

# Agenda for Development Management Committee

## Tuesday, 11 April 2017; 10.00am



### [Members of the Committee](#)

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

[View directions](#)

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01395 517542, Issued 30 March 2017

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### [Speaking on planning applications](#)

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

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

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

The day before the meeting a revised running order for the applications being considered by the Committee will be posted on the council's website (<http://eastdevon.gov.uk/council-and-democracy/committees-and-meetings/development-management-committee/development-management-committee-agendas>). Applications with registered speakers will be taken first.

**Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting.** One representative can be registered to speak on behalf of the Council from 10am on Monday 3 April up until 12 noon on Thursday 6 April by leaving a message on 01395 517525 or emailing [planningpublicspeaking@eastdevon.gov.uk](mailto:planningpublicspeaking@eastdevon.gov.uk).

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

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

- 1 Minutes of the Development Management Committee meeting held on 7 March 2017 (page 4 - 10)
- 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 11 - 18)  
Development Manager
  
- 7 **Applications for determination**  
**Please note the following applications are all scheduled to be considered in the morning, however the order may change – please see the front of the agenda for when the revised order will be published.**

**17/0384/FUL (Minor)** (Page 19 - 26)

Axminster Rural

Cloakham Lawn Sports Centre, Chard Road, Axminster EX13 5HW

**16/2868/FUL (Minor)** (Page 27 - 32)

Axminster Town

28A Foxhill, Axminster EX13 5LT

**16/2946/FUL (Minor)** (Page 33 - 51)

Dunkeswell

Mansell Raceway, Dunkeswell Aerodrome, Dunkeswell EX14 4LT

**17/0208/VAR (Minor)** (Page 52 - 63)

Exmouth Halsdon

Land to the rear of Aram, Littlemead Lane, Exmouth EX8 3BU

**17/0099/MRES (Major)** (Page 64 - 86)

Exmouth Littleham

Land off Queen's Drive, Exmouth EX8 2AY

**Break**

(Lunch will be provided for Development Management Committee members)

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

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

**16/2705/FUL (Minor)** (Page 87 - 100)

Coly Valley

The Grazing Cow (formerly Sundial Garden Centre), Offwell, Honiton EX14 9RR

**17/0148/COU (Other)** (Page 101 - 106)

Honiton St Pauls

Council Offices, New Street, Honiton EX14 1EY

**16/2850/FUL (Minor)** (Page 107 - 117)

Otterhead

Stockland C of E Primary Academy, Stockland EX14 9EF

**16/3024/RES** (Page 118 - 124)

Ottery St Mary Rural

Badgers Bend (land to the south of), Lower Broad Oak Road, West Hill EX11 1UD

**16/1674/COU (Other)** (Page 125 - 134)

Trinity

The Orchard Country Hotel, Rousdon, Lyme Regis DT7 3XW

**Please note:**

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

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

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

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

[Decision making and equalities](#)

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## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 7 March 2017**

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

The meeting started at 10.30am and ended at 3.03pm (the Committee adjourned for a lunch at 12pm and reconvened at 2pm).

#### **\*39 Minutes**

The minutes of the Development Management Committee meeting held on 7 February 2017 were confirmed and signed as a true record.

#### **\*40 Declarations of interest**

Cllr Alan Dent; 15/1881/MFUL; Personal interest; Budleigh Salterton Town Council  
Cllr Brian Bailey; 16/2878/VAR & 16/2420/LBC & 16/2486/FUL; Exmouth Town Councillor  
Cllr Steve Gazzard; 16/2878/VAR & 16/2420/LBC & 16/2486/FUL; Exmouth Town Councillor

Cllr Mark Williamson; 16/2878/VAR & 16/2420/LBC & 16/2486/FUL; Exmouth Town Councillor

Cllr David Barratt; 16/2573/FUL; Personal Interest; Sidmouth Town Council

Due to the possible perception of bias Cllr Chris Pepper did not speak or vote on application 16/2726/FUL as the applicant was well known to him.

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution:

- Cllrs Susie Bond, Helen Parr, Ben Ingham, Matt Coppell, Chris Pepper, Alan Dent, Mark Williamson and David key declared that they had been lobbied on application 16/2438/VAR & 16/2664/VAR.
- Cllr David Barratt declared that he had been approached and spoken to by the applicant of application 16/2573/FUL.

#### **\*41 Appeal statistics**

The Committee received and noted the report presented by the Development Manager setting out appeals recently lodged and outlining the seven decisions notified – three had been allowed and four had been dismissed.

The Development Manager drew Members' attention to the appeal allowed on land adjacent to 17 Glebelands in Uplyme for the construction of a two-storey dwelling and off street parking. The Inspector had overruled the Committee's reasons for refusal relating to the impact on amenity and the landscape. Members noted that that the Inspector had referred to the partial conflict of the decision with the Local Green Space policy in the emerging Neighbourhood Plan, however considered that the proposed dwelling would maintain the generally spacious appearance of the area.

#### **\*42 Applications for Planning Permission and matters for determination RESOLVED:**

that the applications before the Committee be determined as set out in Schedule 10 – 2016/2017.

**Attendance list**

**Present:**

Committee Members

Councillors:

David Key (Chairman)

Mike Howe (Vice Chairman)

Brian Bailey

David Barratt

Susie Bond

Colin Brown

Paul Carter

Matt Coppell

Alan Dent

Steve Gazzard (AM only)

Simon Grundy

Ben Ingham

Helen Parr

Chris Pepper (left at 3pm)

Mark Williamson

Officers

Shirley Shaw, Planning Barrister

Chris Rose, Development Manager

Hannah Whitfield, Democratic Services Officer

Also present for all or part of the meeting

Councillors:

Megan Armstrong

Iain Chubb

Geoff Jung

Pauline Stott

Tom Wright

**Apologies:**

Committee Members

Councillor Peter Burrows

Non-committee Members

Councillor Steve Hall

Chairman ..... Date.....

**EAST DEVON DISTRICT COUNCIL**  
**Development Management Committee**  
**Tuesday 7 March 2017; Schedule number 10 – 2016/2017**

**Applications determined by the Committee**

Committee reports, including recommendations, can be viewed at:

<http://eastdevon.gov.uk/media/2010770/070317combined-dmc-agendacompressed.pdf>

Budleigh Salterton  
(BUDLEIGH  
SALTERTON)

15/1881/MFUL

Applicant: Mr D Macmullen

Location: 9 Fore Street, Budleigh Salterton

Proposal: Redevelopment of existing property to provide 8no. apartments and covered parking, widened driveway, bin store and change of use of existing annex to create a self-contained dwelling

**RESOLVED:** REFUSED as per recommendation.

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Exmouth Halsdon  
(EXMOUTH)

16/2878/VAR & 16/2420/LBC

Applicant: Mr Michael Caines

Location: Lympstone Manor Hotel (formerly Courtlands Hotel), Courtlands Lane, Exmouth

Proposal: 16/2878/VAR  
Variation of condition 2 (plans condition) of planning permission granted under reference 14/2946/MFUL (renovation, restoration and extension of Courtlands House Estate from a wedding venue into a 21 bedroom luxury country house hotel and fine dining restaurant, including refuse and maintenance store, staff accommodation and kitchen facilities, landscaping of private gardens and parkland including a nature trail, tennis court and croquet lawn and access to the Exe Estuary Cycle Way) to include design alterations to the approved drawings.

16/2420/LBC

Amendments to application 14/2947/LBC including re-roofing in natural slate, alterations to north west and north east elevations, changes to fenestration and glazed corridor.

**RESOLVED:** 16/2878/VAR - APPROVED with delegated authority given to the Development Manager to amend any of the recommended conditions in light of the current discharge of conditions applications.

16/2420/LBC - APPROVED with delegated authority given to the Development Manager to amend any of the recommended conditions in light of the current discharge of conditions applications.

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Exmouth  
Withycombe Raleigh 16/2486/FUL  
(EXMOUTH)

Applicant: Mr J Hogan

Location: 8 Drakes Avenue, Exmouth

Proposal: Construction of dwelling

Exmouth  
Withycombe Raleigh 16/2486/FUL  
(EXMOUTH)

**RESOLVED:** REFUSED as per recommendation.

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(Cllr Steve Gazzard left the meeting)

Seaton  
(SEATON) 16/2438/VAR & 16/2664/VAR

Applicant: Cavanna Homes (Devon) Limited

Location: Land To Rear Of 39 Fore Street Seaton

Proposals: 16/2438/VAR  
Variation of planning condition 2 of 14/1960/MRES (Erection of 13 no. dwellings, access road, parking and turning access, appearance, landscaping and scale to be considered), to facilitate alteration to the external appearance.

16/2664/VAR  
Variation of planning condition 15 of 13/1196/VAR (construction of 13 no. dwellings, access road, parking and turning areas and cycle track) to facilitate alterations to the layout.

**RESOLVED:** 16/2438/VAR - APPROVED with conditions as per recommendation.

16/2664/VAR - APPROVED with conditions as per recommendation.

Broadclyst  
(ROCKBEARE)

16/2726/FUL

Applicant: Mr Paul Milton

Location: Land Adjacent West Holme London Road, Rockbeare

Proposal: Demolition of workshop and construction of dwelling.

**RESOLVED:** APPROVED with conditions as per recommendation, subject to the removal of condition 5 and condition 3 being amended to approve the material details submitted with the application.

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Newbridges  
(DALWOOD)

16/2614/FUL

Applicant: Mr W Scholes

Location: Rivendell, Dalwood, Axminster

Proposal: Change of use of agricultural land to garden land, alteration of existing field gateway and construction of access track and turning heads, existing vehicular access closed to form pedestrian access

**RESOLVED:** APPROVED (contrary to officer recommendation) with delegated authority given to the Development Manager to impose appropriate conditions. Members considered that the public benefits to highway safety outweighed any harm to the listed building and they felt that the visual impact of the access track on the AONB was acceptable.

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Trinity  
(UPLYME)

16/3018/FUL

Applicant: Mr P Stratton (Primrose 2013) Ltd

Location: The Carriage House (Lymewood Retirement Home), Uplyme

Proposal: Change of use of 3 residential care units to a single dwelling

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



Sidmouth Rural  
(SIDMOUTH)

16/2573/FUL

Applicant: Mr Edward Willis Fleming

Location: Harts Mead, Buckley Road, Sidbury

Proposal: Change of use and construction of extension to garage/outbuilding to create holiday let accommodation.

**RESOLVED:** APPROVED (contrary to officer recommendation) with delegated authority given to the Development Manager to impose appropriate conditions. Members considered that the proposal had an acceptable visual impact on the AONB and that the location of accommodation on the first floor only, combined with the very small nature of the extension, outweighed any harm of flood risk.

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Beer and Branscombe  
(BRANSCOMBE)

16/2800/COU

Applicant: Jo Bond

Location: Melbourne House, Branscombe, Seatpm

Proposal: Change of use from house of multiple occupation (C4) to larger house of multiple occupation (sui generis) use

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

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(Cllr Chris Pepper left the meeting)

Exe Valley  
(UPTON PYNE)

16/2255/FUL and 16/2256/LBC

Applicant: Mr Ben Leete

Location: St Anthony's Chapel, Cowley,

Proposal: 16/2255/FUL  
Change of use of chapel to dwelling house. Erection of bin store and fence

16/2256/LBC  
Internal alterations to include the installation of mezzanine platform and staircase, conversion of vestry to form bathroom and installation of kitchen facilities. Erection of bin store

**RESOLVED:** 16/2255/FUL - APPROVED with conditions as per recommendation.

16/2256/LBC - APPROVED with conditions as per recommendation.

Seaton  
(SEATON) 16/2728/FUL

Applicant: Mrs R Davey

Location: Conifers, 2 Wessiters, Seaton

Proposal: Non-material amendment to application 14/1768/FUL (Single storey side extension and alterations) to provide a render rather than stone finish.

**RESOLVED:** Non- material amendment APPROVED as per recommendation.

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

**Ref:** 16/2557/FUL                      **Date Received** 20.02.2017  
**Appellant:** Dr L Jones And Dr L Knight  
**Appeal Site:** The Deck House Higher Broad Oak Road West Hill Ottery  
St Mary EX11 1XF  
**Proposal:** Construction of first floor extension over existing garage.  
**Planning** APP/U1105/D/17/3169937  
**Inspectorate**  
**Ref:**

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**Ref:** 16/2405/FUL                      **Date Received** 25.02.2017  
**Appellant:** Mr Martin Waistell  
**Appeal Site:** 1 Grindle Way Clyst St Mary Exeter EX5 1DF  
**Proposal:** Erection and retention of boundary fence to front, rear and  
side (up to 2m in height).  
**Planning**  
**Inspectorate**  
**Ref:**

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**Ref:** 16/2525/FUL                      **Date Received** 27.02.2017  
**Appellant:** Mrs Jenny Hill  
**Appeal Site:** The Old Vicarage Vicarage Road East Budleigh Budleigh  
Salterton EX9 7EF  
**Proposal:** Construction of 3no dwellings (including 2no affordable  
dwellings) and vehicular access to Vicarage Road.  
**Planning**  
**Inspectorate**  
**Ref:**

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**Ref:** 16/2631/FUL                      **Date Received** 02.03.2017  
**Appellant:** No 10 Developments Ltd  
**Appeal Site:** 28 Holland Road Exmouth EX8 4BA  
**Proposal:** Demolition of garage, and construction of two storey attached  
dwelling  
**Planning**  
**Inspectorate**  
**Ref:**

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**Ref:** 16/2310/FUL                      **Date Received** 13.03.2017  
**Appellant:** Everetts  
**Appeal Site:** Waggoners Court Barton Hill Beer Seaton EX12 3JT  
**Proposal:** Construction of 2no dormers to east facing elevation and  
canopy over entrance  
**Planning** APP/U1105/D/16/3170492  
**Inspectorate**  
**Ref:**

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## East Devon District Council List of Planning Appeals Decided

**Ref:** 15/2172/MRES      **Appeal Ref:** 16/00053/REF

**Appellant:** Cavanna Homes (Devon) Ltd And Pencleave 2  
**Appeal Site:** Land South Of King Alfred Way Newton Poppleford  
**Proposal:** Construction of 40 dwellings (including 16 affordable), doctor's surgery and associated infrastructure, open space and landscaping (approval of details of appearance, landscaping, layout and scale reserved by outline planning permission 13/0316/MOUT)

**Decision:** **Appeal Allowed (with conditions)**      **Date:** 21.02.2017

**Procedure:** Informal Hearing

**Remarks:** Officer recommendation to approve, Committee refusal, affordable housing layout reason overruled (EDLP Strategy 34). Application for a full award of costs by the Council against the appellants not yet decided.

The Inspector was satisfied that the proposed affordable housing would be sufficiently dispersed within the scheme and together with the proposed choice of external materials and the landscaping aspects would enable an acceptable level of integration within the development as a whole, both from a social and visual point of view.

He concluded that the proposed layout of affordable housing would be acceptable, having regard to the development plan and national policies and would therefore accord with Strategy 34 of the Local Plan and Section 6 of the Framework.

**BVPI 204:** Yes  
**Planning Inspectorate Ref:** APP/U1105/W/16/3156141

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**Ref:** 16/1461/FUL **Appeal Ref:** 16/00064/REF  
**Appellant:** Mr & Mrs Richard Hazell  
**Appeal Site:** Tale Head Cottage Payhembury Honiton EX14 3HL  
**Proposal:** Change of use of agricultural land to garden to include removal of field hedgerow and construction of new boundary hedgerow  
**Decision:** **Appeal Allowed (with conditions)** **Date:** 21.02.2017  
**Procedure:** Written representations  
**emarks:** Delegated refusal, countryside protection and landscape reasons overruled (EDLP Strategies 7 & 46 and Policy D1).

The Inspector considered that given the distance of any public viewpoints from the site, the extension of the garden along with associated domestic paraphernalia would cause very little change to the rural scene and setting of Tale Head Cottage. The proposal would lead to the loss of a small part of established hedgerow which would not cause any noticeable harm to that particular feature. Furthermore, the very limited short term harm that may occur would then be overcome when the additional proposed planting becomes established. The key characteristics and special distinctive qualities of the area would be conserved and not harmed.

He concluded that the proposal would not have a harmful effect on the character and appearance of the surrounding area and would preserve the setting of Tale Head Cottage which is a grade II listed building.

**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/16/3161989  
**Inspectorate**  
**Ref:**

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**Ref:** 16/0074/FUL **Appeal Ref:** 16/00067/REF  
**Appellant:** Mr John Brett  
**Appeal Site:** 21 Stoneborough Lane Budleigh Salterton EX9 6JA  
**Proposal:** Construction of detached dwelling.  
**Decision:** **Appeal Allowed (with conditions)** **Date:** 22.02.2017  
**Procedure:** Written representations  
**Remarks:** Officer recommendation to approve, Committee refusal. Amenity and highway safety reasons overruled (EDLP Policies D1 & TC9).

The Inspector considered that the proposal would respect the key characteristics and special qualities of the area and that the proposal would not have a harmful effect upon the character and appearance of the area. With regard to the amenity of neighbours, he considered that the proposal would not give rise to any significant overlooking or have a harmful effect upon the living conditions of nearby occupiers with respect to privacy.

The Inspector concluded that the proposal would constitute a good design which would comply with local plan Policy D1 and paragraph 6 of the NPPF.

Having regard to highway safety, the Inspector considered that the small additional amount of parking for one dwelling would not lead directly to parking problems in the area close to the appeal site. He concluded that the proposed parking arrangements would not lead to unsafe highway conditions.

**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/16/3163298  
**Inspectorate**  
**Ref:**

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**Ref:** 16/1194/FUL **Appeal Ref:** 16/00063/HH  
**Appellant:** Mr & Mrs Joyce  
**Appeal Site:** St John Cotlands Sidmouth EX10 8SP  
**Proposal:** Construction of hip to gable loft conversion and enlargement of existing front dormer.  
**Decision:** **Appeal Dismissed** **Date:** 06.03.2017  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, amenity reasons upheld (EDLP Policy D1).  
**BVPI 204:** **Yes**  
**Planning Inspectorate Ref:** APP/U1105/D/16/3161449

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**Ref:** 16/2011/FUL **Appeal Ref:** 16/00069/HH  
**Appellant:** Mrs Helen Marks  
**Appeal Site:** 19 King Alfred Way Newton Poppleford Sidmouth EX10 0DG  
**Proposal:** Removal of existing conservatory and construction of two storey side extension.  
**Decision:** **Appeal Dismissed** **Date:** 06.03.2017  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, amenity reasons upheld (EDLP Policy D1).  
**BVPI 204:** **Yes**  
**Planning Inspectorate Ref:** APP/U1105/D/16/3166036

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**Ref:** 15/2399/FUL **Appeal Ref:** 16/00049/REF  
**Appellant:** Mr And Mrs Jamie Mandeville  
**Appeal Site:** Woodmead (land Adjoining) Sheldon Honiton EX14 4QU  
**Proposal:** Change of use of land for the siting of four units of holiday accommodation; (one log cabin and three shepherd huts).  
**Decision:** **Appeal Dismissed** **Date:** 08.03.2017  
**Procedure:** Written representations  
**Remarks:** Officer recommendation to refuse, Committee refusal. Sustainability, countryside protection and landscape reasons upheld (EDLP Strategies 7, 33 & 46 and Policies E5 & TC2).  
**BVPI 204:** **Yes**  
**Planning Inspectorate Ref:** APP/U1105/W/16/3155475

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**Ref:** 16/1691/FUL **Appeal Ref:** 16/00062/REF

**Appellant:** Mr & Mrs S Grief

**Appeal Site:** Pinehurst Annexe 189 Beer Road Seaton EX12 2QB

**Proposal:** Extension to existing home office and change of use to class B1 office

**Decision:** **Appeal Allowed (with conditions)** **Date:** 14.03.2017

**Procedure:** Written representations

**Remarks:** Delegated refusal, countryside protection and employment reasons overruled (EDLP Strategy 7 and Policy E5).

The Inspector considered that the proposal would essentially allow the appellants to transfer to the site the business-related activities that are presently undertaken outside of the district. He acknowledged that the business could be carried out in an alternative location but neither local plan Policy E5 or Strategy 7 refers to a 'need' for development such as that proposed having to be demonstrated in a rural area.

He considered that the proposal would accord with the Framework's support for a rural economy at paragraph 28. This promotes the sustainable growth and expansion of all types of businesses and enterprise in rural areas. Additionally, paragraph 21 of the Framework states that local planning authorities should facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.

The Inspector concluded that the proposal would comply with local plan policy E5, Strategy 7 and the Framework and as such would be a suitable location for B1 office use.

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

**Planning Ref:** APP/U1105/W/16/3161357

**Inspectorate Ref:**

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**Ref:** 16/1956/FUL **Appeal Ref:** 16/00072/HH  
**Appellant:** Mr Simon Fleet  
**Appeal Site:** 3 Manleys Lane Dunkeswell Honiton EX14 4XQ  
**Proposal:** Demolition of existing garage and construction of two storey rear extension. (Revision to withdrawn proposal 16/1153/FUL)  
**Decision:** **Appeal Dismissed** **Date:** 15.03.2017  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, amenity and conservation reasons upheld (EDLP Policies D1 & EN10).  
**BVPI 204:** **Yes**  
**Planning Inspectorate Ref:** APP/U1105/D/16/3167432

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**Ref:** 15/2239/MOUT **Appeal Ref:** 16/00041/REF  
**Appellant:** Mrs M & W Broom & Adams  
**Appeal Site:** Weeks Farm Talaton Exeter EX5 2RG  
**Proposal:** Construction of 25 dwellings and 20 space car park for village hall (outline application discharging means of access only)  
**Decision:** **Appeal Dismissed** **Date:** 17.03.2017  
**Procedure:** Informal Hearing  
**Remarks:** Delegated refusal, sustainability and drainage reasons upheld (EDLP strategies 1, 7 & 27 and Policies EN19 & TC12).  
**BVPI 204:** **Yes**  
**Planning Inspectorate Ref:** APP/U1105/W/16/3152976

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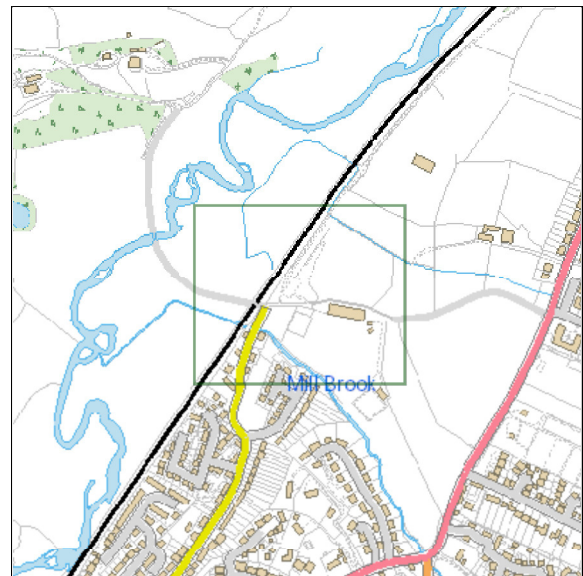
**Ward** Axminster Rural

**Reference** 17/0384/FUL

**Applicant** Cllr Andrew Moulding

**Location** Cloakham Lawn Sports Centre Chard Road  
Axminster EX13 5HW

**Proposal** Replacement skateboard park



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 11<sup>th</sup> April 2017</b>
<b>Axminster Rural (AXMINSTER)</b>	<b>17/0384/FUL</b>	<b>Target Date: 05.04.2017</b>
<b>Applicant:</b>	<b>Cllr Andrew Moulding</b>	
<b>Location:</b>	<b>Cloakham Lawn Sports Centre Chard Road</b>	
<b>Proposal:</b>	<b>Replacement skateboard park</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

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

The proposal seeks planning consent for the creation of a new and updated skate park, adjacent to the site of the existing skate park within Axminster that will be replaced.

The proposed skate park would be an improvement and an update on the existing facilities to the benefit of the local community. The proposal would not harm the appearance and character of the landscape, would be readily accessible and would not harm the amenity of surrounding properties in terms of noise. In terms of flood risk from the adjacent river and brook the proposal is considered water compatible development which also passes the sequential test.

Accordingly the proposal complies with local plan policy and is recommended for approval.

### **CONSULTATIONS**

#### **Local Consultations**

##### Town Council

Not commented to date.

##### Axminster Rural – Cllr I Hall

I must declare that I have two personal interests regarding this application.

- 1) I am the Chairman of the Skatepark Trustees.

2) I am the Chairman of the Cloakham Lawn Trustees (landlord for the skatepark).

I will therefore will not be making any presentation for or against this application.

### **Technical Consultations**

#### County Highway Authority

Does not wish to comment

#### Sport England

This application relates to the provision of a new indoor and outdoor sports or facilities on the playing field at the above site. It therefore needs to be considered against exception E5 of the above policy.

From the information provided we are satisfied that the proposal meets one of the exceptions of the above policy (E.5) in that:

The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

This being the case, Sport England does not wish to raise an objection to this application providing that the said facility is open to the wider community in perpetuity and adequately maintained.

#### Conclusions and Recommendation

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet exception E5 of the above policy.

### **Environmental Health**

I have assessed the application and have the following comments to make:

(1) The proposal should be quieter than the existing site due to being of solid concrete construction. The details submitted include a comparison with a similar new site in Dorchester, which was shown to be an improvement on the previous "old" site.

(2) This site may affect nearby residents during the construction process. We would request the applicant to consult and follow the council's Construction Sites Code of Practice prepared by Environmental Health and adopted by the council in order to ensure that any impacts are kept to a minimum. This is available on the council's website: <http://eastdevon.gov.uk/noise/noise-guidance-and-advice/guidance-and-advice-for-developers-builders-and-contractors/>

#### Other Representations

None received to date.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
01/P1432	Extension Of Facilities To Include Pavilion, new Cricket Pitch & Two Rugby Pitches	Approved	19.02.2002
06/2365/FUL	Skateboard Park	Approved	01.11.2006

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

EN22 (Surface Run-Off Implications of New Development)

Strategy 7 (Development in the Countryside)

RC1 (Retention of Land for Sport and Recreation)

RC2 (New Open Space, Sports Facilities and Parks)

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

RC5 (Community Buildings)

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

## **Site Location and Description**

The existing skate park at Cloakham Lawn Sports Centre is situated slightly beyond the built up area boundary of Axminster, and therefore is situated within the open countryside. The existing skate park features metalled ramps, benches and rails on top of a tarmacked surface. To the east is the sports centre, with the ongoing construction of the Cloakham Lawn estate beyond. To the west is the train line with open playing fields to the north. To the south are residential properties situated along Willhay Lane, Lynch Close and North Street.

