

# Agenda for Development Management Committee Tuesday, 16 February 2016; 10.30am

## [Members of the Committee](#)

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

[View directions](#)

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

01395 517542, Issued 4 February 2016

**Committee Members** please note that there will be an update on the work and issues facing the Major Projects Team in Development Management between 1pm and 2pm, in the Council Chamber (non-committee members are welcome to attend the session). Lunch will be provided for Committee Members prior to the update. The session is not open to the public.



East Devon District Council  
Knowle  
Sidmouth  
Devon  
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

[www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)

## [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 8 February up until 12 noon on Thursday 11 February 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 19 January 2016 (page 5 - 14)
- 2 Apologies
- 3 [Declarations of interest](#)
- 4 [Matters of urgency](#)
- 5 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.
- 6 **Applications for determination (AM)**

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

#### **15/2079/FUL (Minor)** (page 15 - 23)

Exmouth Brixington

30 Little Meadow, Exmouth EX8 4LU

*Application was deferred for a site inspection on 19 January 2016 – the Committee will have carried out a site visit in advance of the meeting.*

#### **15/0753/MOUT (Major)** (page 24 - 68)

Exmouth Littleham

Land to rear of No. 62 – 82 Douglas Avenue, Exmouth EX8 2HG

*Application was deferred for a site inspection on 3 November 2015 – the Committee will have carried out a site visit in advance of the meeting.*

#### **15/1818/MFUL (Major)** (page 69 - 99)

Exmouth Withycombe Raleigh

Moreton, 13 Drakes Avenue, Exmouth EX8 4AA

*Application was deferred for a site inspection on 19 January 2016 – the Committee will have carried out a site visit in advance of the meeting.*

### **Break**

(Lunch will be provided for Development Management Committee members)

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

- 7 **Planning appeal statistics** (page 100 - 106)  
Development Manager
- 8 **Review of public speaking arrangements** (page 107 - 114)  
Strategic Lead – Legal, Licensing and Democratic Services
- 9 **Applications for determination (PM)**

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

**15/2669/FUL (Minor)** (page 115 - 122)  
Coly Valley  
Land at Budlake Cross, (adjacent) Valley View, Farway, Colyton

**15/2463/FUL (Minor)** (page 123 - 130)  
Exmouth Halsdon  
Land adjoining 2 Byron Way, Exmouth EX8 5SA

**15/2627/COU (Other)** (page 131 - 136)  
Exmouth Halsdon  
37 Ashleigh Road, Exmouth EX8 2JY

**15/2753/VAR (Major)** (page 137 - 156)  
Ottery St Mary Rural  
Land at Barton Orchard, Tipton St John

**15/1936/FUL (Minor)** (page 158 - 166)  
Raleigh  
Units 7 – 9 Hogsbrook Units, Woodbury Salterton EX5 1PY

**15/1950/FUL (Minor)** (page 167 - 175)  
Raleigh  
Units 1 – 5 Hogsbrook Units, Woodbury Salterton EX5 1PY

**15/1786/FUL (FUL)** (page 176 - 184)  
Tale Vale  
Crosshill Farm, Weston, Honiton EX14 3PF

**Please note:**

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

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

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

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

[Decision making and equalities](#)

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

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 19 January 2016**

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

The meeting started at 10am and ended at 5.20pm (the Committee adjourned for lunch at 1.40pm and reconvened at 2pm).

#### **\*57 Minutes**

The minutes of the Development Management Committee meeting held on 8 December 2015 were confirmed and signed as a true record.

#### **\*58 Declarations of interest**

Cllr Steve Gazzard; 15/1818/MFUL, 15/2079/FUL, 15/2308/FUL; Personal interest; Exmouth Town Councillor.

Cllr Alison Greenhalgh; 15/1818/MFUL, 15/2079/FUL, 15/2308/FUL; Personal interest; Exmouth Town Councillor.

Cllr Mark Williamson; 15/1818/MFUL, 15/2079/FUL, 15/2308/FUL; Personal interest; Exmouth Town Councillor.

Cllr Peter Burrows; 15/2477/ADV; Personal interest; Seaton Town Councillor.

Cllr Paul Carter; 15/2543/OUT, 15/2052/OUT; Personal interest; Ottery St Mary Town Councillor.

Cllr Alan Dent; 15/1890/FUL, 15/2136/FUL; Personal interest; Budleigh Salterton Town Councillor.

Cllr Paul Diviani, 15/2026/FUL; Personal interest; Chairman of Blackdown Hills AONB Partnership.

Cllr Matt Coppell; 15/2172/MRES; Declared that although he had objected to the outline application prior to becoming a District Councillor, he did not consider himself predetermined in respect of the Reserved Matters application. He advised that he would take part in discussions, however would abstain from the vote on the application.

#### **\*59 Planning appeal statistics**

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

The Committee's attention was drawn to the appealed allowed on land at Badgers End, Broad Oak Road, West Hill. The Inspector had overruled countryside protection and amenity reasons for refusal and concluded that the proposal would not have a significant adverse effect on the character and appearance of the surrounding area and that the adverse impacts would not significantly or demonstrably outweigh the benefits of the proposal.

**\*60 Response to consultation on proposed changes to the national planning policy**

The Committee considered the Development Manager's report outlining the Department for Communities and Local Government's consultation on proposed changes to national planning policy and a recommended comprehensive response from the Council to the consultation, which included input from the Strategic Lead – Housing, Health and Environment.

The consultation covered the following areas:

- Broadening the definition of affordable housing to expand the range of low cost housing opportunities;
- Increasing the density of development around commuter hubs, to make more efficient use of land in suitable locations;
- Supporting suitable new settlements, development on brownfield land and small sites, and delivery of housing in Local Plans;
- Supporting delivery of starter homes;
- Transitional arrangements.

Discussion on the consultation and proposed responses included:

- Under delivery - include a suggestion that a tax on undeveloped land could be introduced;
- Concern raised about the release of employment land in order to deliver starter homes - importance of creating/maintaining sustainable and balanced communities, which included employment provision, needed to be emphasised;
- Include reference to the high protection status of the AONB in the response to the questions regarding as to whether or not communities should have the opportunity to allocate small scale developments of starter homes in the Green Belt.
- The Council should be supporting the principle of prioritising the development of brownfield land for housing.
- Clear and robust countryside protection policies were required - concern was raised that these could be eroded through the proposals.

The Development Manager was thanked for his well-considered responses to the proposals.

**RESOLVED: that the responses, as detailed in the Committee report, be submitted as the Council's formal response to the Department for Communities and Local Government's consultation on proposed changes to the national planning policy subject to some minor amendments to strengthen some of the responses in line with the Committee's discussions.**

**\*61 Local Plan update**

The Service Lead – Strategic Planning and Development Management advised the Committee that the Council had now received the Inspector's final Local Plan examination report and, subject to a number of main modifications, the Plan was sound. The Council could now move forward to formally adopted the Plan on 28 January 2016.

The Committee noted the Inspector's main findings which were:

- The end date of the Plan be extended to 2031;
- The target of 17,100 new homes between 2013 and 2031 was an appropriate housing need for the district and will meet the needs identified in the Council's studies.
- The district had a five year housing land supply and this position would improve upon adoption of the Plan. Settlement boundaries could therefore be more rigorously defended.

- The identified need for 37 gypsy and traveller pitches was based on robust and reliable evidence.
- The Sidford employment site be included in the Plan – the Inspector had concluded that there was a need for the employment land and that there was no other site more suitable.

The Inspector had also found the Community Infrastructure Levy (CIL) charging schedule to be sound subject to modifications, primarily relating to Cranbrook.

Comments and questions raised during discussion included:

- In response to a question about the implications of the Inspector's findings on outstanding appeals, the Service Lead advised that Inspector's considering appeals were required to base their decisions based on the most up to date information/policies available.
- Disappointment expressed at the inclusion of the Sidford employment site.
- The Inspector had removed Chardstock and Dunkeswell from Strategy 27 – this was consistent with the evidence submitted for sustainable settlements. There were now 15 sustainable settlements identified in Strategy 27.
- The Inspector had raised some concern about the distribution of housing and the emphasis of housing within the Growth Point area. The shortfall in housing would need to come forward under Strategy 27 via Neighbourhood Plans and windfall sites.
- There were two options regarding Plan adoption which were to either adopt the Plan with the main modifications or not adopt the Plan, the latter of which would have significant implications in planning terms.
- Any development at the Sidford employment site would be subject to planning permission, and as part of that process, there would be public consultation.
- Officers, particularly the Service Lead, Planning Policy Manager and his Team were thanked for their hard work in getting the Plan to the stage where it was now ready for adoption.
- Built-up Area Boundaries (BUABs) in the 2006 adopted Plan would continue to carry weight until superseded by the Villages DPD.
- Sidmouth employment site would lead to increased commuting and exacerbate congestion problems in that area. Flooding was also a major concern.
- The Inspector had received all the representations submitted during the consultation on the main modifications.

## **\*62 Applications for Planning Permission and matters for determination**

### **RESOLVED:**

that the applications before the Committee be determined as set out in Schedule 10 – 2015/2016.

### **Attendance list**

#### **Present:**

#### Committee Members

Councillors:

Cllr David Key (Chairman)

Mike Howe (Vice Chairman)

Mike Allen

David Barratt

Susie Bond

Colin Brown  
Peter Burrows  
Paul Carter  
Matt Coppell  
Alan Dent  
Steve Gazzard  
Alison Greenhalgh  
Simon Grundy  
Chris Pepper  
Mark Williamson

Officers

Ed Freeman, Service Lead – Strategic Planning and Development Management (AM only)  
Paul Lowe, Housing Enabling Officer (AM only)  
Chris Rose, Development Manager  
Shirley Shaw, Planning Barrister  
Janet Wallace, Principal Environmental Health Officer (AM only)  
Hannah Whitfield, Democratic Services Officer

Also present

Councillors:

Megan Armstrong  
Brian Bailey  
Peter Bowden  
David Chapman  
Paul Diviani  
Jill Elson  
Peter Faithfull  
Graham Godbeer  
Steve Hall  
Rob Longhurst  
Andrew Moulding  
Cherry Nicholas  
Geoff Pook  
Val Ranger  
Marianne Rixson  
Brenda Taylor  
Tom Wright

**Apologies:**

Committee members:  
Councillor Ben Ingham

Non-committee members

Councillors:  
Ian Hall

Chairman .....

Date.....



**EAST DEVON DISTRICT COUNCIL**  
**Development Management Committee**  
**Tuesday 8 December; Schedule number 10 – 2015/2016**

**Applications determined by the Committee**

Committee reports, including recommendations, can be viewed at:

<http://eastdevon.gov.uk/media/1441396/190116-combined-dmc-agenda-compressed.pdf>

Newton Poppleford  
and Harpford 15/2172/MRES  
(NEWTON  
POPPLEFORD AND  
HARPFORD)

Applicant: Cavanna Homes (Devon) Ltd And Pencleave 2

Location: 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)

**RESOLVED:** DEFERRED to allow officers to negotiate the pepper-potting of the affordable units throughout the site.

---

Exmouth  
Withycombe Raleigh 15/1818/MFUL  
(EXMOUTH)

Applicant: Methodist Homes (MHA)

Location: Moreton, 13 Drakes Avenue, Exmouth

Proposal: Redevelopment of former Moreton Care Home to provide a total of 61 retirement living with care units (Use Class C2) with residents facilities, parking and landscaping, demolition of 13 and 13a Drakes Avenue.

**RESOLVED:** INSPECT

Reason: To enable Members to consider the design of the proposal and its relationship to neighbouring properties.

Yarty  
(CHARDSTOCK) 15/2026/FUL

Applicant: Mrs Anne FitzHenry

Location: Ivygreen Farm, Chardstock, Axminster

Proposal: Demolition of agricultural buildings and erection of 2 no. new buildings to comprise a "country hotel" for dogs and a canine hydrotherapy pool and a grooming room

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

---

Exmouth Brixington  
(EXMOUTH) 15/2079/FUL

Applicant: Mrs Alison Rogers

Location: 30 Little Meadow, Exmouth

Proposal: Erection of attached dwelling and detached garage

**RESOLVED:** INSPECT  
Reason: To enable Members to consider the visual impact of the proposed dwelling and impact upon the amenity of surrounding residents.

---

Exmouth  
Withycombe Raleigh  
(EXMOUTH) 15/2308/FUL

Applicant: Wessex Reserve Forces And Cadet Association

Location: 299 A T C Squadron Phear Park, Withycombe Road

Proposal: Demolition of existing structure and construction of single storey joint cadet centre with associated works

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

Ottery St Mary Rural  
(OTTERY ST MARY) 15/2543/OUT

Applicant: Mr And Mrs M Mattocks

Location: Harley Thorne Higher Broad Oak Road, West Hill

Proposal: Construction of dwelling and garage including formation of vehicular access (Outline application with all matters reserved).

**RESOLVED:** REFUSED as per officer recommendation subject to the removal of reason 3 (further information had been submitted and overcame concerns regarding impact on trees).

---

Ottery St Mary Rural  
(OTTERY ST MARY) 15/2052/OUT

Applicant: Mr A Lightfoot

Location: Land Adjoining White Farm Lane, West Hill

Proposal: Outline planning permission for the construction of a dwelling with all matters reserved.

**RESOLVED:** REFUSED as per officer recommendation.

---

Woodbury and  
Lypstone  
(WOODBURY) 15/0239/FUL

Applicant: Mr & Mrs T Payne

Location: Land East Of Orchard Cottage, The Avenue, Exton

Proposal: Demolition of existing garage and proposed new dwelling and vehicular access

**RESOLVED:** REFUSED as per recommendation subject to the inclusion of an additional reason for refusal:

The application site lies outside of any defined Built-up Area Boundary, in an area where the Local Planning Authority applies restrictive policies designed to protect the open countryside and would result in an unsustainable form of development which would be remote from local services and infrastructure. As such the proposal is contrary to the provisions of Policies S5 (Countryside Protection) and TA1 (Accessibility of New Development) of the adopted East Devon Local Plan 1995 - 2011, Strategy 7 (Development in the Countryside) and TC2 (Accessibility of New Development) of the Emerging New Local Plan and the guidance contained within the National Planning Policy Framework.

Beer and  
Branscombe  
(BRANSCOMBE)

15/2295/FUL

Applicant: Ms Natalie Bucklar (East Devon Riding Academy)

Location: Edge Farm Stables, Branscombe

Proposal: Retention of mobile home and utility building for temporary period of 3 years

**RESOLVED:** APPROVED (contrary to officer recommendation) for a 3 year temporary period with delegated authority given to the Development Manager to impose appropriate conditions. Members considered that the proposal satisfied Policy H4 of the emerging Local Plan due to it being a rural business and the applicant demonstrating an essential need for accommodation to support the business and the welfare of the horses on the site.

---

(Cllr Pepper left the meeting)

Raleigh  
(OTTERTON)

15/2461/FUL

Applicant: Mrs Carron Saunders

Location: Otterton C Of E Primary School Church Hill

Proposal: Erection of play equipment

**RESOLVED:** REFUSED (contrary to officer recommendation) with delegated authority given to the Development Manager to draft reasons for refusal. Members considered that the location of the backstop adjacent to a residential property would result in an unreasonable increase in nuisance and loss of amenity to the neighbouring resident – this had not been adequately mitigated against.

(Cllr Burrows left the meeting)

Budleigh Salterton  
(BUDLEIGH  
SALTERTON)

15/1890/FUL

Applicant: C J Woodley Ltd

Location: 10 Copp Hill Lane (Land Adj), Budleigh Salterton

Proposal: Construction of dwelling house as approved under permission 14/2134/FUL with revision to vehicle parking arrangements and erection of detached garage

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

---

(Cllr Grundy left the meeting)

Budleigh Salterton  
(EAST BUDLEIGH)

15/2136/FUL

Applicant: Pooh Cottage Holiday Park

Location: Pooh Cottage Holiday Site, Bear Lane

Proposal: Proposed storage area for 47no touring caravans.

**RESOLVED:** APPROVED (contrary to officer recommendation) for a 3 year temporary period to allow the use to be monitored with delegated authority given to the Development Manager to impose appropriate conditions.  
Members considered that the management of the site and movement of caravans had materially changed since the 2011 appeal decision.

---

Axminster Rural  
(AXMINSTER)

15/2519/FUL

Applicant: East Devon District Council (Mr J Burns)

Location: 21 St Andrews Drive, Axminster

Proposal: Single storey side extension (to provide wheelchair accessible bedroom and wet room) and construction of level access to front door

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

Coly Valley  
(COLYTON)

15/2376/TCA

Applicant: Mrs Helen Parr

Location: Colyton House, Vicarage Street

Proposal: Holm Oak - Reduce and thin to remove up to 20% of leaf area, reducing height and spread by 1-2m making pruning cuts up to 75mm diameter. Raise crown to give 3m clearance above ground.  
T1 & T2 Incense Cedar, T4 Pittosporum, T5 Holly and T6 Cypress - Fell.  
T3 Copper Beech - Reduce side branches by 1-2m.

**RESOLVED:** APPROVED as per recommendation.

---

Seaton  
(SEATON)

15/2477/ADV

Applicant: East Devon District Council (Ms Alison Hayward)

Location: Seaton Jurassic, The Underfleet

Proposal: 6 no. flags hung from flag poles, 1 no. entrance sign, 1 no. cafe information sign, 2 no. wayfinding signs

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

**Ward** Exmouth Brixington

**Reference** 15/2079/FUL

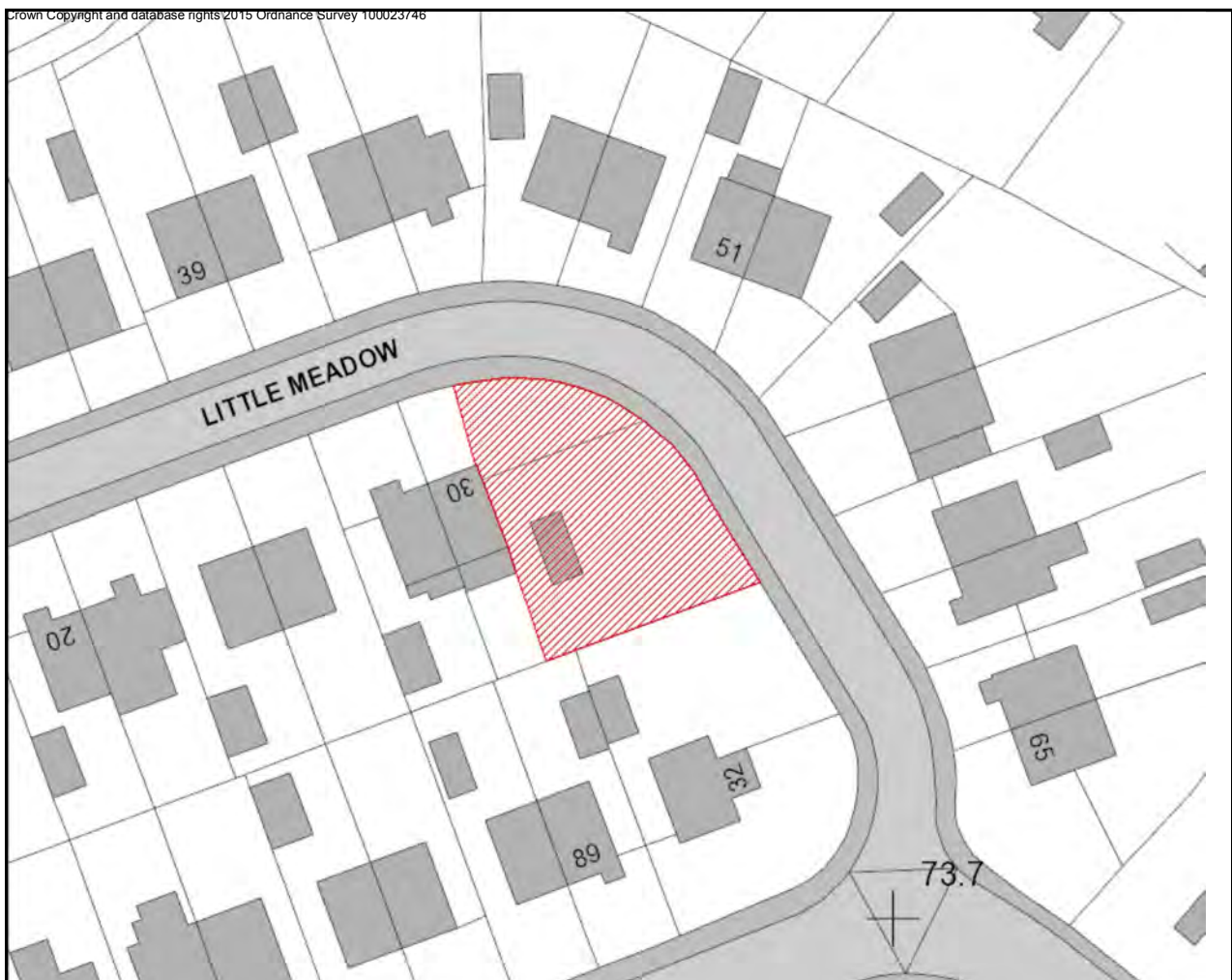
**Applicant** Mrs Alison Rogers

**Location** 30 Little Meadow Exmouth EX8 4LU

**Proposal** Erection of attached dwelling and detached garage



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 16 February 2016</b>
<b>Exmouth Brixington (EXMOUTH)</b>	<b>15/2079/FUL</b>	<b>Target Date: 25.12.2015</b>
<b>Applicant:</b>	<b>Mrs Alison Rogers</b>	
<b>Location:</b>	<b>30 Little Meadow Exmouth</b>	
<b>Proposal:</b>	<b>Erection of attached dwelling and detached garage</b>	

**RECOMMENDATION:** APPROVE subject to a legal agreement and conditions

### **EXECUTIVE SUMMARY**

**This application was deferred at the last Committee for a site inspection and the report and recommendation have been amended slightly to reflect the adoption of the New East Devon Local Plan.**

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

**Planning permission is sought for the construction of an attached dwelling and detached garage within the garden of 30 Little Meadow, Exmouth.**

**The proposal seeks to extend the property by the addition of a two storey extension of the same form as the existing dwelling but around 1.3m wider. Access to the rear of the existing dwelling is proposed through a ground floor accessway with bedroom accommodation above.**

**Concerns have been raised to the proposal from the Town Council, Ward Members and neighbouring residents in relation to parking and access issues, loss of residential amenity, impact on trees and on the character and appearance of the area.**

**Notwithstanding these concerns it is considered that there is sufficient space to the side of No. 30 to accommodate a new dwelling and garage without causing harm to the character and appearance of the area, residential amenity or upon trees. In addition, the design of the proposed dwelling and garage are considered to be acceptable in their context.**

**Subject to submission of a legal agreement securing a contribution towards affordable housing, the application is recommended for approval.**



## **CONSULTATIONS**

### **Local Consultations**

#### **Exmouth Brixington - Cllr D Chapman**

I wish to register my objection to the above on the grounds of, Over development .  
Not in keeping with the site.  
Poor access for the property proposed.

#### **Exmouth Brixington - Cllr M Chapman**

I wish to object to this planning application , I believe this is out of keeping with the development , over development of the site , poor access for the property . Please send to committee .

#### **Exmouth Brixington - Cllr C Nicholas**

After conversations with Planning, and because this has not been decided as yet, I would like this email taken as an objection to the proposed plans.

1. Could we have a report from SWW regarding the viability of adding another household onto the sewerage system please
2. The proposed access driveway while it is still on Little Meadow is very close to the junction of Little Meadow and Parkside Drive. Cars swing onto Little Meadow at some speed and would immediately be on top of whoever is exiting the driveway. Immediately following that would be the sharp bend .
3. The new build is going to turn a pair of semi-detached houses into a terrace of 3. As the occupant of the other semi has objected to this plan I feel that morally we have a duty to also consider her views since it could affect the value of her house.
4. It is proposed that a narrow alley way from front to back should run between the length of the two houses. Over the alleyway will be built a bedroom of the new build. This effectively means that the kitchen window of 30 Little Meadow will receive very little light. At present the house is in a tenancy agreement.
5. The owner of the house on Parkside Drive whose garden adjoins 30 Little Meadow is also of the opinion that he will be directly overlooked and this will have a detrimental effect on his enjoyment of his garden.

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

Meeting 16.11.15

Objection on the grounds:

Out of keeping with the streetscene and spacious character of the neighbourhood.

Over development of the site.

Access on a blind bend on the narrowest part of the road.

Intrusive resulting in the loss of amenity and privacy to adjacent dwellings.

Contribute to further on street parking pressure.

Request that SWW was consulted to confirm that drainage & sewage could be attached to No.30.

Parish/Town Council  
Amended Plans

The Planning Committee were in receipt of amended layout plan (Drawing no 1A) showing revised access, when discussed on the 16th November 2015.

**Technical Consultations**

County Highway Authority  
Highways Standing Advice

South West Water

We have already been approached by neighbours raising concerns and we have advised that South West Water has no objection and that the public drainage facilities are capable of supporting this proposed dwelling.

**Other Representations**

At the time of writing the report 19 representations had been received, all raising objections to the proposal. These are summarised below

- Overdevelopment of the site
- Visually intrusive
- Further dwelling will exacerbate parking problems
- Danger to highway safety
- Loss of privacy/overlooking
- Inappropriate form of development
- Cramped form of development
- Increased risk of flooding from additional surface water
- Existing sewers are not able to cope with further dwelling
- Road is too narrow to accommodate further traffic
- Will create a terrace of properties in area of semi-detached properties
- Impact on value of dwelling
- Increase in noise and disturbance
- Loss of light

**PLANNING HISTORY**

Reference	Description	Decision	Date
97/P1789	Erection of dwellings	Refused	07.01.1998
		Dismissed on appeal	20.07.1998

**POLICIES**

New East Devon Local Plan Policies  
Strategy 6 (Development within Built-up Area Boundaries)

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

Government Planning Documents  
NPPF (National Planning Policy Framework 2012)

### Site Location and Description

The application site comprises the side and part of the rear garden associated with 30 Little Meadow, a semi-detached property occupying a corner site within a generally open-plan housing estate within the built-up area of Exmouth.

Little Meadow is a crescent road which loops round to the north of Parkside Drive. It is located towards the northern western boundary of Exmouth and forms part of a large relatively modern housing estate development comprising a wide variety of properties, although the properties within Little Meadow itself, with the exception of No. 32 to the south east of the site which is a detached dwelling, are semi-detached properties of various sizes and designs.

The site has a fall from the north west to south east with the current rear and side garden at a lower level than the existing property. The garden is currently enclosed by a 1.8m close boarded fence and planting adjacent to the back edge of the pavement.

### Proposed Development

Planning permission is sought for the erection of a two storey dwelling attached to and of a similar design as No. 30. It is proposed that the new dwelling would extend 6.3m to the side of the property, with living accommodation and a rear accessway on the ground floor and three bedrooms, one en-suite and a bathroom above.

The design of the building is such that it reflects that of No. 30 and its neighbour, albeit that it is 1.3m wider than the existing property.

Parking is proposed to the front of the existing property and a detached single garage with a parking area to the front is also proposed to the south of the site.

### ANALYSIS

The main issues are considered to be the principle of the proposed development and the impact on the character and appearance of the area, on the existing dwelling, parking and access, neighbour amenity, trees, drainage and flooding and any other issues.

#### Principle

The application site is located within the built-up area of Exmouth, within an existing housing development and located in a sustainable location. There is therefore no objection to the principle of further development, including the construction of

additional dwellings in this location, subject to amenity and other issues being considered to be acceptable.

#### Design and impact upon the character of the area

In this instance the proposal would reflect the design of the existing dwelling, albeit larger than that currently existing. As a result it would inevitably have some impact on the present situation. The issue is whether the scale of the proposed development would be so dominant or out of character to be unreasonable within its context.

The principle of two storey extensions to the side of properties has been accepted within Little Meadow, including extensions up to the boundary with the neighbouring property. A number have been constructed or have extant planning approval. Whilst the proposed dwelling would be larger than other extensions which have been approved number 30 occupies a considerably larger plot than other properties, and it is considered that it is capable of accommodating a larger built form without causing an unacceptable impact on the character and appearance of the area and whilst still retaining a large side garden and adequate amenity space for number 30.

It is fully appreciated that the proposal is for the formation of an additional dwelling but there is considered to be little harm to the character and appearance of the area from the additional dwelling given the size of the plot, its corner location and the varied design of dwellings in the area. It is therefore considered that any visual impact would be minimal with any harm far outweighed by the benefit of the provision of an additional dwelling.

#### Parking

The problems with parking in the area have been highlighted as a particular area of concern, and it is appreciated that there is concern that a further dwelling has the potential to exacerbate the parking difficulties which existing residents experience.

The application makes provision for off-street parking for the proposed dwelling which is considered to be adequate with 2 spaces for each dwelling. The existing dwelling would be able to benefit from Permitted Development Rights to create parking to its frontage. The nature of the application is such that it would fall within Highways Standing Advice which raises no highway concerns as the parking spaces and numbers proposed would exceed those necessary for this form of development. However given the level of concern verbal advice was also sought from the Highways Authority who have stated that they have no objection to an additional dwelling in this location.

The Highway Authorities position is understood and agreed with given that the road is unclassified and as such planning permission would not be required for creation of a new access for the existing dwelling in the proposed location.

## Amenity of surrounding properties

The proposed dwelling would extend the built form of the property such that it would be closer to existing properties which will inevitably alter the current situation. A number of concerns have been expressed regarding this including visual intrusion, loss of privacy and an increase in noise and disturbance. It is considered that the property which may be most affected by the proposal would be No. 32 Little Meadow which is to the south of the proposed dwelling and at a lower ground level. Having said this the building would not extend across the rear of this property, being located to the north of the existing garage, and given that the back to back distance between the proposal and No.32 would be the same as that which exists for the other properties between Little Meadow and Parkside Drive, it is not considered to result in an unacceptable relationship.

The proposed garage would be located relatively close to the southern boundary of the site, and being at a higher level than the property to the south has the potential to affect the amenities of the occupiers of this dwelling. However it is a modest structure with a very shallow pitch, extending to less than 3m in height at its maximum, and being set 900mm from the boundary is not considered to have an unacceptable impact.

A window is indicated on the extended side elevation at first floor level which would provide light to the stairwell, and whilst concern has been raised regarding the potential overlooking from this, the window would not be serving a habitable room and the aspect would be onto the road and the frontage of buildings and is considered to be acceptable.

The relationship with other properties in the road is also considered to be relevant and given that it would result in development which is very similar to that currently existing within the road at No.4 in its relationship with the corner of the road. Whilst each proposal must be considered on its individual merits, this issue is not considered to be a matter upon which the proposal should be refused.

One of the issues with the application site appears to arise from the presence of the 1.8m fence on the boundary of the property which will not be altered by the proposed development. The erection of the proposed building will not affect the visibility on this corner.

Surface water and drainage issues have been raised by a number of residents, particularly the occupiers of the property at a lower level to the south of the site who are concerned that the proposal would result in both surface water issues, and sewerage problems. In light of this South West Water were consulted and have responded that they have no objection and that the public drainage facilities are capable of supporting the proposed dwelling. Matters of drainage for a single dwelling would be controlled by Building Regulations.

There are a number of trees on the site although none are of any particular merit or have any form of protection. These were formally assessed 5 years ago and were found to be not worthy of a preservation order. Whilst the removal of these would be unfortunate, it is not considered that it is necessary to require their retention. In any

event the proposal seeks to retain the two most significant of these as part of the proposal and as such it would not be reasonable to withhold planning permission on this basis.

### Other Issues

During the course of this application the impact arising from the creation of a terrace of properties as a result of the approval of this application in terms of impact on the value of existing properties has arisen. These concerns are fully appreciated however the impact of the proposal in this respect is not a material planning consideration that can be taken into account.

The previously dismissed appeal decision in 1998 has also been raised, and whilst this is a material consideration, the previous proposal was for a detached dwelling located adjacent to the southern boundary of the site, and of a significantly different design and form.

### Contributions

The application is accompanied by an appropriate Unilateral Undertaking which makes provision for contributions towards open space provision within the area, and habitats mitigation measures arising from the additional demands being placed upon the Exe Estuary and the East Devon Pebblebed Heaths Special Protection Areas.

However, since submission of the application the new Local Plan has been adopted. Strategy 34 of the new Local Plan requires a contribution towards affordable housing from development of 1 dwelling or more. Using the Council's adopted affordable housing calculator for a 3-bed terrace in Exmouth, this proposal will need to provide a financial contribution of £4,867 towards affordable housing. This will need to be secured through an additional signed Unilateral Undertaking before any planning permission could be issued.

### Conclusions

The proposed construction of a new dwelling house within the curtilage of the existing property is not considered to adversely harm the host dwelling or the residential amenities of the occupiers of neighbouring properties. The concerns raised by Town Council, Ward Members and local residents are fully appreciated, however it is considered that the proposal would not harm the character and appearance of the area and there are no planning reasons to withhold permission subject to the additional legal agreement. As such the application is recommended for approval.

## **RECOMMENDATION**

APPROVE subject to a legal agreement to secure a contribution towards affordable housing and 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 New East Devon Local Plan.)

#### NOTE FOR APPLICANT

##### Informative:

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

This permission shall be read in conjunction with the completed Unilateral Undertakings.

##### Plans relating to this application:

2	Proposed Elevation	07.09.15
3	Proposed Combined Plans	07.09.15
4	Proposed Floor Plans	07.09.15
6	Proposed roof plans	07.09.15
8	Proposed Combined Plans	07.09.15
1A	Location Plan	17.11.15

##### List of Background Papers

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

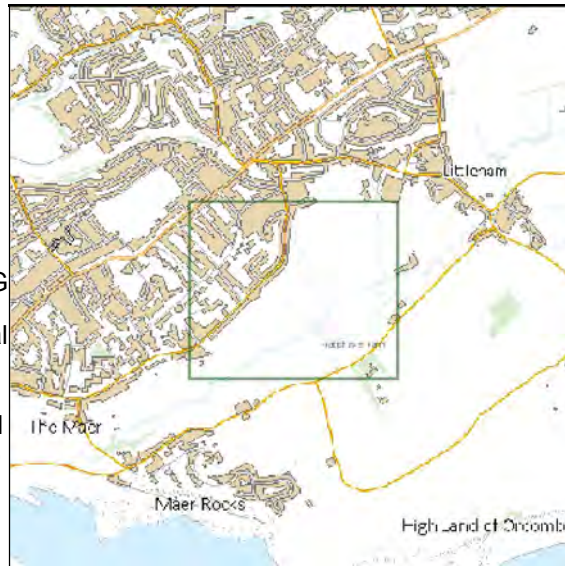
**Ward** Exmouth Littleham

**Reference** 15/0753/MOUT

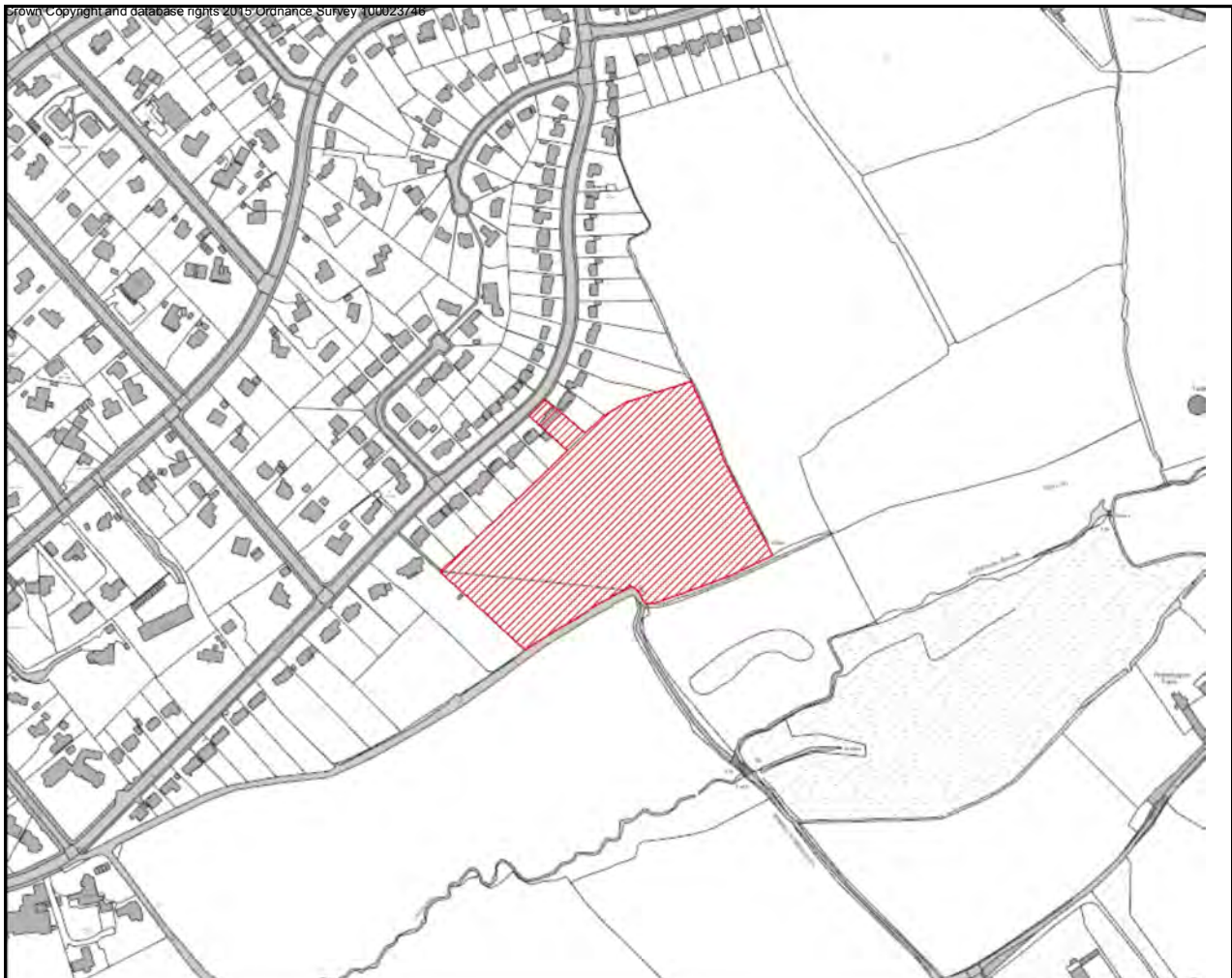
**Applicant** Littleham 2010 Ltd

**Location** Land To Rear Of No's 62-82  
Douglas Avenue Exmouth EX8 2HG

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



**RECOMMENDATION: Non-determination appeal lodged**





		<b>Committee Date: 16 February 2016</b>
<b>Exmouth Littleham (EXMOUTH)</b>	<b>15/0753/MOUT</b>	<b>Target Date: 25.06.2015</b>
<b>Applicant:</b>	<b>Littleham 2010 Ltd</b>	
<b>Location:</b>	<b>Land To Rear Of No's 62-82 Douglas Avenue Exmouth</b>	
<b>Proposal:</b>	<b>Outline application seeking approval for access (matters of layout, scale, appearance and landscaping reserved) for up to 44 dwellings and demolition of 76 Douglas Avenue to create new vehicular access</b>	
<p><b>RECOMMENDATION:</b> That the Planning Inspectorate be informed that had the Local Planning Authority retained the power to determine the application it would have REFUSED permission.</p>		

#### **EXECUTIVE SUMMARY**

This application was originally presented to Committee on the 3<sup>rd</sup> November 2015 with an officer recommendation of approval subject to a legal agreement and conditions. The application was deferred for a Site Inspection but shortly after the November Committee the applicant appealed against the non-determination of the application.

