

Sidmouth Sidford

14 Summerfield, Sidmouth EX10 9RY

14/2927/OUT (Minor) (page 150 - 158)

Woodbury and Lympstone

Hills Venmore, Woodbury EX5 1LD

Please note:

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

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

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

[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 20 January 2015

Attendance list at end of document

The meeting started at 2.00pm and ended at 3.27pm.

***47 Minutes**

The minutes of the Development Management Committee meeting held on 16 December 2014 were confirmed and signed as a true record.

***48 Declarations of interest**

Cllr Peter Burrows; 14/2493/VAR; Personal Interest (remained in the Chamber during the debate and vote); Councillor is a member of Seaton Town Council and has signed up as a Seaton Tourist Information Centre volunteer.

***49 Planning appeal statistics**

The Committee received and noted the Service Lead – Planning’s report setting out appeals recently lodged and eight appeal decisions notified, of which six had been dismissed, one had been allowed and one enforcement notice had been quashed.

Members’ attention was drawn to the appeal allowed for the proposal to demolish existing outbuildings and construct two dwellings at Ferndale, Axminster. The Inspector had overruled landscape and amenity reasons for refusal, concluding that the proposed dwellings would not appear unacceptably dominant and would not cause harm to the character and appearance of the area.

Principal Planning Officer, Gavin Spiller, highlighted that the appeal against the Committee’s decision to refuse a new dwelling at land adjacent to Bridge Farm, Woodbury Salterton had been dismissed. However the Inspector had only upheld the amenity reason for refusal and not the sustainability reason.

In respect of the appeal against an enforcement notice served in respect of unauthorised works to the United Reform Church, Aylesbeare, the Inspector had considered that, as planning permission had been granted and works had commenced, a breach of condition notice should have been served instead. The Principal Solicitor advised that a breach of condition notice had been served that morning.

***50 Consultation on further changes to statutory consultee arrangements for the planning application process**

At their meeting in October 2014, the Committee had considered a report highlighting key points within a government consultation document on delivering sustainable drainage systems (SuDs) and the Council’s proposed response to the questions posed, in which a number of concerns were raised. In December 2014, a further consultation was published on this issue responding to the various comments received from consultees and seeking comments on a number of new proposals. Principal Planning Officer, James Brown presented the Service Lead - Planning’s report summarising the new proposals along with the proposed responses to the questions posed by the consultation.

The Principal Planning Officer clarified, in response to a question that under the new proposals Devon County Council, as the Lead Local Flood Authority, would be made the statutory consultee on development in relation to surface water drainage on major applications. Surface water drainage schemes for minor developments would rest with EDDC as the local planning authority. However, it was hoped that if there were specific issues in relation to a development that the Council would be able to use the Lead Flood Authority's resource.

Concern was raised about the threshold for which the Lead Flood Authority would act as the statutory consultee being limited to major developments. Members considered that they should also act as the statutory consultee on developments where there was evidence of flooding issues presented by the public or from local knowledge.

In response to a comment by a member of the Committee about the reliance of the computer generated flood zone maps used by the Environment Agency, the Principal Planning Officer advised that the Environment Agency provided a detailed resource and were constantly refining the plans they used. If there were concerns about specific areas, this should be taken up directly with the Agency.

RESOLVED:

that the responses as set out on the Committee report be submitted to the Department for Communities and Local Government as the Council's formal response to the consultation, subject to the response to question 3 being amended to include a consultation requirement on developments where there is evidence of flooding issues presented by the public or from local knowledge.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 9 – 2014/2015.

Attendance list

Present:

Committee Members

Councillors:

Helen Parr (Chairman)

David Key (Vice Chairman)

Roger Boote

Peter Burrows

Bob Buxton

Geoff Chamberlain

Vivien Duval Steer

Martin Gammell

Mike Howe

Geoff Pook

Peter Sullivan

Mark Williamson

Officers

James Brown, Principal Planning Officer
Henry Gordon Lennox, Principal Solicitor
Gavin Spiller, Principal Planning Officer
Hannah Whitfield, Democratic Services Officer

Also present

Councillors:
Susie Bond

Apologies:

Committee Members

Councillors:
Mike Allen
David Atkins
Alan Dent
Ben Ingham

Non-committee members

Councillors:
David Cox
Steve Gazzard
Roger Giles
Graham Godbeer
Stephanie Jones

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL
Development Management Committee
Tuesday 20 January 2015; Schedule number 9 – 2014/2015

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:

<http://new.eastdevon.gov.uk/media/677687/200115-combined-dmc-agenda.pdf>

Feniton and
Buckerell
(FENITON)

14/1394/OUT

Applicant: Mr Bernard Hickey

Location: Sunny Lea, Green Lane, Feniton EX14 3BP

Proposal: Three dwellings and construction of replacement garage
(outline application with all matters reserved)

RESOLVED: APPROVED with conditions as per recommendation.

Ottery St Mary Town
(OTTERY ST MARY)

14/2419/MFUL

Applicant: Redrow Homes West Country

Location: Land north of Higher Ridgeway, Ottery St Mary

Proposal: Development of 31 residential dwellings (Use class 3 including affordable homes) with associated access, car parking, landscaping, infrastructure and engineering works. Replacement allotments with associated access, car parking, landscaping and infrastructure.

RESOLVED: APPROVED subject:

- to a Section 106 agreement, to also include a soil and enhancement strategy and triggers to transfer the allotments to Ottery St Mary Town Council (triggers to agreed with the Chairman of the Development Management Committee in consultation with Ward Members);
- condition 10 being revised as to read 'Development hereby permitted shall be undertaken in strict accordance with the construction mitigation prescriptions, post construction management prescriptions and the associated supporting information all detailed within the Landscape and Ecological Management Plan dated November 2014 unless otherwise agreed in writing by the Local Planning Authority. (Reason: To safeguard the ecological status

of the site in accordance with Policy EN6 (Wildlife Habitats and Features) of the adopted East Devon local Plan and guidance contained within the National Planning Policy Framework); and

- the remaining conditions as per recommendation.

Seaton (SEATON)	14/2493/VAR
Applicant:	East Devon District Council (A Hayward)
Location:	Seaton Tourist Information Centre, The Underfleet, Seaton
Proposal:	Demolition of existing tourist information centre, land-fill operations and other infrastructure improvements including extinguishing existing car park access, formation of new highways junction and car park access, erection of new build Jurassic Coast Interpretation Centre and associated external works (amendments to application 10/1587/FUL)
RESOLVED:	APPROVED with conditions as per recommendation.

East Devon District Council
List of Planning Appeals Lodged

Ref: 14/2141/FUL **Date Received** 05.01.2015
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.
Planning APP/U1105/W/14/3001024
Inspectorate
Ref:

Ref: 14/1473/TRE **Date Received** 07.01.2015
Appellant: Mr K Quiggin
Appeal Site: Puzzle Cottage Widworthy Court Wilmington Honiton EX14
9JN
Proposal: Fell two Sycamore trees and one Ash tree.
Planning APP/TPO/U1105/4296
Inspectorate
Ref:

East Devon District Council List of Planning Appeals Decided

Ref: 14/0662/MFUL **Appeal Ref:** 14/00063/REF

Appellant: Mr David Cutler - Feniton Park Ltd

Appeal Site: Every's Solicitors (The Old Manse) 9 Mill Street Ottery St Mary EX11 1AA

Proposal: Change of use on the ground floor of The Old Manse from A2 (Financial & Professional Services) to A1 (Shops)/A2 (Financial & Professional Services)/A3 (Restaurants & Cafes)/A4 (Drinking Establishments); conversion of the upper floors to form 1 no. maisonette; construction of an additional storey on the Annex and conversion to form 2 no. flats; and construction of 8 no. townhouses

Decision: **Appeal Dismissed** **Date:** 19.12.2014

Procedure: Written representations

Remarks: Delegated refusal, amenity reasons upheld. (EDLP Policy D1)

BVPI 204: **Yes**

Planning Inspectorate Ref: APP/U1105/A/14/2225636

Ref: 14/1042/PMB **Appeal Ref:** 14/00062/REF

Appellant: Mr J Borrough

Appeal Site: Peradon Farm (Building 1) Clyst Hydon Cullompton EX15 2NG

Proposal: Prior approval of proposed change of use of agricultural building to a dwellinghouse (Use Class C3) (Building 1)

Decision: **Appeal Dismissed** **Date:** 23.12.2014

Procedure: Written representations

Remarks: Delegated refusal. The Inspector concluded that the proposal could not be considered as permitted development due to the size of the curtilage shown on the submitted plan.

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

In the application for costs, the appellant alleged that the Council was unreasonable in its interpretation of the provisions of Class MB of the Town and Country Planning (General Permitted Development) Order 1995 and in refusing the application for a reason which relates to the locational sustainability of the site. The Inspector, however, concluded that, in his view, it was not unreasonable for the Council to refuse the application on such a ground.

BVPI 204: **No**

Planning Inspectorate Ref: APP/U1105/A/14/2225501

Ref: 14/1253/OUT **Appeal Ref:** 14/00064/REF

Appellant: Mr J J Robjant
Appeal Site: Willowtrees Honiton EX14 9TS
Proposal: Outline application for the creation of 2 no. dwellings (with access, appearance, layout and scale to be assessed at this stage)

Decision: **Appeal Allowed (with conditions)** **Date:** 06.01.2015

Procedure: Written representations
Remarks: Delegated refusal, landscape reasons overruled (EDLP Policy EN1).
The Inspector considered that the proposal would be seen as a visually acceptable infill development, sited between the existing built up area boundary and Willowtrees. He concluded that the proposed development would be physically and visually contained within the group of existing houses and would not encroach into the surrounding agricultural land.

BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/A/14/2226294

Ref: 14/1234/FUL **Appeal Ref:** 14/00066/REF

Appellant: Mr & Mrs R & A Sharp
Appeal Site: Garathatch Bear Lane Budleigh Salterton EX9 7AQ
Proposal: Replacement dwelling and associated works to include new driveway and conversion of existing dwelling for retention as an ancilliary garage and studio

Decision: **Appeal Allowed (with conditions)** **Date:** 16.01.2015

Procedure: Written representations
Remarks: Officer recommendation to approve, Committee refusal. Landscape reasons overruled (EDLP Policies EN1, S5, D1 & H11).
Application for a full award of costs against the Council refused.
The Inspector considered that the new dwelling would be fairly inconspicuous and, due to the specific context of the site and its surroundings, it would not stand out within the landscape as a visually intrusive feature. In addition, he considered that the relationship between the proposed dwelling with the traditional appearance of Garathatch and Shortwood House would be not be noticeable in views from outside of the appeal site and would not cause harm to the visual qualities of the area.

BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/14/2226591

Ref: 14/1944/PMB **Appeal Ref:** 14/00069/REF
Appellant: Mr B Penny
Appeal Site: Land South Of Courtlands Lane Exmouth
Proposal: Prior approval of proposed Change of Use of Agricultural Building to dwellinghouse and Associated Operational Development
Decision: **Appeal Allowed (with conditions)** **Date:** 16.01.2015
Procedure: Written representations
Remarks: Delegated refusal, sustainability reasons overruled.
BVPI 204: **No**

The Inspector considered that the Council has misinterpreted both the Framework and GPDO for contending that proposals such as this would be undesirable on the basis of sustainability. The regard that must be had to the Framework is limited to that relevant to the subject of the application for prior approval and cannot be to the Framework as a whole. He concluded that it is not therefore possible to refuse this prior approval application on the basis that it does not represent sustainable development since the whole of the Framework must be taken into account to reach that conclusion.

Planning Inspectorate Ref: APP/U1105/A/14/2227739

Ref: 14/1877/FUL **Appeal Ref:** 14/00073/HH
Appellant: Mr And Mrs W Glen
Appeal Site: 34 Parkside Road Exeter EX1 3TN
Proposal: Construction of hip to gable roof extensions and front dormer window and rooflights to facilitate loft conversion
Decision: **Appeal Dismissed** **Date:** 16.01.2015
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld. (EDLP Policy D1).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/D/14/2228417

Report to: **Development Management Committee**

Date of Meeting: 10 February 2014

Public Document: Yes

Exemption: None

Review date for release None



Agenda item: 7

Subject: **Adoption of the Devon Waste Plan and Proposed Waste Management and infrastructure - Supplementary Planning Document**

Purpose of report: Devon County Council, as Waste Planning Authority, has adopted the Devon Waste Plan. It sets out policies and proposals for the management of waste in Devon and related planning matters. Of specific relevance to East Devon are policy references to further development and capacity at Hill Barton and Greendale Barton.

Now that the waste plan is adopted the County Council are proposing to produce a Supplementary Planning Document (SPD) on Waste Management and Infrastructure. The County Council have issued a scoping document inviting comments on proposed SPD content.

As drafted the SPD is geared around encouraging others (this would specifically include local planning authorities) to consider waste issues and collection/management in their work. Whilst this is a sensible starting point it is recommended that the SPD has a broader scope and also addresses matters relating to the broader implementation of the policies of the plan as a whole.

The proposed response to the questions set out in the consultation document are detailed in this committee report.

Recommendation: **The proposed response to the questions set out in the consultation document, as detailed in this committee report, are sent to Devon County Council and the County Council are advised that the waste SPD should address matters relating to both the:**

- a) operations of other bodies as they might relate to and improve waste management; and also**
- b) the full implementation of the overall policies of the Waste Plan.**

Reason for recommendation: To promote the full and effective implementation of Devon Waste Plan policies.

Officer: Matthew Dickins, Planning Policy Manager, mdickins@eastdevon.gov.uk

(01395 – 571540); and

Janet Wallace, Principal Environmental Health Officer

jwallace@eastdevon.gov.uk

Financial implications:

There are no financial implications.

Legal implications:

There are no legal implications arising directly out of the report. However it is important to note the purpose behind the report which is to ensure that Devon CC are encouraged to progress providing guidance that will assist with decision making on other matters within the Waste Plan that will affect East Devon.

Equalities impact:

Low Impact

No specific equalities issues are identified.

Risk:

Low Risk

Whilst there are risks associated with matters relating to waste management (and these can be significant at specific sites and locations) concerns within the context of this report are of limited significance.

Links to background information:

- The adopted Devon Waste Plan can be viewed at: http://www.devon.gov.uk/dwp_adoption_version.pdf
- The scoping report on the proposed waste plan SPD can be viewed at: http://www.devon.gov.uk/spd_scoping_consultation_paper.pdf

Link to Council Plan: Living in this Outstanding Place.

1 The Devon Waste Plan

1.1 Devon County Council are the Waste Planning Authority which means that they deal with planning applications for waste matters. In the adopted plan they advise:

“E.1 The Devon Waste Plan provides the policy framework for decisions by Devon County Council on planning applications for waste management development over the period to 2031, and builds on the progress made since adoption of the previous Waste Local Plan in 2006.

E.2 The area covered by the Devon Waste Plan is that for which Devon County Council is the waste planning authority, which excludes Plymouth, Torbay and the National Parks of Dartmoor and Exmoor. However, development of the Waste Plan has had close regard to Devon’s relationships with these and other neighbouring areas to ensure that cross-boundary waste issues are addressed.”

- 1.2 The Devon Waste plan was subject to examination in 2014 and this Council made written representation, supported by presentation of verbal evidence, in respect of policy matters relating to overall waste handling and specifically in respect of Greendale and Hill Barton. Plan changes were made in response to representation of this Council, most notably that the proposed additional annual tonnage of waste which may be used in energy from waste plants at Hilbarton and Greendale was reduced in the plan from 160,000 tonnes to 80,000 tonnes in total.

2 Proposed Waste Management and Infrastructure - Supplementary Planning Document (SPD)

- 2.1 Now that the waste plan is adopted the County Council are proposing to produce a SPD on Waste Management and infrastructure. The County Council have issued a scoping document inviting comments on proposed SPD content.
- 2.2 As drafted the SPD is geared around encouraging others (this would specifically be Districts/Exeter City – as local planning authorities) to consider waste issues and collection/management in their work. The County Council has produced a scoping report that specifically sets out the intent that the SPD will offer guidance on matters relating to two specific policies in the plan:

“Policy W4: Waste Prevention

1. Sustainable construction, procurement and waste management in Devon will achieve a reduction in the waste generated through all forms of development.

2. Planning applications for major development must include a waste audit statement demonstrating how the demolition, construction and operational phases of the development will minimise the generation of waste and provide for the management of waste in accordance with the waste hierarchy. Each statement should include the following information where relevant to the development being proposed:

(a) sustainable procurement measures to minimise the generation of waste during the construction process, including avoidance of over-ordering and reduced use of hazardous materials;

(b) the types and quantities of waste that will be generated during the demolition and construction phases and the measures to ensure that the waste is managed in accordance with the waste hierarchy including:

- the segregation of waste materials to enable their separate reuse, recycling or recovery;*
- the recycling of construction, demolition and excavation waste for use on site or at the nearest suitable facility; and*
- for any waste materials that are unsuitable for reuse, recycling or recovery, confirmation of the location for their disposal;*

(c) the types and quantities of waste that will be generated during the operational phase of the development and measures to ensure that the waste is managed in accordance with the waste hierarchy including:

- methods for limiting the generation of waste;*
- the provision of sufficient storage facilities to enable the segregation of reusable and recyclable waste from waste requiring disposal; and any other steps that are necessary to secure the maximum diversion of waste from disposal.”*

And

“Policy W21: Making Provision for Waste Management

Proposals for major non-waste development will be permitted where it can be demonstrated that:

(a) the development includes adequate provision for the management of its anticipated waste arisings; or

(b) the development makes financial or other provision for the off-site management of its anticipated waste arisings; or

(c) the existing waste management infrastructure serving the development is adequate.”

2.3 Whilst these policies are of value and importance to the waste plan they are primarily of relevance to how local planning authorities should consider waste matters in planning applications and development proposals that come under their responsibility (such as schemes for new housing developments). That the County Council are proposing to produce guidance on these matters is of help and relevance but it is not considered that this goes far enough. The County Council are encouraged to produce guidance that addresses matters relating to the implementation of additional policies in the plan, specifically those that relate to planning applications for new waste facilities and explicitly with reference to Greendale Barton and Hill Barton. The Inspector made note of the issue of the cumulative impact of the industrial estates, and the HGV traffic associated with them, to be considered in detail during any planning application process.

2.4 In their scoping consultation document the County Council pose a number of questions. These are detailed below along with a proposed response from this Council.

1. Do you agree with the scope and structure? Have we missed anything that you think should be included?

East Devon District Council are concerned that the scoping report for the SPD does not effectively extend beyond matters relating to the decision making of other bodies, and is not concerned with decisions of Devon County Council as the Waste Planning Authority in exercising its powers in implementing the Devon Waste Plan.

It is considered that many (potentially all) policies in the plan might benefit from explicit guidance on implementation. However, set out below are references to key policies that could have a direct explicit impact on East Devon that are highlighted as of critical concern in respect of needing further guidance:

Paragraph 3.6.14 of the plan forms supporting text/reasoned justification to Policy W6 and it advises:

“3.6.14 Two of the locations identified in Policy W6 – Hill Barton and Greendale Barton – lie close together, with the former having permitted energy recovery capacity of 80,000 tonnes. To avoid over-concentration of energy recovery capacity in one part of Devon, which would be contrary to the Plan’s mixed spatial approach, further provision at these two locations over and above the currently-permitted capacity should not exceed 80,000 tonnes in total.”

This text goes further and is more specific than the wording in Policy W6 and this is a specific case where we would see a need for supplementary guidance. Establishing a more robust and detailed policy position setting out the precise way in which this approach will be applied and how potential “over and above” provision will be prevented is critical. The guidance should include specific detail on avoidance of the collective 80,000 tonne figure being exceeded. For example permissions may be granted and not immediately implemented and this raises concerns around how unimplemented permissions will be considered and counted (or not?) should new additional applications be submitted. This is a very specific point that guidance could address.

A critical concern at Greendale and Hill Barton has been, and in the future potentially will be, the cumulative impacts of smaller schemes. Often small scale developments do not have impacts, in their own right or that are not large enough, to register concerns or trigger thresholds. But when taken collectively with other developments the cumulative impacts, whether real and/or perceived, can be very significant.

Policies W12 to W14 of the plan deals with landscape and visual impact and design issues and these could benefit from further guidance.

But more critically, in respect of major facilities in East Devon, is Policy W18 which deals with Quality of Life. Around Greendale and Hill Barton there are very real and significant local concerns in respect of the impacts of existing facilities and concerns over further development. Issues at these site are confused, as well, by the fact that they are sites that accommodate both waste functions, with Devon County Council being the relevant planning authority, and more general industrial and business activities (many in their own right with potential for adverse impacts) where East Devon District Council is the relevant planning authority. There is a need for more guidance on how waste and non-waste matters will be taken into account in the planning process and there could be merit in detailed assessments being undertaken at and for Hill Barton and Greendale Barton to positively guide and regulate future development. This might be an area where joint work between East Devon District and Devon County could be especially valuable.

- 2. Do you have any existing guidance that is already available on managing waste in new developments, such as required space standards, that could be incorporated or referenced?**

There is no specific guidance from East Devon District Council that we would highlight.

- 3. Are you aware of any other good practice that could be referenced in the SPD?**

There is no specific guidance from East Devon District Council that we would highlight.

- 4. Do you know of any guidance providing clear information on Waste Audit Statements that you think it would be beneficial for us to use as guidance?**

East Devon District Council would not highlight anything.

- 5. Do you agree with the decision not to carry out a Strategic Environmental Assessment of the SPD?**

Whilst we would accept that Devon County Council will take a judgment on the legal need for Sustainability Appraisal and/or Strategic Environmental assessment, East Devon District Council would see merit, even if not legally required, in having appraisal of the document as it emerges and evolves. A key aspect of appraisal work is that it acts as a test and challenge to emerging strategy and policy and as such helps inform choices made. Undertaking appraisal (even if not a legal requirement) is, therefore, seen to be of real value. Appraisal may be particularly useful when considering cumulative impacts on local communities and especially so in respect considering waste proposal in conjunction with other potentially polluting schemes or developments.

- 6. Is there anything else you would like to suggest?**

East Devon District Council would, at this stage, have no further specific observations. However we would be keen to be supportive and wherever possible helpful in the work that Devon County Council are undertaking and recognise the critical importance of the waste plan and waste planning activities. In this context, like you, we fully recognise and see the need to properly manage waste and the importance, shared by both Councils, of looking after the interests of our residents and also visitors.

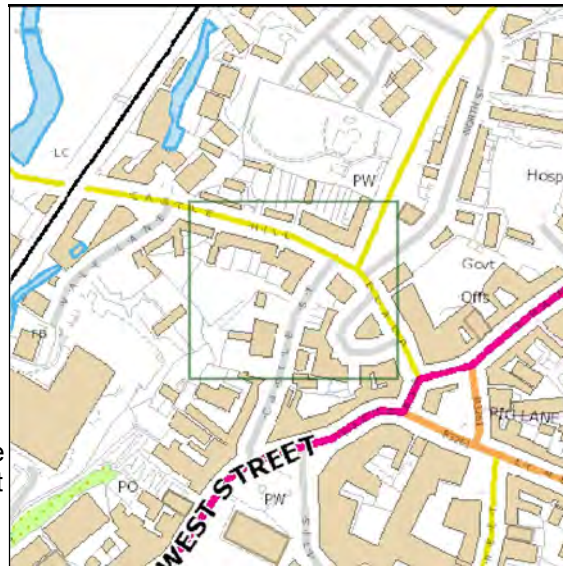
Ward Axminster Town

Reference 14/2634/FUL

Applicant Mr Ivor Dare On Behalf Of Mrs S Chubb

Location Ivor Chubb Motorcycle Engineers
Castle Street Axminster EX13 5NP

Proposal Demolition of cycle shop and
creation of 3 no. terraced houses
and refurbishment of former storage
building to provide 1 bedroomed flat



RECOMMENDATION: Refusal



		Committee Date: 10.02.2015
Axminster Town (AXMINSTER)	14/2634/FUL	Target Date: 13.01.2015
Applicant:	Mr Ivor Dare On Behalf Of Mrs S Chubb	
Location:	Ivor Chubb Motorcycle Engineers Castle Street	
Proposal:	Demolition of cycle shop and creation of 3 no. terraced houses and refurbishment of former storage building to provide 1 bedroom flat	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

As there is ward member support for the scheme, contrary to this officer recommendation, the proposal is referred to the Development Management Committee.

The proposal seeks planning permission for the creation of three terraced properties and refurbishment of a former storage building to provide a 1 bedroom flat within Axminster. The site is within the designated conservation area where there is a policy requirement to preserve or enhance its historic character. It is considered that the design of the terrace, by reason of the scale, bulk and design would unduly dominate and be inappropriate to the historic character of the street scene. The Conservation Officer has raised an objection to the current design as it fails to meet policy requirements in this regard. Furthermore the height and massing of the building would obscure a neighbouring window leading to an oppressive outlook for the occupiers. As such an officer recommendation of refusal is made.

CONSULTATIONS

Local Consultations

Parish/Town Council

09/12/14 - Axminster Town Council supports this application.

Cllr Moulding

08/01/14 - I would like this application to go to committee, as I consider that the proposal is appropriate, within its location.

In my view, the design of the dwellings fit well with the street scene and I am comfortable with the roof relationships with adjacent dwellings.

I am surprised that if there was an officer view that there were possible improvements to the design, that these issues were not able to be resolved with the applicant, prior to a recommendation and report being made.

Technical Consultations

County Highway Authority

21/11/14 - Does not wish to comment

Environmental Health

13/11/14 - I have considered the application and recommend the following standard condition regarding construction:

NO(B)3

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

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

Natural England

19/11/14 - Having reviewed the application Natural England does not wish to comment on this development proposal.

Devon County Archaeologist

01/12/14 - The proposed development lies within the historic core of Axminster and the mid-19th century maps of this area show it to be already developed and with buildings on and to the rear of Castle Street, the age of these buildings is not known. Groundworks associated with the construction of the proposed three terrace houses have the potential to impact upon below-ground archaeological deposits associated with the early settlement in the town.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

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

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

I would envisage a suitable programme of work as taking the form of the archaeological supervision of all demolition and construction works that have the potential to expose archaeological or artefactual material in order to enable the identification, investigation of any such deposits prior to their destruction by the development. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

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

Other Representations

To date 1 letter of support, 5 letters of objection and 3 letters of representation have been received. In summary:

Objections

Blocking light to lounge and kitchen of adjacent property.
Exacerbate parking issues as there is no parking proposed.
Over development of a small site.
Enclosing the street making it dark and oppressive.
Design suited to a wider street for such massing and scale proposed.
Overbearing design and out of context.
Lack of information in relation to storage building.
Development will need to enter third party land to carry out development.
Development could affect retaining walls and structures.
Preference for a two storey design.
Concern over appropriate water soakaway and whether there would be suitable drainage.
Query whether mains sewers could take increased outflow.
Ground stability concerns.
No need for additional housing.

Support

Desire to see site redeveloped.
Current site is an eye sore and in a poor state.
Would remove derelict cottage to the rear.
Design elements reflect the character of the conservation area.

POLICIES

New East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

EN10 (Preservation and Enhancement of Conservation Areas)

Strategy 6 (Development within Built-up Area Boundaries)

EN5 (Wildlife Habitats and Features)

Strategy 47 (Nature Conservation and Geology)

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

EN14 (Control of Pollution)

Adopted East Devon Local Plan Policies

EN11 (Preservation and Enhancement of Conservation Areas)

D1 (Design and Local Distinctiveness)

RE3 (Open Space Provision in New Housing Developments)

TA9 (Parking Provision in New Development)

S4 (Development Within Built-up Area Boundaries)

EN6 (Wildlife Habitats and Features)

TA1 (Accessibility of New Development)

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

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

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

EN15 (Control of Pollution)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

NPPG (National Planning Practice Guidance 2013)

Other Guidance

Axminster Conservation Area Appraisal

Site Location and Description

The application concerns the site of the former Ivor Chubb Cycle Centre, situated within Axminster. This is currently a single storey building which fronts directly onto the adjacent highway – Castle Street. Immediately to the north of the application site is another building which retains an original shop frontage at ground floor level with residential accommodation above. A first floor window is on the side elevation of this building and also features a large two storey rear extension. To the south of the application site is car parking associated with

a commercial garage. To the rear of the Ivor Chubb building is an overgrown grassed area which slopes down to the west. From this rear grassed area of the properties which are positioned along Castle Hill can be seen.

The application takes place within the designated Axminster conservation area. The conservation appraisal states that Axminster remains a relatively unaltered market town. The character of Castle Street can be broadly split into two characters, the southern half (toward the town centre) features tall narrow Georgian style buildings which make use of red brick and natural stone detailing. Castle Street then slopes down toward the commercial garage area. The character of this half of Castle Street is slightly more open with less horizontal emphasis.

The site is to the rear of Gloucester House and Tower House, both grade II listed. The proposals would have a degree of impact upon their setting when viewed from the junction with Castle Hill.

Proposed Development

The proposal seeks planning permission for the creation of a terrace of 3 dwellings and the refurbishment of a former storage building on the opposite side of the road to provide a 1 bedroom flat. The terrace would replace an existing single storey building. This building was formally used by Otter Cycle and Cycle Servicing Centre, currently the building is empty and with a lack of regular upkeep is becoming dilapidated. At the time of the site visit the shop frontage was being removed. The proposed terrace would feature rooms within the roof with a shallow pitch to achieve head height within the third storey. The road fronting elevations of the three properties are almost identical - although the north side elevation features a half hip on the roof. The design also features brick quoin detailing around the windows. Within the roof space two flat roof dormers per dwelling would be installed. On the rear elevation, due to the sloping ground levels the dwellings would feature an additional storey on the ground floor. On the rear ground floor elevation double doors would lead to the rear linear garden areas, which slope down to the west. Internally each of the terrace dwellings would contain three bedrooms.

On the opposite side of the road a single bedroom two storey property would be created, making use of an existing building.

Analysis

The main issues concerning this proposal are:

- Principle of the proposed development,
- Design and impact on historic setting,
- Neighbouring amenity,
- Traffic,
- Ecology,
- Drainage; and
- Any other matters.

Principle

The site lies within the built up area boundary for Axminster, its location close to the town centre means that it is within easy walking distance of essential services and infrastructure together with public transport links to further distant settlements. It is therefore considered

that the site lies in a sustainable location where new residential development should be supported unless demonstrable harm can be identified in terms of its impacts.

Design and impact on historic setting

There is no objection to the principle of redeveloping the site in conservation terms as the existing building is of no particular architectural or historic merit. The site backs onto the gardens of listed buildings and adjacent is an altered 19th-century, two-storey building with a surviving early 20th shop front. The proposed development is cause for concern for a number of reasons; firstly, there is a clear gradient in Castle Street with a slope from the south to the north end of the site, and the neighbouring property is slightly lower again. The proposed front elevation shows the levels to be flat, and clearly the site has not been suitably surveyed. This should be the starting point of any proposed development as this is not going to indicate an accurate height of eaves and ridge.

The proposed development includes a terrace of properties fronting Castle Street. In urban design terms the footprint is considered appropriate for the street scene. However, the elevations would extrude considerably higher than the adjacent building and certainly from the southern approach would appear quite dominant in the street scene. In terms of design, while pseudo-Georgian style architecture is proposed, it is not very well conceived and there is very little detail in terms of subdivisions of fenestration and modes of opening. There is also no architectural hierarchy between the floors.