The site is within floodzones 2 and 3 of the nearby River Axe and Mill Brook.

## **Proposed Development**

The proposal seeks planning consent for a new skate park facility. The existing skate park is broadly positioned on a north east to south west axis, whereas the proposed skate park follows the existing southern boundary hedge and so would be positioned on an east to west axis. Within the skate park itself a range of ramps, jumps, bowls and rails are proposed. These features would have a maximum height above ground

level of 1.7 metres. The proposed surface is concrete and would cover an area of 617 metres squared, a slight increase on the 560 metres squared of the existing skate park.

The design of the park takes into account the access and boundary fence, and aims to appeal to a range of riding disciplines, age groups and abilities.

## **ANALYSIS**

Weight should be given to the fact that there is an existing skate park in terms of impact on both the countryside and impact on amenity. Policy RC1 of the local plan advocates the retention of land for sport and recreation and so the principle of the development would accord with this. However, policy RC2 of the local plan is most applicable to the circumstances of this planning application, with the site being situated beyond a built up area. Policy RC2 states that the upgrading of existing facilities would be permitted providing the following criteria are met;

1. They do not unduly affect the character and appearance of the area and the visual and physical amenities enjoyed by adjoining residential areas.
2. They are accessible by public transport, bicycle and on foot.
3. Appropriate car and cycle parking is provided.
4. The proposed road access to the site provides for safe exit and entry and the local road network can safely accommodate the extra traffic the proposal would generate.
5. The facilities are located without detriment to the best and most versatile agricultural land, nature conservation interest and the conservation of areas of landscape, scientific, archaeological or historic interest.

Addressing the issue above:

In terms of visual impact the different orientation, features and new surface material would mean that visual changes to the site would be perceived from immediate vantage points (from the adjacent footpath) and also medium range viewpoints, from the newly constructed housing estate. The proposal would visually enhance the existing site with a new and improved facilities which would be better integrated with the landscape features. Moreover, the configuration of the jumps and ramps, utilising the same surface material, produces a more cohesive design when compared to the existing facilities. The existing field boundary offers suitable screening from the public footpath and from longer range views the change in the visual appearance of the land, from that the existing skate park, would be minor and accordingly this would not be detrimental to the character or appearance of the locality.

The application site is situated immediately adjacent to the public footpath, which can also facilitate cycle traffic. Further, there is parking available at First Avenue and Chard Road which are adjacent to the site. The proposal would also be accessible on foot from the newly constructed housing estate to the east and the wider road network to

the south. Therefore the proposed skate park, like the existing skate park, benefits from suitable and safe exit/entry on to the wider vehicular road network.

As the proposal takes place within a parcel of land which already accommodates an existing skate park the proposed siting would not materially threaten the use of agricultural land. Further, the application takes place on Grade 4 agricultural land and therefore this land is not considered to be classed as within the most versatile category.

In light of the above the proposal complies with Policy RC2.

## **Other issues**

### **Flood Risk**

A site specific Flood Risk Assessment has been conducted as the proposal takes place within designated floodzones 2 and 3 (from the River Axe and Mill Brook). The sequential test to consider other suitable sites that can accommodate the proposed development, outside of floodzones 2 and 3, is therefore applicable. As the proposal aims to secure a community facility for Axminster the catchment area for consideration should focus on this area.

Due weight should also be given to the fact that there is an existing skate park within this location and that the net increase of hardstanding area would be minimal. Moreover, there is no evidence that this minor net increase of hardstanding would increase the flood risk to adjacent properties. Within this open location a flooding incident would be plainly recognisable, with the means of escape readily available should the situation arise. The development of other sites around Axminster would inevitably result in the intrusion of the undeveloped and open countryside and are unlikely to benefit from the good pedestrian linkages on offer. Therefore, on balance, the proposal passes the sequential test.

Within the National Planning Policy Guidance outdoor sport and recreation facilities are classified as 'Water compatible development' as so the exception test is not applicable in this instance. Taking all of the above into account the proposal does not pose a flood risk to warrant refusal of this planning application.

Surface water drainage would drain via a SUDs compatible create systems into the surrounding grassland or through a discharge pipe directly into a culvert. A condition shall secure the system to ensure that surface water is satisfactorily discharged.

### **Noise**

Paragraph 109, bullet point 4 of the National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. A brief noise assessment has been submitted with the planning application but this states that the concrete skate



park ambience in use (measured 15 metres away) is within the 63-78db level which equates to between speech level and levels near a busy road. Further, the nearest residential properties are between 75m-100m away. It is material that noise could arise from use of the existing skate park and so while there would be some noise generated from the proposal there is no evidence that this would not be of a level which would be harmful when compared to the potential of the existing site with Environmental health stating that noise levels should be quieter due to the concrete construction.

Given this, and give the distances to nearby residential properties, and taking into account that peak use is only going to be during daylight hours (there is no floodlighting) and focussed around weekends (and after school hours), noise levels are unlikely to be detrimental to health and quality of life.

### **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. Prior to the commencement of the development hereby approved details of the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. (Reason - To ensure that surface water is satisfactorily accommodate, in accordance with policy EN22 (Surface Run-Off Implications of New Development) of the adopted East Devon District Council).

### NOTE FOR APPLICANT

Informative:

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

### Plans relating to this application:

1	Location Plan	08.02.17
2	Proposed Site Plan	08.02.17

4 AERIAL VIEW	Photos	08.02.17
5	Other Plans	08.02.17
6	Layout	08.02.17
7	Sections	08.02.17

List of Background Papers

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

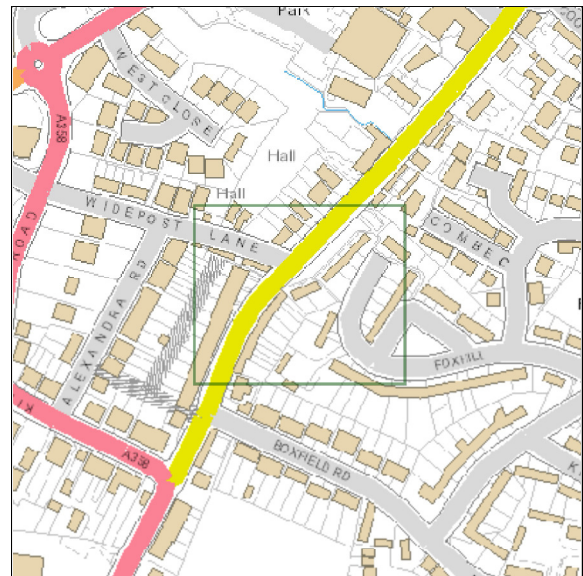
**Ward** Axminster Town

**Reference** 16/2868/FUL

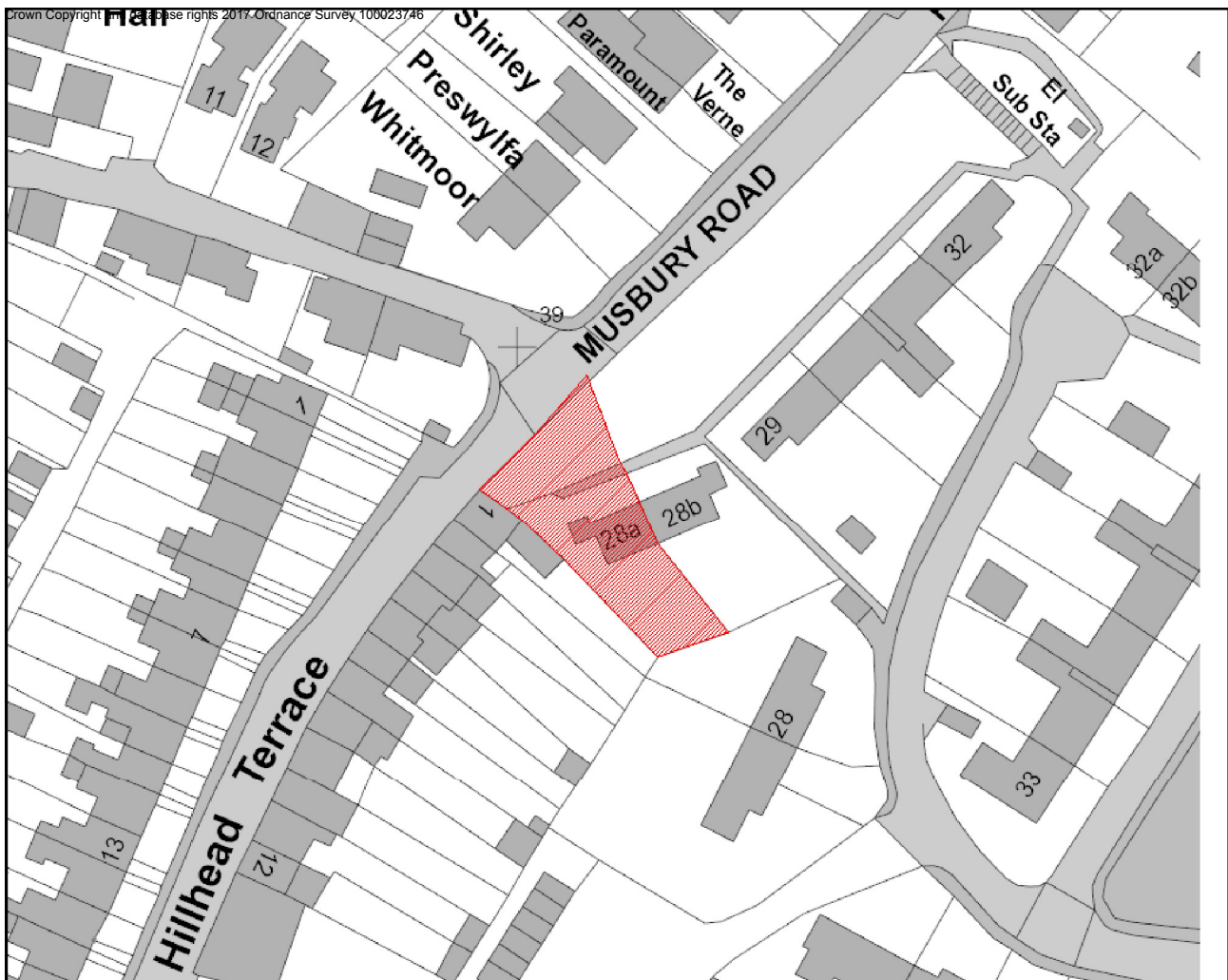
**Applicant** Mr S H Jaffar

**Location** 28A Foxhill Axminster EX13 5LT

**Proposal** Proposed extension and creation of parking layby



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 11<sup>th</sup> April 2017</b>
<b>Axminster Town (AXMINSTER)</b>	<b>16/2868/FUL</b>	<b>Target Date: 26.01.2017</b>
<b>Applicant:</b>	<b>Mr S H Jaffar</b>	
<b>Location:</b>	<b>28A Foxhill Axminster</b>	
<b>Proposal:</b>	<b>Proposed extension and creation of parking layby</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

**This application is presented to Committee as it relates to land owned by the Council and an objection has been received.**

**The scheme seeks permission for two elements of development - the creation of a new layby/parking area which would be cut into the an existing grassed bank along the one way section of Musbury Road and a single storey side extension to the host dwelling.**

**The location and visibility associated with the parking lay by is considered acceptable recognising the one way traffic which is restricted along this section of the road.**

**While the loss of a section of grassed frontage is regrettable, the level of visual harm that this causes is considered to be limited - particularly recognising that this would only be formed in the very southern corner of the area. As such any intrusion that is caused and any parked cars using the layby would be read against the backdrop of the neighbouring cottage which is set forward on the edge of the road. There are no overriding safety fears about the proximity of the layby with the adjacent cottage.**

**While it is acknowledged that the grassed area is identified as a recreation area on the Proposals Map, there is no related Policy protecting such areas unless they are being/have been used for sport and recreation. In this instance the grassed area is fairly steeply graded in nature, and appears to serve only a limited purpose and not usable for formal sport and recreation. As such it is not considered that the loss of this small area could justify refusal of planning permission.**

**The extension is considered to be a modest addition that does not harm the character of the area or neighbour amenity and as such the proposal is supported.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Axminster Town Council supports the provision of the parking layby but has concerns that the wall of the proposed extension is too close to the boundary wall of the adjoining property.

#### Axminster Town - Cllr A Moulding

I recommend approval

NB The applicant asked me about this project and I recommended a local architect - so I may have a personal interest?

### **Technical Consultations**

#### County Highway Authority

Does not wish to comment

#### Other Representations

1 letter of objection has been received raising the following observations:

- Concern whether the layby will be open to anyone to use
- Concern about safety of pedestrians using this remaining grassed area as a short cut
- Layby will be located opposite a road junction therefore raising questions about safety

## **PLANNING HISTORY**

None

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5 (Environment)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

RC1 (Retention of Land for Sport and Recreation)

TC7 (Adequacy of Road Network and Site Access)

## **ANALYSIS**

This application seeks permission for the provision of a new 3.5m wide parking and waiting layby on Musbury Road directly north of Hillhead Terrace together with the construction of a single storey side extension. As such the main issues with the

application concerns highway safety and the impact on the character and appearance of the area as well as the impact on neighbour amenity.

### **Highway Safety**

In terms of highway safety the road in this location is one way and although the road bends around the terraced cottages to the south, no traffic would be coming down the hill in this direction. With a relatively straight road to the north, it is considered that there is sufficient visibility to ensure that cars could enter and exit the layby without causing conflict with other road users. It is of note that a similar situation occurs with on street parking that exists further to the north on the same road.

### **Character of the area**

In terms of the character and appearance of the area, the scheme would cause some intrusion into the grassed bank area when viewed from the lane opposite although this is not considered harmful. However in longer distance street scene views, the current grassed bank with low stone wall forms an attractive finish and a pleasing send of relief within the wider area. As such it plays a meaningful role in the local character. However the layby as proposed would exist to the very south of this green embankment and in the more sensitive longer distance views, any cars parked within the layby would be read against the built form of the terraced houses beyond. In this sense while the intrusion caused is regrettable it is not considered to cause significant harm. Any fencing required to prevent a fall down the bank should be of a simple post and rail style only to minimise the impact.

It is noted that in policy terms the site is identified on the Proposals Plan for the town as comprising either a recreation area, allotments or accessible open space. However Policy RC1 only seeks retention of such areas where these have been used for recreation purposes. In this instance the steepness of the adjacent embankment and the form and size of the grassed area results in the consideration that this area is more important for its visual appearance rather than any meaningful functional/recreational role. As such it is not considered that the proposal causes a significant intrusion to this area or contravenes policy.

### **Side extension**

The extension as proposed appears as a subservient addition to the host dwelling that respects the generally linear form found locally and it only steps forward in line with the side extension that already exists to the side of the other half of the pair of semidetached dwelling. In terms of neighbour amenity, the extension has a narrow planform with pitched roof ridge height of 4.1m. While this abuts the side boundary of the neighbouring property, which itself is set lower than the application site, the proposed extension does not cause any harmful impact. This assessment arises following the recognition that there is an existing extension to the nearest neighbour that already projects beyond the position of the extension proposed here.

## **Other issues**

It is noted that within the application the original site boundary included the entire area of land between the house and edge of Musbury Road. Had this remained, it would have lead to confusion as to whether the land between the back edge of the layby and the house was proposed to form part of the domestic curtilage of the property (and effectively imply a change of use). To avoid confusion the red line has been amended during the consideration of the application and as such it is confirmed that no change of use is sought for the remaining land that will remain publically accessible.

The objection received to the application raises a concern regarding who will be able to park in this area. Whilst this is outside of the control of planning, it is the intention that the space will be available for the occupiers of 28A Foxhill and as such they will control the use of the parking space.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those of the existing building.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the existing building in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, Part 2 Class A (gates fences walls etc), and where safety fencing/railing is required to prevent a fall from the regraded bank, this shall only take the form of a simple post and rail timber fence, be no more than 1.1m in height and not positioned in the area between the proposed access steps and the edge of Musbury Road.  
Reason: To protect the character of the area whilst maintaining the safety of users of the surrounding land and also to ensure that visibility of other road users is not impaired in accordance with Policy D1 (design and Local Distinctiveness) and TC7 (Adequacy of Road network and site access) of the adopted East Devon Local Plan.

## NOTE FOR APPLICANT

### Informative:

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

### Plans relating to this application:

Site Location Plan Received 1<sup>st</sup> December 2016

Drawing Number TW16/69/02B

### List of Background Papers

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



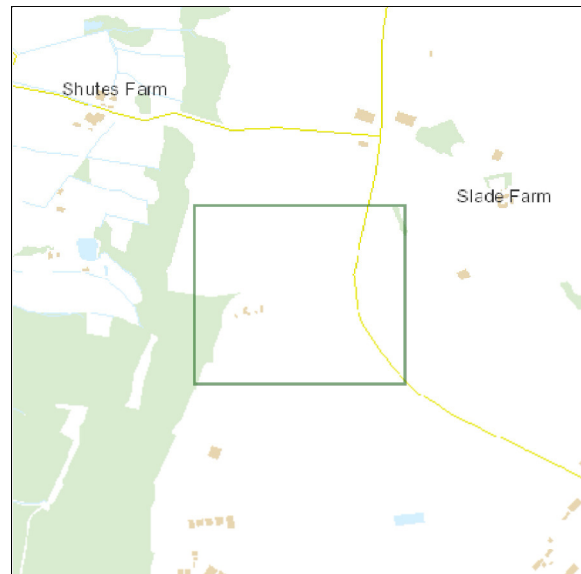
**Ward** Dunkeswell

**Reference** 16/2946/FUL

**Applicant** Mr Lovell

**Location** Mansell Raceway Dunkeswell Aerodrome  
Dunkeswell Honiton EX14 4LT

**Proposal** Erection of building containing workshop/storage, reception, visitor facilities and race control replacing existing portacabins and associated outbuildings.



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 11<sup>th</sup> April 2017</b>
<b>Dunkeswell (DUNKESWELL)</b>	<b>16/2946/FUL</b>	<b>Target Date: 09.02.2017</b>
<b>Applicant:</b>	<b>Mr Lovell</b>	
<b>Location:</b>	<b>Mansell Raceway Dunkeswell Aerodrome</b>	
<b>Proposal:</b>	<b>Erection of building containing workshop/storage, reception, visitor facilities and race control replacing existing portacabins and associated outbuildings.</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Members as the officer recommendation is contrary to the view of the Ward Member.**

**The application seeks permission for the construction of a new and purpose built reception, briefing and maintenance facility replacing a number of temporary and dilapidated structures. Investing in an existing business is generally supported in policy terms provided the impacts on the site and surrounding area are not adversely harmed.**

**In this instance the site is located within the AONB which must receive the highest level of protection. However the site is on an upland plateau which is characterised by a range of uses and associated buildings including an industrial estate to the east and scatted aircraft hangers to the north. The proposed building, while being two storeys in height would only be around 1 metre higher than the existing race control building. In addition being read against the backdrop of existing trees, and given the replacement of a number of buildings, it is not overall considered to harm the character of the area or AONB.**

**Further it is recognised that the new building and improved facilities could help to increase the potential visitor numbers that could be attracted to the site but such an increase would be limited given the existing noise and usage controls that are enforced by a separate Section 106 agreement. The potential impact of an increase in vehicle movements must also be considered but in this instance it is considered that locally trip generation is dominated by that associated with both the aerodrome and more significantly the industrial estate. In this instance therefore any increase in usage and traffic is considered to be a small percentage of the existing situation and not to an extent that could justify refusal of planning permission.**

**The remaining significant consideration is the potential impact on the functioning and operation of the aerodrome. This has been raised as an objection by the aerodrome operator. However current records which have been checked with the Civil Aviation Authority show that the runway closest to the proposed site is unlicensed and unregistered. As such, and without any evidence to support the objection from the aerodrome operator, it is not considered that the objection from the aerodrome operator is sufficient to justify harm and refusal of planning permission.**

**Overall it is considered that the investment in an existing rural business is in accordance with Policy and should be supported.**

## **CONSULTATIONS**

### **Local Consultations**

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

16/2946/FUL Mansell Raceway Dunkeswell Aerodrome - Erection of building containing workshop/storage, reception, visitor facilities and race control replacing existing portacabins and associated outbuildings. Cllr Proctor declared an interest and abstained from the vote.

COMMENTS: The Parish Council object strongly to the application submitted. Although there is a need to tidy the site which is currently made up of temporary buildings, old lorries and other unsightly erections which detract greatly from the beauty of the landscape in the AONB, it is felt the proposed building is far larger and more obtrusive than is appropriate for the site and to replace the current buildings.

The proposed development makes little or no effort to blend with the landscape, being two storeys and of industrial appearance situated on the sightlines of a significant view across the Blackdown Hills AONB. There are no screening or planting plans shown. Placement of the building may well impact the use of the historic airfield, as it is set too close and too high to the boundary infringing on the flightpath thereby rendering one runway unusable.

The total footprint of the proposed building is in fact more than 120% of the sum of current temporary buildings on site. This has been incorrectly stated in the application for the gain of the applicant and is a shabby attempt to suggest a modest enlargement. The parish council do not accept that the sale of an industrial unit located elsewhere in the village should be relevant to this application, and definitely not used as part of the calculation of temporary buildings being replaced. It is not a 30% increase of footprint on site at all, but 120%.

No meaningful justification has been supplied to support an application of such significant size in such a visible location in the AONB. There is a huge supply of alternative office accommodation in reasonable proximity to the circuit on the adjacent industrial estate. We have seen no business plan, evidence or justification which would demonstrate a reasonable purpose or use for such a building given the nature of the business. When there is a clear intention to expand the business commensurately in order to realise a return on such an investment, it will inevitably bring substantial traffic movements through the village, yet there is no reflection of this in the transport/travel

plan supplied. If the District Council are minded to approve an application for a permanent structure on the site it should be sympathetic to its surroundings, located only within the curtilage of the area designated for motorsports use, but so as to avoid infringement on the runway, be of modest proportions, designed to blend with the landscape and positioned for minimum visible impact in the landscape. Any grant of permission should be conditioned to ensure removal of all 'temporary' structures and replacement be prohibited. Particularly, there should be no skylights in the building and a plan of external lighting proposals must be approved as a separate document to address any possible light pollution issues. Dunkeswell Parish Council fully support the comments and views of Lisa Turner BHAONB Planning Officer.

#### Dunkeswell - Cllr C Brown

Comments have been sent in by both Dunkeswell Parish Council and Sheldon Parish which I am in agreement with, but would like to further add that if the main building was to be the size and position on the plans it would affect the runway on that part of the airfield, and lead to refusal of a CAA licence on the longer runway needed for the planes that take off with the Sky Divers on board therefore stopping this activity continuing, which is lucrative to both the airfield, and East Devon, also there has been no feasibility study supporting this application. If the officers opinion is contrary to mine it must go before the DMC, but I will keep an open mind.

#### Adjoining Parish

Comments from Sheldon Parish Meeting Thursday 12th January

12 Members of the parish were present including our District Cllr Colin Brown, to discuss and comment on this application.

The scale and impact of the development, is considerably larger than is being stated, asking the question, why such square meterage is required if there is to be no further development of business on the site.

The application is somewhat ambiguous about the removal of current temporary buildings which have been calculated as part of a new building.

Off site premises have been used to calculate the scale of a new building which members of the parish thought had not been made clear in the application and thought was not justified in calculating the new square meterage being requested predisposing towards the largeness of this development.

Most of the windows of the elevated two storey building face west to Sheldon and the Culm valley, introducing unacceptable light pollution for miles to the west.

The impact from Light would herald a new and devastating loss of natural England with in the AONB that has not been encroached upon by any business on the airfield. All lighting is contained with-in the main body of the industrial estate and surrounding hangers. this development would mean a departure from that into virgin AONB.

The Application contravenes every Policy of protection afforded by statute to the AONB, the details of which were published following the rejection by Members of the previous building Application in 2006.

Discussing the application with parish members the consensus failed to accept that there would be no more increase in motor sport activity at Mansell Raceway if this application were given consent.

Parish members would like to make a well informed decision to comment on the possibility of increased activity that may be associated with this new development in a fair manner. Finances to develop this site may be of no consequence but, sustaining such a development may not prove feasible within the constraints of the AONB and infrastructure surrounding the area. Members of the parish thought this aspect of the development needed to be discussed in relation to deciding the scale of the building and its sustainability.

The residents of Sheldon are proud of the AONB, which represents a national network of closely protected havens of natural tranquillity and visual beauty to be enjoyed by all.

The Parish Meeting strongly objects to the Application submitted, and we fully support all the comments made by Dunkeswell Parish.

### **Technical Consultations**

#### County Highway Authority

Observations:

The County Highway Authority (CHA) has read the attached Transport Assessment and notes that the proposed development would not give rise to a substantial increase in the number of daily vehicular movements associated with the future use of the business.

I have interrogated the counties accident records for any personal injuries at the existing entrance to the site from the highway and do not find any. This would indicate that there is not any significant deficiencies within the immediate local highway network.

Recommendation:

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

#### 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

The proposed development is for a site within or close to a nationally designated landscape namely Blackdown Hills AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Protected species

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

Natural England has published Standing Advice on protected species.

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

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

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

#### 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'.

#### Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w).

Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website

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

## Blackdown Hills AONB Project Partnership

Thank you for requesting comments from the Blackdown Hills AONB Partnership regarding the above application.

Great weight should be given to conserving landscape and scenic beauty in AONBs (NPPF par 115), and while the AONB Partnership acknowledges the demands of businesses operating in the Blackdown Hills there is a need to balance this with the need to conserve and enhance the natural beauty of the area - the key objective of designation. Reasons for the designation of the Blackdown Hills AONB include that the area has retained a sense of remoteness and is largely unspoilt by modern development, while some of the special qualities include unspoilt and exposed skylines across plateau and ridge tops with long and panoramic views over field patterned landscapes. As a general principle therefore, the AONB Partnership believes that any development proposal in an isolated location requires careful consideration of landscape and visual impact, and have regard to necessity, siting, scale, design and environmental considerations as well as factors such as highway impact in order to conserve and enhance the natural beauty of the area.

The AONB Partnership supports its local planning authorities in the application of national and local planning policy in order to ensure that any development in the AONB conserves and enhances the natural beauty of this nationally designated landscape. In support of this, the Blackdown Hills AONB Management Plan 2014-19 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It contains the following policy of relevance to this proposal:

PD 1/B Seek to ensure that any necessary new developments or conversions within the AONB or affecting its setting conserve and enhance natural beauty and special qualities, particularly by respecting the area's landscape character and the local character of the built environment, reinforce local distinctiveness and seek to enhance biodiversity.

