

Agenda for Development Management Committee Tuesday, 19 January 2016; 10am

[Members of the Committee](#)

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

[View directions](#)

Contact: [Hannah Whitfield](#)

01395 517542, Issued 7 January 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

[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 11 January up until 12 noon on Thursday 14 January by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

Speaking on non-planning application items

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

- 1 Minutes of the Development Management Committee meeting held on 8 December 2015 (page 5 - 12)
- 2 Apologies
- 3 [Declarations of interest](#)
- 4 [Matters of urgency](#)
- 5 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.
- 6 **Planning appeal statistics** (page 13 - 16)
Development Manager
- 7 **Response to consultation on proposed changes to national planning policy**
(page 17 - 30)
Development Manager
- 8 **Local Plan update** (Verbal update)
Service Lead – Planning Strategy and Development Management
- 9 **Applications for determination**

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

15/2079/FUL (Minor) (page 31 - 39)
Exmouth Brixington
30 Little Meadow, Exmouth EX8 4LU

15/1818/MFUL (Major) (page 40 - 71)
Exmouth Withycombe Raleigh
Moreton, 13 Drakes Avenue, Exmouth EX8 4AA

15/2308/FUL (Minor) (page 72 - 81)
Exmouth Withycombe Raleigh
299 ATC Squadron, Phear Park, Withycombe Road, Exmouth EX8 1TJ

15/2172/MRES (Major) (page 82 - 121)
Newton Poppleford and Harpford
Land south of King Alfred Way, Newton Poppleford

15/2026/FUL (Minor) (page 122 - 145)
Yarty
Ivygreen Farm, Chardstock, Axminster EX13 7BY

Break

(Lunch will be provided for Development Management Committee members)

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

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

15/2519/FUL (Minor) (page 146 - 150)
Axminster Rural
21 St Andrews Drive, Axminster EX13 5HA

15/1890/FUL (Minor) (page 151 - 158)
Budleigh Salterton
10 Copp Hill Lane (land adjacent), Budleigh Salterton EX9 6DT

15/2136/FUL (Minor) (page 159 - 169)
Budleigh Salterton
Pooh Cottage Holiday Site, Bear Lane, Budleigh Salterton

15/2376/TCA (Other) (page 170 - 174)
Coly Valley
Colyton House, Vicarage Street, Colyton EX24 6LQ

15/2052/OUT (Minor) (page 175 - 185)
Ottery St Mary Rural
Land adjoining White Farm Lane, West Hill, Ottery St Mary EX11 1GF

15/2543/OUT (Minor) (page 186 - 198)
Ottery St Mary Rural
Harley Thorne, Higher Broad Oak Road, West Hill, Ottery St Mary EX11 1XJ

15/2461/FUL (Minor) (page 199 - 206)
Raleigh
Otterton C of E Primary School, Church Hill, Otterton EX9 7HU

15/2295/FUL (Minor) (page 207 - 213)
Seaton
Edge Farm Stables, Branscombe, Seaton EX12 3BL

15/2477/ADV (Other) (page 214 - 219)

Seaton

Seaton Jurassic, The Undefleet, Seaton EX12 2WD

15/0239/FUL (Minor) (page 220 - 232)

Woodbury and Lympstone

Land east of Orchard Cottage, The Avenue, Exton EX3 0PX

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 8 December 2015

Attendance list at end of document

The meeting started at 10am and ended at 3.13pm (the Committee adjourned for lunch at 12.05pm and reconvened at 2pm).

***52 Minutes**

The minutes of the Development Management Committee meeting held on 3 November 2015 were confirmed and signed as a true record.

***53 Declarations of interest**

Cllr Matt Coppell; 15/1694/FUL; Personal interest; Brother lives close to the site.

Cllr Mike Allen; 15/1991/MRES; An objector to the application attends the same Church as the Councillor.

Cllr Paul Carter; 15/1991/MRES, 15/1694/FUL, 15/2090/OUT; Personal interest; Ottery St Mary Town Councillor.

Cllr Paul Carter; 15/1051/FUL; Personal interest; Applicant is known to the Councillor.

Cllr Peter Burrows; 15/1924/OUT, 15/2166/FUL; Personal interest; Seaton Town Councillor.

Cllr Steve Gazzard; 15/1826/FUL, 15/2414/VAR; Personal interest; Exmouth Town Councillor.

Cllr Alison Greenhalgh; 15/1826/FUL, 15/2414/VAR; Personal interest; Exmouth Town Councillor.

Cllr Steve Gazzard; 15/1826/FUL, 15/2414/VAR; Personal interest; Exmouth Town Councillor.

Cllr Mark Williamson; 15/1826/FUL, 15/2414/VAR; Personal interest; Exmouth Town Councillor.

Cllr David Barratt; 15/1051/FUL, 15/2270/FUL; Personal interest; Sidmouth Town Councillor.

Cllr Colin Brown; 15/2170/FUL; Pecuniary interest; Applicant.

Cllr David Key; 15/1051/FUL; Personal interest; Applicant is an acquaintance.

***54 Planning appeal statistics**

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

The Committee noted that the increase in the number of appeals lodged was the result of a backlog at the Planning Inspectorate, rather than the result of a greater number of applications having been refused.

The Development Manager also highlighted that the applicant of application 15/0753/MOUT (seeking outline planning permission for access for up to 44 dwellings to the rear of 62-82 Douglas Avenue, Exmouth), which had been deferred by the Committee at the last meeting had since lodged an appeal against non-determination. The application would be referred back to the Committee for a site inspection for Members to advise whether or not they would be minded to approve the application when the appeal had been accepted by the Inspectorate.

***55 Local Plan update**

The Planning Policy Manager advised the Committee that the consultation on the main modifications within the draft Plan had concluded on 30 November – all comments had been submitted to the Local Plan Inspector. Subject to receiving the Inspector's final report by the end the year/beginning of next year, it was hoped that the Council would be in a position to adopt the new East Devon Local Plan early in 2016.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 9 – 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 (morning only)
Alan Dent
Steve Gazzard
Alison Greenhalgh
Simon Grundy
Ben Ingham
Chris Pepper
Mark Williamson

Officers

Richard Cohen, Deputy Chief Executive (afternoon only)
Matt Dickins, Planning Policy Manager
Paul Lowe, Housing Enabling Officer (afternoon only)
Chris Rose, Development Manager
Shirley Shaw, Planning Barrister
Hannah Whitfield, Democratic Services Officer

Also present

Councillors:
Peter Faithfull
Roger Giles
Steve Hall
Marcus Hartnell
Geoff Jung
Jim Knight
Ian Thomas

Apologies:

Councillor Andrew Moulding

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL
Development Management Committee
Tuesday 8 December; Schedule number 9 – 2015/2016

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:

<http://eastdevon.gov.uk/media/1399523/081215-combined-dmc-agenda-compressed.pdf>

Feniton & Buckerell
(FENITON)

15/1969/FUL

Applicant: A P Down And Sons

Location: Sherwood Farm, Feniton

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

Application withdrawn from the agenda.

Ottery St Mary Town
(OTTERY ST MARY)

15/1991/MRES

Applicant: David Wilson Exeter

Location: Former Gerway Nurseries, Ottery St Mary

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

RESOLVED:

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

- the affordable housing within the development was not 'pepper potted' contrary to Policy H4 of the Adopted Local Plan and Strategy 34 of the emerging Local Plan and would result in harm to social cohesion.
- the poor design and layout of the proposed development would lead to noise and disturbance to the occupiers of New Harcourt due to the close proximity of the parking and manoeuvring areas to their rear elevation and would also result in a lack of natural surveillance of the area.

Seaton
(SEATON) 15/1924/OUT

Applicant: Ms G Hayter

Location: Calvados, Couchill Lane

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

RESOLVED: APPROVED with conditions as per the recommendation and subject to an additional condition to secure repairs to the surface of the Public Right of Way as a result of any damage caused by construction.

Ottery St Mary Rural
(AYLESBEARE) 15/1424/FUL

Applicant: Mr & Mrs Peter Carhart

Location: North Cottage, Aylesbeare

Proposal: Detached single storey dwelling and detached garage

RESOLVED: REFUSED as per the recommendation subject to the informative to the applicant being amended to NEG4 – standard refusal, no negotiation.

Ottery St Mary Rural
(OTTERY ST MARY) 15/1694/FUL

Applicant: Mr Kevan Cornfield

Location: Land Adjacent Greytops, West Hill Road

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

RESOLVED: APPROVED with conditions as per recommendation.

Ottery St Mary Rural
(OTTERY ST MARY) 15/2090/OUT

Applicant: Paul Hunt Investments Ltd

Location: West Hayes West Hill Road

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

RESOLVED: APPROVED with conditions as per recommendation.

Seaton
(SEATON) 15/2166/FUL

Applicant: Ms H Goodier

Location: Chine Cafe, Castle Hill

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

RESOLVED: APPROVED with conditions as per recommendation.

Trinity
(UPLYME) 15/1994/OUT

Applicant: Mr A Turner

Location: Land West Of Herons Brook (Wadley Hill), Venlake

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

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

Axminster Rural
(HAWKCHURCH)

15/2168/COU

Applicant: C Southwell (Fairwater Head Hotel)

Location: Fairwater Head Hotel, Hawkchurch

Proposal: Change of use of hotel to dwelling

RESOLVED: APPROVED with conditions as per recommendation.

Exmouth Town
(EXMOUTH)

15/2414/VAR

Applicant: East Devon District Council (Ms Alison Hayward)

Location: Mamhead Slipway, Mamhead View

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

RESOLVED: APPROVED with conditions as per recommendation.

Sidmouth Rural
(SIDMOUTH)

15/1051/FUL

Applicant: Mr & Mrs G Powell

Location: Lower Chelson Farm, Salcombe Regis

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

RESOLVED: REFUSED as per recommendation.

Exmouth Town
(EXMOUTH) 15/1826/FUL

Applicant: Jonathan Burns (EDDC)

Location: 102 St Andrews Road Exmouth

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

RESOLVED: APPROVED with conditions as per recommendation.

Otterhead
(MONKTON) 15/2170/FUL

Applicant: Mr & Mrs C Brown

Location: Monkton Court Hotel, Monkton

Proposal: Proposed garage

RESOLVED: APPROVED with conditions as per recommendation.

(Councillor Colin Brown left the Chamber during consideration of the application)

Sidmouth Town
(SIDMOUTH) 15/2270/FUL

Applicant: Miss Rebecca Heal

Location: 33 Higher Woolbrook Park, Sidmouth

Proposal: Construction of a rear extension.

RESOLVED: APPROVED with conditions as per recommendation.