The deep footprint of the terrace also extrudes a rather bulky roof form, albeit rather shallow which would accommodate additional bedrooms in the roof. The elevations indicate catslide dormers while the cross section shows roof lights. There may be scope for a more modest amount of accommodation at this level if the depth of the footprint were to be reduced and the roofs kept simple without dormers on the front aspect. The resulting design would be overly dominant within the Conservation Area and this would have an adverse impact upon a rather intimate street scene.

Therefore, the proposal fails to conserve or enhance the designated conservation area, instead harm has been identified and as such there is conflict with Section 72 of the Town and Country Planning (Listed Building and Conservation Area Act) 1990, the NPPF and Policy EN11 of the Local Plan.

With regards to the proposed one bedroom accommodation on the opposite side of the road, this is considered to have an acceptable design. The proposal would make suitable use of existing openings and generally retain the road fronting facade. There is concern with regards to the structural integrity of this existing building. However, it is highly likely that the conversion of this building would make this building more structurally sound in order to comply with the relevant building regulations. The proposal would make suitable use of a redundant part of the street scene.

Neighbouring Amenity

It is noted that the proposal takes place within a tight knit town locality where buildings are often positioned in close proximity to each other. Therefore particular attention must be paid to maintaining privacy of adjoining properties. In this respect it is the properties situated along Castle Hill, the rear of which face the site, are most likely to be impacted upon as a result of the proposed terrace.

The rear upper floor windows of the terrace would look toward the north west down through the proposed gardens. The views from these windows are unlikely to be direct to the properties along Castle Street, with properties to the south west a suitable distance away.

When taking into account the window to window distances and the close knit context of a town centre locality the views from the proposed windows are unlikely to be intrusive to a harmful level.

It is noted that the height, width and bulk of the terrace would be oppressive on a first floor side window of the adjacent property to the north known as 'Annet'. It would appear that this is the primary window serving the room and therefore this impact would be harmful upon its occupants (who have objected). The design has incorporated a half hip, in an effort to minimise the proximity of the roof form in relation to this window but this is simply not enough to reduce the impact of the building. Therefore this element of the proposal fails to accord with policy D1 which seeks to ensure that development does not harm adjoining amenity.

There would not be any resulting amenity issues resulting from the 1 bedroom flat.

Traffic

The Highway Authority has declined to comment on the proposal. The proposal would not involve the creation of off road parking and taking into account the close proximity to the services and facilities on offer within Axminster town centre, on site parking would not be a necessity. Therefore there are no outstanding highway issues and the proposal is considered to comply with Policy TA1 of the Local Plan.

Ecology

A biodiversity report has been submitted within the planning application which has been carried out by a suitably qualified ecologist. This report concludes that there not bats or badgers using the site but there was evidence of nesting birds with the garden area offering a good habitat for common reptiles. As such the reports recommend suitable habitat recommendations. The biodiversity survey also recommends that a reptile presence/absence survey is conducted.

A reptile survey, conducted in October 2014, has also been submitted which states that surveys were carried out during specific weather conditions likely to reveal evidence of protected reptiles. In this instance a slow worm was found and so the mitigation measures proposed involve sensitive strimming, trapping and moving to a receptor site. Despite being in reasonable proximity to the River Axe SSSI and SAC Natural England have advised that an appropriate assessment would not be required. Natural England in their role as consultee on the planning application has not raised an objection to the proposal and it would appear that mitigation would follow standing advice. Therefore the proposal is considered to accord with Policies EN5 and EN6 of the Local Plan.

Drainage

According to the submitted application form the surface water run-off would be disposed of by utilising a soakaway system. Considering the extent of the garden land available it is highly likely that such a system could be installed in accordance with SUDS principles. Details of this system could be submitted under a condition and checked by building regulations.

With regards to foul drainage, a connection to the main sewage system is proposed. Concern has been raised that this connection could overload the capacity of the existing system. However, it is a statutory duty of the water authority to ensure that public sewerage system operates in a satisfactory manner. No objections have been forthcoming from South West Water, and no evidence has been submitted that the existing system is under stress.

Other matters

It is the requirement of the developer to ensure that construction is carried out in a sympathetic manner and to ensure that the development can be carried out with appropriate access rights to third party land. Although the development would be proposed on sloping land there is no evidence of historic ground instability or third party evidence to consider that the ground conditions would be unsuitable or could not be overcome by modern construction methods.

Devon Archaeology department have commented on the proposal and wish to see an appropriate condition imposed on any consent ensuring that a suitable programme of works is carried out.

The development is under the threshold to make a reasonable request for open space contributions under the NPPG.

CONCLUSION

The NPPF advises that there are three dimensions to sustainable development which all must be achieved in concert to raise the quality of life and standards of development. In this instance there would be some minor social benefits in producing more housing to meet the districts under supply, and the construction itself would provide short term employment opportunities under an economic remit. However, under the environmental dimension the proposal would fail to respect the historic setting of the Conservation Area and harming amenity of an adjacent property. It is apparent from the written correspondence received that there is a strong local desire to see the site redeveloped and it is agreed that the site needs attention. However, there remains the requirement for development to reflect the local character and the inappropriate design proposed would result in long standing harm and so the application is recommended for refusal.

On a procedural matter it has been considered whether amendments to this scheme could have been requested and considered under this current application. However, it is noted that the site was the subject of pre application advice where officer feedback with regards to design and impact on neighbours does not appear to be incorporated into this proposal. Furthermore, amendments to the scheme required in order to produce an acceptable development would result in material change the circumstances of the proposal which are not likely to be minor. Therefore a recommendation has been made under the merits of the planning application as they stand. The applicant has the opportunity to remedy the identified issues with a further planning application if they so wish.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed terrace of dwellings, by virtue of their inappropriate scale, bulk, height and poorly articulated road fronting facade are considered to unduly dominate and be inappropriate to the historic character of the established street scene and conservation area. The resulting design lacks suitable detail, architectural hierarchy between floors or a sympathetic roof form all of which contribute to an inappropriate development out of character with its surrounds. Therefore the proposal is not considered to preserve or enhance the designated Conservation Area and as such conflicts with Section 72 of the Town and Country Planning (Listed Buildings and Conservation Area Act) 1990, Policies EN11 (Preservation and Enhancement of Conservation Areas) of the saved East Devon Local Plan and EN10 (Preservation and Enhancement of Conservation

Areas) of the East Devon Emerging Local Plan and guidance contained within the National Planning Policy Framework.

2. The proposed terrace of dwellings, by virtue of its height, width and bulk would result in the oppressive and overbearing outlook of a first floor side window of an adjacent property known as 'Annet' to the detriment of the occupiers' amenity. Therefore the proposal adversely effects the amenity of occupiers of adjoining residential properties in conflict with policies D1 (Design and Local Distinctiveness) of the saved East Devon Local Plan and D1 (Design and Local Distinctiveness) of the Emerging East Devon Local Plan and guidance contained within the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 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:

1	Location Plan	03.11.14
1008/3 C	Proposed Combined Plans	03.11.14
1008/4 C	Proposed Combined Plans	03.11.14
1008/5 C	Combined Plans	03.11.14
1008/6C	Proposed Combined Plans	03.11.14
1008/09	Sections	12.11.14

List of Background Papers

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

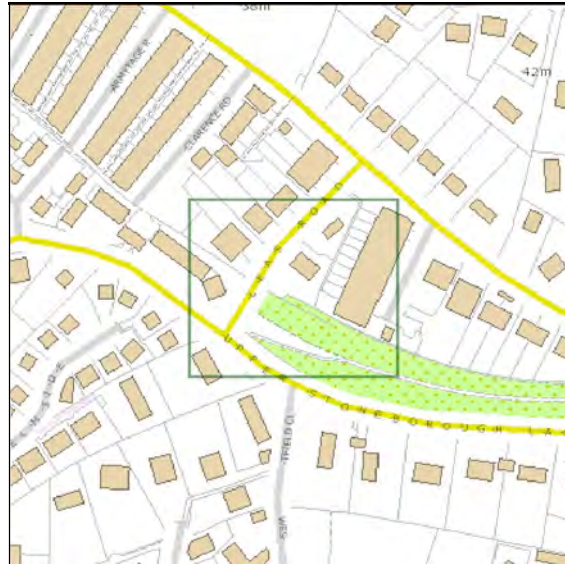
Ward Budleigh Salterton

Reference 14/2779/FUL

Applicant Designs4planning Ltd

Location 12 Leas Road Budleigh Salterton
EX9 6SA

Proposal Construction of detached dwelling
and formation of new vehicular
access and parking area.



RECOMMENDATION: Approval with conditions



		Committee Date: 10.02.2015
Budleigh Salterton (BUDLEIGH SALTERTON)	14/2779/FUL	Target Date: 03.02.2015
Applicant:	Mr and Mrs Carr	
Location:	12 Leas Road Budleigh Salterton	
Proposal:	Construction of detached dwelling and formation of new vehicular access and parking area.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application proposal relates to the sub-division of the garden of the property, a detached chalet bungalow, to create a development plot to its south for the construction of a detached three bedroom two storey dwelling. Also proposed is the formation of a new vehicular access off Leas Road and the laying out of two parking spaces at the front of the plot. The site, and indeed the whole of the built-up area of Budleigh Salterton, is within the East Devon Area of Outstanding Natural Beauty.

The details of the proposed dwelling show a double pitched roof with gables facing the road and a mix of render, brick and Hardiplank boarding wall finishes and plain roof tiles.

The adjacent area is characterised by a mix of dwelling forms and plot sizes and it is considered that the size and shape of the plot, together with the limited scale and bulk of the proposed dwelling and comparatively modest footprint area, would result in a development that would be of appropriate scale and proportions for the site without causing overdevelopment.

In terms of neighbour impact, the development would have a comparable relationship to that of the host dwelling in relation to nearby properties in both Leas Road and Copplestone Road. As such, it is not considered that it would create materially greater harm to the living conditions of the occupiers.

No objections are raised to the proposal by the County Highway Authority with regard to highway safety issues and therefore despite the local concerns approval is recommended.

CONSULTATIONS

Local Consultations

Budleigh - Cllr T Wright

I do not support this application. It is overdevelopment of the site and in addition the vehicular access is on the junction which is very busy as the main route into and out of the very built up Greenway Lane area.

Further comments: I stand by my comments that this is over development of the site. There is some evidence in that the applicant sought to purchase an adjoining piece of land from EDDC to make the plan viable. I am also concerned about the proximity to a very tight and busy road junction where visibility from the proposed drive is very restricted due to the bridge parapet.

Budleigh – Cllr S Hall

I object strongly on grounds of insufficient splay thereby causing potential danger on exiting into what is a very narrow road, particularly by the bridge. This is a much used road already. The application represents overdevelopment of the site. In addition I believe that a rare plant species is in close proximity .

I cannot support this application

Parish/Town Council

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

1. This is a small site and the proposed dwelling is quite large which would lead to over-development of the site.
2. The site is very close to the narrow bridge over the disused railway line and the junction of Upper Stoneborough Lane. Members feel the visibility splay is inadequate and there would be problems with access on to the site.
3. There are concerns that the proposal would lead to overlooking of neighbouring properties, particularly those in Copplestone Road.

Technical Consultations

County Highway Authority

Standing Advice

Contaminated Land Officer

We have assessed the application and do not think contamination is likely, but due to the proximity of the disused railway we would recommend the following standard condition:

CT1 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.

Other Representations

7 representations of objection have been received raising the following grounds:

1. Additional vehicular entrance so close to the bridge over the disused railway line would lead to additional hazards for drivers and pedestrians; there are no pavements over the bridge at a point where visibility is already restricted, the road narrows and there is a tight turning from Upper Stoneborough Lane.
2. Overlooking to the rear of properties and their gardens in Coplestone Road as well as to the front of properties in Leas Road resulting in loss of privacy.
3. Size of property is large in comparison to the size of the plot and will cause overdevelopment.
4. Extra traffic generation to that already created by the Horizons housing development and increased car parking in Leas Road which will further reduce visibility for users of the proposed new access, cause pedestrians to walk in the road and make it difficult for waste collection and construction vehicles to drive through.
5. Loss of light to garden.
6. Digging of foundations and weight of house may affect an Oak tree and the stability of the embankment and cause a landslip into the railway trail and public area below, especially as soakaway area will be reduced by the concrete foundations of the house and drive; also potential long-term effect on the safety of the embankment.
7. Loss of green open space in this part of Budleigh which has seen significant recent development.

POLICIES

New East Devon Local Plan Policies

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

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

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Adopted East Devon Local Plan Policies

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

S4 (Development Within Built-up Area Boundaries)

S7 (Infrastructure Related to New Development)

D1 (Design and Local Distinctiveness)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)
TA1 (Accessibility of New Development)
TA7 (Adequacy of Road Network and Site Access)
TA9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Relevant Planning History

There is no previous history relating to the site that is relevant to the current application proposal.

Site Location and Description

12 Leas Road is a detached chalet-style dwelling that occupies the northern portion of a predominantly level plot of approximately 0.9 hectares within a residential area to the north of the town centre. It is located on the eastern side of Leas Road, an unclassified highway that connects Upper Stoneborough Lane (a Class 3 highway) and Copp Hill Lane, around 50 metres to the north of its junction with the former.

The southern boundary of the curtilage of the property is contiguous with the top of the northern embankment of the former railway line. The property has the benefit of vehicular and pedestrian entrances from Leas Road.

The whole of the built-up area of the town is within the designated East Devon Area of Outstanding Natural Beauty (AONB).

Proposed Development

The application proposal relates to the sub-division of the curtilage of the property to create a development plot of approximately 0.04 hectares to the south of the existing building for the construction of a detached three bedroom two storey dwelling. A new vehicular access from Leas Road would also be formed and an off-road parking facility for two vehicles laid out at the front of the plot.

The submitted details show a building form incorporating a double pitched roof with front and rear gables and an orientation such that the gables face onto the road. The northern of these would be set back and subservient in roof ridge height to the southern roof, the nearest part of which to the road frontage of the plot would be in line with that of the existing dwelling to the north.

The building would have maximum depth and width dimensions of 14.2 metres and 11 metres respectively. The roof ridge height of the principal gabled element would be 7.0 metres with that of the lower roof 0.6 metres lower at 6.4 metres. It is intended that the finished floor level of the development would be 1.1 metres below that of the host dwelling.

Externally, it is proposed that the development is finished in a mix of render and red brick at ground floor level with Hardiplank boarding above and small 'cottage red' roof tiles.

The new vehicular access, which would displace the current pedestrian gateway, would be formed at the northern corner of the plot. Visibility splays of 35 metres in both directions along Leas Road would be created through the cutting back of the existing road frontage boundary hedge. The proposed parking spaces would be laid out alongside one another, as opposed to being in tandem form.

With the exception of a short length immediately alongside an existing conservatory attached to the southern side of the host dwelling, a close boarded timber fence has been constructed along the majority of the prospective northern boundary of the plot with the garden area to be retained with no. 12 itself. It is intended however that the conservatory would be removed and the fencing to be continued along the entirety of this boundary.

Considerations/Assessment

The proposal falls to be considered having regard to the following material issues that are discussed in turn:

Principle of Development

It is considered that the site occupies a sustainable location within the built-up area of the town in reasonable proximity of the town centre and the various services and facilities that it offers. In addition, the town has the benefit of regular bus services with bus routes within ready walking distance of the site. Furthermore, there is good pedestrian connectivity to the town centre with continuous footways along Upper Stoneborough Lane and Station Road.

In the circumstances therefore, it is thought that the principle of residential development of the site would be acceptable having regard to the National Planning Policy Framework (NPPF) and subject to consideration of the more detailed issues set out below.

Design/Impact upon Character and Appearance of Area

Much objection to the proposal has centred upon the adequacy of the size of the plot to accommodate a dwelling and the extent to which it would result in overdevelopment of the site to the detriment of the wider character and appearance of the area.

Leas Road is characterised by a mix of terraced, semi-detached and detached dwellings of a number of styles and forms that occupy plots of various sizes and areas although development in the immediate vicinity of the application site is of a lower density with properties set within plots that are larger than others in the surrounding area. However it is considered that the plot would be of sufficient area and appropriate configuration to accommodate a residential unit of the correct scale, proportions and massing so as to avoid giving the impression of overdeveloping the plot on account of its footprint area and/or size.

The proposed dwelling would occupy a footprint area of 106 square metres within the plot which itself is approximately 400 square metres in area. It would therefore cover around 25%, or one quarter, of the plot which is not considered to be excessive in terms of plot coverage. Furthermore, it would be positioned within the plot so as to maintain reasonable separation distances from both the northern boundary with the host dwelling and the southern boundary with the former railway line embankment. Thirdly, at a comparatively modest maximum roof ridge height of 7 metres and with a floor level below that of no. 12 itself, it is not thought that it would appear of a height and scale that would appear excessively visually dominant or assertive within the street scene to an extent that it would be unduly harmful or detrimental to the character or appearance of the area.

The plot is relatively well screened from slightly more distant views from Upper Stoneborough Lane on the opposite side of the former railway line to the south by established trees, mainly on both embankments of the former line itself. As such, the development would not appear unduly damaging to the character or appearance of the Leas Road street scene from these views.

It is considered therefore that the scheme has been appropriately conceived and designed so as to sit reasonably comfortably within the plot without overdeveloping it or adversely challenging the scale or massing of neighbouring properties (including the host dwelling).

With regard to the form, design and appearance of the development itself, subject to confirmation of the proposed external wall and roof finishes it is considered that these are largely acceptable and that, in general terms, the scheme would make a positive contribution to the variety of house styles and designs along Leas Road.

Impact upon Neighbour Amenity

The application scheme has prompted a number of objections based upon the perceived overlooking of the front of residential properties on the opposite side of Leas Road from the site as well as the rear and rear gardens of properties in Coplestone Road to the east that would arise as a result of the development.

Although these are acknowledged it is pointed out that the relationship between the proposed dwelling and these properties is not considered to be materially different to that which currently exists between no. 12 itself and properties in both Leas Road and Coplestone Road. The distance between the principal elevation of the proposed dwelling and that of the properties on the opposite side of Leas Road would compare with the existing 'front to front' distance between nos. 12 and 14 (to the north). Equally, the relationship and distances between the rear of the development and the houses in Coplestone Road would be directly comparable with that between no. 12 and these properties where there exists only a single first floor level window that affords an outlook in this direction. Much the same would apply in respect of the proposed dwelling insofar as, aside from an window to serve an en suite bathroom, there would only be a pair of french windows (with a juliet balcony) at first floor level, which would serve a bedroom, allowing a similar aspect.

In any event, the rear elevation wall of the development nearest to the rear boundary with the Copplestone Road properties would be set in from this boundary by between 11 and 12 metres. Taken together with a distance of around 15 metres between this boundary and the rear of the houses in Copplestone Road, the total separation between the rear of the proposed and the existing dwellings would equate to around 25 metres. This is commonly accepted as representing a reasonable distance between properties where there are rear gardens in between.

It is not considered therefore that the proposed dwelling would result in an unacceptable level of overlooking, or intrusion into the privacy, of these neighbouring dwellings with consequent harm to the living conditions of the occupiers. Similarly, there would be no significant adverse impact upon the occupiers of the host dwelling itself.

Highways/Access

A number of concerns have also been expressed by local residents regarding the potential impact of the development upon traffic generation levels along Leas Road as well as the adequacy of its junction with Upper Stoneborough Lane.

The County Highway Authority (CHA) has confirmed that there are no highway safety objections to the proposal. Leas Road itself is two carriageway for its entire length, including the point where it narrows just before the Upper Stoneborough Lane junction, and traffic speeds are relatively low owing to its short length. Furthermore, visibility in both directions from the proposed vehicular access is considered to be acceptable, although it is suggested that the visibility in the southerly direction could be marginally improved if it was taken behind an existing telegraph pole so as to make the Leas Road/Upper Stoneborough Lane junction slightly more visible.

Whilst it is likely that the creation of the visibility splays would result in the removal of a substantial part, if not all, of the present frontage hedge to some detriment to the character and appearance of the street scene, the built-up urban character of the area and the predominance of highway frontage walls and fences elsewhere along Leas Road is such that this would not be materially harmful to the extent that refusal could reasonably be justified on this ground. In any event, the hedge could be removed under the provisions of the Hedgerow Regulations without the need for the Council's approval regardless of the application proposal.

Although it is accepted that visibility in the leading traffic direction at this junction is slightly impeded by a set of roadside railings it is not anticipated, given the number of traffic movements that currently take place at this junction and the limited number of additional movements that is expected to be generated by the proposed development, that this would result in residual cumulative impacts being severe to justify objection on highway safety grounds having regard to the guidance set out at paragraph 32 of the NPPF.

Contributions

The submission is accompanied by the requisite unilateral undertaking (as amended by supplemental agreement) relating to the payment of a financial contribution of

£749 towards mitigation of the recreational impacts of the development upon the Exe Estuary and Pebblebed Heaths Special Protection Areas. This is in line with the Council's adopted procedures for securing mitigation in conjunction with residential development schemes under the Habitat Regulations.

This undertaking would need to accompany, and be read in conjunction with, any grant of planning permission in this case.

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. Notwithstanding the submitted details, 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.)
4. The dwelling hereby permitted shall not be occupied until the access and parking spaces shown on the approved plan have been provided in accordance with the approved details. These shall thereafter be retained and kept available for those purposes at all times.
(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with the requirements of Policy TA7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan and Policy TC7 (Adequacy of Road Network and Site Access) of the emerging New East Devon Local Plan.)
5. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be

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

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

6. 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 and to comply with Policy EN16 (Contaminated Land) of the emerging New East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 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 planning permission is accompanied by, and should be read in conjunction with, the unilateral undertaking dated 27th November 2014 (as amended by the supplemental agreement dated 15th December 2014) in relation to the payment of a financial contribution towards habitat mitigation.

Plans relating to this application:

BUD1-02	Proposed Site Plan	01.12.14
BUD1-01	Location Plan	24.11.14
BUD1-03	Proposed Combined Plans	21.11.14

List of Background Papers

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

Ward Feniton & Buckerell

Reference 14/2882/MFUL

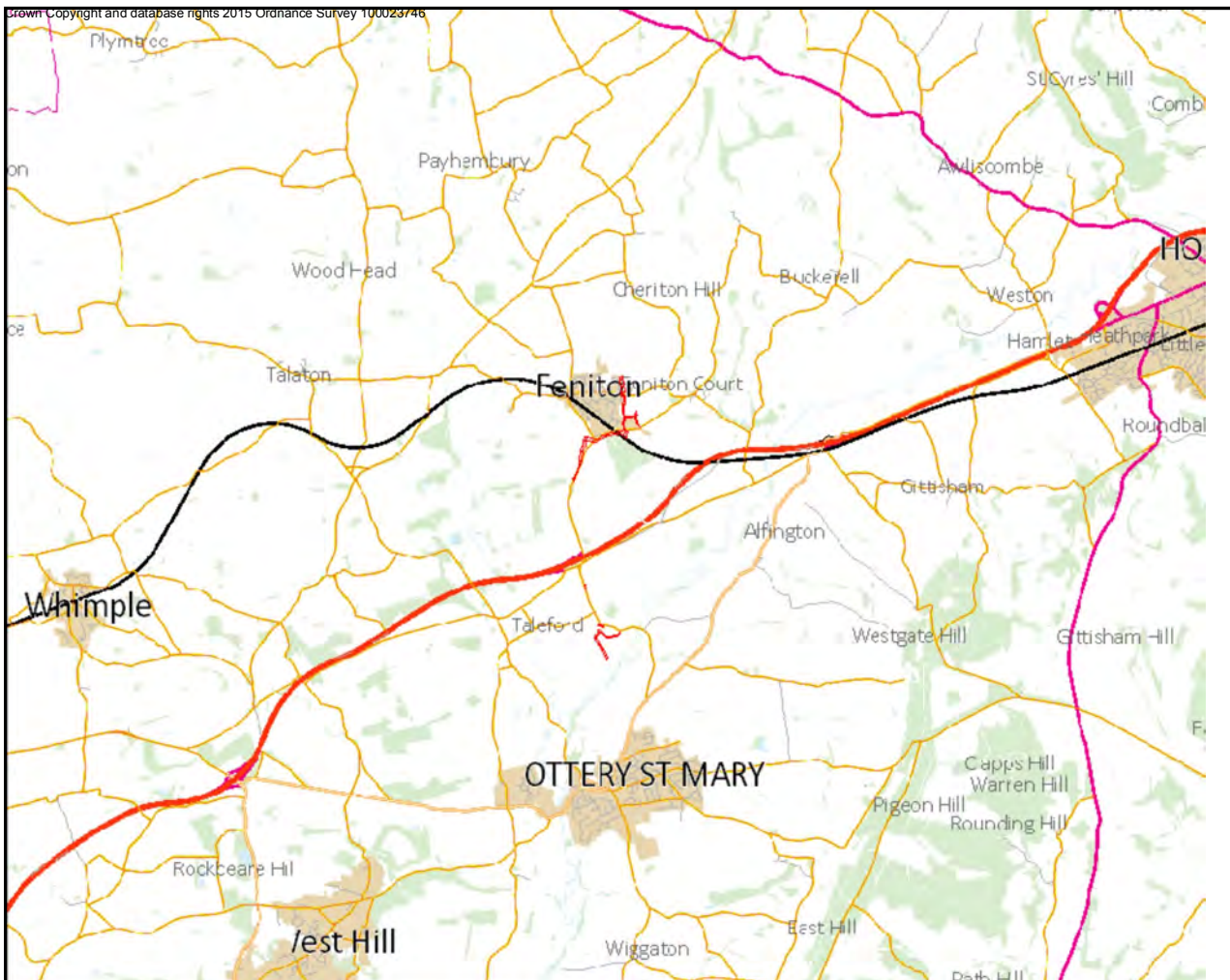
Applicant East Devon District Council

Location Land North & South Of Lyndale Station Road Feniton

Proposal Flood alleviation works comprising the construction of channels, culverts and swales and mitigation works to individual properties including flood defences and by pass channel.



RECOMMENDATION: Approval with conditions



		Committee Date: 10 February 2015
Feniton & Buckerell (FENITON) & Ottery St Mary Rural (OTTERY ST MARY)	14/2882/MFUL	Target Date: 25.03.2015
Applicant:	East Devon District Council	
Location:	Land North & South Of Lyndale Station Road	
Proposal:	Flood alleviation works comprising the construction of channels, culverts and swales and mitigation works to individual properties including flood defences and by pass channel.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is reported to the Development Management Committee as it has been submitted by the Council.

The application seeks permission for the construction of a flood alleviation scheme for the village of Feniton. The proposals involve the provision of two open channel areas (one to the north and one to the south of the village) joined by a large culvert passing through the main village. With such a scheme the main issues for consideration relate to the risks of flooding, change to the landscape and any harm to the trees, ecology and the setting of listed Buildings.

Detailed assessments relating to the main constraints have been included within the application. In assessing these it is considered that while some limited and localised harm would arise much of this can be suitably addressed by appropriate mitigation including landscaping work and control of materials.

Risks of downstream flooding are also clearly analysed and the project considers the whole downstream catchment making provision for additional flood protection to individual properties to ensure that any limited additional risk, as a result of the work, is mitigated and that there is in fact a net benefit to such properties.

Overall it is considered that there are significant benefits associated with the flood alleviation project and that taken together with identified mitigation ((for both flood risks and other site constraints) the scheme should be supported.

CONSULTATIONS

Local Consultations

Feniton And Buckerell - Susie Bond

Part of this application is in my ward and my preliminary view is that it should be APPROVED.

Feniton has a well-documented history of flooding with reference made in Parish Council minutes to a flood alleviation scheme as far back as 1912.

The village has suffered from poor planning decisions made in the 1960s and 1970s when the main estate was built on an area where surface water runoff was known to collect. The houses in this part of the village are under threat of flooding at times of moderate to heavy rainfall and when the ground is already saturated.

The listed cottage of Sweethams and its immediate neighbour Metcombe flood with surface and foul water numerous times a year. Cottages at the lowest point of Feniton Village also flood frequently.

The work of the Parish Council's flood wardens has meant that houses have escaped flooding on many occasions. The flood warden scheme receives considerable support from Devon County Council and the Environment Agency.

There can be no doubt that Feniton desperately needs this flood alleviation scheme.

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

Ottery St Mary Rural - Cllr C Wright

I fully support the planning application, as Feniton's Devon County Councillor, and look forward to the beginning of the works to the flood alleviation scheme.

Feniton Parish Council

Full Support

Feniton has been subjected to serious flooding for over two decades and the flood alleviation scheme is going to go a long way towards stopping, or at least, helping with the problem.

It is almost with a sigh of relief that we have now got to the stage of seeking formal planning permission and although it has had its ups and downs, it is a credit to the cross agency work that has taken place to get us to this position. It is therefore with the greatest pleasure that Feniton Parish Council fully supports this application.

Technical Consultations

County Highway Authority
Does not wish to comment

Natural England

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

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

Statutory nature conservation sites - no objection

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

Protected species

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

Natural England has published Standing Advice on protected species. 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 is needed (which is the developer's responsibility) or may be granted.

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

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR)

the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Impact Risk Zones for Sites of Special Scientific Interest

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

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

Network Rail

I have now received some additional comments from Network Rail's Asset Protection team in relation to this application. I would be very grateful if the following comments are considered in relation to this planning application.

In terms of the proposed installation of a culvert underneath the railway lines;

- o Due to the nature and location of these works the applicant will need to continue to liaise with Network Rail's Asset Protection Wessex team and should sign up asset protection agreement with prior to proceeding with detailed design works.
- o Network Rail's Asset Protection team would not accept open cut excavation to install the pipe " culvert" across Network Rail land , i.e. others methods - such as jacking, boring, etc - would be accepted.
- o An inspection manhole will need to be installed adjacent to Network Rail's boundary fence at each side of the culvert.

Documents containing further guidance supplied

Environment Agency

I can confirm that we have no objections to these amendments.

Devon County Archaeologist

I refer to the above application and your recent consultation.

The proposed scheme lies in an area of high archaeological potential where previous archaeological investigations undertaken on the new housing development sites to the east of the village have demonstrated the presence of widespread prehistoric and Romano-British activity here; this activity is in the form of settlement, early field systems and funerary activity. The groundworks for the construction of the flood alleviation scheme have the potential to expose and destroy archaeological and

artefactual material associated with the known archaeological sites in the immediate vicinity.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

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

Reason

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

I would envisage a suitable programme of work as taking the form of the archaeological monitoring of all groundworks to enable the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

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

Other Representations

15 Letters of support have been received raising the following observations:

- Feniton has suffered from flooding for years and therefore cant wait to see the diggers arrive
- Scheme is important for the village
- Development should reduce the difficulties of obtaining insurance
- The development should be controlled to commence within 6 months
- The scheme should reduce the risks of flooding associated with the Wainhomes development and relieve pressure within the existing system
- Reduce the fear of flooding and the associate stress
- Support offered but concern that the scheme may simply move the problem to a different area of the village
- Support despite the loss of managed grazing land
- Reduce the likelihood of the village becoming cut off

- Concern that the dwelling known as Iron Gate Lodge might be cut off in times of flood

PLANNING HISTORY

None relevant

POLICIES

New East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)
 D2 (Landscape Requirements)
 D3 (Trees and Development Sites)
 EN5 (Wildlife Habitats and Features)
 EN13 (Development on High Quality Agricultural Land)
 EN21 (River and Coastal Flooding)
 EN22 (Surface Run-Off Implications of New Development)
 Strategy 5 (Environment)
 Strategy 46 (Landscape Conservation and Enhancement and AONBs)
 Strategy 47 (Nature Conservation and Geology)
 Strategy 48 (Local Distinctiveness in the Built Environment)

Adopted East Devon Local Plan Policies

S5 (Countryside Protection)
 D1 (Design and Local Distinctiveness)
 D4 (Landscape Requirements)
 D5 (Trees on Development Sites)
 EN6 (Wildlife Habitats and Features)
 EN8 (Proposals Affecting Sites which may potentially be of archaeological importance)

Government Planning Documents

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

Site Location and Description

The application affects a long narrow tract of land stretching through part of Feniton and the adjoining Parish of Ottery St Mary. From the field to the east of Mount View down it extends down through the upper section of the Wainhomes development before crossing into the Parish owned recreational field. The site then cuts back into the southern corner of the Wainhomes development Site (with a spur linking from the east) before continuing in a southerly direction down to Green Lane. After passing under the road, the site then turns to the west and crosses under the railway line before continuing to the road junction of Green Lane and the linking road with Patteson Cross. The site continues to extend in a south westerly direction across a paddock before turning south again behind the properties known as Sweethams and Metcombe Cottage and extending as far as Iron Gate Lodge.