Comments are made on the basis of our understanding that this application is to improve on-site facilities for customers rather than generate additional visitors. Also, that in this respect, the amount of kart activity is controlled by other planning permissions and noise restrictions. While it is accepted that there may be a case for providing permanent accommodation for facilities essential to the permitted kart racing, the AONB Partnership would not support general commercial development in this location. It seems that siting the building in the area currently occupied by a portacabin and storage container, within the vicinity of other structures, would serve to minimise additional visual impact. The colour of structures here plays an important role in this regard.

Taking into account all of the above in respect of the effect on the AONB, I would consider the following points to be worthy of particular consideration concerning this application:

1. attention to ground level, floor level and building height, without excessive earthworks, to limit the overall height



2. Site management and landscaping: it would be important to retain and manage the wooded area to the west and the hedgebank immediately to the east
3. Clarity and commitment on buildings/structures to be removed
4. Building to retain simple industrial appearance, without flags, advertising, etc, and to be of a dark muted finish
5. There is reference to external lighting - this should be carefully controlled, alongside steps to minimise light spill from internal lighting

I trust that these comments are helpful to your consideration of this application.

#### Contaminated Land Officer

I have considered the application and in view of the nature of the building I do not anticipate any contaminated land concerns. Should any materials of concern be encountered during any ground works the applicant is advised to contact the Contaminated Land Officer of the council for advice.

#### Environment Agency

Thank you for your email. However we should not have been consulted on this application.

It is a proposal that falls outside the list of matters for which we are a statutory consultee under the DMPO 2015 and our Development Management Consultation Checklist.

#### South West Water

I refer to the above and would advise that South West Water has no comment other than to confirm there are no public foul drainage facilities in the area.

#### Devon County Archaeologist

I refer to the above application. The proposed development lies in an area of archaeological potential with regard to the iron industry that was in operation across the Blackdown Hills from the early Roman through the medieval period. The area occupied by Dunkeswell Aerodrome is known to contain archaeological deposits associated with iron ore extraction industry from these periods. As such, despite the site already being disturbed by WWII activity, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with this historic industry.

For this reason and in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of

investigation which has been submitted by the applicant and approved by the Planning Authority.'

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

#### Reason

To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 141 of the National Planning Policy Framework (2012), 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 to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

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

#### Other Representations

32 letters of objection have been received raising the following observations:

- There should be no further development of a noisy polluting activity which is at odds with the definition of sustainable development
- NO further such activity should be allowed within the AONB as it harms the peace and tranquillity of the local environment
- This represents expansion by the back door.
- Scheme will result in increase in traffic, disruption and noise on the local roads and through local villages
- Concern about inadequate neighbour notification
- Such development should be located on the edge of existing settlements and take place within covered warehouse
- Previous history includes 6 planning enforcement issues and noise abatement order
- Light pollution would harm the area and in particular the local skyline
- Development takes place on a hilltop position with views across the valley
- Uncertain how local woodland will be managed/felled
- Landscape impact should be given priority over economic benefits
- The scheme should be accompanied by an Environmental Impact Assessment
- The development/business represents limited economic benefit with no spill over into other local businesses

- Proposal relies on the replacement of temporary structures which themselves do no benefit from planning permission
- Noise emanating from the site harm local businesses
- Confusion over the percentage increase in the floor space proposed
- The lacks evidence of a properly considered business plan
- Potential for this to represent the first step for further expansion
- Scheme is considered premature to the emerging Dunkeswell Neighbourhood Plan
- Fails to accord with policies of the Local Plan including Strategy 7 (Countryside Protection) and 46 (Landscape Conservation and Enhancement and AONBs)
- Concern about increased usage of the existing septic tank and potential pollution of adjacent water sources.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
15/0280/VAR	Variation of Condition 2 of planning permission 99/P0234 to allow more than 8no karts to be in use at any time.	Approval with conditions	19.06.2015
06/3353/FUL	Retention of widening of kart track extension	Approval retrospective (conditions)	22.03.2007
06/3351/FUL	Retention of car parking and pits area on land to north east of circuit	Approval retrospective (conditions)	17.04.2007
06/0319/MFUL	Erection of building incorporating new pits, workshops and visitors/user facilities and 2 flats.	Refusal	06.11.2006
06/0241/FUL	Proposed race control tower	Refusal	06.11.2006
05/0540/FUL	Formation of extended track	Approval with conditions	11.01.2006

99/P0234	Use Of Land For Commercial Pro/leisure Karting	Approval with conditions	08.04.2002
93/P0776	Change Of Use Of Driver's Skid School To Leisure Karting Centre	Approval with conditions	01.09.1993
88/P0870	Kart Racing/amended Hours Of Operation.	Approval with conditions	15.09.1988

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)  
E5 (Small Scale Economic Development in Rural Areas)  
E20 (Provision of Visitor Attractions)  
EN5 (Wildlife Habitats and Features)  
TC7 (Adequacy of Road Network and Site Access)  
TC12 (Aerodrome Safeguarded Areas and Public Safety Zones)

Strategy 3 (Sustainable Development)  
Strategy 5 (Environment)  
Strategy 7 (Development in the Countryside)  
Strategy 33 (Promotion of Tourism in East Devon)  
Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Dunkeswell Neighbourhood Plan – Submission version.

### Government Planning Documents

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

## **Site Description and Location**

Mansell Raceway is an existing kart racing business that occupies a site on the edge of Dunkeswell Airfield providing a fleet of leisure karts for private hire. In addition Dunkeswell Kart Racing Club also operate from the facility and hold regular events.

Currently the site comprises the Kart racing circuit itself, a converted race trailer providing a race control, changing and vending area (with covered storage area to the rear for karts and associated maintenance) and a portacabin which provides office accommodation and a small club room for such activity as safety briefings . Toilet facilities are provided in the form of temporary portable facilities.

## **Proposal**

The application seeks permission for the removal of the existing portacabin and portable toilet/other buildings and the construction of a purpose built development to combine reception facilities together with office toilet and showers, briefing room, viewing area, race control, workshop and storage area. In proposing this development the applicant seeks to tidy the site and provide a more welcoming and professional entrance to the business.

## **ANALYSIS**

The main issues with the application concern the principle for the development of a new purpose built facility for the existing business, the impact that this would have on the landscape which is designated as an area of outstanding natural beauty, the likely impact on traffic movements to and from the site and impact that it would have on the safe operation of the neighbouring aerodrome.

The site falls within the Dunkeswell Neighbourhood Plan that has been submitted to the Council and is out to consultation. As the Plan has not be 'made' yet, it can only carry limited weight. The Plan contains policies on good design and protection of the AONB as well as a specific policy related to the airfield, although the application site falls outside of the extent of the airfield as designated within the Neighbourhood Plan.

In this instance it is recognised that the Mansell Raceway is an existing and successfully operated business in the rural area. As such the proposal gains support under Policy E5 (Small Scale Economic development in rural areas) and to a lesser extent Policy E20 (Provision of Visitor attractions) of the adopted Local Plan. In particular E5 is a permissive policy that allows for small scale economic development and expansion of existing businesses where amongst other criteria new buildings are provided on previously developed land. In addition criteria also associated with this policy require that:

- A safe access is provided and the local highway network can accommodate any increase in the traffic expected
- There is no detrimental impact upon the amenities of neighbouring properties
- There is no detrimental impact upon wildlife landscape or the historic environment and that new buildings shall be designed to blend into the location

These criteria reflect a number of the key points already identified within the introduction above and will be discussed in more detail in the subsequent sections. However it is important to note at this stage that the building as proposed would be constructed on previously developed land and as such Policy E5 is therefore directly applicable to this application and supports the proposal in principle.

## **Landscape Impact**

The proposed building would take the form of a typical steel framed portal style building with painted render to the ground floor and corrugated sheeting for the first floor and

roof. This combination would not necessarily look out of place within an environment that has a large number of industrial style buildings to the south east and more particularly both individual and small clusters of hanger buildings located around the adjacent aerodrome to the south. The more important consideration is the degree to which the building sits within the wider landscape which is recognised as an AONB and which therefore should be afforded the highest level of protection. Such protection is emphasised within Strategy 46 of the Local Plan which requires that the area must be conserved and enhanced

Currently the main view of the site is from the east on the road that crosses close to the end of the runways and links Dunkeswell with Sheldon and beyond to Hemyock and Culmstock. In this regard the belt of trees along the north western edge of the escarpment form an important and defining feature - providing a backdrop for the existing buildings including the hangers on the airfield but also the existing and proposed building at Mansell Raceway. While some concern has been raised about how this belt of trees could be managed in the future, it is noted that the edge of the plantation includes deciduous trees which are usually retained within any large scale felling. It remains the consideration that weight can be given the role that this woodland plays.

On the basis that the proposed building would be constructed on the same level as the existing race control building (and in the event of approval this can be controlled by condition) then the proposed building would have a ridge height around only 1m higher than this building. Given the vantage points across to the site from the public highway such a height should still sit below the tree line. Provided the material palette for the building is in dark recessive colours (a point recognised by the AONB partnership in their response) then the level of landscape impact is considered limited. Such impact could be further controlled by imposing a condition restricting any outdoor lighting. This would help to safeguard one aspect of the development which has raised concern within the submitted consultation responses.

## **Traffic**

Before considering in greater detail the likely impact of the proposed development in respect of highway and vehicle movement, it is important to note that the activity at the circuit is already restricted by a Section 106 agreement which is focussed on the noise generated by the kart racing together with the maximum number of Karts that can be racing at any one time. This proposal does not seek to vary that provision which remains in place and is unaffected by this application.

As such it is considered that while this proposal may allow the business to expand and better exploit the existing opportunities that are already permitted, the level of activity that would arise already has the potential to be generated in any event. Further recognising the scale of the activity that could take place and the existing activity and vehicle movements associated with the adjacent industrial estate and the aerodrome, it is not considered that the proposal would result in a substantial or harmful impact. As such it is considered that the development is in accordance with TC7 (Adequacy of Road network and Site Access) – a point further emphasised by the lack of objection received from the Local Highway Authority who have considered this proposal in detail. Further the level of any increase as a result of this development (particularly

recognising that this could arise in any event) is not considered to be of a level that would harm the character appearance or tranquillity of the AONB. Equally to try to link an increase in traffic congestion in surrounding villages with the addition of this currently proposed building would be extremely difficult recognising the existing background levels of traffic that are already experienced from a range of sources and scale of material increase which at worst would be limited.

### **Relationship to the Aerodrome**

In considering this application significant concerns have been raised about the potential for the building as proposed to threaten the potential operation and activity of the aerodrome. The aerodrome have objected to the application but have simply stated the following and have not provided any further evidence to support their objection when requested:

'We wish to object to the above planning application (application number 16/2946/FUL Mansell Raceway, Dunkeswell Aerodrome, Devon) due to a potential breach of Civil Aviation Authority Regulations in connection with the licencing of runways at Dunkeswell Airfield.'

As a result of these comments officers contacted the Civil Aviation Authority who have provided the following comments:

'You will have previously seen my e-mail correspondence with the operator of the aerodrome which you have copied as part of your e-mail. As Runway 17/35 is unlicensed, my e-mail referred to a potential situation if that runway were to be licensed.'

I can confirm that the CAA is not a statutory consultee for planning matters, this generally being between the LPA and the Aerodrome Operator; CAA Publication CAP748 details a process of consultation between a Local Planning Authority (LPA) and consultees, which is made obligatory by Statutory Direction. This safeguards some aerodromes and aeronautical technical sites in the United Kingdom. This is called 'statutory' or 'official' safeguarding, and concerns airports and sites that were originally developed under financial support from HM Treasury. Other (generally smaller) aerodromes are safeguarded by privately agreed consultation with the LPA. This is called 'unofficial' safeguarding and is not obligatory under Statutory Direction; however, it is the published advice of HM Government that all aerodromes should be safeguarded.

I can also confirm that at present, Runway 17/35 at Dunkeswell is unlicensed. Therefore any reference to obstacle limitations surfaces, runway strips, clear and graded areas etc as detailed in CAP168 are not applicable.'

On site the aerodrome has a CAA licence for the operation of runway 04/22. This lies on a broadly southwest/north east axis and is in regular use for light aircraft and sky diving. The runway that has caused more concern however is that with reference 17/35 which lies south-south-east/north-north west. While the southern extent of this runway is recognised by the CAA but unlicensed, the middle section, (above the junction with the link taxi way which joins the two runways together) is recognised as

being “disused”, and the north section, while still tarmacked on site is not recognised in any way by the CAA. It is this north section which lies with 65m from the edge of the proposed building and which it is claimed would be deemed unsafe by the CAA for future use by the aerodrome. However there are no safeguarding policies for potential future runway use within the Local Plan and in directly discussing this matter with the CAA, they have been very clear in confirming that the whole of runway 17/35 is currently unlicensed and therefore any concerns about obstruction of this runway as a result of a proposed building (and based on the details within the Civil Aviation Publication (CAP) 168, are "not applicable".

It is noted that within discussions that have taken place in respect of this application that objectors have suggested that runway 17/35 is both licenced by an American Agency and the CAA will shortly be taking over this licence. However despite direct requests to the aerodrome operator, no evidence of this has been forthcoming. As such it is considered that the application must be considered on its own merits at the time of submission. Currently, and with no evidence to the contrary, it is not considered that the building would prejudice the safe operation of the runway and therefore the scheme should not be refused on this basis.

#### Other Issues

In considering such a proposal it is good practice to recognise any other potential impacts. In this instance both neighbour amenity and wildlife impact have been recognised. However due to the nature of the buildings being removed by the proposal, the existing hardstanding that dominates the site and the distance to the nearest neighbours, it is not considered that the proposal harms either of these two considerations – particularly when recognising the scale of activity that could take place in any event.

#### Overall assessment

In considering this proposal it is recognised that the rather dilapidated state of the office, briefing room and toilets (together with the lack of facilities for the disabled) present a poor image for the business and clients. In seeking to invest in the business there is the potential for improved revenue return and an increase in business activity.

As such this represents an economic gain within the assessment of sustainability. Further in recognising that the building would only have a modest increase in height over the existing race control unit and would continue to be read against the backdrop of the existing woodland it is not considered that the scheme would result in harm to the landscape which owing to its AONB status must be afforded the highest level of protection. Coupled with the character of the area which is an upland plateau area with dispersed buildings including aircraft hanger buildings, and on the basis that the materials for the proposed building can be of a recessive colour, it is considered that the environmental considerations are at worst neutral. Further in recognising that the development would not increase the potential maximum karting activities that could take place at the site and that noise limitations already in place would be unaffected, it is not considered that the development would further harm neighbourhood amenity. As such it is also considered that in terms of neighbouring properties there would be



a neutral impact while in terms of social inclusion there is slight benefit in broadening out the facilities to a wider range of users.

Without a direct conflict to any development plan policy and with no substantiated objection from the CAA or the aerodrome operators, it is considered that the development represents sustainable development in accordance with the aims of the NPPF and Strategy 3 of the adopted Local Plan. As such it is considered that the development should be supported.

## **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 considered at an early stage and 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 2013-2031.)
4. Within a period of one month following each of the triggers identified on plan 260/005 the use of the respective buildings identified shall have ceased and the buildings and all associated waste arising shall have been permanently removed from the site.  
Reason: to control the number of buildings and potential clutter on the site in the interests of the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the adopted East Devon Local Plan.
5. '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, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 141 of the National Planning Policy Framework (2012), that an appropriate record is made of archaeological evidence that may be affected by the development.

6. No development shall take place until a cross section through the existing and proposed building, indicating existing and proposed floor levels to a common datum, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - To ensure that adequate details of levels are available and considered at an early stage in the interest of the character and appearance of the locality in accordance with Policy D1 (Design and Local Distinctiveness) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the Adopted East Devon Local Plan 2013-2031.)
7. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority before fixtures and facilities for the lighting is first installed. Development shall be carried out in accordance with the approved details.  
(Reason - In the interest of the character and appearance of the locality in accordance with Policy D1 (Design and Local Distinctiveness) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the Adopted East Devon Local Plan 2013-2031.)
8. No development shall take place until final details of the means of disposing of foul drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before any dwelling on the site is occupied.  
(Reason - To avoid pollution of the environment and/or flooding during and after development in accordance with the requirements of Policy EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

260/001	Location Plan	14.12.16
260/002	Proposed Combined Plans	12.12.16

260/005

Layout plan

14.03.17

List of Background Papers

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

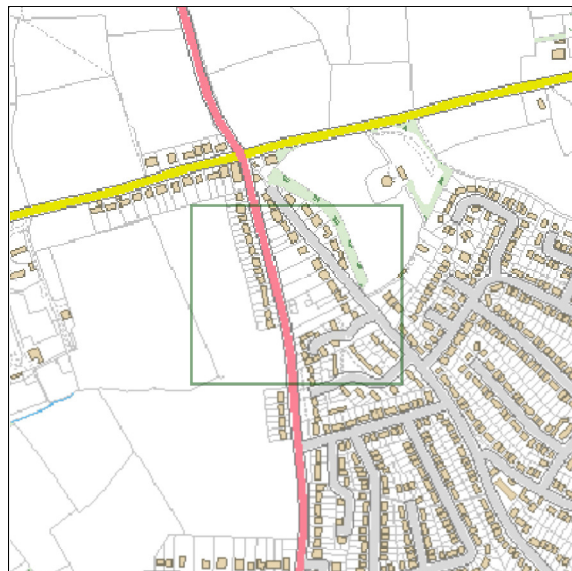
**Ward** Exmouth Halsdon

**Reference** 17/0208/VAR

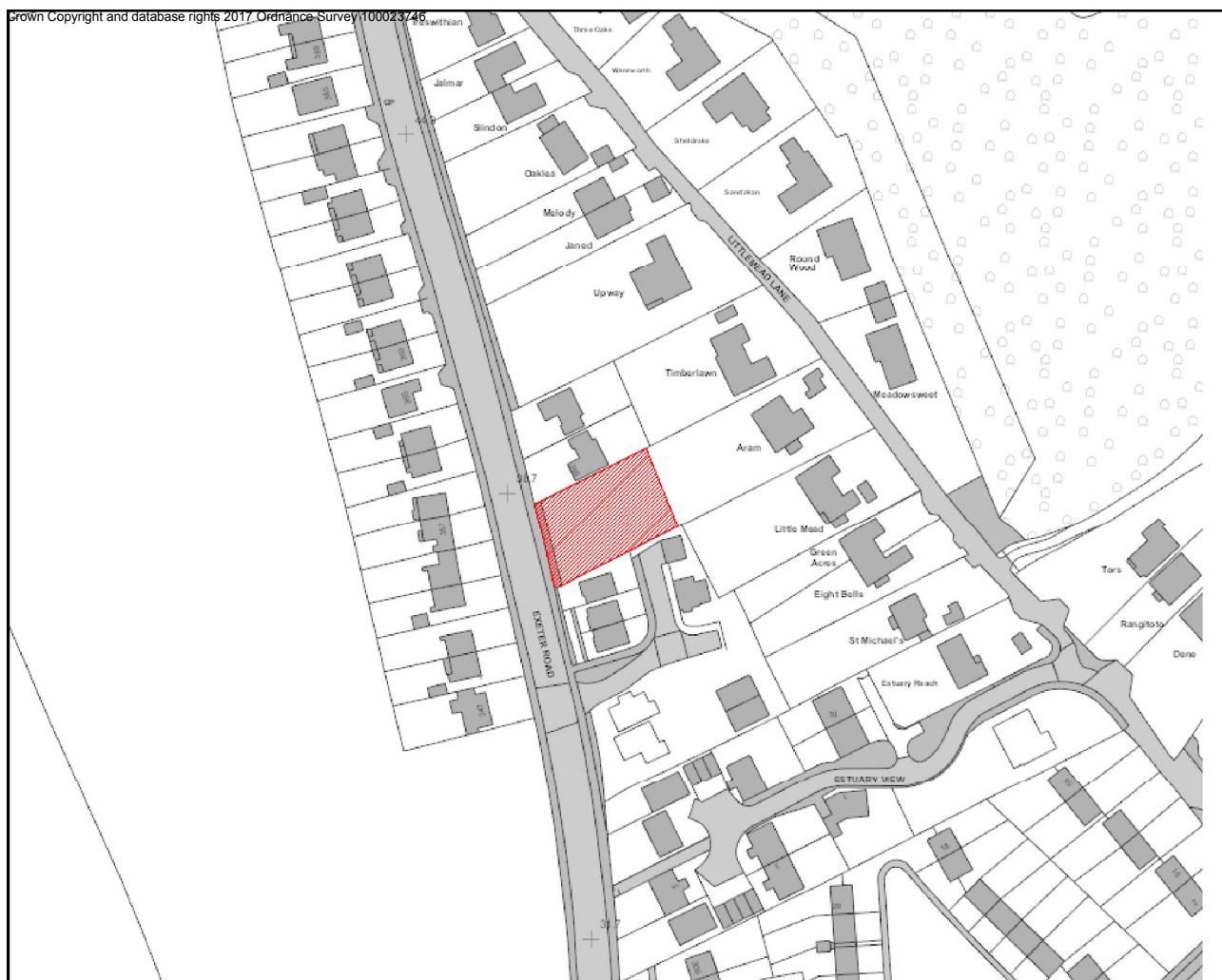
**Applicant** Mr White

**Location** Land To Rear Of Aram Littlemead Lane  
Exmouth EX8 3BU

**Proposal** Variation of condition 2 and removal of  
condition 3 of planning permission  
16/1340/VAR, to include the juliet balconies  
shown on plan number 7335-06 B



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 11<sup>th</sup> April 2017</b>
<b>Exmouth Halsdon (EXMOUTH)</b>	<b>17/0208/VAR</b>	<b>Target Date: 28.03.2017</b>
<b>Applicant:</b>	<b>Mr White</b>	
<b>Location:</b>	<b>Land To Rear Of Aram Littlemead Lane</b>	
<b>Proposal:</b>	<b>Variation of condition 2 and removal of condition 3 of planning permission 16/1340/VAR, to include the Juliet balconies shown on plan number 7335-06 B</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

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

**Planning permission has been granted under reference 13/1517/FUL for the construction of two dwellings on the site, which was subsequently varied by planning application 16/1340/VAR to include rear dormer windows. At Committee a condition was attached to the permission to prevent construction of Juliet balconies to the dormer windows as shown on the submitted drawings, requiring details of windows to be submitted in their place.**

**The applicants have submitted this application to try and demonstrate that there would be no discernible harm from the Juliet balcony and seek the removal of the condition.**

**Whilst a window design has not been formally agreed, it is considered that with frosted glazing to the Juliet balcony, it would not result in any greater levels of overlooking than from a window. Whilst it might increase the perception of overlooking to a greater degree, the potential for overlooking would not be increased and would not be materially worse as a result.**

**There is approximately 40m from the proposed dormers to the closest properties to the rear and this distance, combined with the presence of first floor windows to the dwellings, result in an acceptable relationship and lack of detrimental harm to the amenity of surrounding residents, including the adjoining properties rear gardens. Given the above, and subject to obscure glazing of the Juliet balcony, it is considered that there would be no greater harm from the Juliet balcony and as such is recommended that this application is approved.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Exmouth Halsdon - Cllr J Elson**

This is a very difficult one as it is retrospective again.

If I read the Planning Application correctly the Juliet Balcony will be constructed with frosted/opaque glass to the height of the adjacent window sill and to be level with the sides. In fact if my measurements are correct the glazed 'french' doors are narrower than the adjacent window although the height is level with adjacent window.

I understand that at the moment a very bright light (security light) has a range of lighting the garden area belonging to Aram.

#### **Exmouth Halsdon - Cllr P Stott**

I wish to Object to this planning application as this condition was put on there to protect overlooking of the residents in (Aram the main house ) If this condition is removed people can over look from both the first and second floor and the privacy will be lost in their garden and possibly their next door neighbours.

#### **Exmouth Halsdon - Cllr M Armstrong**

As Ward Councillor, I am writing to object to Application 17/0208/VAR, land to the rear of Aram.

This is yet another retrospective planning application, as was the one last year and which also requested a 'Variation of Condition 2' of the original permission for two detached dwellings (Application no. 13/1517/FUL), 'to include rear dormers on each dwelling.'

There was a lengthy discussion about this at DMC in September, and although the rear dormers were approved, a new condition was agreed that 'the Juliet balcony and double doors in the dormer be replaced with a window, details to be submitted for approval.' (This was to help mitigate the intrusion on neighbouring properties, including 'Aram').

I do not know whether these details were submitted to the Planning Dept. for approval or not, but I do know from the photos taken by the owner of 'Aram' that, at the time of the DMC meeting, one of the dormers was not yet built and the other was only partly completed (although the roof structure was in place for this work to be done).

However, after the DMC's new condition decision both of these continued to be speedily built, including the Juliet balconies and double doors.

So it was quite apparent that the applicant blatantly ignored the DMC condition which he now seeks to overturn.

It seems to me that the applicant (as he says in the Planning Statement) is trying to 'justify the inclusion of the Juliet balconies and double doors', now that he has built them, in complete opposition to the planning requirement, instead of which he should have accepted last September's condition and not built them in the first place.

The facts are that these 'so called' dormers (which are actually a third storey), Juliet balconies and double doors have already been built, one property has been sold, the other is still on the market, the estate agent's advertising material has been available for some time and the applicant has had more than five months in which to comply with this condition, but he has not done so.

In addition, during the last few days, one of these properties has already been fitted with the Juliette balcony screens to both the first and second floors which are the subject of this application. No doubt the second property will also follow suit long before a decision is made on this application.

I suggest this cavalier attitude of the applicant is making a mockery of the planning system and as a consequence is riding rough shod over the environment and quality of life of nearby residents.

I would therefore recommend that

- a) this retrospective application is fully discussed at DMC.
- b) this application is rejected.

Further comments:

Thank you for the draft report for the above application.

All the issues in my original objection remain the same and I would like to emphasise the following points:

1. The southernmost property has now been occupied for at least two weeks and glass screens are already in place, which are *not* opaque therefore both these points contravene condition 3.
2. The Juliet balcony doors can be fully opened and the total area will be greater than the alternative proposed windows, leading to the likelihood of more noise and light intrusion.
3. The occupants of these properties can still stand to look out of a balcony as opposed to conventional windows, therefore directly overlooking neighbouring properties, especially 'Aram'.
4. As certain conditions are still attached to this 'recommendation to approve' ie. particularly 5, 6 & 8, does this mean that so far the developer has not yet complied with these? I would be interested to have the relevant information about this.