East Devon District Council
List of Planning Appeals Lodged

Ref: 15/1118/MOUT **Date Received** 24.11.2015
Appellant: Badger Homes Limited
Appeal Site: Land To The West Of Barn Lane Budleigh Salterton
Proposal: Erection of 60 bed care home, 30 no. houses (40% affordable), 7 no. bungalows, 12 no. affordable retirement apartments and 2 no. live/work units (outline application with all matters reserved)
Planning Inspectorate Ref: APP/U1105/W/15/3139171

Ref: 15/1619/FUL **Date Received** 01.12.2015
Appellant: Mr John Hardy
Appeal Site: Foye River Front Exton Exeter EX3 0PR
Proposal: Alterations of existing bungalow to form 4 no. new dwellings
Planning Inspectorate Ref: APP/U1105/W/15/3139662

Ref: 15/1778/FUL **Date Received** 15.12.2015
Appellant: Mr N Pereira
Appeal Site: Otter Dene Venn Ottery Ottery St Mary EX11 1SG
Proposal: Change of use and extension of outbuilding to create a holiday let.
Planning Inspectorate Ref: APP/U1105/W/15/3140667

Ref: 15/1663/MOUT **Date Received** 16.12.2015
Appellant: Blue Cedar Homes
Appeal Site: Land Adj. To Slade Farm Slade Road Ottery St Mary
Proposal: Outline planning application for the construction of up to 52no dwellings incorporating age restricted open market and affordable dwellings together with associated infrastructure (all matters reserved except for access)
Planning Inspectorate Ref: APP/U1105/W/15/3140719

East Devon District Council
List of Planning Appeals Decided

Ref: 14/2282/OUT **Appeal Ref:** 15/00037/REF

Appellant: Mr Andrew Clemens

Appeal Site: Land At Badgers Bend Lower Broad Oak Road West Hill
Ottery St Mary EX11 1UD

Proposal: Construction of two dwellings and formation of new vehicular
accesses (outline application discharging means of access
only and reserving details of layout, scale, appearance and
landscaping)

Decision: **Appeal Allowed (with conditions)** **Date:** 25.11.2015

Procedure: Written representations.

Remarks: Delegated refusal, countryside protection and amenity
reasons overruled (EDLP Policies S5 & D1 & NEDLP Policy
D1 & Strategy 7).
The Inspector considered that the position of the dwellings
would be well related to the character of West Hill, being large
detached dwellings set within the landscape. He
acknowledged that residential development on an
undeveloped site would inevitably have some adverse impact
on the local countryside, however, considered that reserved
matters concerning detailed design, materials, landscaping
and boundary treatments would mitigate that impact.
He 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 and demonstrably outweigh the benefits.

BVPI 204: **Yes**

Planning Inspectorate Ref: APP/U1105/W/15/3035940

Ref: 15/0244/FUL **Appeal Ref:** 15/00029/NONDET

Appellant: Mr B Gregson
Appeal Site: Exton Mill Mill Lane Exton Exeter EX3 0PH
Proposal: Construction of 4 bedroom house with integral garage
Decision: **Appeal Dismissed** **Date:** 26.11.2015
Procedure: Written representations
Remarks: Appeal against non-determination. Delegated resolution to refuse, sustainability, countryside protection and amenity reasons upheld (EDLP Policies TA1, S5 & D1 and NEDLP Policy TC2 & Strategy 7).

BVPI 204: **No**
Planning Inspectorate Ref: APP/U1105/W/15/3069998

Ref: 15/0230/FUL **Appeal Ref:** 15/00027/REF

Appellant: Mr R Jones
Appeal Site: Elmside Town Lane Woodbury Exeter EX5 1NE
Proposal: Construction of dwelling and alterations to access
Decision: **Appeal Dismissed** **Date:** 04.12.2015
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policy D1 & NEDLP Policy D1).

BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/15/3029374

Ref: 14/F0548 **Appeal Ref:** 15/00077/ENFAPP

Appellant: Mr Kevin Ciolino
Appeal Site: Land East Of Lower Marl pits Farm Honiton
Proposal: Appeal against an enforcement notice served by the Council in respect of the unauthorised siting and use of a residential caravan on the land.
Decision: **Appeal Dismissed** **Date:** 09.12.2015
Procedure: Written representations
Remarks: Countryside protection and landscape reasons upheld (EDLP Policies S5 & EN1 and NEDLP Strategies 7 & 46). Enforcement Notice varied and upheld.
BVPI 204: **No**
Planning APP/U1105/C/15/3002259
Inspectorate Ref:

Ref: 15/0905/FUL **Appeal Ref:** 15/00036/REF

Appellant: Mr N G Bailey
Appeal Site: The Old Smithy Park Lane Whitford
Proposal: Change of use of former smithy to dwelling
Decision: **Appeal Dismissed** **Date:** 14.12.2015
Procedure: Written representations
Remarks: Delegated refusal, sustainability and countryside protection reasons upheld (EDLP Policies S5 & TA1 and NEDLP Policy TC2 and Strategies 5B & 7).
BVPI 204: **Yes**
Planning APP/U1105/W/15/3131684
Inspectorate Ref:

Report to: Development Management Committee
Date: 19 January 2016
Public Document: Yes
Exemption: None
Review date for release: None



Subject: **Response to consultation on proposed changes to national planning policy**

Purpose of report: To outline the consultation by the Department for Communities and Local Government on proposed changes to national planning policy and provide a comprehensive response to the consultation on behalf of East Devon District Council.

Recommendation: **Members agree that the report be forwarded to the Department for Communities and Local Government to form East Devon District Councils formal response to the consultation.**

Reason for recommendation: To provide a formal response to the consultation and to highlight to Central Government the Councils views on the proposed changes and the implications for planning in East Devon.

Officer: Chris Rose – Development Manager
Ext. 2619 chrose@eastdevon.gov.uk

Financial implications: There are no financial implications arising from the recommendation.

Legal implications: All legal issues are set out within the report

Equalities impact: Low Impact

Risk: Low Risk

Links to background information:

- Consultation document:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/482889/ConsultationNPPF_fin.pdf

Link to Council Plan: Living in, working in, enjoying and funding this outstanding place.

Report in full

1. Background
- 1.1 The Department for Communities and Local Government is consulting on proposed changes to national planning policy. The consultation period runs between the 7th December 2015 and the 25th January 2016.
- 1.2 The consultation covers the following areas:
 1. Broadening the definition of affordable housing, to expand the range of low cost housing opportunities (paragraphs 6–12);
 2. Increasing the density of development around commuter hubs, to make more efficient use of land in suitable locations (paragraphs 13-18);
 3. Supporting sustainable new settlements, development on brownfield land and small sites, and delivery of housing in Local Plans (paragraphs 19-33);
 4. Supporting delivery of starter homes (paragraphs 34-54); and
 5. Transitional arrangements (paragraphs 55-58).
- 1.3 This report provides a summary of and some of the text from, the consultation document and provides a recommended response to the questions posed in the document. The report deals with the above 5 areas in turn.

Affordable housing

- 1.4 The current affordable housing definition includes some low cost home ownership models, such as shared ownership and shared equity, provided that they are subject to ‘in perpetuity’ restrictions or the subsidy is recycled for alternative affordable housing provision. The consultation document states that this limits the current availability of home ownership options for households whose needs are not met by the market.
- 1.5 The consultation document proposes to amend the national planning policy definition of affordable housing to include a wider range of products. This would include low cost market housing or intermediate rent, such as discount market sales or rent to buy housing, some of which may not be subject to ‘in perpetuity’ restrictions or have recycled subsidy. In addition, the document proposes to amend policy to plan for the housing needs of those who aspire to home ownership alongside those whose needs are best met through rented homes, subject as now to the overall viability of individual sites. This will include starter homes and allowing local planning authorities to secure starter homes as part of their negotiations on planning applications.
- 1.6 In parallel, the Housing and Planning Bill is introducing a statutory duty on local authorities to promote the delivery of starter homes, and a requirement for a proportion of starter homes to be delivered on all suitable reasonably-sized housing developments. There will be separate consultation on the level at which this requirement should be set. The Bill defines

starter homes as new dwellings for first time buyers under 40, sold at a discount of at least 20% of market value and at less than the price cap of £250,000 (or £450,000 in London). Support is available through the Help to buy ISA to help purchasers save for a deposit.

1.7 The consultation also seeks views on any equalities implications from these changes.

Q1. Do you have any comments or suggestions about the proposal to amend the definition of affordable housing in national planning policy to include a wider range of low cost homes?

- 1.8 Fundamentally there are concerns regarding the appropriateness of bringing starter homes within the definition of affordable housing in planning terms. East Devon is a predominantly rural area, with low local wages and high house prices driven to a large extent by older people moving into the area from the even higher priced housing areas of London and the South East of England (where wage levels are also considerably higher). The disconnect between wages and house prices mean that a large proportion of identified needs are for rented social housing. The proposed increased emphasis on the delivery of low cost homes to buy will make it increasingly difficult to deliver homes for social rent. There is a real concern that social rent and shared ownership will be replaced by starter homes without any net increase in overall housing supply and that the discount that starter homes brings will add more money to the housing system and risk increasing land and house prices further.
- 1.10 There is a fundamental concern that the bulk of East Devon residents in housing need, including hard working people who would aspire to own a home, will not be able to afford a starter home. Few (arguably nobody) in housing need would be anywhere near being able to raise a mortgage of £250,000, or the relevant deposit (if they could they would not be in housing need), yet it is quite possible that developers will market starter homes at or getting towards this level. The outcome in East Devon (and many other localities) being that starter homes could end up becoming part of the normal stock, sold to people that can afford normal open market prices, but the 20% subsidy will diminish scope to deliver other needed affordable housing products.
- 1.11 While EDDC can see a role for starter homes in promoting and enabling home ownership among those who have a reasonable income but this should not be as an affordable housing product as it will limit opportunities to meet the needs of those on low incomes. Even at 20% discount against open market prices the least expensive new housing stock (and the typically cheaper second hand stock) will be beyond price levels that most in housing need will be able to afford yet it is those that can afford the least are typically those that are in greatest housing need.
- 1.12 There are complex viability issues with the change and uncertainty regarding the level of development that this will apply to and these should be thoroughly investigated before any change to policy is made. These viability issues vary by area and is why affordable housing levels and split between different affordable housing products should be set at the local level and not by national policy. It would be inappropriate for there to be national 'one size fits all' approach when quite evidently relevant factors vary so hugely across England.
- 1.13 If starter homes are to be included as an affordable housing product then the proportion of affordable housing on any scheme that is made up of starter homes and low cost home products should be limited to 25% so that the majority of provision is still focused on meeting the needs of those who simply cannot afford to buy. It is also important that if starter homes and low cost homes are to factor in affordable housing provision that the

Council of Mortgage Lenders is supportive and will enable finance for purchasers of such properties.

Q2. Do you have any views on the implications of the proposed change to the definition of affordable housing on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter?