Two further parcels of land forming part of the application site exist further south - one at Pines Cottage and the second around Gosford Farm and the Oaks. As expected with such a large site area the application affects a mix of existing fields and paddocks as well as roads. In a number of locations trees are contained within the site and these have been assessed in a detailed survey.

Proposed Development

The application seeks planning permission for the construction of a Flood alleviation project for the village of Feniton. This involves installing a water attenuation/holding channel in the field to the east of Mount View and culverting the outflow from this down through the village until it reaches the western extent of the paddock to the north of Sweethams. Here the culvert opens back out into a newly formed channel that would run parallel and function independently of the existing stream that runs along the field boundary. To the south the new channel would be linked back into the existing stream.

Works around Irongate Lodge and Gosford Pines focus on flood protection including the provision of a new wall to help prevent the ingress of water. While the wall at Patteson Cross does not itself need planning permission it forms part of the overall scheme. The walling at Irongate Lodge however does need permission as this is within the curtilage of the Listed Building where such permitted development rights are not accrued.

The proposal around The Oaks again forms part of the overall approach to channel and water management arising from Feniton and proposes the creation of a new linking channel such that existing private ponds are taken offline. While not resulting in any direct changes to topography a working corridor to allow machinery to access the ponds area is proposed across the adjacent field from the main highway.

ANALYSIS

The need for a flood alleviation scheme for the village of Feniton is well documented. The village has flooded on a number of occasions in recent years and this brings with it not only the financial costs to the Council, local businesses and residents but also personal misery. However with the current proposal there are a number of planning issues that need consideration. These relate to flood risk, landscape character and impact, trees, ecology and the setting of the Listed Buildings.

Flood Risk

While the primary purpose for the application is to reduce the risk of flooding it is important to consider the implication of any works involving the control of flood waters. This is to ensure that any benefits that are provided in one location do not cause additional harm in another. It is for this reason that a fully detailed scheme considering the whole downstream catchment has been submitted in a single application and is accompanied by a detailed flood risk assessment.

In essence it is understood that much of the flooding the village experiences is caused by surface water runoff from hills which surround the village. This then flows

down into the village and due to insufficient capacity within the network and in particular under the railway line, backs up flooding the lowest lying properties. The proposal seeks to capture this water, initially hold it within a small attenuation facility (comprising the upstream/northern flood channel) before entering the main flood relief culvert round the village and underneath the railway line. This would then link into the new southern flood channel located to the west of Sweethams and Metcombe. Water in the channel would then connect into the existing stream/channel on the west side of Ottery Road.

While the scheme would bring significant benefits to the village it is recognised that it would result in an increase in peak flood flows downstream but with a reduction in their duration. Essentially the scheme will move more water at a quicker rate away from the main village. However to ensure that there is not a corresponding harm to the downstream properties mitigation is proposed and can be bound within the terms of this application.

The mitigation identified comprises the raising of kerb height and boundary wall at Iron Gate Lodge, the construction of flood walls at Pines Cottage, the raising of the entrance ramp and provision of flood proof entrance gates at The Oaks and Gosford Farm, together with the construction of a bypass channel around the existing ponds. Maintenance of the retained ponds would be provided by a pump ensuring a small flow from the new channel. Channel clearance works would also take place downstream to help maximise capacity within the system. With these mitigation works in place it is considered and has been backed by the Environment Agency that the residual risks would be offset and no objections raised. Such mitigation works can be secured by condition.

Landscape character and impact

While the main flood relief culvert clearly takes place underground and would not therefore harm the character and appearance of the area the two flood channels and the mitigations works would take place above ground. The channels themselves would be cut into the existing ground with low level embankments and grass strips formed to either side. While such development would change the contours and appearance of the fields the impact would be extremely limited except where the more engineered silt traps would be installed. While these would read as an engineered and rather harsh feature they are a necessary element of the needed scheme. Taken both in themselves and in the context of the scheme as a whole it is not considered that they cause significant harm.

As a landscape feature, an existing orchard lies to the south of the existing railway line. It is understood that this has a dual purpose both providing a commercial crop of apples as well as cover for free range poultry. While the alleviation at this point is culverted a working margin to construct the culvert is required. While such a margin would take place along the edge of the field it is likely to result in the loss of a small number of fruit trees. Noting that these can be replaced, it is not considered that any landscape harm would result.

Trees

A survey in accordance with the British Standard 5837:2012 has been undertaken and accompanies the application. This recognises that the area where the greatest impact could arise is in the southern part of the site in the area of the southern channel. The trees here are in a moderate or poor condition. The report recognises that to undertake the proposed development and properly manage the trees as a constraint to development some coppicing work is required. This would have the effect of changing the character of the area for a short to moderate period but should maintain tree growth into the future. Such limited harm would need to be balanced against the benefits of the proposed development.

While not assessed within the tree report, development is also proposed in close proximity to a number of other trees along the proposed route but outside of the red site line. In particular the route passes close to a retained hedgerow tree to the north of the existing gateway adjacent to the Green Close road junction. It is anticipated that much of the rooting of the tree would be along the bank rather than into the field. However to safeguard this tree (as well as others within the development), it is considered that a condition could be imposed on any permission to ensure suitable safeguarding.

Ecology

A detailed Phase 1 ecological survey has been undertaken and accompanies the application. This recognises that the works would require culverts and/or channels to cross existing hedgerows and a section of rail track. While not situated within a designated environment, the hedgerows to varying degrees, support a range of wildlife interest that must be protected. To ensure suitable protection it has been necessary to understand the significance of the populations of wildlife and this has been more properly set out within a Phase 2 report. The report considered in particular the populations of dormice and reptiles and the position of a badger sett.

The findings recognise that while populations of dormice are not of a level that require the changing of the proposed route, a protected species licence would be required for their temporary removal (prior to reinstatement) of the hedgerow. To protect identified slow worms a strategy would be required to safeguard the reptiles which should also be implemented prior to the commencement of development. In respect of the identified badger sett it is not considered that this should not pose a specific constraint as it is a sufficient distance from the working margin. In summary it is considered that with suitable mitigation and conditions controlling such, no overriding harm to wildlife would result from the development.

Setting of the Listed Buildings.

While the route passes in relatively close proximity to a number of Listed Buildings, (Sweethams, Iron Gate Lodge, and Gosford Farmhouse) it is considered that other than the setting of Iron Gate Lodge, there is no significant change to the setting of these buildings. The majority of the works are at or below ground level and the context in which the heritage assets are appreciated would not be substantially altered.

In respect of Iron Gate Lodge, the change to setting would only arise from the construction of a boundary wall. Wrapping around the front and side of the property this has the effect of preventing the ingress of surface water. As the wall is of limited height, it is considered that provided this is of suitable materials, it would not cause significant harm to the setting of the Listed Buildings being partly offset by the existing fencing that already surrounds much of the site. The function and purpose of the wall, which in any event would maintain and enhance the existing enclosure of the building, would outweigh any limited harm that might arise.

Other Issues

The scheme would also result in small range of other issues. In respect of the loss of Best and Most Versatile land some productive agricultural land would be lost to the development. This is considered as a negative but while it weighs against the proposal it is not considered to outweigh the benefits provided by the flood alleviation scheme.

The scheme also has the potential to affect and ultimately damage any archaeological records along its route. The advice received from the County Archaeologist is that sufficient safeguards can be secured by condition and in this instance, noting the limited extent and width of the channel and culvert this is a practical response.

The remaining issue is the presence of a footpath which the development would cross while running parallel with Green Lane. While the footpath may require a temporary closure during construction of the scheme, it would not be affected long term as the flood scheme proposes a culvert in this location.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development in the relevant phase shall take place until samples of the materials to be used in the construction of the external surfaces of the wall around Iron Gate Lodge 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) and EN9 (Extension Alteration Or Change of Use of Buildings of Special Architectural Interest) of the East Devon Local Plan.)

4. No development shall take place until a phasing strategy for the complete works (including the flood mitigation works and details of when respective sections will be connected and become operational) has been submitted to and agreed in writing by the Local Planning Authority. Development shall only be undertaken in accordance with the strategy unless otherwise agreed in writing with the Local Planning Authority.

Reason: To clarify the terms of the permission and ensure a suitable programme for works and phasing of connections through the flood alleviation scheme in accordance with guidance in the National Planning Policy Framework)

5. No development in an agreed phase shall commence until the following has been submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, development shall at all times be undertaken strictly in accordance with the agreed details.

1. A detailed statement of compliance demonstrating adherence to the mitigation measures identified within Section 6 and Appendix 4 (Conservation Action Statement) contained within the Phase 2 Ecological Survey Report dated November 2014.

2. A detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development within the respective phase unless otherwise agreed in writing by the Local Planning Authority. The landscaping 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.

3. An arboricultural implications assessment, tree protection plan and arboricultural method statement shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees and hedges will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

In any event, the following restrictions shall be strictly observed:

- (a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

- (b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in

Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

4. The implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

(Reason - To ensure suitable mitigation, retention and protection of wildlife, landscaping, archaeology and trees on the site in the interests of ecology and amenity and to preserve and enhance the character and appearance of the area in accordance with policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements), D5 (Trees on Development Sites) EN6 (Wildlife Habitats and Features) and EN8 (Proposals Affecting Sites Which May Potentially be of Archaeological and Historic Interest) of the adopted East Devon Local Plan and guidance in National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 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:

10.2 A	Proposed Site Plan	05.12.14
9.2A	Survey Drawing	05.12.14
9.1A	Survey Drawing	05.12.14
8.5A	Survey Drawing	05.12.14
8.4A	Survey Drawing	04.12.14
8.2A	Survey Drawing	05.12.14
8.3A	Survey Drawing	05.12.14
8.1A	Survey Drawing	05.12.14
10	Proposed Site Plan	05.12.14
12C	Proposed Site Plan	05.12.14
13B	Proposed Site Plan	05.12.14

12.1	Sections	05.12.14
16.1	Sections	05.12.14
14.1	Sections	05.12.14
15A	Sections	05.12.14
16.2B	Sections	05.12.14
16 B	Proposed Site Plan	05.12.14
11B	Proposed Site Plan	23.12.14
14.2	Proposed Combined Plans	06.01.15
14 REV F	Proposed Site Plan	06.01.15
11.1 REV A	Sections	23.12.14
11.2 REV A	Sections	23.12.14
10.1 REV C	Proposed Site Plan	23.12.14

List of Background Papers

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

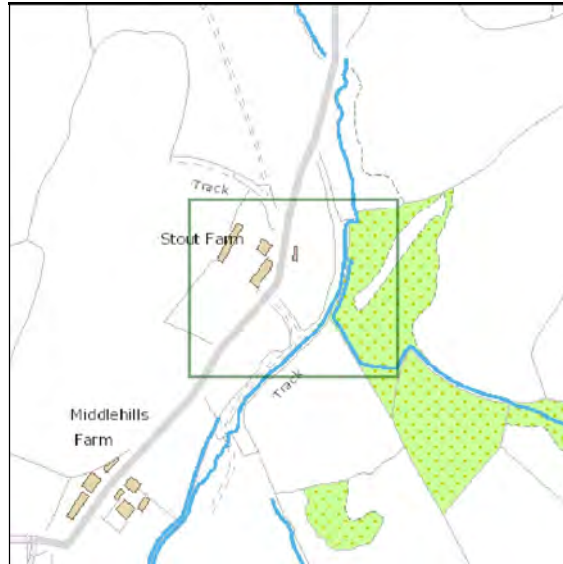
Ward Honiton St Michaels

Reference 14/2175/FUL

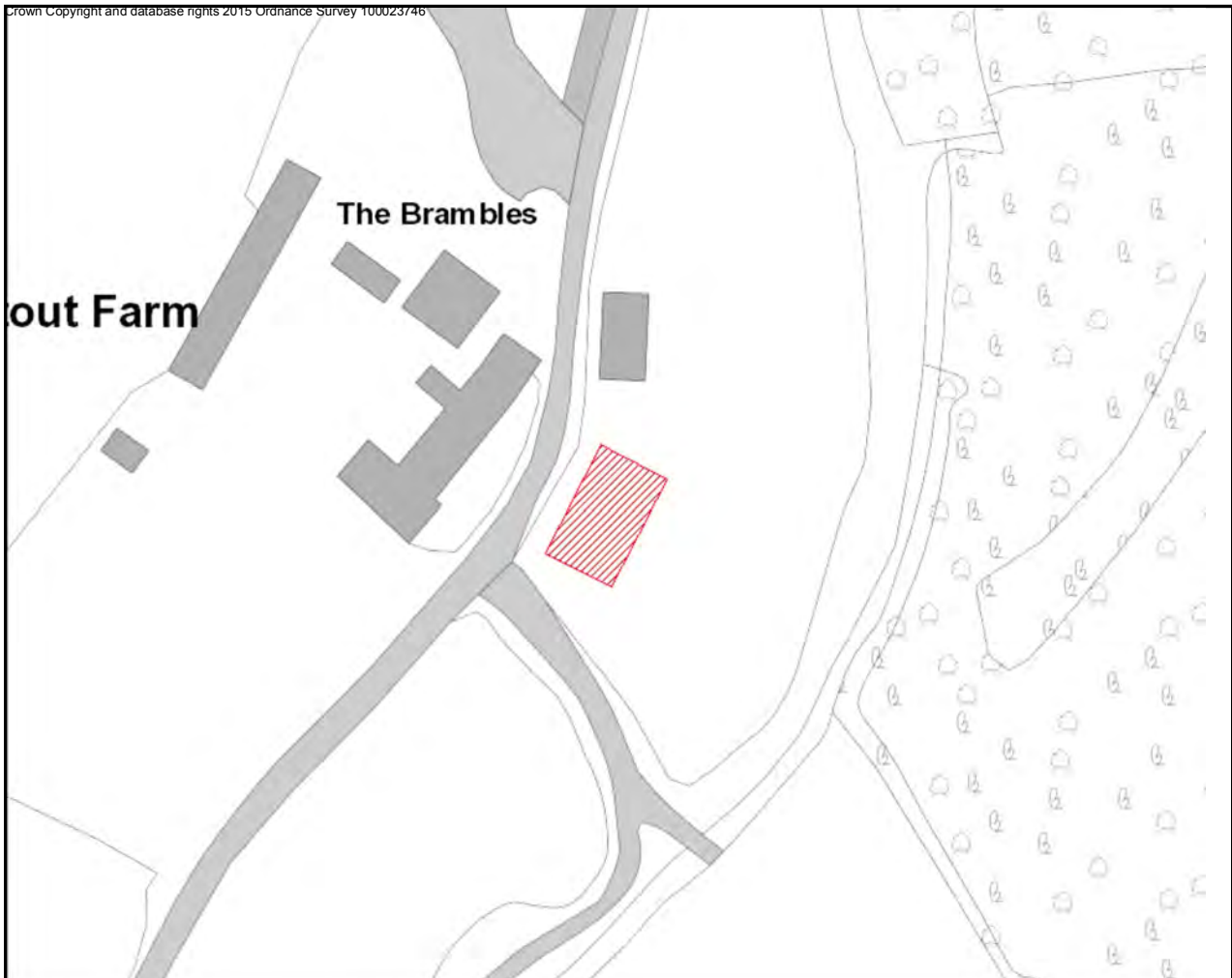
Applicant Mrs Helen Hunt

Location Stout Farm Honiton EX14 9TS

Proposal Construction of agricultural building and raising of ground levels



RECOMMENDATION: Approval with conditions



		Committee Date: 10.02.2015
Honiton St Michaels (HONITON)	14/2175/FUL	Target Date: 05.11.2014
Applicant:	Mrs Helen Hunt	
Location:	Stout Farm Honiton	
Proposal:	Construction of agricultural building and raising of ground levels	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the Ward Member has raised concerns.

The site refers to an area of agricultural land which is located opposite Stout Farm, Honiton. It is in open countryside and within an Area of Outstanding Natural Beauty. The land slopes in a south westerly direction and is separated from the dwelling at Stout Farm by an unclassified road. Within the field is a Nissan hut.

It is proposed to construct an agricultural building for lambing purposes within the field. To ensure the building is level the ground levels would be raised on the south westerly side of the building by around 1.5 metres. It would also be partially cut into the ground on its north westerly side and would be constructed from horizontal timber boarding, with a corrugated fibre cement natural grey colour.

The proposal has undergone revision after concerns were raised regarding its size and visual impact, and that the proposal was within a flood Zone 2 and 3. The proposed building has therefore been amended to be sited outside of the flood zone. Its size has been reduced would measure 23.5m in width (from around 36 metres) by 12.12 metres in depth and would have an overall height of 4.4 metres. It is now considered that is much reduced size is acceptable and would be read in the context of the agricultural surrounds in which it is set, appear more commensurate with the size of the land, and would not harm the appearance of the AONB or harm the amenity of neighbouring residents. The proposal has been removed from the flood zone and there are no technical objections to the proposal.

CONSULTATIONS

Local Consultations

Honiton St Michaels - Cllr M Allen

The revision appears only partially different than before with access, flooding and overdevelopment of site, but I will keep an open mind until DM assesses the development

Honiton St Michael - Cllr P Twiss

Because of the Environment Agency flood risk appraisal since my initial comments I am satisfied that this application should now be refused and if there is disagreement to go to DM for their consideration.

In the event that this application comes to Committee, I would reserve my position until I am in full possession of all the relevant facts and all the arguments for and against

Parish/Town Council

The Town Council noted the amendments and supports this application

Technical Consultations

Environment Agency

I refer to the above application and the additional information received on the 26th November 2014.

The proposed development is now entirely located within flood zone 1, we therefore raises no in-principle objections to the proposal.

County Highway Authority

Highways Standing Advice

Other Representations

Four letters of representation received. Two letters of objection and two of support.

Objection

- The old lane is a poorly maintained highway.
- Honiton Town Council has corresponded with DCC and others regarding the condition of this highway for several years
- There is no clear assessment in the flood risk assessment of the impact, if any, the proposed building and the raising of the ground levels would have on the adjoining section of this highway
- Visibly very vulnerable to flood damage
- It could further damage this highway

- The building appears to be oversized when the proposed site is within a field which is smaller than an acre.
- There are already two gateways into the field
- Will be within a few metres of The Gissage which runs directly into the River Otter.
- There is provision for a soak away to deal with surface water, but run-off from the building itself, including animal waste, disinfectant etc will enter the waterway very quickly.
- Believe this will have a detrimental impact on the environment.

Support

- Support the proposal but concerns if dwelling applied for.

POLICIES

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

NPPG (National Planning Practice Guidance 2013)

New East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

EN21 (River and Coastal Flooding)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

S5 (Countryside Protection)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

Site Location and Description

The site refers to an area of agricultural land which sits to the east of Stout Farm located and separated by a road to the south of Honiton leading to Blannicombe and known as Honiton Bottom Road. The site slopes running downhill to a small stream along the eastern boundary. A portion of the eastern side of the field is located within a flood zone 3. To the south of the building is a track allowing access to the adjoining fields which fords the stream. The site is also located within an Area of Outstanding Natural Beauty. Within the field is a Nissen hut. To the north of Stout Farm around 2 metres away is 'The Brambles' a detached property.

The proposal is for the construction of a lambing shed. It would measure 23.5m in width by 12.12 metres in depth. It would have an overall height of 4.4 metres. To

ensure the building is level the ground levels would be raised on the south westerly side of the building by around 1.5 metres. It would also be partially cut into the ground on its north westerly side. It would be constructed from horizontal timber boarding, with a corrugated fibre cement natural grey colour.

The applicants in justifying their need for the building have stated that their son has finished school and is about to embark on an Agricultural Degree Course and has been farming sheep for a number of years, which he has been able to do by renting (on grazing license and short term farm business tenancy) approximately 50 acres from neighbours and others in the locality. He has a flock of 65 breeding ewes. A shed at Stout Farm holds 10 ewes for lambing. The proposed building is to accommodate 65 ewes and lambs.

ANALYSIS

The main considerations relate to:

- The impact on the appearance of the Area of Outstanding Natural Beauty (AONB)
- Neighbouring amenity
- Flooding concerns
- Any outstanding other matters

Impact on the AONB

Policy EN1 of the East Devon Local Plan says that within Areas of Outstanding Natural Beauty conservation and enhancement of their natural beauty will be given priority over other considerations. Particular attention will be paid to, amongst other things, scale and siting, colour and type of external materials, landscaping and screening.

When the application was submitted the proposed building measured around 38 metres in width and was sited within flood zone 3. The Environment Agency subsequently objected to the application. In addition there were officer concerns that there was no adequate justification for a building of the originally proposed size within this sensitive location and, would appear overlarge, involve significant work to the levels of the field and given that as the proposal is in its infancy that there was no justification to start out with a large building

Given these concerns the building itself has undergone considerable change to its size and location. Through negotiation the size and location of the building was amended. The building was moved outside of the flood zone to a position closer to the road and its size was reduced from around 38 metres in width to around 22 metres.

The reduced size reduces its visual appearance and the proposal would also be set below the level of the road, the submitted sectional drawing demonstrates how it would be partially screened by a hedge that runs along the front of the site. It would be constructed as a conventional agricultural building which is considered would not be out of character with the rural appearance of the area. Whilst the building would

be visible from the road, it is considered that any harm caused would not be detrimental. It is considered that the size of the building is more commensurate with the size of the land area and as such would not appear overlarge. Whilst the proposal would involve some earthworks to the south western side of the building these would be largely hidden from view. It is considered that the proposal would not therefore be detrimental to the appearance of the AONB

Neighbouring amenity

In terms of neighbouring amenity the proposal would be located opposite Stout Farm. Given its set down nature and the relationship between the two in terms of the separation of the road, it is considered that the proposal would not result in any detrimental overbearing to this property. As the proposal would be set away from 'The Brambles' it is not considered that there would be any detrimental impact to this property.

Flooding issues

In terms of flood risk, the proposal has been moved from out of flood zone 3 to flood zone 1. The Environment Agency no longer raise an objection to the proposal and it is now considered that the proposal is acceptable in this regard.

Other matters

In terms of concerns relating to agricultural dwelling being requested in the future such a proposal is not before the Council.

In terms of the concerns regarding surface run-off into the River Otter, it is noted that the Environment Agency does not raise an objection to the proposal.

With regards to the comments regarding a new entrance, this has been removed as the position of the proposed building has been revised. It is now proposed to enlarge the existing entrance. As this road is an unclassified road this is considered to be permitted development and would not need planning permission.

With regards to the condition of the lane that runs along side the site, as previously noted the access has been removed from the application. However, it should also be noted that to create an access into this field from the lane would not require planning permission either as again this is an unclassified road. It is considered that there could be little control over its use, in any event.

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 development the method (including plans and sections) of foul and surface water drainage to serve the agricultural building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with such agreed details.
(Reason – To ensure that suitable infrastructure is provided for foul and surface water to prevent run off and/or contamination of the nearby water course in accordance with guidance contained in the National Planning Policy Framework).

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 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:

	Location Plan	26.11.14
HUNT-2014-AR-5	Proposed Elevation	26.11.14
HUNT-2014-RA-4	Sections	26.11.14
HUNT-2014-RA-3	Proposed Site Plan	26.11.14

List of Background Papers

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

Ward Raleigh

Reference 14/2310/FUL

Applicant RSPB

Location R S P B Hawkerland Brake Barn
Exmouth Road Aylesbeare Exeter
EX5 2JS

Proposal Siting of a log cabin for residential education and training for volunteers (Class C2) with office and meeting room and associated parking, sewage treatment plant and biomass boiler



RECOMMENDATION: Refusal



		Committee Date: 10.02.2015
Raleigh (COLATON RALEIGH)	14/2310/FUL	Target Date: 20.11.2014
Applicant:	RSPB	
Location:	R S P B Hawkerland Brake Barn	
Proposal:	Siting of a log cabin for residential education and training for volunteers (Class C2) with office and meeting room and associated parking, sewage treatment plant and biomass boiler	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

Planning permission is sought for a detached building to provide new office and meeting spaces and living accommodation for volunteers. This is a resubmitted application with additional justification and a revised access following the withdrawal of the first application.

Volunteers currently live in a rented cottage a short distance down the road from the site which has cold and damp conditions. The volunteers are recruited on a 4 to 12 month basis, giving them valuable experience and training in conservation management.

In this case, the onsite activities of the RSPB at Hawkerland Brake Barn do not require a permanent on-site presence. In the absence of any essential need for workers to live on the site, the proposal is unacceptable in principle. Moreover, although the existing accommodation may be unsatisfactory at present, there is no reason why it could not be improved in the interests of the welfare of the tenants.

The existing highway access is severely substandard and could not be made safe by the proposed changes which only make limited improvements to visibility in one direction. Owing to an intensification of use of the access arising from the proposed development, a very strong objection has been raised. This objection weighs very heavily against the proposal.

The development would also have an adverse effect on the Pebblebed Heaths and Exe Estuary European Sites arising from recreational use by the volunteers. Mitigation in the form of a financial contribution in accordance with the South

East Devon European Sites Mitigation Strategy is considered necessary in spite of the particular circumstances of this case but has not been provided by the applicant. This also weighs against the proposal.

In view of these significant adverse effects and in the absence of any overriding reasons to approve the application, refusal is recommended.

CONSULTATIONS

Local Consultations

Raleigh - Cllr R Bloxham

I supported the previous withdrawn application which had been recommended by officers for refusal on grounds of being unsustainable and because of two highways concerns.

I believe that the proposals contained in the current application address those concerns and therefore I am in support of this application too. Should Officers be minded to refuse I would ask that the matter be referred to the Development Management Committee for consideration.

The proposals for the development are, in my view, sustainable as set out in detail in the design and access statement. The proposed methods of construction and materials, the proposed use of biomass and the whole purpose for which the application comes forward all contribute to the social and environmental sustainability of the application.

Providing residential accommodation on site (rather than off site) reduces the need for travel to and from the site by vehicle (and the consequent number of movements through the access) and the comparison of the proposed accommodation with the inappropriate and unsuitable current accommodation is quite stark.

In my view, the proposed changes to the access address the highways concerns set out in the two draft reasons for refusal in the previous application.

I therefore feel that this matter should be approved.

Parish/Town Council

No objections.

Other Representations

Five letters of support have been received making the following points:

- Existing residential accommodation is unfit for purpose
- The office facilities on site need improving
- The proposal would provide security for the site
- There is an urgent need to improve the access
- Conservation work of the RSPB should be supported

- RSPB provide valuable skills and training to volunteers

Technical Consultations

Environment Agency

The applicant must contact our National Permitting Service to discuss this proposal with regard to the non mains drainage and bio mass boiler.

Environmental Health

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

County Highway Authority

The applicant and the Local Planning Authority (LPA) will be aware that the County Highway Authority (CHA) has given some informal advice to a private pre-application enquiry to the applicant for this site. This was after the CHA's recommendation for refusal on highway safety grounds for the previous application (14/0381/FUL), which was subsequently withdrawn. Any advice given at a pre-application stage does not prejudice any formal response to the LPA from the CHA for a full application.

I have given this application careful consideration, and now had the opportunity to review the site history. I have also discussed it with my senior officer. I had given an informal indication that suitable and safe access to the site, with adequate visibility, may be possible. Further analysis of the proposal in front of me, including the site history, leads me to the conclusion that the proposed improvements to the visibility in the northerly direction only will not be sufficient in highway safety terms to warrant the CHA changing its recommendation for refusal.

I also believe that the extant permission (96/P1624) and Condition 3 thereof may be being breached in allowing more visits to the site than by 4 staff. As the current application's Planning, Design & Access says in (6.) paragraph 7:-

"Irrespective of the proposed highway access improvements contained in this application, it is considered the officer's report associated with application 14/0381/FUL should have given greater regard to the existing substantial volume of trips which occur as a consequence of people commuting to the Hawkerland Brake Barn site from remote residential accommodation locations."

and in paragraph 10:-

"The present proposal once again reiterates the sustainable benefits of having onsite accommodation for volunteers and the reality that this is likely to see a reduction in travel."

This indicates to me that the practice of volunteers visiting the site is in breach of the existing permitted use and thereby attracting more traffic than intended by the

existing permission condition. Therefore The CHA recommends that the application is refused for highway safety reasons.

Recommendation:

The Head of Planning, Transportation and Environment, on behalf of Devon County Council, as Local Highway Authority, recommends that permission be refused for the following reasons

1. The increased use of the access onto the Public Highway, resulting from the proposed development would, by reason of the limited visibility from and of vehicles using that access, be likely to result in additional dangers to all users of the road contrary to paragraph 32 of the National Planning Policy Framework.
2. The proposed development would be likely to result in an increase in the volume of traffic turning right into the site at such a point where inadequate forward visibility from and of such vehicles is available with consequent risk of additional danger to all users of the road contrary to paragraph 32 of the National Planning Policy Framework.

Natural England

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

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

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

European wildlife sites

Further information required: No Habitats Regulations Assessment

The application site is in close proximity to three European Wildlife Sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their ecological interest. European wildlife sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and East Devon Heaths Special Protection Area (SPA) and the Exe Estuary Special Protection Area (SPA) and Ramsar site. The sites are also notified at the national level as Sites of Special Scientific Interest (SSSIs). Please see later in the letter for our advice on 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.

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.

Exe Estuary SPA/ Ramsar site

East Devon Pebblebed Heaths SAC/ East Devon Heaths SPA

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

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

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

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

The application site lies approximately 450m from the East Devon (Pebblebed) Heaths SAC/SPA and approximately 7.2km from the Exe Estuary SPA and Ramsar site.

We understand that this development is for Class C2 use to be used by volunteers working primarily on the East Devon Heaths but also on the Exe Estuary, carrying out habitat management and delivering some of the HRA mitigation measures. The RSPB have put forward legally binding planning conditions that will restrict the use of the premises and will ensure their removal should the RSPB cease to occupy them.

On this basis, Natural England would not object to an exemption from the Habitats Regulations contribution, which is payable by all residential development within 10km of the above sites in order to help avoid and mitigate additional recreational impacts.

Exe Estuary SSSI and East Devon Pebblebed Heaths SSSI

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

Protected Landscapes

The application site is adjacent to the boundary 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.