Parish Council

Meeting 13.02.17

Objection to the variation of condition 2 and removal of condition 3 on the grounds of the adverse impact on the amenity of the residents of Aram (Policy D1 Design & Local Distinctiveness). The dormer Juliet balcony should be replaced with a visible glazed window with an area no bigger than 1.8m<sup>2</sup>. The Committee requested that the Enforcement Officer made regular site visits to ensure that the development complied with permitted planning permission.

## **Technical Consultations**

### County Highway Authority

Does not wish to comment

### Other Representations

6 letters of objection have been received.

- The introduction of a Juliet balcony to the rear dormer will significantly impact on the privacy of my property and adversely affect the amenity of the garden.
- EDCC decided to include a planning condition to rule out a Juliet balcony.
- No doubt this would have been done as they would have been concerned that a Juliet balcony would be detrimental to the privacy and amenity of 358 Exeter Road.
- Juliet balconies cannot be installed under permitted development criteria to protect residential amenity
- Over-development of the site on the Exeter Road behind Aram on Littlemead Lane,
- To have that condition removed unneighbourly and inappropriate development.
- Reinforces the already overwhelming scale of this development and is a direct challenge to the entire planning process.
- We strongly object to this planning application and the way that the developers have continually sought to push their planning applications past the limit of acceptable development for this neighbourhood.
- The balconies referred to are unnecessary and absurd in the position requested.
- The Juliet balconies have already been almost completed in defiance of the above Condition 3.
- The developer has had 5 months since being given planning approval on 6th September 2016 to comply, but has chosen not to do so.
- Since receiving the previous approval, the developer has completed the south-most house with Juliet balconies to first and second floors, with balcony balustrades in place.
- It is clear that the developer had no intention of complying with EDCC's Condition, and has only put in for this Variant application at the very last moment.



- The proposed balcony 'screens' are described by the agent as "opaque". They are not; they are translucent glass. This means light will pass through and more light will spill out over our house and garden at night compared to conventional windows.
- The balcony doors can still be fully opened, and will inevitably allow out more intrusive noise than conventional windows.
- Occupiers are more likely to sit at open balcony doors to look out than at open windows.
- The comparison between areas of balcony doors and windows the Agent has provided is invalid; there is no reason why the windows must be made so large.
- The depth of the windows is entirely a matter of choice by the developer, and is another attempt to manipulate the planning committee by presenting false alternatives. Also, the opening areas of the window example is obviously substantially smaller than the balcony doors.
- Object to the way this application has been handled by the developer. He has had over five months since the Condition was imposed to make this application but has chosen not to do so.
- Extra residents.
- Extra rooms.
- Extra vehicles.

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
16/1340/VAR	Variation of condition 2 (Plans Condition) of planning permission 13/1517/FUL (construction of two detached dwellings) to include rear dormers on each dwelling	Approval with conditions	06.10.2016
13/1517/FUL	Construction of two detached dwellings with attached garages and formation of new vehicular access and parking/turning areas	Approval with conditions	17.10.2013

### **POLICIES**

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

Strategy 6 (Development within Built-up Area Boundaries)

Government Planning Documents  
NPPF (National Planning Policy Framework 2012)

**Site Location and Description**

The application site is currently under construction under planning permission 13/1517/FUL that granted the construction of two detached dwellings. It is located to the eastern side of Exmouth Road to the north west of Exmouth. The site is adjoined by residential properties to the north, east and south and by the road with residential properties opposite to the west.

The site is within the settlement boundary and has no statutory designation.

**ANALYSIS**

As noted as part of the history of the site above, an amendment to that permission to allow the construction of dormer windows to the rear of each dwelling to facilitate additional accommodation within the roofs was approved in 2016 (16/1340/VAR).

However at the Development Management Committee it was resolved that the design of the Juliet doors to serve the dormer windows was unacceptable and a condition was attached to instead install windows in agreement with the Local Planning Authority as follows:

*“Notwithstanding the drawings as submitted, the Juliette Balcony / Double Doors as detailed on submitted drawing number 7335-06 Rev B shall not be installed, but shall be replaced with traditional windows, the details of which are to be submitted to, and approved in writing by, the Local Planning Authority, prior to the occupation of the dwellings.”*

**Principle of Development**

The principle of development at the site has been established by virtue of the planning permission granted in 2013 as has the principle of the dormer windows to the rear.

The main consideration relates to the potential for overlooking from the doors rather than windows. It should be noted that the window details as required by the condition have not yet been submitted and approved. The windows as shown on the submitted plans do not therefore represent any approval.

The applicants have tried to justify the change by stating that an opaque screen will be provided to reduce overlooking issues. The area of doors that would be visible above the opaque screen would be 1.8msq. It is argued that a window would have an

area of 2.08msq. The head heights of the balcony and doors will be 2.1m, with a screen cill height of 1100mm. A conditioned window could have a cill height of 900mm above finished floor level as this would match the cill height of the adjacent window. This would mean a difference of 200mm between the doors and the conditioned windows.

As noted above the windows shown on the plans have not been agreed so it is considered that the comparison made by the applicants would not be applicable in this case.

However, a window of some form would be acceptable and it is not unreasonable for the applicant to assume that this would be similar to the other window at this level. As such, the window shown on the drawing submitted with this application would be proportionate to the dormer window and is in principle considered to be acceptable.

In terms of the difference between a Juliet balcony and a window it is considered that this has to be carefully assessed.

Whilst every application should be determined on its own merits, the Council recently refused a planning application in Lympstone for the replacement of a window with a Juliet balcony due to concerns that as a balcony the whole person would be visible, rather than just their upper half and would lead to a greater perception of being overlooked. It was also considered likely that the space would become more formalised and usable immediately behind it to take advantage of the views out.

However, this was rejected by the planning Inspector who found that there would not be an increase in floor space and due to railings, occupiers would not be able to stand any closer to neighbouring properties. The Inspector considered that such a change to glazing would not necessarily encourage future occupiers to linger at the window any longer or more often than would be currently likely. The Inspector accepted that it might increase the perception of overlooking to a greater degree, but the potential for overlooking would not be increased and would not be materially worse as a result.

Given the above, it is considered that the overlooking from the Juliet doors with an opaque glazed privacy screen would not be materially worse than a window. The application is therefore recommended for approval but subject to a condition to ensure that the details of the obscure glazing are submitted for approval.

It should be noted that not all of the conditions attached to the previous planning approval have been discharged and these would therefore need to be reattached to any new consent.

It should further be noted that the screens appear to have already been installed although they do not appear to be completely obscured. Whilst this and the continuation of the development is disappointing, strictly speaking no harm will occur until the dwellings are occupied and as such until then formal enforcement action is difficult, particularly whilst the current application is pending.

## **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 27 May 2016. (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. Prior to first occupation of the dwellings hereby approved, opaque privacy screens as shown in the locations on drawing number 7335-10 and 7335-06 rev B shall be provided in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter the obscure glazing shall be retained at all times in accordance with the approved details. (Reason- In the interests of neighbouring amenity in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule 2 Part 1 Classes B or C for the enlargement, improvement or other alterations to the roofs of the dwellings hereby permitted, other than works that do not materially affect the external appearance of the buildings, shall be undertaken. (Reason - The space available would not permit such additions without detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
5. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
6. The proposed development shall not be occupied until the access, parking facilities, visibility splays, turning area, parking space and garage/hardstanding, access drive and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development and shall thereafter be retained for their respective purposes at all times.

(Reason - To ensure that adequate facilities are available for the traffic attracted to the site and to comply with the provisions of Policies TA7 (Adequacy of Road Network and Site Access) and TA9 (Parking Provision in New Development) of the East Devon Local Plan.)

7. No development shall start until a Method of Construction Statement to include details of:
  - (a) parking for vehicles of site personnel, operatives and visitors;
  - (b) loading and unloading of plant and materials;
  - (c) storage of plant and materials;
  - (d) programme of works (including measures for traffic management), and
  - (e) provision of boundary hoarding behind any visibility zones has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

(Reason - To provide a satisfactory access to the site with adequate facilities for short term parking in the interests of maintaining a safe and efficient highway network and in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the 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 retention of as much of the frontage hedge to Exeter Road as possible plus the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed, and details of the means of protection of the existing hedge along the Exeter Road frontage boundary of the site. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the hedge will be protected during the site works. 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. 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.

(Reason - To ensure retention and protection of hedges on the site boundaries in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the East Devon Local Plan.)

9. The development shall be carried out in accordance with the Tree Protection measures detailed in the approved Arboricultural Survey dated 2nd September 2013.

(Reason - To ensure retention and protection of trees overhanging the site boundaries in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the East Devon Local Plan.)

#### NOTE FOR APPLICANT

##### Informative:

1. In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.
  
2. This planning permission is accompanied by, and should be read in conjunction with, the unilateral undertaking dated 8th July 2013 in respect of the payment of financial contributions towards open space provision/enhancement and habitat mitigation.

##### Plans relating to this application:

7335-04	Proposed Site Plan	25.01.17
P1002 REV F	Proposed Site Plan	25.01.17
P1008 REV B	Sections	25.01.17
	CIL Additional Information	31.01.17
7335-06 REV B	Proposed Combined Plans	25.01.17
7335-10	Other Plans	25.01.17
1002 REV F	Proposed Site Plan	25.01.17
P1003 REV D	Proposed Floor Plans	25.01.17
7335-05 REV B	Proposed Floor Plans	25.01.17

P1007 REV C	Proposed Combined Plans	25.01.17
P1005 REV D	Proposed Combined Plans	25.01.17
P1004 REV D	Proposed Combined Plans	25.01.17

List of Background Papers

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

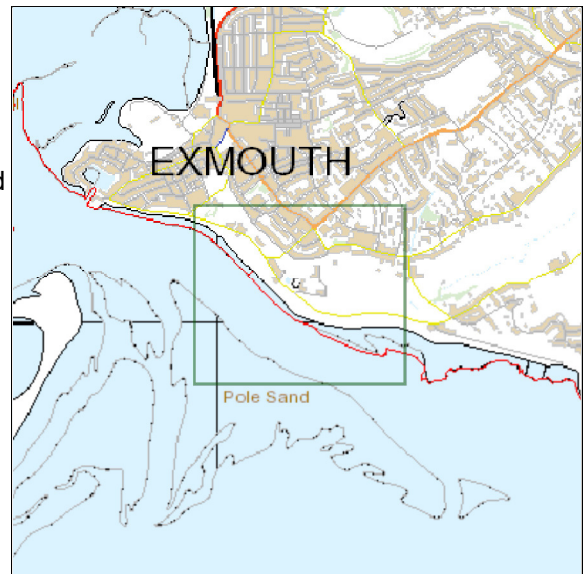
**Ward** Exmouth Littleham

**Reference** 17/0099/MRES

**Applicant** East Devon District Council Ms Alison Hayward

**Location** Land Off Queens Drive Exmouth EX8 2AY

**Proposal** Reserved matters application pursuant to outline application 13/1819/MOUT seeking approval of access, appearance, landscaping and scale for the construction of new buildings including watersports centre, holiday accommodation, indoor leisure and retail uses.



**RECOMMENDATION: Approval with conditions**





		<b>Committee Date: 11<sup>th</sup> April 2017</b>
<b>Exmouth Littleham (EXMOUTH)</b>	<b>17/0099/MRES</b>	<b>Target Date: 17.04.2017</b>
<b>Applicant:</b>	<b>East Devon District Council Ms Alison Hayward</b>	
<b>Location:</b>	<b>Land Off Queens Drive</b>	
<b>Proposal:</b>	<b>Reserved matters application pursuant to outline application 13/1819/MOUT seeking approval of access, appearance, landscaping and scale for the construction of new buildings including watersports centre, holiday accommodation, indoor leisure and retail uses.</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Members because the applicant is the Council and there are objections to the proposal.**

**This is a reserved matters application seeking approval of access, appearance, landscaping and scale for the construction of new buildings including a watersports centre, holiday accommodation, indoor and outdoor leisure and retail uses. The application follows the grant of outline planning permission in 2014 and reserve matters permission for the re-aligned road in March 2016. Both applications were approved given the significant regeneration benefits to Exmouth and as outlined in the previous Local Plan and Exmouth Masterplan.**

**The site is located on Queens Drive, in the centre of the seafront in Exmouth. The proposal seeks to replace historic leisure uses, such as a crazy golf course, boating lake, amusement arcade and cafes with a watersports centre, indoor and outdoor leisure facilities, hotel, retail units and water based activities in accordance with the layout and parameters set at the outline stage. As such the application provides details of the new buildings and spaces proposed for the site to enable the regeneration to be realised.**

**It is considered that the proposal follows the outline consent whilst providing suitable spaces and design and scale of buildings as envisaged at the time of the outline application. Whilst the site is prominent and adjoining a Conservation Area, the location and height of building are as approved at the outline stage with a suitable design approach proposed that links all the buildings on the site through the use of materials and design features. Given this, and given the significant regeneration benefits from the proposal, the application is supported.**

**An Appropriate Assessment has been carried out which states that appropriate mitigation is in place to ensure no significant effects on the Exe Estuary and Pebblebed Heaths SPA.**

## **CONSULTATIONS**

### **Local Consultations**

Exmouth Town Council  
Meeting 30.01.17

No Objection

Exmouth Littleham - Cllr M Williamson

I support this application which is in pursuance of already agreed Exmouth Masterplan and the agreed Outline Planning Permission. This application maintains the existing approval, provides more detail and enables the Council to move to the next stage. It should be noted that there is no provision for residential accommodation and the principle underlying the Reserved Matters application is that as stated and agreed in the Masterplan which is to allocate this area for recreation and play, taking into account the opportunities for watersports which a seafront location provides.

The success of the Premier Inn and the prospect of even more visitors making Exmouth their holiday and week-end break destination in the future provide sound reasons for an additional hotel close to the seafront.

I would hope that the design of the major buildings on this site such as the Watersports Centre and the hotel will be referred to the South West Design Panel so that the highest standard of architecture can be delivered and that the design reflects the natural environment in which both will be located.

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 arguments for and against.

### **Technical Consultations**

County Highway Authority

The LPA will be aware that the County Highway Authority has been consulted during the detailed design phase for this proposal for the outline application 13/1819/MOUT and also for the reserved matters application 15/2487/MRES for phase one of the development which has included the new road alignment, highway drainage, street lighting pedestrian crossings, pedestrian desire lines, access to car parking facilities for 123 spaces, junctions, road construction design and public transport drop-off points.

This application whilst enlarging the previous application to include access, appearance, landscaping and scale of the for the construction of new buildings

including watersports centre, holiday accommodation, indoor leisure and retail uses. Does not change any of the previously approved accesses from the proposed or existing highway.

Access from the proposed highway to the 250 space car park will remain the same as the previously approved access for the 123 space car park.

Therefore the CHA does not change its recommendations.

Recommendation:

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

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

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

2. The existing accesses shall be effectively and permanently closed except for the use by construction vehicles or personnel in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the new access is capable of use

REASON: To prevent the use of a substandard access and to minimise the number of accesses on to the public highway

3. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

REASON: To ensure the proper development of the site.

30 January 2017

### Natural England

#### 1. Protected Sites - further information required

Conservation of Habitat and Species Regulations 2010 (as amended)

Wildlife and Countryside Act 1981 (as amended)

In our previous responses regarding the EIA Screening and Scoping consultations for this proposal we have stated our view that this application is likely to have a significant effect upon the Exe Estuary Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site. In this case the proposal is not directly connected with, or necessary to, the management of a European site and therefore will require assessment under the Habitats Regulations.

We have not yet been consulted on your appropriate assessment of the application. That assessment should consider the likely impacts of the proposals (alone and in combination with other plans or projects) together with any mitigation which is offered by the applicant.

In our view the most likely impacts would arise from:

- Water sports centre - increasing the number of watersports users on the estuary (N.B. Also opportunities to encourage best practice and, as part of a strategic approach to access management, refocus activity from sensitive areas, times of year and/or tide which would reduce any impact, providing they can be secured through the development).
- Holiday accommodation - increasing the overall population within the 'zone of influence' (see your Joint Interim Approach regarding tourist accommodation and your approach to the Elizabeth Hall redevelopment application)
- Increasing connectivity to the beach/new slipway access - as for Watersports centre
- Increase in number of parking spaces

The ES (5.8.17, 5.8.19, 5.8.27) and Appendix 5.4 'Report to inform Habitat Regulations Assessment' has identified some possible mitigation measures but these are only suggestions without any detail of the precise measures or a clear commitment to their delivery. It also suggest that there may be residual impacts which would need to be addressed. Your assessment should identify precisely what mitigation will be provided and assess the application based on that information.

The 'Queen's Drive Leisure Area' is a priority project identified by your Council in the "Exmouth Town Centre and Sea Front Master Plan". We have previously raised concerns (most recently in our response to the consultation on the Local Plan 'Post-submission Changes' on 7 October 2013) that this Masterplan, if it is to be a SPD and form the policy base for development in Exmouth, requires a separate Habitat Regulation Assessment, which Natural England has still not been consulted on to date, if the Plan is to be deemed sound. This application, and your Habitat Regulations assessment of it, needs to be considered in the context of that Masterplan and the potential 'in combination' effects that it could have, in particular on the Exe Estuary SPA/Ramsar site.

## 2. Protected Species

It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect dormice or bats.

For clarity, this advice is based on the information currently available to us and is subject to any material changes in circumstances, including changes to the proposals or further information on the impacts to protected species.

We have not assessed the survey for badgers, barn owls and breeding birds<sup>1</sup>, water voles, white-clawed crayfish or widespread reptiles. These are all species protected by domestic legislation and you should use our protected species standing advice to assess the adequacy of any surveys, the impacts that may result and the appropriateness of any mitigation measures.

## 3. BAP habitats and species

The Botanical Survey (June 2013), Appendix 5.2 of the ES, confirmed that the application site supports a wide range of Devon Notable plants, 3 of which are also Nationally Scarce (i.e. occurring in less than 100 10km grid squares in the UK). This report and the Additional Botanical Survey (July 2013) Appendix 5.3 of the ES, make recommendations for the retention of certain areas of important habitat for these species and creation of new areas of suitable habitat both within the site and in alternative locations nearby. Habitat retention and creation within the proposed development is key to mitigating loss of habitat for these notable species and ensuring that the development complies with NPPF (9, 109, 118) regarding achieving sustainable development and no net loss of biodiversity.

The recommendations set out in these 2 reports and the 'Proposed Grassland Mitigation and Compensation Plan'(Appendix 5.5) could, if secured through conditions/S106, achieve this aim.

5.8.15 of the ES requires the production of a 'Landscape and Ecological Management Plan' to include 'detailed grassland mitigation plans with habitat management prescriptions for amenity grassland and retained and translocated dune grassland'.

Details of the intended future management and monitoring of the areas retained/created should also be included in the plan to ensure that they are successful and to allow for amendments to the management regime or remedial works if this should prove necessary. (5.10.10 of the ES, regarding 'Residual Impacts' identifies this as a risk which it should be possible to address through the inclusion of monitoring and to requirement for remedial measures within such a condition.)

Natural England therefore recommend a condition or S106 agreement requiring the production of such a plan prior to commencement.

#### 4. Protected Landscapes - No objection

The application site is within 500m of the East Devon Area of Outstanding Natural Beauty (AONB). However, having assessed the application, Natural England does not believe that this proposed development would impact significantly on the purposes of designation of the AONB.

#### Environment Agency

Thank you for your consultation dated 17 January 2017 regarding the above application.

#### Environment Agency Position

We have no objection to this reserved matters application provided that your Council is able adequately to satisfy the flood risk Sequential Test and the original Flood Risk Assessment is followed, as per our response dated 27 August 2013 (for application 13/1819/MOUT).

#### Other Representations

167 comments have been made at the time of writing this report; this includes 140 objections and 22 representations in support.

The following is a summary of the main objections:

Principle- Loss of traditional family activities; impact on wildlife sites; impact on Exmouth Town Centre; prejudices neighbourhood plan; ignores Localism; within floodzone; development would be affected by work at Dawlish Warren; dubious commercially; increase in light and noise pollution; does not accord with the Exmouth masterplan; vulnerable to adverse weather; no parking for coaches for the crickets and bowling clubs

Watersports Centre - scale and mass inappropriate; situated in the wrong place; would be for a privileged few; should not be on the sea wall; already adequate facilities in Exmouth; uninspiring architecture

Hotel - scale and mass inappropriate; results in loss of light to the bowling club and Madeira Walk; would be closed in the Winter; insufficient parking; would not benefit Exmouth

Harbour View Cafe - iconic building; rebuilding unnecessary; waste of money; new building too high

Other issues are insufficient landscaping; the loss of outdoor amenity area; objection to fast food outlets; loss of existing parking; poor provision for disabled people; sewage disposal problems; no SUDS provision; play areas not needed due to proximity to the beach; and construction would result in beach closures.

Supporting comments raise the following points:

Proposal creates job opportunities; the cafe needs replacement; would provide a good educational resource; the road alignment helps pedestrians; more attractions for children of all ages; would create a younger visitor profile; bring economic benefits; a regional watersports facility would benefit the town; and would replace dreary and outmoded architecture.

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 31 (Future Job and Employment Land Provision)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 38 (Sustainable Design and Construction)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN10 (Conservation Areas)

EN14 (Control of Pollution)

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

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

E20 (Provision of Visitor Attractions)

E2 (Employment Generating Development in Built-Up Areas)

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

RC1 (Retention of Land for Sport and Recreation)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

TC10 (Rear Servicing of Shopping/Commercial Development)

Exmouth Masterplan

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

## **ANALYSIS**

### **Relevant Planning History**

13/1819/MOUT - Outline permission for Construction watersports centre with storage (1450m<sup>2</sup>): holiday accommodation with parking and gardens (3000m<sup>2</sup>); indoor leisure activity buildings (1165m<sup>2</sup>) with external attractions and staff parking; new cafe, restaurant and retail use (1200m<sup>2</sup>); a minimum 250 space car park: landscaping; realignment of Queens Drive and continuation of pedestrian promenade; improved connectivity to the Maer and beach; and the selected demolition of existing buildings. Outline planning application with all matters reserved except layout. - Application approved 24/1/16.

This outline application was approved on the basis of the significant regeneration benefits to Exmouth and granted the above range of uses to provide a much improved appearance to the site and much improved leisure offer that not only makes Exmouth an even more attractive holiday destination but allows for more evening and winter use of the site. This was in accordance with policies in the former Local Plan and associated Exmouth Masterplan.

15/2487/MRES – Reserve Matters application for: Approval of access, appearance, landscaping and scale for the highway re-alignment and parking areas, demolition of cafe, selected beach huts and shelter as part of the reserved matters of outline application 13/1819/MOUT. - Application approved 21/3/16.

This reserve matters application approved the detail of the realigned road through the site that was considered to be key to providing a watersports hub with direct access



to the beach. The realignment of the road is seen as key to redevelopment and would likely be the first phase of development that would unlock the other sites and attract investment.

### **Site Location and Description**

The application site is approximately 3.6ha in area located just off the seafront and Queens Drive in Exmouth.

The site comprises the existing Harbour View Cafe and tower to the west, the land and buildings up to the boundaries of Madeira Walk and the Bowling Club to the north, the cricket ground and The Maer to the east, and to the beach including Queens Drive and the public car park to the south.

The site is relatively flat and laid out to car parking adjoining Queens Drive, a miniature golf course, amusement centre and boating lake.

The site is within the Built-up Area Boundary for Exmouth and adjoins the Louisa Terrace/The Beacon Conservation Area to the north, The Maer recreation area and Local Nature Reserve (County Wildlife Site) to the east and the Exe Estuary Special Protection Area (SPA) and SSSI to the south.

### **Proposed Development**

The application is for 'reserved matters' seeking planning permission incorporating the discharge of access, appearance, scale and landscaping for the redevelopment of the site. The outline application approved the layout of the site and established the parameters for development and secured by condition that any reserve matters application complied with them. A more recent reserved matters application approved the relocation of the road and parking area, in line with the outline approval.

The wider development is proposed to regenerate this part of Exmouth to attract more visitors to Exmouth through provision of leisure uses that are accessible at all times of the year in all weathers, whilst proposing a considerable improvement to the appearance of the site and significant new job opportunities. The re-alignment of the road allows for provision of a key watersports hub on the seafront with direct links between the building/uses and the beach. The mix of holiday accommodation and leisure uses was granted at outline stage due to the significant regeneration benefits that it provides and as redevelopment was identified within the previous Local Plan and Exmouth Masterplan.

The applicant has advised that they have submitted this application in order to secure reserve matters consent within the timescale approved as part of the outline application and to therefore keep redevelopment options open. Consent would secure the re-development of the whole site going forward and allow, if necessary, works to start on the realigned road ahead of other parts of the site. In the absence of reserve matters consent across the whole site, works to the re-aligned road cannot take place.

It is therefore proposed that should this application be approved, further applications will follow for the watersports centre and the Phase 3 part of the site where the hotel

and leisure facilities are proposed as and when development partners are confirmed. Any further proposals for the watersports centre and hotel/leisure facilities will be subject to further public consultation and through further consultation on subsequent planning applications.

Whilst the applicant has indicated that they are not intending to implement the proposal the subject of this application, such a route is permitted in planning terms. However, this is immaterial from a planning perspective and it must be recognised that the grant of this planning permission would enable the development submitted as part of this application to be constructed and implemented. As such this application must be considered on its merits and on the basis that it could be implemented.

In light of the above and approval as part of the previous applications for the road, layout of the site, uses and height parameters for the buildings, this application seeks approval of the access arrangement within the site, the design and scale (height) of the buildings and landscaping only.

With the principle of development, benefits from regeneration, layout of the buildings and main access/road alignment already approved under the outline application and separate reserve matters application for the access road, these matters cannot be revisited as part of the consideration of this application. Members will note that a large number of the objections received to the application relate to matters of principle, position of buildings, uses and height of buildings that cannot be revisited as part of this application.

The application proposed the same land uses and building parameters approved under the outline application consisting of the following four main areas:

- the holiday accommodation at 3-storeys at a maximum height of 14m (3000sqm);
- watersports centre at 2 and 3 storeys at a maximum height of 10m (1450sqm);
- indoor leisure buildings at 1 and 2 storeys at a maximum height of 9.75m (1165sqm);
- replacement café, restaurant and retail uses at single storey and maximum of 4m and 2 and 3 storeys and maximum height of 14m for the replaced harbour View Café (1200sqm);
- minimum 250 car parking spaces.

### **Holiday accommodation**

A large single building (3,000sqm) with car parking is proposed on the eastern site boundary adjoining the bowling club and Madeira Walk. A 3 storey building (11m high) is proposed with 71 bedrooms to be used as a hotel. The building would have a lobby area but it is not proposed to contain a separate restaurant or bar area.