- 1.16 Many of the people with protected characteristics are amongst the poorest in society (often due to those characteristics preventing them from working or resulting in discrimination which limits the chance of better paid employment) which restricts access to any form of home ownership and increases dependence on rented accommodation. Any policy decision which reduces the supply of affordable housing will disproportionately affect poor people and, therefore, those with protected characteristics.
- 1.17 Housing which meets the needs of these people with protected characteristics is often specialist- for instance adapted to accommodate specific disabilities, or traveller pitches, or religious beliefs- which may be more expensive to provide than mainstream housing but is also harder to finance or re-let, making it unlikely to be provided by the private sector. Failure to ensure provision of sufficient housing to meet these needs, where the need arises, is contrary the Equalities Act and fails to remove or minimise disadvantage suffered by people due to their protected characteristics.
- 1.18 If, as Government policy suggests, other forms of affordable housing, particularly social rented housing, diminishes then reliance on private sector provision will be inevitable. Private sector rental property is largely unregulated so that, in much of East Devon, rents are above the rate of housing benefit and require very large deposits irrespective of the property condition. This means that those residents who cannot afford home ownership will be forced to spend a disproportionate amount of their limited incomes on housing, which is unlikely to meet their actual needs (very few private rental properties are adapted for those with disabilities for example, health conditions may be exacerbated by damp and/or lack of adequate heating and there is a severe shortage of pitches for Traveller use). The situation is aggravated by a lack of access to mainstream banking facilities or credit for those on low incomes (with many accounts requiring a permanent address and/or minimum monthly payments to operate) and high tenancy set-up fees.
- 1.19 In summary, if the supply of affordable social rented housing is reduced in favour of home-ownership then people on low incomes and/or with protected characteristics are likely to be disproportionately negatively affected, contrary to the Equalities Act 2010. Access to appropriate housing (in a form which respects the protected characteristics of residents) will be significantly reduced leading to disadvantage and a widening of the inequalities gap.

Increasing residential density around commuter hubs

- 1.20 Paragraph 47 of the National Planning Policy Framework enables local planning authorities to set appropriate density levels for new housing development to reflect their local circumstances. In East Devon we deal with density on a site-by-site basis to ensure that development is sensitive to the local context.

- 1.21 The consultation document states that there are benefits to encouraging development around new and existing commuter hubs and as such they are keen to support higher density housing development around commuter hubs to help meet a range of housing needs including those of young first-time buyers.
- 1.22 The document proposes a change to national planning policy that would require local planning authorities, in both plan-making and in taking planning decisions, to require higher density development around commuter hubs wherever feasible. It is proposed that a commuter hub be defined as:
- a) a public transport interchange (rail, tube or tram) where people can board or alight to continue their journey by other public transport (including buses), walking or cycling; and
 - b) a place that has, or could have in the future, a frequent service to that stop. We envisage defining a frequent service as running at least every 15 minutes during normal commuting hours.

Q3. Do you agree with the Government's definition of commuter hub? If not, what changes do you consider are required?

- 1.23 Clarification is needed on the criterion. Criteria a) could include a single bus stop where there is no 'interchange' other than walking to a destination. In East Devon, this could potentially relate to a bus stop on a busy road with no other surrounding development. The criteria should relate to a real interchange where there is an interconnection between at least two forms of public transport i.e. bus stop next to a train station. In addition, the current wording to criteria b) is unclear. It would be better to replace 'or could have in the future' with 'where there is a realistic prospect of being delivered within a defined timescale'. To illustrate the point, a frequent service could be provided on the rail lines in East Devon, but only if substantial improvements are made to build additional passing loops and improve signaling, which it is not realistic to expect in the near or medium future.
- 1.24 The terminology used in the preamble to the question warrants some scrutiny. In paragraph 14 the text advises "*we are keen to support higher density housing*" but in paragraph 15 this 'translates' to "*require higher density development*".
- 1.25 The term 'commuter hubs' seems a bit odd – would it not be clearer to spell it out that they are - bus or trains or other public transport stops/stations with frequent connecting services? 'Commuter' can be read to refer to a very specific form of traveler travelling for a very specific purpose – going to work.
- 1.26 Care is needed, as well, in any attempt to define what is a good or frequent service – what might be relevant in London (and other big urban areas) can be very different from good other parts (the vast bulk) of England. It is not clear why 15 minutes is the specified figure and what research or analysis may lie behind this figure and in practice what it means – is it for just one service/route with a 15 minute frequency of service or is it a need for connecting routes/services with more than one connection/set of services offering this frequency? It is as such about the destination of the 15 minute service as its frequency and it is considered to be impossible to apply a national standard.

Q4. Do you have any further suggestions for proposals to support higher density development around commuter hubs through the planning system?

- 1.27 Housing is only one factor that should be taken into account in respect of planning for places where there are lots of public transport services and therefore movement of people.

Other uses that form a destination for large numbers of people moving around, such as offices, retail uses or many leisure facilities should be located at hubs and scope can exist to promote higher density or intensity of use. Critically the corollary of this is that uses that generate significant movements of people should be resisted where there is not the public transport or there should be explicit requirements for improved services.

- 1.28 The consultation document states that they do not envisage introducing a minimum density requirement in national policy as this should be decided locally and this leads to the next question.

Q5. Do you agree that the Government should not introduce a minimum level of residential densities in national policy for areas around commuter hubs? If not, why not?

- 1.29 The approach not to set a minimum standard is generally supported as it will help in negotiations with developers to ensure best use is made of land in the most sustainable locations whilst allowing flexibility to take local factors into account. If a national density policy were defined then it would seem to imply that the spatial extent or catchment of hubs would need to be set out on a map. This could present challenges in both defining hubs (that could be short lived as services change) and also relevant catchments.
- 1.30 Density should be set in relation to local site characteristics and constraints. A commuter hub could be located in a low density area in a conservation area or restricted by national landscape or ecological constraints that may make higher densities around commuter hubs inappropriate. Each case should be considered on its merits and its opportunities and constraints.

Supporting new settlements, development on brownfield land and small sites, and delivery of housing agreed in Local Plans

- 1.31 Paragraph 52 of the National Planning Policy Framework recognises that local planning authorities may plan for the supply of new homes through larger scale developments such as new settlements or urban extensions. The document proposes to strengthen national planning policy to provide a more supportive approach for new settlements, within locally led plans.

Q6. Do you consider that national planning policy should provide greater policy support for new settlements in meeting development needs? If not, why not?

- 1.32 A new settlement, Cranbrook, is being built in East Devon with over 1000 houses constructed and another 7,000 planned. The planning process was lengthy and involved Regional Planning, Structure Planning and Local Planning. Two of these tiers of planning, which were invaluable in determining the need and general location of the new settlement, have been removed from the planning process so that there is now a gulf between national planning policy and local plan work. Objections to the new settlement were received at the Local Plan examination stage, but the strategic context was established at a higher level. The Duty to Co-operate will not be able to replace the strategic planning that was instrumental in the inception of Cranbrook. Large scale new settlements such as new towns should be brought forward through regional and sub-regional policy and not necessarily left to individual local plans due to the far reaching consequences of a new town approach. Guidance that supports and encourages the use of joint local plans between authorities

where a new town approach to housing delivery is to be seriously considered may reinforce the duty to co-operate and encourage a more sub-regional approach to plan making in these circumstances.

- 1.33 A key aspect to the delivery of Cranbrook has been the need to work in partnership with the developers, adjacent local authority and infrastructure providers in the area. It would be useful for any guidance to reinforce the need for partnership working and for clear guidance on how this should operate on large scale new settlements. In the case of Cranbrook for example health service providers have not engaged fully until recently whereas their greater involvement from the start would have been helpful.

Development on Brownfield Land

- 1.34 It is already policy to ensure use of brownfield land and The Housing and Planning Bill, sets out the Governments intention to require local planning authorities to publish and maintain up-to-date registers of brownfield sites suitable for housing. The consultation documents states that 'It is our intention that brownfield registers will be a vehicle for granting permission in principle for new homes on suitable brownfield sites. The ambition in the consultation document is for 90% of brownfield land suitable for housing to have planning permission by 2020.'
- 1.35 The document proposes to make it clearer in national policy that substantial weight be given to the benefits of using brownfield land and that development on these site should be supported unless there are overriding conflicts with the Local Plan or NPPF that cannot be mitigated.
- 1.36 The document goes on to state that sites of less than 10 units play an important role in helping to meet local housing need and that these sites are often on brownfield land. The document highlights that in the year to June 2015, permission was granted for 39,000 dwellings on small sites (16% of all dwellings granted planning permission). It goes on to state that in 2014 there were only 2,400 registered house builders who build between 1 and 100 homes per year compared to 5,700 in 2006 and that building new homes on small sites can deliver a range of economic and social benefits.

Q7. Do you consider that it would be beneficial to strengthen policy on development of brownfield land for housing? If not, why not and are there any unintended impacts that we should take into account?

- 1.37 The brownfield/greenfield status of land is just one factor in assessing its suitability for development; of far greater importance is the location of the land and whether this will contribute to sustainable living patterns. To prioritise the development of brownfield land as proposed could prove counterproductive to the interests of sustainable development. The major barriers to the development of suitably located brownfield land do not relate to the ease of gaining planning permission, but to the viability of developing land that may be more expensive than competing greenfield sites. It should also be recognised that Brownfield sites can have intrinsic value in their own right, not all are derelict eyesores, some can, for example, form visually important open spaces or be important for wildlife. The existence of Brownfield land in differing parts of England could also vary considerably. In some parts Brownfield land can be in limited supply and what does exist can be very remote from services, jobs and facilities. In East Devon there are redundant/underused airfields in remote AONBs locations that could come under the definition of brownfield land

but which would not be appropriate for residential development given their isolated location and impact upon the AONB.

- 1.38 A further concern is that owners of Brownfield land that may be suitable and appropriate for housing might not actually want to develop that land for housing use, they maybe perusing other (potentially much better development options) or not wish to see it developed (at least not in short or medium term time). It would clearly be wrong to attribute any form of failure on a planning authority for not securing housing permissions if this runs counter to land owners aspirations or against better use of land. It is also considered that there should be consistency in terminology in any changes as this consultation refers to “Brownfield land” whereas the NPPF refers to “Previously Developed Land”. These are not necessarily the same thing.

Small Housing sites

- 1.39 The document also states that the Government wants to ensure that proposals for sustainable development on small sites of less than 10 dwellings are strongly supported by national policy. The documents proposes to apply the approach described above for brownfield land to other small sites, provided they are within existing settlement boundaries and well-designed to promote or reinforce local distinctiveness and prevent unwanted development of back gardens.
- 1.40 In addition, it is stated that they intend to make clear that proposals for development on small sites immediately adjacent to, but outside of Built-up Area Boundaries should be carefully considered and supported if they are sustainable.

Q8. Do you consider that it would be beneficial to strengthen policy on development of small sites for housing? If not, why not? How could the change impact on the calculation of local planning authorities’ five-year land supply?