PLANNING HISTORY

Reference	Description	Decision	Date
14/0381/FUL	Log cabin office and volunteer accommodation with associated parking and biomass boiler.	Withdrawn	02.05.2014
96/P1624	Change Of Use Of Exg Building & Site To Reserve Work Centre	Approval with conditions	24.02.1997
95/P0008	New Dwelling	Refusal	07.03.1995
94/P1279	Dwelling	Refusal	25.10.1994

POLICIES

New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)
Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)
D3 (Trees and Development Sites)
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)

D5 (Trees on Development Sites)

H8 (Dwellings for Persons Employed in Agriculture or Forestry)

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

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 the west side of the B3180 about 700 metres south of its junction with the A3052. Hawkerland Brake Barn is owned by the RSPB and is used as a base for their management of Woodbury Common and other areas in the locality. The site is a long finger of land running roughly parallel with the road but separated by a wooded bank. Access is at the southern end where a track leads into the middle of the site and the existing workshop/office building. In addition there are other vehicle sheds and storage areas at both ends of the site. The RSPB work with a number of residential volunteers who work for extended periods alongside the employed staff. During their placement they are currently housed in a cottage about 800 metres south along the main road. The site is just outside the AONB, which follows the line of the road at this point.

ANALYSIS

Planning permission is sought for a detached building to provide new office and meeting spaces and living accommodation for volunteers. This is a second application with additional justification and a revised access following the withdrawal for the first application.

The building would be located at the southern end of the site with an associated parking area for visitors accessed from a spur off the existing driveway. The building would be divided vertically with the southern side housing the office and meeting accommodation, with access from the new parking area. The northern side would house the living accommodation and would have no connection through to the office side. Access to the living accommodation would be from the north side via the existing driveway. Within this part of the building there would be a lounge, bathroom and kitchen on the ground floor and three bedrooms on the first floor.

The three main issues in this case are whether there is justification for provision of living accommodation in this location; whether the access to the site can safely accommodate the traffic generated; and whether there would be any adverse effects on the protected Pebblebed Heaths and Exe Estuary sites.

Justification

From their Hawkerland Brake Barn site the RSPB manage the Aylesbeare Common Nature Reserve and other areas of land in the locality. The team consists of 3 full time members of staff and up to 5 residential volunteers, as well as day volunteers and a part time administrator. The volunteers are recruited on a 4 to 12 month basis and are provided with accommodation, training and experience in exchange for voluntary service. Activities carried out by the volunteers include livestock management, an out of hours looking/shepherding service, support for RSPB staff and help tackling wildfires across 265 hectares of common land grazed and managed by the organisation.

This valuable work experience opportunity has been running successfully since 1991 and volunteers currently live in a cottage a short distance down the road which is rented by the RSPB. Unfortunately this accommodation has become unfit for purpose owing to damp and cold conditions. Alternative options have been considered but the RSPB have not been able to find affordable accommodation nearby.

To address the need for volunteer accommodation, the RSPB are now proposing a new building which would ensure that they always have suitable accommodation available.

Countryside protection policies do not permit new dwellings in locations such as this except where there is an essential need for a rural worker to live permanently at or near their place of work. For example, year-round calving on a dairy farm would often require a continuous on-site presence in the interests of animal welfare. In this case, there is no similar justification for an on-site presence at Hawkerland Brake Barn as no activities take place there which require supervision day and night all year round. While an on-site presence may increase security at the site, this alone is not sufficient to justify the provision of residential accommodation.

In the absence of any essential need for workers to live on the site, the proposal is unacceptable in principle. Moreover, although the existing accommodation may be unsatisfactory at present, there is no reason why it could not be improved in the interests of the welfare of the tenants.

With respect to the office/meeting room use, it is accepted that the existing facilities on the site do not provide suitable accommodation for meeting partner organisations. Although such organisations may have their own meeting spaces which could be used, a small scale facility at the site would be of benefit to the activities of the RSPB. Notwithstanding that, the need for such a facility would have to be fully justified and may not outweigh concerns about highway safety.

Highway Safety

The current use of the site by the RSPB was approved by the committee following site inspection in 1997 in spite of a strong recommendation of refusal from the Highway Authority. Permission was granted subject to a condition that no more than

4 people may be employed at the site in order to restrict the number of vehicles using the access.

The highway access has not changed since 1997 and remains severely substandard. Although this proposal includes the provision of a visibility splay to the north, the topography does not allow a 120 metre splay to be provided and therefore visibility in the northerly direction would remain below standard at only 50m. In a southerly direction the visibility is about 8 metres and cannot be improved because the applicant does not have control over the land required to provide a splay in that direction. Consequently the Highway Authority have repeated their strong objection. The basis of their objection is that intensification of a severely substandard access would be a danger to highway safety. While the supporting statement argues that moving the living accommodation on site would reduce vehicle movements, this does not take account of all vehicle movements associated with the proposed building.

Although volunteers would no longer need to drive to the site for work, all journeys for social activities, shopping, etc. in their own time would be via the unsafe access at the site rather than from their current accommodation. Consequently there would be no net benefit in moving the volunteers to the site in terms of highway safety. Furthermore, the office and meeting room would attract additional visitors to the site who would not otherwise go there owing to a lack of suitable facilities at present.

Even if the applicant had control of the land and the topography permitted it, there is no realistic prospect of a safe access being achieved without substantial loss of character resulting from the creation of very long visibility splays. Furthermore, the very limited improvement proposed in this application would not make the access safe to use. As a consequence of the increased use of the severely substandard access there are very strong highway safety grounds for refusal.

Pebblebed Heaths and Exe Estuary Sites

The assessment for this section is contained within the following Habitat Regulations Assessment which provides a summary and extracts from the Habitats Regulations Assessment undertaken by East Devon District Council as the Local Planning Authority. A full text version has been placed on the application file and remains available for inspection

HABITATS REGULATIONS ASSESSMENT

Introduction

The site is located in the countryside close to the East Devon Pebblebed Heaths Special Area of Conservation, the East Devon Heaths Special Protection Area and the Exe Estuary Special Protection Area and Ramsar site, which are European Wildlife Sites. The sites are also notified at the national level as Sites of Special Scientific Interest.

Potential Impacts on Heathland

Although the volunteers would be actively involved in the management of the Pebblebed Heaths, that role would not prevent or discourage them from using the Pebblebed Heaths for recreational purposes. Furthermore, even though they would be aware of the effects of recreational use, it is unlikely that they would avoid such activity at the site or that their recreational use would completely avoid the adverse impacts described.

Whilst taking account of the special knowledge of the effects of recreational use of the Pebblebed Heaths that the volunteers would be likely to have, the effects of disturbance and trampling can only be avoided if the volunteers do not use the site for recreation.

Conditions have been suggested by the applicant that would limit the occupation of the building to RSPB volunteers, but such conditions would not and could not reasonably restrict the freedom of the volunteers to use the Pebblebed Heaths for recreational purposes. In addition such conditions would also be difficult to enforce.

Potential impacts on the Exe Estuary

The main way in which the Exe Estuary could be affected by the proposed development is through **disturbance** of wildlife caused by activities such as walking, cycling, activities on the mudflats, bait digging, kitesurfing and canoeing. The volunteers would be as likely to take advantage of the Exe Estuary as any resident of a new dwelling in the catchment area. As in the case of the Pebblebed Heaths, conditions could not be imposed on the proposed development which would prevent the volunteers from using the Exe Estuary for recreational purposes, although it is recognised that recreational use by volunteers would be likely to cause less disturbance to wildlife than recreational use by other members of the public.

Assessment of risks without avoidance or mitigation

Owing to the nature of their placement and proximity to the Heathland it is likely that volunteers would have an appreciation for the natural beauty and tranquillity of the surrounding countryside and would take advantage of the many recreation activities available. The volunteers would have unrestricted access to the European sites. Although they may take care to avoid causing the harmful effects of littering or wildfire, their mere presence would lead to unavoidable disturbance and other impacts which could be significant with frequent and enduring levels of activity.

Potential for Mitigation

In recognition of the effects of broader housing and tourism growth around the Pebblebed Heaths and the Exe Estuary, East Devon District Council, Exeter City Council and Teignbridge District Council, in partnership with Natural England, have adopted a Joint Approach to avoidance and mitigation of recreational impacts. This is based on the South East Devon European Site Mitigation Strategy.

Funding for the measures set out in the report would be secured by seeking financial contributions from every new qualifying development in accordance with the charging schedule in the report. For the development proposed at Hawkerland Brake Barn the contribution would be a one off payment of £749.

If the applicant were willing to make the contribution then, as a result of the mitigation measures that would be secured, the proposed development would be unlikely to give rise to any significant effects on the Pebblebed Heaths or the Exe Estuary. However, no contribution has been secured for this proposal and therefore an Appropriate Assessment is required in order to determine the effects of recreational use on the integrity of the European sites.

Assessment of the effects of recreational use on the Pebblebed Heaths

The harmful effects arising from the proposed development are limited, but in combination with recreational use arising from existing dwellings and holiday accommodation, the cumulative effects become significant.

The condition of much of the Pebblebed Heath SSSI is currently classed as 'unfavourable recovering', meaning features are not yet fully conserved but all the necessary management mechanisms are in place. Provided that the recovery work is sustained, the features will reach favourable condition in time. The effect of recreational activities would therefore be counterproductive and reduce the likelihood of favourable condition being achieved unless mitigation measures could be secured by means of the Joint Approach.

In this particular case, in which the people making recreational use of the Pebblebed Heaths would be the same people who would be managing the consequences of recreational use, it could be argued that there would be a neutral effect arising from their own recreational use. However, a financial contribution towards the costs of mitigation has not been offered and therefore any work they carried out which could be said to neutralise the effects of their own recreational use would divert resources away from dealing with the effects of recreational use by others.

The overall effect would therefore be negative rather than neutral. Furthermore, in the absence of a financial contribution from the proposed development, it is likely that adverse impacts would occur for which no mitigation has been provided and which could not be prevented by imposing conditions on the development.

Assessment of the effects of recreational use on the Exe Estuary

In a similar manner to that with the Heathland, the proposal would introduce additional people to the area who would be likely to take advantage of the recreational opportunities on offer. Although Hawkerland Brake Barn is not adjacent to the Exe Estuary, it is within 10 kilometres, which is the distance at which visits per household level out to a low level. It is reasonably likely therefore that volunteers, like any local resident, would travel to the Exe Estuary to enjoy the different scenery and recreational opportunities on offer.

Unlike the Pebblebed Heaths, the condition of the Exe Estuary is generally favourable although some declines in waterbird assemblage due to as yet unknown causes have been noted.

In spite of the generally favourable status of the protected features, recreational disturbance could result in adverse impacts on bird populations, such as avoidance of otherwise suitable habitat. In the context of the particularly small area of the Exe Estuary there are relatively few undisturbed areas for birds to switch to. Consequently, it may be concluded that there is limited space for people and birds to exist together. Increased recreational use would therefore reduce the likelihood of the favourable conditions being maintained.

In the absence of a financial contribution from the proposed development, it is likely that adverse impacts would occur for which no mitigation has been provided and which could not be prevented by imposing conditions on the development.

Alternative Solutions

The two main alternatives to the proposal are to 'do nothing' or to put the building beyond the 10km charging zone surrounding the European Sites.

The 'do nothing' alternative would mean the RSPB continuing to provide accommodation in an existing dwelling or leaving the volunteers to find their own accommodation.

Any alternative site for the accommodation outside the charging zone would necessarily be some distance from Hawkerland Brake Barn.

Information regarding the consideration of alternatives has not been included with the application but the proposal would not have been submitted by the applicant if the current situation was considered satisfactory to them. If planning permission is refused for the development then the applicant could consider the alternatives or agree to make a financial contribution to mitigate the effects of recreational use in accordance with the Joint Approach.

Reasons of Overriding Public Interest

Although it has been concluded that there would be adverse impacts on the Pebblebed Heaths and the Exe Estuary and that no alternatives have been offered,

consideration must be given to any special circumstances which would justify permitting the development. Such circumstances would need to meet the IROPI test.

The contributions made by RSPB volunteers are an integral part of the management of impacts of recreational use of the Pebblebed Heaths and this development would be connected with that work. However, it is not essential that additional accommodation is provided for the volunteers in order to conserve human health, public safety or the environment. Nor are there any other known imperative reasons of over-riding public interest to justify permitting the development.

Consultation with Natural England

Consultation with NE has taken place and they have provided advice in relation to Habitats Regulations Assessment of this development. Based on the applicant's suggestion that conditions restricting the occupation of the building could be imposed on the development, NE have advised that they would not object to an exemption from the Joint Approach. However, conditions cannot reasonably be imposed on the development to prevent the volunteers from using the Pebblebed Heaths or the Exe Estuary for recreational purposes. The volunteers would be as entitled and as likely to do so as any occupier of any new dwelling within the catchment area.

Conclusion

In light of the information available, it is considered that development is likely to adversely affect the integrity of the East Devon Pebblebed Heaths and the Exe Estuary.

It is noted that the proposal is not directly connected with or necessary for the management of the Pebblebed Heaths or Exe Estuary sites for nature conservation and that due to the proximity of the development to both environments recreational pressures would arise.

It is unreasonable to expect volunteers not to use these environments in their spare time and it would be impossible to seek such restrictions. Without any mitigation being proposed or secured the conclusion follows that there would be a remaining likely significant effect on the designated Environments. With no imperative reasons of over-riding public interest to justify permitting the development, it is considered that the development must be refused

Conclusion to Main Report

Although the proposal would bring the volunteer accommodation within the control of the applicant and thereby assist in their management of the commons, this is not sufficient justification for providing new accommodation in the countryside. Furthermore, restricting the occupation of the accommodation by imposing conditions on the development would not overcome the concern about the principle of providing accommodation which is not justified by any essential need to live on the site.

Even if the accommodation could be justified, the visibility at the access is so poor that permission should not be granted for a development which would intensify the use and place additional road users in danger.

Weighing these factors with the lack of mitigation for recreational impacts on European Sites, the benefits to the RSPB are outweighed by the significant harm arising from the proposal.

RECOMMENDATION 1

Adopt the Habitat Regulation Assessment

The Assessment concludes that the development is likely to adversely affect the integrity of the East Devon Pebblebed Heaths and the Exe Estuary; that no suitable mitigation has been provided and that there are no imperative reasons of over-riding public interest to justify permitting the development

RECOMMENDATION 2

REFUSE planning permission for the following reasons:

1. In the absence of an essential need for volunteers to live at the site, the proposed living accommodation would represent unjustified development in the countryside which is located away from necessary services and facilities. The proposal would therefore be contrary to guidance in the National Planning Policy Framework, policies S5 (Countryside Protection) and H8 (Dwellings for Persons Employed in Agriculture or Forestry) of the adopted East Devon Local Plan and Strategy 7 (Development in the Countryside) and policy H4 (Dwellings for Persons Employed in Rural Businesses) of the submitted New East Devon Local Plan.
2. The increased use of the access onto the Public Highway resulting from the proposed development would, by reason of the limited visibility from and of vehicles using the access, be likely to result in additional dangers to all users of the road contrary to paragraph 32 of the National Planning Policy Framework, 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 submitted New East Devon Local Plan.
3. The proposed development would be likely to result in an increase in the volume of traffic turning right into the site at a point where inadequate forward visibility from and of such vehicles is available with consequent risk of additional danger to all users of the road contrary to paragraph 32 of the National Planning Policy Framework, 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 submitted New East Devon Local Plan.
4. The proposal lacks any means of securing appropriate mitigation for the impacts of the development on the East Devon Pebblebed Heaths Special

Protection Area and Special Area of Conservation and the Exe Estuary Special Protection Area and consequently fails to address the evidence in the South East Devon European Sites Mitigation Strategy. Therefore, the proposal 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 adopted 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 aims of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 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:

13/347/05A	Layout	23.09.14
13/347/02B	Proposed Combined Plans	23.09.14
13/347/03A	Proposed Elevation	23.09.14
2013-159-01	Survey Drawing	23.09.14
13/347/04	Proposed Elevation	23.09.14
13/347/01	Existing Site Plan	23.09.14
SCALE 1:1250	Location Plan	23.09.14

List of Background Papers

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

Ward Seaton

Reference 14/1897/FUL

Applicant Alison Hayward

Location Seaton Seafront Seaton

Proposal Erection of 2no. sculptured waves and 2 no. interpretive pillars



RECOMMENDATION: Approval - standard time limit



		Committee Date: 10.02.2015
Seaton (SEATON)	14/1897/FUL	Target Date: 15.10.2014
Applicant:	Alison Hayward (East Devon District Council)	
Location:	Seaton Seafront, Seaton	
Proposal:	Erection of 2no. sculptured waves and 2 no. interpretive pillars	

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

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

The site refers to part of the sea wall which is located to the east of the first aid posts and toilets and to the south of the Marine roundabout, Seaton. Within the sea wall there is an entrance which leads down to the seafront and beach which is known as "Fishermans Gap". It is on the edge of the Conservation Area. The proposal is to place either side of the entrance two sculptured waves constructed from stainless steel. The outline of the waves will be bent from 200mm sheet steel and then welded to form 3m height waves using 200mm long tubes of steel to form bubbles in the crest of the wave and pebbles in the base. On top, the words "waves shape the shore" and "shore shapes the waves." Two interpretative pillars would also be set at the outer ends of each wave. Constructed from timber the interpretation pillars would appear as three separate slabs set at an angle representation the rock strata from Triassic, Jurassic and Cretaceous periods.

It is considered that the proposals would create a gateway feature both to and from the beach and provide information about the locality and history. It will enable visitors to find out more about the coastline and therefore ties in with the wider regeneration objectives for the town.

Whilst it is acknowledged that the Seaton Town Design Statement encourages a cohesion between the Conservation Area and the seafront, the proposal is limited in the way it can achieve this due to its form and scale. Overall it is considered that the proposal would not be contrary to the design statement and aid in creating a sense of place along the seafront.

CONSULTATIONS

Local Consultations

Town Council

The Town Council has no objection to this application provided that proper consultation is undertaken with the organisation assigned by the Town Council to undertake the seafront enhancement programme.

Technical Consultations

County Highway Authority

Does not wish to comment

Environment Agency

The arrangement set out in the submitted drawing numbers S/HS/LBS/001; 002 ; 003 and 004 are acceptable to this Agency from the flood risk aspect and as such we are able to remove our earlier objection to the proposal.

The proposed development will require the formal Flood Defence consent of this Agency under the terms of the Water Resources Act 1991. This should be obtained before any works commence on site by contacting Tom Walling on 01392 354154.

Other Representations

13 letters of representation received, all of objection.

- Ridiculous design
- Not needed
- Who will pay for the sculptures
- Another disaster
- Will ruin 'Fishermans gap'
- Waste of money
- Out of keeping
- Contrary to Seaton Design Statement
- Will interfere with flood defence arrangements
- Monstrosity
- Far too tall
- Will not withstand wind
- Will upset continuity of sea wall
- Spoil the natural beauty
- Spoils the view

POLICIES

New East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

Strategy 6 (Development within Built-up Area Boundaries)

EN10 (Preservation and Enhancement of Conservation Areas)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

S4 (Development Within Built-up Area Boundaries)

EN11 (Preservation and Enhancement of Conservation Areas)

National Guidance

NPPF (National Planning Policy Framework 2012)

NPPG (National Planning Practice Guidance 2013)

Other Guidance

Seaton Town Design Statement 2009

Site Location and Description

The site refers to part of the sea wall which is located to the east of the first aid posts and toilets and to the south of the Marine roundabout. Within the sea wall there is an entrance which leads down to the seafront and beach. It is on the edge of the Conservation Area and referred to in the Seaton Town Design Statement as zone 2.

ANALYSIS

The proposal is to place either side of the entrance known locally as 'the fisherman's gap' two sculptured waves constructed from stainless steel. The outline of the waves will be bent from 200mm sheet steel and then welded to form 3m height waves using 200mm long tubes of steel to form bubbles in the crest of the wave and pebbles in the base. The words "waves shape the shore" and "shore shapes the waves" surround the edge of the waves. One would be read on approach from the shore and the other from the town approaching the sea. The letters are 220mm in height and laser cut from stainless steel and welded to the wave sculptures. The overall height from ground level would be 3.8m sitting on the sea wall. Two interpretative pillars would be set at the outer ends of each wave. Constructed from timber the interpretation pillars would appear as three separate slabs set at an angle representation the rock strata from Triassic, Jurassic and Cretaceous periods. Each pillar will incorporate a graphic, a brass rubbing, a trail map dispenser, a QR code and a hidden geo cache reference. The geo cache box will be designed as a section of ammonite with a handle to rotate it on a spindle to open. They would measure 1.86m in height at their maximum point

The proposed structures would be set away from neighbouring properties and businesses, and it is not considered that the proposal would result in any detrimental overbearing. Whilst adjoining the Conservation Area boundary, the Conservation officer does not wish to comment on the proposal and it is not considered that there are any objections in this regard. The main considerations relate to visual amenity, and flood defence impacts.

Visual Appearance

The National Planning Policy Framework attaches great importance to the design of the built environment. It advises that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes". It is considered that this proposal would meet these criteria by being a gateway both to and from the beach and providing information about the locality. The designer of the proposals states that the two thoughts "waves shape the shore" and "shore shapes the waves," are deliberately set on top of the wave almost as reflections showing the interactions between land and water that take place. One can be read on approach to the shore from land and the other is read when approaching the shore from the sea. Whilst the proposals would be in a highly visible location, it is considered that they would be read in conjunction with the surroundings to which they would relate. The waves would be hollow, allowing the sea and beach to be viewed beyond and the streetscape from views out from the beach. It is not considered that visually the proposal would be harmful to the appearance of the area.

The interpretative pillars would stand at a maximum height of 1.86m. They utilise an interesting design incorporating three slabs set at an angle to represent rock strata. Whilst these too would be prominent as noted above the National Planning Policy Framework advises that good planning should contribute to making places better for people. Taking this into account and the interesting design it is not considered that the proposal would be detrimentally harmful to the appearance of the area. In addition, whilst the concerns regarding loss of a view are noted these do not form planning considerations, although views out of the Conservation Area across to the sea are planning considerations. However, in terms of the impact on the appearance of the area the proposals would still allow significant views of the sea beyond from the Conservation Area as the site coverage is considered to be relatively small.

Whilst it is acknowledged that the Seaton Town Design Statement encourages a cohesion between the Conservation Area and the seafront, the proposal is limited in the way it can achieve this due to its form and scale. Overall it is considered that the proposal would not be contrary to the design statement and aid in creating a sense of place along the seafront.

Flood Defence

In the first instance the Environment Agency had objected to the application on the basis that it would:

- a) prevent the closure of the main flood gates that facilitate vehicular access through the sea wall, and;
- b) restrict our access to the flood wall for necessary inspection, repair and maintenance purposes.

However, this objection has now been withdrawn. The agent for the application has provided additional information relating to the structure and has stated that the

design is not solid but a frame with individual letters and rings attached. The waves would be placed either side of Fishermans Gap and constructed from Corten steel to give a natural rustic finish. The outline of the waves will be bent from the steel and welded together in pairs using rings of steel to form bubbles in the crest of the wave and pebbles in the base. These will then strengthen the whole structure separating the two outlines and creating a 3D feel to the wave. Upon consideration of these details the Environment Agency has withdrawn their objection. The development will however still require the formal Flood Defence consent of the Environment Agency under the terms of the Water Resources Act 1991. This will need to be obtained before any works commence.

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 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 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.

The development will require the formal Flood Defence consent of this Agency under the terms of the Water Resources Act 1991. This should be obtained before any works commence on site by contacting Tom Walling on 01392 354154.

Plans relating to this application:

CONSTRUCTION METHOD	Other Plans	24.10.14
	Location Plan	31.07.14
S/HS/IP/001	Perspective Drawing	31.07.14
S/HS/LBS/001	Combined Plans	31.07.14

List of Background Papers

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

Ward Seaton

Reference 14/2829/COU

Applicant Mr Christian Joseph

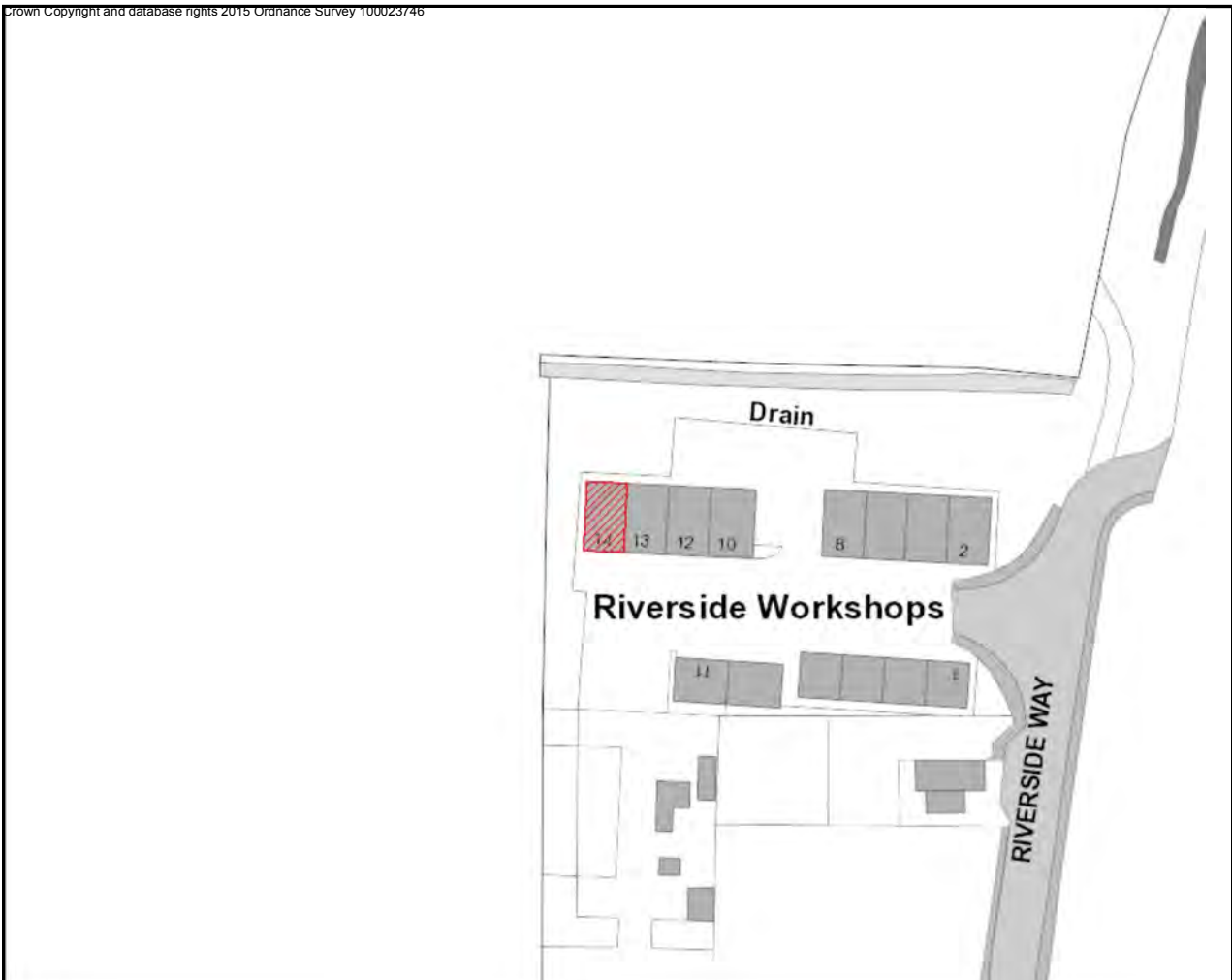
Location Unit 14 Riverside Workshops
Riverside Way Seaton EX12 2UE

Proposal Change of use to use class B2
(General Industry) for the
maintenance and repair of vehicles



RECOMMENDATION: Approval with conditions

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		Committee Date: 10.02.2015
Seaton (SEATON)	14/2829/COU	Target Date: 09.02.2015
Applicant:	Mr Christian Joseph	
Location:	Unit 14 Riverside Workshops, Seaton	
Proposal:	Change of use to use class B2 (General Industry) for the maintenance and repair of vehicles	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The planning application is presented to Development Management Committee as the site is within EDDC ownership.

The proposal seeks the change of use from class B1 (light Industrial) to class B2 (General Industrial) of the Use Class Order 1987 (as amended) to facilitate use of a business unit for the maintenance and repair of vehicles. The main issues concerning the proposal are the principle of the development, the impact of the proposal on amenity of residential properties which are to be built on land adjacent to the application site and the potential flood risk. The environmental health department have not objected to the proposal subject to conditions and an acceptable flood risk assessment has been submitted. Therefore a recommendation of approval is made.

CONSULTATIONS

Local Consultations

Parish/Town Council

No objection

Technical Consultations

County Highway Authority

Does not wish to comment

Environmental Health

I have considered the application and the location of the unit adjacent to housing development land. There is potential for activities at this unit, particularly if they take place outside, to impact on other tenants of these units and on future residents.

Although a certain amount of noise must be expected during the working day from commercial units it is appropriate to include conditions which will control any potential nuisance.

Other Representations

None received to date.

PLANNING HISTORY

Reference	Description	Decision	Date
13/2392/MRES	Residential development comprising 222 dwellings and associated open space, Reserved Matters of appearance, layout and landscaping pursuant to Outline Application 09/0022/MOUT	Approved	28/02/2014
86/P2201	Erection of Riverside Workshops, phase 2: six units	Deemed Consent	09/12/1986
84/P2001	Erection of Eight Industrial Units	Deemed Consent	23/01/1985

POLICIES

New East Devon Local Plan Policies

EN21 (River and Coastal Flooding)

E3 (Safeguarding Employment Land and Premises)

EN14 (Control of Pollution)

Strategy 6 (Development Within Built-Up Area Boundaries)

TC7(Adequacy of Road Network and Site Access)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

E3 (Safeguarding Employment Land and Premises)

E4 (Bad Neighbour Uses)

EN15 - (Control of Pollution)

S4 (Development Within Built-Up Area Boundaries)

TA7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

NPPG (National Planning Practice Guidance 2013)

Site Location and Description

Unit 14 is an existing workshop situated on employment land, known collectively, as Riverside Workshops, Seaton. This unit is positioned on the end of a strip of workshops within the north west corner of the plot. The proposal takes place within flood zone 3 due to the close proximity to the River Axe.

There have been several consents that have allowed major residential development on land to the north and west of the unit, which need to be taken into account as a material consideration.

Proposed Development

The proposal seeks planning consent for the change of use of the existing unit from B1 (Light Industrial) to B2 (General Industrial) of the Town and Country Planning (Use Classes) Order 1987, to facilitate paint and repair of cars.

ANALYSIS

The main issues concerning the proposal are the principle of the development, the potential pollutant impact of the proposal and any resulting flood issues arising. Addressing each issue in turn;

Principle of the development

Policy E3 of the local plan seeks to resist development where it would harm business and employment opportunities in the area. In this instance the proposal would maintain employment opportunities within the locality and would continue an employment generating use.

Under the Use Class Order the unit would be able to revert back to B1 (Light Industrial) or to B8 (Storage and Distribution). However a storage and distribution use would not be considered harmful to future employment opportunities.

There are no external or indeed internal alterations proposed as part of the proposal. Therefore the change of use would not result in a harmful visual impact.

Potential pollutant impact

Policy E4 of the local plan only permits development where the use would not result in significant adverse effect on the amenity of the surrounding areas by means of noise, smell or other nuisance. The preamble to this policy states that car repair workshops, in particular, are a source of local employment but have to be carefully sited in order to protect the amenity of residential areas. The nature of operation, including hours of opening and the acceptability of the site would have to be assessed. Particular attention will be paid to proposals involving any paint spraying or panel beating, as these activities are likely to be unacceptable in residential area. Where proposals are considered acceptable the council is likely to impose conditions to mitigate against possible adverse environmental effects.