### **Watersports Centre**

This stretches along the seafront on a plot of land gained from redirecting Queens Drive away from the beach edge through the site as approved under the reserve matters application in 2016. The Watersports Centre would be a focal point for

Watersports activities including surfing and boarding clubs and includes a storage area , changing rooms, meeting areas and club areas with frontages looking over the beach and a total floorspace of 1450sqm over two floors (7m high) with a top floor tower (10m high). The building also includes a cafe.

Adjacent to the Watersports Centre are small retail units (250sqm), adventure golf and a public park. The units are indicated as flexible and could be put to uses such as galleries, tourist information or nature conservation centres. They are single storey in nature.

### **Leisure Buildings/ External Play Areas**

This is proposed on the site of the existing fun park and golf course and envisages the provision of a number of different areas for play. Two buildings are proposed here that would be pay to enter indoor recreation facilities (1165sqm). The more centrally located building at single storey (4m high) with the second adjacent to the bowls club at 2 storey's (9.75m high). These could include a water zone for children and young people. Outside would be a further area including water fountains, sand pits, water cascades and an equipped outdoor soft play space.

The intention of these areas is to give play options to be used all-year round.

### **Harbour View Cafe and former Lifeboat Station**

This zone will include a new cafe/restaurant building replacing the Harbour View Cafe at 2 storeys with a tower above (7m and 10m to top of the tower)/ It is proposed to construct a well-glazed structure with outdoor and indoor seating, including a balcony at first floor level to take advantage of the beachside location of the cafe. On the second floor it is proposed to house the coastguard watch; this would be accessed from a separate staircase to the side of the building.

### **Car Parking**

The plan indicate the following parking areas giving a total of 304 spaces:

- 210 spaces in the new car park of which 122 spaces were granted reserve matters consent as part of the application for the road realignment in 2016;
- 35 spaces to the front of the hotel with 10 staff spaces to the rear;
- 25 public parking spaces to the front of the hotel;
- Two public parking areas of 10 and 14 spaces to the west of the hotel.

The application is accompanied by an ecological mitigation strategy.

### **Issues and Considerations**

#### **Principle**

The principle of development on the site and the benefits to Exmouth from increased tourism, jobs and from the provision of a watersports hub, holiday accommodation and indoor and outdoor leisure activities have been established by the approval of an

outline application in 2013. This reserved matters application complies with the parameters set out within the plan, and was submitted within the time limits specified in that decision (submission by the end of January 2017) and will enable the benefits from redevelopment to be realised.

The outline proposal was the subject of public consultation and was amended following that consultation in response to comments received. Following the outline application, reserved matters consent was granted for the details of the re-aligned road and 122 car parking spaces.

The principle of the development, road realignment, uses proposed, the layout/position of buildings on the site and their maximum heights cannot be considered or amended as part of this application as they have already been approved.

The remainder of this report therefore considers each of the key uses/areas providing an assessment in terms of their acceptability in terms of their design, scale and appearance, internal access arrangement and landscaping.

### **Site access and car parking**

Realignment of the existing Queens Drive is integral to the scheme in order to provide safe access from the Watersports Centre to the beach. This realignment, and some of the car parking, was approved as part of the reserved matters in 2016.

With regard to car parking, there will be the provision of a large public car park accommodating 210 spaces, a second smaller public car park of 24 spaces to the rear of the Old Lifeboat Station, 10 staff parking places and a car park of 70 spaces for the hotel. This represents an increase in spaces over the current provision and exceeds the minimum of 250 spaces approved as part of the outline application.

The parking areas would be landscaped with hedges between rows, and contain retention basins for SUDs.

County Highways have raised no objection to the car parking levels and coaches would drop-off and pick-up on the realigned Queen's Drive whilst using current coach parking facilities at the Maer Road Car Park.

As the number of car parking spaces is in excess of the minimum 250 identified as part of the outline consent, this is considered to be acceptable to serve the development and County Highways have raised no objection to the internal highway or pedestrian layout.

### **Holiday accommodation/Hotel**

This is positioned to the northern part of the site behind the play areas and would be a three storey building that would be used as a hotel.

Although a hotel has been constructed by Premier Inn, and objections have been received raising concerns regarding the impact from another hotel on existing holiday accommodation in Exmouth, holiday accommodation was approved as part of the

outline planning application, part on the basis of the additional attraction to tourism and benefits to Exmouth. As such, the principle and benefits of further holiday accommodation on the site has already been established and consideration of this application needs to relate to the design/scale and visual impact from the building.

Concern has been raised with regard to the size of the building, and in particular its height in relation to the adjacent bowls club. The hotel is proposed at 11 metres high (3m lower than the maximum granted in the outline application), with the elevation closest to the bowls club being a side elevation with no overlooking windows. Situated to the west of the bowling greens it is acknowledged that the building would cast a shadow in the late evenings, particularly in the summer months. However, this does not extend the length of the green, is restricted in time and given approval for a taller building at outline stage, the scale and position of the building in relation to the bowling green is acceptable.

The hotel at 11 metres would sit below Gunfield Gardens, however the area in between is substantially treed and rising up the slope which was the former sea cliff. It will therefore be viewed below the level of the Conservation Area. From the Conservation Area views of the site and down over the gardens and trees such that they are not directly viewed in association with the Conservation Area.

The scale of development and provision of the 3-storey hotel will change the character of this part of Exmouth but this is not considered to result in a detrimental/harmful impact upon the character or appearance of the Conservation Area. This was also the conclusion as part of the assessment of the impact of a 3-storey building in this location at the outline application stage.

The location of the hotel near to Madeira Walk (that is within the Conservation Area) will enclose this path as it will be bordered by the Gardens to one side rising up the bank and the 3-storey building to the other. Whilst this would change the outlook and aspect from the footpath, it would not block the path and will be no different from the part of the footpath that is currently enclosed by the Bowling Alley further to the west.

It is not therefore considered that the proposal would cause a detrimental loss of amenity to the closest residents or the bowling club.

The hotel is proposed in a varied palette of materials comprising stone, render, cladding with aluminium doors and windows and green/GRP roof. The materials break up the elevation to the largest building on the site and provide a well-designed building that follows the design for the rest of the site. As the building is set back from the road, it will be viewed against the rising gardens to the rear and with a green roof will provide an acceptable outlook from the Conservation Area behind. The general design and proportions of the building are therefore acceptable and will enhance the site given its current poor appearance and lack of a strong character or design context.

### **Watersports Centre**

This building would be the main hub of activity and link to the beach. The position of the building had been set further away from the beach during the course of the outline

application to ensure that it does not disrupt long-distant views along the seafront, and allows for a soft landscaping area to the front, with a new beach access.

It is accepted that the new Watersports building will be visible along the seafront, containing a small element of three storey development on the corner of the building close to the point that the road re-joins the existing road. Whilst this would be visible from Orcombe Point and other locations around the area it could become a new focal point to the development and become another landmark near the seafront as envisaged at the outline application stage. It should be noted that the Premier Inn is three/ four storey high development and the building would be lower than Exmouth Pavilion and the Ocean building.

The design uses a combination of stone, render, timber and glass, again with a green roof. The design with glazing, balconies and a corner feature is an attractive building will provide a focal point for the site and linkages to the beach. The design is suitable for a seafront location and with no immediate design character or context, is considered to be an acceptable design approach.

### **Play areas**

This is proposed to be located alongside Queen's Drive at the point where it gets realigned. It would comprise 2 indoor leisure buildings, one set within the site and one closer to Queen's Drive. The remainder of the area would comprise a public space, separate areas for a number of different outdoor leisure attractions and allowing movement through the site. The two buildings would provide indoor adventure and leisure activities to ensure that the facility caters for all weathers.

Whilst the buildings would be prominent on the site when viewed from the estuary and beach, they are not of a scale (single and 2-storey) that would harm the visual impact of the area and are of a high quality design again matching the materials and approach for the other buildings.

The outdoor play area would result in an open area in a prominent location between the road and the hotel. This would be built behind a rebuilt stone wall and have controlled access via an entrance hut opposite the former lifeboat station.

Again the design and materials follow the other building to bring the site together.

### **Restaurant and Retail uses**

Separate single storey buildings are proposed adjacent to the realigned road to provide a gallery and retail units. These are proposed with stone and render walls, cladding and aluminium windows to match the other buildings. Their design and scale are acceptable and accord with the outline permission that also restricts their size and range of goods to be complementary to the beach location and so as not to compete with the town centre retail offer. There is no consent for a takeaway.

## **Harbour View Cafe and Old Lifeboat Station**

When approaching the site from Exmouth, the existing Harbour View Cafe is the gateway to the site. As the current building and tower are dated, the outline application accepted their replacement with a building of a similar size with 2 floors and a replacement tower for the NCI.

There is therefore no objection to the replacement of the current cafe with a restaurant of a suitable design including a new tower as this was accepted at the outline planning permission stage. Some concerns have been expressed about the loss of the cafe and tower as it is a landmark building on the seafront that is reflective of Exmouth's History. However, its replacement was considered to be acceptable at the time of the outline application and it is still considered necessary to demolish the building to form an improved gateway and approach to the new leisure facility.

In order to address concerns regarding any historic value from the cafe and tower, a condition of the outline permission was to ensure that the building is recorded prior to any demolition.

As with the other buildings its design is acceptable and of materials to match the remainder of the site.

## **Ecology**

The application site is in a very sensitive location adjoining the Exe Estuary and its SPA and SSSI designation. In addition, the site is known to be home to some rare grassland within the dunes on the site.

As a result of this, and the likely increased use of the estuary as a result of increased visitors and the Watersports Centre and holiday accommodation, the application has been accompanied by a Mitigation Strategy to comply with Condition 4 on the outline consent.

Mitigation would include the following measures: - retention of habitats, including hedgerows around the Northern boundary; creation of new habitats (tree planting, bat and bird box provision); appointment of an ecological clerk of works; staff briefings on ecology; treatment of ESAs within the Construction Management Plan; detailed lighting scheme limiting lighting and restricting timing; pollution monitoring; watersports exclusion zones; habitat compensation; protective fencing around The Maer; retention of dune grassland; and landscape planting.

The findings of the MS are accepted and it is generally considered that the proposal will have negligible or minor impact upon traffic and transport, ecology, cultural heritage, flood risk and arboriculture subject to the mitigation detailed in the MS.

In addition to the mitigation identified in the MS, it is necessary for the LPA to carry out an Appropriate Assessment of the impact of the development although such an assessment was also considered at the time of the outline application with contributions and measures secured to ensure no likely significant effects on the designated areas.

## Appropriate Impact Assessment

As part of the Natural England response to the application they have suggested that the Council should carry out an Appropriate Assessment if it is considered that the proposal could have a significant impact upon nature conservation and the Exe Estuary and its designations in particular.

The proposal relates to a major development located within proximity of the Exe Estuary Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Wetland of International Importance under the RAMSAR Convention (Ramsar Site).

Because of the SPA and Ramsar designations the Conservation of Habitats and Species Regulations 2010 must be applied in the determination of this application. Regulation 61 requires East Devon District Council, as the competent authority, to undertake an Appropriate Impact Assessment (AIA) of the implications of this proposal on the site's conservation objectives before granting permission for a proposal which is likely to have a significant effect upon a European site.

East Devon District Council has therefore assessed the impact from the development upon the Exe Estuary and concludes the following:

The applicants have signed a unilateral undertaking which would provide a financial contribution of £350 per hotel room towards mitigation and improvement of the Exe Estuary, the impact from the holiday accommodation upon the Exe Estuary is considered to be acceptable.

Whilst it is accepted that there is the potential for there to be an impact from the rest of the development and likely increase in the use of the Estuary as a result of the Watersports building, it is clear that the main intention of the new development is to increase the use of the esplanade and seafront, and not to intensify the use of the estuary. Depending on the precise requirements of the user of the watersports centre, there may be some need to use the estuary for beginner's lessons. However it is likely these would be non-motorised and take place in the summer months, which has the least impact on the overwintering bird population. Nonetheless it is considered that the mitigation measures stated within the MS be accepted with Condition 4 on the outline consent requiring their implementation.

The mitigation would include the following:

- Appointment of Ecological Clerk of Works to oversee all ecological aspects during the development;
- Production and submission of a Construction Environmental Management Plan;
- Landscape and Ecological Management Plan;
- Monitoring and Ecological Reporting;
- Operators of the Watersports Centre to assist in an update of the Watersports code of conduct;
- Education and Interpretation to uses through signage and literature;
- Retention of dune grassland;
- Hedgerow planting;



- Bird boxes;
- Monitoring.

In respect of the potential impact from the development upon the East Devon Pebblebed Heaths SPA and Special Area of Conservation (SAC), this further appropriate assessment has been undertaken with consideration having been given to the cumulative effect of the proposed development with other residential and tourist accommodation developments within 10km of the Pebblebed Heaths. Subject to the above mitigation it is concluded that the proposal would not result in likely significant effects and is adequately mitigated with the mitigation secured by condition on the outline application and an associated legal agreement. This addresses in full the comments from Natural England.

It is also worth noting the location of the proposed development would be in relatively close proximity of a number of public rights of way, the beach and The Maer, which in themselves help to provide an alternative resource for dog walkers to the use of the Pebblebed Heaths.

### **Flood Risk**

The site lies within flood zones 2 and 3, and is therefore at high risk of flooding from the sea, and some risk of fluvial flooding. A flood risk assessment was submitted with the outline application. This concluded that the proposed development consists mainly of 'water compatible' and 'less vulnerable' development. No residential development is proposed. Provided that finished floor levels are raised above the flood level, there is no objection to the hotel and retail development. No objection has been raised by the Environment Agency

### **Other issues raised by representations**

Loss of traditional family activities - It is still proposed to retain the area as a tourism hub; whilst there may be a change in the type of offer this is still compliant with policies within the Local Plan and supported as part of the outline planning application and will result in a greater range and more modern leisure uses for families that can be used all year round.

Impact on Exmouth Town Centre - The amount of retail use (restaurants and shops) proposed is small and falls below the size required to demonstrate that the use would not have an unacceptable impact on the town centre. A condition on the outline permission restricts the size of the two retail shops (to 50sqm maximum) and sale of goods to those associated with seafront and watersports leisure activities only.

Neighbourhood Plan - This has yet to be adopted. In the absence of an approved plan, decisions must be taken in line with the outline consent, development plan, and national guidance.

Increase in light and noise pollution - It is accepted that the area will change from predominantly a daytime use, where no lighting is needed, to a use extending into the evenings with the consequent increase in light and noise at that time. It is considered that this will regenerate the area and whilst it will need carefully management by the

businesses (and may require the submission of further applications for lighting), residential dwellings are at a distance from the site and it is anticipated that the hotel would be the only use which is open throughout the night.

Parking for cricket and bowling clubs - The existing access will be maintained; any provision for coach parking will be a matter between the clubs and the council.

Hotel would be closed in winter - It is anticipated that the hotel would cater for guests all year round. The Premier Inn, Imperial and other hotels in Exmouth are open throughout the year. At present the area is not used in the winter so the proposal should provide increased tourism and spend within Exmouth.

Lack of SUDS provision - Surface water features are shown within the plans, principally within the car park where a retention basin is proposed. There are still a number of gardens and grassed areas throughout the development.

Lack of disabled provision - The site will remain level; any new uses will need to be DDA compliant. There will be 23 disabled parking spaces located close to the road and watersports centre.

Landscaping – The hard and soft landscaping materials proposed are considered to be acceptable and will certainly be an improvement upon the existing appearance of the site whose location close to the beach in an exposed location limits the amount of soft landscaping that can be proposed and easily managed.

## **RECOMMENDATION**

Adopt the Appropriate Assessment outlined in this report and APPROVE subject to the following conditions:

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

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. No. 13/1819/MOUT) granted on 24 January 2014

The following reserved matters have yet to be approved:

None

The following Conditions attached to the Outline Planning Permission (ref 113/1819/MOUT) referred to above and which relate to the part of the site covered by this reserved matters application are hereby discharged, have previously been discharged or remain to be complied with on-site but without the need for the submission of details or separate agreement:

1, 2, 3, 5, 6, 7, 8, 11, 13, 14, 15

The following Conditions attached to the Outline Planning Permission referred to above remain to be complied with where details are required to be submitted prior to the commencement of development in so far as they relate to the site covered by application 17/0099/MRES:

4, 9, 10, 12

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

2. Prior to any works commencing on site details of the proposed finished floor levels in respect of the hotel building shall be submitted to and agreed in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed levels details.

A flood evacuation plan for the hotel building shall be submitted to the local planning authority and approved in writing prior to its construction.

(Reason: To ensure that the impact of any potential flooding is minimised and that the development does not impact on patterns of flooding elsewhere in accordance with Policy EN21 (River and Coastal Flooding) of the adopted East Devon Local Plan 2013-2031.)

3. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.  
(Reason - To ensure the proper development of the site and timing delivery of the new road and closure of the existing road in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the New East Devon Local Plan 2013-2031.)
4. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
  - (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
  - (h) hours during which no construction traffic will be present at the site;
  - (i) the means of enclosure of the site during construction works; and
  - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
  - (k) details of wheel washing facilities and obligations
  - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
  - (m) Details of the amount and location of construction worker parking.
  - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
- (Reason - In the interest of highway safety in accordance with Policies D1 (Design and Local Distinctiveness) and TA7 (Adequacy of Road Network and Site Access) of The East Devon Local Plan.)

5. The existing accesses shall be effectively and permanently closed except for the use by construction vehicles or personnel in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the new access is capable of use.
- (Reason: To prevent the use of a substandard access and to minimise the number of accesses on to the public highway in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the New East Devon Local Plan 2013-2031.)

Plans relating to this application:

564 001 A	Location Plan	16.01.17
2046.001 B	Landscaping	16.01.17
2046.002 B	Landscaping	16.01.17
564 093 A HOLIDAY ACCOM	Proposed Elevation	16.01.17
564 092 A HOTEL	Proposed Elevation	16.01.17
564 002 A SITE SURVEY	Survey Drawing	12.01.17

564 003 A	Survey Drawing	12.01.17
564 004 A SITE SURVEY	Survey Drawing	12.01.17
564 005 A SITE SURVEY	Survey Drawing	12.01.17
564 006 A SITE SURVEY	Survey Drawing	12.01.17
564 007 A SITE SURVEY	Survey Drawing	12.01.17
564 008 A SITE SURVEY	Survey Drawing	12.01.17
564 009 A SITE SURVEY	Survey Drawing	12.01.17
564 010 C	Other Plans	12.01.17
564 011 B	Other Plans	12.01.17
564 020 B	Proposed Site Plan	12.01.17
564 021 B	Proposed Site Plan	12.01.17
564 022 B	Proposed Site Plan	12.01.17
564 023 C	Proposed Site Plan	12.01.17
564 024 C	Proposed Site Plan	12.01.17
564 025 B	Proposed Site Plan	12.01.17
564 030 A	Sections	12.01.17
564 031 A	Sections	12.01.17
564 032 A	Sections	12.01.17
564 050 A WATERSPORTS	Proposed Combined Plans	12.01.17
564 051 B WATERSPORTS	Proposed Combined Plans	12.01.17
564 052 A WATERSPORTS	Proposed Elevation	12.01.17

564 053 A WATERSPORTS	Proposed Elevation	12.01.17
564 060 B RETAIL/GALLER Y	Proposed Combined Plans	12.01.17
564 061 B RETAIL/GALLER Y	Proposed Elevation	12.01.17
564 062 B RETAIL/GALLER Y	Proposed Elevation	12.01.17
564 070 A INDOOR PLAY 2	Proposed Combined Plans	12.01.17
564 071 A INDOOR PLAY 2	Proposed Elevation	12.01.17
564 080 A INDOOR PLAY 1	Proposed Combined Plans	12.01.17
564 081 A INDOOR PLAY 1	Proposed Elevation	12.01.17
564 090 A HOLIDAY ACC	Proposed Combined Plans	12.01.17
564 091 A HOLIDAY ACC	Proposed Combined Plans	12.01.17
564 100 B NEW CAFE	Proposed Combined Plans	12.01.17
564 101 A CAFE	Proposed Elevation	12.01.17

List of Background Papers

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

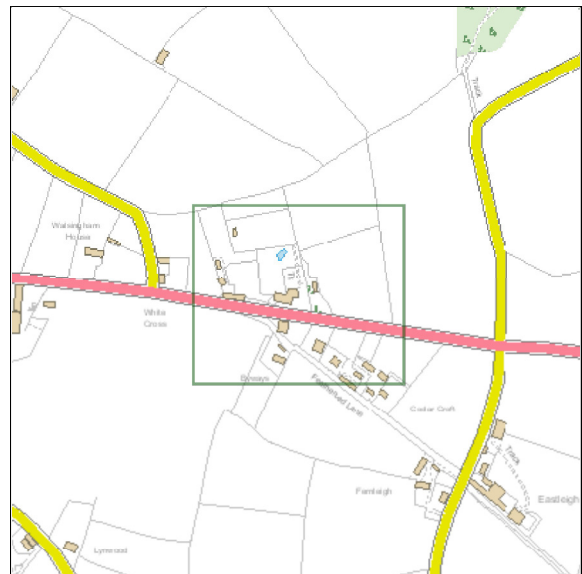
**Ward** Coly Valley

**Reference** 16/2705/FUL

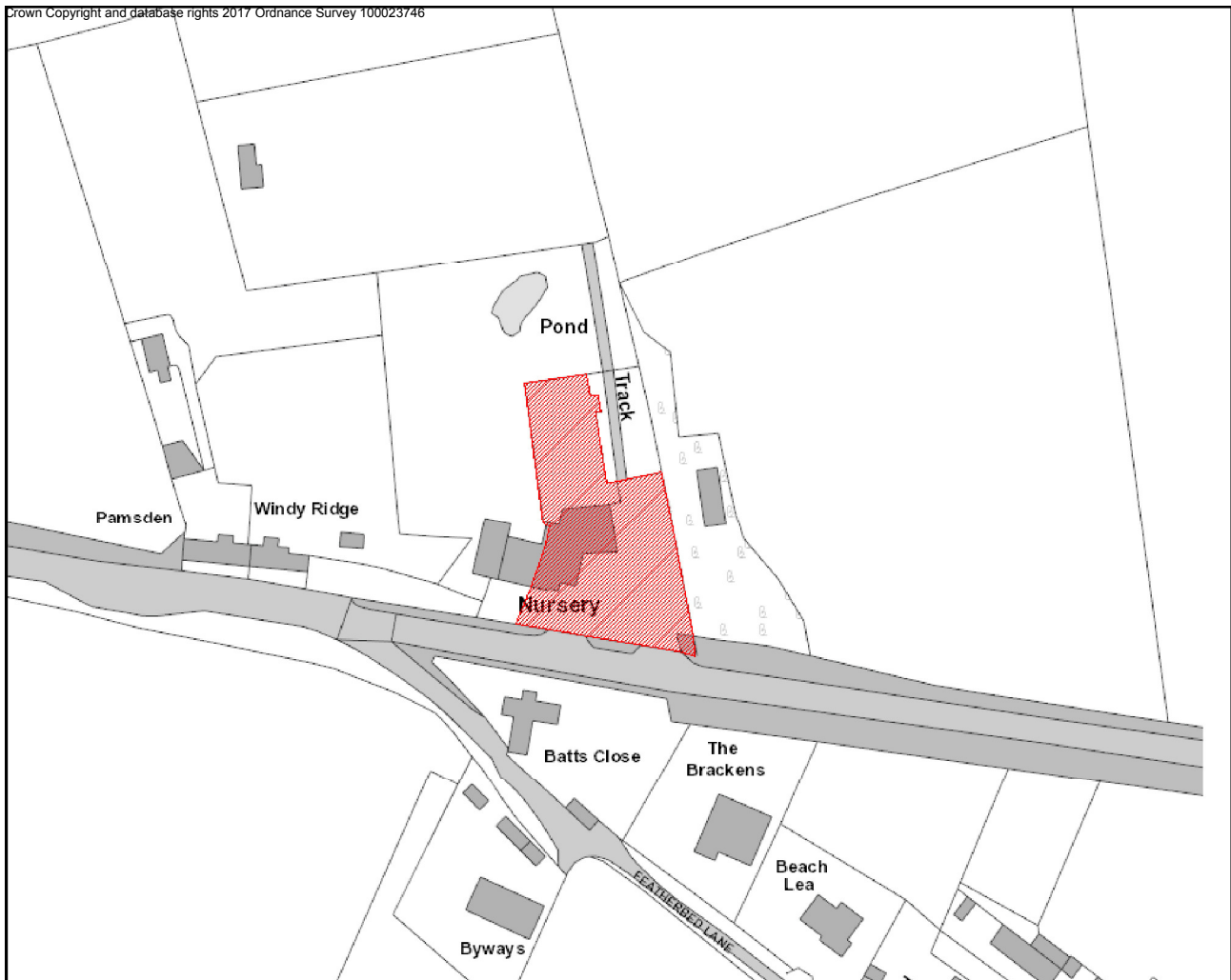
**Applicant** Ms Rosanne Tucker

**Location** The Grazing Cow (formerly Sundial Garden Centre) Offwell Honiton Devon EX14 9RR

**Proposal** Construction of timber building for use as farm shop (on site of existing polytunnels) and change of use of adjoining land to picnic area



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 11<sup>th</sup> April 2017</b>
<b>Coly Valley (OFFWELL)</b>	<b>16/2705/FUL</b>	<b>Target Date: 09.03.2017</b>
<b>Applicant:</b>	<b>Ms Rosanne Tucker</b>	
<b>Location:</b>	<b>The Grazing Cow (formerly Sundial Garden Centre) Offwell</b>	
<b>Proposal:</b>	<b>Construction of timber building for use as farm shop (on site of existing polytunnels) and change of use of adjoining land to picnic area</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Members as it represents a departure from Local Plan policy.**

**The application seeks to redevelop the site of a former small scale nursery/garden centre to provide a farm shop. The site is not directly related to an existing farm holding and as such does not comply with the requirements of policy E15 of the Local Plan, where it is expected that a minimum of 60% of the goods sold will be produced on the premises/holding.**

**Whilst the proposal does not strictly comply with the requirements of the Local Plan policy relating to farm shops it would, more generally look to source and sell produce from the local area. The applicant's family run a farm holding in the locality but this is located such that it would not attract passing trade. The location of the application site, on the other hand, is well positioned in this respect and where the previous use has catered for such trade. Taking into account the proximity to the main farm holding from which it is proposed to source the majority of produce; the proposals for the sourcing of other local produce; the previous use of and location of the site and the general economic benefits it has the potential to bring about, the principle of the proposed use is considered to be acceptable as a departure from the Local Plan.**

**In highway safety terms, the existing accesses and parking provision are considered suitable to serve the proposed use and Highways England has raised no objections to the proposal.**

**In terms of the design of the proposed building this is considered appropriate for the site context and acceptable in relation to the character and appearance of the area and the wider landscape setting. Whilst the scale of the building is**



**considered large for the proposed development the building would not have any significantly greater impact than the polytunnels it is proposed to replace and would allow retail, storage and preparation areas to be provided for under one roof.**

**Taking all matters into consideration and subject to a condition strictly controlling the sourcing and sale of products the proposal is considered to be acceptable and is recommended for approval.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Further to your email of the 13th January regarding the above application, the Parish Council has considered the matter and wish to support the application.