Whilst we have been waiting for a start date for the appeal from the Planning Inspectorate East Devon have received back the Local Plan Inspectors Report, can demonstrate a 5 year housing land supply and have Adopted the New East Devon Local Plan. As a result of these factors this report has been amended with the officer recommendation changed to one of Refusal had the authority retained the power to determine the application.

The site is located adjoining the built up boundary for Exmouth to its eastern boundary and is currently sloping agricultural land in the countryside adjacent to another area of farmland previously approved for housing development known as Plumb Park.

The application is made in outline and includes details for consideration of means of access only and proposes the construction of up to 44 dwellings (net 43 if including the house to be demolished to gain access) on a site area of 2.95ha. The application is accompanied by an indicative layout following some established design/layout principles.

**A total of 71 representations have been received in opposition to the application.**

Although the scheme is acceptable in terms of flood risk, ecology, archaeology, noise, foul drainage, contamination, highway and transport impact, and would offer a beneficial infrastructure package and affordable homes, this is comprehensively out-weighted by the location of the site outside of the Built-up Area Boundary for Exmouth contrary to Strategies 7 (Countryside Protection) and 22 (Development at Exmouth) of the East Devon Local Plan with a subsequent impact on the rural landscape and the setting of Exmouth. The urbanising affect on the rural landscape would be visible from a wide range of local receptors including numerous neighbours and the regular users of the public footpath that runs through the site.

As the Council can now demonstrate a 5 year housing land supply and can give full weight to the New Local Plan, it is considered that the proposal is no longer supported by the Local Plan with the resultant harm outweighing any benefits.

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Meeting 20.04.15

OBJECTION – on the grounds that the proposed development was outside the emerging EDDC Local Plan. There had been no public consultation. The plan was contrary to policy TA7 of the Local Plan. The access point would be detrimental to safety as it was on a bend with a poor visibility splay. Demolition of a family home and loss of privacy and amenity to nearby properties. Development of a green field site, Maer Valley. There was a concern about the impact of flooding and inadequate sewerage infrastructure and no provision made for affordable housing. No provision made in respect of the impact of on health facilities arising as a consequence of the development.

#### Exmouth Littleham - Cllr J Humphreys

Response by Cllr John Humphreys to 15/0753/MOUT: The Clinton Devon Estate planning Application known as Douglas Gardens.

I DO NOT support this application and I RECOMMEND that it is REFUSED.

- 1) The massive increase in traffic generated by the development would be detrimental to those already living in the area. The road infrastructure is already hard pressed to cope.
- 2) Preservation of the existing landscape is a priority for local residents. There has been no consultation with them in shaping this development. This is in contradiction to one of the Core Planning Principles of the NPPF.
- 3) This application is for development on agricultural and green space land that has NOT been identified for development. It is NOT in the Emerging Local Plan and it was NOT identified in the SHLAA.

- 4) If CDE had consulted, they would know that Exmouth Town Council is committed to producing a neighbourhood Plan. One of the objectives already identified for this plan is the conservation of the remaining green space in the parish boundary.
- 5) The application does not meet affordable housing criteria.
- 6) The application does not include any mention of a contribution to health facilities.

Exmouth Littleham - Cllr M Williamson

15/0753/MOUT Land to the rear of 62-82 Douglas Avenue, Exmouth, EX8. 2HG

I cannot support this application and recommend that it is REFUSED. My reasons are as follows:

1. This is not an allocated site in the Emerging Local Plan; nor was it identified in the SHLAA. If development is to be Plan-led opportunistic applications to build on non-identified green space/agricultural land should be refused.
2. The lack of a five year land supply can no longer be a reason to approve this application.
3. Exmouth Town Council is committed to producing a Neighbourhood Plan. One of its objectives will be to conserve the remaining green open space within the parish boundary. For a town of its size green space is in very short supply.
4. This application fails on its non-commitment to any affordable housing. The age restriction is in effect a further reason to refuse as there exist six large age restricted developments within a 2km radius. Furthermore no contribution towards Health facilities is being offered. This has become a matter of priority and concern for Development Management Committee in considering such applications.
5. The first two Core Planning Principles of the NPPF reinforce the importance of involving local people in shaping the places where they live. In this case there has been no consultation with the community, nor with elected Members. The application has been imposed on the community which, understandably, has organised itself to resist this development. A key priority for the local community of Littleham is to preserve the Maer Valley as landscape which contributes to the amenity and well-being of all who live around it. That is fundamentally why the adjacent development known as 'Plumb Park' had and still has virtually no support in the local community. The current application represents further build within a valued setting. It is therefore to the detriment of present and future residents.

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

Further comments received 14 October 2015:

I remain opposed to this development and wish to reiterate, amend and add to my earlier comments. I am pleased to note that, belatedly, the applicant has agreed to come in line with policy over affordable housing.

1. Planning should be plan-led. This site was not included in the SHLAA nor in the emerging Local Plan. It is outside the BUAB.

2. The argument on housing numbers can no longer be sustained. Indeed it would be entirely illogical for a planning authority to approve a development on grounds that it does not have a five year housing land supply while at the same time arguing before the Inspector that it can demonstrate 5.39 years, a surplus of 446 dwellings and, on adoption of the Local Plan, 5.86 years.

3. The application breaches the NPPF in two regards:

a). Para. 17. "Planning should be genuinely plan-led, empowering local people to shape their surroundings..."

b). Para. 67. "Applicants will be expected to work closely with those directly affected by their proposals..."

This application is a case study of non-involvement of the local community, those most affected and elected Members. It has been imposed upon a neighbourhood and community that believes it to be deeply damaging to the amenity of residents and the environment. I have yet to meet single resident who supports this application.

4. I remain of the view that this is an opportunistic development, taking advantage of the position of the LPA over the emerging Local Plan and Exmouth Town Council in respect of its Neighbourhood Plan. Although the latter is in an embryonic stage it can be stated without question that one of the objectives of the Exmouth Neighbourhood Plan will be to protect the town's few remaining green spaces, and the Maer Valley in particular, from further urbanisation.

5. The negative assessment of this application by CPRE is simply not answered in the officer's report. The assertion in the officer's report that the urbanising effect on this green space and the time it will take to obscure this development (15 years) through landscaping are of little consequence suggest that the value of rurality for health and well-being and recreation in a town setting can be compromised for short-term economic gain. That, I suggest, is not what the NPPF means by 'sustainability'. Indeed it is a distortion of the principles underlying the NPPF.

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 both for and against.

#### Exmouth Littleham Ward Member – Cllr A Greenhalgh

I cannot support this application for outline planning permission for 44 homes on the farmland at the rear of 62-82 Douglas Avenue, referred to as Douglas Gardens.

There are a number of reasons for objecting:

1. The plot is outside the Exmouth Built up Boundary and is considered by EDDC officers as a "countryside location." This is supported by the the 50% affordable housing allocation that has now been negotiated in the revised application.

2. The site is not identified in the emerging Local Plan for residential development.

4. The Development Management Committee were of the opinion at the DMC meeting of 8 September 2015 that the identified 5 year housing supply in the emerging Local Plan should carry reasonable weight in decision making, subject to constant review. An improvement on the previous position.

3. The 44 dwellings substantially adds to the 350 Plumb Park dwellings that now have outline planning permission and will put additional pressure on a range of services e.g. increased traffic on highways, health services and education. SWW does not support the development until Plumb Park is finished, with the completed £502,000 improvements to public sewage provision or the identification of an standalone sewerage improvement scheme for Douglas Gardens.

4. Despite the reassurances of a good landscaping scheme, which could take 15 years to mature, the development does encroach on the Maer Valley; an area of great value to the local community, with a public footpath used by many walkers. In addition the farmland is in close proximity to an area of Outstanding Natural Beauty.

5. The NPPF is quoted by the Planning Authority: "NPPF asks Planning Authorities to apply a planning balance, where the social, environmental and economic factors of the scheme are attached relative weight with regard to the guidance of the NPPF and the up to date policies of the Development Plan. In this context East Devon Planning Authority state:

"great weight is attached to the offer of 22 affordable housing units that will provide social sustainability benefits. Similar importance is attached to the potential (net) 43 new homes where the 5 year housing land supply cannot be given full weight at this pony in time."

"It is considered that there are substantial social and economic benefits to development at Douglas Gardens."

I cannot agree with this Planning Balance and Conclusion, for the reasons outlined above.

Former Exmouth Littleham Ward Member - Cllr T Wood

I write to agree with the comments put forward by Councillor Williamson.

The controversial Plumb Park development was put forward as a complete fulfillment of the proposed Local Plan requirement for 350 homes in this area. Revisions to the local plan proposals have not increased that requirement.

Furthermore I and others have repeatedly commented that the infrastructure requirements for the area are not being properly addressed as part of the Plumb Park development. Other developments are year by year making matters worse.

I, and others, are extremely saddened that these proposals have been put forward despite the controversy relating to the existing Plumb Park outline planning consent.

### **Technical Consultations**

County Highway Authority

Observations:

Douglas Avenue is a wide residential road with excellent footways on either side of the road in a part of Exmouth that offers good connections to the town centre and amenities by sustainable means of transport via a number of routes.

The proposed access onto Douglas Avenue is designed with footways on both sides which is appropriate for the existing vernacular, but one would like to see the internal road designs to reflect contemporary design more akin to those put forward in Manual for Streets 1 & 2. This approach would place the emphasis on environment rather than the roads that serve the development. The application has shown that a large refuse vehicle can adequately access and egress at the proposed junction.

Pedestrian access is to utilise the new junction and the existing footpath to the south west of the site and a further pedestrian route is planned to the north east via Plumb Park, this will also offer an emergency vehicular route that will serve not only this development but also that of the adjacent Plumb Park.

There have been representations made to the Local Councillor from local residents in the form of the "Douglas Gardens Action Group", who have raised concerns which include, visibility splays, local accidents reports and existing vehicle speeds. I have met with the nominated chair of this group and the Councillor and I have advised them that visibility splays for the proposed access accord with the 30mph on Douglas Avenue; the submitted accident data was correct at the time of the application and that there is no inherent cause of the accidents, other than driver error, to give me concerns.

The Transport Statement which accompanies the application has looked at the peak hour traffic generations and how this will effect the existing local highway junctions at Littleham Cross, Littleham Rd/Cranford Ave, Cranford Ave/ Douglas Ave/Barnfield Ave and has proven to the CHA's satisfaction that the effect of the development will not severely impact on these junctions. Douglas Avenue is somewhat uniquely situated where although it is a residential minor road, it does offer through traffic access via a number of connecting roads to the B3178 Salterton Road and the wider highway network. Therefore should a problem occur at one junction, traffic would still be able to dissipate via alternative means.

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. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram 14575/SKT01 Revision B where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4

metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43.0 metres in both directions.

REASON: To provide adequate visibility from and of emerging vehicles.

2. This permission shall not constitute an approval of the layout plan No. 14098\_L01\_02 submitted with the application, because it has been treated as being for illustrative purposes only

REASON: For the avoidance of doubt 3. No part of the development hereby approved shall be commenced until:

The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway The ironwork has been set to base course level and the visibility splays required by this permission laid out A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

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

#### Environment Agency

##### ENVIRONMENT AGENCY POSITION.

We have no objections to the proposal, the conclusions of the submitted flood risk assessment (ref. Hyder) are supported.

The application is noted to be seeking outline approval for access to the development site. We would expect a condition to include on any granted planning permission, for either the access provision or development itself, requiring the detailed design of a surface water drainage system to be approved before any works commence on the site. Such a system should conform to a recognised SUDS scheme.

#### Environmental Health

I have assessed the application and recommend the following condition:

A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution."

#### 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.

CONSERVATION OF HABITAT AND SPECIES REGULATIONS 2010 (AS AMENDED) WILDLIFE & COUNTRYSIDE ACT 1981 (AS AMENDED)  
NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT 2006

Internationally and nationally designated sites - Further information required

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is within 4km of the East Devon Heaths SPA/East Devon Pebblebed Heaths Special Area of conservation (SAC). It is also within 1km of the Exe Estuary Special Protection Area (SPA) which is a European site. The site is also listed as a Ramsar site.<sup>2</sup> Both are notified at a national level as a Site of Special Scientific Interest (SSSI).

Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>3</sup>. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

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

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out.

Your own Local Plan Habitat Regulations Assessment and the South East Devon European Sites Mitigation Strategy (SEDESMS) have both concluded that housing within 10km of these sites will have an impact in the absence of mitigation and that housing within 400m of the East Devon Pebblebed Heaths SAC/SPA will not be permitted, since impacts of housing at that distance cannot be adequately mitigated. It appears from the application documents that the applicant anticipates the payment of £749 per dwelling towards mitigation of the impacts on these sites.

We therefore recommend you obtain the following information to help undertake a Habitats Regulations Assessment:



1. Confirmation from the applicant regarding the financial contributions and/or provision of Suitable Alternative Natural Greenspace (SANGS) they intend to make towards mitigation of recreational impacts upon the European sites which are in close proximity to the proposal.

2. If SANGS is to be delivered as part of the mitigation, whether by the applicant or your Authority, an area will need to be identified and confirmed as suitable. Occupancy of the dwellings should not be permitted until an appropriate SANGS has been provided.

#### SSSIs

Providing appropriate mitigation is secured to avoid impacts upon the European sites occurring there should be no additional impacts upon the SSSI interest features of these sites.

#### Landscape

The proposal is within 500m of the East Devon Area of Outstanding Natural Beauty (AONB). Having considered the information provided Natural England does not consider that it is likely to have significant impacts upon the AONB.

However, we recommend that you to seek the advice of the AONB Partnership. Their knowledge of the location and wider landscape setting of the development will help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able advise on whether the development accords with the aims and policies set out in the AONB management plan.

#### Local wildlife sites

The proposal site is adjacent to a local wildlife site, e.g. County Wildlife Site (CWS) so your authority should ensure it has sufficient information to fully understand the impact of the proposal on the CWS, and the importance of this in relation to development plan policies, before it determines the application.

#### Protected species

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

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

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

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be

interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

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

#### Additional matters

In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be consulted on any additional matters, as determined by East Devon District Council, that may arise as a result of, or are related to, the present proposal. This includes alterations to the application that could affect its impact on the natural environment. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to our attention.

We have considered the proposal and have the following comments<sup>1</sup>.

1 This reply comprises our statutory consultation response under the provisions of Article 10 of the Town and Country Planning (General Development Procedure) Order 1995, Section 28 of the Wildlife and Countryside Act 1981 (as amended), Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

2 Listed or proposed Ramsar sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

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

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

#### Contaminated Land Officer

I have considered this application for housing developed on previously undeveloped agricultural land. I do not anticipate any contaminated land concerns but recommend that the following condition is included on any approval:

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

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated.

Housing Strategy Officer Paul Lowe

At a recent planning appeal in the district the planning inspector and the Secretary of State have both advised that Strategy 34 of the emerging Local Plan can be given a considerable degree of weight and is to be preferred to Local Plan Policy H4, which is out-of-date, when determining appropriate levels of affordable housing provision.

According to the applicant this proposal is the second phase of development for the adjoining site known as Plumb Park, which has outline planning consent. The applicants are not proposing to provide any affordable housing on this site as they state they are providing it within phase 1. The proposed development has a separate vehicular access and is to be linked to the adjoining site by a pedestrian access only. Therefore we do not consider it to be part of the consented site.

The application site does not appear to be allocated for residential development and falls outside the built up area boundary for Exmouth. On this basis and according to Strategy 34 we will be seeking 50% affordable housing (22 units) on the application site.

Any deviation from this amount of affordable housing must be evidenced by a viability assessment. Without submitting a viability assessment we will not be in a position to enter into discussions regarding the affordable housing element. In addition, an overage clause will be sought in respect of future profits and affordable housing provision, where levels of affordable housing fall below policy targets.

We would expect to see a tenure mix of 70/30% in favour of rented accommodation, the remaining as shared ownership or similar affordable housing product as defined in the National Planning Policy Framework document or relevant policy at the time.

Housing needs evidence indicates a substantial need for affordable housing in Exmouth and in particular smaller homes. Consideration should be given to providing affordable one bedroom properties together with family sized accommodation.

All the affordable homes on site are to be built to the relevant local and national standards at the time of construction of the units, be tenure blind and dispersed throughout the development in small clusters. Once completed the affordable homes should be transferred to and managed by a preferred Registered Provider. All the affordable homes should be available in perpetuity.

The application site is located in a Designated Protected Area and therefore staircasing should be restricted to 80%.

We would also expect that a nomination agreement is in place that enables the Local Authority or a preferred Register Provider to nominate individuals from the Common Housing Register, preference going to those with a local connection to Exmouth.

*After revised levels of affordable housing were offered at 40% -*

Previous comments made on the 24 April 2015 regarding this application still apply. Namely, we believe that 50% affordable housing should be delivered on site.

## CPRE

CPRE wish to object to this application.

### Public Consultation

It is regrettable that, for an application of this size, there has been no public consultation exercise. One of the core principles of the NPPF is the importance of involving local people in shaping the places where they live. Many neighbouring residents only became aware of the application by reading an article in the local newspaper or by being contacted by other local residents. This is unacceptable.

### Need

The primary planning consideration is need. The applicants have not adequately demonstrated the need for this development. The Planning Support Statement quotes Paragraph 47 of the NPPF, and reference is made to a lack of five year housing land supply. However, EDDC is now confident that it can demonstrate a five year supply, including a 20% buffer. Therefore paragraph 49 of the NPPF is not activated, and the relevant policies for the supply of housing will apply. For this development, the relevant policies are the adopted East Devon Local Plan Policies S2 (Built-up Area Boundaries for Area Centres and Local Centres), and S5 (Countryside Protection).

The application site is outside the BUAB for Exmouth and is therefore in the countryside. It does not form part of an allocation site in the emerging Local Plan. It does not meet the criteria for the Interim Mixed Affordable and Market Housing Position Statement, nor Strategy 35 of the Emerging Local Plan.

The applicant seeks to consider this application together with the already permitted outline application at Plumb Park (13/0297/MOUT) for up to 350 dwellings. It is claimed that in fact this development will achieve fewer dwellings (around 325) and that therefore the Douglas Avenue site is needed to provide extra capacity. However, as the reserved matters application for 13/0297/MOUT has not yet been submitted, let alone approved, it cannot be certain that a reduced number of dwellings will be built. Each application must be considered on its own merits, and what may or may not happen on an adjoining site is not a material planning consideration.

### Affordable housing

The application does not offer any affordable housing. Again, the applicant seeks to link this application with the adjoining Plumb Park site (13/0297/MOUT) and claim that over the two sites combined there would be sufficient affordable housing provision. As the Housing Officer has commented, the application site is separated from the Plumb Park site with a separate vehicular access and only linked by a pedestrian access; therefore it is not part of the consented site.

Strategy 34 of the emerging Local Plan carries weight, and would require 50% affordable housing. There is proven substantial need for affordable housing in Exmouth, particularly smaller one and two bedroom dwellings.

The applicant claims a need for age-restricted dwellings, but produces no direct evidence for this. There are already several large age-restricted developments in the immediate area.

### Access & Highways

Access is proposed by demolishing 76 Douglas Avenue. This is a very unsatisfactory access, on a hill and on a slight bend. Visibility is poor, and this is a section of road which has seen several accidents in recent years. Further assessment of this is required.

Highways England have commented on the impact on the SRN and J30 of the M5. However the main impact, which has not been addressed, is the impact on local roads, particularly around Littleham Cross. The cumulative impact from the adjoining Plumb Park site, also from additional holiday traffic to and from the Sandy Bay Holiday Parks must be assessed. Further information is required on this.

### Landscape and Visual Impact

The application site is not in an area that has any landscape designation. However, the Maer Valley is greatly valued by local residents and visitors as a green open tranquil space and beautiful landscape. The application site has a public right of way along its south and west boundaries, and is used extensively by local residents, dog walkers and recreational walkers.

Exmouth Town Council is currently intending to start production of a Neighbourhood Plan, which also will place emphasis on conservation of the remaining green space in Exmouth.

The Exmouth Masterplan (2011) states in the Aims and Objectives:

*"We want to protect and maximise benefit from the natural setting*

*Place the natural setting at the heart of the Exmouth experience and use it*

*to make the town centre truly memorable*

*Promote the collective appeal and use of the many diverse natural assets*

*(including the estuary, sea, beach, coastline, habitats, countryside, views, sunsets, wind, tide, etc)*

*Use the natural assets as a community resource, promoting well being, healthy living and recreation*

*Ensure that new development and proposals enable a greater appreciation of the natural assets*

The LVIA correctly describes the site as being within Landscape Character Area 148 "Devon Redlands", and the Devon Character Area "Sidmouth and Lyme Bay Coastal Plateau Area", and Landscape Character Type (LCT) 1B "Open Coastal Plateau". It should be seen in context with LCT 1C "Pebble Bed Heaths" to the east.

EDDC's Landscape Architect commented on the Plumb Park site in the Exmouth Evaluation of Planned Strategic Allocations for the LDF in 2010, which applies equally to this application site:

- *The site has a moderate sensitivity to change due to its slightly elevated position on the southern edge of Exmouth.*
- *The site's position outside of the existing settlement boundary increases its sensitivity to change.*
- *Development of the site is likely to result in a moderate adverse impact on the visual amenity.*
- *Impact on landscape character of the surrounding countryside would be moderate to significant adverse due to the further intrusion of urban settlement into open countryside.*
- *Landscape Character Type (LCT) 1B Open Coastal Plateaux abuts directly with the urban framework of Exmouth and Littleham. The key characteristics of this landscape are currently preserved by a relatively short distance created by the agricultural fields to the south of the existing settlement boundary.*
- *If the special landscape characteristic of this area are to be preserved any development must be carefully sited and of an appropriate scale.*

In assessing the visual impact, the LVIA identifies several receptors with medium or high sensitivity, notably neighbouring residents, users of the Coastal Path, users of local public rights of way and local roads and tracks. The LVIA acknowledges major impacts for most groups of receptors during the construction phase. In general, the assessment underestimates the magnitude of impact, and hence the significance of the effect by Year 1 and at Year 15. The only groups where a significant effect is acknowledged are for Residents of the South side of Douglas Avenue and users of Prattshayes Farm. We believe this is unjustified and that the visual impact is greater. In summary, therefore, development on this site causes moderate to significant adverse impact on the landscape character, due to the further intrusion of urban settlement into open countryside. Development would lead to moderate, and therefore significant, adverse impact on visual amenity.

#### Heritage Assets

The Historic Environment Assessment correctly identifies the various listed buildings in the vicinity of the application site. The most relevant of these are Prattshayes & Green Farm. The effect on the setting of these listed buildings is important. Policy EN9 of the adopted Local Plan states that development affecting the setting of a listed building will only be permitted if it preserves its setting. This policy is consistent with paragraphs 128-134 of the NPPF.

When considering applications that may affect a listed building or its setting, section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires *“special regard to be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”* The NPPF notes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Insufficient weight has been given to the effects on the setting of heritage assets. We do not agree that the impact of the development is “minor, negligible or no change”.

## Habitats Regulation Assessment

As Natural England have commented, there is insufficient information to demonstrate that the requirements of Regulations 61 and 61 of the Habitats Regulations have been considered. Confirmation from the applicant is needed regarding the financial contributions and/or provision of SANGS they intend to make towards mitigation of recreational impacts upon European sites which are in close proximity to the proposal. The applicants have, however, indicated in the Draft S106 Heads of Terms that this is to be negotiated.

### Summary

- The proposed development is contrary to planning policy and need has not been shown.
- The site is outside the BUAB, and is contrary to Policies S2 & S5 of the adopted Local Plan.
- The lack of affordable housing is contrary to Strategy 34 of the emerging Local Plan, which a recent Secretary of State decision has stated should carry weight.
- Access to the site is dangerous.
- The effect on the local highways is unacceptable.
- There is significant adverse impact on landscape character
- There is significant adverse effect on visual impact.
- There is significant adverse effect on the setting of heritage assets.

We therefore consider that this application should be refused.

### Highways England

M5 J30: Outline application seeking approval for access (matters of layout, scale, appearance and landscaping reserved) for up to 44 open market and tenure restricted (over 55's) dwellings demolition of 76 Douglas Avenue to create new vehicular access - land to the rear of no's 62-82 Douglas Avenue, Exmouth, Devon

Thank you for providing Highways England with the opportunity to comment on the above planning application. As you are aware, the Highways Agency became Highways England on 1 April. Although the policies and guidance related to planning applications and our involvement will change, the principles will remain the same. Our comments below reflect the current guidance contained within NPPF and DfT Circular 02/13 Planning and the Strategic Road Network (SRN).

The proposed site is intended as an eastern extension to the already consented development of up to 350 dwellings (planning ref 13/0297/MOUT) on an allocated site known as Plumb Park (land at Littleham). It is disappointing that the Agency weren't consulted on the earlier application, particularly in view of our concerns at the potential cumulative effect of development on the operation of the M5 junction 30 and the need for a robust transport evidence base.

However, although not addressed within the submitted transport assessment, we are satisfied that the scale, nature and location of this development is unlikely to have a

severe impact on the SRN. We therefore have no objection to the proposal and I enclose a formal recommendation form to that effect. However, if you have any queries please don't hesitate to contact me.

#### EDDC Trees

No objection raised to this application on arboricultural grounds. Any planning approval should be subject to a condition requiring the submission of a TPP and AMS detailing how and when the trees will be protected and make provision for the ongoing monitoring tree protection measures.

#### South West Water

I refer to the above application and would advise that the public foul drainage network does not have capacity to support this development and therefore we cannot recommend approval.

As acknowledged in the flood risk assessment improvements to the public sewer network have been identified in relation to the adjoining Plumb Park proposal (planning ref 13/0297) which once in place would provide sufficient capacity to accommodate this proposal as well.

Should you be mindful to approve the application South West Water would be prepared to accept a planning condition being imposed preventing any development until such time as funding for the drainage improvements identified in relation to Plumb Park 13/0297 have been secured by means of their having entered into and concluded sewer requisition to be submitted under the terms of Section 98 of the Water Act.

In the event of the applicant wishing to progress this development in advance of Plumb Park it may be possible to identify a standalone sewerage improvements scheme to cater for this development in isolation which would however require prior investigations to be funded by the applicant before this can be confirmed.

#### Royal Society For The Protection Of Birds

Outline application seeking approval for access (matters of layout, scale, appearance and landscaping reserved) for up to 44 open market and tenure restricted (over 55's) dwellings demolition of 76 Douglas Avenue to create new vehicular access Land To Rear Of No's 62-82 Douglas Avenue Exmouth EX8 2HG

The RSPB welcomes the ecological mitigation measures proposed within this application, including the integral roost and nesting structures for birds and bats. However, we have concerns, set out below, that without secure avoidance and mitigation measures the development would impact on wintering curlew which are part of the waterbird assemblage for which the Exe Estuary Special Protection Area (SPA) and Ramsar site are listed, and that no detail on such measures is provided with the application.

The Douglas Gardens Ecology Mitigation and Enhancement Plan, Littleham 2010, Ltd (Code 7 Consulting Ltd, March 2015) (referred to in this response as the Mitigation Plan) states, at Table 2.2 Species Baseline, that:



The UK Priority Species and red listed Curlew *Numenius arquata*, which is also an Exe Estuary SPA feature, was not recorded within the red line boundary of the site during the winter surveys October 2014-February 2015. Flocks of between 52-55 were recorded on two occasions foraging in some of the surrounding fields on two surveys visits. However, the numbers of winter Curlew using these fields were below the level of significance for national or international importance and below the level (i.e.10% of the Devon wintering population - 3000 - Devon BAP 2009) of county level importance.

Consequently the area in general is considered to be of local or district value for Curlew. The site itself is subject to frequent and often high level of disturbance by walkers and/or dogs and consequently it is not considered to be key winter foraging resource for Curlew.

We disagree with this assessment of the site's importance, which neglects to take account of the strong likelihood, recognised implicitly elsewhere in the Mitigation Plan, eg. Section 3.6, that the curlews encountered in these surveys contribute to the waterbird assemblage for which the Exe Estuary SPA and Ramsar site are listed. As such, they should be attributed a higher level of significance than local or district value, and the proposal's impact on the SPA and Ramsar site (and the waterbird populations for which they are listed) needs to be properly assessed in accordance with Regulation 61, and potentially 62, of the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations).

Table 2.4 of the Mitigation Plan recognises that the development phase has potential to disturb wintering curlew, and that in operation the development has potential for long-term disturbance of curlew from increased levels of recreation and use of the footpath network.

Impacts on wintering curlew are also discussed at section 3.2 Species Mitigation and Enhancement (iv) Wintering Birds. This section notes that none of the five 2014 survey visits identified curlew within the red line boundary. Anecdotally however we understand that curlew have regularly used the application site. It may be that the surveys coincided with recent ploughing of the nearby fields, creating a temporary glut of accessible soil invertebrates on which curlew preferentially fed. The loss of the foraging opportunities for curlew from the application site, as well as adjacent fields in which the Code 7 Consulting Ltd surveys identified them, should in our view be taken into account in the assessment of the proposal's impact, and in particular the Habitats Regulations Assessment, and in the design of any mitigation measures.

Section 3.6 of the Mitigation Plan considers the application under the Habitats Regulations, and recognises the relevance of the proposal's impacts on wintering curlew to this process. It refers to a proposed winter bird (curlew) strategy on Clinton Devon Estate's farms adjacent to the 2012 Plumb Park development. The Mitigation Plan goes on to propose that this proposed development is subsumed within this study and that any potential indirect impacts on winter curlew are mitigated for through this process.

I have discussed this matter with the applicant, and understand that the Winter Bird Strategy referred to is in train, and we hope to input to it. However as a necessary

avoidance/mitigation measure (needed to avoid harm to the qualifying features of the SPA and Ramsar site) the information provided with this application is vague and in our view doesn't give the Council the necessary certainty that effective measures will be in place ahead of commencement of development, and that they will be delivered over the long term. Also that they are additional to the commitments already secured relating to the Plumb Park development. Additional information is in our view needed from the applicant to enable the Council to have confidence in these measures and to be able to qualify any consent with a suitably specific condition.

### National Trust

I write on behalf of the National Trust to comment on the above application. Prattshayes, which lies to the south-east of the site, was acquired by the National Trust in 1960 and includes the farm and Prattshayes House, a grade II listed building.

Prattshayes farm has operated, in part, as campsite with the benefit of planning permission since consent was given in 1996 [96/0779] for use of the field immediately south west of the farm complex for camping (20 tents) and touring caravans (10 units). In June 2010 consent was given for the use of a further field, immediately to the north of the farm complex, as an ancillary camping area, and for an increase in use of the existing site for up to 20 touring caravans (10/0498). In October 2014 consent was given for an expansion of the camping area to provide 30 additional tent spaces in the field to the west (14/1857).

The Trust supports a 'plan-led' system of land use planning and advocates development that is demonstrably sustainable when considered against all options. The Trust would like to see new allocations determined through the current East Devon local plan examination process. However, if the LPA consider the circumstances in this case are that they must accept the principle of the development, then the Trust would like to see more visual evidence that demonstrates the visual effects on the Users of Prattshayes Farm, with mitigation planting, to support the assessment of a low magnitude of impact from year 1 (as indicated on Table 10 for VR15 on page 55).

### Landscape Architect

13.07.15

#### INTRODUCTION

This report forms the EDDC's landscape response to the outline planning application for 44 dwellings and site access – nr. 15/0753/MOUT. The site is located on the south-east side of Exmouth and is situated close to the western edge of the East Devon AONB. Currently the site is wholly in agricultural use and is framed by established hedgerows and tree belts and is bordered on the south-eastern and south-western edges of the site by a public footpath. As part of the planning application the applicant, Littleham 2010 Ltd (part of Clinton Devon Estates), submitted a Landscape Visual Impact Assessment and Design and Access Statement. This report includes a review of the submitted LVIA and a review of the Illustrative layout and landscape strategy as set out within the DAS. The reviews should be read in conjunction with the submitted information. The review of the submitted landscape information is followed by a recommendation outlining the

reasons for the recommendation based on adopted policy, guidance and professional judgment.

#### REVIEW OF THE LVIA

- The following policies should not have been included in the planning policies section of the LVIA due to being revoked in 2013:
  - *Regional Planning Guidance for the South West*
  - *Draft Revised Regional Spatial Strategy for the South West*
  - *Devon Structure Plan 2001-2016*
- The planning policies section fails to include *the East Devon and Blackdown Hills Areas of Outstanding Natural Beauty and East Devon District Landscape Character Assessment and Management guidelines*, which sets out the different character types within the East Devon District. The site is partly located within LCT 1B Open Coastal Plateaux. Therefore the management guidelines for LCT 1B as set out in *the East Devon and Blackdown Hills Areas of Outstanding Natural Beauty and East Devon District Landscape Character Assessment and Management guidelines* apply to this section of the site. The following guidelines are relevant to the site and the proposed development:
  - *Boundaries: conserve and enhance by:*
    1. *Encouraging the appropriate maintenance of hedges, in particular to benefit elm hedgerows and ensure their survival in the face of Dutch Elm Disease.*
    2. *Encouraging the planting and maintenance of hedgerow trees, using exposure-tolerant locally indigenous species.*
    3. *Encouraging gapping up of hedges with locally indigenous species.*
  - *Semi-natural habitats: conserve by*
    1. *Managing chalk and coastal grassland, hedgerows, small copses and field margins for biodiversity interest.*
    2. *Encouraging the maintenance and management of shallow stream corridors and their associated wetland habitats.*
  - *Settlement and development: conserve by*
    1. *Discouraging development that extends to the edges of Land Description Units, where it is more visible in the wider landscape.*
    2. *Discouraging development in unsettled areas and ensuring that development around existing coastal settlements enhances local landscape character and contributes to screening recent development.*

The description of the key landscape characteristics information as set out in the landscape character assessment has been included in the Landscape and Visual Baseline chapter of the LVIA. The applicable management guidelines were not included in the overview.