The Environmental Health officer has been consulted on the proposal and has considered the likely impact on the adjacent housing development land which benefits from several planning consents. The proposed B2 use has the potential to create nuisance and therefore several conditions restricting the impact of the proposal have been suggested. It is important that such activities associated with the B2 use are restricted to within the building itself. Subject to these conditions no objections are raised by environmental health. It is noted that a condition would reduce the hours of operation to those specified by the applicant, but to carry on activities until 8pm everyday is not considered acceptable in terms of potential impact on residential amenity.

The proposal would not affect other residential properties, other than those approved under application 13/2392/MRES, due to the distances involved. There have been no letters of objection received from other units to date.

Flood Risk

In this instance the use of the building would not involve an increase in flood risk as the vulnerability classification of this unit would remain unchanged.

As the proposal is for a change of use only this should not be the subject of the sequential or exceptions test. A Flood Risk Assessment (FRA) has been submitted by the applicant as the proposal is sited within flood zone 3. This confirms that the floor levels within the proposed development would be set no lower than the existing levels and flood proofing would be incorporated where appropriate. This FRA document satisfactorily deals with the potential flood issues. The Environment Agency has not commented on the proposal to date. The proposal is not considered to result in an increased flood risk and accords with the National Planning Policy Framework.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.

(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No machinery shall be operated, no processes carried out and no deliveries accepted or despatched except between the hours of 8am to 6pm Monday to Friday, or 8am to 1pm on Saturdays, and not at all on Sundays or Bank Holidays.
(Reason - To protect the amenities of local residents from noise, in accordance with policies EN15 (Control of Pollution) and E4 (Bad Neighbour Uses) of the East Devon Local Plan, and guidance contained within the National Planning Policy Framework).
4. Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the business park shall not exceed Noise Rating Curve 25, as defined in BS8233:1999 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Service Engineers Environmental Design Guide 1999. Details of the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises.
(Reason - To protect the amenity of local residents from noise, in accordance with policies EN15 (Control of Pollution) and E4 (Bad Neighbour Uses) of the East Devon Local Plan, and guidance contained within the National Planning Policy Framework).
5. No work activities or storage shall be carried on outside the buildings.
(Reason - To protect the amenity of local residents from noise and/or dust, in accordance with policies EN15 (Control of Pollution) and E4 (Bad Neighbour Uses) of the East Devon Local Plan, and guidance contained within the National Planning Policy Framework).
6. Prior to commencement of development a suitable and sufficient means of extract ventilation and/or air conditioning shall be provided within the buildings so that windows and doors can be kept closed at all times when in use for work in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The system shall be designed and installed such that it does not itself become a source of nuisance.
(Reason - To protect the amenity of local residents from noise, dust or smell, in accordance with policies EN15 (Control of Pollution) and E4 (Bad Neighbour Uses) of the East Devon Local Plan, and guidance contained within the National Planning Policy Framework).
7. The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment, received by the Local Planning Authority on

26th November 2014. (Reason – To prevent possible flood risk, in accordance with guidance contained within the National Planning Policy Guidance and National Planning Policy Framework).

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 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:

Proposed Block Plan	05.12.14
Existing Floor Plans	04.12.14
Location Plan	05.12.14

List of Background Papers

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

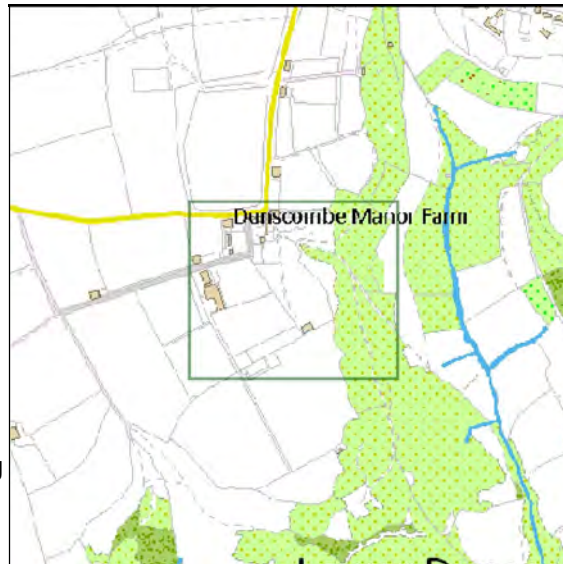
Ward Sidmouth Rural

Reference 14/1783/VAR

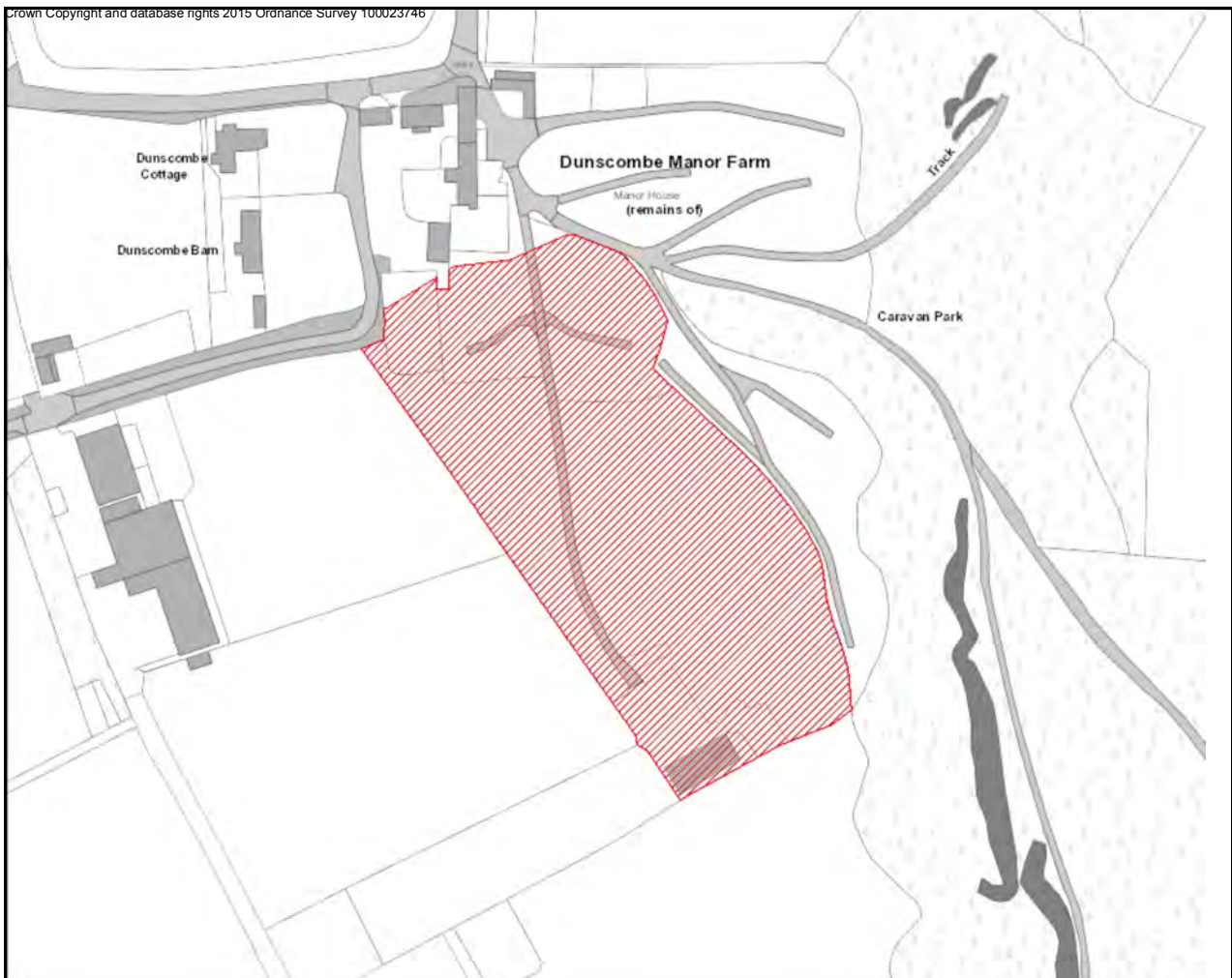
Applicant Dunscombe Manor Ltd

Location Dunscombe Manor Caravan Park
Salcombe Regis Sidmouth EX10
0PN

Proposal Variation of condition 2 of
permission 13/0924/COU (for the
stationing of 11no caravans) to
regularise a revised layout including
the addition of an internal road.



RECOMMENDATION: Approval with conditions



		Committee Date: 10.02.2015
Sidmouth Rural (SIDMOUTH)	14/1783/VAR	Target Date: 12.09.2014
Applicant:	Dunscombe Manor Ltd	
Location:	Dunscombe Manor Caravan Park Salcombe Regis	
Proposal:	Variation of condition 2 of permission 13/0924/COU (for the stationing of 11no caravans) to regularise a revised layout including the addition of an internal road.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The proposal seeks consent for the variation of the approved plans condition 2 of permission 13/0924/COU (for the stationing of 11no caravans) in order to regularise a revised caravan layout along with changes to the internal access road. The amendments are not considered to adversely affect the character or appearance of the development which was originally approved under 13/0924/COU. In the context of the existing caravan park it remains that the development would have an acceptable visual impact on the landscape. Mitigation measures such as controlling the colour of the caravans and landscaping can remain as conditions in order to prevent visual harm. The proposal is not considered to result in any landscape, highways or ecological concerns over and above those considered in the assessment of the original application 13/0924/COU. The proposal would help support the rural economy by increasing tourism to the area and thereby support both local employment and the surrounding businesses.

The relocation of caravan (referenced as plot 1) changes the relationship between the site and the neighbouring property at Dunscombe Barn. In this instance it is proposed to move this caravan closer to the boundary, however due to the separation distance between the site and the adjacent property and due to the relationship that already exists between Dunscombe Barn and existing caravans within the site, it is not considered that the repositioning proposed would result in an unreasonable level of harm to neighbouring occupiers.

Given the above and subject to the conditions set out at the end of the report the application is considered to be acceptable and is recommended for approval.

As this recommendation conflicts with the requirement of local plan saved policy T04, as it would extend the caravan site within an AONB, the proposal

would constitute a departure from the local plan and a proposal not wholly in accordance with the guidance contained within the NPPF 2012. The application is therefore referred to members of the Development Management Committee.

CONSULTATIONS

Local Consultations

Parish/Town Council
Support

Technical Consultations

County Highway Authority
Does not wish to comment

Other Representations

One contributor has made 3 representations on the application raising the following objections:

- Submitted plan does not identify the proximity of our home to the caravan site or the correct layout as proposed
- Hedgerows have been removed with new hedgerow to be replanted within the site
- Resulting impact on wildlife
- Impact on amenity.
- Intensification of the site
- Intrusion from security lights and general traffic during the day and patrons parking on the road.
- All above issues would be exacerbated by the proposal and amended layout that the application seeks to regularise.

PLANNING HISTORY

Reference	Description	Decision	Date
13/2622/VAR	Variation of Condition 2 of application granted under reference EM/2087 to allow year round occupation of the holiday accommodation	Approval with conditions	07.02.2014
13/2636/VAR	Variation of Condition 6 of permission granted under reference 99/P0152 to allow year round occupation of holiday accommodation	Approval with conditions	28.01.2014
13/0924/COU	Change of Use Change of use from agricultural land for the stationing of 11no. static caravans	Approval with conditions	27.09.2014

99/P0152	Change Of Use From General Storage Area To Use Of Land For 10 Static Caravans	Approval with conditions	27.05.1999
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POLICIES

New East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
E19 (Holiday Accommodation Parks)
EN5 (Wildlife Habitats and Features)
TC2 (Accessibility of New Development)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)
Strategy 48 (Local Distinctiveness in the Built Environment)
Strategy 7 (Development in the Countryside)

Adopted East Devon Local Plan Policies

S5 (Countryside Protection)
D1 (Design and Local Distinctiveness)
D4 (Landscape Requirements)
TO4 (Caravan, Chalet and Camping Sites)
EN1 (Developments Affecting Areas of Outstanding Natural Beauty)
EN6 (Wildlife Habitats and Features)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The site relates to Dunscombe Manor Caravan Park situated at Salcombe Regis and within the open countryside designated as AONB. The majority of the site is within the ownership of the National Trust, with an ongoing lease in place. There are 58 static caravan units on the National Trust owned land and a further 10 units on land owned by the Morgan family (the applicants). The field in question is located to the west of the existing caravan park on relatively flat ground. Permission was granted in September 2013 (reference 13/0924/COU) for the change of use of this land and for the stationing of 11no. static caravans.

The land forms part of a transition period between the slopes of the valley to the east and the plateau of the surrounding land to the north and west. There is a public footpath which runs through the caravan site and there are also public footpaths located on nearby cliff tops (within the World Heritage Site).

The key characteristics of the landscape are defined as high, open plateaux, regular medium to large field patterns with few roads but many rights of way. There are also extensive views available along the coast line.

Proposed Development

This current application seeks to vary the 2013 permission in order to vary the layout and positioning of the caravans on the site. This application does not seek to introduce any additional caravans over and above those originally approved.

The proposed new layout results in boundary changes and new planting within the site. Caravans plots referenced as 1, 2 and 3 remain grouped together with caravan 1 moved further north into the site close to the road boundary. The road up to caravan 1 has therefore been extended to reach its new position. Caravans 4, 5, 6 and 7 are now grouped together with caravans 8, 9 and 10 opposite and number 11 positioned almost on its own in comparison to the previous scheme. An oak tree has been removed from within the site and a new longer access road into and around the site has also been constructed as shown on plan drawing 3535/04B.

Additional caravans are not being considered as part of this application. Any additional units would be subject to a further application for planning permission.

ANALYSIS

The main issues considered in the analysis of the original application were the impact on the AONB and World Heritage Site landscapes, economic benefits, the ecological impact of the development, the impact on surrounding properties and highway safety issues.

In this case the proposal for 11 caravans remains the same with revisions to the layout and internal access road to be considered.

Impact on ecology

It is not considered that the proposal would give rise to additional ecological concerns over and above the assessment made in 2013 and as such this can continue to be controlled by condition in the event of permission.

Impact on the Landscape

The proposals remain contained within the existing site with the caravans positioned towards the northern side of the field close to the existing development. It is not considered that the proposal would give rise to additional landscape concerns over and above the assessment made in 2013 and therefore it is reasonable that previous controls concerning the colour of vans, lighting and landscaping are again imposed if the application succeeds. It is also noted that a concrete road has also been extended to the south and south east through the site. This is not justified but owing to its form and limited length does not cause significant harm to the Area of Outstanding Natural Beauty.

Impact of neighbouring

Concern has been raised with regard to the repositioning of caravan 1 and the new position closer to the boundary with the road and the adjacent property known as Dunscombe Barn. Neighbouring occupiers consider that the caravan is significantly closer to their boundary and as such would impact upon their amenity. Concern is also expressed with regard to recent intensification of the site and existing issues relating to intrusion from security lights and general traffic during the day and patrons parking on the road. Neighbouring occupiers consider that this would all be exacerbated by the proposal and the amended layout that the application seeks to regularise.

The comments raised by the neighbouring occupiers are respectfully acknowledged. However on balance due to the permission that already exists at the site and due to the separation distance between the site and the neighbouring property, it is not considered that the revised location would result in a significant impact over and above that which currently exists at the site, or has planning approval. As such it is not considered that the Local Planning Authority could reasonably recommend refusal in this case.

Highway Safety

It was noted in the original assessment that the access roads on the highway network are of restricted width. However, this is not untypical for this part of East Devon. According to the Highway Authority, the proposed change of use was not considered to have a significant change in the number or type of vehicular movements in the surrounding highway network. Furthermore it was not considered that the residual cumulative impact of the development would be severe which continues to be the test required under guidance in the National Planning Policy Framework. On this basis the impact on the highway network is considered acceptable.

Extended driveway

As already constructed and shown on plans submitted for assessment, a linking concrete driveway loops around the site. Unlike the road serving the caravans, there is no justification for this element and as such it represents unnecessary development in an AONB where the landscape is afforded the highest level of protection. While the driveway would not cause significant visual harm, its impact on the character of the area is harmful. It is unnecessary and unjustified and as such should not form part of any approval arising from this proposal. In this instance and in order to limit the extent of the permission it is considered necessary to control the permission by a further condition.

Conclusion

The proposal remains largely the same in terms of the number of caravans proposed within the site. The revised layout and repositioning of the caravans are not considered to adversely affect the character and appearance of the development that was originally approved or to introduce any additional landscape, highways or

ecology concerns. The lack of justification for the track way does weigh against the proposal but in this location and because of its limited length has no harm to the landscape character.

The relocation of caravan 1 changes the relationship between the site and the neighbouring property at Dunscombe Barn by moving this caravan closer to the boundary. However due to the separation distance between the site and the neighbouring occupier and due to the relationship that already exists between Dunscombe Barn and caravans adjacent to the property, it is not considered that the repositioning proposed would result in an unreasonable level of harm to neighbouring occupiers.

Given the above and subject to the conditions set out at the end of the report the application is considered to be acceptable and is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Notwithstanding the time limit to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission being retrospective as prescribed by Section 63 of the Act shall have been deemed to have been implemented on the 18 July 2014.
(Reason - To comply with Section 63 of the Act.)
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The mobile homes hereby permitted shall only be occupied for holiday purposes under the supervision and management of the owners or occupiers of the 'Dunscombe Manor Caravan Park', and shall not be occupied as a person's sole or main place of residence. A register (including names and main home addresses) of all occupiers of the holiday units shall be collated and maintained by the owners or occupiers of the "Dunscombe Manor Caravan Park", and this information shall be available at all reasonable times on request by the Local Planning Authority.
(Reason - To ensure that the holiday accommodation hereby permitted is not used as a separate business or as permanent residential dwellings in this open countryside location where new development is strictly controlled in accordance with the Good Practice Guide on Planning for Tourism, national guidance set out in the National Planning Policy Framework 2012 and Policies D1 (Design and Local Distinctiveness), S5 (Countryside Protection), TO4 (Caravan, Chalet and Camping Sites) of the East Devon Local Plan and Policies D1 (Design and Local Distinctiveness), E19 (Holiday Accommodation Parks), Strategy 7 (Development in the Countryside), Strategy 46 (Landscape Conservation and Enhancement of AONBs) and Strategy 48 (Local Distinctiveness in the Built Environment) of the emerging New East Devon Local Plan)

4. Within 2 months of the date of this permission, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, native hedges, shrubs, herbaceous plants. The landscaping scheme shall be carried out in the next available planting season 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 of Outstanding Natural Beauty in accordance with Policies D1 (Design and Local Distinctiveness), EN1 (Development affecting Areas of Outstanding Natural Beauty) and D4 (Landscape Requirements) of the East Devon Local Plan and Policies D1 (Design and Local Distinctiveness), and D2 (Landscape Requirements) and Strategy 46 (Landscape Conservation and Enhancement of AONBs) and Strategy 48 (Local Distinctiveness in the Built Environment) of the emerging New East Devon Local Plan)

5. Not more than 11 caravans/mobile homes shall be stationed on the application site, in accordance with the submitted plan 3535/04 Revision B received by the Local Planning Authority 17 October 2014, at any time.
(Reason - In the interest of visual amenity, in accordance with policies D1 (Design and Local Distinctiveness), EN1 (Development affecting Areas of Outstanding Natural Beauty) and TO4 (Caravan, Chalet and Camping Sites) of the adopted East Devon Local Plan and Policies D1 (Design and Local Distinctiveness), E19 (Holiday Accommodation Parks), Strategy 7 (Development in the Countryside), Strategy 46 (Landscape Conservation and Enhancement of AONBs) and Strategy 48 (Local Distinctiveness in the Built Environment) of the emerging New East Devon Local Plan)

6. No external lighting shall be installed within the development site unless in accordance with details that shall previously have been submitted to and agreed in writing by the Local Planning Authority.
(Reason - To protect the character and appearance of the area (designated as an Area of Outstanding Natural Beauty) in accordance with Policy EN1 (Development Affecting Areas of Outstanding Natural Beauty) of the East Devon Local Plan and Strategy 46 (Landscape Conservation and Enhancement of AONBs) of the emerging New East Devon Local Plan) and national guidance set out in the National Planning Policy Framework 2012.

7. The external colour of the caravans located within the development site, shall be Green (BS 4800 14 E 53) and Brown (BS 4800 06 C 39) the details for which were agreed in writing on 18 December 2013 in relation to planning condition 7 of planning permission 13/0924/COU. The development shall be carried out in accordance with these previously agreed details.
(Reason - To reduce the visual impact of the proposed structures on the designated Area of Outstanding Natural Beauty, in accordance with policies D1 (Design and Local Distinctiveness), EN1 (Development affecting Areas of Outstanding Natural Beauty) and TO4 (Caravan, Chalet and Camping Sites) of

the adopted East Devon Local Plan and Policies D1 (Design and Local Distinctiveness), E19 (Holiday Accommodation Parks), Strategy 7 (Development in the Countryside), Strategy 46 (Landscape Conservation and Enhancement of AONBs) and Strategy 48 (Local Distinctiveness in the Built Environment) of the emerging New East Devon Local Plan)

8. The development shall be carried out in accordance with the findings, mitigation measures and recommendations of the Ecological Survey Report received by the Local Planning Authority 24th June 2013 undertaken by Ecologic.
(Reason - To ensure the protection and mitigation of species within the development site - in accordance with Policy EN6 (Wildlife Habitat and Features) of the East Devon Local Plan) and Policy EN5 (Wildlife Habitat and Features) of the emerging New East Devon Local Plan and national guidance as set out in the National Planning Policy Framework 2012.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 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:

3535/04 B	Proposed Site Plan	17.10.14
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List of Background Papers

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

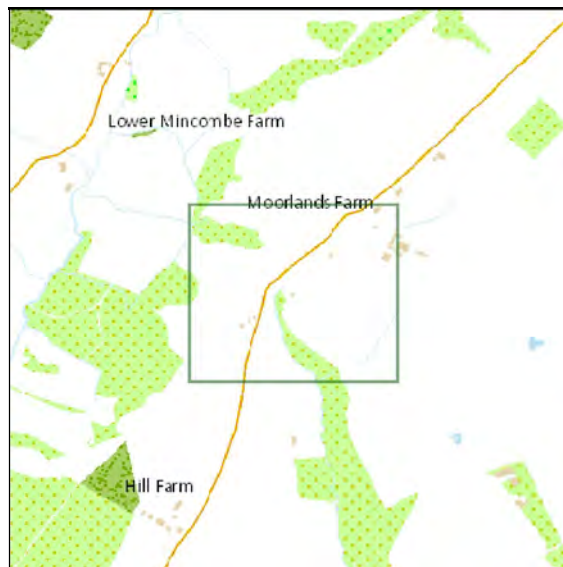
Ward Sidmouth Rural

Reference 14/1987/FUL

Applicant Mrs H Monro Higgs

Location Mincombe Post Farm Mincombe
Post Sidbury Sidmouth EX10 0QW

Proposal Replacement garage



RECOMMENDATION: Refusal



		Committee Date: 10.02.2015
Sidmouth Rural (SIDMOUTH)	14/1987/FUL	Target Date: 23.10.2014
Applicant:	Mrs H Monro Higgs	
Location:	Mincombe Post Farm Mincombe Post	
Proposal:	Replacement garage	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application was initially referred to the meeting of the Development Management Committee on 16th December 2014 when a decision was deferred to enable the applicant to provide further evidence to demonstrate that the existing building that planning permission was sought to replace is lawful.

Since the deferral, additional evidence has been submitted and this report provides an update as to the present situation.

The additional evidence is considered to be extremely limited and officers remain unconvinced as to the lawfulness of the existing building. While the usual means of securing the lawfulness of a use or building is through an application for a certificate of lawful development the applicant is seeking to achieve the same result through an application for planning permission

However without convincing evidence to allow a test “on the balance of probability” to be met, it remains the consideration that the application proposes the construction of a new build garage in the countryside both without evidence of need/justification and in a location that is divorced from the existing house.

As such the proposal would result in the introduction of a development that would appear visually incongruous and represent an unwarranted intrusion into the landscape, designated as an Area of Outstanding Natural Beauty, to the detriment of its rural landscape character and scenic beauty.

Original Summary

Mincombe Post Farm occupies a rural open countryside location within the designated East Devon Area of Outstanding Natural Beauty (AONB) around 3 km. to the north east of Sidbury.

The application proposal involves the replacement of a currently dilapidated building located close to the entrance of a long driveway that serves the farm (which is also a public bridleway that forms part of the route of the East Devon Way) with a new garage building. It follows the refusal, and subsequent dismissal at appeal, of a previous proposal (subject of application ref. 13/2192/FUL) to replace it with a building to be used for holiday letting purposes. This was on the basis that it did not represent sustainable development owing to its environmental harm to the character and appearance of the AONB and the absence of any social or economic benefits to outweigh this.

Although there is some inconsistency between the information provided with both the previous and current applications with regard to the most recent use of the building and its overall condition during the past few years, it appears evident that it has been largely derelict and unused for some time and certainly before last winter when a tree fell on to it. Although some information, at officers' invitation, has been submitted by the applicants to seek to demonstrate the lawfulness of the structure to counter the opinion that it has effectively been abandoned, it is not thought that it is sufficiently adequate to prove that this is the case.

At the present time therefore, it is considered to be ruinous and the surrounding area overgrown to the extent that in visual terms the site relates more to the surrounding rural landscape than it does house a building that is capable of use. In the circumstances, the introduction of a new building that would be physically and visually divorced from both the main dwelling and any other development within the AONB would appear detrimental to the area's rural landscape character and natural beauty. As such, it would be contrary to the relevant provisions of the National Planning Policy Framework which attach great weight to the conservation of landscape and scenic beauty within AONBs and confer upon it the highest status of protection in landscape terms.

Update Report

This application was originally considered by the Development Management Committee at its meeting on 16th December 2014 when a decision was deferred to provide the applicant with an opportunity to submit further evidence to demonstrate and justify the lawfulness of the existing structure on the site that the application proposal sought to replace.

The additional information that has been supplied comprises:

1. A copy of a letter from Crawfords chartered loss adjusters dated 18th November 2014.
2. A copy of an e-mail from the applicant to the loss adjusters setting out a number of quotes from various companies for the reconstruction of the building.
3. A further copy of a single line e-mail from a third party, already previously sent to the Council, stating that the building had been in use.

4. A copy of a photograph of the inside of the building showing calf feeders trapped under a fallen beam.
5. A copy of a letter from NFU Mutual referring to the enclosure of a cheque to settle an insurance claim for the reconstruction of the building.
6. A copy of a letter from a parent recalling their child playing with the applicant's child in the building.
7. A copy of a letter from a stockman stating the use of the building for the storage of fertiliser during the period from 1970-85 and the storage of machinery, logs and round bale plastic up until recent times.
8. A copy of a photograph of a petrol pump in the corner of the building.

These documents have been assessed by officers. However, it is not considered that any of the evidence submitted satisfactorily demonstrates that the structure has not been abandoned and can be readily considered to be lawful in planning terms when based upon the key test of balance of probability. None of the evidence is particularly robust or, in the case of the letters received, especially detailed; for example, none has been presented in the form of statutory declarations that may be considered to carry greater weight in any assessment of the evidence base available.

It must be recognised that the usual means of securing the lawfulness of an existing development is through a certificate for a lawful development. Such an application carries the test "on the balance of probability" with the onus of proof resting with the applicant. While in this instance the subject, is an application for planning permission and not a certificate, (and therefore not technically the right forum for considering such evidence), it not considered that the details provided would meet that test in any event.

Members' attention is also drawn again to the contradictory nature of the submitted information when considered in conjunction with previous information that has been submitted with both the current application and the previous application (ref. 13/2192/FUL) relating to the construction of a holiday letting unit on the site, which is described in some detail in the original report (below).

In the circumstances, it remains the view that in planning terms the ruinous condition of the present structure on the site is such that any use has been abandoned. Moreover no compelling evidence has been submitted to demonstrate that, on the balance of probability, it is lawful.

It remains the view of officers therefore that the proposed development would constitute the introduction of a building in an open countryside location where, owing to it being both physically and visually divorced from other development, it would appear visually incongruous. As such, it would represent an unwarranted intrusion into the AONB to the detriment of its rural landscape character and scenic beauty.

Refusal of the proposal is therefore recommended as previously.

Original Report

CONSULTATIONS

Local Consultations

Sidmouth Rural - Cllr C Wale

The previous application was for a holiday let and this was in turn refused. However this does not and should not reflect that it should not continue to be used as a residential garage as it was previously. The garage was in constant use until the storm damage occurred which at the time was a valid insurance claim by the applicant.

Given there was an existing building in constant use which suffered server storm damage, as long at this application adheres to a like for like building taking into account materials to reflects it's surrounding area I am happy to support this application. It should be pointed out that the concrete base still remains in place which again would minimize any unnecessary works.

Having reviewed this application I am happy to support the rebuilding of this garage.

Parish/Town Council

Support

Other Representations

2 representations of objection have been received raising the following grounds:

- The garage has been derelict for many years and was in such a bad state of repair that it is not safe to be near and would not have been suitable for storage or as a play area for children.
- There is conflict between the statements submitted with the previous application 13/2192/FUL for a holiday let and the present application as to the use of the building.
- Cannot see why a garage would be required on the site bearing in mind its isolated position from the existing farmhouse which has its own very large garage.
- This is a way, if granted, to later seek conversion to the holiday let recently refused.

Technical Consultations

County Highway Authority

Does not wish to comment

Natural England

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

The Wildlife and Countryside Act 1981 (as amended)
The Conservation of Habitats and Species Regulations 2010 (as amended)
The National Park and Access to the Countryside Act 1949

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

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

Protected landscapes

Having reviewed the application Natural England does not wish to comment on this development proposal.

The development however, relates to the East Devon AONB. We therefore advise you to seek the advice of the AONB partnership. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.

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

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

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.

Local sites

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

Impact Risk Zones for Sites of Special Scientific Interest

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

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

PLANNING HISTORY

Reference	Description	Decision	Date
13/2192/FUL	Creation of holiday let	Refusal	09.01.2014 Appeal dismissed 30.07.2014

POLICIES

New East Devon Local Plan Policies
D1 (Design and Local Distinctiveness)
D3 (Trees and Development Sites)
EN5 (Wildlife Habitats and Features)

Strategy 7 (Development in the Countryside)
Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Adopted East Devon Local Plan Policies

S5 (Countryside Protection)
D1 (Design and Local Distinctiveness)
D5 (Trees on Development Sites)
EN1 (Developments Affecting Areas of Outstanding Natural Beauty)
EN6 (Wildlife Habitats and Features)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Relevant Planning History

13/2192/FUL - Creation of holiday let. Refused 9/1/14. Appeal dismissed 30/7/14.

Site Location and Description

Mincombe Post Farm is located within open countryside approximately 3 kilometres to the north east of Sidbury within the designated East Devon Area of Outstanding Natural Beauty (AONB). It is served by a private driveway around 700 metres in length, also a public bridleway that forms part of the East Devon Way, off of an unclassified road that connects Sidbury with Seaton Road, the former B3174, via Hatway Hill.