### **Technical Consultations**

#### Highways England

Referring to the notification of a planning application referenced above, in connection with the A30, and an application for construction of timber building for use as a farm shop (on site of existing polytunnels) and change of use of adjoining land to picnic area at the Grazing Cow (formerly Sundial Garden Centre), Offwell, Honiton, Devon, notice is hereby given that Highways England's formal recommendation is that we:

- a) offer no objection;

Highways Act Section 175B is relevant to this application. Where relevant, further information will be provided within Annex A.

This represents Highways England formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2015, via [transportplanning@dft.gsi.gov.uk](mailto:transportplanning@dft.gsi.gov.uk).

Annex A Highways England recommended no objection

HIGHWAYS ENGLAND ("we") has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard to planning application 16/2705/FUL and has been prepared by the Asset Manager for Devon.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development" and the DCLG National Planning Policy Framework (NPPF).

#### Statement of Reasons

The application seeks planning permission to replace the existing polytunnels with a timber farm building for use as a farm shop with picnic area. The new timber building will occupy the existing polytunnel footprint and the outside area to the rear will become a picnic/garden area. The general layout of the site, including existing café and adjoining toilets, points of access, forecourt and car park area will remain unchanged.

The site has recently operated as a café with an adjoining garden centre, and whilst this proposal could potentially increase the number of daily vehicle movements at the site this increase is unlikely to have a severe impact on the operation of the A35 trunk road, as defined by the NPPF.

#### Recommendation

Highways England has no objection to the proposed development.

#### Economic Development Officer

We have reviewed all associated documents in relation to planning application 16/2705/FUL. It is noted that the Parish Council wish to support the application and that Highways England has no objection to the proposal.

Unfortunately there is insufficient information provided about the proposed enterprise in terms of produce/ products to be on sale and their sources. In these circumstances Economic Development are unable to take a view on this application.

**23/02/17** - We have received further information provided by the applicant regarding their current sourcing policy applied in relation to their Cafe operation. It is understood that the applicant has indicated that, in the event of an approval, they could comply with a planning condition that would ensure that a large proportion of the produce sold by the proposed farm shop is sourced locally. On this basis Economic Development support this planning application.

#### County Highway Authority

Does not wish to comment

#### Other Representations

7 representations have been received in relation to the application of these 5 no. are in support and 2 raise objections to the proposal.

### Reasons for objection

- Offwell could not previously support a community shop in the hub of the village
- Proposal only accessible by motor vehicle
- The location, size of store and proximity would affect the viability of retail food outlets in the town centre
- Additional visual and landscape impact of proposed building and associated signage.
- The proposal goes beyond a small farm shop
- The proposal is not compliant with policy E15
- The proposal is a private enterprise and not a community led development as suggested.
- There is no existing farm or holding to which the business would relate and from which goods would be produced for sale
- The proposal would have an adverse impact on existing farm shops in the area
- In adequate parking provision to cater for the existing and proposed uses
- Additional parking would be required for staff (likely to be more than suggested)

### Reasons for support

- The existing tea room/restaurant & camping facilities are extremely convenient on this major road.
- The addition of a farm shop is an obvious natural progression & would be a further benefit to local people, tourists & passersby
- The proposal would bring increased revenue for the local authority.
- There are ample parking facilities available.
- The existing cafe offers good quality local food.
- The addition of a shop would add value to the current business and help to secure it's future.
- The current poly-tunnels look scruffy, outdated and a blot on the landscape
- The farm shop and picnic area would provide a safe area for children to run around away from the busy road and would be a great asset to this business.
- Farm shops like this are much needed for our local tourism to survive and should be supported wherever possible.

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
85/P1905	Enlargement Of Existing Shop, Light Workshop & Garage.	Approval with conditions	02.01.1986

94/P2251	Tea Rooms Within Existing Shop	Approval with conditions	20.02.1995
98/P0927	Retention Of Twin Span Polythene Tunnel For Horticultural Purposes	Temporary Approval	19.08.1998
03/P1221	Renewal Of Permission For Twin Span Horticultural Polythene Tunnel	Approval retrospective (no conditions)	01.07.2003
16/2706/ADV	Retention of frontage sign and gable sign (non-illuminated)	Pending	

## **POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies  
Strategy 7 (Development in the Countryside)

Strategy 28 (Sustaining and Diversifying Rural Enterprises)

D1 (Design and Local Distinctiveness)

EN22 (Surface Run-Off Implications of New Development)

E4 (Rural Diversification)

E15 (Retail Development in Rural Areas outside Villages)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

## **SITE LOCATION AND DESCRIPTION**

The application relates to a former plant nursery site to the immediate north side of the A35 approximately ½ km to the north of Offwell and 1 ½ km west of Kilmington. It lies in open countryside within the Blackdown Hills Area of Outstanding Natural Beauty.

The site area comprises a single storey building, in use as a cafe, this is attached to a larger two storey building not forming part of the site; 2 no. polytunnels to the northeast of the cafe building; a covered area between and acting as a link between the buildings, and; to the rear of the polytunnels a further levelled fenced area, formerly used for the sale of outdoor plans. Forward of the buildings is a hard surfaced gravelled area available for vehicle parking/turning space and also providing access to other land to the rear of the site. The site boundaries are marked by close boarded fencing to the west and north (unmarked forward of the building), an earth bank and a number of mature trees to the east and a low planted bed to the front between the access points.

## **BACKGROUND**

Planning permission was granted for enlargement of the existing shop, a light workshop & garage in 1986 (85/P1905/FUL). The shop was restricted to the sale of goods grown on the adjoining nursery. The shop element was the part of the building currently used as a cafe.

## **PROPOSED DEVELOPMENT**

The application seeks permission for the replacement of the existing polytunnels with a timber clad building for use as a farm shop in connection with the existing cafe business that is operating from the site. An enclosed area to the rear of the proposed shop building is proposed as a picnic area for patrons. At the front of the site the existing parking/turning area would be retained for customer use.

## **ANALYSIS**

The application is before committee as it represents a departure from the Local Plan in that it does not strictly conform to the criteria of Policy E15 (Retail Development in Rural Areas outside Villages) that requires that a minimum of 60% of the produce is produced on the premises. In this case the use is linked to a farm in Wilmington and is proposing 55% of produce from that farm.

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

- Principle of development
- Design and Impact on the character and appearance of the area
- Impact on the wider landscape/AONB
- Amenity Impact
- Highway Issues
- Economic Benefits/Impacts
- Other Issues

## **PRINCIPLE OF DEVELOPMENT**

The site lies in open countryside where Strategy 7 of the Local Plan states that development will only be permitted where it is in accordance with a specific Local (or Neighbourhood) Plan policy which explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities of the

area. In this regard policy E15 offers support for retail development proposals in rural areas subject to a number of criteria including that a minimum of 60% of the produce is produced on the premises/holding.

The policy specifically states that in order to protect the viability of town centres retail development in rural areas, outside villages, will be permitted only where it directly relates to an existing rural business. Whilst the policy is not explicit in relation to the nature of the existing rural business the preamble to the policy refers to the sale of goods produced on the premises, or reasonably linked to the use of the land. There is an existing rural business here in the form of the cafe, but unlike a farm shop which might provide a retail outlet for goods produced on the holding, there appears to be no link between the existing and proposed businesses other than shared ownership and parking/access.

Previously the use of the cafe could have been considered to be ancillary to the use of the garden shop (contained within the cafe building) and the wider nursery business. However, this is now operating independently of any such business, as any former nursery retail element has ceased. It is not entirely clear as to the use which the polytunnels were formerly put and specifically to what extent they formed part of the retail element of the business. The planning history shows them forming part of the same planning unit as the cafe and also an area of land to the rear (north) used as a caravan club licenced site. Photographic evidence of the area at the rear of the polytunnels as well as of the site frontage, and from aerial photographs are not conclusive but do appear to offer some indication that the former retail use was not just restricted to the shop (now cafe) building but spilled over to the rest of the site. As is often the case it can be difficult to define the point at which a nursery use has morphed into a garden centre use. In this case, it is considered likely that the former business operated a retail use from the site that extended beyond the confines of the shop building but whether this was to such an extent, or over a long enough period of time by which to establish a lawful retail use for the wider site is not for determination here. What is clear however is that the site has a history of both retail and cafe use on parts of the site.

In terms of meeting the requirement of policy E15 it is clear from the red line site plan submitted with the application that the applicant does not control any adjoining land. This being the case it has not been demonstrated how the proposal would comply with criteria a) of policy E15 which requires that, "a minimum of 60% of the produce/products for sale being produced on the premises or holding...". The policy goes on to state target percentages for produce from the local area (30%) and elsewhere (10%) with a general requirement to favour locally sourced goods.

However, the applicant has provided an additional statement relating to her background and to how it is proposed to manage the business and more importantly information on the sourcing of produce to be sold from it. The applicant is from a local farming family and states that her family (father and brother) still farm in the area with the main holding being approximately 2 miles away at Sutton Barton. It is stated that the existing cafe already stocks produce made on site, jams, marmalades, cakes, soups and burgers etc. and that the intention is to expand this range to include scotch eggs, chutneys, ready meals, pasties, pies, fudge and sausage rolls. The statement includes a list of goods that are currently stocked in the cafe and from where these

have been sourced, together with a list of other produce that it is intended to sell and the source of these. This includes bacon, sausages and mince from Wilmington, eggs from Offwell, Bread from Honiton and ice cream from Otter Valley.

Whilst the list is not exhaustive, it does demonstrate that the applicant has clearly researched the issue and is aware of the need to address the policy requirements. The proposal would not be able to comply with the preferred targets for the sourcing of produce, primarily on the basis that the site does not form part of a holding, but the applicant has demonstrated an awareness of the need to source produce locally and has acknowledged that a condition would be imposed on any permission to restrict what goods could be sold. To this end the applicant has confirmed that they would be happy with and could comply with a condition worded as follows:

*“The goods sold on the premises shall be sold from within the building hereby approved only, of which a minimum of 55% of produce sold shall be sourced from produce solely grown or produced on land within the holding known as Sutton Barton, Wilmington; up to 35% of produce sold shall be sourced from goods grown or produced within a 10 mile radius of the site and no more than 10% of goods shall be sourced from elsewhere. A list of goods available for sale from the premises including their source, or origin, shall be permanently maintained and made readily available to the Local Planning Authority upon request. There shall be no sales or storage of produce outside the building hereby approved.*

*(Reason - The proposal has been approved on the basis of it being a farm shop selling local agricultural produce linked to local farm holdings and in order to prevent unrestricted sales of goods produced from outside the local area in an unsustainable location, in accordance with Strategy 7 (Development in the Countryside) and policies D1 (Design and Local Distinctiveness), E15 (Retail Development in Rural Areas) and TC2 (Accessibility of New Development) of the East Devon Local Plan and guidance contained within the National Planning Policy Framework).”*

Given the history of the site, the potential fallback position and the intention to source goods locally, including from the family holding, it is considered that in this instance the principle is acceptable as an exception to policy.

Notwithstanding the above, the proposal is assessed below against the other criteria of the policy:

1. The scale and type of retail shop proposed will not adversely affect easily accessible convenience shopping available to the local community.

There has previously been a community shop to serve the village, this operated from a portacabin in the car park of the recreation ground but has now been closed for some time. Other retail outlets in the locality include a convenience store within the existing Petrol Filling Station (PFS) at Windmill Garage approximately 350 metres to the east of the site and a number of other farm shops in the locality. Whilst Offwell itself has no existing shop within the main part of the village and the proposal is unlikely (subject to control of goods sold) to compete directly with the PFS it does have the potential to affect trade at other rural farm shops.

2. The proposal does not harm the rural character of the landscape or the amenities of the locality.

See comments below.

3. The local road network and access to the site can safely accommodate the extra traffic generated by the proposal.

Generally considered to be appropriate and already serves the existing business – see further comments below.

4. The car parking will be proportionate to the scale of the development and the layout and siting will be sympathetic to the surroundings.

There are no proposals to extend the existing car parking facilities linked to the existing café business and as such the impact would be no greater than existing.

5. The scale and scope of any additional services will be restricted to ensure that they are ancillary to the main use.

The existing business is a small cafe that was originally associated with the use of the site as a plant nursery operating from the site. That use has now ceased and the cafe is operating independently. In terms of floor area the proposed building would be 178m<sup>2</sup> compared to the existing 66m<sup>2</sup> of the existing cafe, this represents an almost trebling of floor area. In terms of relationship to the cafe use it is not considered that the proposal would be either ancillary in nature, or scale. However, this does not take into account the scale of the business that formerly operated from the site and which (when the footprint of the polytunnels are taking into account) was more directly comparable with that now proposed.

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

The proposed building would occupy the same footprint as the existing polytunnels it is proposed to replace, the height would also be similar. Although the existing polytunnels have a more ephemeral appearance and the proposed would appear as a more permanent fixture the overall design reflects that of an agricultural barn which would not be out of character with the site, or wider area where similar buildings can be found clustered together around a farmhouse or dwellinghouse. The barn would also sit to the rear of an existing covered area/ pergola that would partially screen the principal views of it from the road and would be partially screened by existing boundary planting to the east. This covered area does not appear to benefit from any specific grant of planning permission but it is evident that it has been in existence for over four years and as such is likely to be considered lawful and immune from enforcement action. Overall, on this matter it is not considered that any visual or landscape impact would be significant and no objection is raised on these grounds.

## AMENITY IMPACT



The proposal is located immediately adjacent to an unrelated residential property with others further to the west and to the south of the site on the opposite side of the main road. The immediately adjoining property 'Sundial', has the greatest potential to be adversely impacted by virtue of any increased movement and activity associated with the use of the site. However, this needs to be considered in the context of the previous use of the site as a nursery/garden centre. In this respect the proposal is likely to have a similar impact, the one area where additional impact might occur would be through the use of the proposed picnic area, the applicant has confirmed this to be more of an external seating area associated with the cafe/farm shop and for consumption of goods purchased on the premises, such a use is not considered likely to have any additional impact.

At present this area is largely fenced and the retention or replacement of this could be conditioned, this would assist to an extent in reducing impact. In addition and in terms of noise any impact would need to be considered in the context of the existing impact from the A35. Overall, it is not considered that the proposal would give rise to any significant impact in this respect if otherwise considered to be acceptable.

## HIGHWAY ISSUES

The proposal does not seek to alter the existing access/egress from the site and relies on the existing car parking provision where the existing and proposed site plans indicate 11 no. parking spaces in series parallel to the eastern site boundary. Highways England have confirmed that they have no objections to the proposed development and have not suggested the imposition of any conditions.

In terms of accessibility, it is considered that the establishment of a farm shop as an outlet for goods from the family holding (amongst others) and on a main road where suitable access, parking and turning provision already exist and where the majority of customers are likely to be passing trade already on the road, is considered to be relatively sustainable. This is certainly likely to be the case compared with a shop located at the family holding (Sutton Barton) which is set away from the main road and where a farm shop would be likely to be less successful and result in increased journey lengths specifically to access it, compared with the passing trade likely to make use of the proposed site.

## ECONOMIC BENEFITS/IMPACTS

The proposed development has the potential to provide support to the local economy both during the construction stage and subsequently through both additional job creation at the site and if appropriately conditioned through support of local businesses in the supply chain. On the other hand, it is also acknowledged that the proposal has the potential to impact on sales from other farm shops and/or shops in existing service centres i.e. Honiton or Axminster. In the first regard the proposal, subject to conditioning, is likely overall to have a positive impact on local producers, particularly those without their own point of sale. In relation to existing service centres as goods would be restricted by condition to local produce it would generally not be competing on a direct basis with retailers in existing service centres. Overall the benefits are considered to outweigh the impacts.

## SUSTAINABLE DEVELOPMENT

The proposal is considered in terms of the three strands of sustainable development. The development would clearly provide some economic benefits both directly through construction related employment and potentially through additional future jobs but as importantly through providing an outlet for the sale of other locally produced goods. It is also recognised that there has been a quasi-retail use operating from this site for a number of years and whilst the proposal differs in its nature, subject to controlling the type of goods that could be sold, the proposal would help to secure a local economic benefit. In environmental terms the proposal would aim to limit food miles by seeking to control the source of the goods to be sold and in this way would be considerably more sustainable than a straight retail use. In terms of its impact on the surrounding AONB this is considered to be limited and no greater than that of the existing polytunnels. Finally, in relation to the social element of sustainable development the impacts are considered to be limited but beneficial in providing an additional outlet/service to help sustain the local community and by helping to promote the local area. In conclusion in this respect it is considered that the proposal, subject to control by condition, would represent sustainable development.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. The goods sold on the premises shall be sold from within the building hereby approved only, of which: a minimum of 55% of produce sold shall be sourced from produce solely grown or produced on land within the holding known as Sutton Barton, Wilmington; up to 35% of produce/products sold shall be sourced from goods grown or produced within a 10 mile radius of the site, and; no more than 10% of goods shall be sourced from elsewhere. A list of goods available for sale from the premises including their source, or origin, shall be permanently maintained and made readily available to the Local Planning Authority upon request. There shall be no sales or storage of produce outside the building hereby approved.  
(Reason - The proposal has been approved on the basis of it being a farm shop selling local agricultural produce linked to local farm holdings and in order to prevent unrestricted sales of goods produced from outside the local area in an unsustainable location, in accordance with Strategy 7 (Development in the Countryside) and policies D1 (Design and Local Distinctiveness), E15 (Retail Development in Rural Areas) and TC2 (Accessibility of New Development) of

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

4. The retail sales area of the building hereby approved shall be restricted to that indicated on drawing no. 01411/2.  
(Reason – To ensure that adequate storage and preparation space is maintained and to ensure that the scale of the business remains commensurate with its restricted nature, the site and the character of the surrounding area in accordance with policy D1 (Design and Local Distinctiveness) and E15 (Retail Development in Rural Areas) of the East Devon Local Plan 2013 – 2031).
5. The use identified as picnic area on drawing no. 01411/3 rev. 4, hereby approved, shall be used for that purpose only in association with the farm shop and café use of the site. Furthermore, the existing fencing around this part of the site shall be permanently retained and maintained unless any alternative has previously been agreed in writing by the Local Planning Authority.  
(Reason – In the interests of residential amenity in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)
6. 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 considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 – Design and Local Distinctiveness of the Adopted New East Devon Local Plan 2016.)

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

01411/10	Location Plan	12.01.17
01411/9	Proposed Site Plan	12.01.17
01411/2 REV4	Proposed Combined Plans	17.02.17
01411/3 REV4	Proposed Combined Plans	17.02.17

List of Background Papers

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

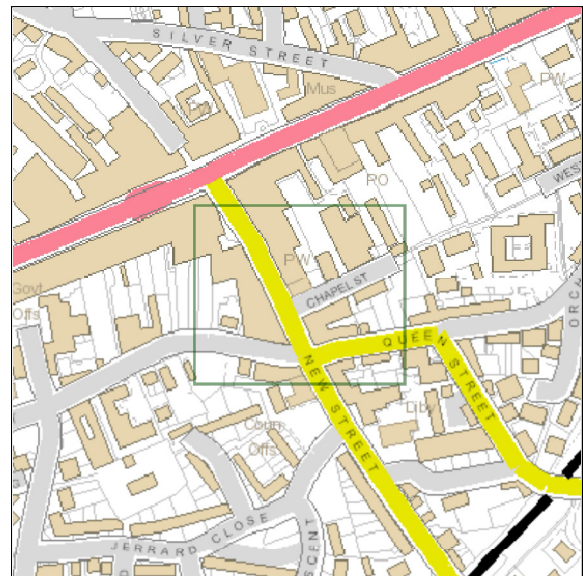
**Ward** Honiton St Pauls

**Reference** 17/0148/COU

**Applicant** Miss Harriet Spence (Full Of Beans Family Cafe)

**Location** Council Offices New Street Honiton EX14 1EY

**Proposal** Change of use from B1 (offices) to a mixed D1 (soft play centre) and A3 (cafe)



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 11<sup>th</sup> April 2017</b>
<b>Honiton St Pauls (HONITON)</b>	<b>17/0148/COU</b>	<b>Target Date: 23.03.2017</b>
<b>Applicant:</b>	<b>Miss Harriet Spence (Full Of Beans Family Cafe)</b>	
<b>Location:</b>	<b>Council Offices New Street</b>	
<b>Proposal:</b>	<b>Change of use from B1 (offices) to a mixed D1 (soft play centre) and A3 (cafe)</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

The application is referred to Members of the Development Management Committee as the proposal takes place on EDDC land and as an objection has been received from a member of the public.

The proposal seeks planning consent for the change of use of the former council offices (B1 use) to a mixed Cafe (A3 use) and children's play area use (D1 use).

The proposal takes place within the designated town centre and conservation area. The proposal is considered to make suitable use of a redundant office space and would not harm the diversity, viability and vitality of the town centre. It would provide an attractive use which would not harm the character and appearance of the conservation area.

Accordingly the proposal is recommended for approval.

### **CONSULTATIONS**

#### **Local Consultations**

##### Parish/Town Council

The Town Council supports this application.

#### **Technical Consultations**

##### Environmental Health

This application is for an unlicensed café with two small areas of soft play for children. In view of the clarification of hours we do not anticipate any unacceptable

impacts on local residents but consider that an hours condition is appropriate. Therefore we recommend the following condition:  
The premises shall be open for business only between the hours of 8am and 9pm on any day.

Reason: to protect the amenities of people living in the area.

As this is a food premises also with the health and safety considerations of the soft play areas we strongly advise that the applicant contact the Environmental Health Commercial team for help and advice before progressing their conversion.

#### Other Representations

1 letter of objection has been received to date;

- Object to noise resulting from the proposed use.

### **PLANNING HISTORY**

None relevant.

### **POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies  
E9 (Town Centre Vitality and Shopping Areas)

EN10 (Conservation Areas)

EN14 (Control of Pollution)

D1 (Design and Local Distinctiveness)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

### **Site Location and Description**

The building concerned was previously used as the Honiton Council Offices (a B1 use within the use class order) which is situated within New Street, Honiton. The application site takes place within the designated conservation area and town centre, but the building is not sited within the primary shopping frontage.

### **Proposed Development**

The proposal seeks planning consent for change of use of the building from the former office use to a sui generis split use as a cafe and children's soft play centre. Internally a small soft play area is proposed with the main area for seating/table area and changing facilities. Bin storage would be within a passageway with WC's and wash room situated to the rear. The main entrance would be onto Chapel Street, as this

provides levels access for push chairs. No external changes are proposed as a part of the planning application.

## **ANALYSIS**

The main issues concerning this proposal are the impact on the vitality and the viability of the town centre, the impact on the character and appearance of the conservation area and whether noise from the premises would create a nuisance.

Policy E9 (Town Centre Vitality and Shopping Areas) of the adopted East Devon Local Plan seeks to ensure that the use proposed would not undermine the shopping character and visual amenity, vitality or viability of the town centre, and ensure that the amenity interest of occupiers of adjoining properties is not adversely affected by reason of noise, smell or litter. Further, it should not cause traffic problems and permission would not be permitted unless it can be clearly demonstrated that there is no longer a need for such uses and that the building has been marketed for at least 12 months at a realistic price without interest.

Town centres provide a wide range of services and fulfil a variety of functions that need to be accessible to a large number of people from all sectors of the community. In this instance the proposal would facilitate the reuse of a currently underutilised building whose reuse would add to the vitality and viability of the town centre. There are a number of existing retail and other commercial premises in close proximity to the site and the proposed change of use is unlikely to undermine the retail function or character of the town centre.

It is noted that there is not any evidence of extensive marketing submitted with this application. However, weight is given to the fact that since the building has not been in use since the Council office move to the Beehive Centre and to the fact that a quasi-retail use is proposed. The proposal could contribute to the vitality of the town centre as increase visitors could in turn result in expenditure in the immediate area in accordance with the desire of the policy.

There is suitable nearby public parking available with pedestrian links to the building. Direct access into the building would be from Chapel Street which, compared to New Street, is lightly trafficked. Therefore there would be no traffic issues resulting from the proposal.

The proposed children's soft play use by its nature and target customer would be restricted to use within the day time. Granting consent would however allow the use of the café by customers unaccompanied by children and as such the café could operate of an evening with associated noise on arrival and departure in particular. This raises a question on appropriate operating hours.

The application forms state that the hours of opening are intended to be until 00.30 on weekdays and 22:00 on Saturday but the applicant has confirmed that this is an error and that it is proposed to open 8am until late afternoon/early evening. On this basis Environmental Health have recommended that the hours of opening be restricted to no later than a 9pm finish. A condition is proposed to reflect this.



Details of the kitchen and cooking arrangements have not be made clear within the application and whilst this is not an issue in principle if any flues or other extraction methods are required the details of any such system should be submitted to the local planning authority (liaising with environmental health) in order to protect the amenity of nearby occupiers.

#### Impact on the Conservation Area

There is a general duty, under section 72 of the Listed Building and Conservation Area Act, 1990 for special attention to be paid to the desirability of preserving or enhancing the character and appearance of the conservation area.

The changes proposed, by making use of a currently unused town centre building would preserve and enhance the character and appearance of the Conservation Area. Further, as no external alteration are proposed at this stage the proposal would not adversely impact on the character of the surrounding area. The conservation officer did not wish to comment on the proposal.