- The landscape and visual baseline section mentions the no longer existing designation of Area of Great Landscape Value. The LVIA's appendix also includes this outdated designation.
- The sections within Chapter Landscape and Visual Baseline addressing the National Character Area description should have included the Statements of Environmental Opportunities applicable to the site:
  - **SEO 4:** *Plan and manage for a strong landscape framework to support and integrate the expansion of Exeter, Exmouth, Teignmouth, Tiverton, Crediton and Cullompton, and the road and rail network throughout the area. Conserve and enhance the existing character, form and pattern of the area's historic settlement, from single farmsteads to larger villages.*
- The sections within Chapter Landscape and Visual Baseline the Devon County Character area – Sidmouth and Lyme Bay Coastal Plateau description should have include the relevant guidelines:
  - *Manage and protect the **landscapes network of hedgerows and characteristic dwarf or windswept hedgerow trees**, replanting ageing or diseased specimens to ensure the future survival of these characteristic features.*
  - *Plan to **integrate existing and any new development** such as parking, holiday accommodation and housing into the landscape effectively through careful attention to siting and, where appropriate to the relatively open landscape context.*
- The sensitivity of LCZ1 should be considered to be Medium due to the above average quality and green character of the Avenues which abuts the site.
- Comments on the sensitivity of visual receptors:
  - The sensitivity of Visual Receptor VR5 has been underestimated and should be considered high as the receptors are pedestrians with a key interest and expectation of enjoying the view and the viewpoint is located within the East Devon AONB.
  - The sensitivity of Visual Receptors VR6, VR14a and VR14b should be considered medium as the narrow lanes on which these viewpoints are located, are frequently used by walkers who do have a keen interest in the surrounding landscape.
  - The sensitivity of Visual Receptor VR9 has been underestimated and should be considered high as the receptors are users of a Public right of way with a key interest and expectation of enjoying the view and the development would introduce urban form within a view where there currently is very little.
  - Viewpoint 10 is not labeled on the figure.
  - The sensitivity of Visual Receptors VR11a, 11b, 12a and 12b has been underestimated and should be considered high as the receptors are users of a Public right of way with a key interest and expectation of enjoying the view, the proposed development would introduce urban

form within a series of views where there currently is very little and the viewpoints are located within close proximity to the site.

- The sensitivity of Visual Receptors VR13 has been underestimated and should be considered medium as the receptors are users of a Permissive footpath with a key interest and expectation of enjoying the view, the proposed development would introduce urban form within a series of glimpsed views where there currently is very little and the viewpoints are located within close proximity to the site.
- Comments on the Mitigation measures:
  - For detailed comments on mitigation measures please refer to comments as listed within the *Review of the Illustrative Layout & Landscape Strategy as set out within the DAS*.
  - The listed mitigation measures includes the following:

*'Built form will be clustered to allow strategic viewing corridors through the upper section of the development.'*

Current layout does not show a clustered approach to the built form.

- Overall the mitigation approach taken is good, there is however uncertainty over the longevity of the proposed landscape framework as large sections of it fall within the private demise, form property boundaries or are situated in such a location that access for maintenance purposes is very difficult to achieve. Therefore the presented measures are insufficient to mitigate the impact of the proposed development. The provision of a long term management strategy is needed to make the proposed mitigation measures future proof.
- Additional mitigation measure would be to reduce the extent of development to the south-east to bring the proposed development in line with the built form and garden boundary extent of the approved Plumb Park and the extent of existing residencies of Douglas Avenue. This would help create a stronger landscape setting for views from the south-east and enhance the landscape buffer between Plumb Park built form and Douglas Gardens built form reducing intervisibility. It would also provide an area in which the maintenance issues raised before are not a concern.
- Comments on the assessment of effects on Landscape resource
  - The significance of the construction phase effects on LCZ1 will be moderate as the sensitivity of the landscape receptor is medium. The significance of Year 1 phase effects on LCZ1 will be moderate as the magnitude of impact is medium due to the landscape framework not being established. At phase year 15 the impact will reduce to minor due to the landscape framework reaching maturity.

- The significance of Year 1 phase effects on LCZ5 will be moderate as the magnitude of impact is medium due to the landscape framework not being established.
- The significance of the 15 years effects on all the landscape resources is dependent on whether or not a suitable management strategy is implemented. If no suitable management strategy is implemented the significance of the effect could be moderate to major as a failed landscape framework would increase the magnitude of impact.
- Comments on the assessment of effects on Visual Receptors
  - The significance of the 15 years effects on all the visual receptors is dependent on whether or not a suitable management strategy is implemented. If no suitable management strategy is implemented the significance of the effect could be moderate to major as a failed landscape framework would increase the magnitude of impact.
  - The significance of the construction phase effects on VR5 will be major as the sensitivity of the visual receptor is high. It will reduce to moderate at phase Year 1 and will further drop to minor a stage Year 15 (taking note of the aforementioned conditions of management).
  - The significance of the construction and Year 1 phases effects on VR6, VR14a and VR14b should be judged to be moderate as the sensitivity of the receptors should be considered to be medium and the magnitude of impacts is medium due to the close proximity of the site to the receptor and due to the landscape framework not being established. At phase Year 15 the significance of effects will reduce to minor (taking note of the aforementioned conditions of management).
  - The significance of the effects associated with Year 1 phase on VR7, VR8 & VR15 will be major as the magnitude of impacts is medium due to the landscape framework not being established. The significance of the effects associated with Year 15 phase on VR7 & VR8 will reduce to moderate due to the landscape framework reaching maturity (taking note of the aforementioned conditions of management).
  - The significance of the construction phase effects on VR9, VR11a, VR11b, VR12a & VR12b will be major as the sensitivity of the visual receptors is high. The significance of the effects associated with Year 1 phase on VR9, VR11a, VR11b, VR12a & VR12b will be moderate due to the sensitivity of the visual receptor being judged to be high and the magnitude of impacts is medium due to the landscape framework not being established. At phase Year 15 the significance of effects will reduce to minor due to the landscape framework reaching maturity (taking note of the aforementioned conditions of management).
- Comments on cumulative impacts:
  - The sensitivity of LCZ1 should be considered medium as explained before.

- The sensitivity of Visual Receptor VR5 should be considered high as explained before.
- Magnitude of impact, of the construction phase on VR6, VR14a and VR14b should be considered to be medium and VR6, VR14a and VR14b's sensitivity is medium therefore the significance of effects should be valued at moderate. The Douglas gardens development will substantially increase the amount of built form perceived in these specific views which would create a moderate cumulative impact. This would be considered to substantiate a significant change.
- The sensitivity of Visual Receptor VR9 should be considered high as explained before. The Douglas gardens development is located in front of the Plumb Park development and will therefore cause a moderate cumulative impact. This would be considered to lead to a significant change
- The sensitivity of Visual Receptors VR11a, VR11b, VR12a, VR12b & VR13 should be considered high as explained before.
- The cumulative impact on the visual receptors has been underestimated. VR6, VR7, VR8, VR9, VR14a and VR14b should have been noted as having significant cumulative impacts at construction phase and all cumulative effects are dependent on a feasible management strategy for the proposed mitigation landscape framework.

Comments on conclusion:

- The planning context set out within the LVIA included out of date policy and failed to list *the East Devon and Blackdown Hills Areas of Outstanding Natural Beauty and East Devon District Landscape Character Assessment and Management guidelines*
- The baseline study listed all the relevant character assessments, but failed to include the relevant guidance against which the design would be judged.
- The judgments in relation to the sensitivity of the landscape and visual receptors undervalued one landscape receptor (LCZ1) and ten visual receptors.
- The mitigation measure proposed are good in design terms, but lack in long term certainty as most of the landscape framework is located within the private demise or in difficult to access locations imposing problems on maintenance. For the mitigation landscape strategy to work a strong maintenance agreement will need to be put in place. This will hopefully ensure the longevity of the proposed landscape framework.
- The effects on landscape resources were overall assessed correctly.
- The effects on visual receptors were for over half of the receptors underestimated. Either the magnitude of impact was judged too low or the sensitivity of the receptor was undervalued

- The assessment of the effects is greatly dependent on a successful mitigation strategy which requires a strong agreement for the long-term management of the proposed landscape framework.
- The cumulative impact on the visual receptors has partly been underestimated. All cumulative effects are dependent on a feasible management strategy for the proposed landscape framework.
- The LVIA underestimated the sensitivity of certain receptors and the significance of certain effects, however it is judged the site can accommodate development of a slightly reduced scale than currently proposed or of a re-configured layout. Suggestions on how to revise the layout are provided within the *Review of the Illustrative Layout & Landscape Strategy as set out within the DAS*. Key reasons for this judgment are:
  - Under estimation of the sensitivity of certain receptors
  - Undervaluation of significance of certain effects
  - The proposed development does propose a good approach on how to develop the edge of Exmouth and more particularly the site, especially in relation to the site's topography, but lacks in the assurance of longevity of the proposed landscape framework.

#### REVIEW OF THE ILLUSTRATIVE LAYOUT & LANDSCAPE STRATEGY AS SET OUT WITHIN THE DAS

The landscape and architectural approach taken is sensitive to the existing landscape and its features; however there are a few concerns:

- The illustrative layout included in the DAS does not incorporate the 6m easement around the water distribution pipe. Is there an intention to re-direct pipe otherwise the proposed layout is not feasible?
- The built form extends beyond the line connecting private garden boundaries of properties of Douglas Avenue with the extent of built form within the approved Plumb Park development.  
Re-design the layout to re-locate/remove the units which extend beyond the red line.
- The northern boundary structural planting and the central east-west structural planting will require a guarantee/management structure to ensure its longevity as it is located within the private demise or not easily accessible.
- Where new hedge banks/hedgerows are proposed to form the boundary of private gardens a management structure/agreement is needed to ensure their longevity.
- The emergency access and cycle and pedestrian connections should be negotiated with neighbouring Plumb Park site (as both sites are in same ownership this should not be a major issue). Design of the connection should take account of design language established within the approved Plumb Park (with due consideration to site levels).



- Current illustrative layout does not indicate any play areas; the site should include at least 1 children's & youth play space (LEAP) according to '*East Devon Open Space Study*'.
- The '*East Devon Open Space Study*' highlights a deficit of formal parks provision within the Exmouth area. The further development of the scheme should consider the re-design of the informal gardens as a formal park area.
- The main access road is framed by a hedge which reduces access to the informal gardens and reduces the levels of overlooking which affect safety.
- The informal gardens have a low level of overlooking by the surrounding houses, which could potentially create an un-safe environment.
- The drainage strategy shows below ground attenuation tanks, The DAS illustrative master plan indicates a detention pond. The above ground detention pond would be preferred due to its potential for wildlife habitat creation and enrichment of the landscape setting. Please confirm SUDS approach.
- Planning application form states surface water will be disposed of by main sewer, this is in conflict with both the flood risk strategy and the DAS.

To address some of the above raised concerns the following strategy should be considered.

By reducing the number/relocating six numbers of dwellings a larger park area can be created which could help to address the edge of the development and prevent development from extending beyond the line of private gardens and built form set by the existing residential properties along Douglas Avenue and the approved Plumb Park development. Further it could assist in creating a better landscape edge to the proposed and already existing development, which is in line with the guidance set out in The *East Devon and Blackdown Hills Areas of Outstanding Natural Beauty and East Devon District Landscape Character Assessment and Management guidelines* stating the following;

*'Discouraging development in unsettled areas and ensuring that development around existing coastal settlements enhances local landscape character and contributes to screening recent development.'*

and the guidance set out in the National Character area of 148: *Devon Redlands*:

*'SEO 4: Plan and manage for a strong landscape framework to support and integrate the expansion of Exeter, Exmouth, Teignmouth, Tiverton, Crediton and Cullompton, and the road and rail network throughout the area. Conserve and enhance the existing character, form and pattern of the area's historic settlement, from single farmsteads to larger villages.'*

The Green area could also help to strengthen the buffer between the Plumb Park Development and the Douglas Garden development and reduce the visual impact of both developments.

The parkland zone could help to address the shortage of formal park space within Exmouth as highlighted within the 'East Devon Open Space Study'. It could also provide space for play which is a requirement for this scale of development as set out within 'East Devon Open Space Study'.

The Park area could also assist in creating better integrated links between the proposed Douglas Gardens, the approved Plumb Park and the existing landscape context. The parkland zone could also address some of the concerns raised about the longevity of the landscape framework by providing a larger scale area of green infrastructure without any management concerns.

The park zone could incorporate the SUDS strategy to form a type of water feature creating a multi-functional green infrastructure, which would help to integrate the scheme within the Littleham Brook valley and create a zone for landscape enjoyment and biodiversity.

## RECOMMENDATION

The LVIA underestimated the sensitivity of certain receptors and the significance of certain effects, however it is judged the site can accommodate development of a slightly reduced scale than currently proposed or of a re-configured layout. Suggestions on how to revise the layout are provided within the review of the *Review of the Illustrative Layout & Landscape Strategy as set out within the DAS*. Key reasons for this judgment are:

- Under estimation of the sensitivity of certain receptors
- Undervaluation of significance of certain effects
- The proposed development does propose a sensitive approach on how to develop the edge of Exmouth and more particularly the site, especially in relation to the site's topography, but lacks in the assurance of longevity of the proposed landscape framework.

For a revised scheme to gain full planning approval a section 106 agreement is required to ensure the longevity of the proposed mitigation/landscape framework. Landscape design and management need to be included as a pre-commencement condition if outline planning permission were to be granted. The required section 106 agreement would need to include the necessary landscape management tools to ensure the longevity of the proposed landscape framework. The above are required to comply with the following:

- Following points raised within Paragraph 58 of the NPPF:
  - Planning policies and decisions should aim to ensure that developments:*
    - *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
    - *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
    - *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
    - *are visually attractive as a result of good architecture and appropriate landscaping.*

- The following requirements which form part of local planning Policy D4 (Landscape Requirements):
  - *Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable commensurate provision should be made elsewhere in the site, in addition to the requirement for new landscaping proposals.*
  - *Measures to ensure public safety should be incorporated.*
  - *Measures to ensure routine maintenance and long term management should be included.*
  - *Provision for the planting of trees and hedgerows (including the replacement of those of amenity value which have to be removed for safety reasons) and other planting and improvements to existing habitat, and/or creation of new areas of wildlife value should be made.*
- National Character area profile: 148 Devon Redland:
 

**SEO 4:** *Plan and manage for a strong landscape framework to support and integrate the expansion of Exeter, Exmouth, Teignmouth, Tiverton, Crediton and Cullompton, and the road and rail network throughout the area. Conserve and enhance the existing character, form and pattern of the area's historic settlement, from single farmsteads to larger villages.*
- The East Devon and Blackdown Hills Areas of Outstanding Natural Beauty and East Devon District Landscape Character Assessment and Management guidelines:
  - *Boundaries: conserve and enhance by:  
Encouraging the appropriate maintenance of hedges, in particular to benefit elm hedgerows and ensure their survival in the face of Dutch Elm Disease.*
  - *Settlement and development:  
Conserve by Discouraging development in unsettled areas and ensuring that development around existing coastal settlements enhances local landscape character and contributes to screening recent development.*

The number of proposed dwellings is only feasible if the water distribution pipe is relocated. Before any scheme is considered for outline planning approval a clarification should be sought regarding the approach towards the water distribution pipe. The design and access statement currently states the water distribution pipe requires a 6m wide easement.

The scheme should aim to provide a play area and a formal park area to help alleviate the shortage of formal park areas within Exmouth as set out in 'East Devon Open Space Study'. Relation park and houses will have to be reconsidered to address the low levels of overlooking.

The drainage strategy needs to be clarified as the planning application form states surface water will be disposed of by main sewer; this is in conflict with both the flood risk strategy and the DAS. SUDS should be incorporated within the landscape design as it could provide amenity and an opportunity for habitat creation (see comments within the review of the illustrative layout & Landscape Strategy as set out

within the DAS). The above outlined approach would be in accordance with guidance set out in:

- Paragraph 118 of the NPPF:
  - *Opportunities to incorporate biodiversity in and around developments should be encouraged;*
- Following section of Policy D1 (Design and Local Distinctiveness):
  - *Appropriate 'greening' measures relating to landscaping and planting, open space provision and permeability of hard surfaces.*
- Following section of Policy D4 (Landscape Requirements):
  - *Provision for the planting of trees and hedgerows (including the replacement of those of amenity value which have to be removed for safety reasons) and other planting and improvements to existing habitat, and/or creation of new areas of wildlife value should be made.*

The revised landscape scheme will need to comply with the following landscape guidance & policies:

- Policy D1 (Design and Local Distinctiveness):

*'In order to ensure that new development is of a high quality design and locally distinctive, a design statement setting out the design principles to be adopted should accompany proposals for new development. Proposals should have regard to Village and Design Statements adopted as Supplementary Planning Guidance. Proposals will only be permitted where they:*

  1. *Reinforce the key characteristics and special qualities of the area in which the development is proposed;*
  2. *Ensure that the scale, massing, height, fenestration and materials of buildings relate well to their context*
  3. *Do not Adversely affect:*
    - I. *The distinctive historic or architectural character of the area*
    - II. *The urban form, in terms of significant street patterns, groups of buildings and open spaces;*
    - III. *Important landscape characteristics and prominent topographical features;*
    - IV. *Trees worthy of retention*
    - V. *The amenity of occupiers of adjoining residential properties.*
  4. *Have due regard for important aspects of detail and quality and should incorporate:*
    - I. *Secure and attractive layouts with safe and convenient access for the whole community, including disabled users;*
    - II. *Measures to create a safe environment for the community and reduce the potential for crime;*
    - III. *Use of appropriate building materials and techniques respecting local tradition and vernacular styles as well as, where possible, contributing to low embodied energy and CO<sub>2</sub> reduction;*

- IV. *Necessary and appropriate street lighting and furniture and, subject to negotiation with developers, public art integral to the design;*
  - V. *Features that maintain good levels of daylight and sunlight into and between buildings to minimize the need for powered lighting;*
  - VI. *Appropriate 'greening' measures relating to landscaping and planting, open space provision and permeability of hard surfaces.*
- Policy D4 (Landscape Requirements):  
*'Planning permission will not be granted for development proposals unless they include a landscape scheme, covering the design and layout of external space. The landscape scheme should meet all of the following criteria:*
    - *Landscape features should be recorded in accordance with the requirements of 'trees in relation 37/1991 in a detailed site survey, to be submitted as part of the full or detailed planning application.*
    - *Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable commensurate provision should be made elsewhere in the site, in addition to the requirement for new landscaping proposals.*
    - *Measures to ensure public safety should be incorporated.*
    - *Measures to ensure routine maintenance and long term management should be included.*
    - *Provision for the planting of trees and hedgerows (including the replacement of those of amenity value which have to be removed for safety reasons) and other planting and improvements to existing habitat, and/or creation of new areas of wildlife value should be made.*
    - *Roads, parking and footpaths and the continuity of fencing or walling with existing boundary treatments where this contributes to the street scene should be integrated with the development and landscape framework.*
  - National Character area profile: 148 Devon Redland:  
**SEO 4:** *Plan and manage for a strong landscape framework to support and integrate the expansion of Exeter, Exmouth, Teignmouth, Tiverton, Crediton and Cullompton, and the road and rail network throughout the area. Conserve and enhance the existing character, form and pattern of the area's historic settlement, from single farmsteads to larger villages.*
  - Devon Character Areas 'Stage 3 assessment' 2012
    - *Manage and protect the **landscapes network of hedgerows and characteristic dwarf or windswept hedgerow trees**, replanting ageing or diseased specimens to ensure the future survival of these characteristic features.*
    - *Plan to **integrate existing and any new development** such as parking, holiday accommodation and housing into the landscape*

*effectively through careful attention to siting and, where appropriate to the relatively open landscape context.*

- The East Devon and Blackdown Hills Areas of Outstanding Natural Beauty and East Devon District Landscape Character Assessment and Management guidelines:
  - *Boundaries: conserve and enhance by:*
    - 1) *Encouraging the appropriate maintenance of hedges, in particular to benefit elm hedgerows and ensure their survival in the face of Dutch Elm Disease.*
    - 2) *Encouraging the planting and maintenance of hedgerow trees, using exposure-tolerant locally indigenous species.*
  - *Settlement and development: conserve by*
    - 1) *Discouraging development in unsettled areas and ensuring that development around existing coastal settlements enhances local landscape character and contributes to screening recent development.*

Further comments 08.09.15:

Thank you for the revisions.

The revised plan looks good and is acceptable in landscape terms.

#### Devon County Council Education Dept

The proposed 44 family-type dwellings will generate an additional 11 primary pupils and 6.6 secondary pupils.

Devon County Council will seek a contribution towards additional education infrastructure at both the local primary and secondary schools that serve the address of the proposed development. The primary contribution sought is £124,976 and the secondary contribution sought is £120,390 (based on the current DfE extension rate for Devon) which will be used to provide education facilities for those living in the development.

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

#### Other Representations

71 letters of objection at 10th July 2015 stating the following points:

- Scale of development is too big
- The Greenfield site should be protected from development
- Wildlife impact - in particular badgers, butterflies and birds
- Proposal is contrary to the Development Plan and premature

- Undue pressure on local infrastructure
- No affordable homes are being offered
- Maer Valley is a precious local resource
- Access to Douglas Avenue is dangerous with a high existing accident rate
- Traffic will be high, congested and parking limited
- Flood and drainage risks
- Local sewerage infrastructure is at capacity
- Lack of local public consultation
- Noise, air and light pollution
- East Devon has a 5 year housing supply which means the BUADs should be kept
- Loss of dwelling is harmful
- Objections to the proposed over-55s housing
- Health impact and lack of local NHS facilities
- Loss of privacy
- Noise and disturbance and construction impacts
- Landscape, AONB and visual impact are unacceptable
- No housing need
- Fields have local amenity value
- Footpath impact
- Site will be inaccessible by foot due to its steep gradient

## **POLICIES**

### East Devon Local Plan Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 3 (Sustainable Development)

Strategy 22 (Development at Exmouth)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 7 (Development in the Countryside)

Strategy 42 (Green Infrastructure Provision and Strategy)

Strategy 43 (Open Space Standards)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN1 (Land of Local Amenity Importance)

EN5 (Wildlife Habitats and Features)

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

#### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

### **ANALYSIS**

#### Site Description

The application site is 2.95 hectares of sloping agricultural grazing land on the south eastern edge of Exmouth. The land is adjacent to the back gardens of the even numbered houses that line Douglas Avenue to the north and directly west of a previously permitted housing development (in outline) called Plumb Park. The proposals being considered here have been regularly referred to as Douglas Gardens.

The site is outside the Built up Area Boundary for Exmouth and is unmistakably rural land at the urban fringe of the town.

The land slopes down to the south allowing residents of Douglas Avenue excellent views of the Maer Valley and AONB landscape on the opposite, southern side of the valley. The site itself is not inside the AONB, but is a green field in a pleasant situation with a crossfall in height of around 15 metres when travelling from north to south. The outer perimeters of the site are delineated by mature field hedgerows and mature hedgerow trees.

The land is crossed by a public footpath that runs from Douglas Avenue along a small lane before crossing the application site at an angle. On the ground, walkers mainly do not follow the diagonal path and follow a track around the outside of the field. Because the field is so close to residents with unrestricted footpath access, it is popular with dog walkers and others who do not always stay to the established rights of way.

To the south of the site are open farming fields and to the south west gardens and wooded land. As well as the permitted housing development to the east at Plumb Park, Douglas Avenue to the north is the southern side of the suburb known as The



Avenues. The Avenues is broadly characterised by larger dwellings in larger grounds in a low density arrangement, with a leafy street character.

There are no Conservation Areas in close proximity and the nearest Listed Building is Prathayes some 400 metres to the south east.

### Proposed Development

The planning application is in outline for the erection of up to 44 new dwellings with the demolition of No.76 Douglas Avenue (a detached dwelling) to enable vehicular access at a single point. Details of the means of access are the only matter for consideration at this stage. All other matters (Layout, Scale Appearance and landscaping) are reserved for future consideration.

The application includes an indicative layout for the 44 units, 24 of which were originally proposed to be over-55s housing, the remaining 20 houses being unrestricted open market housing. After discussions with East Devon District Council, it is now proposed to be 50% affordable housing, therefore 22 homes would be affordable and 22 open market.

The application is accompanied by the following documents:

- Plans including an Indicative Masterplan
- Landscape and Visual Impact Assessment (LVIA)
- Heritage Assessment
- Travel Plan
- Transport Assessment
- Drainage Strategy
- Flood Risk Assessment (FRA)
- Design and Access Statement (DAS)
- Planning Supporting Statement
- Ecology and Ecology Mitigation Report/Plan/Assessment
- Arboricultural Report
- Statement of community involvement

### Planning Considerations

The issues for consideration as part of this application relate to the principle of development, highway safety and impact, landscape and visual impact, ecology and habitats, residential amenity, flood risk and drainage, heritage, and other matters including affordable housing and planning obligations.

#### Principle of Development

The National Planning Policy Framework states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 14 sets out that at the heart of the Framework there is a presumption in favour of sustainable development. This states that in decision-making where the development plan is absent, silent or

relevant policies are out-of-date, planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework.

It is clear that Exmouth, as the largest town in the District, is the foremost sustainable location for housing development where there is all the infrastructure and services you would expect with a large settlement. Exmouth retains a built up area boundary in the New Local Plan, where the adjacent approved development at Plumb Park is within a housing allocation with Douglas Gardens outside the settlement boundary.

Because the site is outside of the built up area boundary the countryside policies of the new Development Plan apply, in compliance with the NPPF, discouraging unsustainable development that would harm the distinctive land form and the patterns of settlement.

Where formerly the Planning Authority had to give great weight to the need for new housing when considering the lack of an up to date Plan, the authority can now apply full weight to the countryside protection policies of the New Plan such as Strategy 7 that states 'development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located...' and Strategy 33 for Exmouth that does not allocate the site for development. There are no such exceptional plan policies that would support peripheral residential development on the urban edge of Exmouth with 50% affordable housing at present. Allowing development to come forward on this site at a time when the Council can demonstrate a 5 year housing land supply could have a negative impact upon the allocated site, and other permissions, in Exmouth from coming forward. This would be contrary to the Strategy of the Local Plan.

The Planning Authority must however consider the economic benefits of development, the housing land supply position and the social benefits of providing 22 affordable homes in a time of affordable housing need. The accessibility of the site and its impact on the local and wider environment must also be apportioned due weight and balanced against the countryside protection policies adopted in the new Local Plan with a view formed as to whether there are any other material considerations that outweigh the Local Plan Strategies and Policies that could justify approval of permission.

#### Highway Impact and Access

The proposals for 44 homes will be accessed by a new adopted roadway through what is presently No.76 Douglas Avenue which is to be demolished in the process. Once the access road has entered the site in a southerly direction, adoptable standard roads are shown in the indicative Masterplan that lead out to all of the proposed units. The existing public footpath is likely to be diverted, but is proposed to enter and leave the land in the same positions at the north and south of the site. The proposed adopted road network within the site is shown as running up to the

Plumb Park development before becoming a pedestrian and cycle link between the two developments.

In terms of the access and the development's impact on the wider road network where it generates additional vehicular traffic onto the surrounding Littleham and Avenue roads, the Highway Authority have considered the scheme in detail and met with local groups that have raised concerns about accidents and congestion. The County Council as Highway Authority recommend approval of the scheme with specific conditions applied to ensure safe visibility at the access and timely provision of well designed roadways.

In pragmatic terms, the development will inevitably generate additional vehicular activity on local roads. This traffic will accumulate at pinch points with the new traffic being generated when the Plumb Park development is occupied. The Highway Authority are satisfied that the new junction of the access at No.76 and Douglas Avenue will not suffer undue congestion at peak flows and has excellent visibility that can be controlled and maintained. They specifically do not consider there will be a significant denigration of highway safety. The Highway Authority point out that drivers will have the ability or option to take alternative routes to those routes that are most likely to suffer congestion at peak times such as Littleham Cross. For these reasons the proposals are considered to accord with Policy TC7 of the New East Devon Local Plan.

In terms of wider accessibility Policy TC2 of the New Local Plan seeks residential development that is located in positions where there are viable alternatives to the private car allowing pedestrian, cycle and public transport access to jobs, services and amenities. As was found with the Plumb Park development, the application site is very accessible to a range of services including bus services, shops, schools, medical services and jobs. There are suitable and safe walking routes into the town centre and seafront. In short, the site is considered very accessible and future residents would have very viable and attractive sustainable alternatives to using the private car.

In addition, the applicant has provided a draft Residential Travel Plan to which the County Council has not objected. The Travel Plan can be controlled by inclusion in any legal agreement that accompanies any permission. The Travel Plan is similar to that agreed for Plumb Park.

In conclusion, the proposals are considered an accessible location with suitable and safe access. Vehicular traffic will enter an occasionally busy local road network, particularly passing through the Salterton Road junctions, but these trips will naturally dissipate onto alternative routes through the Avenues that are safe and appropriate. There are viable alternatives to the use of the car with pedestrian and cycle links as well as walkable bus stops with regular services in the locality. The submitted Transport Assessment and the Residential Travel Plan are considered acceptable by Devon County Highway Authority and the overall scheme considered to accord with the transport policies of the Development Plan and the guidance in the NPPF.

## Landscape and Visual Impact

The application site is currently a pleasant green field, sloping steeply down as it leaves the edge of Exmouth. It is overlooked by the residents of Douglas Avenue who back onto the land and this forms the northwest side of the Maer Valley. The applicant has submitted a Landscape Character and Visual Impact Assessment (LVIA) that analyses the impact of development in detail. The Council's Landscape Officer has reviewed the LVIA and also completed a critique of the proposed development in the light of the landscape and visual impacts.

Both the LVIA and the Landscape Officer have sought to find those people who are most affected by the development. It is clear that those most affected are the residents of the even numbered houses on Douglas Avenue who back onto the site and the users of the public right of way that goes through the site. There are plenty of other viewpoints identified too, for example from Maer Lane and the dwellings thereon, from other permissive rights of way and as far afield as the East Devon Golf Course and the South West Coast Path on the edge of Budleigh Salterton.

It is clear that at the early stages of development, particularly the construction phase, the visual and landscape impacts will be high. By Year 15 when landscaping is established, the harmful impacts will be reduced by tree growth far more and will be minor.

The land in question is overtly rural and the Area of Outstanding Natural Beauty (AONB) begins on the south side of Maer Lane, some 400 metres to the south of the site. However, the application site does not have any specific landscape protection. The current character is an open field with mature hedgerow boundaries that are to be largely retained. The resulting development would be houses throughout the site creating a distinct alteration to the character of the land. That said, this is the urban edge of Exmouth where the viewer already sees homes on the rim of the town and the Plumb Park development of well over 300 dwellings has been approved on land directly adjacent to the northeast.

The Council's Landscape Officer makes detailed comments on the conclusions of the LVIA. The LVIA makes some minor oversights and the impacts on some of the 'receptors' has been moderately underestimated. That said, the visual, landscape and cumulative impacts are broadly low level and do not trigger fundamental concerns from the Landscape Officer. The Landscape Officer concludes that, after some indicative plan changes by the applicant, the site could accommodate development of the proposed scale providing landscape mitigation, for example planting, is properly managed over the long term.

Indeed, the Landscape Officer notes that there are a number of constraints for the site, for example the gradient, a water pipe and public right of way, yet the scheme addresses the steep slope with an indicative form of development that is not too dense and allows for structural planting that can be maintained in the long term. There are a number of public and private open spaces through the site that allow large trees to grow and prevent the housing being unduly exposed to views across the valley.

In terms of the residents of Douglas Avenue, they will undoubtedly lose part of their rural view from the back of their houses, but a private view is not a material planning matter. The adverse visual impact from their viewpoint would also be reduced as the housing proposed will be positioned 2 to 14 metres lower than the houses on Douglas Avenue. It is not considered that the landscape and visual impact from these viewpoints amounts to a reason for refusal.

The users of the public footpath going through the site will also experience a major change in landscape and visual character. Put simply, the field will become housing with a dramatically urbanising affect. This change in character will be experienced for part of the footpath route. Whilst this impact was previously assessed as being acceptable in light of a lack of a 5 year housing land supply, given that a 5 year housing land supply is now in place, it is considered that the visual impact and harm from the development upon this footpath is unacceptable and contrary to Strategy 7. There are also other receptors further away that will be harmed from development of the site that need to be given greater weight due to fact that the Council can now demonstrate a 5 year supply of housing.

The level of landscape change to the rural edge must be balanced against the principle policies that have gained full weight during the course of this application. In short, where countryside protection policies were once inapplicable, or given reduced weight in light of a lack of 5 year supply of housing, Strategy 7 of the new Local Plan is very applicable and protection of the countryside landscape is more pertinent and can now be given greater weight.

Without an up to date Local Plan, and in the absence of a 5 year housing land supply, officers did not recommend refusal on the basis of the landscape impact. However, with an up to date Local Plan and 5 year supply of housing, the visual impact from the development can be given greater weight and it is clear that the rural protection policies strongly discourage the form of residential development being proposed on the application site

## Ecology and Habitats

The application is accompanied by an Extended Phase 1 and Phase 2 Habitat Survey with detailed analysis of the site. The land has no habitat or species designation, but there are European level sites towards the beach and Exe estuary. The ecologists completing the study of the site have endeavoured to achieve a net gain in biodiversity using a Mitigation and Enhancement Plan as follows:

- Hedgerow and tree planting as part of the landscaping scheme
- Recreation or grassland areas totalling around 0.8 hectares on site
- An open attenuation pond at the bottom of the site
- Maintenance of wildlife corridors through the site
- A lighting plan to protect bats
- Bat and bird nesting boxes on all houses
- An occupier's biodiversity 'Welcome Pack' for every home
- Long term management of the public spaces
- A mitigation payment under a Unilateral Undertaking to compensate recreational impact on the Exe Estuary and Pebblebed Heaths

- A mitigation plan for curlews in the Maer Valley

The application relates to semi-improved grazing land set down to a semi-permanent ley. Putting Douglas Gardens' proximity to European sites to one side for the moment, the main on-site habitats are the grassland and its surrounding hedgeline/treeline.

The grassland has been heavily improved over the years with little inherent floral interest. It has a public right of way passing through, which detracts from its attractiveness to wildlife. Natural England have highlighted the importance of fields around Exmouth for foraging curlew who leave the estuary in winter months on high tide, normally settling in quiet, corn stubble fields. The ecologists for the applicant have looked into this, taking into consideration both the synergy with the European sites, ie the estuary, and the importance of the curlew as a protected species.

They note that the application field is not a stubbly field of the type preferred and on 5 ecologist visits, no foraging curlews have been observed on site. On 2 of the 5 surveys curlew did enter the Maer Valley, but not to this field because it provides poor foraging opportunities, is regularly crossed by walkers and dog-walkers and is heavily overlooked by residents of Douglas Avenue. Nonetheless, in ensuring that curlews are not significantly affected and to provide ecological uplift, the applicant's ecologist has provided a 'Curlew Management Plan' that could be in place by 2015/16.

The surrounding hedge and treeline provide good habitats and foraging around the site. 9 species of bat have been observed on the site. Only 3 metres of hedgerow is to be lost for access to the east, but this hedgerow has a minor importance bat roost in one of its trees which is not to be lost. Other species of note in the area are badgers, birds and reptiles. In conclusion, the Phase I Habitat Survey identifies the three primary ecological issues as wintering curlews (as mentioned above), foraging badgers and the network of hedges and the bats that use them.

The proposed mitigating measures in relation to specific ecological resources are as follows:

- Hedges - creation of buffer zones (hedgerow verges and margins), enhancement of existing hedge structure and hedge losses to be offset by appropriate new hedge habitat creation and management.
- Bats - retention of trees with bat roost potential. Hedgerow enhancement, and establishment of a sensitive lighting plan that includes unlit zones in relation to tree roosts and key commuting routes and foraging sites. An indicative lighting plan and provision of bat roost opportunities in the new buildings.
- Badgers - retention of commuting corridors to the wider countryside and creation of potential foraging resource within hedgerow margins.
- Birds - timing of site clearance outside bird breeding season, enhancement of habitats and nesting boxes in all the new houses.
- Reptiles - enhancement of hedgerows and creation of buffer zones.

Overall, as a package of protection and biodiversity enhancement, the site during and following development will benefit from a net gain and the measures are suitable mitigation. These measures are encapsulated in the Ecology Mitigation and Enhancement Plan dated March 2015 and submitted with the application.

The ecological surveys show that a licence from Natural England for the disturbance of protected species is unlikely to be required.

Natural England have commented on a number of points. They note the site's proximity to the East Devon Pebblebed Heaths (SAC) and the Exe Estuary (SPA)/Exe Estuary Ramsar, both of which are SSSIs. As these are European level sites within 10km of the development site, the screening exercise of the Habitat Regulations means that the application must be subject to a Habitat Regulations Assessment to consider whether there is likely to be a significant effect. The Council has carried out an Appropriate Assessment and concluded that significant effects will not occur, first in relation to the enhanced levels of recreational activity on the SAC and SPA, and second the impact on curlews from the European sites foraging in the area.

Natural England want confirmation that the proposed payments towards SANGS promised through the contribution of £749 per unit will materialise in the form of compensatory and alternative public open space that will relieve the recreational pressure from new residential occupiers. East Devon District Council are actively engaging in securing the mitigation plan with an appointed specialist at present.

Natural England do not object to the landscape and visual impact on the distant AONB.

In summary, the ecological impact of built development on the site can be managed and mitigated using a combination of protection measures during the construction phase, minimal intervention in the most valuable habitats, off-site measures to mitigate the very minimal disturbance to foraging curlews, on-site improvements to the site to enhance biodiversity and a management regime secured in a Landscape and Ecological Management Plan (LEMP). Mitigation for the impact on the Pebblebed Heaths and the Exe Estuary, both European protected sites will be achieved by securing the necessary contribution of £749 per dwelling.