The application site itself is positioned on the south eastern edge of a copse that extends along the south western side of the driveway/bridleway for around 60 metres back from its junction with the highway. The remains of a garage building, extensively damaged by a falling tree, presently occupy the site. Although slightly set back from the driveway, they are visible from it. There is also some evidence of a base which once supported this building.

Proposed Development

The application proposal involves the reconstruction of the garage building, largely in replica, on the same footprint area as the present remains of the tree-damaged structure. The submitted plans show the building measuring 8.4 metres by 6 metres with a pitched roof with a ridge height of 3.68 metres. Externally, the development would be finished in timber boarding with a felt roof with timber doors and windows, all to match the original garage building. The only modifications to the elevation treatment would involve the substitution of double doors for a single door in the north east elevation (facing towards the public bridleway) and different proportions to the window openings in the rear and gabled side elevations.

The use of the proposed new garage would 'be the same as a typical garage' according to a statement submitted by the applicant to explain the reason for the proposal.

The application follows a previous proposal, submitted in 2013, for the removal of the existing building and the construction of a holiday letting unit in its place (application 13/2192/FUL refers). It was refused essentially on the grounds that it constituted the construction of a new residential building of poor design in an unsustainable rural location with poor access to services and facilities by means other than private car with consequential harm to the AONB. A subsequent appeal against the decision was dismissed in July this year.

Considerations/Assessment

The principal issues that are material to consideration of the application proposal in this case relate to the justification for the development and its impact upon the rural landscape character and natural beauty of the designated AONB. These are jointly considered in the following section of the report.

The present structure is clearly currently in a ruinous condition and is thought to be wholly incapable of retention and conversion, a point acknowledged by the appeal Inspector. It is also evident that this has resulted in part from the damage sustained by the tree that fell on it.

However, the extent to which it was in a poor condition prior to this incident is rather less clear. Information set out in the applicant's statement suggests that up until Christmas last year it was in use as a garage for the storage of household articles and a children's play area. It was then 'destroyed' by the falling tree in December 2013'/in the winter of 2013' according to the separate design and access statement and the application form respectively.

This information however appears inconsistent with other details submitted with both the current application as well as the previous application 13/2192/FUL as to the condition and use of the building.

The design and access statement submitted with the latter stated that 'the garage (to be converted) is redundant and is in a state of severe disrepair having not been used for a number of years'. In addition, the officer's delegated report for the application observed that 'the existing structure on the site is in a very poor state of repair and, at the time of the site visit (October 2013) had collapsed under the weight of a tree which had fallen on top of it.'

Furthermore, both the previous and current applications were/are accompanied by a protected species walkover survey report relating to the site which was undertaken in June 2013. This report describes the building as a 'derelict wooden barn/garage' that is 'extremely dilapidated' and 'in an extremely poor state of repair: the walls and roof are unstable and parts of the roof are missing. It is largely overgrown with ivy and the windows are broken.' This assessment is backed by photographs taken by the ecologist and which accompany the appraisal.

The Inspector in his decision letter also observed that 'no drawings showing the size of the garage that existed were submitted with the application, and I was unable to ascertain this precisely at my visit due to the overgrown nature of the site and the damage wrought by the tree. I was able to see, however, that it had been a fairly

insubstantial timber building and that much of one end had been severely affected by insect attack.'

This evidence suggests therefore that what remains of the present structure on the site has been in a derelict condition and largely incapable of use for a longer period of time than stated by the applicant. Indeed, although comparison of photographs taken by officers in 2013 and more recently (in connection with the previous and current applications respectively) show that there has been some clearance of other trees and undergrowth and overgrowth subsequent to the tree falling on the building, the impression remains very much that of an abandoned and disused structure that has fallen into disrepair to the extent that it is steadily becoming more integrated into the rural character and appearance of the surrounding countryside.

In the light of the concerns that these points have raised among officers, the applicants have been invited to submit evidence to try to demonstrate the lawfulness of the present structure in the absence of any record of planning permission having ever been granted for a building on the site. Whilst some anecdotal information has been forthcoming in the form of referral to two third parties with some knowledge of the site, no firm written or documentary evidence has been provided as to the lawfulness of the building to enable any clear and well-evidenced conclusion to be reached, having regard to the key test of balance of probability, that it is lawful and should not be regarded as abandoned in planning terms.

In the circumstances therefore it is considered that the introduction of what would be a wholly new building, given its appreciable distance out of sight from the main dwelling that it is intended to serve and its location both physically and visually divorced from other development, requires particular justification, especially in view of the previous appeal Inspector's finding as to the 'largely unspoilt setting' of the site.

In this regard, it is not thought that a sufficiently compelling case for the proposed development (or, as stated above, with regard to the lawfulness of the existing structure) has been forthcoming from the applicant. Although it is acknowledged that the proposed new building could utilise the concrete base that supports the remains of the present structure, it is considered that very little else of substance has been submitted to justify the scheme. The only justification being that the position is the original site of the garage and cannot be moved and that the location of the building near to the driveway entrance was necessary to allow for the parking of vehicles and storage of items in the garage during the incidence of foot and mouth disease to prevent it from affecting cattle on the farm.

As such, it is not considered that these factors adequately justify a requirement for the introduction of a new (rather than replacement) garage building in this highly sensitive location that would be clearly open to view from the adjacent public bridleway. The development would appear unduly visually incongruous within an essentially unspoilt rural setting with a significant adverse and detrimental impact upon the rural landscape character and appearance and natural beauty of this part of the designated AONB.

Paragraph 115 of the NPPF affords AONBs and other defined landscape areas the highest status of protection by the NPPF in relation to landscape and scenic beauty and states that great weight should be given to conserving these in the control of development that affects them. In the light of the foregoing factors, it is considered that the proposal would be contrary to these provisions as well as those of the relevant adopted and emerging local plan policies relating to development in AONBs.

It is not thought that the environmental harm that would result from the development would be outweighed by any social or economic benefits. As a consequence, the proposal would not represent sustainable development as defined in the NPPF and, as such, would fail to comply with the presumption that it contains in favour of such development.

For these reasons it is considered that the proposal is unacceptable and should be resisted.

RECOMMENDATION

REFUSE for the following reasons:

1. In the absence of sufficient evidence as to the lawfulness of the present structure on the site, or justification for either the proposed building or the need for it to be located on the application site where it would be visually and physically divorced from any other development, the proposal would result in the introduction of a development within the open countryside that would appear visually incongruous and represent an unwarranted intrusion into the landscape, designated as an Area of Outstanding Natural Beauty, to the detriment of its rural landscape character and scenic beauty.

As a consequence, the proposal would be contrary to the provisions of Policies S5 (Countryside Protection), D1 (Design and Local Distinctiveness) and EN1 (Development Affecting Areas of Outstanding Natural Beauty) of the adopted East Devon Local Plan, Strategies 7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement and Areas of Outstanding Natural Beauty) and Policy D1 (Design and Local Distinctiveness) of the emerging New East Devon Local Plan and paragraph 115 of the National Planning Policy Framework which confers the highest status of protection upon Areas of Outstanding Natural Beauty in relation to landscape and scenic beauty.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 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		14.08.14
2	Proposed Plans	Combined	14.08.14
	Proposed Block Plan		28.08.14
30/66631	Specifications/technical data		28.08.14
30/66631	Proposed Plans	Combined	28.08.14

List of Background Papers

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

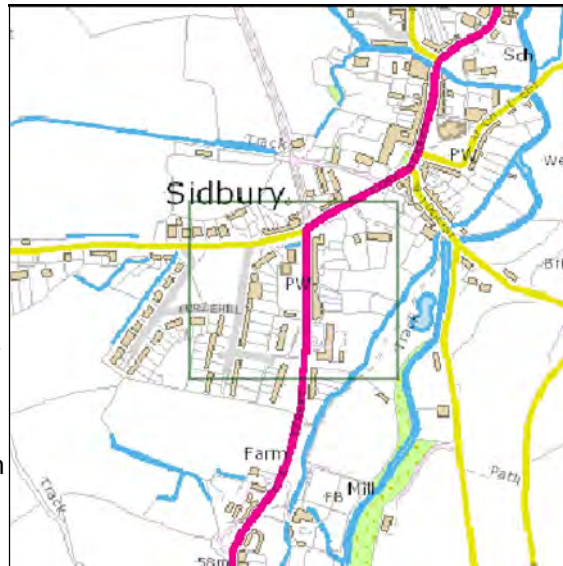
Ward Sidmouth Rural

Reference 14/2783/FUL

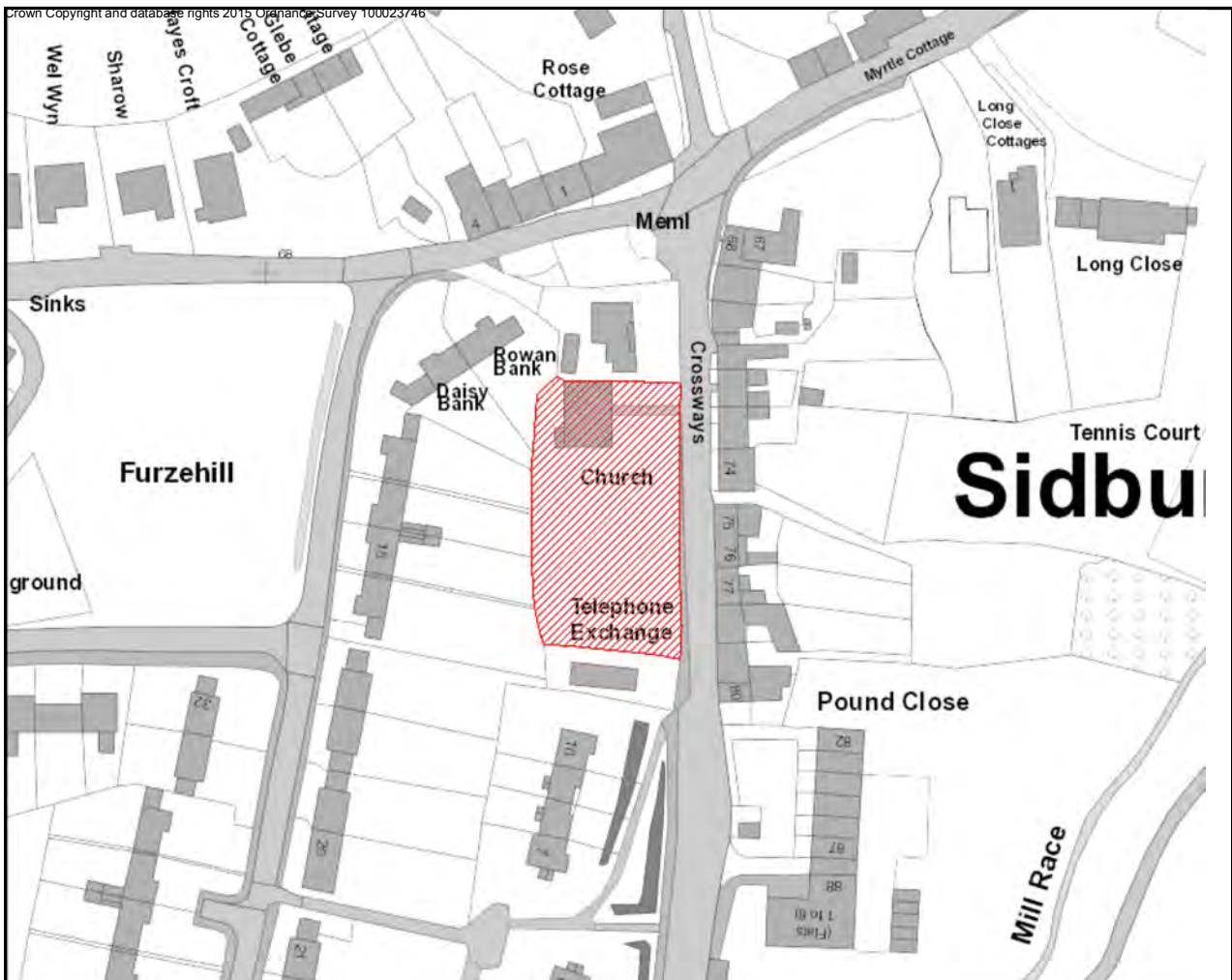
Applicant Mr R Heard

Location Sidbury Chapel Greenhead Sidbury

Proposal Proposed parking, layby, pedestrian access and re-grading of bank.



RECOMMENDATION: Refusal



		Committee Date: 10.02.2015
Sidmouth Rural (SIDMOUTH)	14/2783/FUL	Target Date: 21.01.2015
Applicant:	Mr R Heard	
Location:	Sidbury Chapel Greenhead	
Proposal:	Proposed parking, layby, pedestrian access and re-grading of bank.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

Planning permission is sought to create a parking layby for single vehicle space to serve the music school in the former Sidbury Chapel. The parking layby would be excavated at the southern end of the churchyard and would be set back within a regraded grass bank with green surface to delineate it from the highway boundary. A set of steps would be created leading up to a path through the churchyard towards the chapel door. This is a revised proposal following refusals of applications 11/1545/FUL, 12/1474/FUL and 14/0278/FUL of which the scheme in 2011 was also dismissed on appeal.

Applications 11/1545/FUL and 14/0278/FUL were refused for three reasons. The first related to the impact on the conservation area and the listed buildings. The remaining two related to a lack of turning space and poor visibility for emerging vehicles. These concerns were supported during the appeal of 11/1545/FUL which was subsequently dismissed. Application 12/1474/FUL sought to overcome the highways concerns by introducing a turning head which improved visibility but necessitated a greater amount of excavation. This was considered to have a more harmful effect on the heritage assets.

This application seeks to create of a parking layby in the same position as the previous proposals. The applicants state that this is to enable a safer pedestrian access and dedicated and convenient parking space for people using the building. Whilst the scheme has been given further thought to minimise its impact with the slight reduction in size and addition of green surfacing, it remains considered that the works would still have an adverse effect on the setting of the listed buildings and an adverse effect on the character and appearance of the wider Conservation Area. As before, the Highway authority are not satisfied that the proposed arrangement would be safe.

Whilst it is acknowledged that the existing arrangement for parking and pedestrian access is not ideal, the solution proposed does not represent a satisfactory or safe arrangement or one where the adverse effects on the road network or heritage assets would outweigh any benefits.

CONSULTATIONS

Local Consultations

Parish/Town Council

Support

Members supported this application unanimously as they had done previously. Members again considered that the proposal would enable a dangerous access to be closed and would provide safer access to a building which is in need of renovation and development. If required, Members requested that the application should be referred to the Development Management Committee for a decision to be made.

Sidmouth Rural - Cllr C Wale

Having noted Sidmouth Town Council's comments I agree in relation to enabling a dangerous access to be closed and a much safer one established without question. I have noted that residents "in their comments" do recognise that any new pedestrian access would remove the danger of pedestrian access directly from the door of the Chapel.

Resident's counter this benefit against the new proposal in that it does nothing to remove the real danger of a new parking space cut into the bank of the graveyard. Again I have looked at this, the bank itself already has an outline within itself in the way that the bank has receded back in itself.

Many times have I visited and revisited this site against the repeated echo's and concerns from the neighbours. However I do recognise as do the neighbours that a new pedestrian access would remove the danger of a pedestrian access directly from the existing access from the door of the chapel.

I accept this particular stretch of the A375 converges into a narrow part between the chapel and the existing houses which presents some hazard. There is no pavement and obscured traffic sight-lines especially from the South and we do have instances of speed limit breaches to add to this.

Accepted that Sidbury does have it bottle necks, parked cars do act as a means of traffic calming within the surrounding area including other areas of the village acting as a benefit in reducing the speed of vehicles.

The chapel itself has sat for a number of years being disused and redundant to date and in part is requiring some form of functional use to benefit the local community and the access has to be overcome in order to erase the issue of the current dangerous access. Members would have noted the proposed use which is part reliant on a form of additional parking to balance what the applicant is trying to achieve in itself.

Since refusal other areas have been explored and exhausted to the detriment of the numerous applications to date.

Residents have also made positive suggestions in that extra parking could be provided within the existing lay-by immediately south of the Chapel, by modifying arrangements at the bus stop I believe this is not possible for various and legal reasons.

Given the position of the past applications and the current application, if officers are inclined not to support the application I would like this application to go to committee for further debate.

This application does warrant further debate by members in order to fully digest this application wholly.

I would ask members to fully consider the benefits of what a site visit can offer in appreciating the application fully and I would ask that members consider this prior to any decision in that both the benefits and hazards can be judged fully and on balance.

Technical Consultations

County Highway Authority

The LPA will be aware that there has been a number of planning applications over time regarding parking and access proposals for Sidbury Chapel. The CHA has consistently recommended refusal where there is not any on-site vehicle turning facility proposed because it would be likely to compromise highway safety interests and disrupt the free flow of traffic along the A375. Also there was an Appeal against the refusal of application (11/1545/FUL) which was dismissed by the Planning Inspectorate in November 2012. The main issues for the appeal decision were; whether the proposal would preserve the settings of the grade II listed buildings known as Sidbury Chapel (listed as the Congregational Chapel), the separately listed churchyard wall and the listed dwellings at Nos. 68-81 Chapel Street, and preserve or enhance the character or appearance of the Sidbury Conservation Area (CA) and; the implications for highway safety and the free-flow of traffic along the A375 (Chapel Street). Of these reasons it is the highway safety and free-flow considerations that concern the County Highway Authority (CHA) with this application.

It is the CHA's Structure Plan policy (TR10) that 'A' and 'B' roads where new a motorised vehicular access is proposed that suitable turning is provided within the development so that a vehicle can enter and leave in a forward gear. This is to prevent additional manoeuvring on highways that are required to have free-flow of traffic throughout the county. Whilst the A375 is not part of the Strategic Road Network as shown on Map 14 of the Devon Structure Plan (20021-2016). It is described in the document as a County Primary Route on Map 13: Devon Road Network (2002), and also shown as a Strategic Bus Route on Map 11. Therefore policy TR7 applies to this road. Even though these policies are largely superseded by the NPPF they still have relevance and have been enshrined within the current guidance. Sidbury is situated between the towns of Honiton and the A30(T) in the north and Sidmouth and the A3052 (County Primary Route) in the south and is a busy route for commuter and commercial traffic, and especially for holiday traffic in the peak holiday periods. Although there is a 20 mph speed limit at the application site, it was observed by the Inspector in the above appeal decision (2012) that "most

traffic moving along this section of the A375 appeared to be travelling in excess of 20 mph". I do not believe that anything has changed since this observation and that traffic speeds are not consistent with the speed limit.

With regard to the proposed parallel parking for a single vehicle, it is noted that the application does not show or predict the length of any visibility that would be afforded from or of the parked vehicle. Also the application does not propose that a parked vehicle should always be parked facing in a northerly direction, thereby offering the driver the maximum visibility available (as the accompanying computer imagery portrays). Indeed how could the LPA enforce such a proposal?

The Design and Access Statement proclaims that previous highway reasons for refusal do not address the existing unsatisfactory arrangement for parking and pedestrian access. Whilst I agree that the existing access for pedestrians is not ideal, with the chapel gates opening directly onto the carriageway. But this is an historical design and no doubt such designs were common place throughout the country when the chapel was built and motorised vehicular traffic was probably in its infancy if at all and the number of passing vehicles would far far less than today. Besides which, it is the CHA's role in the planning process to comment on planning proposals that are placed before it and not to alter or comment on existing situations, however unsatisfactory they maybe in today's environment. The CHA comments on the merits of planning applications with regard to the effect that particular application has on the highway network and the safe and efficient running of that network for all users, and whilst I believe that it would be a good thing to close the existing access for highway safety. I do not believe that the proposed addition of parking without turning provisions on the A375 will be safe for all road users or that the proposal will not cause undue delay and disruption on the highway for all road users. Therefore unfortunately I recommend that the application is refused for the following reasons.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY RECOMMENDS THAT PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

1. The proposed development would be likely to result in a change in the character of traffic entering and leaving the Class A County Road through an access which does not provide adequate visibility from and of emerging vehicles, contrary to paragraph 32 of the National Planning Policy Framework.
2. The proposed development does not make adequate provision for the manoeuvring of vehicles within the site and would therefore be likely to result in vehicles reversing onto or manoeuvring on the highway, with consequent risk of additional danger to all users of the road contrary to paragraph 32 of the National Planning Policy Framework.

Devon County Archaeologist

I refer to the above application. I have no additional observations to make on this application to those made on the earlier planning application, 14/0278/FUL, namely:

The proposed development lies within the grounds of Sidbury Chapel and Grade II listed building (ref: 87233), in addition the east wall of the churchyard is also listed

(ref: 87234). Groundworks for the construction of the off-road parking and ramped access have the potential to expose archaeological features associated with the church, including buried human remains, and post-medieval expansion of the settlement at Sidbury.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

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

Reason 'To ensure that an appropriate record is made of archaeological evidence that may be affected by the development'

I would envisage a suitable programme of work as taking the form of the archaeological monitoring and recording of all groundworks associated with the proposed development. The results of the fieldwork and any post-excavation analysis undertaken would be presented in an appropriately detailed and illustrated report.

The applicant should prior to commencing on site be aware of the relevant Ministry of Justice guidelines and legislation with regard to the disturbance of human remains.

I would also advise that the East Devon District Council's Conservation Officer was consulted with regard to any comments they may have on the impact of the development upon the listed chapel and churchyard wall.

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

Other Representations

6 representations together with a petition signed by 20 individuals have been received supporting the scheme and raising the following observations.

Support

- Existing access to the chapel is dangerous, stepping directly into the road
- Pedestrian and vehicular access to the site is highly desirable
- Improved access and regrading of the bank would improve visibility and passage for those visiting the chapel.

- Dangerous piece of road and a layby would assist not only the residents of Sidbury Chapel but also villagers, particularly children walking to school.
- Current owners are improving the building and have a clear plan towards conservation of this property.
- Important that the buildings of historic importance have a viable use or else they may become redundant, fall into disrepair and eventually be lost
- It would take a vehicle off the street
- Does not seem that the proposed layby would compromise the historic nature of the site.

4 representations have been received objecting to the scheme and raising the following observations.

Objections

- Another access would not be safe on the narrow stretch of A375
- The road is narrow, lacks a pavement and has obscured sight lines
- The proposal does not remove the real danger of a new parking space
- The parking bay would introduce a new hazard
- The traffic sight lines to the chapel side of the road are poor, especially from the south
- By contrast, cars parked on the housing side are easily visible from both directions.
- Road safety remains a fundamental problem

PLANNING HISTORY

Reference	Description	Decision	Date
14/0278/FUL	Proposed parking layby, pedestrian access and re-grading of bank	Refusal	04/04/2014
12/1474/FUL	Proposed parking layby, turning bay, pedestrian access and regrading of bank.	Refusal	19/10/2012
11/2404/LBC	Proposed re-roofing	Approval with conditions	02/12/2011
11/1545/FUL	Construction of parking lay-by, pedestrian access, and re-grading of bank	Refusal Appeal Dismissed	22/12/2011 19/11/2012
06/3469/COU	Change of use to residential with alterations	Approval with conditions	19/06/2007
06/3471/LBC	Conversion to residential with alterations	Approval With conditions	19/06/2007

POLICIES

14/2783/FUL

New East Devon Local Plan Policies

TC7 (Adequacy of Road Network and Site Access)

D1 (Design and Local Distinctiveness)

EN10 (Preservation and Enhancement of Conservation Areas)

EN9 (Development Affecting a Designated Heritage Asset or Loss of a Building or Structure that makes a Positive Contribution to a Conservation Area)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 49 (The Historic Environment)

Adopted East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

EN11 (Preservation and Enhancement of Conservation Areas)

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

TA7 (Adequacy of Road Network and Site Access)

TA1 (Accessibility of New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The site is located in the centre of Sidbury adjacent to the A375 between Sidmouth and Honiton within the conservation area and within the Area of Outstanding Natural Beauty. At the northern end of the site is the former chapel which is used as a music teaching centre. The churchyard extends to the south and east of the chapel and contains numerous gravestones. The southern end of the churchyard has not been used. The ground level within the site is approximately 2 metres above the road and about half is retained by a rendered wall with iron railings on top – this wall is separately listed. The remaining raised ground has no form of retaining structure and has grass and other vegetation growing on the associated bank. The chapel, boundary wall, railings and gates are listed grade II listed.

ANALYSIS

Proposed Development

Planning permission is sought to create a parking layby with a new pedestrian access by excavating part of the churchyard adjacent to the road. This is a revised proposal following refusal of the three previous applications listed above.

Background

In 2011 (under 11/1545/FUL) the application was refused on conservation and highway safety grounds and this decision was upheld at appeal. In 2012 (12/147/FUL) the highways concerns were addressed by the introduction of a turning head, but the conservation issue and resulting impact on the heritage asset was made worse and the application again refused.

The more recently refused 2014 scheme was scaled back to provide a parking space for a single vehicle with no turning area but the issues still remained the same. At that time the marginal improvement in pedestrian safety was not considered sufficient to outweigh the harm that the excavations would cause to the conservation area and listed buildings or the resulting danger to users of the road network. As such the proposals were not considered to overcome previous reasons for refusal including those raised by the planning inspector at appeal.

Assessment

The two main issues are:

- 1) Whether the proposal would preserve the settings of the grade II listed buildings known as Sidbury Chapel (listed as Congregational Chapel), the separately listed churchyard wall and the listed dwellings at Nos 68-81 Chapel Street, and preserve or enhance the character and appearance of the Sidbury Conservation Area and;
- 2) The implications for highway safety and the free flow of traffic along the A375 (Chapel Street)

Setting of the listed buildings and the character and appearance of the conservation area

The current scheme has been reduced to one parking space and is less formally arranged. However, the proposals still require cutting in and grading of the bank and steps up to the higher level burial ground. The proposed layby, which appears to have been increased in depth by 0.5m from that considered previously, is intended to have a 'green' surface with perforated matting and grass to delineate it from the highway boundary. According to the annotations on the plans, the overall depth of the layby would be 3metres and the inner parking length 7metres with the full extent of the splayed edge provided at 12.2 metres.

The significance of the above listed buildings lies primarily in their inherent fabric and architecture. A contributing factor to the significance of the chapel is its setting within the churchyard and boundary walls/railings. The earth bank that abuts the A375 forms part of the setting of these nationally important buildings. In considering the appeal of application 11/1545/FUL, the inspector stated that 'It assists in providing a pleasing sense of enclosure to the row of cottages on the opposite side of the street and maintains the rural character of these listed buildings. Roadside walls, earth banks and hedges also make a positive contribution to the rural character and pleasing sense of intimacy within the Conservation Area'.

To a large extent the immediate setting of the Chapel would be preserved because the proposed development would take place beyond the listed wall and the original churchyard. Nevertheless, the proposal remains much the same as before, a

significant cut into the grass boundary bank with the addition of steps, and remains a visual intrusion of views of the chapel and the boundary wall from the south. In that respect the proposal would not make a positive contribution to or better reveal the significance of the heritage assets. In this case it is considered to be a suburban feature that would erode the setting of the listed building.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation... Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Further concern arises from the impact of the proposal on the setting of the cottages opposite the site and the impact on the conservation area. This part of the conservation area has a distinct historic character and the road is framed by an impressive range of cottages forming an almost continuous frontage on one side and the chapel and raised churchyard on the opposite side. The higher ground of the churchyard and the close relationship between the cottages and the road create a tight sense of enclosure which is a defining characteristic of this part of the conservation area and the main village centre. The current proposal would open up a 12 metre long section of the frontage of the churchyard and would significantly alter the character of the conservation area. By removing a large section of the bank the simple continuous enclosure on the west side of the road would be compromised, eroding the setting of both these listed buildings and detracting from the character and appearance of the Conservation Area.

There is car parking provision in the vicinity of the site including on-street parking on Furzehill which is only a short walk away. Whilst this would not be as convenient as parking outside of the property, it demonstrates that there remains an opportunity for on street parking close to the site. The supporting comments from the agent and those from neighbouring occupiers are respectfully acknowledged, however it remains difficult to argue that one parking space and the resulting damage to the bank and harm to the setting of the designated heritage asset would bring public benefits that would outweigh the harm identified.

When considering the appeal in 2011, the inspector remained unconvinced by the appellants arguments that the harm identified above would be outweighed by the claimed public benefits of the scheme. The inspector also noted the existing public and available unrestricted parking in the vicinity and stated that it is far from certain that a successful business use of the chapel would be dependent upon having dedicated parking facilities alongside. The benefits that could reasonably accrue from a single space as now proposed must be extremely limited.

Whilst the scheme has clearly been given further thought to minimise the impact, the proposals would undoubtedly still have an effect on the setting of the listed buildings, the listed walls/gates and the character and appearance of the surrounding Conservation Area.

In considering the above the proposal is not considered to overcome previous reasons for refusal and fails to preserve the setting of the listed chapel, the churchyard wall and Nos 76-78 Chapel Street and would harm the character and appearance of the Conservation Area.

Highway safety

The Highway Authority is not satisfied that the proposed arrangement would be safe. The highway authority has consistently recommended refusal where there is not any on-site vehicle turning facility proposed because it would be likely to compromise highway safety interests and disrupt the free flow of traffic along the A375.

The appeal of application 11/1545/FUL clearly reinforced this concern, acknowledging the argument that the proposal would provide for a safer pedestrian access to the churchyard and chapel, but also acknowledging that drivers of vehicles emerging from the proposed parking bay would be unlikely to have adequate line of sight of approaching traffic.

The main issue is the lack of visibility for vehicles emerging from the space, as well as visibility of those vehicles for cars approaching from the south. The proposal does not provide adequate visibility from and of emerging vehicles. The difficulty in this respect is the obstruction caused by the bank in front of the BT exchange adjacent to the site. Because this land is outside the control of the applicant, any work which might improve the situation cannot be carried out. This would comprise a hazard for road users. Further concern arises from the interruption to the flow of traffic caused by vehicles manoeuvring into and out of the parking space. The proposal does not make adequate provision for the manoeuvring of vehicles within the site. Parking a vehicle in the proposed layby would be an interruption to the free-flow of traffic along the street, which would be an inconvenience and additional risk to existing road users.

Whilst it is acknowledged that the existing arrangement for pedestrian access is not ideal, the addition of layby parking proposed, in this location, is not considered to represent a more satisfactory or safe solution that would outweigh the identified harm above. In the absence of an overriding need for the parking spaces due to the existing public parking and available unrestricted parking in the vicinity, the improvements in pedestrian safety are not considered to outweigh the adverse effects on the road network that would be caused.

Other matters

In assessing this scheme, in terms of the impact on the AONB, there are no objections - the site is within the built environment of Sidbury and would be seen within the local context. Furthermore, there are no objections from an archaeological point of view although due to the works affecting the bank and potential graveyard area, a condition securing appropriate survey work would be necessary.

Justification

The application states that these proposals should be seen as no more than enabling works to support the existing use. The agent states that in order for the restoration and maintenance of this important building and Heritage asset to be completed this business needs to succeed and that success will certainly rely to some extent upon these proposals being implemented.

The NPPF advises that any harm to heritage assets requires clear and convincing justification. In this instance the justification given for the proposal is that it would provide safer pedestrian access, dedicated and convenient parking for people using the music school and would relieve parking pressure on surrounding roads. It is also claimed that the restoration and maintenance of the chapel depends on this proposal being put in place, although it is not clear from the information submitted why that is so.

The application states that it is considered that the previous Highway reasons for refusal do not address the existing unsatisfactory arrangement for parking and pedestrian access for an existing use, and consider the proposals to be an improvement over the existing. Whilst it is considered that the existing arrangement is not ideal, the proposals are not considered to create a safer solution, but instead to introduce a new and different risk to road users. The highway authority has consistently recommended refusal where there is not any on-site vehicle turning facility proposed because it would be likely to compromise highway safety interests and disrupt the free flow of traffic along the A375.