#### **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 cooking equipment shall be installed in the premises until the applicant has also installed a suitable extraction system, the details of which shall have previously been submitted to and approved in writing by the Local Planning Authority, such details shall include: measured and predicted noise levels, site plan and elevation details of any flue/extract vents. The development shall be carried out in accordance with the agreed details. (Reason - In the interests of amenity and pollution control in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)
4. Customers shall only be permitted on the premises between the following hour 08:00-21:00 Monday to Sunday. (Reason - To protect adjoining occupiers from excessive noise and disturbance in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)

## NOTE FOR APPLICANT

### Informative:

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

### Plans relating to this application:

1:200	Block Plan	26.01.17
1:1250	Location Plan	26.01.17
1A : FLOOR PLAN	Combined Plans	18.01.17

### List of Background Papers

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

**Ward** Otterhead

**Reference** 16/2850/FUL

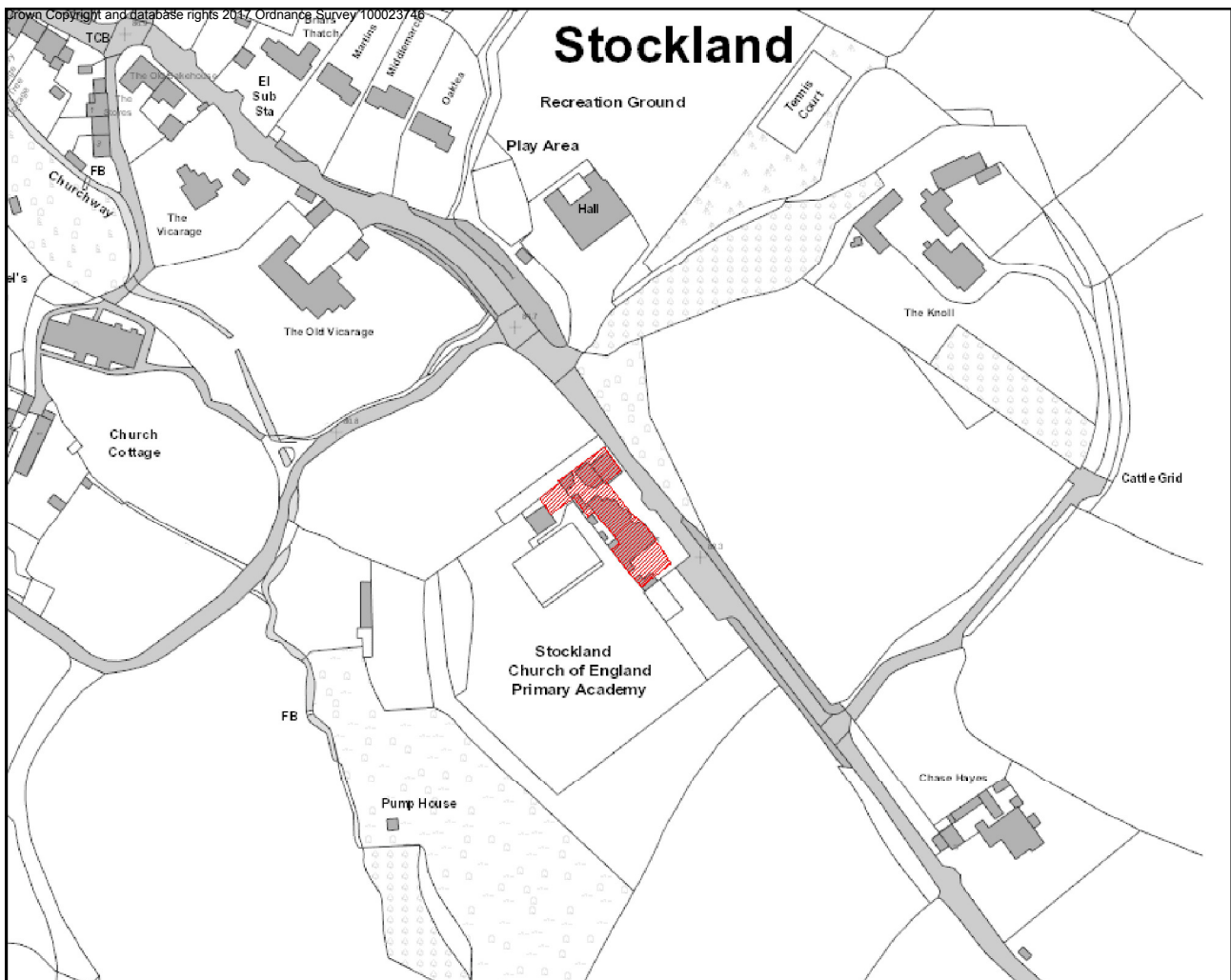
**Applicant** Mr David Perkins

**Location** Stockland C Of E Primary Academy Stockland Honiton EX14 9EF

**Proposal** Construction of extensions to sides and front elevations to provide additional facilities and classroom space



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 11<sup>th</sup> April 2017</b>
<b>Otterhead (STOCKLAND)</b>	<b>16/2850/FUL</b>	<b>Target Date: 02.02.2017</b>
<b>Applicant:</b>	<b>Mr David Perkins</b>	
<b>Location:</b>	<b>Stockland C Of E Primary Academy Stockland</b>	
<b>Proposal:</b>	<b>Construction of extensions to sides and front elevations to provide additional facilities and classroom space</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

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

**The proposal is to replace the existing small extensions to the main building at Stockland School and all the temporary buildings around it with new extensions, to upgrade the school's facilities. The proposal does not arise through an increase in pupil numbers.**

**The site lies to the southeast of the centre of Stockland adjacent to a C-Class road and is prominent within the local streetscene. It lies within the AONB and outside of any Built Up Area Boundary. The building is not listed and is not within a Conservation Area.**

**Development in the countryside is generally resisted through Local Plan Strategy 7 (Development in the Countryside) however Policy RC6 (Local Community Facilities) supports the extension of community facilities in the countryside where the need for this is proven and where certain other criteria are met, and it is considered that the need for the school to upgrade its facilities in accordance with government guidelines is reasonable.**

**The proposal entails the replacement of existing extensions and outbuildings at Stockland School with new extensions to the main building, which is a Victorian School building which has some historic character, despite existing alterations and additions undertaken in recent times. Notwithstanding the modern appearance of the extensions or their relationship with the existing building, it is considered that the essential features and form which express the historic character of that building would be unaltered by the development and that the removal of the existing less sensitive extensions and outbuildings would be beneficial, as these have little design merit. Taken as a whole, it is considered**

therefore that the proposal would respect the distinctive architectural character of the building and would not unduly harm the streetscene. It is also considered that any minor harm would be outweighed by the wider public benefit of the proposal.

The loss of a small extent of the existing hard-play area, designated as a Recreation Area in the Local Plan, could be compensated by the provision of additional hard play area to the southeast of the school and this could be secured by a planning condition.

The proposal is therefore considered to meet all the criteria of Policy RC6 and is considered to be sustainable development for which permission should be granted.

## **CONSULTATIONS**

### **Local Consultations**

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

The PC met last night and agreed to object to this application in its current form as it prefers a better solution that does not conflict with its 'made' Neighbourhood Plan policy CFS5 specifically relating to the school premises, where it supports building if there is no adverse impact. Phase 5 of the application will harm the Victorian facade that fronts the road and some other approach should be adopted.

Further comments:

As with the council's previous comments in December for the original application, so with this amendment, so it was agreed to object because the Neighbourhood Plan policy CFS5 specifically relates to the school premises and it supports building if there is no adverse impact. Phase 5 of the amendment will still harm the Victorian facade that fronts the road because the glazed walkway on the NE elevation cuts the large Victorian window in half, affecting the aspect and vernacular of the building.

The council supports some other approach being adopted to meet the criteria in policy NP CFS5.

#### **Otterhead - Cllr D Key**

I have now seen the plans of the extension to the village school and am very concerned with the size of the extension and layout of the extension to the school. I am concerned with the small amount of land available for a play area as this site is the only site owned by the school authority. The adjoining land is owned by a charity and the county council. Therefore I cannot fully support without further information.

Further comments:

Having studied the plans of the School extension I am very much against the glazed passageway which covers the historic facade which faces the road and so would

change the street scene appearance, and also is against the Stockland Neighbourhood Plan. Therefore I must object on design.

### **Technical Consultations**

#### County Highway Authority

Does not wish to comment

#### Other Representations

None have been received.

### **POLICIES**

Strategy 7 (Development within the Countryside)

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

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

RC6 (Local Community Facilities)

RC1 (Retention of Land for Sport and Recreation)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development sites)

EN5 (Wildlife Habitats and Features)

EN22 (Surface Run-Off Implications of New Development)

EN14 (Control of Pollution)

#### Stockland Neighbourhood Plan

Policy CFS5 (Stockland Church of England Primary Academy)

Policy BHE3 – Maintaining the Built Character of Our Parish through High Quality Design

#### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

### **Site Location and Description**

Stockland School lies to the south east of the centre of the village of Stockland, alongside a C-class public highway. The application site is smaller than the Stockland school site and encompasses the main, partly 2-storey, Victorian school building, various more recent single-storey outbuildings and temporary buildings and a hard play area which lies mainly to the front and sides of the school. The application site does not include the school playing field and enclosed games area southwest of the

main school buildings or the grassed area to their southeast (currently occupied by a temporary classroom). Although the site is flat, the site's ground level is higher than the surface of the adjacent highway. There is currently no vehicular access into the school site, though a small pull-in area off the highway to the southeast of the school provides space for parking a few cars. The application site is bounded by a hedgerow and wall on its north-western side, with agricultural land beyond, a wall and fence on its north-eastern side with the public highway and agricultural land beyond and a grassed area (which is used by the school but not owned by it), to the southeast. To the south west the application site is bounded by a retaining wall which marks a change in ground level, with the school playing field and games area beyond. The nearest dwelling is located 118 m away to the northwest of the site.

The site lies outside of any Built Up Area Boundary and is not proposed to be included within any Built Up Area Boundary through the emerging Villages DPD. It lies within the Blackdowns Area of Natural Beauty (AONB). The application site overlaps an area designated as 'Recreation Areas, Allotments and Accessible Open Space', which wraps around the school, but does not include the entirety of the school site.

The building is not listed and not within a Conservation Area and although is obviously of some historic and local merit, it is not considered to represent a non-designated heritage asset.

### **Proposed Development**

The existing school does not meet the guidelines for school buildings as set out in Building Bulletin 103 'Area Guidelines for Mainstream Schools' in many respects. To address this it is proposed to erect attached single storey extensions the northwest, northeast and southeast of the main school building and to remodel the interior of the school (this remodelling is not subject to planning permission) to provide a larger hall, better classroom environments and teaching facilities, a servery off of a hall/dining area, a new library, group room and accessible WC. As part of the development all the existing temporary buildings and outbuildings at the site (some of which are stated to be beyond their serviceable life) would be replaced. The proposed extensions represent a net increase of 102 m<sup>2</sup> to the internal floorspace of the school. The proposal is not related to an increase in pupil numbers at the school.

The development would be undertaken in 6 phases, as described below:

Phase 1: Removal of a temporary building to the northeast of the main building and erection in its place of a new classroom with outdoor decking area to its southeast and a (repositioned, existing) canopy to its southwest.

Phase 2: Removal of a temporary building and outbuilding to the west of main building. Extension to southwest of the new classroom constructed in phase 1 to provide 2 more classrooms linked by WCs. Relocation of the decking and canopy erected in phase 1 to the southwestern end of the new extension block.

Phases 3 and 4: Demolition of an outbuilding attached to the northwest of the main building and 2 outbuildings to the southwest of the main building.

Phase 5: Erection of a multi-purpose corridor link extension attached to parts of the north-eastern and north-western sides of the main building and connecting to the new classroom block constructed in previous phases. Construction of ramp and step access adjacent to the southwestern and north-eastern facades of main building. Removal of a temporary classroom and the demolition of 2 outbuildings to the southeast of the main building.

Phase 6: Construction of access ramp and steps adjacent to northeast elevation of main building. Erection of extension to southeast of main building to provide hall, server room and Special Educational Needs/Group Room. Creation of main entrance door in north-eastern façade of main building.

The phase 1, 2 and 6 extensions would have largely pitched roofs with ridge heights lower than that of the main building, with the exception of a small flat roofed area linking the southeast extension to the main building. Their principle elevations would be faced with both rubble stone walling and horizontal timber weather boarding, (confirmed to be Cedar) and the pitched roof elements would have clay tiles. Their rear and side elevations would be faced with render. The linking extension in phase 5 would differ from the extensions in the other phases in that it would have a flat roof and have a lower roof height than any other roof element on the existing building or the proposed extensions and in that it would only be clad in a mixture of vertical and horizontal timber weatherboarding.

A section of the phase 5 extension which is in front of a projecting gable of the main building would be largely glazed with no timber cladding. All the extensions would have simple relatively large glazed windows, with window frames and doors of powder coated aluminium.

## **ANALYSIS**

It is considered that the main issues in the determination of this proposal are:

- the principle of development;
- the effect on the character and appearance of the area
- the impact on the designated Recreation Area

## **Principle of Development**

The site lies outside of any Built-Up Area Boundary (BUAB) designated in the adopted Local Plan or any settlement which would have a new BUAB designated through the emerging Villages DPD. Therefore, in accordance with LP Strategy 7 (Development in the Countryside) this site is considered to be in the countryside, where development is resisted except where it is explicitly supported by a specific Local or Neighbourhood Plan policy and where that development would not harm the distinctive landscape, amenity and environmental qualities of the area in which it is located.

Policy RC6 (Local Community Facilities) supports extensions to community facilities in the countryside where the need for the facility has been proven, subject to certain other criteria being met, including that the proposal will be close to existing development. In this case it is considered that there is need to upgrade the school



building to modern standards and given that the proposal is on the existing school site close to existing school buildings, it is considered to be well related to the existing built form of the settlement, such that it would meet certain criteria of Policy RC6. Consideration against the other criteria of that policy is included under relevant headings below.

### **Effect on the character and appearance of the area**

Despite some insensitive alterations (e.g. replacement of original window frames with white upvc) and small extensions to the main school building since it was built in 1859, it retains many attractive features and its essential form and character, such that it is still read as a traditional Victorian School building, albeit one which has been modified.

The building is not listed and does not lie within a Conservation Area and therefore its heritage interest does not have the level of protection which buildings with historic character can have. Nevertheless, in order to be considered acceptable, development should respect the building's key characteristics and distinctive architectural character, in accordance with Local Plan Policy D1 (Design and Local Distinctiveness) and Policy CFS5 (Stockland Church of England Primary Academy) and BHE3 (Maintaining the Built Character of Our Parish through High Quality Design) of the Stockland Neighbourhood Plan (which having been made now has full weight in planning decision making).

The extensions proposed in this application do not precisely copy the form, style or materials of the main building and it is considered that the proposed extension in phase 5 in front of its principle (northeast) façade would be very noticeable, given that the building can be seen at close range from the adjacent public highway and forms part of the local street scene. Objections have been raised by both the Ward Member and Stockland Parish Council in relation to the design of the proposed extensions, particularly with regard to the impact of phase 5 on the character of the existing building and the street scene.

It is however considered that most of the building's key characteristics would be unaltered by the proposals. For example, because the roof ridge heights of all the extensions would be lower than that of the main building and the plane of the roof of the main building would remain the largest single roof plane facing the highway, the main historic building would remain the dominant element in the overall roofscape of the proposed development.

Much of the historic detailing on the main building e.g. contrasting stone quoins, stone finials and decorative ridge tiles would remain intact and visible within the development. It is not considered that the pitched roofs of the lateral extensions would conflict with the character of the main roof and that whilst the roof of the phase 5 extension is flat and wide, because this would be at a low level and much of the flat roofline would not be viewed against the skyline, its visual impact would not be unduly harmful or detracting within the development overall.

With regard to the impact of the phase 5 extension on the historic character of the main building, it is noted that a projecting gable element within the principle elevation of the existing building contains a number of historic building details, which strongly

express the building's historic character, however most of these details would be unaltered by the proposal and this features attraction has been diminished through the introduction of insensitive while modern UPVC glazed units.

Although the extension would cut horizontally across a tall multi-paned window (which incorporates attractive stone tracery) within this projecting gable element, the part of the extension directly in front this element would be extensively glazed and have narrow framing (such that it would be almost completely glazed), and the horizontal line of its roof would align with a horizontal part of the existing window frame behind it, respecting the form of the window and allowing the gable element and window to largely remain visible. In addition, notwithstanding the contemporary appearance of the phase 5 extension, it is considered that through incorporating a glazed section which interrupts the width expanse of the phase 5 extension, the development would tend to draw attention to the gable feature behind it, rather than away from it.

Some parts of the proposed extensions would be clad with cedar timber cladding and although timber cladding has not been used on the existing building, it is considered that as a natural material which will weather and silver over time this will harmonise with the natural stone used on the facades of the existing building and the proposed extensions.

It is also considered beneficial to the setting of the main building overall that the proposal would remove piecemeal insensitive extensions and outbuildings from around it, which tend to detract from, rather than enhance, the main school building.

Taking all the above points into account it is considered that on the whole, the proposal would respect the key characteristics of the existing building and its distinctive architectural character, such that the proposal accords with the relevant Neighbourhood and Local Plan policies.

With regard to the impact of the proposals on the wider Area of Outstanding Natural Beauty, although the school is visible within the AONB in more distant views from higher ground to the south west, both from public highways and public rights of way, with the imposition of a planning condition to control materials (particularly the render and roofing material) it is not considered that the impact of the development would be more visually intrusive than that of the existing school buildings and that the appearance of the AONB would be conserved.

### **Impact on the designated Recreation Area**

A 225 m<sup>2</sup> hard play area designated as part of the wider 'Recreation Areas, Allotments and Accessible Open Space' cover the school grounds would be lost due to the development, with the majority of that loss occurring as a result of the phase 5 linking extension. In discussions, the agent has indicated that the school have a legal agreement enabling them to use a flat area to the southeast of the school buildings, which is currently the location of one of the temporary classrooms to be removed, with the remainder being laid to grass. The school have indicated that they would be willing to provide compensatory hard play surface within this area. As it lies outside of the designated Recreation area and it is considered that there is a reasonable likelihood that a 225 m<sup>2</sup> hard play area could be provided there, it is recommended that a

condition be imposed to require that compensatory hard play area be provided before the commencement of phase 5.

### **Other issues**

There are no mature trees within the application site and there is already hard play area, buildings and a wall alongside the north-western boundary hedge, such that the proposed development would be unlikely to pose any harm to it. The temporary buildings and outbuildings are of a construction style such that they are unlikely to contain wildlife habitat and therefore no issues are raised with regard to their removal/demolition. No additional school-related traffic is likely to arise in connection with the development and there would be no impact on neighbouring residential amenity. The development would be contained within areas of the school site which are already hard-surfaced/developed therefore no additional surface water run-off is likely to be generated.

### **Conclusion**

The proposed extensions to the school would enable a community facility to be upgraded to modern standards and represents sustainable development in social terms. Whilst the proposed extensions would not copy the design and form of the existing Victorian school building, which although modified retains some of its historic character, taken as a whole, it is not considered that the development would significantly harm its historic character and that the public benefit of the proposal would outweigh any minor harm to that character that may result from the proposal. The loss of part of a designated Recreation Area could be compensated by the provision of new hard play area outside of the site which could be secured through a planning condition and there being no other potential adverse impacts, that the development is considered to be sustainable.

### **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 of the linking extension (i.e. that linking the existing school to the new classrooms) in phase 5 of the development hereby approved shall commence until working drawings of the part of that extension which lies to the immediate northeast of the projecting gable element on the existing building's northeast façade have been submitted to the Local Planning Authority and approved by them in writing. The drawings shall include sections through

frames and glazing bars drawn at a scale of 1:5 or larger and shall indicate that the construction of this part of the extension will fully accord with the approved elevation plans. The development shall be carried out in accordance with the details so approved.

(Reason: In the interests of the conservation of the distinctive architectural character of the building and the key characteristics of the area in accordance with Policy D1 (Design and Local Distinctiveness) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan.

4. No railings, rubble stone walling, mortar, render, external roofing materials, window frames or doors shall be installed or erected until samples of the materials to be used and elevational details of the railings at a scale of 1:5 have been submitted to the Local Planning Authority and Approved by them in writing. The timber cladding used shall be Vincent Timber Cedar Profile VT10. The development shall be carried out in accordance with the details so approved.

(Reason: In the interests of the conservation of the distinctive architectural character of the building and the key characteristics of the area in accordance with Policy D1 (Design and Local Distinctiveness) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan.

5. No development of the linking extension (i.e. that linking the existing school to the new classrooms) in phase 5 of the development hereby approved shall commence until a hard play surface with an area of at least 225 m<sup>2</sup> has been constructed to the southeast of the application site (but within the wider school site) and that area has been made available for use as a hard play area.

(Reason: In order to compensate for the area of hard play lost to the development which falls within an area designated 'Recreation Areas, Allotments and Accessible Open Space' in accordance with Policy RC1 (Retention of Land for Sport and Recreation) of the East Devon Local Plan.

6. No external lighting shall be affixed to the buildings hereby permitted except in accordance with a scheme of external lighting which has first been submitted to the Local Planning Authority and approved by them in writing. The scheme shall seek to minimise light pollution. All external lighting shall accord with the details so approved.

(Reason: In the interest of the protection of the character and appearance of the area in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policy EN14 (Control of Pollution) of the East Devon Local Plan.

Plans relating to this application:

AP(2)06 A :	Amended Plans	30.01.17
PROP FLOOR		
PHASE 1		

AP(2)07 A : PROP FLOOR PHASE 2	Amended Plans	30.01.17
AP(2)08 A : PROP FLOOR PHASE 3	Amended Plans	30.01.17
AP(2)09 A : PROP FLOOR PHASE 4	Amended Plans	30.01.17
AP(2)10 A : PROP FLOOR PHASE 5	Amended Plans	30.01.17
AP(2)11 A : PROP FLOOR PHASE 6	Amended Plans	30.01.17
AP(2)13 : PROP ELEV PHASE 1	Additional Information	31.01.17
AP(2) 01	Location Plan	29.11.16
AP(2) 05	Proposed Site Plan	29.11.16
AP(2)12 B : PROPOSED ELEVATIONS	Amended Plans	23.02.17

**Informative:**

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

List of Background Papers

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

**Ward** Ottery St Mary Rural

**Reference** 16/3024/RES

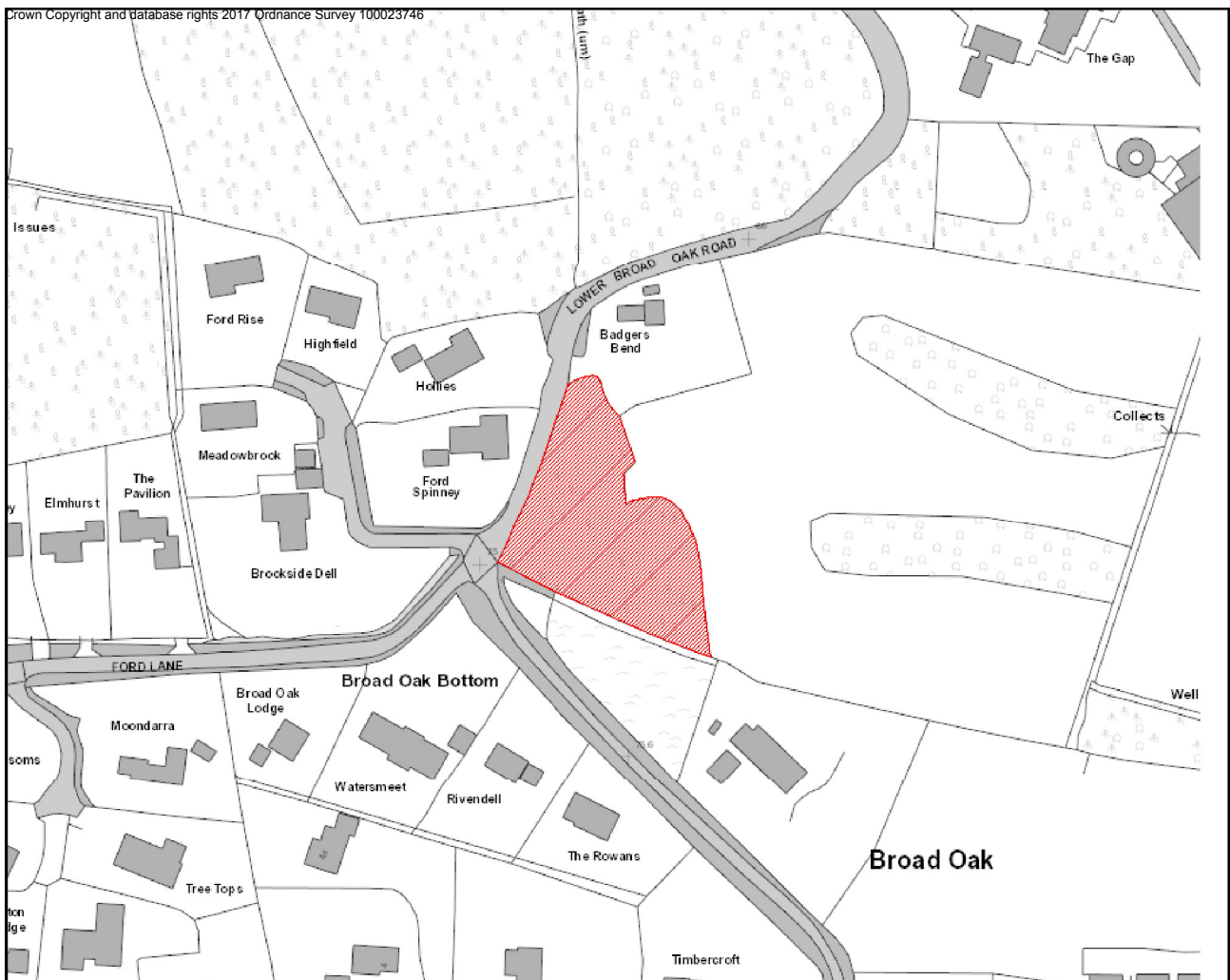
**Applicant** Mr & Mrs Clemens

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

**Proposal** Approval of reserved matters in respect of siting, scale, appearance and landscaping of the northern plot of the two consented under outline permission 14/2282/OUT (Construction of two dwellings and formation of new access).



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 11<sup>th</sup> April 2017</b>
<b>Ottery St Mary Rural (OTTERY ST MARY)</b>	<b>16/3024/RES</b>	<b>Target Date: 08.03.2017</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs Clemens</b>	
<b>Location:</b>	<b>Badgers Bend (land To The South Of) Lower Broad Oak Road</b>	
<b>Proposal:</b>	<b>Approval of reserved matters in respect of siting, scale, appearance and landscaping of the northern plot of the two consented under outline permission 14/2282/OUT (Construction of two dwellings and formation of new access).</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before the Committee because the officer recommendation is contrary to the view of a Ward Member.**

**Outline planning permission for two dwellings was granted on appeal in 2015. This application seeks approval of the reserved matters for one dwelling on the northern part of the appeal site. The proposal is for a two storey dwelling with a single storey wing and a detached garage.**

**The layout has had regard to the constraints of the site and positions the dwelling on the upper part of the sloping plot. There were initially concerns regarding the relationship with trees but these have been resolved to the satisfaction of the Councils Tree Officer. The design is contemporary but is appropriate in scale and appearance given the variety which exists in the surrounding area. Furthermore, the landscaping of the site would maintain open spaces and the verdant character.**

**Owing to the spacious setting of the plot, the separation from surrounding properties is more than sufficient to conserve the amenity of the occupants of those properties.**

**For all of these reasons the proposal is recommended for approval.**

## **CONSULTATIONS**

### **Local Consultations**

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

I wish to register my initial objection to the proposed design of this development, particularly in light of the comments submitted by the EDDC tree officer.