For these reasons the proposals are considered to accord with the Policies of the Development Plan, the NPPF and the stipulations of the Habitat Regulations.

#### Residential Amenity

The proposals are in outline and do not include detailed plans for the housing proposed. An indicative masterplan shows a low density layout of housing arranged following the contours of the sloping ground.

It is considered that at the number of homes being proposed, the land can comfortably accommodate the built development without resulting in undersized gardens or cramped building arrangements. Similarly, the impact on those already living on Douglas Avenue need not result in overlooking, enclosure or loss of light

with plenty of room for new homes to be situated well away from the boundary. The impact of development is lessened further as the ground falls away to the south meaning that any new houses will be situated on lower ground than the existing houses on Douglas Avenue.

For these reasons the proposals are considered to be acceptable in terms of residential amenity and accord with the policies of the Development Plan.

### Flood Risk and Drainage

A Flood Risk Assessment has been submitted as part of this application and the Environment Agency (Environment England) has no objections to the proposals subject to a condition securing a surface water drainage system following Sustainable Urban Drainage System (SUDS) principles.

The site is in Flood Zone 1 and is therefore not prone to flooding. Residential development is 'more vulnerable' to flooding, but is directed to Flood Zone 1 in national guidance and the development as proposed is considered appropriate. There is a ditch down the eastern side of the site which has been confirmed to be of no substantive flood risk to the site.

The submitted indicative masterplan shows a drainage attenuation pond in the south east corner of the site, which is generally the preferred SUDS method of holding water being drained and attenuated before leaving a development.

A detailed drainage methodology will be required as part of a reserved matter submission that will inevitably follow the layout design of the site. This method of drainage will be controlled by planning condition.

In terms of foul drainage, South West Water (SWW) have commented that the sewage network has not got capacity until the drainage improvements identified at Plumb Park are put into action. Being the same landowner, there is a reasonable prospect of these works taking place in a timely way and for that reason a sewerage improvement strategy can be required by planning inclusion in the Section 106 planning obligations in consultation with SWW. The legal agreement can also ensure that development of this site does not commence until the necessary sewage capacity is in place. However, in the absence of such an agreement the failure to secure this mitigation needs to form an additional reason for refusal.

### Heritage Impact

As well as the policies of the Development Plan, the Planning Authority must give special consideration to the significance of any Listed Buildings or Conservation Areas affected by this development.

There are no Conservation Areas in close proximity to the site. The nearest Listed Buildings are Prattshayes and Green Farm around 400 metres or more to the south east. Other heritage assets included in the Historic Environment Assessment are Littleham's church which is Grade II\* and other Listed Buildings in Littleham some 1000 metres east.



The applicant's Assessment concludes that whilst some of these buildings are of high and medium significance, their significance is either unchanged, has a minor or negligible impact from the development proposed. Put simply, the nearest listed buildings are a long way from the site and the interrelationship between them is distant. The listed buildings' settings will be almost entirely unchanged and their heritage worth protected. In relation to the impact from this development upon Prattshayes, given that the permission for 350 dwellings on the adjoining site was not considered to harm its setting, it would be difficult to conclude that this development causes harm adequate to justify refusal of permission.

For these reasons the proposals do not harm designated and undesignated heritage assets for which special consideration has been given. The heritage policies of the Development Plan and the NPPF have been complied with.

### Other Matters

Issues of tree protection and contamination on the site can be controlled using regular planning conditions that protect the hedgerow tree root protection areas and provide for analysis of the ground conditions to provide health protection for future residents.

In terms of the other objections raised by neighbours, many neighbours have pointed to prematurity ahead of the Local Plan being adopted. The application has been subsequently appealed against non-determination and the Plan has reached adoption.

Representations have been made about the pressures on local infrastructure. Most of these matters have been addressed by a planning obligation package and the scale of development would not justify a contribution towards the NHS.

Noise, air and light pollution have also been mentioned as has construction disturbance. A construction management plan can be imposed by planning condition and the matters of light, noise and air pollution have been assessed by East Devon's Environmental Health Officer as acceptable.

Pedestrian access to the land has also been highlighted, both in that the public right of way will be harmed and that future residents will struggle on the sloping topography of the site. The public right of way will be dramatically changed, possibly running around the outside of the housing, but altering the context of this short stretch of the path will not be unduly adverse with the exact route and relationships considered in detail at any reserve matters stage. The accessibility of the site to pedestrians in the future will not be too difficult and does not trigger objections from the future custodians of the roads, the County Highway Authority.

### Affordable Housing

The applicant has agreed to a ratio of 50% affordable housing with a split therein of 70% social rented and 30% intermediate social housing. This offer has been made after the submission originally only offered age-restricted housing as part of the

scheme and then an offer of 40% affordable housing. The housing originally offered was 24 units for persons over 55.

The revised offer on the development is for 22 affordable housing units out of 44 new units.

The East Devon District Council Housing Officer in their consultation response highlights that 'according to Strategy 34 (of the emerging Local Plan) we will be seeking 50% affordable housing (22 units) on the application site'. The Housing Officer rightly notes that Douglas Gardens does not accord with any proposed housing development allocation in the Local Plan and therefore is considered a 'countryside' location where the 50% affordable housing provision should be applied to major residential development.

The proposal has not been submitted as an Exception Site and in any case Strategy 35 of the new Local Plan supports Exception Sites at the edge of villages and small towns but not at the edge of the major settlements such as Exmouth.

It is however still material to consideration of this application that an offer of 50% affordable housing has been put forward and that it has been demonstrated via the District Valuer that this would be viable.

Although an offer of 50% affordable housing weighs in favour of the proposal, in light of the principle of development being contrary to the local plan and in light of the harmful visual impact and 5 year housing land supply position, it is considered that the benefit from 50% affordable housing does not outweigh the harm from the development.

Other planning obligations that would be necessary to mitigate the impact from the development are:

- Off-site habitat mitigation (SANGS) - £749 per unit
- On-site open space provision and maintenance through a management company
- Off-site open space contribution
- Education contributions (The primary school contribution sought is £124,976 and the secondary school contribution sought is £120,390)
- Assurance of foul drainage arrangements

## **Conclusion**

Since earlier consideration of this proposal, the new Local Plan has moved to adoption. The application site is outside of the built up boundary of Exmouth and the countryside and landscape policies, that previously were given reduced weight, can now be given full weight. They strictly control development at the edge of settlements unless very clear and unambiguous exceptions are met.

It is acknowledged that there are economic benefits of building, furnishing and living in 44 new homes and there are filter down effects to the local and regional economy that weigh in favour of the proposal. Similarly, the landscape impact in the context of

the Plumb Park development when it is carried out, is considered moderate but the local impact upon the footpath will be significant. The development will be accessible by a range of transport means to Exmouth's varied amenities and facilities without the need to resort to the private car. Although the local road network will receive additional pressure, the impact is not considered severe and there are no objections from the County Highway Authority. There are no objections in terms of heritage, ecology, trees or flooding. The scheme provides infrastructure mitigation and a considerable number of affordable homes.

Although the National Planning Policy Framework sets out the 'golden thread' of sustainability running through all policy and decision-making, in adopting the Local Plan in the light of the Examining Inspector's advice, the Planning Authority is adopting local planning policies that accord with the policies of the NPPF and thus by definition support sustainable development. One such sustainable development policy is the protection of the countryside from incremental residential development at the urban edge, and the benefits of this proposal fall well short of overcoming this overarching restriction.

For this reason, the proposals are considered to be in conflict with the built up area boundary and countryside protection under Strategies 6 and 22 of the new East Devon Local Plan. No other sustainability benefits of the scheme suggest that these policies should not prevail.

### **RECOMMENDATION**

That the Planning Inspectorate be informed that had the Local Planning Authority retained the power to determine the application it would have **REFUSED** permission for the following reasons:

1. The development proposed, by virtue of its location outside of the Built-up Area Boundary for Exmouth as defined in the Adopted New East Devon Local Plan, would encroach on the countryside with a harmful visual impact. As such, the proposal would be contrary to Strategy 7 - Development in the Countryside and Strategy 22 – Development at Exmouth of the New East Devon Local Plan and the guidance contained in the National Planning Policy Framework.
2. The application fails to provide an appropriate mechanism to secure the necessary contribution towards affordable housing, habitat mitigation, on-site and off-site open space, education contributions and foul drainage works/contribution to adequately mitigate the impact from the development. As such the proposal would be contrary to, Strategy 34 - District Wide Affordable Housing, Strategy 50 – Infrastructure Delivery of the Adopted New East Devon Local Plan, the advice contained in the National Planning Practice Guidance and fails to mitigate the requirements of the Habitat Regulations.

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 unacceptable as submitted.

**Wildlife** - Bats and birds are protected under the Wildlife & Countryside Act 1981 and the Countryside and Rights of Way Act 2001, it is an offence to deliberately or recklessly disturb them or damage their roosts or habitat. Therefore, close inspection of the tree(s) should be undertaken prior to the commencement of works to determine if any bats or birds reside in the tree(s). No works should occur while birds are nesting which may be at any time between the month of March to September inclusive; if bats are present works should cease until the applicant has obtained further advice from Natural England on 0845 601 4523 or email [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk). Further advice on bats is available from The Bat Conservation Trust (0845 1300 228).

Plans relating to this application:

14098_L01_01 REV A	Other Plans	25.03.15
-----------------------	-------------	----------

14098_L01_02	Other Plans	25.03.15
--------------	-------------	----------

List of Background Papers

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

**Ward** Exmouth Withycombe Raleigh

**Reference** 15/1818/MFUL

**Applicant** Methodist Homes (MHA)

**Location** Moreton 13 Drakes Avenue  
Exmouth EX8 4AA

**Proposal** Redevelopment of former Moreton Care Home to provide a total of 61 retirement living with care units (Use Class C2) with residents facilities, parking and landscaping, demolition of 13a Drakes Avenue.



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 16 February 2016</b>	
<b>Exmouth Withycombe Raleigh (EXMOUTH)</b>	<b>15/1818/MFUL</b>	<b>Target</b>	<b>Date:</b>
		<b>17.11.2015</b>	
<b>Applicant:</b>	<b>Methodist Homes (MHA)</b>		
<b>Location:</b>	<b>Moreton, 13 Drakes Avenue, Exmouth</b>		
<b>Proposal:</b>	<b>Redevelopment of former Moreton Care Home to provide a total of 61 retirement living with care units (Use Class C2) with residents facilities, parking and landscaping, demolition of 13 and 13a Drakes Avenue.</b>		

**RECOMMENDATION: Approval subject to a legal agreement and conditions**

#### **EXECUTIVE SUMMARY**

The application was deferred at the last Committee for a site inspection. The report has been amended slightly to reflect the Adoption of the New Local Plan since the last Committee.

The application is before Members as the officer recommendation differs from the views of the Town Council and Ward Member.

The application proposes the demolition of an existing 40 bed care home within Exmouth and its replacement with a new, purpose built facility which comprises 61 rooms (18 one-bed and 43 two-bed units) for residents above a certain age and in need of care. The proposed use falls within use class C2 as does the existing lawful use of the site.

It is acknowledged that the new building will have a larger footprint than the one it replaces and is of a substantially larger scale; that the building is surrounded by residential properties where there is the potential for overlooking; and that the redevelopment raises issues of parking, landscaping and ecology.

However, it is considered that a full assessment of the proposals, including revised plans submitted during the application process, demonstrate that the proposal is of a suitable design and of a scale and relationship that will adequately protect the amenity of surrounding residents. The application also addresses matters of access, car parking, ecology and given the scale of the existing building is considered to have an acceptable landscape and visual impact.

**The proposal accords with Strategy 36 of the emerging East Devon Local Plan by providing Care Home Spaces in Exmouth. However, in order to ensure that the facility is run as a C2 Care Home, the applicant has agreed to submit a Unilateral Undertaking to cover the way in which the facility is managed.**

**The proposal is therefore recommended for approval subject to securing the unilateral undertaking that includes a financial contribution towards affordable habitat mitigation.**

## **CONSULTATIONS**

### **Local Consultations**

Parish/Town Council  
Meeting 07.09.15

Objection on the grounds that the size and scale was overdevelopment of the site. The loss of privacy and amenity to neighbouring properties on Drakes Ave, Freelands Close and Avondale Road. The lack of a parking provision would result in the overflow of cars parking on Drakes Avenue.

Further comments 01.12.15

Objection to the amended plans on the same grounds as before. In agreement with the Tree Officer's and landscape Architect's report.

Further comments 02.12.15

Objection to the amended plans on the same grounds as before

Exmouth Withycombe Raleigh - Cllr B Bailey  
Over development of site. Invasion of noise from kitchen.  
Loss of light.  
Lack of parking  
Loss of privacy.  
I recommend refusal

### **Technical Consultations**

Housing Strategy Officer Paul Lowe

From the various supporting planning documents submitted it's unclear as to the applicants intention to provide affordable housing on site. Although there is mention of shared ownership being a housing ownership option. Based on this un-certainty and on the assumption that this proposal doesn't meet Planning Use Class C2 we will be seeking 25% as affordable housing.

If planning permission is granted then we expect all the affordable homes to be constructed to the relevant local and national standards at the time of determination

and signing of the Section 106 Agreement. We also expect to see a tenure mix of 70/30% in favour of rented accommodation, the remaining as shared ownership or similar affordable housing product as defined in the National Planning Policy Framework document or relevant policy at the time. Once completed the affordable homes should be transferred to and managed by a preferred Registered Provider.

A nomination agreement should be in place that enables the Local Authority or a preferred Register Provider to nominate individuals from the Common Housing Register, preference going to those with a local connection to Exmouth, then cascading to East Devon.

Any deviation from this amount of affordable housing must be evidenced by a viability assessment. Without submitting a viability assessment we will not be in a position to enter into discussions regarding the affordable housing element. In addition, an overage clause will be sought in respect of future profits and affordable housing provision, where levels of affordable housing fall below policy targets.

Further comments 16.11.15

Comments made on the 9 September 2015 still apply to this application.

Further comments 06.01.16

In light of your conclusions I am satisfied that this is a C2 use class, and as a consequence there is no requirement to provide affordable housing.

#### Landscape Architect

The current proposal does not respond very well to its visual and landscape setting. Its location on the site and its size impede the appropriate integration of existing boundary trees and limits the scope of increasing screening along its north-eastern and south-eastern boundaries. Its massing is out of scale with surrounding residential development of 1 to 2 storey buildings. The landscape design fails to properly respond to the visual context. The arrival area requires more articulation within the building façade and within the landscape design and should link more directly to internal and external communal facilities. As such it conflicts with the following policy and should not be granted planning permission:

Paragraph 56 of the NPPF:

'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'

NPPG Design - Paragraph 024:

'... New development should look to respond appropriately to the existing layout of buildings, streets and spaces to ensure that adjacent buildings relate to each other, streets are connected, and spaces complement one another.'

The layout of areas, whether existing or new, should be considered in relation to adjoining buildings, streets and spaces; the topography; the general pattern of



building heights in the area; and views, vistas and landmarks into and out of the development site...'

the saved East Devon Local Plan Policy D1:

'In order to ensure that new development is of a high quality design and locally distinctive, a design statement setting out the design principles to be adopted should accompany proposals for new development. Proposals should have regard to Village and Design Statements adopted as Supplementary Planning Guidance. Proposals will only be permitted where they:

1. Reinforce the key characteristics and special qualities of the area in which the development is proposed;

2. Ensure that the scale, massing, height, fenestration and materials of buildings relate well to their context

3. Do not Adversely affect:

I. The distinctive historic or architectural character of the area

II. The urban form, in terms of significant street patterns, groups of buildings and open spaces;

III. Important landscape characteristics and prominent topographical features;

IV. Trees worthy of retention

V. The amenity of occupiers of adjoining residential properties.

4. Have due regard for important aspects of detail and quality and should incorporate:

I. Secure and attractive layouts with safe and convenient access for the whole community, including disabled users;

II. Measures to create a safe environment for the community and reduce the potential for crime;

III. Use of appropriate building materials and techniques respecting local tradition and vernacular styles as well as, where possible, contributing to low embodied energy and CO<sub>2</sub> reduction;

IV. Necessary and appropriate street lighting and furniture and, subject to negotiation with developers, public art integral to the design;

V. Features that maintain good levels of daylight and sunlight into and between buildings to minimize the need for powered lighting;

VI. Appropriate 'greening' measures relating to landscaping and planting, open space provision and permeability of hard surfaces.

If the development were to be granted planning approval the following should be conditioned:

A detailed landscape proposals,

planting specifications,

planting details,

tree and hedgerow protection details and

a landscape management plan

to ensure the scheme's longevity and its compliance with the following policies and guidance:

#### EDDC's Policy D4 (Landscape Requirements)

'Planning permission will not be granted for development proposals unless they include a landscape scheme, covering the design and layout of external space

The landscape scheme should meet all of the following criteria:

1. Landscape features should be recorded in accordance with the requirements of 'trees in relation to construction' BS 5837/1991 in a detailed site survey, to be submitted as part of the full or detailed planning application.
2. Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable commensurate provision should be made elsewhere in the site, in addition to the requirement for new landscaping proposals.
3. Measures to ensure public safety should be incorporated.
4. Measures to ensure routine maintenance and long term management should be included.
5. Provision for the planting of trees and hedgerows (including the replacement of those of amenity value which have to be removed for safety reasons) and other planting and improvements to existing habitat, and/or creation of new areas of wildlife value should be made.
6. Roads, parking and footpaths and the continuity of fencing or walling with existing boundary treatments where this contributes to the street scene should be integrated with the development and landscape framework.

#### EDDC's Policy D5 (Trees on Development Sites)

Permission will not be granted for developments that would result in the net loss of trees or significant lengths of hedges/hedgebanks of amenity, historic or conservation value. British Standard 5837 will be taken fully into account in addressing development proposals. The District Council will require details as to how trees and hedges/hedgebanks will be protected both during and after construction, as a condition of any planning permission granted. No building, hard surfacing, drainage or underground works will be permitted within 5 m of the edge of the mature crown spread of essential trees identified for retention unless, exceptionally, the Council is satisfied that such works can be accommodated without harm to the trees concerned.

#### Further comments

The Revised proposal still does not respond very well to its visual and landscape setting. Its location on the site and its size impede the appropriate integration of existing boundary trees and limits the scope of increasing screening along its north-eastern and south-eastern boundaries. Its massing is out of scale with the surrounding residential development especially at the northern end of the buildings. The landscape design fails to properly respond to the visual context. The arrival area requires more articulation within the building façade and within the landscape design and should link more directly to internal and external communal facilities. As such it conflicts with the following policy and should not be granted planning permission:

#### Paragraph 56 of the NPPF:

'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'

#### Paragraph 64 of the NPPF:

'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

NPPG Design - Paragraph 024:

New development should look to respond appropriately to the existing layout of buildings, streets and spaces to ensure that adjacent buildings relate to each other, streets are connected, and spaces complement one another.

The layout of areas, whether existing or new, should be considered in relation to adjoining buildings, streets and spaces; the topography; the general pattern of building heights in the area; and views, vistas and landmarks into and out of the development site

the saved East Devon Local Plan Policy D1:

In order to ensure that new development is of a high quality design and locally distinctive, a design statement setting out the design principles to be adopted should accompany proposals for new development. Proposals should have regard to Village and Design Statements adopted as Supplementary Planning Guidance. Proposals will only be permitted where they:

1. Reinforce the key characteristics and special qualities of the area in which the development is proposed;
2. Ensure that the scale, massing, height, fenestration and materials of buildings relate well to their context
3. Do not Adversely affect:
  1. The distinctive historic or architectural character of the area
  2. The urban form, in terms of significant street patterns, groups of buildings and open spaces;
  3. Important landscape characteristics and prominent topographical features;
  4. Trees worthy of retention
  5. The amenity of occupiers of adjoining residential properties.
4. Have due regard for important aspects of detail and quality and should incorporate:
  1. Secure and attractive layouts with safe and convenient access for the whole community, including disabled users;
  2. Measures to create a safe environment for the community and reduce the potential for crime;
  3. Use of appropriate building materials and techniques respecting local tradition and vernacular styles as well as, where possible, contributing to low embodied energy and CO<sub>2</sub> reduction;
  4. Necessary and appropriate street lighting and furniture and, subject to negotiation with developers, public art integral to the design;
  5. Features that maintain good levels of daylight and sunlight into and between buildings to minimize the need for powered lighting;
  6. Appropriate 'greening' measures relating to landscaping and planting, open space provision and permeability of hard surfaces.

If the development were to be granted planning approval the following should be conditioned:

A detailed landscape proposals,  
planting specifications,  
planting details,

tree and hedgerow protection details and a landscape management plan to ensure the scheme's longevity and its compliance with the following policies and guidance:

#### EDDC's Policy D4 (Landscape Requirements)

'Planning permission will not be granted for development proposals unless they include a landscape scheme, covering the design and layout of external space

The landscape scheme should meet all of the following criteria:

1. Landscape features should be recorded in accordance with the requirements of 'trees in relation to construction' BS 5837/1991 in a detailed site survey, to be submitted as part of the full or detailed planning application.
2. Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable commensurate provision should be made elsewhere in the site, in addition to the requirement for new landscaping proposals.
3. Measures to ensure public safety should be incorporated.
4. Measures to ensure routine maintenance and long term management should be included.
5. Provision for the planting of trees and hedgerows (including the replacement of those of amenity value which have to be removed for safety reasons) and other planting and improvements to existing habitat, and/or creation of new areas of wildlife value should be made.
6. Roads, parking and footpaths and the continuity of fencing or walling with existing boundary treatments where this contributes to the street scene should be integrated with the development and landscape framework.

#### EDDC's Policy D5 (Trees on Development Sites)

Permission will not be granted for developments that would result in the net loss of trees or significant lengths of hedges/hedgebanks of amenity, historic or conservation value. British Standard 5837 will be taken fully into account in addressing development proposals. The District Council will require details as to how trees and hedges/hedgebanks will be protected both during and after construction, as a condition of any planning permission granted. No building, hard surfacing, drainage or underground works will be permitted within 5 m of the edge of the mature crown spread of essential trees identified for retention unless, exceptionally, the Council is satisfied that such works can be accommodated without harm to the trees concerned

#### EDDC Trees

My initial review of the application has raised some issue which I would like to see addressed prior to any planning approval, as follows:

##### General

There are two 'B' category cherry trees proposed for removal to facilitate this development. The trees are internal to the site, cherry trees are a relatively short lived (80-100 years) species, these are mature trees so have limited future longevity in the context of the redevelopment of the site and achieving the best possible layout. Their removal subject to mitigation planting raises no objection.

The development appears to be of a size that will place pressure on the boundary trees, either due to proximity of the structure, or its associated features such as parking spaces and underground services.

There is some variation between the submitted drawings so it is unclear what is actually being proposed. Development plan 13050/P/01C shows a compound for cold water storage and a ramped slope within Root Protection Area (RPA) of T1 and T2. Drawing 13050/P01A shows a ramp, patio, footpath (not specified 'no dig') and hard standing within the RPA of T12 to T17.

Northern elevation of the building is within 11 to 14 meters of the protected line of Oak trees growing on the north boundary. This will likely lead to future pressure to prune the trees, a greater separation between the trees and the building would provide a more harmonious setting appropriate to this attractive 'natural' site feature.

T26, T27, T28 and T29 are shown as having offset RPA; these trees are of sufficient age to predate the existing tarmac drive and I would expect there to be tree rooting under this surface. Unless there is another reason why there would not be any rooting this area should be considered Construction Exclusion Zone (CEZ) and RPA. Consequently level changes and services runs should be planned around them.

T26 has a 3 metres low branch over the main site access. I did not see reference to this in the Tree protection details or how further damage will be avoided during construction.

Underground services should be alienated outside the RPA of retained trees. Currently the surface water and foul water drains are shown running through the RPA of tree T2 to T6, T11, T12, T20, T24, T26, T28 and T30.

The plans show a drop of levels within the RPA of T27 of 200mm. This will lead to root damage and need to be amended.

Construction of the ramp to south east of T2 and impact on the tree RPA.

Parking spaces under retained trees T28 to T30 will increase the target value, leading to pressure to prune the trees (due to falling deadwood, branches, leaves, bird mess, and sap. This should be designed out through the retention of the tree in open space or through the use of covered parking bays.

RPA for offsite trees needs to be plotted and fenced off. There are no details of road construction methods within the RPA of the adjacent trees.

### Landscaping

Any planning approval should be subject to the submission and approval of a detailed landscaping scheme for the planting of trees, shrubs and herbaceous plants. The scheme should detail planting species, planting density, stock size.

All tree species selection, stock selection, planting details, aftercare and formative pruning needs to be in accordance with BS8545:2014 and include full details of planting pit design appropriate to planting environment and site specific soil conditions.

It is unclear what the proposed boundary treatments are and how they will impact on the RPA of the retained trees.

The AIA discusses retaining structures adjacent to T27 to T30. What is this structure? What is it retaining? What are the current and proposed levels?

Further comments 11.12.15

Revised arboricultural comments based on revised Arboricultural Impact Assessment (AIA) and Tree Protection Plan (TPP) by Devon Tree Services dated 10/11/2015; the amended drawings received 2/12/2015 showing block plan, elevations and outline landscaping.

1.0 In my provisional comments on this application I asked for service runs to be routed outside of the Root Protection Area (RPA) of retained trees. The revised plans do not show the location of existing or proposed subterranean services. The new AIA in section 6.1.iv refers to incursion of the RPA of tree for the installation of new underground services, parking bays, and new road surface. Without details of where the current and proposed service runs will be located and what special precautions will be undertaken to avoid damage it is hard to assess if this is feasible.

1.2 New hard standing in RPA of T29 and T30 RPA, what is the proposed surface finish? and how will compaction of the trees RPA be avoided? This should be a permeable finish such as block paving (optimal surface water drainage and ground permeability for tree root growth and constructed using no dig methodology with three dimensional cellular confinement system). The provision of assigned parking spaces under tree crowns is not considered appropriate design or site layout. Visitor spaces or turning areas would remove the constant problems associated with parking under tree, or these areas utilised as soft landscaping.

1.3 As stated in my provisional comments I have reservations of the proximity of the proposed building to the trees on the north east boundary. This may place on the trees in future to be lopped. The submitted landscaping plan shows a 2 metre drop in levels (56.38 to 54.4m) within the RPA of the tree. During my meeting with Devon Tree Services we discussed a low impact no dig path at the edge of the tree RPA. This is somewhat different to sunken path show in the landscape plan.

1.4 General lack of existing and proposed level details on block plan or cross sectional drawing.

1.5 On my pervious consultation I overlooked the loss of the unit in the eastern corner of the sites. This looks to be surrounded by vegetation in our aerial photographs and its removal and installation of parking spaces will need to take account of this vegetation in terms of AIA, TPP and the AMS.

1.6 The landscaping plan refers to a low retaining structure around the trees (within the RPA) on the north east boundary down to and around some of the south east boundary. What is this constructed of and how will it be constructed without

damaging the adjacent trees. What will pre and post soil level changes be within RPA of trees.

1.7 The landscape plan contains some level data and appears to show a reduction in levels of minimum 40cm within the RPA of T28.

1.8 If fencing on the north and east boundaries is to be replaced; with what? and how will it be installed avoiding damage to adjacent trees?

1.9 Tree planting details on landscape plan do not concur with guidance in BS8545:2014

#### Environmental Health

I have considered this application and the noise report submitted by Cole Jarman where it is stated that the condition recommended by Environmental Health to not exceed Noise Rating Curve 25 can be met and BREEAM report submitted by Fellows detailing the criteria rating of 'very good' is acceptable however no noise details of specific plant has been submitted, therefore I recommend that a further noise report is submitted to the Local Planning Authority on completion of the build to ensure full compliance with the above condition.

#### DCC Flood Risk SuDS Consultation 10.09.15

Thank you for referring the above application which was received on 18/08/2015.

Devon County Council Flood Risk Management Position.

It appears that an appropriate surface water drainage system has been provided however no detail has been provided to support the sizing of the relevant features and relevant discharge rates. We promote the use of above ground features where possible.

The lower ground floors rely on a pumped system for the surface water, again no detail has been provided to support the function of this system.

As the surface water system will be discharging to an existing surface water sewer confirmation would be required from South West Water.

Further comments 21.10.15

Further to the above consultation, our comments made in our letter dated 9th September, still stands in relation to the additional information provided.

Further comments 02.12.15

Re: Amendments to plans to show reduced footprint of building - move 1.6m from Bradham Court and 2.0m from Avondale Road

Thank you for referring the above application which was received on 11/11/2015.  
Devon County Council Flood and Coastal Risk Management Position.

As the amendments to plans do not relate to the surface water drainage aspects of this development, we have no further comments to make with regard to this planning application.

However, I would like to reiterate our request for additional information in my colleague's letter (FRM/2015/127) dated 9th September 2015. My colleague or I would be happy to provide a further substantive response when the applicant has provided this information.

County Highway Authority

Observations:

The application is for the redevelopment of former Moreton Care Home to provide a total of 61 retirement living at Drakes Avenue Exmouth. Drakes Avenue access on to Salterton Road (B3178) The existing access is out on to a 30 MPH the visibility is adequate given the volume and speed of traffic on Drakes Avenue. The site has been in use as Residential care home since previously.

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

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

3. B) No part of the development hereby approved shall be brought into its intended use until the

- C) access
- D) parking facilities
- E) commercial vehicle loading/unloading area
- F) visibility splays
- G) turning area
- H) parking space and garage/hardstanding
- I) access drive
- J) and access drainage

have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

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

Natural England - 08/09/15

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

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (AS AMENDED) WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED) COUNTRYSIDE AND RIGHTS OF WAY ACT 2000 S. 84 (AONBs)

European wildlife sites

Further information required: No Habitats Regulations Assessment

The application site is in close proximity to three European Wildlife Sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their ecological interest. European wildlife sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and East Devon Heaths Special

Protection Area (SPA) and the Exe Estuary Special Protection Area (SPA) and Ramsar site<sup>1</sup>, which are European wildlife sites. The sites are also notified at the national level as Sites of Special Scientific Interest (SSSIs).

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

<sup>1</sup> Listed or proposed Ramsar sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

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

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

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

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

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

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

Exe Estuary SPA and Ramsar site  
East Devon Pebblebed Heaths SAC and East Devon Heaths SPA

The application site lies c. 1.8km from the Exe Estuary SPA and Ramsar site and c. 2.5km from the East Devon (Pebblebed) Heaths SAC/SPA. This is within the 10km

zone within which impacts of residential development on the aforementioned sites could reasonably be expected to arise in the absence of appropriate mitigation.

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

'Retirement living'

Clarification needs to be sought as to whether residents:

- (i) Are allowed to keep animals (e.g. dogs which then need walking)
- (ii) Are expected to have a degree of independent living (e.g. going out walking/cycling)
- (iii) Have cars and may still be driving

Any or all of the above will have relevance as to whether the development will lead to recreational impacts. Care home residents almost certainly would not have an impact but those living in 'retirement accommodation' might and so a contribution towards the mitigation of recreational impacts would be required.

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

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

Exe Estuary SSSI and East Devon Pebblebed Heaths SSSI

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

Protected Landscapes

The development site is located approximately 850m from the boundary of the East Devon Area of Outstanding Natural Beauty (AONB) but is within the built-up area boundary of Exmouth. Having considered the application, Natural England does not believe that it would impact significantly upon the purposes of designation of the AONB.

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

### 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).

### Other advice

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

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

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

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.

For any queries relating to the specific advice in this letter only please contact Darren Horn. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Further comments 20.10.15

Planning consultation: Redevelopment of former Moreton Care Home to provide a total of 61 retirement living with care units (Use Class C2) with residents facilities, parking and landscaping, demolition of 13a Drakes Avenue.

Location: Moreton 13 Drakes Avenue Exmouth EX8 4AA.

Thank you for your consultation dated and received by Natural England on 06 October 2015.

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

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 07 September 2015.

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

Further comments 11.11.15

Thank you for your consultation on the amended plans for this application, received by Natural England on 11 November 2015.

We have previously commented on this proposal in our letter dated 07 September 2015. This advice still stands - for ease, I have re-attached our response.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

#### Other Representations

22 representations have been made, of which 18 are objections.

The objections raise concerns on the following grounds:

Scale of building compared to the existing building  
Excessive height of the building  
Overlooking from windows  
Overbearing impact  
Noise from cars in parking areas  
Inadequate parking  
Noise from roof terraces and external areas  
Issues during the construction period  
Drainage issues  
Impact on protected trees  
Property values  
Concerns for wildlife in the gardens  
Fumes from the cooking areas  
No need for further retirement homes  
Presence of bats in the area

A number of residents have stated that the revised plans have not addressed their concerns.

## **POLICIES**

### New East Devon Local Plan Policies

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5 (Environment)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 36 (Life time (accessible and adaptable) Homes and Care/Extra Care Homes)

Strategy 38 (Sustainable Design and Construction)

D1 (Design and Local Distinctiveness)

D2 (Sustainable Construction)

D3 (Access for the Disabled)

EN14 (Control of Pollution)

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

EN22 (Surface Run-Off Implications of New Development)

H2 (Residential Land Allocation)

E2 (Employment Generating Development in Built-up Areas)

TC9 (Parking Provision in New Development)

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

### Site Location and Description

'Moreton' is the name of a former residential care home. It is situated on Drakes Avenue, a residential street which accesses Salterton Road to the East of Exmouth. The current care home is large and has been extended in the past. It sits on substantial grounds and includes a separate residential detached dwelling, 13a, which is accessed along the same driveway.

The site is on relatively high ground, generally level with the development on Drakes Avenue; however the ground falls away considerably to the West and North, where it borders properties on Avondale Road and Bradham Court.

The site is bounded by substantial tree and hedge planting.

### Proposal

It is proposed to demolish the existing buildings, a vacant care home, and construct a new building within the grounds. It is proposed that the building will be operated by Methodist Homes and occupied by residents as a 'care village'

The building is proposed to contain 61 bedrooms (18 one-bed and 43 two-bed units), and a range of facilities for the residents of these rooms. The facilities include a restaurant, lounge, library, well-being suite, visitors suite, cinema room and activity room, as well as staff facilities and electric buggy store.

The building measures approximately 54m wide at its widest point by approximately 72m long. It varies in floor height from 2 to 4 with a maximum ridge height of approximately 15m compared to the existing maximum building ridge height of approximately 15.5m. The proposed building does however vary considerably from the existing in terms of its design and ridge line and form.

The applicant states that in order to occupy one of these rooms a potential resident will need to sign up to a care package, and would be over the age of 60.

### **ANALYSIS**

The key issues for consideration in relation to this application relate to the principle of development, the design and scale of the building, relationship to surrounding properties, suitability of the access, landscaping, need for affordable housing and any other obligations.

## Principle

The lawful use of the site is as a care home under Use Class C2 with the application proposing a C2 care home within the built-up area boundary of Exmouth.

Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes) of the emerging new Local Plan states the following:

"We will aim to secure Care and Extra Care homes in all of our Towns and Larger Villages in line with provision of:

- a) 150 Care/Extra Care Home Spaces at Exmouth;
- b) 50 Care/Extra Care Home Spaces at Axminster, Honiton, Sidmouth, Seaton and Ottery St Mary; and
- c) 10 (or more) at larger settlements with a range of facilities that have easy accessibility to a GP surgery.

Care/Extra Care home proposals will be acceptable on sites allocated for residential development (or which include residential uses as part of an allocation, though in such cases provision should be 'off-set against the residential element/land). Proposals for specialist housing should be accompanied by a Care Needs Assessment which justifies the proposal's scale, tenure and accommodation type. Where such provision is proposed on an allocated housing site the actual need for provision should also be established. The Council will take account of financial viability considerations, and overall contributions for affordable housing, where older person housing is proposed on or as part of a site for residential development and such provision impacts on site viability."

The application is situated within the built-up area boundary of Exmouth and would replace an existing care home with a similar facility with more spaces in compliance with Strategy 36 of the emerging New East Devon Local Plan.

## Design and Appearance

The proposal is for accommodation over four floors, from a 'lower ground' floor to a second floor. The shape of the building is approximately 'T' shaped, with the top of the T facing the entrance drive to Drakes Avenue. In general terms the building largely appears as a three storey building, with the 'lower ground floor' aspect not being seen due to the topography of the site. The building reduces in height on the western and northern sides. At its highest point the building is 15 metres high.

In response to comments raised by residents and officers, the plans have been amended twice. The changes relate to a slightly smaller footprint, changes to landscaping and parking, greater articulation of the East elevation and the inclusion of obscure glazing and changes to window arrangements.

It is proposed to construct the building in a red brick with some render at ground floor levels. The roof is to be grey slate and pitched. Because of the form of the building there will be a variety of roof pitches and some 'valleys'. There are also a number of



balconies which allow access for individual units; these are to have glass panels with steel frames.

The building as shown in the proposed elevations is intended to mimic the existing architecture at the care home. In order to break up the long side elevations, balconies, changes in roof levels are proposed to be introduced.