- 1.41 The approach set out of supporting small sites within existing settlement boundaries is too simplistic and such sites are already supported in principle by local plan policies. The only criteria listed are that the schemes are well designed and support local distinctiveness, but this fails to take account of the range of factors necessary to consider when a planning application is determined. There is also an inconsistency in the blanket protection of back gardens.
- 1.42 The idea of allowing development of small sites adjacent to settlement boundaries is also flawed. Why a distinction between small and large sites? When two small sites from the same developer abut each other is the second site unacceptable because it would form a large site? There is no logic to the approach of preparing local plans and neighbourhood plans and carrying our public consultation to draw a line to say that within the line development is acceptable in principle and then allowing development outside of it. The natural conclusion would be that the settlement would be ‘ringed’ by development, the settlement limit would be redrawn to reflect the larger scale of settlement and the process started again to add ever increasing concentric rings with no consideration of the planning impacts of this process. There is no mention of protected landscapes and this would be of concern if it led to inappropriate development in the two thirds of East Devon that is designated AONB. In terms of assessing the five year land supply it would introduce further uncertainty into a process that is already a ‘black art’ of fortune telling that takes up many hours of debate between development professionals and would be better spent in planning more positive development outcomes.

- 1.43 It should also be noted that small sites may not generate the scale of developer contribution and benefits that communities may wish to see from the development process and which communities see as appropriate to make development acceptable. Any move to strengthen policy for small site development should run in parallel with policy that ensures communities can also secure benefits they reasonably require from development such as affordable housing tailored to meet their local needs and community facilities.
- 1.44 It would be useful if the Government were to define what is and what is not “unwanted development of back gardens” and who is to decide what is or is not wanted and what criteria might apply. Some communities may prefer intensification of the existing urban area through the development of back gardens rather than a settlement sprawling out into the countryside.

Q9. Do you agree with the Government proposal to define a small site as a site of less than 10 units? If not, what other definition do you consider is appropriate, and why?

- 1.45 The consultation does not set out any reason for 10 to be the definition of a small site, or compare this against alternatives. In the absence of a justification being provided it is difficult to comment but it could be a concern if falling below this (or any) numerical threshold diminishes the ability to secure community benefits from development. Viability assessment work in East Devon (and this will equally apply to many parts of England) shows no significant difference in the economics of development between smaller sites and larger sites and therefore it could be perverse to have differing standards or requirements for differing site sizes.
- 1.46 Any changes to Government policy should place the onus on local planning authorities to determine, based on local research and analysis, what is a small site in the context of their own local circumstances. This would recognise that there are huge variations across England and a ‘one size fits all’ approach is not appropriate.
- 1.47 The principle of having different policies that affect the principle of development for small and other sites is flawed. If a large site is divided into smaller sites that may be developed at different times and by different interests does it make it a series of small sites that would be dealt with differently in the planning process? Where is the justification for this?
- 1.48 As currently drafted national policy translated into local plan policies are entirely reasonable, appropriate and transparent in allowing for small windfall sites to come forward for development.

Q10. Do you consider that national planning policy should set out that local planning authorities should put in place a specific positive local policy for assessing applications for development on small sites not allocated in the Local Plan?

- 1.49 Local plans already do this through a number of policies and given the above concerns such an approach is not supported or needed.

Action on shortfall in housing provision

- 1.50 The document discusses the possibility of amending national planning policy to ensure action is taken where there is a significant shortfall between the homes provided for in Local Plans and the houses being built. Announced in the Autumn Statement 2015 was the intention to introduce a housing delivery test. It is detailed that this would work by

comparing the number of homes that local planning authorities set out to deliver in their Local Plan against the net additions in housing supply in a local planning authority area.

- 1.51 It is proposed to change policy to make clear that significant under-delivery over a sustained period needs urgent action. The document mentions that an approach to this could be to identify additional sustainable sites if the existing approach is demonstrably not delivering the housing required. This may require a review or partial review of the local plan or through development plan documents.

Q11. We would welcome your views on how best to implement the housing delivery test, and in particular

• What do you consider should be the baseline against which to monitor delivery of new housing?

- 1.52 5-year housing land supply figures are the appropriate baseline.

• What should constitute significant under-delivery, and over what time period?

- 1.53 It is difficult to provide a figure or timescale as delivery varies depending upon a number of factors including market conditions and availability of mortgages. It is recommended that there is no such under-delivery assessment or time period, however if such a time period is introduced it is considered that 2 years is too short a period which could lead to under-delivery simply because 1 specific site has been delayed and that 5 years should be used. This would be consistent with current 5 year land supply measures which have successfully ensured delivery rates in East Devon.

• What steps should be taken in response to significant under-delivery?

- 1.54 The identification of additional sites for development should housing delivery rates fall below a certain level are an established mechanism for dealing with housing supply issues. Such sites need to be 'oven ready' if they are to do the job of plugging a short term gap in the housing supply. A choice of relatively small sites would achieve this aim in a far more flexible and responsive manner than larger scale strategic sites, urban extensions and particularly new settlements, which are wholly unsuited to this role. In East Devon it has been the difficulties of delivering a new settlement that have been the cause of a lack of a five year land supply and this could never be a solution to the problem. It should be noted that it was not the planning system or the planning authority that delayed development, it came down to choices and timing of developers and their responses to market considerations.

• How do you see this approach working when the housing policies in the Local Plan are not up-to-date?

- 1.55 An assessment or timescale in the absence of an adopted local plan would not work and as such the assessment of the 5-year supply of land is as good a measure as any.

Q12. What would be the impact of a housing delivery test on development activity?

- 1.56 It would potentially increase the supply of sites, but this does not guarantee an increase in the delivery of housing as delivery is dependent upon a number of factors outside of planning. It would also not help if the lack of activity was a result of a lack of available land.

There should be a reality check in respect of understanding why under-delivery is happening. Lack of availability of development sites can be one factor but the potential lack of appetite and desire of people to sell land or build at a certain point in time is critical. House builders will build at rates that make commercial sense to them and maximise their returns. Failure to recognize and address this point, and instead just releasing more and more development land, will not increase housing development but it will just result in developers 'cherry-picking' the easy sites that will generate the greatest commercial returns; these may well be sites that are far less appropriate for development in planning terms than those that will then sit vacant. The government needs to consider that housing delivery is not simply a result of planning policy but a result of a variety of different factors including how the development industry operates and the expectations of land owners of potential values when land is sold for development all of which also need to be addressed to increase housing delivery.

- 1.57 Under delivery, because it is determined by measurement against need, also presumes that the need figures are genuinely objectively assessed and established. Measurements of need should be regularly reviewed and assumptions about lower and higher previous expectations, and the factors that led to them, rigorously tested. Ultimately the 5 year land supply requirements already set a test for housing delivery while sites should not be allocated through a local plan unless they are available and deliverable and this will already have been tested through examination of the Local Plan. It is therefore hard to see how an additional test is necessary or that it will significantly increase supply.

Supporting delivery of starter homes

- 1.58 The Productivity Plan sets out an intention to bring forward proposals to extend the current exception site policy, and strengthen the presumption in favour of Starter Home developments, starting with unviable or underused brownfield land for retail, leisure and institutional uses. It also sets out a commitment to consider how national policy and guidance can ensure that unneeded commercial land can be released for housing.
- 1.59 The consultation document states that it wants to ensure that unviable or underused commercial and employment land is released under the exception site policy for starter homes and it is proposed to amend paragraph 22 of the Framework to make clear that unviable or underused employment land should be released unless there is significant and compelling evidence to justify why such land should be retained for employment use.

Q13. What evidence would you suggest could be used to justify retention of land for commercial or similar use? Should there be a fixed time limit on land retention for commercial use?

- 1.60 It is not clear whether this relates solely to land that has been in employment use and is now unused or whether land allocated for employment use is also included. If it is the former, evidence could relate to an assessment of whether there were alternative employment sites available to meet a medium term need, what efforts had been made to market the site for employment uses (there should be a minimum expectation on what constitutes adequate marketing) over a period of not less than 12 months. If allocated land that has not been taken up is involved a partial local plan review should be triggered so that the inter-relationships between housing numbers and employment numbers could be properly examined. In the case of East Devon, the housing numbers directly relate to the level of employment proposed in the local plan and the logic would be that if the employment allocations were not required, the level of housing need would be adjusted

downwards. And employment sites potentially de-allocated (not allocated for anything) in subsequent plans.

- 1.61 Retention of land for employment uses can clearly be measured against such factors as market demand, price marketed at, enquiries for development, commercial activity rates, changes in the workforce and future demographic population projections. But also for planning to be relevant it should set out a vision for jobs and prosperity and this could, for example, involve allocating sites for job purposes that could take years or even decades to be built out. Loss of long term prosperity for a short term housing fix would be a worrying prospect and one that might discourage planning authorities to plan for jobs.

Q14. Do you consider that the starter homes exception site policy should be extended to unviable or underused retail, leisure and non-residential institutional brownfield land?

- 1.62 No. Starter Homes should be provided in sustainable locations close to a range of services, job and facilities and there is a need to ensure an adequate availability of retail, leisure and non-residential institutional land to provide services and facilities for the occupiers of the Starter Homes.

Starter Homes Exception Site Policy

- 1.63 The current exception site policy states that a planning application for a Starter Home development on an exception site should be approved unless the local planning authority can demonstrate that there are overriding conflicts with the National Planning Policy Framework that cannot be mitigated. The interpretation of this policy has created uncertainty for applicants seeking to bring forward the first Starter Home applications.
- 1.64 To ensure there is greater certainty that planning permission will be granted for suitable proposals for starter homes on exception sites, it is proposed to be clearer about the grounds on which development might be refused, and to ensure that this is fully embedded in national planning policy. Specifically, it is proposed to amend the exception site policy to make it clearer that planning applications can only be rejected if there are overriding design, infrastructure and local environmental (such as flood risk) considerations that cannot be mitigated.

Q15. Do you support the proposal to strengthen the starter homes exception site policy? If not, why not?

- 1.65 No. As stated in answer to other questions, this will only result in the loss of much needed traditional affordable housing and Starter Homes should be provided in the most sustainable locations and as part of a mix of dwelling types within a large development.

Q16: Should starter homes form a significant element of any housing component within mixed use developments and converted unlet commercial units?

- 1.67 If there is a sound justification for allowing residential use, then we are unsure what the justification would be for restricting such units to starter homes? If viability is an issue, surely there is justification for the developer to seek the highest value of residential property possible on the site.

Encouraging starter homes in rural areas

- 1.68 The Government's Rural Productivity Plan set out priorities for growing the rural economy and the need to increase the availability of housing in rural towns and villages to enable

them to thrive. The use of rural exception sites is an established means for supporting sensitive housing growth where it is locally supported and meeting local needs.

- 1.68 The document states that starter homes can provide a valuable source of housing for rural areas and, if classified as affordable housing, then we consider it should be possible to deliver starter homes through the existing rural exception site policy. It is therefore proposed that starter homes on rural exception sites should be subject to the same minimum time limits on resale (5 years) as other starter homes to ensure local people are able to maximise the value of the home and secure a long term place in the local housing market. However, the consultation document also proposes that local planning authorities would, exceptionally, have the flexibility to require a local connection test. This would reflect the particular needs of some rural areas where local connections are important and access to the housing market for working people can be difficult and would be consistent with existing policy on rural exception sites.

Q17. Should rural exception sites be used to deliver starter homes in rural areas? If so, should local planning authorities have the flexibility to require local connection tests?