Should my view not be aligned with that of the planning officers then I would ask that this application be determined by committee.

#### Clerk To Ottery St Mary Town Council

The Town Council does not support this application due to inappropriate design which does not comply with the guidance given in the appeal inspectors report, paragraphs 24-27.

#### Other Representations

One objection has been received raising the following concerns:

Ownership of part of the land

Works commencing before conditions have been discharged

Encroachment into the RPA's of the retained trees.

Overlooking

### **Technical Consultations**

#### County Highway Authority

Highways Standing Advice

#### EDDC Trees

I have concerns on the size of the footprint and the proximity to the retained trees for the following reasons:-

The footprint of the dwelling and garage are larger than the previous application causing unnecessary encroachment into the RPA's of the retained trees this could be simply rectified by adjusting the dwelling to the south and the garage re-orientated north south and moved south west

Further comments:

Further to my previous comments and on talking to the Architect, the present footprint is outside the recommendations of BS5837 and is unable to be moved to the south west due to the easement across the property as a result of this information I withdraw my objection and the information is acceptable subject to condition 5 of the outline permission.



## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
14/2282/OUT	Construction of two dwellings and formation of new vehicular accesses (outline application discharging means of access only and reserving details of layout, scale, appearance and landscaping)	Refusal  Appeal Allowed	12.01.2015  25.11.2015
17/0549/RES  (Southern plot)	Approval of reserved matters in respect of siting, scale, appearance and landscaping of the southern plot of the two consented under outline permission 14/2282/OUT (Construction of two dwellings and formation of new access)	Pending Consideration – Valid 9 <sup>th</sup> March 2017.	

## **POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies  
Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

Government Planning Documents  
NPPF (National Planning Policy Framework 2012)

## **Site Location and Description**

Outline planning permission for two dwellings was granted on appeal in 2015. This application seeks approval of the reserved matters for one dwelling on the northern part of the appeal site. A separate application for a dwelling on the southern plot is currently under consideration.

The site is located in West Hill to the south of a property known as Badgers Bend and bounded by Lower Broad Oak Road. The land and road slope down from north to south. The site is surrounded by a number of trees.

## **Proposal**

This proposal is for a two storey dwelling with a single storey wing. The dwelling would be situated on the southern side of a gravel parking and turning area. On the northern side there would be a detached garage and workshop. Approval for details of the appearance, layout, landscaping and scale is sought. Details of the access were approved at outline stage.

## **ANALYSIS**

The proposed dwelling and garage would be situated on the upper part of the sloping site. This would maintain a clear strip across the middle of the site which coincides with a sewer easement and a watercourse. A benefit of this arrangement is that it would allow views across the site to the countryside beyond and thereby maintain the visual links between the built-up area and the countryside.

The design is contemporary and would add to the variety of designs which is a characteristic of West Hill and is encouraged in the West Hill Design Statement. Its scale, bulk and massing are considered to be comparable to others in the area and compatible with the site itself. Landscaping would be undertaken which would maintain the verdant character of the site.

The materials proposed, namely a roof in a grey standing seam finish and walls finished in a combination of cedar cladding, render and Ibstock Atlas Blue bricks (a grey colour), would reinforce the contemporary design. These have been chosen to reduce the visual prominence of the building and help it to blend into its surroundings. While the building would undoubtedly be seen from public vantage points and would change the character of the site, the design approach is considered appropriate.

Concerns were initially raised about the relationship between the development and the retained trees. However these concerns have been allayed by discussions between the Council's arboriculture officer and the applicant's consultant with only minor incursions into the root protection area that are not in themselves considered harmful. On the basis of these discussions, the objection has been withdrawn and the relationship is considered acceptable subject to the provision of tree protection and an arboricultural method statement as required by condition 5 of the outline permission. This addresses the original concerns raised by the Town Council and Ward Member.

The appeal inspector identified a need to consider the recommendations of the ecology reports submitted for the outline planning application, including effects on the North West boundary of the site and lighting details. In respect of slow worms, the provision of tree protective fencing would prevent harm to habitats in this area. In respect of bats a condition requiring details of any external lighting is necessary.

An objection has been received about overlooking but there would be a distance of about 80m between the proposed dwelling and the property concerned that is located

to the south-west of the site. This is considered to be more than sufficient to ensure privacy. The relationship with other dwellings is also acceptable, including the dwelling proposed on the remaining plot.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

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

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

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (EDDC reference 14/2282/OUT appeal reference APP/U1105/W/15/3035940) granted on 25/11/2015.

The following reserved matters have yet to be approved:

None

The following Conditions attached to the Outline Planning Permission (ref 15/1085/OUT) referred to above are discharged in relation to the part of the site covered by this reserved matters application:

None

The following Conditions attached to the Outline Planning Permission referred to above remain to be complied with where details are required to be submitted prior to the commencement of development in so far as they relate to the site covered by application 16/3024/RES:

4 & 5

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. The materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be:

Roof:

Euroclad, Vieo standing seam roofing system, anthracite finish

Walls:

Cladding - Western Red Cedar with OSMO uv protective oil  
Bricks - Ibstock atlas blue bricks  
Render

No other materials shall be used unless details have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development above foundation level. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)

4. No external lighting shall be installed unless in accordance with a lighting plan which shall first have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development above foundation level.

(Reason - To avoid disturbance of bat commuting and foraging routes in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031.)

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

BD1604:02	Landscaping	11.01.17
U13446_SX	Other Plans	11.01.17
BD1604:01	Combined Plans	20.12.16
BD1604:04	Proposed Combined Plans	20.12.16
BD1604:03	Proposed Combined Plans	20.12.16

##### List of Background Papers

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

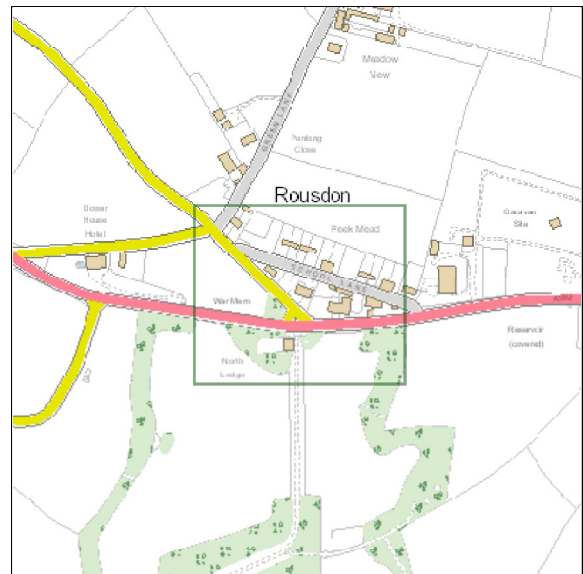
**Ward** Trinity

**Reference** 16/1674/COU

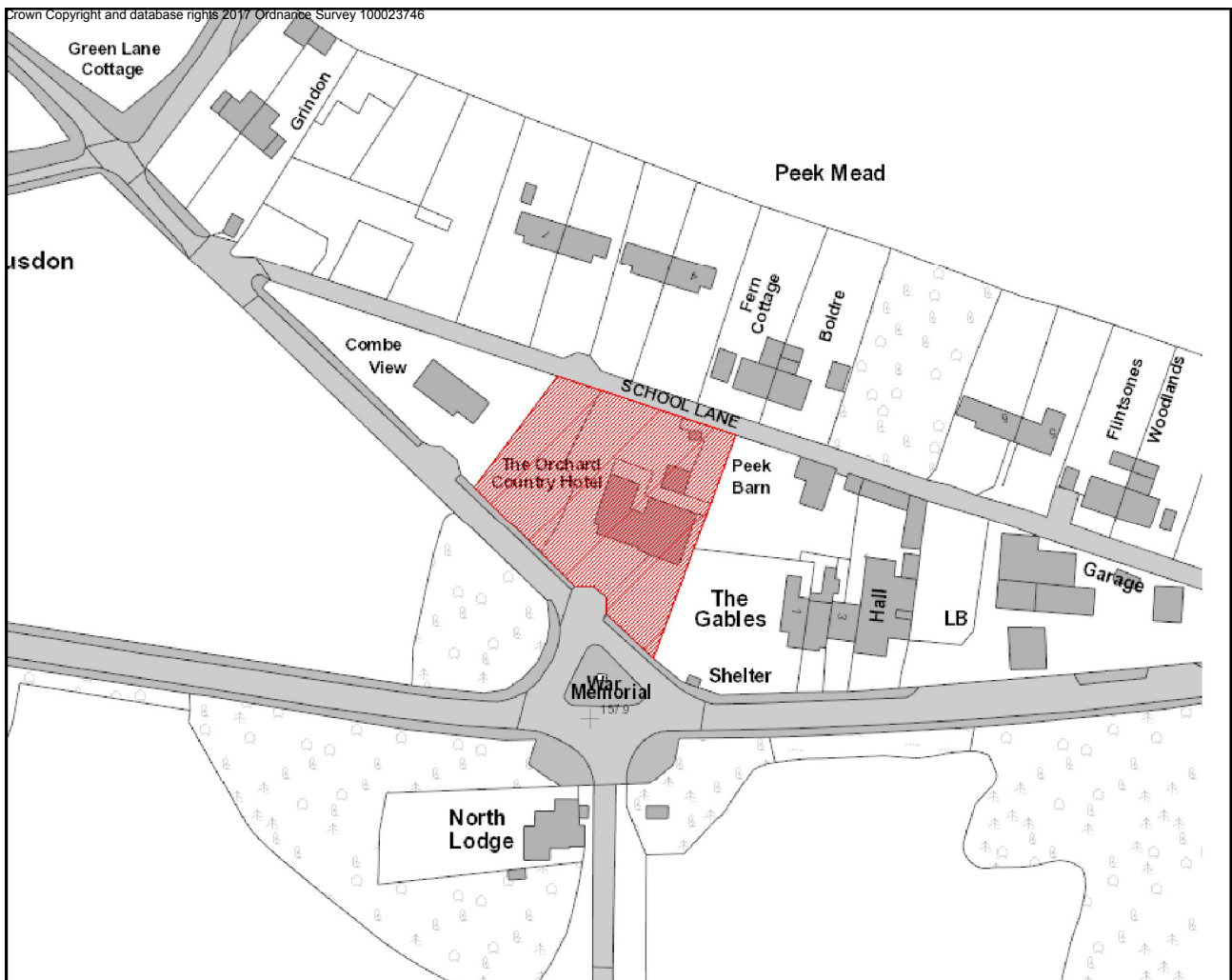
**Applicant** Mr Michael Ashton

**Location** The Orchard Country Hotel Rousdon Lyme Regis DT7 3XW

**Proposal** Change of use from hotel to a unit of self catering holiday accommodation



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 11<sup>th</sup> April 2017</b>
<b>Trinity (COMBPYNE ROUSDON)</b>	<b>16/1674/COU</b>	<b>Target Date: 04.10.2016</b>
<b>Applicant:</b>	<b>Mr Michael Ashton</b>	
<b>Location:</b>	<b>The Orchard Country Hotel Rousdon</b>	
<b>Proposal:</b>	<b>Change of use from hotel to a unit of self catering holiday accommodation</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Members as it represents a departure from adopted development plan policy and as the officer view is contrary to that of the Ward Member.**

**The site lies within the confines of the small settlement of Rousdon, within the AONB, opposite the entrance to the main Rousdon estate. It currently comprises a detached building formerly in use as a hotel with 13 bedrooms with associated gardens and areas of hardstanding use for vehicle parking. There are properties to the north, east and west of the site with the public highway running to the south. The site is served by its own dedicated access off the highway.**

**The building has been used as a hotel for over 20 years and has therefore been in a recreational use albeit with visitors managed on site. The proposed use (that has already commenced) removes the on site management of the guests for the building to be used by one party. Strategy 33 of the East Devon Local Plan recognises that the tourism market has changed over recent years with short breaks and activity breaks becoming increasingly popular, whilst long holiday have declined and sets out criteria which seeks to maintain and promote East Devon as a destination. However, Policy E16 only permits holiday/overnight accommodation within Built-up Areas Boundaries and the site falls outside of any BUAB.**

**The proposal would however continue to contribute to the local economy without impacting unreasonably on the environment as the potential same amount of visitors could visit the site, therefore there would be economic benefits that would not be outweighed by any social or environmental dis-benefits in the sustainability balance.**

There have been a number of representations from local residents, the Parish Council and the Ward Member concerning the impact of this proposal on the amenity of local residents since the on site management was lost when the premises ceased use as a hotel and commenced use as a single unit of holiday accommodation. The representations consider this is because the 13 bedrooms, which can accommodate up to 26 people, are let to large groups of people, sometimes stag and hen parties, who cause a greater disturbance to amenity than the hotel use that was often to couples or smaller families.

The absence of onsite visitor management is regrettable and it is recognised that left unchecked with the amount of people that could potentially occupy the premises some control must be exercised. In consultation with Environmental Health, it is considered that a suitably worded condition should be imposed on any approval to prevent noise and disturbance spilling out into the curtilages of nearby properties. Condition 3 on the following pages has been amended from that recommended initially by the Environmental Health Officer to remain relevant to planning, reasonable and enforceable. Environmental Health have agreed the condition in its amended form.

The proposal is therefore considered to be acceptable.

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Members of

Combpyne Rousdon Parish Council have reviewed the below application and wish their views, as below, to be noted when the application is considered.

The Parish

Council strongly objects to this application on the following basis,

1. The property ceased to be a hotel over two years ago and appears to have been operating as a self-catering holiday let for most of that time and is advertised as such on the Lyme Bay Holidays website. i.e. the property would appear to have been operating as a self catering unit unlawfully for that period of time. This would appear to contradict the declaration in the application <https://www.lymebayholidays.co.uk/cottages/surrounding-coast/rousdon/orchard-country-house#!>

2. The property does not appear to have been well maintained as a high quality tourist destination, it appears to have suffered from the various groups of partygoers that frequent the location. The general upkeep seems to have been neglected and the property is showing signs of wear and tear from an external perspective. There are many negative comments on trip advisor to substantiate this, indeed one comment sums it up perfectly. "This is a lovely large house in an Orchard, in a very pretty part of the world. It obviously used to be a hotel and guests can have fun with the big catering kitchen and the little bar.

Sadly, though, the owners don't seem to love the place, and don't respect the visitors. They've left rusting damaged baking trays, burned saucepans and very ancient wooden implements around the kitchen.

The rooms are reasonable and fairly clean (not VERY) but don't put your hand down between the sofa cushions, or look to closely in the kitchen drawers.

A few new chopping boards, a tidy up outside and a clear-out of broken and damaged items would make the place feel loved, and the guests feel valued.

If this doesn't happen, the property is going to slowly slide downhill.

Sad."

Source Tripadvisor

[https://www.tripadvisor.co.uk/Hotel\\_Review-g315962-d1154363-Reviews-Orchard\\_Country\\_Hotel-Lyme\\_Regis\\_Dorset\\_England.html#review\\_382094234](https://www.tripadvisor.co.uk/Hotel_Review-g315962-d1154363-Reviews-Orchard_Country_Hotel-Lyme_Regis_Dorset_England.html#review_382094234)

<[https://www.tripadvisor.co.uk/Hotel\\_Review-g315962-d1154363-Reviews-Orchard\\_Country\\_Hotel-Lyme\\_Regis\\_Dorset\\_England.html%23review\\_382094234](https://www.tripadvisor.co.uk/Hotel_Review-g315962-d1154363-Reviews-Orchard_Country_Hotel-Lyme_Regis_Dorset_England.html%23review_382094234)>

3. There do not appear to be any tourism related policies for the area that would support this change of use

4. The conversion to a self catering holiday let would appear to be detrimental to local job creation, when run as a hotel there would be a core number of staff employed with casual worker employment opportunities at weekend and in the holiday periods. Run as a self catering holiday let the number of employment opportunities is significantly reduced to, presumably, a few hours of cleaning at changeover.

5. As a self catering holiday unit there is no on site supervision, as such on numerous occasions there has been anti social behaviour from occupants partying in to the early hours with loud music, partying continually for periods in excess of 12 hours, fire escapes used as playgrounds by children and poor behaviour with regards to rubbish disposal and general civility, Various Parish residents have reported issues at 4 am, drunk and disorderly behaviour and one incident of "boy racer" type activity in cars in the Parish Hall Car Park. These are not regular events but frequent enough to disturb residents and clearly not in keeping with any neighbourhood let alone a small village in the countryside.

In short the Parish Council believes this apparently retrospective application to justify an already instigated change of use should be refused and the owners requested to return the property to it's permitted use as a hotel.

Trinity - Cllr I Thomas

I am deeply concerned about the practical impact of this application.

I was present at a recent Parish Council Meeting where numerous instances of disturbing and disruptive 'party' events were reported to have taken place at the property recently. This could be judged to represent the primary implications of a change from a 'Managed Hotel' to large scale 'Unmanaged/supervised Holiday Accommodation' sleeping up to 26 as proposed. This is out of character with the area and causes a detrimental effect on the amenity of other residents. Parish Council reports are supported by specific representation to this application, it would be helpful if the statements had, or could have, been supported by specific 'time and date, nature of nuisance' details.



The planning application offers no Planning Statement to justify the need for this change in use from C1 Hotel to C3 rented, self-catering holiday accommodation.

As this is a retrospective application and the change is clearly evidenced to have already taken place, there has been an opportunity to experience its implications. This has raised numerous concerns, directly linked to the 'proposed' change of use.

A particularly eloquent representation by Kate Dalton-Aram follows a logical flow, which I cannot better by way of a case for refusal. There is no similarly reasoned rebuttal in the case from the applicant or agent. I would therefore appreciate a professional Officer analysis of the argument presented.

In the interim, I note that the Parish Council also oppose this application and recommend that the application be refused.

If Planning Officers disagree and are minded to recommend approval, I ask that the application be referred to the Development Management Committee for determination. I also request the opinion of EDDC Environmental Health Officers as to a possible statutory nuisance and potential to warrant enforcement action.

Environmental Health - I have considered this proposal as retrospective planning permission and I can confirm that Environmental Health have no records on file on noise complaints received from this property. Any future complaints would be investigated under The Environmental Protection Act 1990 for noise nuisance. However to try to protect all residential properties in the vicinity of any future nuisance, I recommend that the following condition is attached to any permission granted.

NO(E)2                    No amplified or other music shall be played or any game sounds generated in the premises in such a way that they are audible at any location outside the premises or within any nearby premises.

#### Other Representations

Two representations have been received raising the following concerns:

- Anti social behaviour from residents without any on site visitor management
- Proposal should have been advertised as a departure from the Local Plan
- There is no policy support in the Local Plan for this proposal
- The site operated perfectly well as a hotel

#### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
78/C1175	PROPOSAL FOR ADDITIONAL GUEST BEDROOMS AND PRIVATE FLAT	Approval with conditions	26.09.1978

79/C0752	BLOCK THREE GARAGES WITH LINKING ACCESS TO REPLACE EXISTING	Approval with conditions	28.06.1979
03/P2349	Siting Caravan For Staff Accommodation	Temporary Approval	13.01.2004
03/P2350	Replacement Garage/store/laundry	Approval - standard time limit	13.01.2004

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

EN14 (Control of Pollution)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 33 (Promotion of Tourism in East Devon)

EN9 (Development Affecting a Designated Heritage Asset)

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

## **Site Location and Description**

The site lies within the confines of the small settlement of Rousdon, within the AONB, opposite the entrance to the main Rousdon estate. It currently comprises a detached building formerly in use as a hotel with 13 bedrooms with associated gardens and areas of hardstanding use for vehicle parking. There are properties to the north, east and west of the site with the public highway running to the south. The site is served by its own dedicated access off the highway.

The site falls outside of any Built-up Area Boundary but is adjoined by a listed building to the south-east.

## **Proposed Development**

This retrospective application seeks full planning permission for the retention of the change of use of the hotel to a single unit of holiday accommodation comprising 13

bedrooms which is a sui generis use. In effect, the application proposes a change to the building from a managed hotel to holiday accommodation that has no on-site management.

## **ANALYSIS**

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

### **Principle**

The site lies in the open countryside where under Strategy 7 of the East Devon Local Plan all development should be strictly controlled so that it does not detrimentally impact on the character and appearance of the area. The creation of a stand alone holiday unit in the open countryside is usually resisted unless the proposal is the conversion of a redundant or previously used rural building (Policy D8 of the Local Plan) or under Policy E16 that supports new building holiday accommodation within Built-up Area Boundaries. As the proposal does not fall under either of these, there is no policy that covers this proposal and as such by default it is a departure from Local Plan policy.

However, the building has been used as a hotel for over 20 years and has therefore been in a recreational use albeit with visitors managed on site. The proposed use (that has already commenced) removes the on site management of the guests for the building to be used by one party. Strategy 33 of the East Devon Local Plan provides some support in general for the proposal as it recognises that the tourism market has changed over recent years with short breaks and activity breaks becoming increasingly popular, whilst long holiday have declined. The justification to the Strategy states that it seeks to maintain and enhance the District's visitor appeal by:

- a) Supporting East Devon's hospitality businesses as they respond to the challenges of a changing visitor market.
- b) Reinforcing the District's image as a destination of high environmental quality with a strong focus on customer care.
- c) Working in partnership with East Devon's tourism industry to promote the District as a year round destination.

Furthermore, the NPPF supports the growth and expansion of business in the rural area under Paragraph 28 with particular reference to the expansion of tourism facilities where needs are not met in serviced centres. Whilst Axminster, Seaton and its hinterland has a wealth of tourism accommodation it could not be concluded that the market is saturated especially with hotels of the type previously in use on the site. However, the NPPF does not indicate whether the loss of hotels would be acceptable, instead it takes a positive approach to promoting growth, therefore it is difficult to assess whether the proposal complies with this part of the NPPF.

As the proposal is not supported by a specific policy in the Local Plan, the following is an assessment of the merits of the application and any material considerations that may weigh in its favor.

### **Material considerations**

The proposal would continue visitor spend from the 13 existing letting rooms and would contribute to the local economy and tourism in accordance with Strategy 33 and the spirit of the NPPF in supporting rural businesses and tourism. The continued visitor spend would weigh in favour of the proposal.

The building would remain in a tourism use and therefore the visitor movements for the same amount of residents would remain as lawfully approved. As the property would be let as a single holiday unit, less vehicles may be required with family/friends travelling together. Therefore, environmentally there would be a neutral position.

Socially the loss of the hotel and use as a holiday unit with no on site visitor management has caused some concerns amongst the local community, however, as will be discussed below, the concerns raised lie outside of planning control relating to management of the facility and its conditions, therefore there would be a neutral outcome socially.

Given the lawful use of the premises as a hotel, given the continued use of the premises as a business and for tourism, and given the general support for tourism uses under Strategy 33 of the Local Plan, it is considered that the proposal is acceptable in principle subject to no harm to the amenity of the area. This is assessed below.

### **Impact of development on surroundings**

The site lies in on the approach to Rousdon with only a handful of properties in close proximity, the site is well screened from the passing highway by mature trees and hedgerows and is not overtly visible in the surrounding landscape. The proposal does not seek any works of development to the property or seeking to change its use inside the existing buildings. As such the proposal will not harm the adjoining listed building.

There have been a number of representations from local residents, the Parish Council and the Ward Member concerning the impact of this proposal on the amenity of local residents since the on site management was lost when the premises ceased use as a hotel and commenced use as a single unit of holiday accommodation. The representations consider this is because the 13 bedrooms, which can accommodate up to 26 people, are let to large groups of people, sometimes stag and hen parties, who cause a greater disturbance to amenity than the hotel use that was often to couples or smaller families.

The absence of onsite visitor management is regrettable and it is recognised that left unchecked with the amount of people that could potentially occupy the premises there is potential for noise and disturbance. In consultation with Environmental Health, it is considered that a suitably worded condition should be imposed on any approval to prevent noise and disturbance spilling out into the curtilages of nearby properties.

Condition 3 on the following pages has been amended from that recommended initially by the Environmental Health Officer to remain relevant to planning, reasonable and enforceable. Environmental Health have agreed the condition in its amended form. The condition would ensure that no music from activities within the premises are audible at the site boundary to prevent parties or loud music being played that could cause a disturbance.

Overall, it is considered that the impact of the proposal would not be detrimental in accordance with Policy D1 of the East Devon Local Plan.

### **Other issues**

Two procedural concerns have been expressed which are sought to be clarified below.

#### Use

The application forms state that the use would fall within Class C3 which is for single dwelling houses and houses where there are up to 6 people living together as a householder or where care is provided for this amount of people. Clearly up to 26 people 'living' together as a single householder would exceed this threshold and would therefore be classified as a 'sui generis' use, meaning that any further change to the use of the building would require a further planning permission. The application has been advertised as such.

#### Departure

The proposal has been advertised as a departure from the adopted local plan as there are no policies in the plan that would specifically support such a change of use of the building as discussed above.

### **Balance of sustainability**

There would be benefits and dis-benefits to the proposed development as described above. However, in accordance with Paragraph 14 of the NPPF it is not considered that any of the dis-benefits would demonstrably outweigh the benefits of the proposal. Furthermore, as there is already a lawful tourism use on the site in the form of the hotel, it's continued contribution to the wider economy through visitor spend is considered to be the determining factor with this application, particularly as concerns noise from music can be controlled by condition.

### **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 9th August 2016.  
(Reason - To comply with Section 63 of the Act.)

2. The premises shall be used as a single unit of holiday accommodation only and for no other purpose, unless varied by a further grant of planning permission (Reason - To protect adjoining occupiers from noise disturbance in accordance with the requirements of Policy EN14 – (Control of Pollution) of the Adopted New East Devon Local Plan 2016.)
3. No amplified or other music shall be played in/or on the premises in such a way that they are audible at any location outside the boundary of the premises. (Reason - To protect adjoining occupiers from noise disturbance in accordance with the requirements of Policy EN14 – (Control of Pollution) of the Adopted New East Devon Local Plan 2016.)

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

1423.001	Location Plan	21.07.16
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##### List of Background Papers

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