In general the articulation of the building is considered acceptable, however detailed consideration of the materials is required, and this should be the subject of a samples condition in the event of the application being approved.

The Council's Landscape architect raises issues of the scale and massing of the building. However it is necessary to consider the proposal against the existing building which is three storey and sits in a similar position within the plot. The proposed scheme offers greater articulation than at present and given that the site is not highly visible from the public domain, due to it being set back from the road and adjoined by the rear of residential properties, the design and scale of the building is considered to be acceptable given the scale and appearance of the current care home. A refusal of planning permission on the basis of the scale and position of the proposed building on its landscape setting could not be justified given that it is similar in height to the existing building and of a better design and appearance.

Whilst the building may be of a larger scale when viewed from long distances, it does not exceed the height of the existing building and as such its visual impact would be difficult to resist.

#### Residential Amenity

The building would sit on a similar, but larger footprint, to the existing building. There is the potential for increased impact on the numerous residential properties which back on to the site, which needs consideration.

As a result of comments submitted during the application process the applicant has submitted revised plans which increase the building's distance to boundaries, and altered the position of balconies.

There are four roads surrounding the site, and it is necessary to determine the impact of the proposal on properties on each of these roads in turn.

#### 1. Drakes Avenue

This forms the access to the development and the front of the proposed building will face towards Drakes Avenue. In terms of residential impact, this will affect nos. 11 and 15 although the building is proposed with a similar relationship to existing.

The distance from the front of the new building to the rear of these properties is in excess of 30 metres and with existing and proposed planting to the boundary, it is not considered that there is any detrimental overlooking onto Drakes Avenue properties despite the building being 3-storeys in height at this point.

## 2. Avondale Road

The west side of the building will face towards Avondale Road. There are a number of properties on this road which back towards the proposed building and adjoin the site. These generally have small gardens and are situated at a lower level. The existing building is set in a considerable distance from this boundary.

The reduction in the footprint of the building gives a minimum distance of 23 metres to the nearest property. At this point the building is two storeys and has been designed so that there are no clear glazed windows looking towards Avondale Road. Furthermore a balcony has been moved to the side and includes a privacy screen.

The parts of the building which will have windows looking towards Avondale Road will be in excess of 36 metres to rear windows, and over 30 metres to rear gardens. Even allowing for the building being at a higher level, and accepting that not all of the boundary contains mature trees, it is considered that the degree of overlooking would not be so adverse and the building not so overbearing in relation to Avondale Road that a refusal of permission could be justified.

The outlook for these residents will change with a more bulky building visible but given the scale of the existing building, distances involved and the existing and new tree planting proposed to this boundary, the relationships are considered to be acceptable.

## 3. Bradham Court/ Masey Road

These dwellings are situated close to the boundary and are at a much lower level than Moreton (approximately 6m lower). Revised plans submitted show a three storey building, with a reduced ridge height of approximately 10 metres above the floor level. These are proposed to have balconies.

Because of the slope down to Bradham Court, a section has been provided which shows the outlook from the garden of these properties. Officers are satisfied that the distance back from the boundary (approximately 12m), distance of approximately 28m between the buildings, orientation of the roof and levels difference means that the flats at Bradham Court will not result in a detrimental loss of privacy.

## 4. Freelands Close

Freelands Close is situated to the east of Moreton, with dwellings at a similar level. The building is to be moved further away from this boundary. Revised plans have been submitted which show the first and second floor windows closest to nos. 10 and 11 Freelands Close to be obscure glazed to prevent any detrimental levels of overlooking. The plans have been submitted at a late stage therefore any responses from residents or the Town Council to the obscure glazing will be reported to the meeting.

The building is proposed to extend further into the site than the existing building and will therefore change the outlook for number 7 and 8 Freelands Close in particular. Although there is only a two-storey building proposed closest to these properties, it is

recommended that given the change to the outlook and potential for overlooking, a condition be imposed on any consent to ensure that the secondary windows at ground and first floor facing numbers 7 and 8 are obscure glazed.

It is considered that with the amendments and subject to conditions securing the obscure glazing, the level of overlooking is minimised and, when taking in to account the scale and relationship to the existing building, including views possible from upper windows, a refusal could not be substantiated on the basis of the proposed relationships.

#### Highway Issues and Parking

The proposal uses the existing access onto Drakes Avenue and does not propose any further accesses. The Highway Authority are satisfied that the amount of traffic can be contained within the road network and that adequate visibility will be provided for vehicles entering and exiting the site, subject to conditions being imposed.

The proposal is for 44 parking spaces to be provided for the development. This would be unallocated parking for staff, visitors and residents. Concerns have been raised in respect of the adequacy of this number of parking spaces to serve the development. The applicant has provided details of similar schemes operating in other parts of the country. Because of the nature of the proposal, typically the majority of residents do not have a car and therefore parking is primarily aimed at staff and visitors. It is proposed that there will be a maximum of ten staff at any one time, however it is likely that a few of these will be able to walk or use public transport to access the site, given its location within Exmouth.

Officers are therefore satisfied that the proposal would not result in cars being unable to park within the site.

#### Trees and Ecology

There are 30 trees within the site. It is proposed to fell two cherry trees in order to facilitate development but additional tree planting, including 36 trees to the site boundary, are indicatively proposed as part of the development and can be secured by condition. It is obviously in the interest of the applicant to provide a well maintained and landscaped site for its residents and to provide the residents with an element of privacy from surrounding properties. Further amendments to the indicative landscaping plan have been received addressing matters of path and levels that are considered to satisfactorily address the Tree Officers comments subject to submission of a final landscaping scheme and landscape management plan that can be secured by conditions.

There are bats present within the existing building. A bat survey undertaken states that the number of bats is relatively low. This is not sufficient to prevent development, but it is important that any demolition takes place outside of the bat breeding season and hibernation season, giving a relatively short window of opportunity in April/ May or September/ October. In addition, it is necessary for any remaining bats to be relocated, and bat tubes or boxes be provided.

## Sustainability Measures

There are limited measures which make the building sustainable. These include a gas fired CHP installation, heat recovery ventilation systems and LED lighting. The building is predicted meet a 'very good' BREEAM standard.

## Landscaping

The proposal indicates that to the side of the building there will be planting to create a summer terrace, including sun shelters and seats. The scheme is designed with seats and views looking along the building, rather than towards houses. There is also a path through the gardens. Whilst it is accepted that this will give residents views outside of the site, towards the estuary which involves some potential to look towards the rear of houses, this situation exists at present and the additional planting proposed should result in a lessening of overlooking. These details can be secured by condition.

It is proposed to have a common roof terrace leading from a wintergarden on the second floor. It is considered that the combination of a terrace, gardens and balconies provides sufficient amenity space for residents.

## Flood Risk and Drainage

The site does not lie within a flood zone and is not close to a watercourse. However it is necessary to assess the impact of surface water drainage. In this respect it is proposed to have an attenuation tank at the front of the building, with surface water captured using drains surrounding the building, and a pumping station. The gardens will retain surface water and prevent run off into surrounding areas. Devon County Council are the statutory consultee and have not raised objection however they require further details that can be secured by condition.

## Other comments made on the application

There are concerns regarding noise, in particular from cars manoeuvring into the parking area adjacent to Freelands Close, and from the balconies and roof terraces. Whilst it is acknowledged that the level of activity may be greater than at present, it is not considered that this would be unacceptable in the context of the area.

There are concerns in relation to construction method, hours and traffic. These can be part of a Construction Management Plan in line with Environmental Health concerns.

There is a comment regarding the need for the facility. This is a matter for the operator but the application is supported by details of the need for such facilities and this is supported by Strategy 36 of the emerging New East Devon Local Plan that identifies the need for 150 Care/Extra Care home spaces in Exmouth.

There are comments in regard to the community consultation. The applicant has submitted a statement of community involvement with the proposal and it is clear that the application has been modified before and during the application process.

## Obligations

The applicant has pointed to other appeal decisions across the country where planning inspectors have determined that a C2 Care Home does not necessitate the need for affordable housing. This is reflected in the comments from the Housing Officer who states that affordable housing is required unless the applicant demonstrates that this is a C2 Care Home.

However, Strategy 34 of the emerging New East Devon Local Plan states that 'Affordable housing will be required on residential developments in East Devon as follows...'

Strategy 34 does not limit the securing of affordable housing to C3 dwelling houses only stating that it applies to residential development. A C2 care home is a type of residential development.

However, Strategy 36 implies that affordable housing will not be secured from C2 Care Homes and following discussions with the application regarding the facility and the care on offer, officers are satisfied that the proposed use does not necessitate the provision of affordable housing. This position has been confirmed by the Council's Housing Officer.

The proposal is considered to be a C2 Care home by virtue of a combination of factors, not least due to the applicant, their occupancy and assessment criteria, the care offered and the way this is managed and provided by MHA staff. In order to ensure that the facility operates and is managed as a C2 Care Home and not as open market dwellings, the applicant has agreed to provide a Unilateral Undertaking to secure the management, method of operation and assessment of residents in accordance with the application details.

Should the use of the building change from C2 to C3, planning permission would be required and affordable housing could be secured as a percentage of all of the units at that time as part of any application involving the change of use.

It is also necessary to secure financial contributions towards habitat mitigation on the basis that occupiers of the building will be able to leave the site to access the Exe Estuary and Pebblebed Healths.

With regard to habitat mitigation, the comments from Natural England confirm that unless the occupiers are unable to leave the site, contributions should be secured.

It is however considered that contributions can only be secured against the increase in the number of units over and above the 40 already on site. As such, the habitat contribution will need to relate to the additional 21 two-bedroom units at £749 per unit. This can be secured through the unilateral undertaking.

The applicant has emphasised that the use of the building is only intended for those who sign up for a care package, and would be subject to an age restriction. It is

recommended that this is secured by condition if it is not covered by the unilateral undertaking.

## Conclusion

The proposal represents the rebuilding of an existing C2 use within Exmouth. Whilst the building is larger than the existing facility, it has been suitably designed to minimise overlooking to properties on the roads which surround the site. There is sufficient parking and the additional landscaping proposed would ensure that the site is developed to a high standard and provides a form of accommodation which is needed within this part of Exmouth. It is essential that conditions are imposed (if not covered by a unilateral undertaking) which restrict the age and care type of the facility and it is suggested that a number of landscaping, ecology and environmental health conditions are imposed.

A S.106 Agreement is also required to provide the necessary contribution to mitigate impact upon the Pebblebed Heaths and Exe Estuary and to ensure that the facility is managed and run as a C2 Care Home as per the application details.

## **RECOMMENDATION**

APPROVE subject to a legal agreement to provide a financial contribution towards Habitat Mitigation and securing the management and operation of the facility in accordance with the application details, and 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. Prior to the commencement of the development hereby permitted, details of materials to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted New East Devon Local Plan.)
3. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
4. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be

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

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

5. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to any development taking place. The proposals shall be carried out as approved for the full duration of the plan.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D3 (landscape Requirements) of the Adopted New East Devon Local Plan.)

6. 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 public safety and residential amenity and to prevent damage to the highway in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the Adopted New East Devon Local Plan.)

7. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway  
(Reason: In the interest of public safety and to prevent damage to the highway in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the Adopted New East Devon Local Plan.)
8. No part of the development hereby approved shall be brought into its intended use until the
  - A) access
  - B) parking facilities
  - C) commercial vehicle loading/unloading area
  - D) visibility splays
  - E) turning area
  - F) parking space and garage/hardstanding
  - G) access drive
  - H) and access drainagehave been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times  
(Reason: To ensure that adequate facilities are available for the traffic attracted to the site in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the Adopted New East Devon Local Plan.)
9. The development of the site shall be undertaken in accordance with the recommendations of the Preliminary Ecological Appraisal and Internal Bat Survey (Revised October 2015) and Bat Survey Report (October 2015)  
Prior to the construction of the building permitted, a detailed specification for ecological mitigation and enhancement works, including timings for demolition to enable a prior visit from the local planning authority shall be submitted to the Local Planning Authority and agreed in writing. The measures as required by the agreed detailed specification shall then be installed and undertaken during the construction of the development hereby permitted and shall be completed in full prior to the first occupation of the development.  
(Reason: In order to ensure that the development has an acceptable level of ecological impact and provides sufficient mitigation, and to accord with the aims of policy EN6 of the East Devon Local Plan and Policy EN5 of the Adopted new East Devon Local Plan.)
10. Prior to the commencement of development, further details of the surface water drainage system shall be provided to support the sizing of the relevant features and relevant discharge rates. Detail of the pumped system shall also be



provided which supports its function. Such details shall be approved in writing by the local planning authority prior to occupation of the building and thereafter retained.

(Reason: To ensure adequate drainage of the site and to ensure there is no impact on detrimental impact upon neighbouring dwellings in accordance with Policy EN22 – Surface Run-Off Implications of New Development of the Adopted New East Devon Local Plan.)

11. Before the relevant units hereby permitted are occupied the windows on the north east elevation serving units 1-05, 1-06, 1-12, 2-05 and 2-06 on drawing numbers 10386PL05C and 10386PL06C and shall have been glazed with obscure glass and the obscure glazing of these windows shall thereafter be retained at all times.

(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 – Design and Local Distinctiveness of the Adopted New East Devon Local Plan 2016 and the NPPF.)

12. Notwithstanding the noise report submitted with the application, a further noise report shall be submitted to, and approved by the local planning authority prior to occupation of the development. The report shall include consideration of noise relating to plant and machinery within the new building. Thereafter the development shall be carried out in full accordance with the approved details.

(Reason – To protect the amenity of surrounding residents in accordance with Policies D1 – Design and Local Distinctiveness and EN14 – Control of Pollution of the Adopted New East Devon Local Plan.)

Plans relating to this application:

01	Location Plan	07.08.15
ACCOMMODATI ON SCHEDULE	General	11.08.15
	Correspondence	
	Transport Statement	07.08.15
STATEMENT OF COMMUNITY INVOLVE	General	07.08.15
	Correspondence	
CWA-15-137-500	Foul Drainage Assessment	07.08.15
	Planning Support Statement	07.08.15
GEORISK MANAGEMENT	Additional Information	07.08.15
	Noise Impact	07.08.15

	Assessment	
CARBON TECHNOLOGY REPORT	Additional Information	07.08.15
MECH & ELEC SERVICES STRATEGY	Additional Information	07.08.15
BREEAM REPORT	Additional Information	07.08.15
	Arboriculturist Report	10.11.15
14.036.2.TPP	Landscaping	10.11.15
LVIA STATEMENT	General Correspondence	06.11.15
	Ecological Assessment	06.11.15
BAT SURVEY REPORT	Protected Species Report	06.11.15
CWA-15-137-500 REV P3	Foul Drainage Assessment	09.11.15
001 REV D	Landscaping	06.11.15
PL 03 REV A	Proposed Floor Plans	09.11.15
PL 02 REV E	Block Plan	21.12.15
PL 04 REV B	Proposed Floor Plans	09.11.15
PL 05 REV B	Proposed Floor Plans	09.11.15
PL 06 REV B	Proposed Floor Plans	09.11.15
PL 07 REV B	Proposed roof plans	09.11.15
PL 08 REV B	Proposed Elevation	09.11.15
PL 09 REV B	Proposed Elevation	09.11.15
PL 10 REV B	Sections	09.11.15
PL 11 REV B	Sections	09.11.15

PL 12 REV C	Combined Plans	09.11.15
PL 13 REV C	Combined Plans	09.11.15
PL 15 REV A	Other Plans	09.11.15
PL 16 REV A	Other Plans	09.11.15
PL 17 REV A	Other Plans	09.11.15
PL 18 A	Sections	09.11.15
PL 19 A	Other Plans	09.11.15
	Planning Support Statement	19.10.15

List of Background Papers

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

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

**Ref:** 15/1141/FUL                      **Date Received** 04.01.2016  
**Appellant:** Mr & Mrs Jones  
**Appeal Site:** Somerleigh Brampford Speke Exeter EX5 5DY  
**Proposal:** Erection of garage/storage building.  
**Planning** APP/U1105/W/16/3141657  
**Inspectorate**  
**Ref:**

---

**Ref:** 15/0645/MFUL                      **Date Received** 05.01.2016  
**Appellant:** INGR Solar Parks Ltd  
**Appeal Site:** Land East Of Wadbrook Farm (nr Axe View Farm) Wadbrook  
**Proposal:** Installation of ground mounted photovoltaic solar arrays with  
transformer stations, internal access track, biodiversity  
enhancement, landscaping, fencing, security measures,  
access gate and ancillary infrastructure  
**Planning** APP/U1105/W/16/3141816  
**Inspectorate**  
**Ref:**

---

**Ref:** 15/1053/FUL                      **Date Received** 06.01.2016  
**Appellant:** Ms Barbara Mulkerrins  
**Appeal Site:** Maple Leaf Cottage Old Ebford Lane Ebford Exeter EX3  
0QR  
**Proposal:** Construction of detached dwelling  
**Planning** APP/U1105/W/16/3141873  
**Inspectorate**  
**Ref:**

---

**Ref:** 15/1492/FUL                      **Date Received** 06.01.2016  
**Appellant:** Mr Gerald Brown  
**Appeal Site:** Land Adjacent To Bridge Farm Stony Lane Woodbury  
Salterton Exeter EX5 1PP  
**Proposal:** Retention of vehicular access  
**Planning** APP/U1105/W/16/3141873  
**Inspectorate**  
**Ref:**

---

**Ref:** 15/2214/OUT **Date Received** 15.01.2016  
**Appellant:** Mr Colin Croxford  
**Appeal Site:** Land South Of St Ewe Yawl Hill Lane Uplyme Lyme Regis  
DT7 3XF  
**Proposal:** Outline application for the erection of a dwelling  
**Planning** APP/U1105/W/16/3142540  
**Inspectorate**  
**Ref:**

---

**Ref:** 15/2003/FUL **Date Received** 18.01.2016  
**Appellant:** Mr Philip Thomas  
**Appeal Site:** Elmdene Withen Lane Aylesbeare Exeter EX5 2JQ  
**Proposal:** Replacement garage and erection of annexe  
**Planning** APP/U1105/D/16/3142622  
**Inspectorate**  
**Ref:**

---

**Ref:** 15/0680/FUL **Date Received** 20.01.2016  
**Appellant:** Mr And Mrs S Luxton  
**Appeal Site:** 21 Tip Hill Ottery St Mary EX11 1BE  
**Proposal:** Removal of existing workshop and construction of 5 mews  
cottages  
**Planning** APP/U1105/W/16/3142822  
**Inspectorate**  
**Ref:**

---

## East Devon District Council List of Planning Appeals Decided

<b>Ref:</b>	14/2274/FUL	<b>Appeal Ref:</b>	15/00031/REF
<b>Appellant:</b>	Mosaic Ltd (Mr J Campling)		
<b>Appeal Site:</b>	Cowley Barton Farm Cowley Exeter EX5 5EJ		
<b>Proposal:</b>	Change of use and conversion of redundant agricultural buildings to four residential dwellings along with associated parking and amenity areas		
<b>Decision:</b>	<b>Appeal Dismissed</b>	<b>Date:</b>	17.12.2015
<b>Procedure:</b>	Written representations		
<b>Remarks:</b>	Delegated refusal, sustainability reasons upheld (EDLP Policies TA1, TC2 & Strategy 7).		
<b>BVPI 204: Planning Inspectorate Ref:</b>	<b>Yes</b> APP/U1105/W/15/3087199		

---

<b>Ref:</b>	14/1976/OUT	<b>Appeal Ref:</b>	15/00008/REF
<b>Appellant:</b>	Mr Emmett		
<b>Appeal Site:</b>	Land East Of High Bank Bridge View Rockbeare		
<b>Proposal:</b>	Construction of up to 9 no dwellings (outline application discharging means of access only)		
<b>Decision:</b>	<b>Appeal Allowed (with conditions)</b>	<b>Date:</b>	18.12.2015
<b>Procedure:</b>	Written representations		
<b>Remarks:</b>	Delegated refusal, sustainability and highway safety reasons overruled. The Inspector considered that the village offers a range of services and facilities; is relatively well served by public transport and visibility to and from the access is sufficient to allow for the safe and satisfactory operation of the highway network. He concluded that the proposal performs relatively well in terms of accessibility and would cause no difficulties in terms of highway safety.		
<b>BVPI 204: Planning Inspectorate Ref:</b>	<b>Yes</b> APP/U1105/W/15/3006530		

---

**Ref:** 14/2304/V106 **Appeal Ref:** 15/00040/NONDET

**Appellant:** Chesters Commercial (Mr N L Jones)

**Appeal Site:** Land At Dukes Way Axminster

**Proposal:** Variation of requirement for affordable housing in Section 106 agreements in pursuant to applications 09/1459/MFUL, 09/2350/MFUL and 11/0143/MFUL

**Decision:** **Appeal Allowed (no conditions)** **Date:** 21.12.2015

**Procedure:** Informal Hearing

**Remarks:** The appeal was against the imposition of an overage clause on the grant of permission for the variation of the amount of affordable housing required in the Section 106 agreement. The Inspector concluded that whilst an overage clause may be suitable in some circumstances, in this case it would be ineffective in achieving its aims because it could be easily avoided by delaying the completion and sale of housing. This would be contrary to Government aims to boost the supply of housing.

**BVPI 204:** **No**

**Planning Inspectorate Ref:** APP/U1105/S/15/3129438

---

**Ref:** 14/2174/MOUT **Appeal Ref:** 15/00024/REF

**Appellant:** Mr David White

**Appeal Site:** Land Adjacent Little Orchard Exmouth Road Newton Poppleford

**Proposal:** Revised outline application for the development of up to 26 houses and associated infrastructure, including access and landscaping (all matters except access reserved)

**Decision:** **Appeal Dismissed** **Date:** 23.12.2015

**Procedure:** Written representations

**Remarks:** Delegated refusal, sustainability and landscape reasons upheld (EDLP Policies EN1, D1 & TA1).

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

**Planning Inspectorate Ref:** APP/U1105/W/15/3032502

---

**Ref:** 15/0032/FUL **Appeal Ref:** 15/00030/REF  
**Appellant:** Mr R Raggio  
**Appeal Site:** The Cottage Goldsmith Lane All Saints  
**Proposal:** Restoration/conversion of building (former dwelling) to create a dwelling  
**Decision:** **Appeal Dismissed** **Date:** 23.12.2015  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, sustainability reasons upheld (EDLP Policies S5, TA1 & D1).  
**BVPI 204:** **Yes**  
**Planning Inspectorate Ref:** APP/U1105/W/15/3129508

---

**Ref:** 15/0717/PDQ **Appeal Ref:** 15/00035/REF  
**Appellant:** Mr A Issac  
**Appeal Site:** Land And Buildings At Upexe Farm Upexe  
**Proposal:** Prior Approval of proposed change of use of agricultural building to a dwelling (Use Class C3) and for associated operational development  
**Decision:** **Appeal Dismissed** **Date:** 23.12.2015  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, the Inspector agreed that the proposal is not classed as permitted development due to the extent of the structural works which would be necessary in order to implement the proposal.  
**BVPI 204:** **No**  
**Planning Inspectorate Ref:** APP/U1105/W/15/3128722

---



**Ref:** 15/0838/PDQ                      **Appeal Ref:** 15/00032/REF

**Appellant:** Mr M Weeks  
**Appeal Site:** Agricultural Building East Of Yonder Down Rewe  
**Proposal:** Prior approval for change of use of agricultural building to a dwelling house and associated operational development

**Decision:** **Appeal Dismissed**                      **Date:** 23.12.2015  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, the Inspector agreed that the proposal is not classed as permitted development due to the extent of the structural works which would be necessary in order to implement the proposal.

**BVPI 204:** **No**  
**Planning Inspectorate Ref:** APP/U1105/W/15/3121515

---

**Ref:** 15/0269/OUT                      **Appeal Ref:** 15/00039/REF

**Appellant:** Mrs A Gould  
**Appeal Site:** Land South Of Yaffles Coly Road Colyton  
**Proposal:** Outline application (all matters reserved) for up to 5 no. dwellings, formation of site access and estate roads, footway and parking provision

**Decision:** **Appeal Allowed (with conditions)**                      **Date:** 24.12.2015  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, countryside protection reasons overruled (EDLP Policies S5, D1 & Strategy 7).  
The Inspector acknowledged that the land to the north of the appeal site has recently been granted planning permission for residential development. In this context, he considered that impact of the development of the appeal site on the character of the area would be substantially diminished, as the proposal would be perceived from the surrounding landscape as part of a larger area of built form on the eastern side of Coly Road. He concluded that the proposal would cause a limited harmful effect on the character and appearance of the area, however, considered that the harm would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

**BVPI 204:** **Yes**  
**Planning Inspectorate Ref:** APP/U1105/W/15/3132115

---

**Ref:** 14/1934/CPE **Appeal Ref:** 15/00005/LDC

**Appellant:** Mr P Howes

**Appeal Site:** Redlands Service Station Exmouth Road Clyst St Mary Exeter EX5 1AR

**Proposal:** Certificate of lawfulness for use of land for car and vehicle sales.

**Decision:** **Appeal Dismissed** **Date:** 30.12.2015

**Procedure:** Written representations

**Remarks:** Delegated refusal. The Inspector concluded that the Council's refusal to grant a certificate of lawful use was well founded, on the basis that the site had not been continuously used for car sales during the last ten years.

**BVPI 204:** **No**

**Planning Inspectorate Ref:** APP/U1105/X/15/3005223

---

**Report to:** **Development Management Committee**

**Date of Meeting:** 16 February 2016

**Public Document:** Yes

**Exemption:** None

**Review date for release** None



**Agenda item:** 8

**Subject:** **Review of Public Speaking arrangements at Development Management Committee**

**Purpose of report:** On 26 January 2016 the Standards Committee considered the appended report which reviewed the trial public speaking arrangements introduced to Development Management Committee in October 2014.

The Standards Committee acknowledged the success of the trial and recommended that the public speaking arrangements be continued unchanged for a further a year (to see whether the new Local Plan adoption has an effect on the number of applications referred to the Committee) but with a view to permanent adoption thereafter if the arrangements continue to be fit for purpose. However, the Standards Committee requested that further information be provided to the Development Management Committee (DMC) on the average number of applications and length of meetings prior to the introduction of the National Planning Policy Framework (when the arrangements were reviewed). This information is set out below:

The average length of meeting during the period January 2011 – January 2012 was 4 hours and 54 mins (average of 10.6 applications considered).

It should also be noted that the number of non-application items considered at each meeting varies and that the calculations do not take into account lunch/comfort breaks – therefore they should only be used as a guide.

Members of the Committee are asked to consider the outcome of the public speaking arrangement trial.

**Recommendation:** **That the Development Management Committee acknowledge the success of the trial and recommend that the public speaking arrangements be continued unchanged for a further a year (to see whether the new Local Plan adoption has an effect on the number of applications referred to the Committee) but with a view to permanent adoption thereafter if the arrangements continue to be fit for purpose.**

**Reason for recommendation:** The public speaking trial at Development Management Committee meetings has been in place since October 2014. It was introduced to try to address the length of Development Management Committee meetings and the waiting time experienced by representatives wishing to speak on an item. This is an opportunity to review the trial arrangements.

<b>Officer:</b>	Henry Gordon Lennox, Strategic Lead for Legal, Democratic Services and Licensing and Monitoring Officer <a href="mailto:hgordonlennox@eastdevon.gov.uk">hgordonlennox@eastdevon.gov.uk</a> 01395 517540
<b>Financial implications:</b>	Additional officer time incurred by the new arrangements is currently being absorbed by the teams. Additional resources are not anticipated due to revision of efficiencies within working practices.
<b>Legal implications:</b>	There are no direct legal implications arising out of the content of the report.
<b>Equalities impact:</b>	Low Impact
<b>Risk:</b>	Low Risk
<b>Links to background information:</b>	<ul style="list-style-type: none"> <li>• Standards Committee minutes – 26 January 2016</li> </ul>
<b>Link to Council Plan:</b>	Living in this Outstanding Place

# Appendix

**Report to:** Standards Committee

**Date of Meeting:** 26 January 2016

**Public Document:** Yes

**Exemption:** None

**Review date for release** None

**Agenda item:** 10

**Subject:** **Review of Public Speaking arrangements at Development Management Committee**

**Purpose of report:** To review the public speaking arrangements introduced to Development Management Committee in October 2014.

**Recommendation:** **That the Standards Committee acknowledge the success of the trial and recommend that the public speaking arrangements be continued unchanged for a further a year (to see whether the new Local Plan adoption has an effect on the number of applications referred to the Committee) but with a view to permanent adoption thereafter if the success continues.**

**Reason for recommendation:** The public speaking trial at Development Management Committee meetings has been in place since October 2014. It was introduced to try to address the length of Development Management Committee meetings and the waiting time experienced by representatives wishing to speak on an item. This is an opportunity to review the trial arrangements.

**Officer:** Henry Gordon Lennox, Strategic Lead for Legal, Democratic Services and Licensing and Monitoring Officer

[hgordonlennox@eastdevon.gov.uk](mailto:hgordonlennox@eastdevon.gov.uk) 01395 517540

**Financial implications:** Additional officer time incurred by the new arrangements is currently being absorbed by the teams. Additional resources are not anticipated due to revision of efficiencies within working practices.

**Legal implications:** There are no direct legal implications arising out of the content of the report.

**Equalities impact:** Low Impact

**Risk:** Low Risk

**Links to background information:**

- [Standards Committee minutes – 18 June 2013](#)
- [Report to DMC - 10 December 2013](#)
- [Report to DMC – Working Party recommendations 1 April 2014](#)

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



## Report in full

1. The Standards Committee first considered a review of Development Management Committee (DMC) public speaking arrangements, as part of a wider review of public speaking at all Committees, in June 2013.
2. In February 2014, Council set up a Working Party to further consider public speaking arrangements for the Committees, together with agenda meeting management, following a significant increase in the length of Development Management Committee (DMC) meetings and the number of applications being considered; this was despite there being no change in the meeting arrangements or the scheme of delegation. The Working Group met in March 2014 and made a number of recommendations, which were then taken forward through the various Committees (with slight amendment) for consideration. In July 2014, Council agreed to introduce new trial public speaking arrangements for the DMC and Planning Inspections Committee from October 2014 on a year's trial (the Planning Inspections Committee function was absorbed by the DMC during the trial period and no longer exists).
3. Outline of pre-trial public speaking arrangements: Members of the public wishing to speak on an application were required to enter their name on sheets located near the entrance to the Council Chamber on the day of the meeting. There was no requirement to register the wish to speak before the day of the meeting. Applications were considered in the order listed on the agenda (alphabetically). All individual contributions were limited to a period of 3 minutes – interested groups of objectors or supporters were asked to appoint a spokesperson for the group, although in reality this rarely happened. There were no thresholds set for the number of objectors or supporters that could speak on an application. In addition, Members of the public were not entitled to speak on non-application items.
4. The Working Group made a number of recommendations regarding speaking arrangements at the Committee and management of the meeting. The key recommendations were that there should be pre-registration of public speakers, together with the other measures, to try and structure the agenda to make best use of committee time and to limit the waiting time experienced by members of the public and the applicant. The reasoning for the recommendations was outlined as:
  - To avoid repetition from many of the same issues being highlighted. Instead it was anticipated that those registered would act as representatives of those in opposition or support of the application and emphasise key points rather than simply reiterate those already made in written representations.
  - The representations received through the consultation process are all documented in the committee report and addressed in the officer's analysis - speakers were therefore often reiterating points that Members were already aware of and would be considering. Furthermore, comments on each application can all be read in full by Members through the Council's web-site – having these comments read out at committee is therefore unnecessary.
  - The Working Group considered that given that the elected ward members were also available to represent the views of the community at committee meetings that it was not necessary to hear from everyone who had commented on the application to understand the community's views.
  - The recommendations were in line with the Planning Officers Society guidance note: "Public Speaking in Planning Committees" and the procedures at the majority of other nearby local authorities many of whom have fewer applications to consider.
  - Pre-registration of speakers would enable the agenda to be structured to enable those that wish to speak to have the relevant item heard early in the meeting making it more convenient for residents to speak and/or listen to the item being debated.

- The proposed changes bring the public speaking arrangements more in-line with those of other authorities in Devon.
- A higher number of speakers should be allowed on major applications where there is likely to be a greater number of issues to consider and a higher number of affected residents whose views need to be considered.
- The Working Party recognised public participation as being at the heart of the development management process and that the recommendations sought to increase contributions by allowing the public to register to speak on non-applications (the previous arrangements did not allow this) and improving the arrangements to make better use of meeting time for the benefit of the public, the committee and officers.

5. The trial arrangements are set out below, along with comments as to how these have been implemented:

- a) *Pre-registration of all public wishing to speak at Development Management Committee (DMC) and Planning Inspections Committee (PIC) on planning applications so that the public (meaning those who have submitted written comment on an application prior to agenda publication) are required to register, with Democratic Services, their wish to speak on an item 3 or more working days before the meeting.*

Following publication of the committee agenda, anyone who has commented on an application listed for consideration is notified by letter or email. The letter/email includes a reference number which is required in order to log as a speaker – this is to try to ensure that only requests from those who have commented on the application, during the consultation period, are accepted. The correspondence includes details of how and when requests to speak can be made. Requests to speak are received via the dedicated email or phone number, then logged and acknowledged by a Democratic Services Officer. Speakers are registered on a first come first served basis. Speaker lists are published in advance of the meeting.

- b) *We will welcome speakers but, due to time constraints the number of speakers is to be limited to:*
- *Parish/Town Council representative, up to 2 objectors, up to 2 supporters, applicant or agent, Ward Member(s) on minor applications*
  - *Parish/Town Council representative up to 5 objectors, up to 5 supporters, applicant or agent, Ward Member(s) on major applications*

*Speakers will be registered on a first come, first served basis. Registered speakers will be advised that their contact details, unless they tell Democratic Services otherwise, will be posted on the Council's website to allow others, who may have wished to speak, to contact them. Speaking by the public to remain limited to 3 minutes per contribution and 5 minutes for Ward Member(s).*

During the trial, it has only been necessary to advise a handful of people that the maximum number of speakers for an application had been reached. Those people were advised to contact a registered speaker or their ward member to put forward their views. Applicants are advised that only one person connected with the application may speak – a highways consultant could not register as a supporter for example.

- c) *Planning applications to be numerically ordered on the published agenda, with a revised order to be published by 12 noon the day before the meeting prioritising applications on which people have registered to speak (all items where there are registered speakers to be taken before items where there are no registered public wishing to speak. Where there are registered speakers for major applications these be taken first.)*

When acknowledging requests to be speak, the person registering is advised to check the website to view the revised order of applications. In order to give plenty of notice, when possible, the revised order has been published on the Thursday or Friday before the meeting the following Tuesday. The agenda also clearly states that the items will not necessarily be taken in the order that they are listed.

- d) *Non-committee members be allowed to speak on Part A non-planning applications, limited to 3 minutes per contribution.*

This provides an opportunity for non-committee members to put forward their local knowledge/expertise and express views on particular issues the Committee might be considering.

- e) *A maximum of two speakers from the public (to register 3 or more working days in advance of the meeting) to be permitted on non-planning application items on which DMC is making a decision (this does not include items where a recommendation will be made to Council, items for information or items responding to government guidance). To be made clear on the agenda the items on which the public can register to speak.*

There have been few items (for example the East Devon Villages Plan – Proposed criteria for reviewing Built-up Area Boundaries (BUAB's) report) considered by the Committee where this arrangement has applied, however where it does apply this has been made clear on the agenda and members of the public have been able to register and speak on the item.

- f) *In respect of planning applications, to hear from adjacent Ward Members or other non-committee members if there is time and subject to Chairman's discretion.*

As in any meeting, the Chairman has the right and discretion to control questions and irrelevant points being raised to avoid disruption, repetition and to make best use of the meeting time.

- g) *Development Management Committee (special meetings for non-planning application items) - Speaking arrangements appropriate to the meeting continue to be put in place for special meetings at the discretion of the Chairman in consultation with Democratic Services, Legal Services and the Development Manager.*

This arrangement was carried over from the previous arrangements and continues to work well.