- 1.69 Exception sites should only be used to deliver the identified affordable housing needs of the local community to which the site relates. If some of those needs can be met through starter homes then it is appropriate for these sites to be used to provide an appropriate proportion of starter homes to meet the identified needs. Without relating the policy to a local (in this case within the parish or parish grouping) need and securing this in perpetuity there would be no justification for granting permission contrary to established planning principles. Without the local justification it is far less likely that local communities will be accepting of 'exception' housing sites. There is also a danger that, if rural exceptions are allowed for starter homes, local landowners are less likely to make land available for affordable housing for rent to meet the needs of those who cannot afford to access the local housing market (regardless of their aspirations to do so). It is therefore important that the type of affordable housing provided on exceptions sites is dictated by a local housing needs survey and not by national policy.

Q18. Are there any other policy approaches to delivering starter homes in rural areas that you would support?

- 1.70 In East Devon such provision could come forward through Neighbourhood Plans where the need for such units has been established and the local community have decided on the most appropriate location(s).

Q19. Should local communities have the opportunity to allocate sites for small scale Starter Home developments in their Green Belt through neighbourhood plans?

- 1.71 Not applicable to East Devon as it does not have any Green Belts.

Q20. Should planning policy be amended to allow redevelopment of brownfield sites for starter homes through a more flexible approach to assessing the impact on openness?

- 1.72 Not applicable to East Devon as it does not have any Green Belts.

Transitional arrangements

- 1.73 The documents considers whether transitional arrangements for the changes set out in this consultation document are necessary. It is recognised that a change in the definition of affordable housing in national policy will require local authorities to consider their Local Plan policies in the context of relevant evidence and may be a need to amend policy or review local plans.

Q21. We would welcome your views on our proposed transitional arrangements.

- 1.74 The proposed change to the definition of affordable housing will require fresh evidence, including viability evidence, which in itself is likely to take at least 6 months, depending on the availability of funding and consultants time. Consideration will need to be given to the wider implications for the delivery of local plan strategy and consultation undertaken on a reworked local plan. This will take longer than the six to twelve months set out in the consultation and a more reasonable transition period would be up to twenty four months. The proposed statutory duty to require delivery of starter homes is likely to have implications for local plan strategy that may also necessitate a partial plan review before East Devon has even had the opportunity to adopt its most recent plan (Inspector's report expected January 2016).

General questions

Q22. What are your views on the assumptions and data sources set out in this document to estimate the impact of the proposed changes? Is there any other evidence which you think we need to consider?

- 1.75 There are a number of assumptions that are questioned above and the document appears to generally cover a number of topics where the implications will vary depending upon local circumstances. It is for this reason that it is considered that local authorities through their local plans are best placed to consider the needs of the area and to plan for them and these changes should not be made in national policy.

Q23. Have you any other views on the implications of our proposed changes to national planning policy on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter?

- 1.76 No

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



		Committee Date: 19 January 2016
Exmouth Brixington (EXMOUTH)	15/2079/FUL	Target Date: 25.12.2015
Applicant:	Mrs Alison Rogers	
Location:	30 Little Meadow Exmouth	
Proposal:	Erection of attached dwelling and detached garage	

RECOMMENDATION: APPROVE subject to conditions

EXECUTIVE SUMMARY

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

Planning permission is sought for the erection 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.

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 Dismissed on appeal	07.01.1998 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)

Adopted East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

D5 (Trees on 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. 32. 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. 32 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 32 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 both the existing and proposed dwelling which is considered to be adequate with 2 spaces for each dwelling. 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.

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. As such the application is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions

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

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.

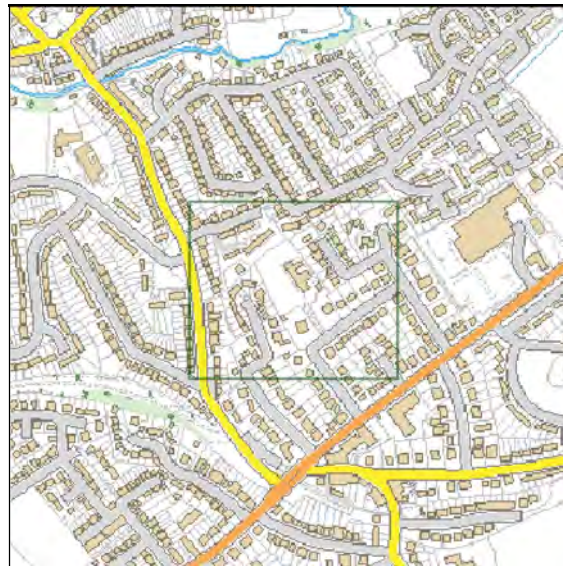
Ward Exmouth Withycombe Raleigh

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



		Committee Date: 19 January 2016
Exmouth Withycombe Raleigh (EXMOUTH)	15/1818/MFUL	Target Date: 17.11.2015
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.	

RECOMMENDATION: Approval subject to a legal agreement and conditions

EXECUTIVE SUMMARY

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 CO₂ 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 CO₂ 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 site¹, 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 have².

¹ 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.

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

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

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.

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)

Adopted East Devon Local Plan Policies

S1 (Strategic Development in the East Devon Part of the Exeter Principal Urban Area)

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

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

D2 (Sustainable Construction)

D3 (Access for the Disabled)

D4 (Landscape Requirements)

D5 (Trees on Development Sites)

EN15 (Control of Pollution)

E1 (Provision of Employment Land)

E2 (Employment Generating Development in Built-up Areas)

TA1 (Accessibility of New Development)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

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 in 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 right height of approximately 15m compared to the existing maximum building ridge height of approximately 13m. The proposed building does however vary considerably from the existing inn 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 Heaths.

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 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 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 D4 (Landscape Requirements) of the East

Devon Local Plan and Policies D1 (Design and Local Distinctiveness) and D3 (landscape Requirements) of the emerging 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 TA7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan 2006 and Policy TC7 (Adequacy of Road Network and Site Access) of the emerging 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 TA7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan 2006 and Policy TC7 (Adequacy of Road Network and Site Access) of the emerging New East Devon Local Plan.)

8. No part of the development hereby approved shall be brought into its intended use until the
- 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 drainage

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

(Reason: To ensure that adequate facilities are available for the traffic attracted to the site in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan 2006 and Policy TC7 (Adequacy of Road Network and Site Access) of the emerging 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 emerging East Devon Local Plan.)

10. The premises hereby permitted shall only be occupied and managed as a single block of retirement living units with care, falling within use Class C2 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended). All of the units within the block hereby approved shall be occupied only by persons of age 60 and over, unless where couples are in occupation in which case at least one occupant shall be at least 60 years old. The building shall not be used or occupied for any other purpose (including any equivalent purpose in Class C2 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or any equivalent provision, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 no permitted changes of use shall occur, unless the express written permission of the Local Planning Authority has been obtained.

(Reason: The development is a form, density and type of accommodation which has been justified on the basis of meeting a defined need for this type of accommodation, and this condition is required to ensure that the development

is occupied and managed on this basis to prevent the conversion of the property to other forms of residential accommodation which may not meet an identified need, may not be acceptable in this location and which may impact upon neighbouring uses and the character of the area, and to comply with Policy S7 of the East Devon Local Plan and Strategy 36 of the emerging 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 East Devon Local Plan 2006 and Policy D1 – Design and Local Distinctiveness of the Adopted New East Devon Local Plan 2016 and the NPPF.)

Plans relating to this application:

01	Location Plan	07.08.15
ACCOMMODATI ON SCHEDULE	General Correspondence	11.08.15
	Transport Statement	07.08.15
STATEMENT OF COMMUNITY INVOLVE	General Correspondence	07.08.15
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 Assessment	07.08.15
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.

Ward Exmouth Withycombe Raleigh

Reference 15/2308/FUL

Applicant Wessex Reserve Forces And Cadet Association

Location 299 A T C Squadron Phear Park
Withycombe Road Exmouth EX8 1TJ

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



RECOMMENDATION: Approval with conditions



		Committee Date: 19 January 2016
Exmouth Withycombe Raleigh (EXMOUTH)	15/2308/FUL	Target Date: 22.12.2015
Applicant:	Wessex Reserve Forces And Cadet Association	
Location:	299 A T C Squadron Phear Park	
Proposal:	Demolition of existing structure and construction of single storey joint cadet centre with associated works	

RECOMMENDATION: APPROVE subject to conditions

EXECUTIVE SUMMARY

The application site is within the ownership of East Devon District Council which is why this application is brought before Members of the Development Management Committee.

Planning permission is sought for the demolition of the existing cadet centre on the site and the redevelopment of part of the site to form a combined ATC and ACF centre comprising a training hall, classrooms, office accommodation and an indoor training centre (rifle range). The northern part of the application site is proposed to be retained by EDDC for use by the Parks Department.

Two single storey buildings are proposed with the main entrance foyer linking the rifle range which is located adjacent to the existing Rifle and Pistol Club shooting range on the western side of the site.

The proposed buildings, although large would be relatively discrete, being within the existing walled site. Consideration has been given to the location of the rifle range which has been sited away from the nearest residential properties in Park Way, and shielded by the main cadet centre. A noise report has been submitted and considered by Environmental Health and found to be acceptable.

The proposal will offer purpose built accommodation for the Cadets and is considered to provide a valuable new community facility.

Within the site there are a number of stones which appear to have originated from the former Marpool Hall with which the walled garden was associated, although these are not considered to have been in their current location historically and there is no heritage objection to their removal. Whilst not part of

the application the applicant has expressed a willingness to offer the stones to the community for relocation elsewhere in the park.

Subject to appropriate conditions the proposal is considered to be acceptable.

CONSULTATIONS

Local Consultations

Exmouth Withycombe Raleigh - Cllr B Bailey

Tks for mail re ATC. I am for this

Exmouth Withycombe Raleigh - Cllr S Gazzard

As one of the Ward Members I have no objections to the above application, in fact it will a great improvement for all the young people that use this facility.

Although this is not a planning matter I would though like to make the following observation and wonder if the applicant would be prepared to take these points on board.

Exmouth has lost lots of its heritage and in Phear Park we have no reminder that Marpool House ever existed. The new build will cover boulders from the original Marpool House steps and the blocks from the House. Please would it be possible for the applicant to keep as many of them as possible and on the original site erect a small area as a reminder to the people of Exmouth.

Hope that you find my comments of help.

Parish/Town Council

Meeting 16.11.15

No Objection.

It was suggest that the applicant could remove some the slabs and boulders on the site that were from the original house and use them to erect a memorial in respect of Marpool House.

Technical Consultations

County Highway Authority

Does not wish to comment

Conservation

We do not wish to comment on this application.