Although it is accepted that the parking space would take one car off the surrounding roads, it is considered that there is adequate capacity close to the site a short walk away where people could park and access the site as they do now. In terms of convenience and safety, it is accepted that there would be some benefit for the one car to be able to park in the space. However, the proposed space could not accommodate all the traffic generated by the site in any day and therefore visitors would still need to access the site by walking in the road, whether they use the existing pedestrian access or the proposed one. Although there would be some marginal improvement in pedestrian safety for the occupiers of one vehicle, the proposals represent a new risk to road users and therefore it is not considered that the works would result in a more satisfactory or safe solution for the site.

With regard to the impact on the listed buildings and surrounding conservation area, as stated above, whilst the scheme has clearly been given further thought to minimise the impact, the proposals to remove a significant part of the bank to create a parking space would undoubtedly still have an unacceptable effect on the setting of the listed buildings, the listed walls/gates and the character and appearance of the surrounding Conservation Area.

In considering the above, the proposal is not considered to result in public benefit which would outweigh the harm caused and override any previous reasons for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development by reason of the setting back of the bank, its regrading and the associated loss of an intimate built environment within the village, would harm the character of the conservation area and the setting of the listed chapel building, listed boundary wall and the listed cottages opposite. The proposal is therefore considered contrary to guidance contained in the National Planning Policy Framework, policies S4 (Development within built-up area

boundaries), D1 (Design and local distinctiveness), EN9 (Extension alteration or change of use of buildings of special architectural and historic interest) and EN11 (Preservation and enhancement of conservation areas) of the adopted East Devon Local Plan and Strategy 6 (Development within Built-up Area Boundaries) Strategy 49 (The Historic Environment) and Strategy 48 (Local Distinctiveness in the Built Environment) and policies D1 (Design and Local Distinctiveness), EN9 (Development Affecting a Designated Heritage Asset or Loss of a Building of Structure that makes a Positive Contribution to a Conservation Area) and EN10 (Preservation and Enhancement of Conservation Areas) of the submitted New emerging East Devon Local Plan.

2. The proposed development does not make adequate provision for the manoeuvring of vehicles within the site and would therefore be likely to result in vehicles reversing or manoeuvring on the highway, with consequent risk of additional danger to all users of the road and interference with the free flow of traffic contrary to advice in the National Planning Policy Framework, 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 submitted New emerging East Devon Local Plan.

3. The proposed development would result in the construction of a lay-by access which does not provide adequate visibility from and of emerging vehicles, with consequent risk of additional danger to all users of the road and interference with the free flow of traffic contrary to advice in the National Planning Policy Framework, 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 submitted New emerging East Devon Local Plan.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 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	18.11.14
7094/9	Combined Plans	18.11.14
7094/11C	Landscaping	18.11.14

List of Background Papers

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

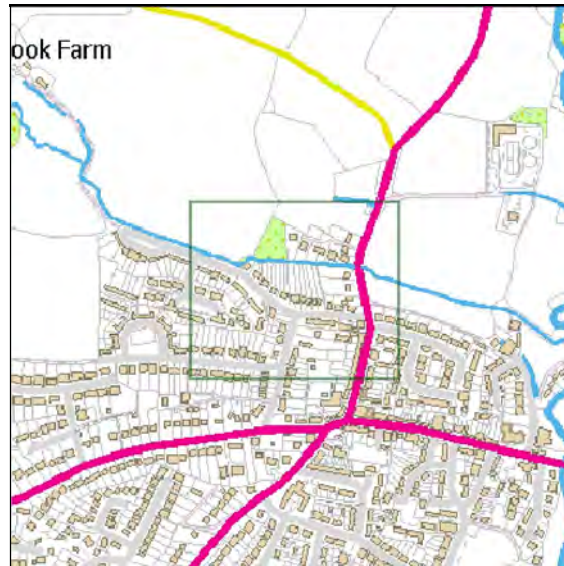
Ward Sidmouth Sidford

Reference 14/2604/FUL

Applicant Mr Coleman

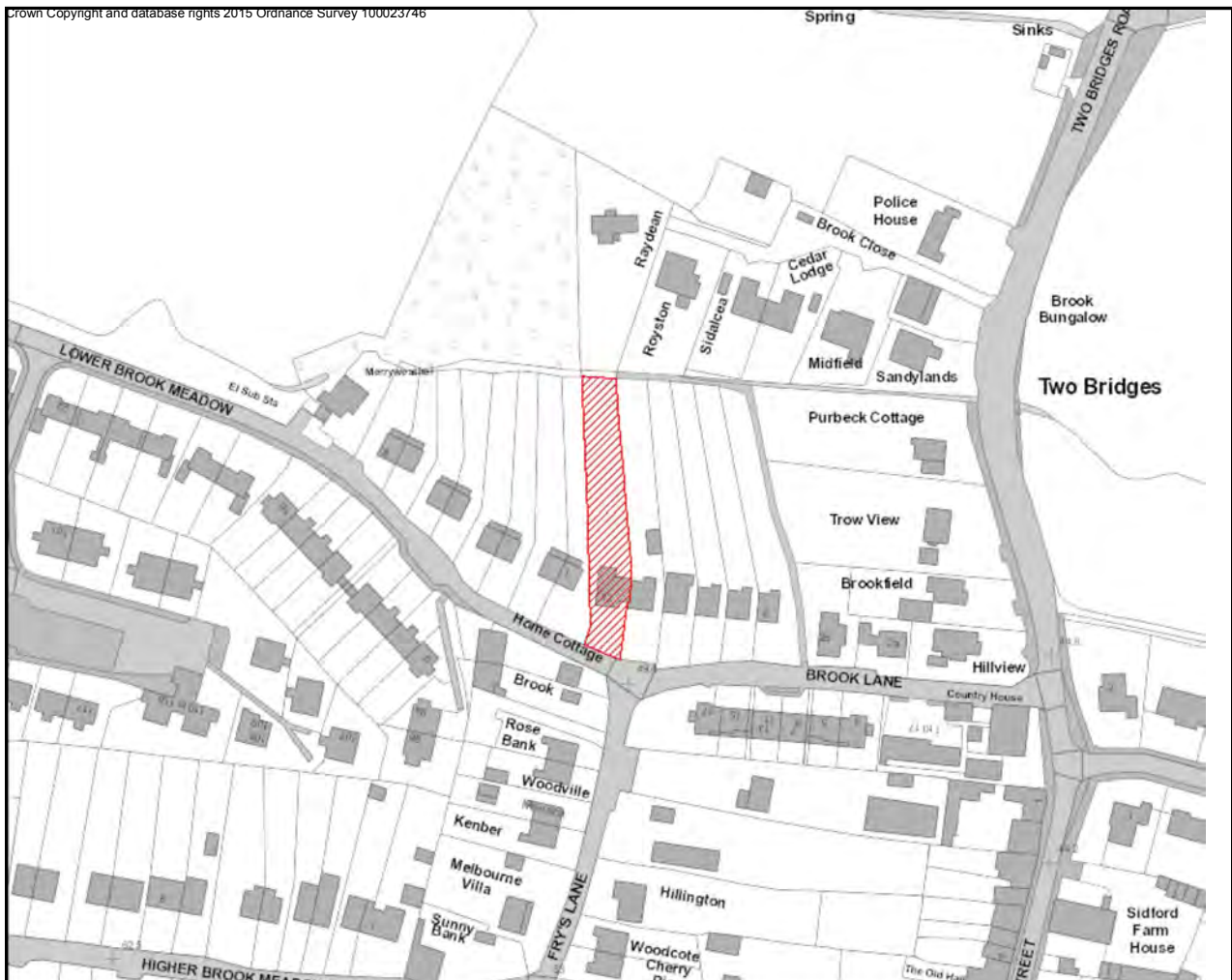
Location The Annexe 12 Brook Lane Sidford
Sidmouth EX10 9PW

Proposal Change of use of annexe to allow flexible use as holiday accommodation and residential annexe (retrospective) and proposed relocation of door and window



RECOMMENDATION: Approval with conditions

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		Committee Date: 10.02.2015
Sidmouth Sidford (SIDMOUTH)	14/2604/FUL	Target Date: 12.01.2015
Applicant:	Mr Coleman	
Location:	The Annexe 12 Brook Lane	
Proposal:	Change of use of annexe to allow flexible use as holiday accommodation and residential annexe (retrospective) and proposed relocation of door and window	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

Planning permission is sought to change the use of the annexe in the rear garden to a mixed use as an annexe and holiday accommodation. This part of the application is retrospective as the building has already been let for holiday use. The proposal also includes moving the entrance door from the east elevation to the north elevation and removal of the associated access ramp.

The starting point for this application is that the annexe lawfully exists in the garden and can be occupied at any time by any person for any length of time provided it is in association with the occupancy of the host dwelling.

The use of the building for holiday accommodation would be not be likely to result in any significant change in the number of vehicle movements compared to the approved use as an annexe. Similarly, the building would be used in the same way as it would be used when occupied as an annexe. Therefore, the difference between the lawful use and the proposed use is very small. Furthermore, relocating the door and removing the ramp would effectively overcome the adverse privacy impact associated with the ramp.

For the neighbours, the presence of a series of different strangers in the adjoining garden throughout the holiday season would result in uncertainty. While this may create a perception of difference between annexe and holiday uses of the building, the way in which it would be used and enjoyed would not be significantly different to the approved use.

Having considered all the likely effects of the proposal and the representations made by various parties, it is concluded that the proposal is acceptable, subject to the relocation of the entrance door and removal of the ramp.

CONSULTATIONS

Local Consultations

Parish/Town Council

Members were unable to support this application for the following reasons:

- Members were of the view that the application was contrary to planning policy as the annexe building should only be occupied for purposes ancillary to the residential use of the dwelling known as 12 Brook Lane.
- Members considered that the proposed change of use would adversely affect the amenity of the neighbouring properties.

Parish/Town Council

The amendments to the proposal were not considered to be sufficient enough to alter the Committee's previous view:

Members were unable to support this application for the following reasons:

- Members were of the view that the application was contrary to planning policy as the annexe building should only be occupied for purposes ancillary to the residential use of the dwelling known as 12 Brook Lane.
- Members considered that the proposed change of use would adversely affect the amenity of the neighbouring properties.

Other Representations

4 objections and 2 supporting comments have been received

The objections relate to concerns about:

- Loss of privacy
- Noise and disturbance
- Setting a precedent

The supporters make the following comments:

- Holiday use is no different to having other visitors
- The use does not cause noise or inconvenience
- High quality tourist accommodation should be supported

Technical Consultations

County Highway Authority

Does not wish to comment

PLANNING HISTORY

Reference	Description	Decision	Date
12/1609/FUL	Proposed extensions, alterations and detached annexe. Approval with conditions	Approval with conditions	05/09/2012
12/1366/FUL	Extensions, alterations and erection of detached annexe.	Refusal	12/07/2012

POLICIES

New East Devon Local Plan Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

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

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Adopted East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

TO1 (Proposals for Holiday or Overnight Accommodation and Associated Facilities)

TA1 (Accessibility of New Development)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

Brook Lane is located on the west side of the A375 at Sidford and provides access to the application site as well as numerous dwellings within the built up area. No. 12 is a detached two storey house which has recently been extended at the front and rear. In front of the dwelling there is a paved off-road parking area with space for at least three cars. Pedestrian access alongside the house leads to a long rear garden where there is a detached single storey building which is the subject of this application. The building is finished in render and tiles to match the house and has openings on its north and east elevations. The access to the building is via a ramp to a door in the east elevation.

Within the building there is a kitchen/living area and a double bedroom with an ensuite shower room. The building was originally proposed as an annexe to the main dwelling but has subsequently been used for holiday accommodation as well.

ANALYSIS

Planning permission is sought to change the use of the annexe in the rear garden from an annexe to a mixed use as an annexe and as holiday accommodation. This part of the application is retrospective as the building has already been let for holiday use. In addition to the change of use, the proposal includes moving the entrance door from the east elevation to the north elevation and removal of the associated access ramp.

The main issues in the determination of this application are: whether this is a sustainable location for holiday accommodation; whether or not the holiday use would be compatible with the character of the area; and whether the use would harm the living conditions of the occupiers of surrounding properties.

Location

The site is located within walking distance of the local amenities in Sidford and within reasonable cycling distance of the more extensive facilities in Sidmouth. There is also a regular bus service which provides an alternative means of access to the local facilities as well as destinations farther afield. In addition there is adequate parking space in front of the dwelling to serve the holiday accommodation and the dwelling. In view of the range options available to the occupiers of the holiday accommodation, the site is considered to be sustainably located.

Character

Brook Lane and the surrounding roads are residential in character and used mainly by local traffic, with the exception of Frys Lane which is used as a 'rat run' by traffic bypassing the traffic lights at Sidford Cross. The use of the building for holiday accommodation would not be likely to result in any significant change in the number of vehicle movements compared to the approved use as an annexe but it would result in a number of different vehicles accessing the site throughout the holiday season. Associated with the holiday use there would be the unloading and loading of luggage, and greeting at the front door, etc. None of these characteristics of the holiday use would be incompatible with the surrounding residential area.

Similarly, the building itself and the surrounding garden would be used for living and outdoor enjoyment in the same way that they would be used by the occupiers of the host dwelling or the building when it is occupied as an annexe. Simply by virtue of them being holiday-makers, persons staying in the building would not behave or occupy the building in a way which would be incompatible with a residential area.

Living Conditions

In respect of the impact on the neighbour's living conditions, the main issue is whether or not the holiday use would be harmful when compared with the lawful use

as an annexe. If there is any difference then it would be in the way in which the building and the surrounding garden would be used, and how frequently and whether the regular change in occupiers would cause any impact.

Issues with the physical presence of the building or the position of the doors or windows are not for consideration in this application as the building has been constructed in accordance with the approved drawings. The only departure from the approval is the provision of a ramp to provide access to the front door. This is not a large structure and would be of little value as an outdoor seating area but it may encourage people to linger in the open doors or to leave the doors open in fine weather. Because the building is slightly elevated and facing directly towards a summer house and outdoor seating area in the garden of no. 10, there would potentially be a slight adverse effect on the neighbour's living conditions. This proposal seeks to remedy that harm by removing the ramp and, at the same time, relocating the door to the north elevation, facing down the garden. This would effectively overcome the adverse impact associated with the ramp.

The way in which the building and surrounding garden would be used has already been discussed under 'Character'. Furthermore, the intensity of the use would potentially be no different than if the building were permanently occupied as an annexe. Therefore, there can be no harm associated with the day-to-day use or the frequency of occupation when compared to the use as an annexe.

The remaining point of difference would be in the frequency that the occupiers of the annexe would change and any activity associated with that change over.

Having different people in the building would not change the way in which the building would be occupied and enjoyed. Furthermore, there would potentially be a certain amount of change associated with an annexe use if friends and family came to stay at various times. In spite of that, it is likely that the neighbours would be aware of the change in occupancy and representations indicate that has is indeed the case. However, the change in itself would not interfere with the neighbour's enjoyment of their garden bearing in mind that activity associated with the lawful use as an annexe would have a similar impact. Furthermore, although a holiday use with regular changes in occupancy would introduce a degree of uncertainty for the neighbours in terms of what sort of regular activity they could anticipate and live with in association with the building, that does not make the activity inherently unacceptable.

In association with the changeover in occupancy of the building the owners would have to show the holiday makers around the building and garden in order to make sure they are familiar with their surroundings and the facilities that are available. This introduction would be likely to be brief and similar activity would occur whether the people staying in the building were friends/relatives or paying guests. Again, this is an aspect of the use which the neighbours would be likely to be aware of but not something which is inherently unacceptable or intrusive.

Other matters

A unilateral undertaking has been submitted which secures a financial contribution towards mitigation of the impacts of recreational use of the Pebblebed Heaths as is required of any new dwelling or self-contained holiday unit within 10km of the heath.

Conclusion

The starting point for this application is that a building lawfully exists in the garden and can be occupied at any time by any person for any length of time provided it is in association with the occupancy of the host dwelling. For example, friends or family could stay at various times of the year and there could be frequent changes in occupancy.

From the analysis of the proposal, it is clear that the potential difference between the lawful use and the proposed use is very small. The neighbours at no. 10 currently feel a sense of intrusion from the building which, to some extent, would be remedied by the removal of the ramp and relocation of the entrance door. Once that change has occurred, the remaining effects would be associated with the having a series of different people occupying the building and any activity associated with 'change over'. To a certain extent there would be similar impacts associated with the lawful annexe use. Furthermore, the level of intrusion would not be such that it would cause harm to the neighbour's enjoyment of their garden as it would be no different to noise or activity associated with any domestic garden.

In this case it is considered that the presence of the building is the main source of neighbour objection. However, this is already permitted, as is its use as an annexe and all the activity associated with that. Setting that aside, it is appreciated that knowledge that the occupiers of the building would be likely to change frequently would result in uncertainty for the neighbours, as would not knowing or being familiar with the people staying in it. While this may create a perception of difference between annexe and holiday uses of the building, this perception should not be a barrier to the neighbours' enjoyment of their garden as the actual effects of the use would not be significantly different.

Having considered all the likely effects of the proposal and the representations made by various parties, it is concluded that the proposal is acceptable, subject to the relocation of the entrance door and removal of the ramp.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Notwithstanding the time limit to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission being partially retrospective as prescribed by Section 63 of the Act shall have been deemed to have been implemented on 7 November 2014.
(Reason - To comply with Section 63 of the Act.)

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The building:
 - (i) shall only be occupied for holiday purposes or for purposes ancillary to the residential use of 12 Brook Lane, including use as an annexe to 12 Brook Lane;
 - (ii) shall not be occupied as a person's sole, or main place of residence (unless occupied for purposes ancillary to the residential use of 12 Brook Lane); and
 - (iii) shall only be operated and serviced in conjunction with the occupation of 12 Brook Lane.

The owners/operators shall maintain an up-to-date register of the names of all occupiers of the accommodation and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

(Reason - The location of the building makes it unsuitable for independent occupation and to comply with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

4. Within 3 months of the date of this decision the entrance door shall have been repositioned and the access ramp shall have been removed in accordance with the drawing number 6757-10 received on 11 December 2014.
(Reason - In the interests of the amenity of the occupiers of adjoining properties in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 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.

Informative:

This permission shall be read in conjunction with the unilateral undertaking dated 6 November 2014.

Plans relating to this application:

6757-08	Proposed Combined Plans	31.10.14
6757-10	Combined Plans	11.12.14

List of Background Papers

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

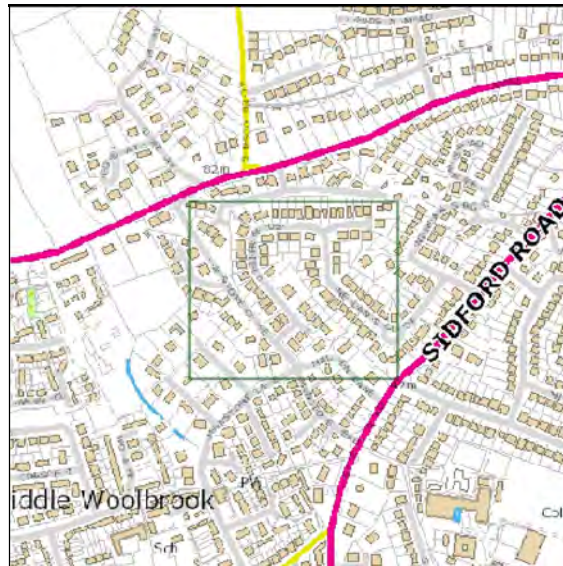
Ward Sidmouth Sidford

Reference 14/2742/FUL

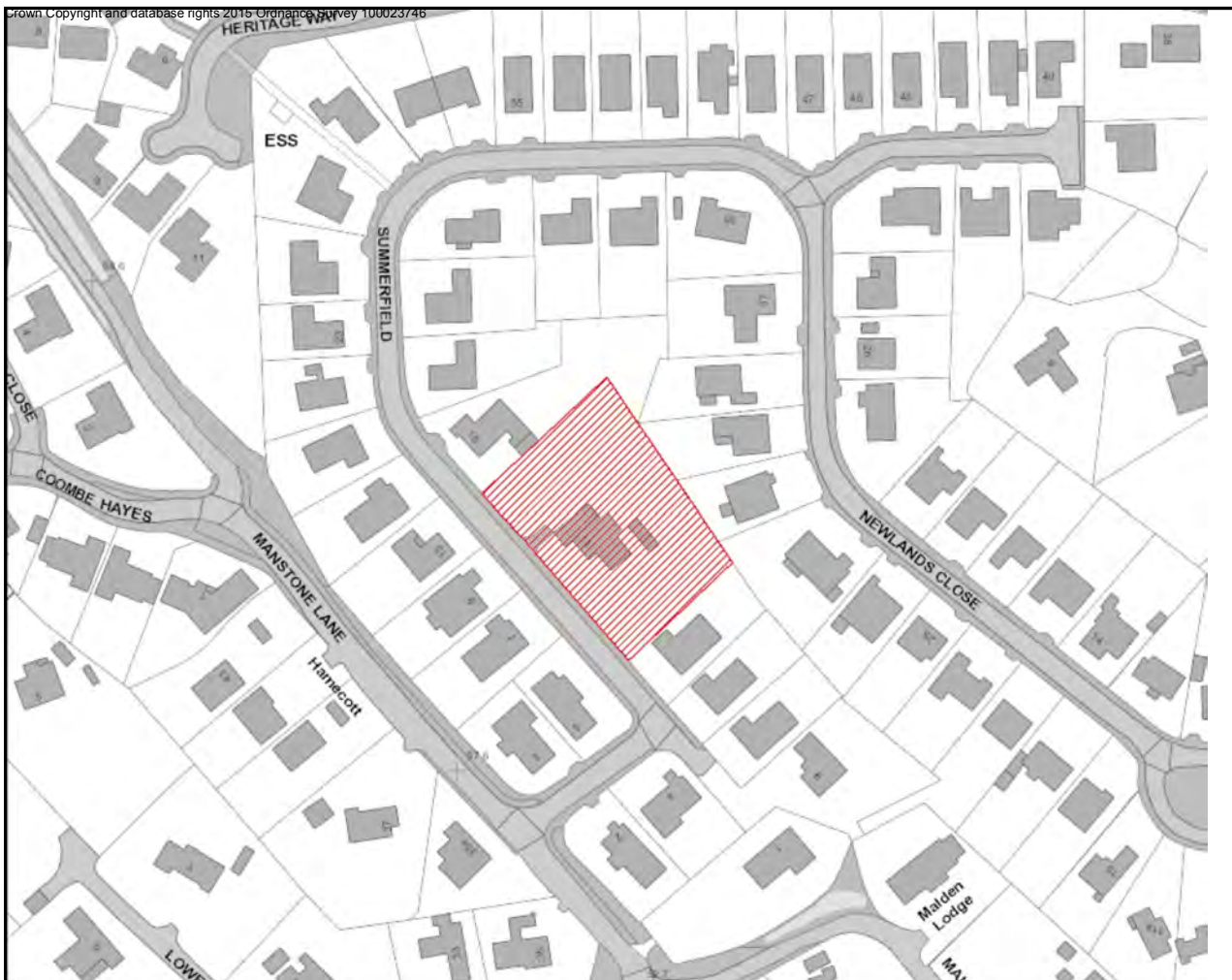
Applicant Mrs S Pratt

Location 14 Summerfield Sidmouth EX10 9RY

Proposal Demolition of existing dwelling and construction of five chalet bungalows with associated garden sheds



RECOMMENDATION: Approval with conditions



		Committee Date: 10.02.2015
Sidmouth Sidford (SIDMOUTH)	14/2742/FUL	Target Date: 23.01.2015
Applicant:	Mrs S Pratt	
Location:	14 Summerfield Sidmouth	
Proposal:	Demolition of existing dwelling and construction of five chalet bungalows with associated garden sheds	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application relates to the replacement of an existing dwelling known as 14 Summerfield. 14 Summerfield is a detached two storey dwelling occupying a large 0.22 hectare plot enclosed by an established hedge boundary.

The proposed 5 dwellings are considered to follow the existing pattern of development along this part of Summerfield consisting of detached bungalows rising up the hillside. The principle of development has already been agreed by outline permission 11/2397/OUT which currently remains extant. The application is in full where the layout and style of the dwellings have been designed broadly following the parameters of the previous outline. A number of objections have been received with regard to the overdevelopment of the site and the appearance of the proposed dwellings. These comments are respectfully acknowledged, however the overall appearance of the dwellings in terms of scale and design is not considered to be out of keeping with the character and appearance of the area whereby the Local Planning Authority could reasonably recommend refusal on these grounds.

In terms of highway safety, objections have been raised relating to visibility. The proposal indicates the provision of off road parking for each dwelling at a scale commensurate with the size of the buildings and demonstrates sufficient visibility for pedestrians on the pavement and acceptable visibility up and down the road. As such it is not envisaged that the proposal would result in any significant impact on existing highway matters.

It is not considered that the proposal would have an unreasonable impact on the privacy and amenity of neighbouring or future occupiers.

Given the above and subject to conditions including those concerning materials, planting and landscaping as set out in the report, the application is recommended for approval.

CONSULTATIONS

Local Consultations

Sidmouth Sidford - Cllr S Hughes

I regard the size and scale of what is being proposed to be excessive and not in keeping with the existing properties.

Parish/Town Council

Members were unable to support this application for the following reason:
Members considered that the proposed dwellings would be out of keeping with the street scene by reason of design.

Technical Consultations

County Highway Authority

Highways Standing Advice

Environmental Health

I have considered the application and do not anticipate any environmental health implications once constructed. However there are residents nearby and this is a restricted site and therefore a construction site condition will be required :

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

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

Natural England

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

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

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

Protected species:

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

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

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

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

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

Local sites:

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

Biodiversity enhancements:

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

Landscape enhancements:

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example

through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Impact Risk Zones for Sites of Special Scientific Interest:

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

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

EDDC Trees

No landscaping plan - referencing size of planting stock, planting pit design, aftercare and in accordance with BS8545.

Looks to be a lot of Cherry trees shown on the site plan. Will require more species diversity to that the landscaping is more pest resistant.

Unclear what trees are removed and which trees retained and of those retained how will they be protected. This protection should also be extended to surrounding boundary hedges and areas of new planting. This will need to follow recommendations of Bs5837.

Otherwise I think from reviewing the aerial photographs and Google Streetview the current site trees pose little constraint on the development of the site, it will be the mitigation planting that is of importance.

Any planning approval would need to be subject to conditions covering tree protection details and the submission of a detailed landscaping scheme.

Other Representations

Four contributors have made comments on the application raising the following comments

- More road traffic into Summerfield
- Increased risk of accidents on the blind bend in Summerfield at no 5 and 4
- Counter mirrors should be installed so that drivers travelling in either direction can see
- Grit/salt bins should be located at the inclined section of Summerfield at nos 4 and 5.

- The proposed street elevation is too uniform/regimented and therefore it would be an improvement to add an element of variation in the individual design and elevation treatment along with some variation to the building line/siting of the dwellings
- The size and scale of the proposed dwellings is excessive and not in keeping with the existing properties.
- All windows on the north west elevation should be of obscure glazing/non opening and that all boundary fencing should be 2 meters in height in order to avoid any possible loss of amenity of the adjoining bungalow, number 18.
- Over development of the current property/site.
- Five bungalows are far too many and will create parking problems.
- There is only room to park on one side of the road.
- They will also be far too close to each other.
- The maximum number of bungalows that should be allowed is three which would be in keeping with the rest of the road.
- The development is out of keeping with the other properties in the road, which have the garages at the side of the property.
- There will be too many new access driveways, affecting the parking and access of existing residents in a narrow estate road, with a dangerous 90 degree bend a short distance away.
- Most households have 2 cars, and it is not clear from the plans whether there will be room to park 2 cars off the road (ie one in the garage, and one on the drive in front of the garage).
- The construction traffic parking and movements will cause noise and disruption to existing residents.

PLANNING HISTORY

Reference	Description	Decision	Date
05/2054/OUT	Demolition of existing dwelling and erection of 4 dwellings	Approval with conditions	12.12.2005
06/2367/OUT	Demolition of dwelling and redevelopment comprising the erection of five chalet bungalows and one bungalow including the construction of access	Refusal	08.11.2006
08/1741/OUT	Renewal of permission for demolition of existing dwelling and erection of 4 dwellings (05/2054/OUT)	Approval with conditions	28.01.2009

11/2397/OUT	Outline application detailing layout and access for the construction of five chalet bungalows	Approval with conditions	01.02.2012
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POLICIES

New East Devon Local Plan Policies

Strategy 43 (Open Space Standards)
 Strategy 48 (Local Distinctiveness in the Built Environment)
 Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)
 D2 (Landscape Requirements)
 D3 (Trees and Development Sites)
 EN14 (Control of Pollution)
 EN5 (Wildlife Habitats and Features)
 TC2 (Accessibility of New Development)
 TC7 (Adequacy of Road Network and Site Access)

Adopted East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)
 D1 (Design and Local Distinctiveness)
 D2 (Sustainable Construction)
 D4 (Landscape Requirements)
 D5 (Trees on Development Sites)
 EN15 (Control of Pollution)
 EN6 (Wildlife Habitats and Features)
 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

Summerfield comprises a small estate of housing within the built up area of Sidmouth just to the south of the A3052 main road and north of Sidmouth Town Centre. The site relates to No 14 Summerfield, a detached two storey dwelling with pitched roof set centrally within a large plot of garden land surrounding. The plot is approximately 0.22 hectares, enclosed by an established hedge boundary, and surrounded by a regular plan form of detached bungalows/chalet bungalows which step up in line with the contours of the road and hillside. The property is currently unoccupied and has deteriorated in recent years.

The majority of properties surrounding the site are bungalows of varied styles and proportions with double pitched roofs. Some dwellings have been converted with rooms in the roof to provide additional accommodation. The dwellings further north of the site are two storey houses.

The area is set on the hillside and Summerfield road is quite steeply inclined so that properties on the north east side of the road have floor levels set up from the road and pavements levels and the properties on the south west side are generally at a slightly lower level from the road.

The topographical survey of the existing site shows the site level contours, the elevated position of the existing two storey property in the centre of the site and an open air swimming pool on the south-east side. Due to the site levels the existing garage is located on the south side of the house below the ground floor level.

The application states that the existing property was built by the owner and is reflective of the 1960s era, with traditional masonry walls and sturdily constructed steeply pitched timber roof with hips and gables and tightly fitting clay tiles and bonnet hips. The existing property has two vehicular drive entrances the lower one accesses the garage on the lower side with a terrace above the flat roof, overlooking the outdoor swimming pool and the surrounding gardens, the upper drive provides a parking space and access to the area at the side of the house.

The ground levels rise steeply on the north west side of the house to the adjoining property number 18 Summerfield and down to the boundary with number 12 on the opposite side. There is a small mature orchard in the rear garden.

The site is surrounded by mature hedges, a number of fir trees and Ash trees along the south eastern boundary. To the front of the property there is a group of conifers and ornamental palm trees which sit behind a low brick wall.

Background

There are a number of outline planning permissions that have been granted at the site in recent years. The most recent Outline permission 11/2397/OUT relating to the construction of 5 bungalows remains extant.