### Analysis of the trial arrangements

6. Despite initial concerns, there have not been any significant issues arising from the introduction of pre-registration with regard to people being able to register – instructions are clearly laid out in the correspondence and the Council’s website includes details on speaking at the Committee. There have been some minor issues with people registering ahead of the specified registration dates; however these were introduced to ensure fairness to those notified by letter. To date there have been no formal complaints received relating to the trial arrangements.
7. There have been some instances where a Parish/Town Council has attended a meeting to speak and not been registered and therefore if it is decided adopt the trial arrangements, it is recommended that a reminder of the arrangements be sent to clerks.
8. The clear benefit from the introduction of pre-registration is that applications with registered speakers are now dealt with much earlier in the agenda, which has resulted in less waiting time for members of public and applicants and has led to an improvement in the flow of the meetings. Contributions from speakers have been well co-ordinated resulting in less repetition. Increasingly meetings have been held over a day (morning and afternoon) to accommodate the number of applications, with members of the public advised which applications would be considered in the morning or afternoon. This approach has avoided meetings going late into the evening.
9. The average length of meeting during the trial period was 4 hours, 32 mins (average of 10.5 applications considered), compared with an average of 7 hours, 24 mins (average of 13.4 applications considered) in a 12 month period prior to the trial. The reduction in average number of applications should be taken into account in that the reduction in timing of meetings is not only due to the trial speaking arrangements. It should also be noted that the number of non-application items considered at each meeting varies and that the calculations do not take into account lunch/comfort breaks – therefore they should only be used as a guide. However it does appear that generally the meeting lengths have reduced and the meetings are run much more effectively in that any applications where there is public speaking have been heard ahead of those where there are none. There has not been any negative feedback from Ward Members to say that the re-ordering the agenda’s has caused any inconvenience to them.
10. It is fair to say that the trial arrangements has placed an increased burden on planning support and democratic services as a result of the additional administration including amending letter templates, logging speakers and revising the order of the agenda and plans and photographs, which didn’t exist before the change. However, the increased administration needs to be weighed against the overall benefits of the trial arrangements. In this case it is considered that this increased burden is justified given the clear benefits arising in terms of meeting lengths and the flow of committee meetings. If it is recommended that the trial be continued then officers will review the administrative burden issue with a view to improving practices to further minimise administration.
11. The trial arrangements have occurred at a time when the Council has not had a 5 year land supply and whilst pursuing a new Local Plan. Therefore it is not known what impact having a newly adopted Local Plan will cause. Given that adoption of the Local Plan is relatively imminent, if it is considered beneficial to keep some or all of the existing measures, that these should be trialled for a further one year period to see what impact, if any, having a Local Plan has.

12. Alternative options the Committee may wish to consider include:

- Reverting back to previous arrangements of no pre-registration and not set thresholds for the number of speakers - There is concern that with no significant reduction to applications referred to the committee that this would lead to increased meeting length and waiting times experienced by members of the public.
- Officers ordering applications according to the number of comments received during the consultation period (with applications with the highest number of contributions being listed in the earlier in the agenda) - This approach could negate the need for pre-registration of speakers and the need to alter the order of the agenda, however it should be noted that there is no guarantee that a high number of contributions means that there be a large number of people that will want to speak on the application or attend the meeting.
- Maintain pre-registration / re-ordering but remove thresholds – This approach would maintain the ability to revise the order of the agenda based on the number of speakers registered, however would remove the limits on the numbers of objectors and supporters that could speak. As advised earlier in the report, under the trial arrangements there have been few times that a speaker needed to be informed that the threshold has been met, however, it has meant that those registered appear to be acting as representatives of those in opposition or support of the application, with speakers emphasising key points instead of reiterating those already made in written representations (which are summarised and analysed in the Officer report), leading to less repetition and better use of meeting time.

13. In conclusion, Officers consider that the trial arrangements, in particular the re-ordering of applications based on the number of pre-registered speakers and introduction of thresholds for the number of speakers that can register, have achieved the desired aims of addressing the length of Development Management Committee meetings and the waiting time experienced by representatives wishing to speak on an item and have led to a more appropriate balance of public involvement and efficient conduct of the meeting. Although noted, the additional administration created is considered to be outweighed by the benefits they bring; however, if the Council agrees to adopt the trial arrangements unchanged, it is recommended that ways to streamline the administration processes be looked into by officers.

14. Given the unknown impact of the new Local Plan on the number of applications being reported to Committee (they may increase and therefore increase meeting length or potentially decrease) there is merit in continuing with the trial arrangements for a further year but provided that the success continues then it is recognised that the arrangements should become permanent.

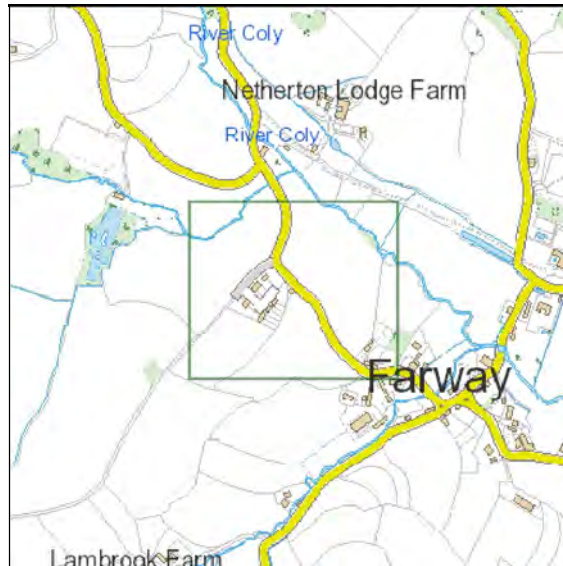
**Ward** Coly Valley

**Reference** 15/2669/FUL

**Applicant** Mr A White

**Location** Land At Budlake Cross Adjacent  
Valley View Farway Colyton

**Proposal** Erection of a single dwelling



**RECOMMENDATION: Refusal**



		<b>Committee Date: 16 February 2016</b>
<b>Coly Valley (FARWAY)</b>	<b>15/2669/FUL</b>	<b>Target Date: 19.01.2016</b>
<b>Applicant:</b>	<b>Mr A White</b>	
<b>Location:</b>	<b>Land At Budlake Cross Adjacent Valley View</b>	
<b>Proposal:</b>	<b>Erection of a single dwelling</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

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

**The proposal seeks planning consent for the creation of a single dwelling on the approximate footprint as an existing shed building. This proposed dwelling would be a single storey with 2 bedrooms, kitchen, bathroom and lounge area. A parking and turning area within the site are proposed with access to the adjacent highway utilising an existing field entrance.**

**The proposed dwelling would be situated within a remote area divorced from services and facilities. The proposal is outside of a defined built up area boundary within the open countryside and subject to the full weight of rural restrictive policies. There are no material circumstances presented to outweigh this presumption against the development.**

**According to the Environment Agency maps the part of the proposed footprint of the dwelling would be within flood zone 2. In accordance with the National Planning Policy Framework the sequential test should be applied in order to ensure that development is positioned outside of these flood zones. In this instance there are other sites within the nearest settlements which would be able to accommodate one dwelling and so the proposal fails the sequential test.**

**Whilst the proposal would make use of an existing field entrance due to the different character of vehicles utilising this and increased frequency of trips the severally limited visibility proposed would be to the detriment of highway safety.**

**In accordance with Strategy 34 of the Adopted New Local Plan a contribution towards affordable housing would be required as part of the development. The application fails to provide a mechanism to secure this contribution and as such the proposal is also contrary to Strategy 34.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Coly Valley - Cllr G Godbeer**

I wish to comment on this application. I support this and if that conflicts with the officer's recommendation I would like it to be brought to committee.

18.01.2016 – the reasons I wish this to come to committee are:-

The application is to replace dilapidated tin farm sheds with a more visually acceptable structure. This site was also a water pumping station. It has a ready access onto the lane. It is contiguous with a cluster of houses. The social circumstances of the applicant would also need to be mentioned.

#### **Coly Valley – Cllr H Parr**

It is a great surprise to learn that the site of this application is in the flood plane of the R. Coly but I can therefore understand the recommendation to refuse.

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

At a planning meeting on Monday 7th December, Farway Parish Councillors support this application for a local man who works in the village, but feel that the access should be improved if possible.

### **Technical Consultations**

#### **County Highway Authority Highways Standing Advice**

#### **South West Water**

Please note that no development will be permitted within 3 metres of the water main, and ground cover should not be substantially altered.

#### **Other Representations**

2 letters of support have been received to date;

- Support the applicant who has worked locally for over 30 years.
- Livestock require round the clock care.
- The dwelling is designed to sit into landscape

## **POLICIES**

### **New East Devon Local Plan Policies**

D1 (Design and Local Distinctiveness)

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

EN21 (River and Coastal Flooding)

## TA7 (Road Network and Site Access)

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

NPPG (National Planning Policy Guidance)

### Site Location and Description

The application site is situated on land adjacent to the hamlet of Farway, within the designated Area of Outstanding Natural Beauty (AONB). The plot is a triangular piece of land which is occupied by a redundant shed constructed from wood and corrugated iron. Due to the difference in ground levels the land rises above that of the adjacent highway. To the west are a small cluster of dwellings known as 1 -12 Valley View. Part of the application site bordering the adjacent road is designated as flood zone 2.

The surrounding road network features narrow sunken lanes.

### Proposed Development

The proposal seeks planning consent for the creation of a single dwelling. The proposal aims to utilise an existing access point with the main road with a turning area within the site. The proposal is for an L shaped single storey dwelling for 2 bedrooms. The proposed building would predominately be a mixture of natural stone with horizontal boarding with double roman roof tiles.

## **ANALYSIS**

The main issues concerning this proposal are whether the proposal is located in a sustainable location, the impact on the AONB, the potential flood risk, the impact on highway safety, the personal circumstances of the applicant and necessary contributions. Addressing each issue in turn;

Whether the proposal is located in a sustainable location

At the time of writing the Local Planning Authority can now demonstrate a 5 year supply of housing. As such policies which have relevance to the supply of housing are considered to be up to date and can be attributed full weight.

Paragraph 30, 34 and 54 of the NPPF states that decision should ensure that developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport can be maximised. Local Plan policy TA1 is broadly consistent with this aim in that it seeks to ensure that new development should be located so as to be accessible by pedestrians, cyclist and public transport and also well related to compatible land uses so as to minimise the need to travel by car.

The proposed dwelling would be remote from any meaningful services and facilities in recognised settlements leading to increased private vehicle movements. The hamlet of Farway does not have a recognised built up area boundary and so the

proposal takes place within an isolated location by reason of the sheer distances involved to settlements identified within the local plan as being sustainable such as Colyton, Honiton and Offwell. The wider road network has no pavements, no street lighting with varying topography making day to day pedestrian trips to any services an unrealistic prospect. Whilst there are surrounding dwellings these were granted consent some time ago under different planning policies which have no bearing on this current planning application. The proposal conflicts with a core aims of the NPPF and contrary to the local plan strategy which weighs heavily against the proposal.

#### Impact on the Area of Outstanding Natural Beauty (AONB)

Paragraph 115 of the framework requires that great weight be given to conserving the landscape and scenic beauty in AONBs.

In terms of impact on the character of the AONB landscape it is considered that no adverse impact would occur. The proposed dwelling would not significantly interrupt the ground conditions or topography of the site and any alterations to the landscape character would only be limited to the confines of the site.

In visual terms the dwellings would be read in the context of the other dwellings which surround the site. The use of materials would be, for the most part, sympathetic to the surrounding landscape and could be secured via condition. Consider the context in which the development takes place there would be no visual harm to the AONB.

#### Flood Risk

Part of the footprint of the dwelling is within flood zone 2 of the nearby River Coly. This flood zone follows the path of the adjacent lane and is linked to historic flooding. Therefore in accordance with the NPPF a sequential test should be applied. The NPPF states at paragraph 99 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but where development is necessary, making it safe without increasing flood risk elsewhere.

Environment Agency (EA) standing advice is that 'more vulnerable' development (as defined in table 2, paragraph 006 of the NPPG) proposed in flood zone 2 should be subject to firstly a Sequential Test, and if applicable an Exception Test. Under the sequential test, as directed by paragraph 101 of the Framework, development should not be permitted if there are reasonably available sites with appropriate in areas with a lower probability of flooding.

In order to consider the availability of alternative sites within flood zone 1, it is necessary to establish the geographical area to which the sequential test should be applied.

In this instance the proposal would result in the creation of an independent dwelling, with no restriction on future occupation. In the absence of evidence to suggest that the accommodation provided would address any more localised need for residential

development, the view is taken that the geographical area to which the sequential test should be applied is the district of East Devon.

Taking this into account there are sites within Honiton or Colyton that could reasonably deliver a dwelling outside of flood zones 2;

- EDDC ref; 15/0269/OUT - 5 dwellings - Land south of Yaffles, Coly Road, Colyton, (allowed on appeal).

- EDDC ref 13/2744/MOUT – 300 dwellings – Land west of Hayne Lane, Honiton, approved

Therefore alternative sites, outside flood zones 2 which could accommodate the development are available and the proposal fails the sequential test. There is no site specific flood re-modelling carried out by a flood engineer before the planning authority to illustrate that the EA Flood Risk zonings are incorrect. As the proposal fails the Sequential Test it is not necessary to go on to consider the Exceptions Test.

#### Highway safety

The access on to a narrow road would present problems in terms of visibility for vehicles emerging from this access point. Due weight is given to the fact that there is an existing access to serve the shed building which can already be used. However, there would be increased traffic movements associated with a dwelling compared to the existing use of the land (there is no evidence to suggest that this land forms any part of a residential curtilage).

Due to the angle of the access the visibility for emerging vehicles looking right would be severely compromised to the extent that it does not comply with Standing Advice and would result in a severe harm to highway safety. The proposal would therefore be in conflict with Policy TC7 which requires development to provide safe and satisfactory operation of the highway network.

#### Personal circumstances of the applicant

It is understood that the applicant works on a local farm which is 'some 200m from the site'. Although it is unclear why there is a significant drive to work over and above any normal commute. There is no evidence to justify why an additional dwelling is required for a rural worker and an argument, in accordance with paragraph 55 of the NPPF, has not been advanced in any detail. Considering that any dwelling constructed would remain in perpetuity it would be unreasonable to attach a personal condition. The personal circumstances do not outweigh the significant issues raised above.

#### Contributions

Strategy 34 of the Adopted New Local Plan requires all residential developments to contribute towards affordable housing. In this location a contribution equivalent to 50% affordable housing provision would be required. Using the adopted affordable housing calculator this proposal would require a financial contribution of £40,730 if



planning permission were to be granted. In the absence of a mechanism to secure this contribution, the application is contrary to Strategy 34.

## Conclusions

The proposal takes place outside of the built up area boundary of any identified settlement and within an isolated position divorced from facilities and services. Therefore the proposal is within an unsustainable location with no special circumstance for its justification.

The proposal takes place within flood zone 2 and without any evidence that a dwelling could not be accommodate outside of a floodzone within the district this fails the sequential test.

The existing access point would be unsuitable for domestic use and the increased frequency which would result from the development. As such the proposal would result in severe harm to highway safety.

The proposal fails to secure a contribution towards affordable housing in accordance with Strategy 34 of the Adopted New Local Plan.

## **RECOMMENDATION**

REFUSE for the following reasons:

1. The proposed residential development, due to its isolated countryside location has limited access to facilities and services so that occupiers would rely heavily upon the use of private vehicles to meet the needs of everyday life, in conflict with the national aim to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and move toward a low carbon economy. It is not considered that there are special circumstances to outweigh the adverse impacts of a permanent residential use within this isolated location. Therefore the proposal is in conflict with Strategy 7 (Development in the Countryside) and TC2 (Accessibility of New Development) of the Adopted East Devon Local Plan 2013-2031 and the guidance in the National Planning Policy Framework.
2. The Environment Agency Flood Map indicates that the site lies in flood zones 2 where there is a high risk of flooding. There are other reasonably available sites within the district of East Devon with a lower probability of flooding than the application site which would be appropriate for the type of 'more vulnerable' residential development. In the absence of a sequential test showing there are no alternative sites for housing there is a lack of evidence that the proposal would bring about wider sustainability benefits that would outweigh the flood risks for the building and potential occupiers over the lifetime of the building. The proposals are contrary to guidance within the National Planning Policy Framework and National Planning Policy Guidance and Policy EN21 (River and Coastal Flooding) of the Adopted East Devon Local Plan 2013-2031.

3. The proposed development would be likely to result in a material increase in the volume and a material change in the character of traffic entering and leaving the application site through an access which does not provide adequate visibility of emerging vehicles. The proposal would therefore be contrary to paragraph 32 of the National Planning Policy Framework and Policy TC7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan 2013-2031.
4. The application fails to provide an appropriate mechanism to secure the necessary contribution towards affordable housing to adequately mitigate the impact from the development. As such the proposal would be contrary to, Strategy 34 - District Wide Affordable Housing of the Adopted New East Devon Local Plan 2013-2031 and advice contained in the National Planning Policy Framework.

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

	Location Plan	24.11.15
SCALE 1:100	Survey Drawing	24.11.15
TW15/36/02	Proposed Combined Plans	18.12.15

##### List of Background Papers

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

**Ward** Exmouth Halsdon

**Reference** 15/2463/FUL

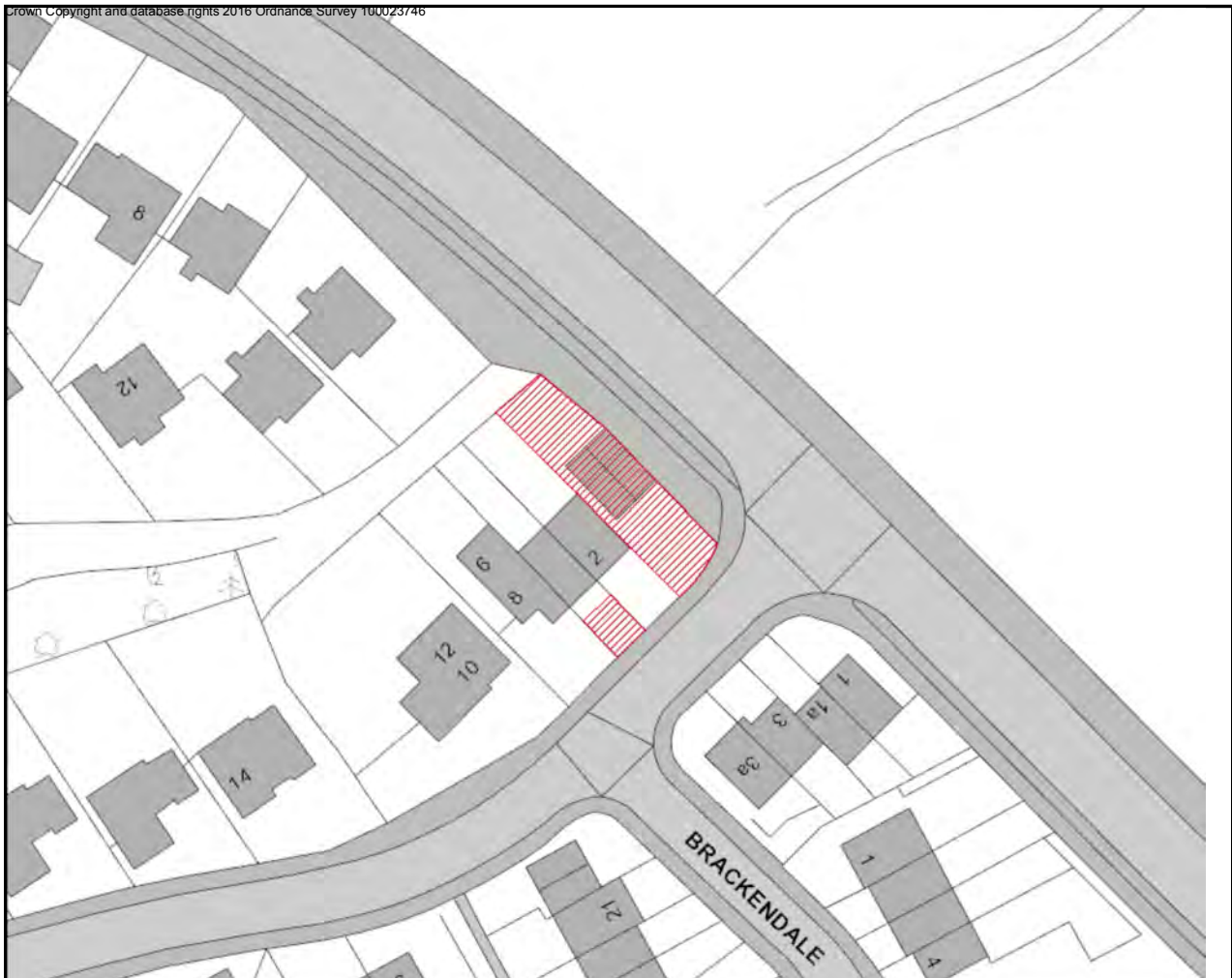
**Applicant** No. 10 Developments Ltd

**Location** Land Adjoining 2 Byron Way  
Exmouth EX8 5SA

**Proposal** Erection of detached dwelling



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 16 February 2016</b>
<b>Exmouth Halsdon (EXMOUTH)</b>	<b>15/2463/FUL</b>	<b>Target Date: 04.01.2016</b>
<b>Applicant:</b>	<b>No. 10 Developments Ltd</b>	
<b>Location:</b>	<b>Land Adjoining 2 Byron Way Exmouth</b>	
<b>Proposal:</b>	<b>Erection of detached dwelling</b>	

**RECOMMENDATION: Approval subject to a legal agreement and conditions**

#### **EXECUTIVE SUMMARY**

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

**Planning permission is sought for the erection of a detached dwelling on the site of an existing detached double garage within the curtilage of 2 Byron Way, Exmouth.**

**Concerns have been raised to the proposal by the Town Council and a Ward Member in relation to over development of the site, loss of parking, impact on streetscene and impact on surface water drainage.**

**Officers consider that there is sufficient space for a new dwelling to be accommodated on the site without creating a cramped form of development. The proposed dwelling, in terms of its position, scale and design, will have an acceptable impact on the character and appearance of the streetscene. The development will be acceptable in terms of level of off road parking provision, highway safety, surface water drainage, outdoor amenity areas and relationship with adjacent neighbouring properties.**

**Subject to submission of a legal agreement securing a financial contribution towards affordable housing, the application is recommended for approval.**

## **CONSULTATIONS**

### **Local Consultations**

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

I disagree with the recommendation. This estate was carefully planned to have garages and a minimum number of cars 'on the road'. This infilling is spoiling the original design and we now have so many cars on the road that it is difficult for the buses to travel around the estate.

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

Objection on the grounds of over development, loss of 3 parking spaces and concerns regarding surface water runoff.

### **Technical Consultations**

County Highway Authority  
Highways Standing Advice

#### **Other Representations**

At the time of writing this report no letters of representation from any third parties have been received in connection with the application.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
92/P0382	Residential development for 85 Units. Approval of Reserved Matters.	Approval with conditions	20.08.1992
92/P1657	Landscaping Proposals for Residential Development	Approval with conditions	11.01.1993

## **POLICIES**

### **New East Devon Local Plan Policies**

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 38 (Sustainable Design and Construction)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

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

**ANALYSIS**

Site Location and Description

The application site is on land to the north of number 2 Byron Way, between the existing dwelling and Dinan Way. The site is presently occupied by a detached double garage building with a dual pitched roof over. The garage is accessed off Byron Way. Space exists to the front of the garage for additional off road car parking for four vehicles.

The gable end on the north east of the existing building is immediately adjacent the grass verge adjacent to Dinan Way. The north east boundary of the site comprises a 2m high brick boundary wall which runs into the gable end of the existing garage building. Between the north east boundary of the application site and Dinan Way runs a pedestrian footpath on the same level as the road. Existing ground level of the site is at a lower level from road level of Dinan Way.

The site has a frontage to Byron Way of 6.9m and an average depth of 27m.

The application site is located within the Built up Area Boundary for Exmouth. The land is not the subject of any national or local townscape or landscape designations. The land lies within Flood Zone 1.

Proposed Development

This planning application seeks permission for the demolition of the double garage and erection of detached two storey, three bedroom, dwelling. Three off road parking spaces are proposed. One of these spaces is proposed to the front of the new dwelling, one is proposed to the front of number 2 Byron Way and one is proposed to the front of number 4 Byron Way.

The proposed materials are face brickwork to match the adjacent property, interlocking concrete tiles for the roof to match the adjacent property and white uPVC windows and doors. The proposed boundary treatment is a new facing brick boundary wall to match existing and a new vertical lap timber boundary fence.

The front line of the new dwelling (south east elevation) would be on the same line as numbers 2 and 4 Byron Way.

The two storey dwelling would feature a dual pitched roof over which would present a gable on the north east elevation to Dinan Way. The maximum height of the ridge of the roof would be approximately 0.6m higher than that of the existing roof of number 2 Byron Way. Eaves level on the new dwelling would be approximately 0.3-0.4m higher than 2 Byron Way.

### Assessment

The main considerations in the determination of this application are:

- The principle of the proposed development (including sustainability);
- Layout & design
- Impact on the character and appearance of the streetscene
- Impact on Residential Amenity

### The principle of the proposed development

The application site lies within the established Built up Area Boundary for Exmouth where new development is acceptable in principle. The site is considered to be located within a sustainable location with good access to shops and services. The erection of a new dwelling in this location is considered to be acceptable in principle.

### Layout & design

A new dwelling will not look out of place in this position. The grass verge which separates the application site from Dinan Way is to be retained.

The scale of the proposed dwelling will be in keeping in the size of properties in the area. The design of the new dwelling would reflect the existing design and materials of the properties in the locality.

An adequate private area for outdoor amenity is proposed in the form of a rear garden. The proposed site plan demonstrates that number 2 Byron Way will retain an adequate rear garden area.

Three off-road parking spaces are proposed. One of these spaces is proposed to serve the new dwelling, one is proposed to serve the existing property, 2 Byron Way. A third space is proposed to the front of 4 Byron Way. This level of off-road parking is considered to be adequate to serve the three dwellings given that there is on-street parking available nearby and the site is well located at the edge of Exmouth served by public transport.

Officers consider that for the above reasons, the proposal does not constitute an overdevelopment of the site.

### Impact on the character and appearance of the streetscene

This part of Exmouth is characterised by two storey red brick dwellings in either detached form, semi-detached pairs or short terraces.

The proposed dwelling would be positioned on the end of a pair of semi-detached properties. The property in itself would not be out of character with the form and pattern of development within the area with a detached property siting at the other end of the terrace forming number 10 Byron Way. The area is characterised by dwellings with gable ends.

The parking area to the front of number 2 and number 4 will necessitate the removal of hedging which currently forms the boundary with the pavement. The loss of the hedging will be acceptable given the existing streetscene.

It is considered necessary to remove permitted development rights on the new dwelling in order for the Local Planning Authority to maintain control over future extensions/outbuildings which may impact on the streetscene given the prominent corner position of the site.

#### Impact on residential amenity

It is considered that by reason of the distance between the buildings and their orientation in relation to each other, the proposed dwelling would have a very limited impact on the residential amenities of the occupiers of surrounding properties. The side elevations of the proposed dwelling are not shown to benefit from any windows.

#### Surface Water Run-off

With regards to surface water the plans show that surface water and foul water drainage would connect into the existing systems. This has been confirmed by the agent. There is already a building and hard surfacing in place on the application site. South West Water, the Environment Agency and Devon Flood Risk Management Team have chosen not to comment on the application given its small scale. On this basis it is considered that an objection on grounds of surface water drainage could not be justified.

#### Highway Safety

No issues of highway safety are raised by the development as the new dwelling will be served by an existing driveway from Byron Way. One off road parking space for each dwelling is considered to be acceptable.

Concerns have been expressed by one the Ward Member regarding difficulty of buses travelling around the estate and potential adverse impact that the proposed development will have on this issue.

The County Highways Officer has raised no objection to the development in terms of either parking provision nor highway safety. In the absence of a technical objection from County Highways it would be difficult to substantiate a reason for refusal on the basis of highway safety and subject to the applicant parking legally, there should be no detrimental impact upon the bus route.

#### Contributions



The application is accompanied by a Unilateral Undertaking relating to the payment of a financial contribution of £2240.13 (Index Linked) to the Council's costs of the provision and enhancement of open space towards benches in Phear Park. This is in line with the Council's adopted approach on Open Space.

The submission is accompanied by a Unilateral Undertaking relating to the payment of a financial contribution of £749 towards mitigation of the impacts from recreational use of the development upon the ecologically sensitive habitats of the European designated Exe Estuary Special Protection Area in line with the Council's adopted approach. Any grant of planning permission will therefore need to be read in conjunction with this obligation.

However, since submission of the application the New Local Plan has been adopted. Strategy 34 of the New Local Plan requires a contribution towards affordable housing from developments of 1 dwelling or more and using the adopted affordable housing calculator this proposal would generate the need to provide a financial contribution of £17,963 towards affordable housing. This will need to be secured through a signed Unilateral Undertaking before any planning permission could be issued.

## **CONCLUSION**

The proposed dwelling is sited within a sustainable location. The application site is of a large enough size for the dwelling not to constitute an overdevelopment of the site. The building will be in keeping with the existing streetscene and there will be no significant impact in relation to neighbour amenity or highway safety.

## **RECOMMENDATION**

APPROVE subject to a legal agreement and subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved. (Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice. (Reason - For the avoidance of doubt.)
3. Notwithstanding the 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 shall be undertaken within Schedule 2, Part 1, Classes A, B, or E for the enlargement of a dwelling house consisting of an addition or alteration to the roof, the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool, [other than any enclosure approved as part of the landscape management scheme].

(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 New East Devon Local Plan.

#### NOTE FOR APPLICANT

##### Informative:

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

This planning permission shall be read in conjunction with the accompanying Unilateral Undertaking securing financial contributions towards, Open Space, Exe Estuary and Pebblebed Heaths mitigation dated the 12th October 2015.

##### Plans relating to this application:

1815.4. + LOCATION PLAN	Proposed Elevation	16.10.15
1815.3.	Proposed Combined Plans	16.10.15
	Design and Access Statement	16.10.15

##### List of Background Papers

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

**Ward** Exmouth Halsdon

**Reference** 15/2627/COU

**Applicant** Mr Ian Thompson

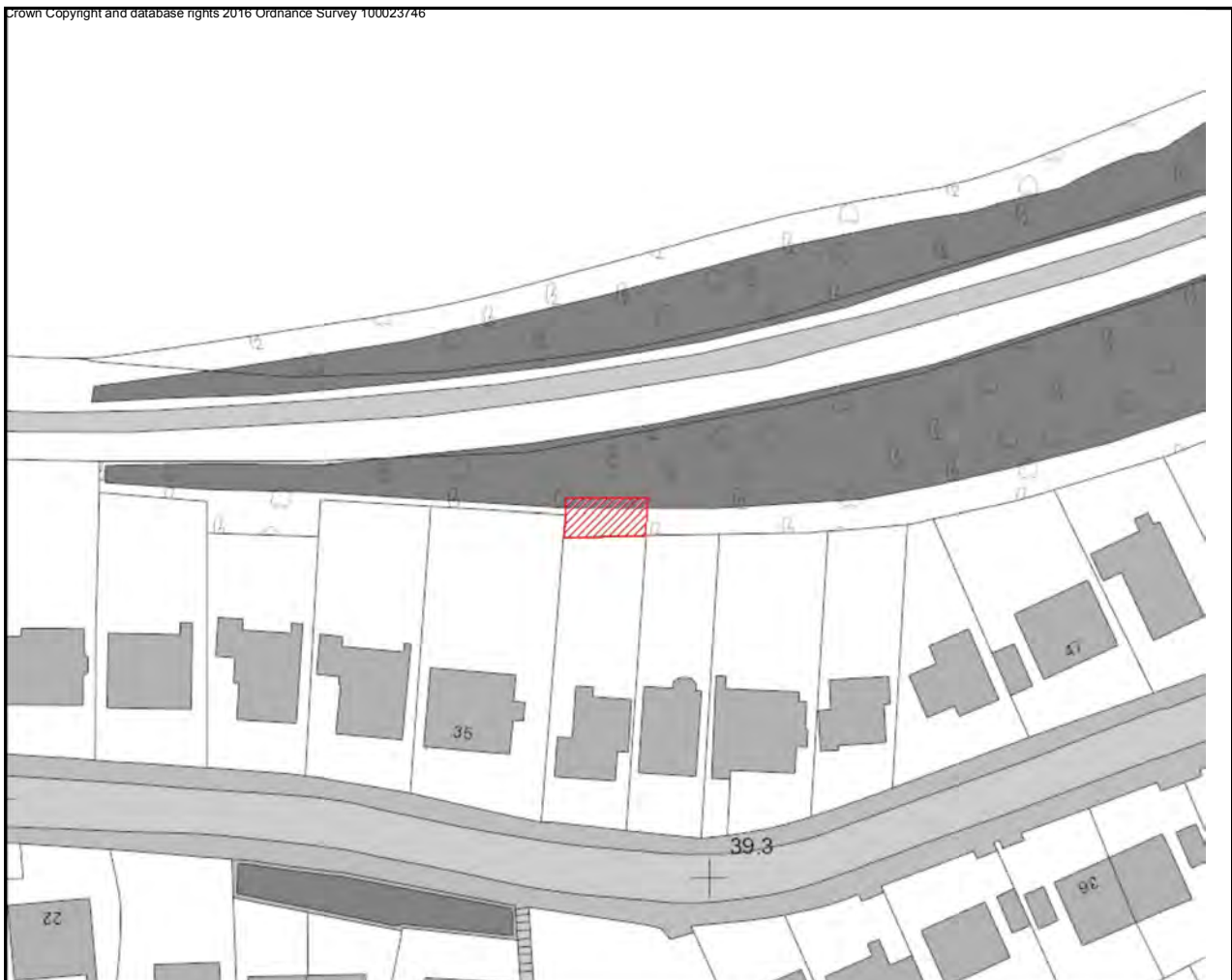
**Location** 37 Ashleigh Road Exmouth EX8 2JY

**Proposal** Change of use of land to form private garden, and retention of steps.



**RECOMMENDATION: Approval with conditions**

Crown Copyright and database rights 2016 Ordnance Survey 100023746



		<b>Committee Date: 16 February 2016</b>
<b>Exmouth Halsdon (EXMOUTH)</b>	<b>15/2627/COU</b>	<b>Target Date: 18.01.2016</b>
<b>Applicant:</b>	<b>Mr Ian Thompson</b>	
<b>Location:</b>	<b>37 Ashleigh Road Exmouth</b>	
<b>Proposal:</b>	<b>Change of use of land to form private garden, and retention of steps.</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before the Development Management Committee as the land to which the proposal relates is currently owned by the Council.**

**The land in question is to the rear of 37 Ashleigh Road in Exmouth. It is an area of wooded embankment on the edge of the former railway. 37 Ashleigh Road itself is a two storey detached property situated in the built-up area of Exmouth. The property benefits from an extensive rear garden which adjoins the application site. The application site is within land classed within the Adopted New East Devon Local Plans as 'recreation land'.**

**Planning permission is sought to change the use of the land in question to domestic garden, and for the retention of some steps from the site to the pedestrian/cycle path running along the former railway.**

**The main considerations in the determination of this application relate to the impact of the proposal on the occupiers of other properties, its impact on users of the amenity land, and whether it is appropriate to allow amenity land to be changed to domestic garden.**

**With regard to the impact of the proposal on the amenity of the occupiers of other properties, the location of the site is such that it does not directly overlook any other property and would not facilitate any greater overlooking of the neighbouring properties than that which already exists from the present rear garden.**

**The land in question is of little value as usable amenity land; it is a considerable height above the pathway, and is surrounded by trees but it does have a value in providing an open setting for the path. It is also modest in size. There are trees between the site and the main areas of amenity land adjoining (the**

pedestrian/cycle path and Phear Park). With this in mind, it is considered that granting this permission would have little impact on persons using the path. The size of the site is such it is considered that its change of use to domestic garden would have a negligible impact on the amenity space available in the area.

It is considered that the steps do not give rise to any loss of amenity and are not visually harmful.

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

## **CONSULTATIONS**

### Parish/Town Council

Meeting 30.11.15

No Objection

### Parish/Town Council

Meeting 11.01.16

No Objection to the amended plans

### County Highway Authority

Does not wish to comment

### Exmouth Halsdon - Cllr J Elson

No Objection

### Other Representations

No third party representations have been received.

## **PLANNING HISTORY**

None relevant.

## **POLICIES**

### New East Devon Local Plan Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

RC1 (Retention of Land for Sport and Recreation)

Government Planning Documents  
NPPF (National Planning Policy Framework 2012)

Site Location and Description

This application relates to an area of land (approximately 5m by 10m plus the steps) to the rear of 37 Ashleigh Road in Exmouth. The area in question is an area of embankment on the edge of the former railway. It is now mainly wooded, although the trees have been cleared from the land immediately surrounding the application site. The embankment slopes fairly steeply down to the pedestrian and cycle path with now runs along the course of the former railway.

37 Ashleigh Road itself is a two storey detached property situated in the built-up area of Exmouth. The property benefits from an extensive rear garden which adjoins the application site. The application site is within land classed within both the Adopted New East Devon Local Plans as 'recreation land'.

Proposed Development.

Planning permission is sought to change the use of the land in question to domestic garden. Consent is also sought for the retention of steps from the boundary of the existing rear garden down to the cycle way / foot path running along the former railway.

ANALYSIS

The main considerations in the determination of this application relate to the impact of the proposal on the occupiers of other properties, its impact on users of the amenity land, and whether it is appropriate to allow amenity land to be changed to domestic garden.

With regard to the impact of the proposal on the amenity of the occupiers of other properties, the location of the site is such that it does not directly overlook any other property and would not facilitate any greater overlooking of the neighbouring properties than that which already exists from the present rear garden. The proposal does not seek permission for any decking or retaining walls, and any such development (other than fencing or domestic outbuildings ancillary to the main house), would need to be subject to a separate planning application.