Environmental Health

I have considered this application and the detailed submitted by ION Acoustic in their noise report and accept section 7 Summary of the report which states that the predicted levels should be acceptable at the closest residential properties, therefore I

have no objections to this application, and the implementation of the adopted code of practice covers the demolition of the existing building

Other Representations

None received

PLANNING HISTORY

Reference	Description	Decision	Date
11/1909/FUL	Provision of new tarmac parade ground at existing cadet building	Approved	25.10.2011

POLICIES

New East Devon Local Plan Policies

Strategy 6 (Development within Built-up Area Boundaries)
Strategy 22 (Development at Exmouth)

D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
D3 (Trees on Development Sites)

EN5 (Wildlife Habitats and Features)
EN8 (Extension, Alteration or Change of Use of Buildings of Special Architectural and Historic Interest)
EN22 (Surface Run-Off Implications of New Development)

RC5 (Community Buildings)
RC6 (Local Community Facilities)

TC2 (Accessibility of New Development)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

Adopted East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)
D4 (Landscape Requirements)
D5 (Trees on Development Sites)

EN6 (Wildlife Habitats and Features)
EN9 (Extension, Alteration or Change of Use of Buildings of Special Architectural and Historic Interest)

C2 (Local Community Facilities)
C3 (Shared Communal Facilities)

TA1 (Accessibility of New Development)
TA7 (Adequacy of Road Network and Site Access)
TA9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The site refers to the existing cadet centre located on the eastern edge of Phear Park in Exmouth which consists of two Portakabin buildings arranged within a small grassed compound located to the north west of the site and which is separated from the main body of the site by a 2m high palisade fence. The centre is generally enclosed by a brick boundary wall with a range of traditional red brick buildings, used by Exmouth Rifle Club, forming the western boundary. To the south of the building within the walled garden and application site is an open area of land which is used for parking and training purposes associated with the cadet centre.

To the north of the site, and at a lower level lies Exmouth Community College, with residential properties again at a lower level to the east, with Phear Park to the south and west. The site is accessed through the park, with vehicular access from Withycombe Road.

Within the walled area to the south of the buildings on the site are a number of historic stones arranged in a random pattern which are believed to have originated from the former Marpool House with which the walled garden was associated.

The site is located within the built-up area boundary of Exmouth and is not subject to any town or landscape designations.

Proposed Development

Planning permission is sought for the redevelopment of the site to provide purpose-built modern facilities for the Air Training Corps (ATC) and Army Cadet Force (ACF) all within the existing walled area.

The development proposal consists of the erection of a large single storey building (434 square metres) occupying the southern part of the site which would house a training hall, classrooms, office accommodation and ancillary facilities. In addition a single storey link would provide access to an indoor training theatre and firing range housed within a long narrow building 33.5m x 5.7m located along the western boundary of the site.

To the south of the new building a parade ground and three parking spaces are proposed.

It is proposed that the existing cadet centre building will be removed and the northern part of the site be retained by EDDC for use by the Parks Department.

ANALYSIS

The main issues to be considered in determining this application are in terms of the principle of the proposal, the design, position and scale of the proposed buildings and the impact which this would have on the visual amenity of the site; character and appearance of the area; on the residential amenity of neighbouring properties; and on heritage assets.

Principle

The site is located within the built-up area of Exmouth and as it is already occupied by the ACT Squadron, it is not considered that there is an in-principle objection to the proposed redevelopment for additional accommodation within the same use.

Whilst the new buildings may lead to an intensification of the use of the site, this is encouraged and given this sustainable location of the site it is not considered that the provision of only 3 parking spaces will result in any highway safety concerns, particularly as the current use operates without the benefit of any significant car parking provision.

Design

Whilst relatively large buildings are proposed, it is understood that these have been designed to meet the criteria of the ATC, ACF and the floor space standards set by the Ministry of Defence and would provide sufficient space to allow all of the proposed functions of the building to operate more efficiently.

A single storey building is proposed, constructed of rendered blockwork, coloured white with timber vertical panel detailing, under a grey standing seam metal pitched roof, with aluminium windows and steel doors.

The design is functional and relatively discrete for a large building, with the proposed eaves heights kept to a similar height as the boundary wall, although set away from the eastern and northern boundaries of the site. The overall height of the main hall would not exceed 6 metres, with the other buildings being lower, between 4 and 5.5 metres. These heights are lower than the former farmhouse which is located to the west and are considered to be acceptable in this context.

Whilst design is a subjective issue, the relatively modest scale and form of the proposed buildings together with the proposed materials palette are considered to be acceptable in this location.

Character and Appearance of the Area

Although the site is at a higher level than the residential properties to the east of the site, the position of the buildings and the presence of the existing boundary wall will

mean that the proposed structures will be relatively unobtrusive from outside of the site.

Within the vicinity there is a mixed form of development, with the parkland forming a strong character to the south, but with a number of buildings with various design references within the immediate locale. In this respect the proposed design, scale and position of the proposed structures is not considered to be either particularly discordant with that surrounding and whilst some elements of the buildings, particularly some of the roofs will be visible from within the park, they will generally be seen within the context of existing development and would not be unreasonably intrusive.

Following some concern regarding the proposed roof colour, it has been agreed that a darker steel profile roof would be used which is more in keeping with the character of the area.

Residential Amenity

The proposed buildings are contained within an existing walled garden, with all windows below the level of the top of the wall. As the neighbouring properties are at a lower level it is not considered that there will be any visual intrusion, or loss of outlook arising from the proposed development.

The proposed building to house the Indoor Training Theatre (rifle range) has been relocated from that originally suggested and is now proposed to be located adjacent to the existing buildings on the western boundary of the site, with the main hall located between this and the neighbouring houses.

Whilst the proposed use of the training theatre has the potential to create a noise nuisance, the application is accompanied with an acoustic report which has been considered by Environmental Health who accept the findings and raise no objections to the proposal.

Heritage Impact

Whilst there are no listed buildings in the vicinity of the site, the adjacent former farmhouse and outbuildings can be regarded as non-designated heritage assets. Further the stones which are located to the south of the existing buildings are believed to have originated from the former mansion Marpool Hall, and historic investigation would suggest that they do not originate from this site. Bearing this in mind, and whilst they are of historic interest they do not have any particular affiliation with this site.

It has been suggested that some of the stones be retained on the site as a form of memorial to the former use of the site as part of the wider Marpool Estate. Whilst this would be entirely acceptable and would serve as a reminder of times gone by, there is no requirement in planning terms for their retention and cannot be insisted upon as part of the proposal. Having said this the applicant has stated that they would be happy for the stones to be retained and passed onto the Town Council, or other interested body should there be interest in their relocation.

Other Issues

The site for the new building has been most recently used as an overflow car park to serve the use of Phear Park, which would be lost as a result of implementation of the proposed development. It has been suggested that it may be possible to arrange alternative provision within the wider Phear Park to accommodate this, although no objection to the loss of the parking has been raised, and the issue would be a civil one rather than a planning requirement.

Two modest birch trees would be lost as a result of the proposal, however neither are of particular merit or make a significant contribution to the character of the area, and it is considered that their removal will not have an unacceptable impact. There is also a large Holm Oak located outside of the site, but close to the access point which will require protection during the course of any construction works.

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

(Reason: To protect the amenity of local residents from smoke, noise and dust in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan, and Policy EN14 (Control of Pollution) of the emerging New East Devon Local Plan.)

4. The premises shall be used as a cadet centre only and for no other purpose (including any purpose in Classes D1 or D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

(Reason - To enable to the Local Planning Authority to retain control over any future use of the building in the interests of the character of the area and residential amenity in accordance with Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan and Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the emerging New East Devon Local Plan)

5. No development shall commence until details of the location, type and method of operation of all external lighting have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason – In the interests of the character and appearance of the area and the amenity of neighbouring residents in accordance with Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan and D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the emerging New East Devon Local Plan.)

6. Notwithstanding the submitted details, no development shall commence until details of the proposed access ramps to include their design, materials and finishes, and where appropriate the means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

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

7. The use of the building hereby permitted shall be carried out in accordance with the provisions of the Noise Impact Assessment undertaken by Ion Acoustics dated 26/10/15.

(Reason – To protect adjoining occupiers from excessive noise in accordance with Policy EN15 (Control of Pollution) of the adopted East Devon Local Plan 2006 and Policy EN14 – Control of Pollution of the emerging New East Devon Local Plan).

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:

1922-(P)007	Existing Block Plan	27.10.15
1922-(P)001	Location Plan	01.10.15
	Arboriculturist Report	01.10.15

1922-(P)002	Existing Site Plan	01.10.15
1922-(P)003	Proposed Site Plan	01.10.15
1922-(P)004	Proposed Combined Plans	01.10.15
1922-(P)006	Sections	01.10.15
1	Landscaping	01.10.15
NOISE IMPACT ASSESSMENT	General Correspondence	27.10.15
1922-[P]005 REV A	Proposed Elevation	16.12.15
FLAGPOLE 1	General Correspondence	16.12.15
FLAGPOLE 2	General Correspondence	16.12.15
48867 BRACKETS	Other Plans	16.12.15
BRACKETS ASSEMBLY	Other Plans	16.12.15
3	Other Plans	16.12.15
48868-3 REV A FIXING PLATE	Other Plans	16.12.15
48869-3 REV A SMALL FIXING PLATE	Other Plans	16.12.15
1922-203 CYCLE SHELTER DETAIL	Other Plans	16.12.15
1922-[P]108	Landscaping	16.12.15