ANALYSIS

Proposed Development

The application seeks full planning permission for the demolition of the existing property and for the construction of 5 chalet bungalows each with integral garage, driveway and rear garden shed.

The proposed dwellings are stepped from the lowest levels up to the higher levels in line with the existing properties along the road. The driveways allow parking for two cars.

Assessment

The main issues with the application concern the principle for development, its impact on the character and appearance of the area, highway safety, any impact on the amenity of neighbouring occupiers and habitats mitigation with regard to the impact on the Pebblebed Heaths.

In this instance the site is located within the built up area boundary for the town where access to a range of shops services and public transport is reasonable. In terms of its location the site is considered to be sustainable.

Impact on the character and appearance of the area.

The general pattern of development along part of Summerfield sees detached bungalows that sit centrally within modest plots rising up the hillside. The properties proposed are considered to continue that pattern. It is recognised that concerns have been raised regarding the density of the development. In this case, the outline application agreed a layout which was not dissimilar to the layout proposed here, and at that time was considered to be acceptable. In comparison to the previous layout, the proposed properties, numbered 14a and 14e at either end of the row have been set in and away from the neighbouring boundaries; this brings the five dwellings closer together but adds separation for the existing neighbouring occupiers at the north western and south eastern sides. In addition it creates room for new boundary hedge planting between on the north western and south eastern sides. The road frontage of the site measures 55.5 metres, which has been divided into five plots of 10.75 metres and also allows for new planting and fencing on the two side boundaries. It is considered that the space between the dwellings and the respective plot boundaries appears to generally accord with that found elsewhere in the locality.

The application states that one of the principle aims of the design was to balance the prospective floor levels of the new dwellings across the site so that they remain relative to road levels for both vehicular and pedestrian access and also not to unduly elevate them above each other and their respective adjoining neighbours. The existing dwelling No 18 Summerfield has an approximate floor level of 4.5 metres above the floor level of number 14 and sits approximately 2 metres above the road level as shown on site survey section drawing 20.341.06 Rev A. In comparison No 12 Summerfield has a floor level approximately 4.7 metres below number 14 and 0.5 metres above the road level. The proposed dwellings are stepped, rising one up from the other towards number 18 in keeping with the current form of dwellings within the streetscene.

The existing extant outline permission conditions a chalet type bungalow to maintain scale and type of use of the building. This full application seeks chalet style bungalows but of a more modern approach incorporating energy efficient heating and long pitched roofs incorporating photovoltaic solar slates. The new dwellings have a rectangular form, sited behind the existing building line to allow vehicular parking and access on each site. The application states that this also takes account of the position of the main drain. The properties have been designed so that the principle elevations are clear with entrance doors at the front of the building with

integral garages. The front elevations are broken up at the roof line with one higher and lower section resulting in a staggered pitched projection which helps to reduce the massing. The elevations would be broken up in terms of materials with a brick plinth up to 150mm and the use of render and feature cladding boarding. It is considered that this maintains good relationship with the street scene. Additionally the frontage could be appropriately landscaped and softened with planting.

Suggested colours for the boarding include cream white, grey brown and grey green. The properties surrounding are broadly finished in cream and white with some yellow/beige colours and mainly brick plinths with rendered elevations fronting the road. Number 18 is finished with a low brick plinth, rendered elevations and hanging tiles to the road facing gable. Further north, towards the top of Summerfield, a number of properties feature decorative cladding. The cladding colours suggested are considered to be modest tones that would integrate with the other properties, however a condition requiring samples of these prior to any development commencing would be appropriate.

A number of objections have been received with regard to the overdevelopment of the site and the appearance of the proposed dwellings. These comments are respectfully acknowledged, however in light of the previous outline approval and with regard to the existing properties surrounding, the overall appearance of the dwellings in terms of scale and design is not considered to be out of keeping with the character and appearance of the area whereby the Local Planning Authority could reasonably recommend refusal on these grounds. Planning conditions for the submission of materials, planting and landscaping details prior to development of the site are recommended.

Impact on neighbour amenity

The main properties to be affected by the proposals are considered to be properties number 18 and 12 Summerfield situated at either end of the row of proposed the dwellings.

Property No 18 is the most elevated at the top of the row to the north west. No 18 is positioned centrally on its plot with a single storey gable projection and car port on the south eastern side. This provides additional separation from the site with a resulting distance slightly in excess of 8 metres between the proposed dwelling (14e) and the main bulk of the property and a distance of 4 metres from the single storey projection. The proposed dwelling (14e) closest to the neighbour on this side is designed with the lower pitched roof section towards the boundary and incorporates obscure glazing in the roof slope to provide light to the kitchen. No windows are proposed on the north west ground floor elevation other than a small window serving the WC. Bedroom windows would be positioned in the end elevations looking over the gardens. This would afford a view towards the boundary and the end of the neighbouring garden but not back towards the dwelling. It is not considered that the proposals would unreasonably effect the privacy or amenity of number 18 Summerfield.

Neighbouring property number 12 is positioned to the south east and at a lower level compared to the nearest proposed dwelling 14a. The drawings indicate an 6.5 metre

separation distance between the main side elevations. High level narrow ground floor windows are proposed to reduce the appearance of window openings on the south eastern side. A new boundary fence and hedge is also proposed on the south eastern side between the properties that would further mitigate impacts from ground floor windows. The ground floor windows of the proposed dwelling serve the kitchen and dining areas on this side. The relationship between ground floor elevations is not considered to be unusual or unreasonable in such a development of detached bungalow chalet style dwellings. The main concerns arise from the accommodation in the roof slope of the proposed new dwelling 14a. The application seeks three bedrooms within the roof slope on the south eastern side with rooflight windows which would be obscure glazed. The rooflights serving the bedrooms would be positioned 1.3 metres above the floor level of the room. In the case of bedroom 3, which doesn't have any other windows this is to allow for means of escape. Due to the height, it is considered that the position within the slope would allow for some outlook towards the neighbouring property number 12.

The boundary facing (north west) elevation of number 12 features a kitchen window and small obscure glazed window. In this case, the outlook from the rooflights would involve looking out and across the opposite roof slope down to the eaves. It is not considered that the rooflights would allow for easy overlooking into the neighbouring kitchen window or an unreasonable level of overlooking of the neighbouring garden. Obscure glazing is proposed to further mitigate the impact of any overlooking and also perceived overlooking from the window. With obscure glazing of the windows and appropriate new hedge planting along the boundary, it is not considered that the proposed dwelling would have a significantly adverse impact on the privacy or amenity of neighbouring occupiers of number 12.

With regard to the relationship between the proposed dwellings; the dwellings sit between 2 and 3 metres apart with a range of windows at ground floor level which would sit broadly behind the boundary fencing and screening proposed. Bedroom windows are positioned on the south eastern roof slopes only which avoids a window to window relationship. The properties would experience mutual overlooking from rear bedroom windows, however this is not considered to be unreasonable. It is not considered that the proposals would have an unreasonable impact on the privacy or amenity of future occupiers.

The site backs onto the rear gardens of the neighbouring properties in Newlands Close. Separation distances between respective rear elevation and which do not account for the oblique angling of the properties, range between 20 metres and 34 metres. These distances are considered to be appropriate between rear elevations. It is not considered that the proposal would have an unreasonable impact on the privacy and amenity of neighbouring occupiers in Newlands Close.

The application also seeks to construct timber garden sheds with low pitched roofs within the rear gardens of the each new dwelling. The sheds would be the same style and design finished with horizontal timber boarding and measuring 3 metres x 2 metres x 2.9 metres in height to the ridge. The proposed garden sheds are not considered to have any impact on the amenity of neighbouring occupiers.

Recognising the above, it is not considered that the proposal would cause a detrimental impact on the amenity or privacy of neighbouring properties.

Highways

Highway safety needs to be assessed understanding advice where each new property would have a separate access off an existing estate road. Each driveway is proposed of a suitable width of 3.3 metres. The driveways would access the back of the pavement and the plans are annotated such that no proposed boundary treatment or planting would occur within 2.4 metres of the carriage way edge and exceed 600mm in height. This would allow for sufficient visibility for pedestrians on the pavement and acceptable visibility up and down the road. In this instance it is not considered that the additional traffic using the road would cause significant highway congestion or danger to other road users where the Local Planning Authority could reasonably recommend refusal on these grounds.

Impact on Trees

There are a number of trees surrounding the site, many of which are mature and as the application states, are randomly planted with some in poor condition. The trees are mainly grouped around the south eastern side of the site. There are two large trees in the eastern corner of the site identified as Copper Beech and a Pittisporum, which are to be retained. The application also states that the trees along the south eastern boundary do not offer value to the site, the Ash trees are self seeded and not worthy of retention; the fir trees are overgrown and in poor condition and are not considered to be recoverable. The cypress trees along the road frontage have been kept trimmed to form a hedge and currently screen the site from the road, however the trees and landscaping along the frontage is currently compromising the low brick wall.

Other than the Copper Beech and Pittosporum, the application seeks to remove the existing trees and hedges and replant the boundaries with new hedge planting. The application has been discussed with the Council's Tree Officer who considers that the trees currently on site pose little constraint to the proposed development but that mitigation planting and protection of retained trees will be important to the overall success of the scheme. It is recommended that any planning approval be subject to conditions covering tree protection details and the submission of a detailed landscaping scheme.

Ecology

The application has been submitted with an accompanying ecological survey carried out by Richard Green Ecology in October 2011 and again in September 2014.

The survey found no signs of use by bats or nesting birds within the existing house roof spaces. No signs of nesting birds or barn owl were found. The survey recommends that provision for roosting bats and birds nesting are included on the site, incorporating bat boxes and bird boxes to be erected in the trees on the south easterly corner of the site.

While the site could be enhanced in terms of its ecological status this is not considered to be a constraint to development.

Flood Risk

The site is situated within an existing residential area and not within a designated flood zone.

Section 106

A Unilateral Undertaking has been submitted with this application which includes contributions towards open space provision in the area arising from a local deficiency identified in the East Devon Open Space Study. Contributions of £2504 are also required towards Habitat Mitigation of the Pebblebed Heaths where a charge of £626 per dwelling is required.

On 28th November 2014, the government introduced changes to the legislation that mean that financial contributions towards the provision of open space facilities can no longer be required from some small scale developments. This is part of the governments drive to encourage development. However, the requirement to address the impact of development on protected habitats remains as the affected habitats are protected under EU legislation. This change applies to this application and in light of this a supplementary agreement which simply relates to the habitats mitigation contribution has been submitted.

Summary

It is recognised that there are no technical impediments to the delivery of housing and that despite the proximity of the site to the European designated environments (Pebblebed Heaths) any harm arising can be suitably mitigated by an offsite financial contribution.

The scheme proposes 5 dwellings within the built up area of Sidmouth. The scheme is considered broadly in accordance with the previously approved outline scheme which is currently extant. The proposed design and layout is considered to reasonably respect that of the existing area introducing some features that are comparably new to the immediate street scene, but features that would continue to maintain the existing character and appearance of the area.

The proposal is not considered to result in adverse detrimental impacts to the privacy and amenity of neighbouring occupiers or to have any adverse impact on the wider landscape, trees or wildlife within the site.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.

(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with the advice contained within the National Planning Policy Framework 2012, Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan and Policy D1 (Design and Local Distinctiveness) and Strategy 48 (Local Distinctiveness in the Built Environment) of the New emerging East Devon Local Plan)
4.
 - a. There shall be no burning of any kind on site during construction, demolition or site preparation works.
 - b. No construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, and not at all on Sundays or Public Holidays.
 - c. Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance .
 - d. No high frequency audible reversing alarms shall be permitted to be used on any vehicle working on the site.
(Reason: To protect the amenity of local residents from smoke, noise and dust in accordance with guidance contained within the National Planning Policy Framework 2012, Policy EN15 (Control of Pollution) of the Adopted East Devon Local Plan and Policy EN14 (Control of Pollution) of the New emerging East Devon Local Plan)
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no windows, doors, rooflights or other openings other than those shown on the plans hereby permitted, shall be formed in the South East elevation of the dwelling occupying plot 14a as shown on plan drawing number 20:384-10 and 20:384-08.
(Reason - To protect the privacy of adjoining occupiers in accordance with the guidance contained within the National Planning Policy Framework 2012, Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan, and Policy D1 (Design and Local Distinctiveness) of the New emerging East Devon Local Plan)
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) the 7

rooflights to be installed in the roof slope of dwelling 14a hereby permitted as shown on plan numbers 20:384-08 and 20:341-04 shall be fitted with obscure glazing prior to the first occupation of the dwelling. This glazing requirement shall be maintained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

(Reason - In the interests of the privacy and amenity of neighbouring occupiers of number 12 Summerfield in accordance with the guidance contained within the National Planning Policy Framework 2012, Policy D1 (Design and Local Distinctiveness of the Adopted East Devon Local Plan) and Policy D1 (Design and Local Distinctiveness) of the New emerging East Devon Local Plan)

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule Part 1 Class B, for the enlargement of a dwelling house consisting of an addition or alteration to its roof.

(Reason - The design and form of the dwellings would not permit such additions without detriment to their appearance or the character of the area or to the amenities of adjoining occupiers in accordance with the guidance contained within the National Planning Policy Framework 2012, Policy D1 (Design and Local Distinctiveness of the Adopted East Devon Local Plan) and Policy D1 (Design and Local Distinctiveness) of the New emerging East Devon Local Plan)

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

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with the guidance contained within the National Planning Policy Framework 2012, 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 New emerging East Devon Local Plan)

9. Prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the

tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

In any event, the following restrictions shall be strictly observed:

(a) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

(b) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - To ensure retention and protection of trees on the site in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with guidance contained in the National Planning Policy Framework, policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the Adopted East Devon Local Plan and policies D3 (Trees and Development Sites), D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) of the New emerging East Devon Local Plan)

10. Development shall be carried out in accordance with the recommendations of the submitted Protected Species survey report dated October 2011 carried out by Richard Green Ecology Ltd.

(Reason – In the interests of protected species in accordance with the guidance contained within the National Planning Policy Framework 2012, policy EN6 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan and Policy EN5 (Wildlife Habitats and Features) of the New emerging East Devon Local Plan)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 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.

The permission shall be read in conjunction with the submitted Unilateral Undertaking dated 27th October 2014 in the names of Mr R White, Mrs S Pratt and Mrs M Taylor made under Section 106 of the Town and Country Planning Act 1990 (as amended) relating to Land 14 Summerfield Sidmouth EX10 9RY and the subsequent Planning Obligation by deed of agreement under Section 106 of the Town and Country Planning Act dated 15th December 2014 Supplementary to the Planning Obligation by Unilateral Undertaking dated 27th October 2014.

Plans relating to this application:

20:384-09	Proposed Combined Plans	18.11.14
20:384-10	Proposed Block Plan	18.11.14
20:384-01	Location Plan	18.11.14
20:384-03	Other Plans	18.11.14
20:341-04	Combined Plans	18.11.14
20:384-05	Proposed Site Plan	18.11.14
20:384-07	Proposed Combined Plans	18.11.14
20:384-08	Proposed Combined Plans	18.11.14
20:384-11	Proposed Combined Plans	20.11.14
20.341.06 A	Proposed Combined Plans	15.12.14

List of Background Papers

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

Ward Woodbury And Lymptone

Reference 14/2927/OUT

Applicant Mr A M J Douglas

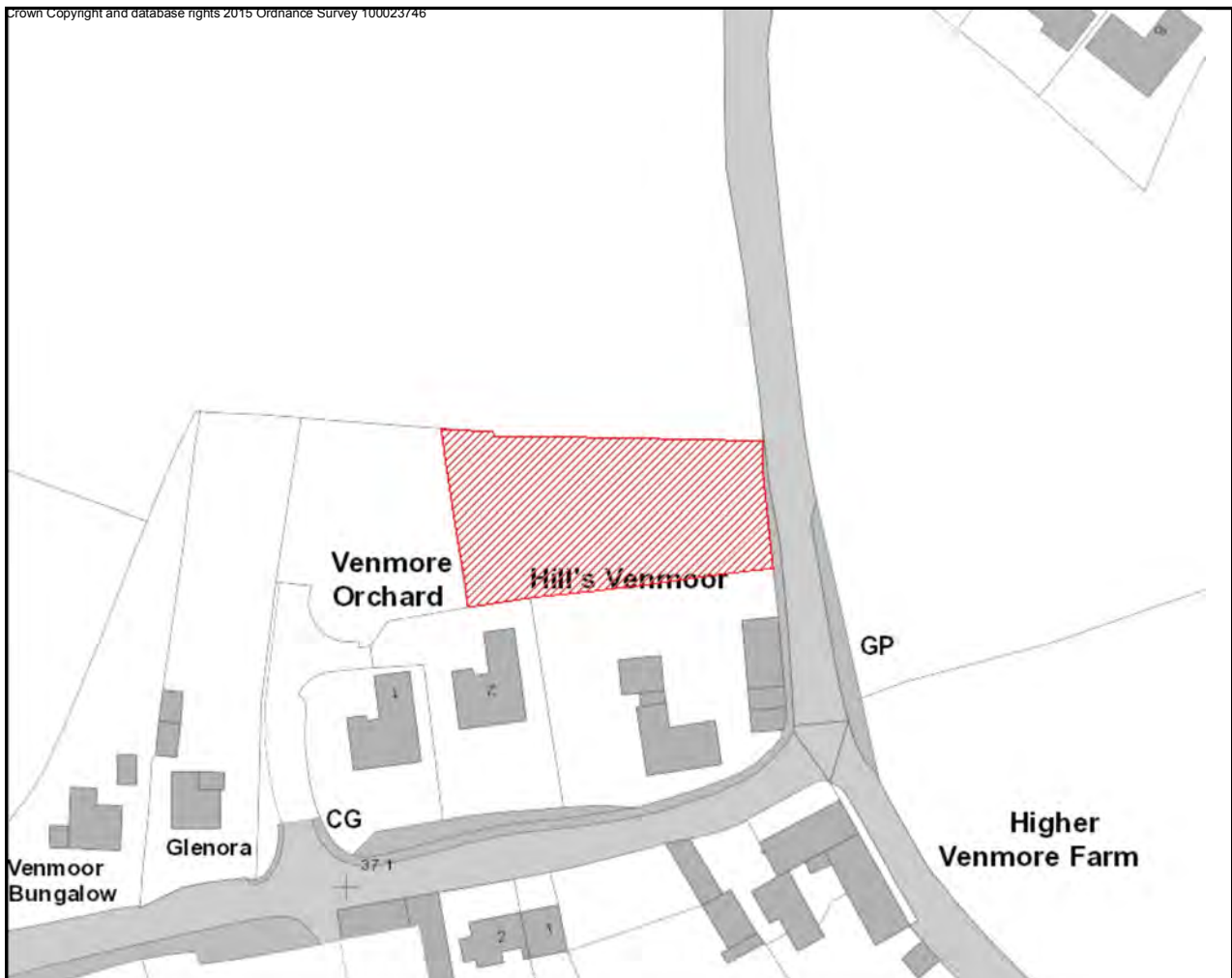
Location Hills Venmore Woodbury Exeter
EX5 1LD

Proposal Outline application with all matters reserved for the construction of a detached dwelling and garage off the existing access



RECOMMENDATION: Refusal

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		Committee Date: 10 February 2015
Woodbury And Lympstone (WOODBURY)	14/2927/OUT	Target Date: 16.02.2015
Applicant:	Mr A M J Douglas	
Location:	Hills Venmore Woodbury	
Proposal:	Outline application with all matters reserved for the construction of a detached dwelling and garage off the existing access	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This outline application represents a resubmission of a previously refused application for a dwelling at Hills Venmore, Woodbury. It is submitted with all matters reserved, although an indicative layout plan has been received.

Whilst the Council are not in a position to be able to demonstrate a five year supply of housing, and the erection of a further dwelling would make a contribution towards this, it is considered that the proposal would extend the existing pattern of development out into the countryside between Woodbury and the hamlet to the detriment of the character and visual appearance of the area.

In addition, it is considered that the location of the site detached from Woodbury via a busy narrow road with no footpaths or lighting would be likely to increase the reliance upon the use of the car.

As such, these concerns are considered to significantly and demonstrable outweigh the benefits and a refusal of permission is recommended.

CONSULTATIONS

Local Consultations

Parish/Town Council

No further comments

Woodbury & Lympstone – Cllr B Ingham

Recommend approval. If officers are minded to refuse, then I request this application is determined by DMC, especially in mind of the site history.

Woodbury & Lympstone – Cllr D Atkins

I have now had time to review the detail of this application and the comments made by the applicants agent, I am of a view that as development has in the past taken place nearby this application deserves to be considered at Development Management Committee. If this is accepted I will not make any further comments until I have seen all the arguments from the officers.

Technical Consultations

County Highway Authority
Standing Advice

Other Representations

Three representations have been received, one withdrawing a previous objection; one in support and one raising objections

The following issues have been raised in support of the proposal:

- the access between the site and the village is not considered to be dangerous
- the highway in this location has sufficient width and good visibility to allow traffic to pass safely
- traffic volumes and speeds are low

The following objections have been raised:

- the road is considered to be dangerous and have to seek shelter from traffic
- would not support adding further pedestrian use
- a further dwelling will increase risk of an accident
- a pavement would provide a solution to this issue

PLANNING HISTORY

Reference	Description	Decision	Date
14/1271/OUT	Outline application with all matters reserved for the construction of a 4 bedroom house with double garage off the existing access	Refused	20.08.2014
13/1063/FUL	Construction of new vehicular access and driveway	Approved	27.06.2013

In addition to the above the site has in the 1990's been subject to 2 previously refused applications one of which was for a single dwelling but using a different access point which was dismissed on appeal in 1997 as "...the proposal would have a significantly harmful effect on the character and appearance of the surrounding countryside."

POLICIES

New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)
Strategy 27 (Development at the Small Towns and Larger Villages)
Strategy 43 (Open Space Standards)
Strategy 47 (Nature Conservation and Geology)
D1 (Design and Local Distinctiveness)
H2 (Range and Mix of New Housing Development)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

Adopted East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)
D1 (Design and Local Distinctiveness)
EN4 (Nationally Important Sites including Sites of Special Scientific Interest)
H3 (Range and Mix of New Housing Development)
RE3 (Open Space Provision in New Housing Developments)
TA1 (Accessibility of New Development)
TA9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The site for the application relates to a section of rear garden of a property known as Hills Venmore which is located within a small grouping of other dwellings at the western side of Woodbury approximately 350m from the cross roads by the village shop and 100m from the edge of the built-up area boundary. The boundary of the site runs along the rear of Hills Venmore with a further overlap behind the neighbouring dwelling to the west. The boundary then extends north to meet the boundary of the existing garden where it is delineated by hedging returning to the east boundary with the main road. Behind the garden to the north is a grass field.

This group of buildings has a mixed style and format. The site is not subject to any specific landscape or heritage designations; Higher Venmore Farm to the south on the other side of the road is Grade II Listed. Hills Venmore faces to the south but has windows on its rear elevation. There is also an outbuilding to the rear west side and an older barn to the east.

Proposed Development

Outline planning permission is sought for the erection of a 4 bedroom house with double garage. This application is a resubmission of an earlier application that was refused under reference 14/1271/OUT on the grounds of its impact upon the existing pattern of development and location remote from services.

All matters are reserved, although it is proposed to use the existing access to serve the dwelling. Indicative plans have been submitted showing a suggested position of the dwelling and garage, together with the position of a tree located in the north eastern corner of the site that is to be retained.

ANALYSIS

The key matters to consider are the principle and policy context; sustainability credentials; consideration of neighbouring amenity; highways and access; heritage assets; open space and off site habitat regulations; character of the area; any other matters arising.

In assessing this application it will be necessary to see whether any material changes have occurred that overcome the previous reasons for refusal.

Principle and Policy Context

The site lies outside of the built-up area boundary of the village, and therefore the application is considered to be a departure from the local plan. Guidance within the NPPF advises that Councils should not approve isolated new dwellings in the countryside unless justified. However the planning policy landscape is rapidly changing at both local and national level and such changes and the weight to be afforded to them must be factored into the planning balance, as a starting point in terms of the consideration of this particular proposal.

It is important therefore, in the first instance, to consider the application against the provisions of the NPPF. The relevant provisions of the Framework are clear in stating that housing applications should be considered in the context of its presumption in favour of sustainable development and that policies relating to the supply of housing should not be considered to be up to date if the local planning authority are unable to identify a five year supply of deliverable housing sites.

The effect of this position for East Devon is that policies such as those relating to the defined built up area boundaries for towns and villages (which are in effect housing restraint policies) do not accord with the Framework and therefore should now be accorded significantly less weight than would otherwise be the case. It requires a pragmatic approach in assessing each application on its own merits and represents a significant material consideration in the determination of applications for residential development. Such applications, like this one, are therefore, in effect, required to be considered against the presumption in favour of sustainable development referred to above, having regard to the three dimensions to its definition, unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies set out in the Framework.

Sustainability credentials

No justification has been put forward by the applicant in terms of special circumstances such as a requirement for a rural worker, providing a viable use for a heritage asset, the re-usual of redundant buildings, or in terms of exceptional design and quality.

Woodbury is regarded as a relatively sustainable location where limited new development is considered to be appropriate given the services it currently has; access to a bus service, small food shop, ironmonger, public house.

Whilst the distance from the centre of the village is not considered to be unreasonable, being around a 5 minute walk from the site, the nature of the walk, particularly for the first part is not considered to be safe or of a nature that would encourage walking. There is no continuous footway and the first section would be somewhat dangerous being sited within a 60 mile per hour limit with no pedestrian refuge or opportunity to escape from the carriageway should the need arise. It is not considered that the walk would be undertaken lightly, regularly or with young children or animals. On this basis, and whilst traffic would slow for the bends travelling in an easterly direction it is considered that the majority of visits both to and from the site would be undertaken by private vehicle.

The conclusions of the report on highways and access submitted with the application that the proposal would not give rise to significant safety issues are noted, however this does not make the journey any less pleasant or desirable. Similarly the suggestion that there are other sites within the village where there are no footpaths does not make this situation any better. It is further suggested that an alternative to walking may be the bus as this passes the entrance to the site. Whilst this may be the case the first bus from Woodbury is not until 9am which would not be conducive to commuting, the service is hourly and the bus stop is in the village centre which will still entail walking into the centre.

In terms of the 3 strands of sustainable development, it is considered the social role would be met in part in that a further dwelling would be provided; some economic gain would be met in the construction of a further dwelling, but the circumstances of the site as set out in the previous paragraph somewhat temper the economic and environmental role given that the proposal falls down given its location and the difficulties of safe access to services in the village. Further dimensions of the environmental role are discussed in the section on the character of the area and the proposal below.

Character of the area

The site lies to the west of the main village of Woodbury approximately 100m from the nearest houses. To the west and south of the site are 9 existing residential dwellings in various formats as well as a commercial building at the west end of this small grouping. The site lies on the northern side of the group and at its east end, and therefore not an infill. Between the site and the western boundaries of the village are open fields, and whilst the fields are hidden behind hedges the character is one

of an open countryside gap between the edge of the village and the small group of houses. As such it is considered that the proposal would be an extension into this area of open countryside, even acknowledging that the site lies within the present curtilage of Hills Venmore. The existing homes run along both sides of the road, and whilst a new dwelling could be seen as fronting the road to the east it would also add a further building behind this line of buildings fronting the road where it is aligned in an east / west direction.

These circumstances it is suggested would affect the character of this area, cementing the appearance of sporadic development along this section of road, intruding into open countryside, which would affectively, from some angles appear to link this small group of houses with the main village of Woodbury.

Although dating back to 1997, and made at a time where considerable weight was being given to built-up area boundaries, it is considered that the following assessment of the visual impact from a new dwelling by the Inspector is still relevant today:

“The appeal site is not in a gap in development, being adjacent to open fields. Although the site is within the residential curtilage of Hills Venmore, it does not follow that this can be subdivided and a new house built on a separate curtilage. To my mind, the overriding character of the site and its surroundings is open countryside. I do not consider that developing the site would be an acceptable ‘rounding off’ of the hamlet, but rather it would be an unwarranted extension into the countryside. The hamlet would appear to be substantially larger, particularly from the Woodbury direction, and would intrude on the views of the surrounding landscape. Enlarging the hamlet and extending its built-up area into open countryside, in my view, would be entirely contrary to the national and local objectives of protecting the countryside.”

“The built-up boundary of Woodbury is only about a hundred metres from the site and in my view, any further increase in development in the hamlet could well lead to pressure to develop the intervening land, including the adjacent open plot in the appellant’s ownership currently used for drainage, with consequent harm to the countryside.”

As such this weighs against the proposal and whilst the additional comments submitted with this resubmission in this respect, it is not considered that the revised illustrative siting would alter the previously held concerns in this respect.

Heritage assets

Hills Venmore farmhouse is a Grade II Listed Building; however it lies on the other side of the road from the application site and given the intervening dwelling of Hills Venmore it is not considered a new dwelling on this site would be harmful to the character or setting of this listed building.

Highways and Access

The proposal would use the existing access serving Hills Venmore. As this access is already in use and serves a single dwelling, and if this application is approved, Hills Venmore would be served by an access to the west (granted in 2013) it is considered there would be no material change in the level of traffic. As such there is no objection to the highway aspects of the proposal. In the event of approval a suitably worded condition could ensure the arrangements for both dwellings could be enabled.

Consideration of neighbouring amenity

Whilst both Hills Venmore and 2 Venmore Orchard, the dwelling to the west have windows of various formats with views into the area for the application given the area of the proposed site it should be possible to position a dwelling that would not bring forward significant harm either of an overlooking or of an overbearing nature.

In terms of Hills Venmore this also has windows on its rear elevation, but these would be a sufficient distance from the proposal, and whilst there is potential for overlooking of the proposed rear garden of Hills Venmore, it is not considered this would be sufficient to raise an objection at this stage; windows could still be appropriately positioned so not to cause harmful overlooking. Similarly in terms of overbearing, there is potential to position a building a sufficient distance away.

In summary no concern is raised in amenity terms.

Off site habitat regulations

The location is within 10km of both the Exe Estuary and Pebblebed Heaths European Sites. The application has therefore been submitted with an appropriate Unilateral Undertaking that provides for a contribution towards mitigation measures in respect of additional pressures on these protected environments.

Design and Materials

There are no details of any design, materials or format and therefore this matter cannot be considered except the 4 bedrooms proposed is likely to require a 2 storey property.

Any Other Matters

The applicant's agent has drawn attention to a recent appeal decision on a site in Woodbury Salterton, and whilst there may be some similarities, it is not considered that the Inspectors decision in that instance should set a precedent for allowing development in other locations where an application needs to be considered on its merits.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development would represent an extension of residential development beyond the existing small group of buildings, contrary to the existing form and pattern of this small group of houses, and by extending out into the open countryside into the buffer of open land between these dwellings and the edge of Woodbury harming the character and appearance of the area. The proposal is contrary to Policy S5 (Countryside Protection) and D1 (Design and Distinctiveness) of the East Devon Local Plan, and Strategy 7 (Development in the Countryside) and D1 (Design and Distinctiveness) of the emerging New East Devon Local Plan and the guidance within the National Planning Policy Framework.
2. The proposed development would be located where access to services via foot would be dangerous and would as a consequence be likely to increase the need for travel by private vehicles contrary to Policy TA1 (Accessibility of New Development) of the adopted East Devon Local Plan and Strategy 3 - Sustainable Development of the emerging new East Devon Local Plan and guidance within the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 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:

TW14/101/1	Location Plan	09.12.14
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List of Background Papers

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