The land in question is of little value as usable amenity land; it is a considerable height above the pathway, and is surrounded by trees although it does help to provide the open setting and rural feel to the path. Furthermore, the size of the application site is modest. There are trees between the site and the main areas of amenity land adjoining (the pedestrian/cycle path and Phear Park). With this in mind, it is considered that granting this permission would have little impact on persons using the amenity space or upon the open setting to the path. Additionally, given the above comments, it is considered that there is sufficient open space/recreation land in the immediate vicinity of the proposal site for the impact of granting this application to make a negligible difference to the amount of amenity land available. Therefore,

whilst not directly meeting the requirements of Policy RC1 (Retention of Land for Sport and Recreation) of the Adopted New East Devon Local Plan that resists the loss of sport and recreation land, the proposal is considered acceptable on the basis that the land is not usable sport or recreation land.

The existing steps, for which permission is sought to retain, are most visible from the aforementioned pedestrian and cycle path. However, the nature of them is such that they are not visible from a long distance. Furthermore, the location of the steps is such that they do not result in a loss of amenity of the occupiers of other properties. Additionally, it is considered that the steps are not detrimental to users of the pedestrian/cycle path or to the wider Phear Park area. It is however recommended that permitted development rights for be removed to ensure that no structures or fences are constructed to enclose the steps as this could have a detrimental impact upon the amenity of the area.

### **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no works within Schedule Part 1 Class E for the provision within curtilages of the dwelling house hereby permitted of any building or enclosure and no fences, gates or walls shall be erected in the location of the steps as shown on drawing number 1 hereby approved.  
(Reason - To retain the open character of the landscape in accordance with Policy D1 – Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031).

### 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. The granting of this planning permission does not give permission for the erection of any fencing or other boundary treatment, the construction of any decking or steps, or for any engineering works to take place. Before undertaking such works, it is recommended that you contact the Local Planning Authority to seek guidance as to whether planning permission is required.

Plans relating to this application:

STEPS ADDED	Location Plan	04.01.16
STEPS ADDED	Block Plan	04.01.16

List of Background Papers

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





		<b>Committee Date: 16 February 2016</b>
<b>Ottery St Mary Rural (OTTERY ST MARY)</b>	<b>15/2753/VAR</b>	<b>Target Date: 03.03.2016</b>
<b>Applicant:</b>	<b>Boden Homes Ltd (Mr M German)</b>	
<b>Location:</b>	<b>Land At Barton Orchard Tipton St John</b>	
<b>Proposal:</b>	<b>Variation of condition 2 (amended design of proposed dwellings) and removal of condition 3 (previously securing development to code level 5) of permission 14/1745/VAR (development of 15 no. houses).</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

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

**Since both the original permission and the subsequent variation in 2014 was approved, the Policy position at East Devon has now been significantly clarified with the new Local Plan having been found sound. This ushers in a new era although importantly in this instance the key policy against which the application must be assessed is broadly reflective of the previous interim approach.**

**This application seeks to amend an existing permission for the construction of 15 Code 5 dwellings on an elevated and rising field on the edge of Tipton St John. While originally seeking a variation which also affected the mix of the affordable houses proposed, this has been amended during the consideration of the application and restores the previously secured split of 10 affordable and 5 open market dwellings. This split which would therefore continue to result in 5 affordable rent and 5 shared equity dwellings, appropriately reflects the Policy in the New Plan. The remaining changes under consideration with this application are therefore limited to the omission of a requirement for Code 5 housing (secured under condition 3), the slightly revised design to plots 7-9 and the reduction in size of houses associated with plots 4 and 5.**

**While Code 5 was a recognisable benefit, it has been scrapped under National Policy. This in itself does not prevent such delivery but does weaken the ability to secure the higher level Sustainable Construction that the Code provided for. Recognising the increased cost burden that Code 5 places on development it is**

not considered that in this instance its retention as a requirement can be maintained whilst still securing the 66% affordable housing which itself has increased in cost in the last 12 months. The reduction in size of houses for plots 4 and 5 reflects the wishes of a Registered Provider who not uncommonly have maximum spaces standards to reflect their own costs and the rent that can be achieved.

Although Code 5 has been lost green roofs are still retained on the open market units. In addition all units continue to be set into the hillside in exactly the same manner as previously agreed. In so doing it is considered that the impact on the AONB remains acceptable and to help allow the delivery of affordable housing in the village, the scheme is recommended for approval.

## **CONSULTATIONS**

### **Local Consultations**

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

I would like to support this application to be discussed at DMC in light of EDDC being consistent with Affordable housing in the AONB. The need for Affordable housing in Tipton has been identified and this application is looking to be a positive for the Village, in starting to deliver a high percentage of Affordable housing and some new market value housing for the Village.

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

I would like to register my objection to this application. When this development first gained approval it was quite clear that this was on the basis of the affordable housing being provided, considering the location resides within the AONB. 66% affordable housing is still the requirement when building outside the BUAB in an unsustainable location, therefore there is no reason or justification to approve a reduction.

Should officers disagree and this application go to committee, I reserve my final judgement upon hearing all the facts.

#### **Town Council**

The Planning Committee does not support this application and has included the Executive Summary from the Committee dated 12.06.2012 in its response.

No reason or justification given for the removal/deletion of the Code 5 for sustainable homes condition

Outside of the Built Up Area Boundary

Executive Summary Committee Date 12.06.2012:-

The scheme which has been amended during the assessment, now proposes 15 houses all built in a contemporary style. The development would be assessed off an

existing estate road with footways down to the village center. The site itself comprises meadow land which rises steeply in an easterly and south easterly direction and is wholly within the Area of Outstanding Natural Beauty. The scheme is unusual in the contemporary design that is being advocated - especially given its position with the Area Of Outstanding Beauty. However, the design in itself is generally of a high quality with a good use of materials. In addition the scheme aspires to meet Code level 5 (BREEAM excellent) and has submitted evidence to provide that such a rating is achievable. A degree of landscape harm would occur but by limiting the development to the lower slopes only, this would only affect limited views from across the valley in Mallocks Close and glimpsed views looking to the village center. The site is centrally positioned for the village with good access to the shops and services within the village. The scheme is considered to be proportionate and appropriate for the village at the current time and in delivering 10 affordable houses in a rural area to Code level 5, while only causing limited environmental and landscape harm is considered on balance to be acceptable

### **Technical Consultations**

#### County Highway Authority

Observations:

No Comments

#### Natural England

Thank you for your consultation dated and received on 7th December 2015.

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

Natural England currently has no comment to make on the variation of condition 2 and removal of condition 3.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

#### Environment Agency

Thank you for consulting us on the above application.

Environment Agency position:

We have no objections in principle and our earlier comments of 10th January 2012 as set out below still apply:

I refer to the above application and amended plans received on the 5th January 2012.

Providing development proceeds in accordance with the submitted flood risk assessment (FRA) dated 16th December 2011. In due course a fully detailed surface water scheme that accords with this FRA should be submitted for approval. This aspect could be dealt with by a suitably worded planning condition.

#### Contaminated Land Officer

I have no additional concerns in relation to this variation. My comments on the original application still apply.

#### South West Water

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

#### DCC Flood Risk SuDS Consultation

Thank you for referring the above application which was received on 07/12/2015. Devon County Council Flood and Coastal Risk Management Position.

We have no objection in principle to the proposed surface water management strategy and note the small changes to the strategy as proposed in Drawing No. TStJ-03-Rev 6.

As per the Environment Agency's previous comments, the proposed strategy should be in accordance with the submitted flood risk assessment (FRA) dated 16th December 2011.

The provision and approval of a detailed drainage design should be considered as a condition in any granted planning permission. This detailed drainage design should be designed in accordance with Devon County Council's draft Sustainable Drainage Design Guidance, which can be found at: <https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/>

#### Landscape Architect

This report forms the EDDC's landscape response to Variation of condition 2 (amended design of proposed dwellings) and removal of condition 3 (previously securing development to code level 5) of permission 14/1745/VAR (development of 15 no. houses) and reduction in the ratio of affordable/open market housing to provide 8 no. affordable and 7 no. open market dwellings- nr. 15/2753/VAR.

The site is located to the south-eastern edge of Tipton St. John with site access gained off Barton Orchard. The site consists of a sloping Grade 3 agricultural land field, which currently is being used as a hay meadow. The field is framed by hedgerows with narrow strips of woodland along the eastern, western and southern boundaries.

As part of the planning application the applicant, Boden Homes Ltd, submitted the following revised information:

- Landscape Visual Impact Analysis
- Landscape Masterplan & Amenity Strategy
- Planting Strategy

- Surface Water Drainage & Landform Strategy
- Hard Landscape Strategy
- Sections, and
- Street Elevations

This report reviews the aforementioned landscape related information. The review should be read in conjunction with the submitted information. The report concludes with a recommendation outlining the reasons for the recommendation based on adopted policy, guidance and professional judgment.

#### REVIEW OF THE SUBMITTED INFORMATION

##### Comments on Landscape Visual Impact Analysis

1. Section D2 Planting strategy - The Site Boundary Woodland Screen and Property Screening Woodland Framework proposed planting mixes include ash, which is currently affected by Chalara fungal disease and should not be planted. Please exclude ash from proposed plant list or replace with another suitable native tree type.
2. The planting strategy mentions community gardens and allotments, but none are indicated on the planting strategy. Are these to be included into the scheme?

##### Comments on Landscape Masterplan & Amenity Strategy

1. Due to location of title block certain section of text are blocked out. Please provide revised plan with all notes clearly legible.
2. Certain sections of the plan are not coloured.

##### Comments on Planting Strategy

1. Planting strategy drawing differs from the planting strategy shown in the Landscape Visual Impact Analysis in relation to key. Please coordinate information package.
2. Certain areas of the plan are not coloured.
3. The Site Boundary Woodland Screen and Property Screening Woodland Framework proposed planting mixes include ash, which is currently affected by Chalara fungal disease and should not be planted. Please exclude ash from proposed plant list or replace with another suitable native tree type.

#### RECOMMENDATION

The scheme offers an appropriate response to the site landscape character and visual context. If the above raised comments are addressed by submitting revised drawings there are no landscape objections to the proposed scheme.

If the development were to be granted planning approval the following should be conditioned and should be developed in accordance with the approved landscape strategies:

- o A detailed planting proposals,
- o Hardworks layout
- o Planting and hard landscape specifications,
- o planting details,
- o Boundary treatment details
- o SuDS details
- o tree and hedgerow protection details and
- o a landscape management plan

to ensure the scheme's longevity and to ensure the scheme complies with the following policies and guidance:

o EDDC's Policy D4 (Landscape Requirements)

'Planning permission will not be granted for development proposals unless they include a landscape scheme, covering the design and layout of external space

The landscape scheme should meet all of the following criteria:

1. Landscape features should be recorded in accordance with the requirements of 'trees in relation to construction' BS 5837/1991 in a detailed site survey, to be submitted as part of the full or detailed planning application.
2. Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable commensurate provision should be made elsewhere in the site, in addition to the requirement for new landscaping proposals.
3. Measures to ensure public safety should be incorporated.
4. Measures to ensure routine maintenance and long term management should be included.
5. Provision for the planting of trees and hedgerows (including the replacement of those of amenity value which have to be removed for safety reasons) and other planting and improvements to existing habitat, and/or creation of new areas of wildlife value should be made.
6. Roads, parking and footpaths and the continuity of fencing or walling with existing boundary treatments where this contributes to the street scene should be integrated with the development and landscape framework.

o EDDC's Policy D5 (Trees on Development Sites)

Permission will not be granted for developments that would result in the net loss of trees or significant lengths of hedges/hedgebanks of amenity, historic or conservation value. British Standard 5837 will be taken fully into account in addressing development proposals. The District Council will require details as to how trees and hedges/hedgebanks will be protected both during and after construction, as a condition of any planning permission granted. No building, hard surfacing, drainage or underground works will be permitted within 5 m of the edge of the mature crown spread of essential trees identified for retention unless, exceptionally, the Council is satisfied that such works can be accommodated without harm to the trees concerned.

Devon County Archaeologist

I refer to the above application and your recent consultation. The consent granted for application 11/2172/MFUL is conditional upon a programme of archaeological work being undertaken in mitigation for any impact upon any heritage assets with archaeological interest - Condition 18. I would therefore advise that if the consent for this application supersedes the consent granted for 11/2172/MFUL then any new consent should also be conditional upon the same worded archaeological condition, namely:

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

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

Reason - To ensure that an appropriate record is made of archaeological evidence that may be affected by the development in accordance with policy EN8 (Proposals Affecting Sites Which May Potentially be of Archaeological Importance).

Other Representations

15 letters of objection received raising the following observations:

- Affordable housing if delivered should be affordable forever and not subsequently lost
- There should be no highway access from the east of the site on to the main B3176
- The site is outside of the Built Up Area Boundary and with a reduced affordable housing offer is contrary to policy
- The high percentage of affordable housing was previously the only reason why this was permitted
- There is no evidence to show why the scheme is not viable with the previous offer of both affordable housing and the Code 5
- Although Code has been scrapped its requirement was imposed before this took place and should therefore be retained.
- Economic conditions have improved since 2011/2013 and therefore there is no excuse for a reduced offer now
- The development would result in the loss of a wildflower meadow
- If further development is sought for the retained meadow, Barton Orchard will not be able to cope with the traffic generated.
- The area will not be able to cope with the additional surface water generated by the development
- The development will result in chaos during the construction phase
- There has been no consideration of the local residents in terms of noise and disruption
- Uncertainty how future landscaping will be managed
- Possible location for future allotments is not appropriate

**PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
11/2172/MFUL	Housing development of 5 open market dwellings and 10 affordable dwellings and provision of public area (revised proposal including reduction in proposed houses from a total of 19)	Approval with conditions	12.09.2013



14/1745/VAR	Amendment to planning permission 11/2172/MFUL (housing development of 5no open market dwellings and 10no affordable dwellings) to increase the size of the open market units (nos 1, 2, 3, 6 and 10) and add garages.	Approval with conditions	24.12.2014
-------------	---	--------------------------	------------

## **POLICIES**

### New East Devon Local Plan Policies

Strategy 1 (Spatial Strategy for Development in East Devon)  
 Strategy 5 (Environment)  
 Strategy 7 (Development in the Countryside)  
 Strategy 27 (Development at the Small Towns and Larger Villages)  
 Strategy 35 (Exception Mixed market and Affordable Housing at Villages, Small Towns and Outside Built-up Area Boundaries)  
 Strategy 38 (Sustainable Design and Construction)  
 Strategy 43 (Open Space Standards)  
 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)  
 EN5 (Wildlife Habitats and Features)  
 EN6 (Nationally and Locally Important Archaeological Sites)  
 EN13 (Development on High Quality Agricultural Land)  
 EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)  
 EN21 (River and Coastal Flooding)  
 EN22 (Surface Run-Off Implications of New Development)  
 H2 (Range and Mix of New Housing Development)  
 RC2 (New Open Space, Sports Facilities and Parks)

SPG8 (Tipton St John Village Design Statement)

### Government Planning Documents

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

## **ANALYSIS**

### Site Location and Description

Barton Orchard comprises an existing cluster of houses set along both sides of a cul de sac accessed off the main village road close to the centre of the village. Along the entire length of Barton Orchard the land level rises gently and located to the

south of the cul de sac and again on higher land there is an existing field. This is accessed through an existing field gateway between two properties within Barton Orchard. The field itself covers an area of 2.5ha and forms the west facing slopes of a hill that continues to rise to a high point located towards the south east corner of the field. The field is completely located within the Area of Outstanding Natural Beauty. While bordered on most sides by mature hedgebanks and trees, the main Sidmouth to Ottery St Mary Road lies to the north albeit set below the field's high point and itself screened by a bank and mature hedge.

#### Consideration

This application acts as a further amendment to the previously permitted development for the provision of 15 Code 5 dwellings on land to the east of Barton Orchard. As a variation application which is bound by the same time frame for implementation as the original application/permission, issues for consideration can only relate to the changes between the current proposals and those previously agreed together with any material change in policy.

In respect of policy, the previously permitted scheme was considered by the Development Management Committee in June 2012 after the publication of the NPPF. Since that time the emerging New East Devon Local Plan has completed its examination in public and has recently been found sound by an Inspector (subject to main modifications) and Adopted. As such this plan now carries full weight and the proposal must be considered against this plan.

Further arising from this policy shift is the endorsement that is now given to Strategy 35 - Exception Mixed Market and Affordable Housing At Villages, Small Towns and Outside Built-up Area Boundaries. While previously an interim policy under which the original permission was granted, the examining Inspector has recognised the importance of allowing a cross subsidy approach with which to secure small but relatively high levels of affordable housing in rural settlements where there is an evidenced based need. While some of the wording has been updated in the modified and endorsed policy its aims and mechanism has not changed. As such this Strategy allows for up to or around 15 dwellings in rural settlements where there is a proven local need demonstrated through an up to date robust housing needs survey. Affordable housing must account for at least 66% of the houses built.

In this instance it is recognised that the scheme accords with the targeted total number of dwellings and now maintains the minimum percentage of affordable houses required by Strategy 35. It is noted that the Needs Survey upon which the scheme is predicated is now aging but in this instance this application is simply a variation. It will not have a new three year time period for implementation but rather would be tied back to the original dates set when the first permission was granted. It is not therefore considered reasonable to require a new or updated survey at this time.

In recognising that Tipton St John will not have a built up area boundary under the New Local Plan, the new policy also stipulates that it can only be effective for such a village where the site is physically well related to the built form, uses local materials and is close to at least 4 community services and facilities.

It is considered that the site directly abuts the built form of the village, can make use of the local materials and the local topography in its construction and positioning, and importantly is close or reasonably close to the village pub, school, church, and hall. As such it is considered that the scheme and its location meets the revised criteria of Strategy 35. As such there is no substantive change in this key policy which should result in the whole application being resisted.

The previously permitted amendments allowed for the enlargement of the open market units and the addition of garages on the roof top of three of the dwellings. This current variation seeks to retain those changes previously achieved but also to amend the design of plots 7-9, reduce the footprint of units 4 and 5 and relax the requirement for the whole development to be built to Code 5. These changes will be reviewed in detail.

#### Reduction in the footprint of units 4 and 5

A fundamental consideration in the assessment of this proposal has always related to the visual impact that the units would have on the designated landscape arising from materials used and the respective size of the units. While previously the scheme sought to increase the size of the open market dwellings, this seeks to reduce the size of 2 affordable units - namely plots 4 and 5. The reduction is limited but nonetheless noticeable although by affecting only two units to the south of the site and set furthest in from the site entrance, it is not considered that this would have any impact on the character of the area which is designated as an Area of Outstanding Natural Beauty. While the landscape should be afforded the highest protection it is not considered that this change has any harmful impact.

The greater area for consideration however arises from the potential increase in legibility between the affordable and open market units. While there is always the aim of ensuring developments are tenure blind, a scheme which has to deliver a development which respects the character of the challenging landscape and achieves at least 2/3rds as affordable will struggle to achieve this. In this instance therefore the approach that was adopted at the outset was to acknowledge that there would be differences and use this to bring interest into the development. To address the social arrangement of the site the affordable housing was then spread through the scheme to ensure good physical integration. This approach has previously been found to be acceptable and there is no reason to depart from this approach under this variation.

The reduction in size of the two units in question has arisen following a specific request from the preferred Registered Provider who like all such providers have space standards that they work to. These arise in recognition of the precise financing models that are available and the future rents/mortgageability of the respective properties. The request is not unreasonable. While the reduction slightly further emphasises the difference between the open market and affordable units, the scale of change when compared to the design differences that already exist is minimal. As such it is not considered that the change is contrary to policy or adversely affects the assessment of the proposal.

#### Design of plots 7-9

Always considered the weakest part of the overall design the change to the terrace forming plots 7-9, results in a greater articulation between the units and a reduced height. Overall this change is considered to soften this building which was otherwise rather bulky. In reducing the sense of mass it is considered that the revised scheme in this regard is an improvement and continues to respect and fully meet the tests imposed both by the new Local Plan and paragraph 115 of the Framework which requires great weight to be given to the protection of such landscapes.

#### Loss of Code 5

Since the government announcements in the summer of 2015 about the reduced future rent increases that Registers Provides can charge, the amount that they have been able to offer for development sites has dropped. To maintain viability on a housing scheme where 2/3rds of the units are affordable it is not therefore surprising that the developer has sought to reduce costs somewhere.

Building to a particular Code or quality always carries a cost and the respective increase between Code 4 and 5 is not insignificant in this case. While the cost disparity is understood to have fallen since 2011 (owing to an increased baseline Building Regulation standard) a DCLG report from that year, considered that at that time and against the data available, to build to code increased the cost of a typical 3 bedroom semi detached dwelling on a Greenfield site by £5,360 for Code 4 and £21,330 for Code 5. Even allowing for a reduction when recognising today's building standards, these represent significant additions in the construction of a dwelling and therefore to maintain viability and allow the scheme to be delivered the developer has offered to maintain the affordable housing level but avoid the previously imposed code restriction.

Such avoidance is disappointing as an attractive aspect of the original scheme was the offer of Code 5. To have delivered a code 5 development of this scale (15 units) with the proportion of affordable housing being secured would have been a significant achievement. However recognising the costs involved and the slightly reduced affordable housing offers that are now available this is a potential solution to the problem of viability.

As an added complication to this debate, the scrapping of the Code for Sustainable Homes by the government in April 2015 in essence took away part of the planning control that previously existed for locally set targets. Instead the main responsibility is now being incorporated in the Building Regulations as a national standard. Strategy 38 in the New East Devon Local Plan previously made reference to the Code but in his main modifications the examining Inspector has sought to remove such reference - given that the Code no longer exists.

As a result it is considered that the current scheme continues to deliver the appropriate quantum of affordable housing and maintains the same acceptable impact on the Area of Outstanding Natural Beauty owing to the retention of a mix of green roofs and building forms which genuinely hug and sit into the landscape. As such and in recognising that the weight that can be given to the need for Code 5 is limited, it is considered that the benefits arising from the delivery of affordable

housing continue to outweigh the loss of the code. To further help try and mitigate this loss the developer has indicated that he will be able to comply with some components that formed part of the Code (such as rainwater harvesting) and in this regard a suitable condition to maintain control over this offer is considered reasonable.

#### Other Issues previously considered

Design changes do not affect neighbour amenity in terms of either overlooking or dominance. As such the previous assessment that these impacts were acceptable remains appropriate.

Other changes identified within the received comments including the addition of such items as allotment provision and landscaping on the upper hillside slopes (outside the development boundary) appear to be in respect of earlier iterations of the plan and not the previously approved plans. Concerns in respect of increased car dependence and a lack of respect for the local housing need of the village are noted. However the scheme does not propose any additional car parking over that which was previously approved and the housing needs survey remains valid. It is noted that the existing extant permission itself remains a valid permission which could continue to be implemented. Providing the scheme is tied back to the timescale for implementation of the original this remains an acceptable scheme that is considered to meet local needs.

On a similar point it is noted that since the original approval, it is now recognised that additional development can place pressures on the European designated environments that are found locally - the Exe Estuary and Pebblebed Heaths. As such all new development is expected to either demonstrate how it can mitigate harmful effects through an Appropriate Assessment or pay an offsite financial contribution towards pre-existing and already agreed mitigation. This affects all new development of 1 dwelling or more. While this application represents additional development it continues to be considered as an amendment to a previously permitted development and if approved would have to be controlled with the same time period for implementation. It is therefore considered that the harm that would arise to the designated Environments would be same and within the same time period as could already occur. It is not reasonable at this stage to require an Appropriate Assessment or off site contribution for this variation as there would be no greater harm than could occur from the consented scheme and therefore no greater significant effect. In the event that no material start is made within the time period for implementation then contributions could then become payable and secured through a new permission.

### **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the 12 September 2016.

(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and the original planning permission under reference 11/2172/MFUL).

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 development shall not begin until a detailed schedule of sustainable development components which can be provided and maintained within the scheme have been submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt these shall aspire to features found in the former Code for Sustainable Homes and identify features that will be installed which are over and above the current Building Regulation Requirements. The development shall be undertaken in accordance with the agreed details.  
(Reason - The site is located in a rural area where planning permission for new housing would not normally be allowed. The high sustainable qualities of the development are considered to help towards a justification for the exception permission and their safeguarding from the commencement of development is necessary to clarify the permission and safeguard their installation in accordance with the Policy D1 - Design and Local Distinctiveness and Strategy 38 - Sustainable Design and Construction of the New East Devon Local Plan.)
4. 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 New East Devon Local Plan.)
5. Prior to the commencement of development, typical detailed drawings at a scale of not less than 1:20 shall be submitted to and agreed in writing by the Local Planning Authority for aspects of the proposed development pertaining to the fenestration, and external doors, eaves detailing, roof junctions, junction of the external cladding material, and rainwater disposal . The development shall only be undertaken in accordance with the agreed details.  
(Reason - To ensure that a high quality well detailed finish is achieved for the permitted development in accordance with Policy D1 - Design and Local Distinctiveness of the New East Devon Local Plan.)
6. No development shall take place until a landscaping scheme in accordance with the indicative plans submitted has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of all other boundary treatments. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority

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

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

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

(Reason - The space available would not permit such additions without detriment to the character and appearance of the area and the design of the dwellings, the amenities of adjoining occupiers or the character and appearance of the landscape in accordance with Policies D1 - Design and Local Distinctiveness and Strategy 46 – Landscape Conservation and Enhancement and AONB's of the New East Devon Local Plan)

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse

(Reason - To retain the open character of the landscaped in accordance with and Policies D1 - Design and Local Distinctiveness and Strategy 46 – Landscape Conservation and Enhancement and AONB's of the New East Devon Local Plan)

9. Prior to the first occupation of the development hereby permitted the windows proposed to the side of both units 7 and 9 shall be fitted with obscured glass and fixed shut. The restrictions required by this condition shall be retained in perpetuity:

(Reason To protect the amenity of adjoining neighbours in accordance with Policy D1 - Design and Local Distinctiveness of the New East Devon Local Plan).

10. Prior to the first occupation of either plots 3 or 4, details of a privacy screen between the said plots, including its precise position, means of fixing and materials shall be submitted to and agreed in writing by the Local Planning Authority. The screen shall also be erected prior to first occupation in accordance with the agreed details and retained and replaced as necessary in perpetuity.

(Reason: To protect the amenities of neighbours residents in accordance with Policy D1 - Design and Local Distinctiveness of the New East Devon Local Plan.)

11. Notwithstanding the submitted details, the first floor window on the north-west elevation of Plot 3 and the stairwell window on the north east elevation of Plot 1 hereby approved shall be fitted with obscured glass and fixed shut prior to the first occupation. The glazing restriction shall be retained in perpetuity.  
( Reason: To protect the amenities of neighbours residents in accordance with Policy D1 - Design and Local Distinctiveness of the NewEast Devon Local Plan.)
12. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority before the building is occupied. Development shall be carried out in accordance with the agreed details  
(Reason - In the interests of the character and appearance of the locality and in accordance with Policies D1 - Design and Local Distinctiveness) and Strategy 46 – Landscape Conservation and Enhancement and AONB’s of the New East Devon Local Plan)
13. No development shall take place until precise details of the surface water drainage works 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 in accordance with Policy EN14 - Control of Pollution and EN22 – Surface Run-Off Implications of New Development of the New East Devon Local Plan.)
14. Prior the commencement of development hereby approved, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.  
(Reason - To minimise the potential pollutant impact of the development in accordance with Policy EN14 - Control of Pollution of the New East Devon Local Plan).
15. Prior to commencement of any works on site, tree protection in accordance with BS 5837:2012 and the submitted tree protection plan (reference 03668 TPP) shall be put in place. Provision shall be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details of all visits made, work carried out or incursions into the protected areas shall be included within a log to be kept on site and made available for inspection and assessment by the Local Planning Authority. The development shall be carried out strictly in accordance with the agreed details unless previously agreed in writing by the Local Planning Authority.

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

16. The development hereby approved shall only be undertaken in accordance with the mitigations and recommendations contained in the Ecological Assessment Report dated September 2011 and the accompanying Reptile survey report dated October 2011.

(Reason: To protect the ecological value of the site in accordance with Policy EN5 - Wildlife Habitats and Features of the new East Devon Local Plan.)

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

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

(Reason - To ensure that an appropriate record is made of archaeological evidence that may be affected by the development in accordance with policy EN7 - Proposals Affecting Sites Which May Potentially be of Archaeological Importance of the New East Devon Local Plan.)

18. The garaging for plots 1, 2, 3, 6 and 10 shall remain available for parking and shall not be converted or permanently lost for other residential uses.

Reason: There is limited potential for any other form of additional parking provision within the site in the interests of the character and appearance of the AONB and in accordance with Policies D1 - Design and Local Distinctiveness and Strategy 46 – Landscape Conservation and Enhancement and AONB's of the New East Devon Local Plan)

19. Prior to the commencement of development details and a scheme for the green walling to be used throughout the development shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall document
- o the means of providing and installing the green walling;
  - o all maintenance requirement and work that shall be carried out; and
  - o a method and timescale for replacement and/or repair of the walling in the event of total or partial failure

In any event and notwithstanding the Town and Country Planning (General Permitted Development (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), the walling areas shown as being finished in "green walling" shall be retained as such in perpetuity.

(Reason: In the interests of design and the character and appearance of the AONB and in accordance with Policies D1 - Design and Local Distinctiveness and Strategy 46 – landscape Conservation and Enhancement and AONB’s of the New East Devon Local Plan)

20. Prior to the first occupation of units 1, 2, and 3, details of the potential light spill resulting from the glazing serving the floor area identified on the approved plans as "roof plan" including the associated stairwell serving this floor, shall be submitted to and agreed in writing with the Local Planning Authority. The details shall include the proposed internal and external light fittings, their position and number and any associated mitigation necessary to limit the impact on the wider landscape. The development shall be undertaken in accordance with the agreed details. Any fittings or structures required to limit the light spill shall be installed prior to the first occupation of the dwelling, and thereafter be maintained and retained in perpetuity.

Reason: In the interests of the character and appearance of the AONB and in accordance with Policies D1 - Design and Local Distinctiveness and Strategy 46 – Landscape Conservation and Enhancement and AONB’s of the New East Devon Local Plan)

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

11-528 T1 A	Location Plan	18.01.16
11-528 A1 A	Perspective Drawing	18.01.16
11-528 A2 A	Proposed Site Plan	18.01.16
11-528 A7 A	Proposed Combined	18.01.16

	Plans	
11-528 A8 A	Proposed Combined Plans	18.01.16
11-528 S1	Survey Drawing	03.12.15
11-528 A3	Proposed Floor Plans	03.12.15
11-528 A4	Proposed Combined Plans	03.12.15
11-528 A5	Proposed Combined Plans	03.12.15
11-528 A6	Proposed Combined Plans	03.12.15
11-528 A9	Proposed Combined Plans	03.12.15
11-528 A10	Proposed Combined Plans	03.12.15
11-528 A11	Proposed Combined Plans	03.12.15
11-528 A12	Proposed Floor Plans	03.12.15
11-528 A13	Proposed Combined Plans	03.12.15
11-528 A14	Proposed Combined Plans	03.12.15
11-528 A15	Proposed Combined Plans	03.12.15
11-528 A16	Sections	03.12.15
TSTJ-05	Sections	03.12.15
TSTJ-06	Sections	03.12.15
TSTJ-07	Sections	03.12.15

List of Background Papers

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



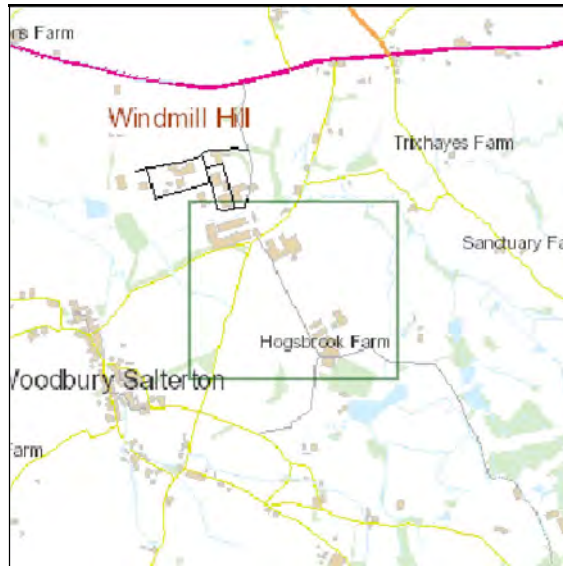
**Ward** Raleigh

**Reference** 15/1936/FUL

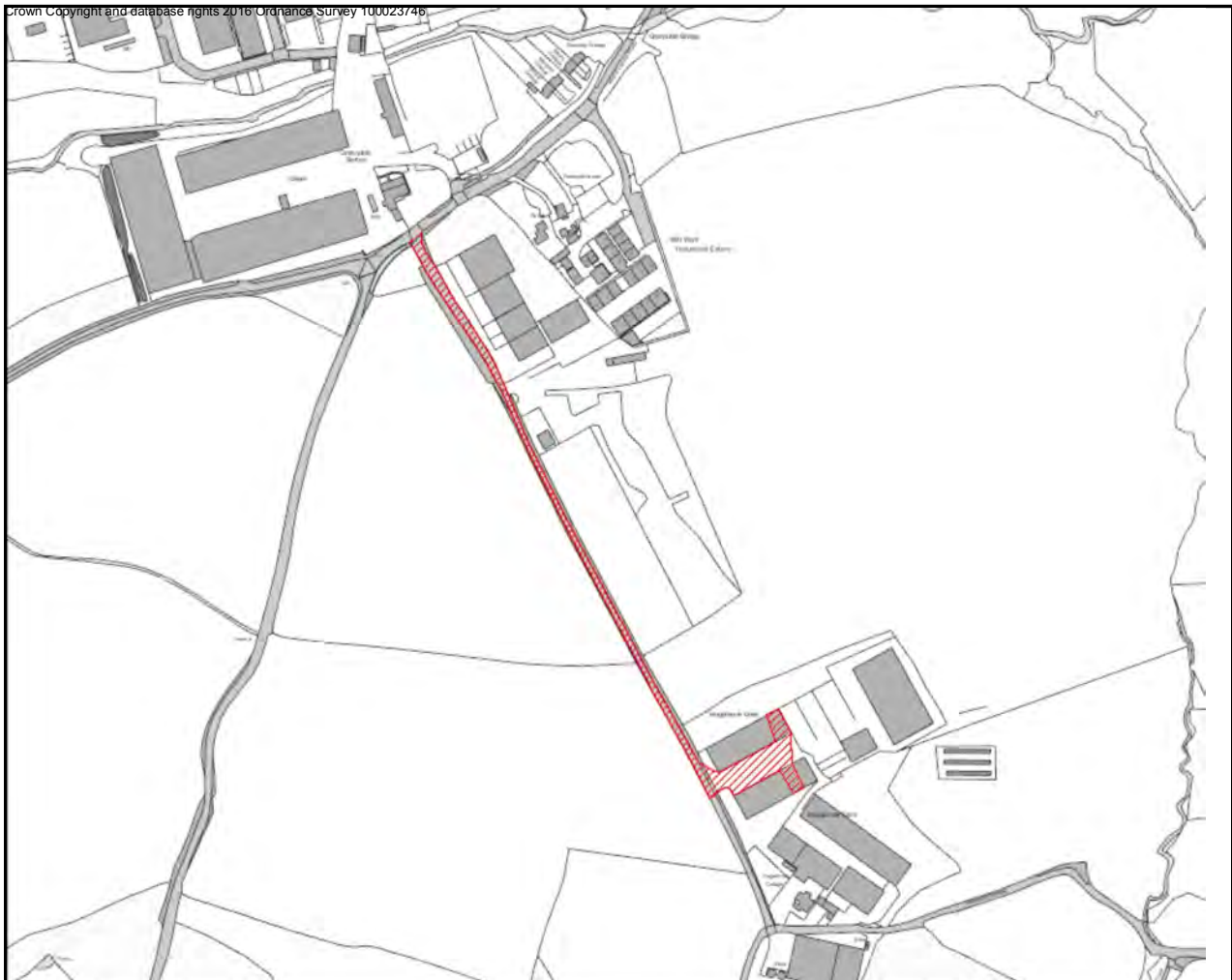
**Applicant** F W S Carter And Sons

**Location** Units 7 - 9 Hogsbrook Units  
Woodbury Salterton Exeter EX5  
1PY

**Proposal** Retention of conversion of building  
to 3 no. industrial units (use class  
B8 Warehouse & Distribution)



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 16 February 2016</b>
<b>Raleigh (WOODBURY)</b>	<b>15/1936/FUL</b>	<b>Target Date: 15.10.2015</b>
<b>Applicant:</b>	<b>F W S Carter And Sons</b>	
<b>Location:</b>	<b>Units 7 - 9 Hogsbrook Units Woodbury Salterton</b>	
<b>Proposal:</b>	<b>Retention of conversion of building to 3 no. industrial units (use class B8 Warehouse &amp; Distribution)</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Development Management Committee because the view of the Ward Member differs to officer recommendation.**

**This application seeks retrospective planning permission for the conversion of part of an agricultural building into 3 no industrial units for a B8 (Warehouse & Distribution) use.**

**The application site comprises a number of units located at Hogsbrook Farm sited adjacent to other buildings constructed under planning consents as agricultural buildings associated with the farm. They have the appearance of modern industrial buildings and have already been subdivided into a number of individual units and occupied by local businesses.**

**Whilst the site is located in open countryside, it is considered that the development complies with Policy E5 (Small Scale Economic Development in Rural Areas) of the New Local Plan, the NPPF and NPPG which seeks to support small scale economic development in rural areas where it involves the conversion of existing buildings provided that the development is acceptable in terms of highway safety, residential amenity, wildlife and landscape or historic impacts.**

**Whilst the concerns of the Councillor, Parish Council and local residents are noted with regards to the condition that was previously imposed requiring one of the agricultural buildings to be removed in the event that it is no longer required for agricultural purposes, it is important to realise that planning policies in relation to economic development in rural areas has changed and there is now a greater emphasis on promoting a strong rural economy and supporting sustainable economic growth.**

**The industrial uses that are currently operating from this site are small scale and not the size that are generally catered for by Greendale Business Park or Hill Barton which tend to support larger scale businesses.**

**In this respect, this site is providing a number of smaller industrial units and accommodation for local business which are making a positive contribution to economic growth and the creation of jobs in East Devon. Given that there are no amenity or technical objections, it is considered that the change of use would be compliant with planning policy and approval is therefore recommended.**

## **CONSULTATIONS**

### **Local Consultations**

#### Raleigh - Cllr G Jung

15/1936/FUL Hogsbrook Farm.