List of Background Papers

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

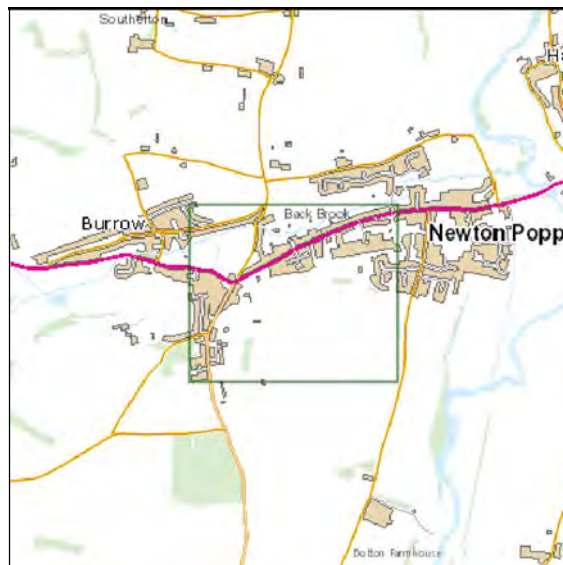
Ward Newton Popleford And Harpford

Reference 15/2172/MRES

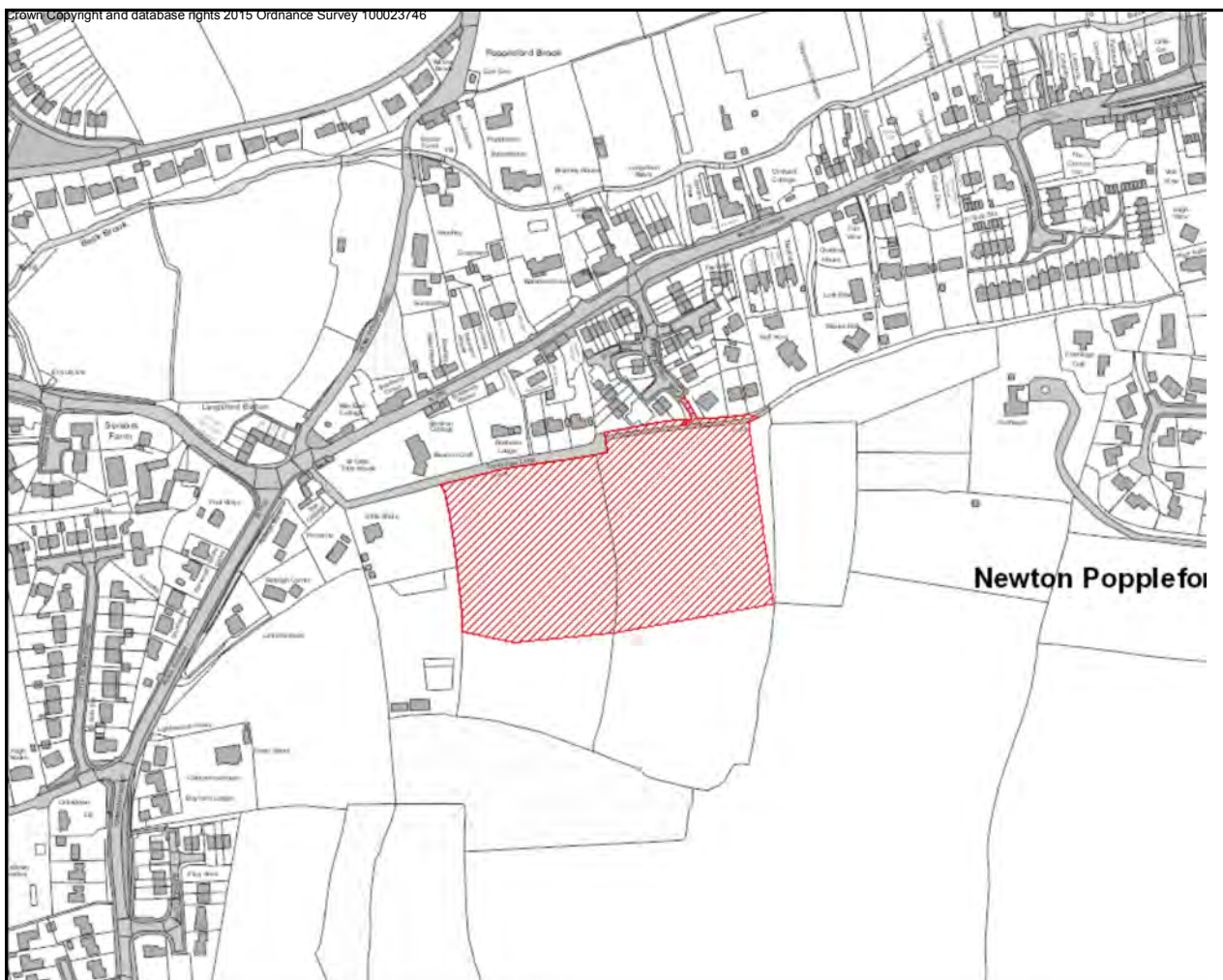
Applicant Cavanna Homes (Devon) Ltd And Pencieave 2

Location Land South Of King Alfred Way Newton Popleford

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)



RECOMMENDATION: Approval with conditions



		Committee Date: 19 January 2016	
Newton Poppleford And Harpford (NEWTON POPPLEFORD AND HARPFORD)	15/2172/MRES	Target Date: 28.12.2015	
Applicant:	Cavanna Homes (Devon) Ltd And Pencleave 2		
Location:	Land South Of King Alfred Way		
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)		

RECOMMENDATION: Approval subject to the conditions set out below and the applicants entering in to a supplemental agreement to the Section 106 agreement attached to outline planning permission ref. 13/0316/MOUT to secure an appropriate mechanism for the management of the private attenuation tank to be installed to deal with surface water drainage

EXECUTIVE SUMMARY

The application represents a renewed attempt to obtain approval of the details reserved by the outline planning permission (ref. 13/0316/MOUT) granted in May 2014 in respect of a residential development of up to 40 dwellings together with a doctors surgery and associated roads, public open space and infrastructure on land to the south of King Alfred Way.

It follows the refusal, in August last year, of previous reserved matters details (submitted under application ref. 15/0642/MRES) on grounds relating to the failure of the scheme to meet the identified affordable housing needs of Newton Poppleford with regard to the mix of accommodation being offered, and in particular the absence of single bedroom units, as well as the lack of appropriate dispersal of the affordable houses throughout the layout to facilitate greater social cohesion. Concern was also raised at the lack of an appropriate level of planting within the scheme, more especially along the central section of the main estate road serving the development.

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

However, the internal layout of the scheme has been modified to incorporate a footpath link connecting the end of the proposed cul de sac with the footpath through the area of public open space, together with the closure through hedge planting of a stepped access to/from Farthings Lane to facilitate a better serviced and lit pedestrian route in place of part of Farthings Lane itself in line with the recommendations of the County Highway Authority.

The submitted amended scheme seeks the substitution of two of the three bedroom dwellings for a building housing two single bedroom apartments. Although this still leaves a shortfall of one single bedroom unit when measured against the identified requirement and does not disperse the affordable units across the site, it remains the view that objection to the details on this ground could not reasonably be supported at appeal given the wider social benefits arising from the provision of the 40% level of affordable housing more generally.

Equally, although some additional tree planting is proposed elsewhere within the site it is accepted that there are constraints upon the introduction of additional tree planting within the central part of the scheme alongside the main estate road in the form of the need to ensure that levels are engineered so as to avoid exceeding the datum roof ridge level agreed at the outline stage as well as provide for reasonable-sized rear gardens for all of the units. It is also recognised that the concern relates to a part of the prospective street scene that would be largely screened from views from outside of the site by the development itself and as such would not be a visually prominent element of the scheme in terms of its wider impact upon the AONB.

As stated previously, this would be compensated for by the introduction of extensive planted areas adjacent to the surgery and car park, within the south eastern and south western corners of the site and along the 'new' southern boundary to be introduced along the edge of the development.

Whilst it is recognised that the scheme is once again the source of significant local concern the principle of the development, with the 40% affordable housing level, has already been accepted and cannot be revisited through this submission. Furthermore, a number of the details of concern, including the management of the construction phase, the proposed lighting of the site and the measures to upgrade Farthings Lane, are already secured through the legal agreement entered into at outline stage. Moreover, it is again proposed by the applicants that appropriate maintenance of the private attenuation tank necessary to accommodate surface water drainage disposal at the required greenfield runoff rate can be achieved through a deed of variation to the Section 106 agreement entered into at the outline stage.

CONSULTATIONS

Local Consultations

Parish/Town Council

Newton Poppleford and Harpford Parish Council Comments on 15/2171/MRES | 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) | Land South Of King Alfred Way Newton Poppleford

The Parish Council consulted with the community extensively on the proposed plans, the following issues and views are based on those consultations.

Key points:

- o The affordable housing mix does not meet the demand for 1 bedroom properties in Newton Poppleford (EDDC identify the current need as 10 x 1 bedroom properties). Shared ownership and rented properties should be spread over the site and not clustered together.
- o Flooding - there are existing problems with flooding in KAW and in the High Street. This green field site will now have a significant increase in impermeable surfaces. It is imperative that there is a robust, lifetime management plan in place for the attenuation tanks to guard against lack of maintenance and failure. Additional measures should be explored eg. Landscaping, extra trees and permeable surfaces to future proof the site and its impact.
- o Landscaping needs to be more sympathetic with the surrounding AONB, including a need for additional trees (which also help to manage water and have a cooling effect in summer).

Detailed Comments

1. Overall layout

The Parish Council:

- o Supports the positioning of open space between the new development and existing houses.
- o Supports that the surgery car park has been moved away from the existing houses.
- o Queries that enough open space has been provided for the new development (in line with East Devon's Strategy 43)? The village's main open space and playground is well over 1km from the development. There is very little scope for any new open space to be found in the village.
- o Suggests that areas within the development zone to the south be designated as open space to provide amenity for the community.
- o Queries that the internal road will provide sufficient access for large vehicles (eg. Refuse lorries) to turn around, especially as in other parts of the application it states that parking for visitors will be on the road.
- o Queries the road design which includes long straight sections of roads that will encourage faster driving and is contra to the application of shared space surfaces.

- o Queries the distribution of the housing throughout the site, which has changed from the original outline plan?
- o Suggests the houses are distributed more evenly across the site especially as the houses will be visible across the landscape.
- o More 1 bedroom affordable properties are required in Newton Poppleford to identify the current need of 9, and this is understood to be an underestimate of future needs.
- o Queries what the overall ridge heights of new houses will be over the existing houses in KAW?
- o Queries any proposed street lighting plan - any street lighting should be designed to minimise light pollution.
- o Recommends approval of the final scheme on condition that the permitted access does not extend beyond the approved 40 houses plus surgery as permitted in the outline approval at anytime in the future.

2. Retaining walls

The Parish Council

- o Recommends the use of materials more in keeping with a country location for eg. Gabions or walls should be stone faced or planted to reduce the starkness of the walls. The Hardworks Plan 12706 L93 states that the retaining walls of heights 1.7 to 2.05 metres will be made of stone-filled gabions or blockwork. The walls will form the back walls to properties.

3. Parking

The Parish Council:

- o Parking areas and non-parking areas will need to be clearly designated and controlled to ensure good access for all vehicles and pedestrians.
- o Queries that there only appears to be one parking space for plots 5-12 and 29-37 39 and 40 (Ref. Site Layout - 12706 L01 10)? Properties which have garages will generally use them for storage and not for parking, which means further vehicles are parked on the road.
- o Suggests that two parking spaces should be provided per property as a minimum as all properties have at least 2 bedrooms (East Devon Local Plan TC9).
- o Queries whether there will be sufficient parking spaces in the surgery car park for staff, patients and disabled spaces and how the car park will be managed with respect to residents parking there?
- o Queries how parking will be prevented and controlled in the shared space? The Manual of Streets 2 considers that 'Control of parking needs to be considered in level surface schemes' to ensure that parking does not prevent pedestrian access.

4. Traffic access

The Parish Council:

- o Query that there is no indication of how construction traffic will be managed during development and the how the impact on the existing homeowners will be monitored?
- o Requests that the developer provides a contact for existing residents.
- o Query what the impact will be on the existing KAW road due to increased traffic from visits to the surgery and an increase in cars from new properties? The A3052 through Newton Poppleford already experiences 12,000 vehicle movements each day (Police Radar study July 2014) which makes access onto the main road

from KAW difficult. Due to lack of parking space on properties in the existing King Alfred Way, many vehicles are parked on the road.

- o Requests that adequate road markings are provided for side access roads in King Alfred Way, given the expected increase in traffic due to 40 additional houses and visits to the surgery.