I agree with the views of the Parish Council and residents on this application and request that it should be considered by the Development Management Committee for determination at the same time as 15/1950/FUL as I consider these applications are contrary to the emerging Local Plan as they constitute expansion of Greendale Business Park into the countryside.

I am minded that I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

#### Parish/Town Council

Parish Council does not support intensification of industrial use in an agricultural setting nor extension of industrial use close to Greendale Business Park which is contrary to the Emerging Local Plan in the open countryside.

(P/S: Bricknell/Jung - vote: AIF)

### **Other Representations**

20 representations have been received in respect of the proposal all raising objections which are summarised below

- Proposal will lead to further industrialisation of Hogsbrook Farm
- Increased noise and disturbance
- Additional traffic
- Deterioration of the quality of the countryside
- Barns should be restricted to agricultural use
- Building should be removed if not used for agriculture
- Buildings are visible and unsightly
- Use is contrary to condition on permission to construct the building
- Inappropriate use in the countryside
- Damage to buildings from large lorries
- Potential light pollution
- No justification for loss of agricultural building
- Not farm diversification

## **Technical Consultations**

County Highway Authority  
Does not wish to comment

## **PLANNING HISTORY**

The units were constructed under 2 consents for larger buildings which have been subdivided into a number of smaller units and which are now occupied by various companies undertaking a number of different uses.

05/2091/MFUL Erection of stock building was granted consent on 26 April 2006. This building includes Unit 7.

The application approved under reference 05/2091/MFUL included a condition (condition 4) which states:

*'If within a period of ten years following the implementation and completion of the stock building hereby approved its agricultural use ceases, the building and all associated paraphernalia shall be permanently removed from the site and the land returned to its state prior to the buildings erection'.*

*(Reason – The location lies within an open countryside setting where development without a specific agricultural need would not normally be justified)*

This condition was imposed as the applicant previously suggested that there may in the future be an amalgamation with the Greendale industrial estate and that the building could be used for industrial purposes. At this time such a proposal would have been contrary to the aims of national and local plan policy and therefore the agricultural building was only approved on the basis of the agricultural need and justification that had been provided.

06/2997/MFUL Erection of building for hay and straw storage, construction of silage clamp was granted consent on 07 February 2007. This building includes Units 8 and 9.

The approval granted in 2007 (06/2997/MFUL) did not have the above condition, or any requirement to remove the building if not required for agriculture, but included a condition (condition 2) restricting the use of the building to agricultural storage, stating:

*'The building the subject of this application shall only be used for agricultural storage purposes and not for the keeping of any livestock.'*

*(Reason – The site lies adjacent to environmentally sensitive areas where additional livestock may cause further ammonia loading and would need to be assessed by means of an Environmental Impact Assessment).*

In terms of the history related to other units at Hogsbrook the following applications are relevant:



15/0481/FUL- Unit 10 - Change of use from agriculture to a micro brewery (sui generis) to include external alterations. Planning permission was granted 13 April 2015.

Prior Approval was granted in 2013 (ref 13/2607/PDM) for a change of use from agricultural building to Class B1 (Business) and Class B8 (Storage and Distribution). This unit is now known as Unit 6.

Alongside this current application is a similar application (15/1950/FUL) for units 1-5 to be retained in employment use.

Also relevant to the site history is a current Enforcement Case regarding agricultural buildings located to the south of the current application site. Consent was granted for an agricultural building but it has not been constructed in accordance with the plans and the applicant is not willing to regularise the situation through submission of an application. Whilst the applicant has justified the agricultural need for the building to serve the adjoining farm, there is concern from local residents and the Ward Member that allowing the retention of these buildings will result in future applications for further employment units. A separate decision outside of the consideration of the current applications will need to be made with regard to the progressing of this Enforcement Case.

## **POLICIES**

### New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

E5 (Rural Diversification)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

D8 (Re-use of Rural Buildings Outside of Settlements)

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

### Site Location and Description

The application site comprises a number of units located at Hogsbrook Farm and are sited adjacent to other buildings constructed under planning consents as agricultural buildings associated with the farm. They have the appearance of modern industrial buildings and have been subdivided into a number of individual units.

The site is accessed via a private road from White Horse Lane which leads to the units and beyond to Hogsbrook Farm and is in open countryside and is not the subject of any landscape designations.

### Proposed Development

Retrospective planning permission is sought for the conversion of part of the buildings into 3 no. industrial units into B8 uses. It is understood that these uses are already underway. The accompanying Design and Access statement states:

Unit 7 is occupied by Zero Carbon Future, a renewable energy company with a B8 storage use (for biomass components)

Unit 8 is occupied by an engineering firm (Syncro Plant) which has a B8 use (storage of machinery and plant)

Unit 9 is also occupied by an events company (Brooklands Events) using the building for the storage of marquees and event hire equipment, as well as 3 shipping containers and an office cabin together with other external storage (B8 use)

It is stated that the 3 units employ a total of 9 people.

The buildings are industrial in their appearance with roller shutter and pedestrian doors having been provided to the front of each of the units in combination with vertical wall cladding.

### Issues and Assessment

The main issues to consider in determining this application are in terms of whether the principle and the storage and warehousing uses are appropriate for this location within the context of national and local plan policies relating to economic growth in rural areas; the impact of the use on the character and appearance of the area through increased activity associated with the change in use of the buildings; the impact on the residential amenities of the occupiers of nearby properties; and whether there are any implications for highway safety.

## **ANALYSIS**

### Principle

In terms of planning policy, the NPPF states that 'planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.'

Policy E5 (Small Scale Economic Development in Rural Areas) of the Adopted New Local Plan is in-line with the NPPG and looks to support small scale economic development in rural areas where it involves the conversion of existing buildings provided that the development is acceptable in terms of highway safety, residential amenity, wildlife and landscape or historic impacts.

Policy D8 – Re-use of Rural buildings Outside of Settlements of the Adopted New East Devon Local Plan states that the re-use of buildings in the countryside will be permitted where the new use is sympathetic to, and will enhance the rural setting and character and will not substantially add to the need to travel by car, the building is structurally sound and capable of conversion, the design is in keeping, it would not harm the countryside by way of traffic, parking, storage, pollution or erection of other structures and will not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function.

Whilst the concerns of the Parish Council and local residents are noted with regards to the condition that was previously imposed requiring the buildings to be removed in the event that they are no longer required for agricultural purposes, it is important to realise that planning policy in relation to economic development in rural areas has changed and with the introduction of the National Planning Policy Framework there is now a more significant emphasis on promoting a strong rural economy and supporting economic growth. The application proposes the re-use of a number of existing rural buildings albeit it is acknowledged that the buildings have never been used for agricultural purposes. In addition, when considered against current guidance the condition would no longer be reasonable or enforceable.

The industrial uses that are currently operating from this site are small scale and not the size that are generally catered for by Greendale Business Park or Hill Barton which tend to support larger scale businesses. In this respect, this site is providing a number of smaller industrial units and accommodation for local business which are making a positive contribution to economic growth and the creation of jobs in East Devon.

With regard to Policy D8, it is considered that the proposal is well located so as not to add substantially to the need to travel by car, that the buildings are structurally sound and in keeping with the area, that there would be no harm by way of traffic, parking, storage or pollution or construction of associated structures. In terms of criteria 5 to Policy D8 stating that the proposal should not require a replacement building, the applicant has advised that these buildings are now surplus to the farms agricultural needs (due to a reduction in cattle numbers) that are adequately met by other existing buildings on the farm. As such approval of permission would not result in the need for any additional farm buildings as a replacement.

On the basis of the NPPF's support for economic growth in rural areas, its emphasis on promoting a strong rural economy and support for the sustainable growth and expansion of all types of business, the principle of development is considered to be acceptable and the application therefore falls to be considered in terms of the impact of the use and increased industrial activity on the character and appearance of the area; the suitability of the access and the impact on highway safety; and any impact on the residential amenities of occupiers of nearby residential properties.

### Impact on Character and Appearance of the Area

The proposal seeks the re-use of a group of existing buildings which are set well back from the public highway and which are accessed via a private estate road which leads to Hogsbrook Farm. Whilst the site is located within open countryside, the area is characterised by a mix of agricultural and industrial uses. Greendale industrial estate/business park and Mill Park industrial estate are located in close proximity to this site. Where the buildings are visible from public vantage points outside of the site, which are limited, they are generally read in context with the Hogsbrook Farm complex and consequently result in minimal harm to the wider landscape and the character and appearance of the surrounding area.

The small scale nature and operation of the businesses and the constraints of the site are such that it is not considered that that the increased activity associated with the use of the buildings has a significant adverse impact on the character and appearance of the area.

The external alterations that have been undertaken to the buildings to reflect their industrial uses are considered to be acceptable on the basis they are set so far back from the public highway and are self contained and enclosed by other buildings within the courtyard.

### Highway Safety

The application has been considered by the County Highway Authority who have raised no objections to the proposal. Access to the site from the A3052 is from Whitecross Road which whilst narrow in places does have a number of passing places along it. The industrial units are accessed via the private industrial road which leads to the site. The access onto Whitecross Road is considered to be acceptable offering a good standard of visibility in both directions. The site is also approximately 700 metres from a bus stop which would give employees the choice to travel to work via alternative modes of transport. It is not therefore considered that the proposed use would give rise to any highway safety concerns.

### Residential Amenity

The application site is reasonably well distanced from residential properties, with only the dwellings associated with Hogsbrook Farm within relatively close proximity. Given the relatively small scale nature of the businesses operating from the site, it is not considered that the change of use would result in any significant harm to the residential amenities of the occupiers of nearby properties, particularly given the current farming activity which takes place at the farm. The Council's Environmental Health Officer has considered the application for units 1-5 and has raised no objections and the same conclusion can be applied to these units.

## **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 high frequency audible reversing alarms shall be permitted on any site vehicle or vehicle based at the site (white noise alarms are permitted).  
(Reason - To protect the amenities of local residents from high frequency alarm noise which is audible over considerable distances in accordance with Policy EN14 - Control of Pollution of the Adopted New East Devon Local Plan.)
4. No machinery shall be operated, no processes carried out and no deliveries accepted or dispatched except between the hours of 6am and 6pm Monday to Friday, or 6am and 1pm on Saturdays, and not at all on Sundays or Bank Holidays.  
(Reason - To protect the amenities of local residents from noise in accordance with Policy EN14 - Control of Pollution of the Adopted New East Devon Local Plan.)
5. All site lighting shall be turned off between 7pm and 6am and any low level security lighting shall be selected so that there is no upwards or lateral light overspill. Temporary lighting required during the occasional out of hours activity shall be operated by movement sensors.  
(Reason - To protect the local environment from light pollution and in accordance with Policy EN14 - Control of Pollution of the Adopted New East Devon Local Plan and the provisions of the National Planning Policy Framework.)

### NOTE FOR APPLICANT

Informative:

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

7259-01	Proposed Site Plan	17.08.15
---------	--------------------	----------

7259-02	Location Plan	17.08.15
7259-03 A	Proposed Elevation	20.08.15
7259-04 A	Proposed Elevation	20.08.15

List of Background Papers

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

**Ward** Raleigh

**Reference** 15/1950/FUL

**Applicant** FWS Carter & Sons Ltd

**Location** 1 - 5 Hogsbrook Units Woodbury Salterton Exeter EX5 1PY

**Proposal** Retention of conversion of building to 5 no. industrial units (Use Class B2 General Industry, B8 Warehouse and Distribution and B1 Office and Light Industry)



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 16 February 2016</b>
<b>Raleigh (WOODBURY)</b>	<b>15/1950/FUL</b>	<b>Target Date: 15.10.2015</b>
<b>Applicant:</b>	<b>FWS Carter &amp; Sons Ltd</b>	
<b>Location:</b>	<b>1 - 5 Hogsbrook Units Woodbury Salterton</b>	
<b>Proposal:</b>	<b>Retention of conversion of building to 5 no. industrial units (Use Class B2 General Industry, B8 Warehouse and Distribution and B1 Office and Light Industry)</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Development Management Committee because the view of the Ward Member differs to officer recommendation.**

**This application seeks retrospective planning permission for the conversion of part of an agricultural building into 5 no industrial units for B1 (Office and Light Industrial, B2 (General Industrial) and B8 (Warehouse & Distribution) uses.**

**The application site comprises a number of units located at Hogsbrook Farm sited adjacent to other buildings constructed under planning consents as agricultural buildings associated with the farm. They have the appearance of modern industrial buildings and have already been subdivided into a number of individual units and occupied by local businesses.**

**Whilst the site is located in open countryside, it is considered that the development complies with Policy E5 (Small Scale Economic Development in Rural Areas) of the New Local Plan, the NPPF and NPPG which seeks to support small scale economic development in rural areas where it involves the conversion of existing buildings provided that the development is acceptable in terms of highway safety, residential amenity, wildlife and landscape or historic impacts.**

**Whilst the concerns of the Councillor, Parish Council and local residents are noted with regards to the condition that was previously imposed requiring the agricultural buildings to be removed in the event that it is no longer required for agricultural purposes, it is important to realise that planning policies in relation to economic development in rural areas has changed and there is now a greater emphasis on promoting a strong rural economy and supporting sustainable economic growth.**



**The industrial uses that are currently operating from this site are small scale and not the size that are generally catered for by Greendale Business Park or Hill Barton which tend to support larger scale businesses.**

**In this respect, this site is providing a number of smaller industrial units and accommodation for local business which are making a positive contribution to economic growth and the creation of jobs in East Devon. Given that there are no amenity or technical objections, it is considered that the change of use would be compliant with planning policy and approval is therefore recommended.**

## **CONSULTATIONS**

### **Local Consultations**

#### Raleigh - Cllr G Jung

15/1950/FUL Hogsbrook Farm.

I agree with the views of the Parish Council and residents on this application and request that it should be considered by the Development Management Committee for determination at the same time as 15/1936/FUL as I consider that these applications are contrary to the emerging Local Plan as they constitute expansion of Greendale Business Park into the countryside.

I am minded that I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

#### Parish/Town Council

Parish Council does not support intensification of industrial use in an agricultural setting nor extension of industrial use close to Greendale Business Park which is contrary to the Emerging Local Plan in the open countryside.

(P/S: Bricknell/Jung - vote: AIF)

### **Other Representations**

20 representations have been received in respect of the proposal all raising objections which are summarised below

- Proposal will lead to further industrialisation of Hogsbrook Farm
- Increased noise and disturbance
- Additional traffic
- Deterioration of the quality of the countryside
- Barns should be restricted to agricultural use
- Building should be removed if not used for agriculture
- Buildings are visible and unsightly
- Use is contrary to condition on permission to construct the building
- Inappropriate use in the countryside
- Damage to buildings from large lorries
- Potential light pollution
- No justification for loss of agricultural building
- Not farm diversification

## **Technical Consultations**

### County Highway Authority

Does not wish to comment

### Environmental Health

I have considered this application and taking into account that this is a retrospective application and no complaints of noise pollution have been received into our department to date, I have no objections to this proposal and no further comment to make

## **PLANNING HISTORY**

The buildings were constructed under 2 consents:

06/2997/MFUL Erection of building for hay and straw storage, construction of silage clamp was granted consent on 07 February 2007. This building includes Units 4 and 5.

05/2091/MFUL Erection of stock building was granted consent on 26 April 2006. This building includes Units 1,2 and 3.

Both of these planning permissions were granted subject to conditions which state:

'If within a period of ten years following the implementation and completion of the stock building hereby approved its agricultural use ceases, the building and all associated paraphernalia shall be permanently removed from the site and the land returned to its state prior to the buildings erection'.

"The building the subject of this application shall only be used for agricultural storage purposes and not for the keeping of livestock'.

The conditions were imposed as the applicant previously suggested that there may in the future be an amalgamation with the Greendale Industrial Estate and that the building could be used for industrial purposes. At this time such a proposal would have been contrary to the aims of national and local plan policy and therefore the agricultural building was only approved on the basis of the agricultural need and justification that had been provided.

15/0481/FUL- Unit 10- Change of use from agriculture to a micro brewery (sui generis) to include external alterations.

Prior Approval was granted in 2013 (ref 13/2607/PDM) for a change of use from agricultural building to Class B1 (Business) and Class B8 (Storage and Distribution).

Alongside this current application is a similar application (15/1936/FUL) for units 7-9 to be retained in employment use.

Also relevant to the site history is a current Enforcement Case regarding agricultural buildings located to the south of the current application site. Consent was granted for an agricultural building but it has not been constructed in accordance with the plans and the applicant is not willing to regularise the situation through submission of an application. Whilst the applicant has justified the agricultural need for the building to serve the adjoining farm, there is concern from local residents and the Ward Member that allowing the retention of these buildings will result in future applications for further employment units. A separate decision outside of the consideration of the current applications will need to be made with regard to the progressing of this Enforcement Case.

## **POLICIES**

### New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

E5 (Small Scale Economic Development in Rural Areas)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

D8 (Re-use of Rural Buildings Outside of Settlements)

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

### Site Location and Description

The application site comprises a number of units constructed under a planning permission granted in 2007 (reference 06/2997/MFUL) for the erection of an agricultural building for hay and straw.

The units are located at Hogsbrook Farm and are sited adjacent to other buildings constructed under the above consent as agricultural buildings associated with the farm. They have the appearance of modern industrial buildings and have been subdivided into a number of individual units. The site is accessed via a private road from White Road which leads to the units.

The site is in open countryside and is not the subject of any landscape designations.

### Proposed Development:

Retrospective planning permission is sought for the conversion of the building into 5 no industrial units into a mixture of B1, B2 and B8 uses. It is understood that these uses are already underway. The accompanying Design and Access statement states:

Units 1 and 2 are occupied by Cox Construction Service Steel Fabricators (a B2 use)  
Unit 3 is occupied by FWS Carter & Sons for storage (a B8 use)  
Unit 4 is occupied by Indalo International, an events business (a B8 use)  
Unit 5 is occupied by Devon Baits a packaging and distribution business (a B1/ B8 use)

It is stated that the 5 units employ a total of 11 people.

The buildings are industrial in their appearance where roller shutter doors have been provided to the front of each unit in combination with cladding.

#### Issues and Assessment:

The main issues to consider in determining this application are in terms of whether the principle and the industrial uses are appropriate for this location in the context of national and local plan policies relating to economic growth in rural areas, the impact the use would have on the character and appearance of the area through increased activity associated with the use of the building, the impact on the residential amenities of the occupiers of surrounding properties and whether there are any implications for highway safety.

### **ANALYSIS**

#### Principle:

In terms of planning policy, the NPPF states that 'planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.'

Policy E5 - Small Scale Economic Development in Rural Areas of the Adopted New Local Plan is in-line with the NPPF and looks to support small scale economic development in rural areas where it involves the conversion of existing buildings provided that the development is acceptable in terms of highway safety, residential amenity, wildlife and landscape or historic impacts.

Policy D8 – Re-use of Rural buildings Outside of Settlements of the Adopted New East Devon Local Plan states that the re-use of buildings in the countryside will be permitted where the new use is sympathetic to, and will enhance the rural setting and character and will not substantially add to the need to travel by car, the building is structurally sound and capable of conversion, the design is in keeping, it would not harm the countryside by way of traffic, parking, storage, pollution or erection of other structures and will not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function.

Whilst the concerns of the Parish Council and local residents are noted with regards to the condition that was previously imposed requiring one of the agricultural buildings to be removed in the event that it is no longer required for agricultural purposes, it is important to realise that planning policies in relation to economic development in rural areas has changed and there is now a greater emphasis on promoting a strong rural economy and supporting sustainable economic growth. This application proposes the re-use of a number of existing rural buildings albeit the local concerns that the buildings have never been used for agricultural purposes are noted. In addition, when considered against current guidance the condition would no longer be reasonable or enforceable.

The industrial uses that are currently operating from this site are small scale and not the size that are generally catered for by Greendale Business Park or Hill Barton which tend to support larger scale businesses. In this respect, this site is providing a number of smaller industrial units and accommodation for local business which are making a positive contribution to economic growth and the creation of jobs in East Devon.

With regard to Policy D8, it is considered that the proposal is well located so as not to add substantially to the need to travel by car, that the buildings are structurally sound and in keeping with the area, that there would be no harm by way of traffic, parking, storage or pollution or construction of associated structures. In terms of criteria 5 to Policy D8 stating that the proposal should not require a replacement building, the applicant has advised that these buildings are now surplus to the farms agricultural needs (due to a reduction in cattle numbers) that are adequately met by other existing buildings on the farm. As such approval of permission would not result in the need for any additional farm buildings as a replacement.

On the basis of the NPPF's and Local Plan support for economic growth in rural areas, its emphasis on promoting a strong rural economy and support for the sustainable growth and expansion of all types of business, the principle of development is considered to be acceptable. The application therefore falls to be considered in terms of the impact of the use and increased industrial activity on the character and appearance of the area, the suitability of the access and the impact on highway safety and the impact on the residential amenities of occupiers of nearby residential properties.

#### Character and Appearance:

The proposal seeks the re-use of a group of existing buildings which are set well back from the public highway and which are accessed via a private estate road which leads to Hogsbrook Farm. Whilst the site is located within open countryside, the area is characterised by a mix of agricultural and industrial uses. Greendale industrial estate/ business park and Mill Park industrial estate are located in close proximity to this site. Where the buildings are visible from public vantage points outside of the site, which are limited, they are generally read in context with the Hogsbrook Farm complex and consequently result in minimal harm to the wider landscape and the character and appearance of the surrounding area.

The small scale nature and operation of the businesses and the constraints of the site are such that it is not considered that that the increased activity associated with the use of the buildings has a significant adverse impact on the character and appearance of the area.

The external alterations that have been undertaken to the buildings to reflect their industrial uses are considered to be acceptable on the basis they are set so far back from the public highway and are self contained and enclosed by other buildings within the courtyard.

#### Highway Safety:

The application has been considered by the County Highway Authority who have raised no objections to the proposal. Access to the site from the A3052 is from Whitecross Road which whilst narrow in places does have a number of passing places along it. The industrial units are accessed via the private industrial road which leads to the site. The access onto Whitecross Road is considered to be acceptable offering a good standard of visibility in both directions. The site is also approximately 700 metres from a bus stop which would give employees the choice to travel to work via alternative modes of transport. It is not therefore considered that the proposed use would give rise to any highway safety concerns.

#### Residential Amenity:

The application site is well distanced from residential properties and given the relatively small scale nature of the businesses operating from the site, it is not considered that there is any significant harm to the residential amenities of the occupiers of nearby properties. The Council's Environmental Health Officer has considered the application and has advised that this is a retrospective application and no complaints of noise, nuisance, pollution or other amenity issues have been received to date, no objections are raised to the application.

### **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved. (Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice. (Reason - For the avoidance of doubt.)
3. No high frequency audible reversing alarms shall be permitted on any site vehicle or vehicle based at the site (white noise alarms are permitted).

(Reason - To protect the amenities of local residents from high frequency alarm noise which is audible over considerable distances in accordance with Policy EN14 - Control of Pollution of the Adopted New East Devon Local Plan.)

4. No machinery shall be operated, no processes carried out and no deliveries accepted or dispatched except between the hours of 6am and 6pm Monday to Friday, or 6am and 1pm on Saturdays, and not at all on Sundays or Bank Holidays.

(Reason - To protect the amenities of local residents from noise in accordance with Policy EN14 - Control of Pollution of the Adopted New East Devon Local Plan.)

5. All site lighting shall be turned off between 7pm and 6am and any low level security lighting shall be selected so that there is no upwards or lateral light overspill. Temporary lighting required during the occasional out of hours activity shall be operated by movement sensors.

(Reason - To protect the local environment from light pollution and in accordance with Policy EN14 - Control of Pollution of the Adopted New East Devon Local Plan and the provisions of the National Planning Policy Framework.)

#### NOTE FOR APPLICANT

##### Informative:

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

7258-01	Proposed Site Plan	17.08.15
7258-02	Location Plan	17.08.15
7258-03 REV A	Proposed Elevation	20.08.15
7258-04 REV A	Proposed Elevation	20.08.15

##### List of Background Papers

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

**Ward** Tale Vale

**Reference** 15/1786/FUL

**Applicant** Mr Martin Fordham

**Location** Crosshill Farm Weston Honiton  
EX14 3PF

**Proposal** Conversion and extension of barn to  
form a dwelling



**RECOMMENDATION: Refusal**





		<b>Committee Date: 16 February 2016</b>
<b>Tale Vale (AWLISCOMBE)</b>	<b>15/1786/FUL</b>	<b>Target Date: 01.02.2016</b>
<b>Applicant:</b>	<b>Mr Martin Fordham</b>	
<b>Location:</b>	<b>Crosshill Farm Weston</b>	
<b>Proposal:</b>	<b>Conversion and extension of barn to form a dwelling</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

**This application is presented to the Committee because the Ward Member view is contrary to the officer recommendation.**

**Members may recall approving a new dwelling at Crosshill Farm in May 2014. The current proposal is from the same applicant and seeks to convert and extend a barn to create a further dwelling adjacent to the new dwelling, which is now at an advanced stage of construction.**

**The application for the adjacent new dwelling was recommended for refusal by the officers owing to concerns about the sustainability of the location and the effect of the proposal on the character and appearance of the area. The minutes for the May 2014 meeting record that 'Members considered that there would be a visual enhancement to the area from the proposed development and that the site was reasonably sustainable'.**

**This current proposal is similarly recommended for refusal owing to the site being outside of a Built up Area Boundary in a location where the occupants of the dwelling would need to rely the car for most, if not all, of their journeys. In addition, refusal of permission is recommended because the extent of the demolition and extension of the building would be tantamount to the construction of a new dwelling in the countryside and the application fails to secure a contribution towards affordable housing in accordance with Strategy 34 of the Adopted New Local Plan.**

**For these reasons the proposal would be contrary to established principles which seek to restrict development in the countryside.**

## **CONSULTATIONS**

### **Local Consultations**

#### Tale Vale - Cllr P Skinner

I have spent a bit of time on site and looking through the application. I am in principal going to SUPPORT the application but am mindful of ensuring that the development has a reasonably high level of standard of construction and that it's finish gives a farm yard feel to it, so as it sits within it's surroundings comfortably.

It is important that being as prominent a position that it holds, being on the corner of Weston, that the hamlet character and countryside feel is maintained.

To me the issue of the barn conversions I am in full support as long as the development is completed well and becomes the finished scheme.

#### Parish/Town Council

The Parish Council supports this application.

#### Other Representations

None received.

### **Technical Consultations**

#### County Highway Authority

Highways Standing Advice

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
14/0266/FUL	Remove existing barns, erection of new dwelling and formation of access	Approval with conditions	16.05.2014
13/1455/FUL	Remove existing barns, erection of new dwelling and formation of access	Refusal	11.10.2013
12/1090/FUL	Construction of two storey extension and alterations	Approval with conditions	13.06.2012
11/2176/FUL	Construction of three dwellings and new access; conversion of existing barn and toll house to form one dwelling; and extension to existing dwelling	Withdrawn	24.11.2011

## **POLICIES**

### New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

D8 (Re-use of Rural Buildings Outside of Settlements)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

EN5 (Wildlife Habitats and Features)

EN22 (Surface Run-Off Implications of New Development)

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

### Site Location and Description

Crosshill Farm is located in the hamlet of Weston, which is in the countryside to the north of Honiton. The farmhouse is no longer associated with any farm land, having been sold off with some of the barns several years ago. The original farm house has since been enlarged and refurbished and the modern barns have been replaced with a new dwelling (which is still under construction). The current application site takes in the older barns at the eastern end of the applicant's land along with access over the new driveway serving the existing dwellings.

## **ANALYSIS**

### Proposed Development

Planning permission is sought to convert and extend one of the older buildings at Crosshill Farm to form a dwelling.

The building has formerly been described as a 'range of loose boxes' and is now used for storage ancillary to the residential use of Crosshill Farmhouse. It is a single storey structure with random rubble rear and gable walls and a twentieth century brick and timber/steel facade. The roof comprises a number of timber trusses and is covered in corrugated iron sheets.

At the rear of the building is a now disused silage clamp. In front of the building there are further structures, including a 'roundhouse', which are within the application site but which are not proposed to be altered. Although the current proposal shows access would be along the new drive which serves the existing dwellings, there is an existing access to the east which crosses in front of the building. This access would be closed as a requirement of a condition attached to the permission for the new dwelling being constructed adjacent to the site.

The proposal would be to adapt the existing building and add three extensions which would almost double the footprint of the building. The extensions would comprise a conservatory on the front, a rear wing accommodating two bedrooms and a second rear wing accommodating an entrance hall, boot room and garage.

### Considerations

The site is in a rural location and for planning policy purposes is in the countryside as Weston does not have a Built-up Area Boundary. Adopted policies seek to restrict development in the countryside unless it is supported by another Local Plan policy. Policy D8 – Re-use of Rural Building Outside of Settlements but this policy requires building to be well located to services and facilities to reduce the need to travel by car and requires that the building is structurally sound and capable of conversion without substantial alteration. This is assessed below.

The building it is proposed to adapt has historic origins as evidenced by the random rubble construction of the rear and gable walls. These have been subject to repairs in the past and the building has at some point had a new roof and brick front wall. The building is not listed and owing to the alterations that have taken place and the removal long ago of the other buildings which constituted the historic Crosshill Farm, is not regarded as a non-designated heritage asset. Even so, it is not without merit as a traditional farm building and in the interests of sustainable development consideration should be given to the potential for its reuse.

A structural survey has been carried out, although this was limited by access restrictions to the rear and to the north east gable as well as to certain parts internally. According to the report, from what can be seen of it, the rear wall appears to be in reasonable condition except at the western end. At this end the gable is in a poor condition and has been subject to repairs. At the opposite end there are some voids in the wall where rubble has dropped out. The brick wall at the front, however, appears to be in good condition for its age.

The report concludes that the roof would need replacing, as would the south west gable. The rear wall could not be fully inspected but, where visible, there were cracks that would need stitching. This wall, along with the north east gable and the front wall would also require underpinning to accommodate a modern slab construction. However, underpinning of the freestanding brick piers in the front wall 'would present a problem', according to the report, and therefore it is likely that the front wall would be replaced.

From this report it can be concluded that more than half of the building would be replaced and those parts which appear to be capable of retention (the rear and north

east gable walls) may not merit the repair and underpinning works required. The weight that can be attributed to the reuse of the building is therefore limited in this case and it is considered that due to the substantial extensions and building not being structurally sound and capable of conversion that the proposal does not comply with Policy D8.

With the amount of rebuilding required and the large footprint of the extensions proposed, this scheme amounts to a new-build dwelling. In that sense it is similar to the dwelling on the adjacent plot which also replaced some barns, albeit more modern structures. In that case the proposal was recommended for refusal but approved by the Development Management Committee. According to the minutes, 'Members considered that there would be a visual enhancement to the area from the proposed development and that the site was reasonably sustainable'.

On the latter point it is noted that the site is about 900 metres from the edge of the Heathpark Industrial estate and about 1500 metres from the nearest food store, Lidl. The distances to employment and shopping sites are therefore unlikely to be attractive to pedestrians, particularly if carrying shopping. Cycling may be a realistic alternative but for other destinations, such as to reach schools, the town centre or leisure facilities, the distance and the volume of traffic on the roads would not be attractive except to committed cyclists. Furthermore, the extremely limited bus service (one a week in each direction) would not be a realistic alternative.

Taking all this into account, the occupiers of the dwelling would be likely to carry out most, if not all of their journeys by car. This would be contrary to Policy D8 and Policy TC2 of the Adopted New East Devon Local Plan, as well as to one of the core principles of the NPPF.

Turning to the effect on the character and appearance of the area, it is likely that the development would tidy up a somewhat neglected part of the site. However, other options for use of the building and the land around it do not appear to have been explored. It would, for example, be suitable for use as a workshop or store associated with either of the adjacent dwellings and in that way aesthetic improvements could be secured. It should also be noted that the benefit to the public realm would be limited following the closure of the existing access. The weight to be attributed to any 'visual enhancement' to the area arising from the proposal is therefore limited.

Drawing these considerations together, the proposal is unacceptable in principle and contrary to Strategy 7 and Policies D8 and TC2.

#### Other matters

Correspondence from an arboriculturalist has been submitted which addresses the effect of the development on the row of *Leylandii* Cypress trees on the eastern boundary. These are uncharacteristic of the area but it is understood that the applicant would like to keep them because they screen the rear of the site from being overlooked by Bartletts Farm on the opposite side of the road. This would be feasible although if approval were recommended it would be more appropriate to secure the

removal of the trees and their replacement with more suitable planting to maintain a screening effect.

The building has moderate potential for use as a bat roost but a thorough search by an ecologist found no evidence of current use. The ecologist's report does not recommend further survey work and concludes that development could go ahead without harming protected species, subject to the usual precautions.

Several inactive swallow and sparrow nests were found in the barn which would be lost as a result of the development. In this case, however, the retained buildings at the southern end of the site would provide suitable mitigation subject to appropriate enhancements of a minor nature, such as provision of swallow ledges and swift boxes.

It is recognised that within the local area there have been recent permissions for dwellings but in each case there were circumstances to justify the decision. The dwelling at land east of Paynes Cottages was a unique case and was inseparable from the land-based business alongside which it was proposed. On a larger scale, the housing development given permission on land east of Hayne Lane is of a scale which justifies the provision of services to make it sustainable. These developments do not therefore justify the current proposal.

Finally, Strategy 34 of the Adopted New Local Plan requires all new residential developments to provide an element of, or contribution towards, affordable housing. Using the adopted affordable housing calculator a 4 bedroom detached property in this location would generate the need for a financial contribution of £71,835. As this application fails to put a mechanism in place to secure the necessary financial contribution towards affordable housing, the proposal is contrary to Strategy 34 and this forms an additional reason for refusal.

### Conclusion

The site is located outside of a Built up Area Boundary in an unsustainable location. The application proposed an open market dwelling in an unsustainable location and the size of the extensions and building being structurally unsound or capable of conversion without substantial re-built result in the proposal being contrary to Strategy 7 and Policy D8.

In addition, the proposal fails to adequately secure a financial contribution towards affordable housing contrary to Strategy 34 of the Adopted New Local Plan.

### **RECOMMENDATION**

REFUSE for the following reasons:

1. By virtue of:
  - the location of the site outside of a Built-up Area Boundary;

- the excessive distance to facilities in Honiton combined with the lack of safe and convenient walking and cycling routes, as well as the inadequate public transport facilities resulting in occupiers being largely dependent on car-based trips to access employment, shops, leisure and community facilities;
- The building not being structurally sound or capable of conversion without substantial reconstruction or alteration; and,
- The extent of extensions proposed to the building,

the proposal would be contrary to Strategy 7 (Development in the Countryside), Policy D8 (Re-use of Rural Buildings Outside of Settlements) and Policy TC2 (Accessibility of New Development) of the Adopted New East Devon Local Plan and guidance in the National Planning Policy Framework.

2. The application fails to provide an appropriate mechanism to secure the necessary contribution towards affordable housing to adequately mitigate the impact from the development. As such the proposal would be contrary to, Strategy 34 - District Wide Affordable Housing of the Adopted New East Devon Local Plan and advice contained in the National Planning Policy Framework.

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

	Location Plan	07.12.15
15/523/08	Proposed Site Plan	04.08.15
15/523/07	Proposed roof plans	04.08.15
15/523/06	Proposed Combined Plans	07.12.15
15/523/05	Proposed Elevation	04.08.15
15/523/04 GROUND	Proposed Floor Plans	04.08.15
15/523/03	Existing Site Plan	04.08.15

15/523/02	Sections		04.08.15
15/523/01	Existing Plans	Combined	04.08.15

List of Background Papers

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