5. Flooding

The Parish Council:

- o Queries the reference that is made to the Flood risk assessment report from the KAW outline application, as the drainage plans are out of date with respect to the changes that have been made to the original plans. There appeared to be no drainage plans in the reserved matters proposal.

- o Recommends that a condition be put on the developer to use permeable surfaces where hard surfaces are indicated for paving, recreational and amenity areas, and parking. The attenuation tanks proposed are not regarded as a SUDs scheme, so further measures are needed. The Geotechnical Report states:

- o Supports the use of attenuation tanks for managing most of the surface flows from the development. But recommends that:

- o attenuation tanks are future-proofed and designed to withstand a 1 in 200 extreme rainfall event. The standard Environment Agency advice of 1 in a 100 year event does not reflect the reality of increasing extreme events (see Met Office projections for winter rainfall extremes, for example projections for winter rainfall in Exeter show that a 1 in 100 year event may be as frequent as 1 in 40 year event by the 2040s) ie. extreme flooding events would occur more frequently;

- o both attenuation tanks are managed by South West Water with a clear, long term management plan for the lifetime of the development. The tanks should both be the same design with a wash through system so that any silt can be washed through the tank;

- o attenuation tanks should be completely submerged below the level of the existing housing stock to ensure the risk of a catastrophic failure of the tanks is reduced to an acceptable level and will not flood existing properties.

- o Recommends that cost-effective swales (SUDs component) be introduced at the northern side of the site near the open space and Farthings Lane to ensure surface run-off is channelled away from existing houses. Surface flooding has already affected properties on Farthings Lane. The new development will be built on a hill that slopes down towards existing houses in King Alfred Way. The new development appears to be about 2 metres higher than existing houses and ends in a footpath and hedge. (External works plan 14149-016). The open space slopes down to the existing KAW houses and it appears that no drainage is included. Introduction of swales (channels) could be part of the sites landscaping providing improved green infrastructure. The Geotechnical Report recommended the use of swales on the southern side, this would be an extension of their use to the northern side.

- o Queries the use of shared space design in the layout as in the absence of a drainage plan 'Low kerbs and flush surface to surroundings will enable surface water to flow more easily than the usual kerb and road design'. The Manual of Streets states 'that designing for drainage needs particular care'.

- o Queries whether the existing sewerage system through King Alfred Way will cope with additional sewage from another 40 houses? The sewer blocks occasionally outside No.34 KAW, where it seeps out from under the manhole cover.

- o Queries what if any drainage and flood prevention measures will be implemented during the construction phase to protect existing Newton Poppleford residents.

6. Pedestrian access (Ref. S38 Plan - 14149-003)

The Parish Council:

- o Queries that adequate pavements have been provided on both sides of the road in the proposed development. The road through the development has footpath (2m width) along one side and shared road/pedestrian surface along the other side (0.5m width).

- o Recommends that the central footpath needs to be lit by low-level lighting, as it has a high hedge on one side and fencing on the other side of the path.

- o Queries how parking will be managed in shared surface area to ensure that parking does not prevent pedestrian access. The Manual of Streets 2 considers that 'Control of parking needs to be considered in level surface schemes'.

- o Recommends the need to include tactile features in the paving for the partially sighted, especially when using shared space layout.

- o Queries the £25k earmarked for the upgrade of Footpath 1 and suggests this is insufficient for improving the whole path. A proper survey and estimate of costs to make Footpath 1 into a viable public pathway needs to be done.

7. Surgery

The Parish Council:

- o Recommends that a planning condition be inserted that the surgery be built and fitted out in the first phase of building.

- o Recommends that a signed contract to occupy the surgery is made a condition of the proposal prior to approval.

- o Would like an assurance that the surgery will not be increased in size other than that which is necessary to cater for the increased demands from the residents of Newton Poppleford itself.

Newton Poppleford & Harpford - Cllr V Ranger

Ref: 15/2172/RM Land adjacent to King Alfred Way

This is a major planning application in the AONB on a site that is steep, 1:10 in places, this makes its development and its impact on the environment and local residents more complicated. The attached doctors' surgery also muddies the waters for reasons I give at the end of this statement.

In looking at the emerging Local Plan the planning inspector has stated that small towns and villages should not be expected to grow by more than a maxima of 5% over the course of the new Local Plan and that a development of this size is significant in a village such as Newton Poppleford.

40 houses fulfil the maxima of 5% therefore it is imperative to get the development right. In particular it is important that the affordable housing element meets local need based on evidence. It was stated by the applicant (Cavanna Homes Limited /Pencleave 2) at Reserved Matters Planning that the housing needs numbers on the officer's report were out of date. In fact they reflected the true housing needs situation in 2012 and at RM and the situation now – the need in Newton Poppleford now and for future provision is for smaller units. This need will never change if smaller units are not built; it is unreasonable to expect residents to have to leave the village because there are no smaller housing units to move to, particularly when new development is taking place based on fulfilling affordable housing/local need. If the applicant is claiming they are providing 'much needed affordable housing for local people' then they should do exactly that.

If the opportunity for this is lost now it will be lost forever. I was very pleased to hear from Clinton Devon Estates via email that:

We are not like a traditional developer who tries to squeeze the last penny out of any development.

Furthermore CDE announced at their annual forum on 30th September 2015 that they would shortly be building 40 houses in land adjacent to King Alfred Way, Newton Poppleford and providing much needed affordable housing for local people. Yet in the new application only 2 one bedroom homes are offered, this does not meet local housing need.

Clinton Devon Estates heads the AONB locally. Landscaping and the visual impact of this development particularly when viewed from the East Devon Way and the entire surrounding area are important. Indeed two planning applications in the vicinity have been refused at appeal in part due to their impact on the AONB. In response to the request to soften the impact of the development on the AONB, the applicant has added two cherry trees to the new submission.

The new submission is still unable to fulfil condition 9 of outline planning requiring a SUDS, this again is significant in an area that is known for issues with drainage and water runoff; these issues were made very clear to the applicant via public consultation and via the parish council's lengthy and comprehensive response to the application.

Whilst no reference was made to the doctors' surgery when RM was refused, however there are a couple of points I would like to make:

Doctors surgery – whilst many residents welcome a new doctors surgery and a shorter drive to it, more residents have told me recently that they will need to be driven both to the proposed new surgery and then on to a pharmacy as there is not one in Newton Poppleford. A number of residents who can walk to the current doctors' surgery, and would be happy to have that site upgraded, have told me they would need to be driven to the new site as the hill and distance from their home makes walking out of the question.

Any criticism of the housing estate results in allegations that this is counterproductive to the well-being of the whole community as it also delays plans for the new doctors

surgery. I think it is important to remember that the well being of the whole community relies on more than just a doctors' surgery.

For example - With two doctors on the new site – this would equate to 24 car movements per hour entering and exiting KAW onto the A3052 at peak times quite apart from the additional residential traffic. This traffic would cross the 'safe' route to and from school for children. I understood at outline planning that footpath one was to be upgraded so as to offer a safe route to school for children from King Alfred Way to School Lane; the rather inadequate £25,000 contribution to this and the complications of multiple land owners make it seem unlikely that this footpath will be upgraded anytime soon. The CHA has already stated that housing numbers are at the upper level of acceptability on safety grounds.

The new surgery in planning terms does meet the need for 'community benefit' and it also meets Coleridge Medical Centre's need for a new site but will only provide additional benefits to what we already have to some of the local community in Newton Poppleford.

There was clear guidance from DMC on 4th August 2015 on what was needed to make this development acceptable.

This application needs to be referred back to DMC for their consideration.

Val Ranger
Ward Councillor
Newton Poppleford and Harpford

Technical Consultations

County Highway Authority

PLANNING APPLICATION - HIGHWAY CONSULTATION REPLY

APPLICATION NO: ED-02172-2015

DETAILS OF APPLICATION: Construction of 40 dwellings (including 16 affordable), doctor's surgery and associated infrastructure, open space and landscaping (approval of details and appearance, landscaping, layout and scale reserved by outline planning permission 13/0316/MOUT)

LOCATION: Land South Of King Alfred Way, Newton Poppleford

Observations:

The LPA will be aware that the approved outline (13/0316/MOUT) was commented upon by the CHA in terms of access from King Alfred Way and I do not wish to rehearse the comments that we have previously made here. I do however wish to discuss the arrangement of the existing footpath (Newton Poppleford & Harpford Footpath 1) to the north of the development which currently connects the A3052 in the west, along Farthings Lane to King Alfred Way and carries on to connect with School Lane in the east. This footpath is a viable route which avoids pedestrians having to negotiate the hazardous narrow stretch of the A3052 with an intermittent, narrow and deficient footway on one side of the road. It runs from the wide footway and footway crossing at the mini roundabout B3178 junction to the church and

nearby shops and on to School Lane and the Primary School on the eastern side of Newton Poppleford.

The proposed internal layout for the development pays scant recognition of this footpath or its relevance as a safe pedestrian route for the town avoiding the High Street and connecting to the amenities within the town. Whilst it does propose connections for the new residents of the development near plot 18 and plot 28 (of which I will come onto later), it does not promote the pedestrian desire line through the existing hedgerow running north to south at the application site's midpoint.

In the Appeal Decision (APP/U1105/A/14/2211701) for another planning application site Land Adjacent to Badger Close (13/1490/MOUT) the Inspector makes the following remarks:

"14. An alternative is provided by a footpath running to the south of the High Street between Farthings Lane and King Alfred Way. Although avoiding the potential conflicts on the above-noted section of the High Street, the footpath is unlit, partially unsurfaced and has little passive surveillance from neighbouring properties. It would be unlikely to be an attractive option after dark during the winter months. As such, it also represents a substandard route. Drawing these factors together, and notwithstanding the proximity of bus stops to the appeal site, it seems to me that the poor quality of the pedestrian linkages between the appeal site and the village's main services and facilities represents a serious failing. In my view, the resulting arrangements are likely to encourage movements by the private car within the village. This conflicts with LP policy TA1, which requires new development to be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to reduce the need the need to travel."

It is therefore clear to me that the footpath is a viable and valuable pedestrian route avoiding the High Street and the obvious thing to do is to divert the footpath fully into this development across the whole of the northern section of the site, thereby providing all pedestrians with the advantages of street lighting, good surfacing and passive surveillance from the development properties that would be provided by the development proposals. Also the footpath, if internalised into the development site, should proceed through the dividing hedgerow and across the public open space to the doctor's surgery and then revert back to its exiting route to the church, shops and the Primary School on School Lane. This would one direct route for all pedestrians.

Whilst it may not be the LPA's wish to create another break in the hedgerow, I believe that the safety advantages for the pedestrian community of Newton Poppleford as a whole outweigh any conservation concerns and suggest that a kissing gate or similar could still preserve the line of the hedge in posterity. After all the current scheme proposes to break the hedge at this point anyway to provide drainage connections across the site.

What is presently offered is, I believe, ignoring the potential for improving of the footpath that would benefit both the new and the existing residents of Newton Poppleford. Also it would save on the costs of improving the footpath in its present location, as put forward by the Planning Inspector. The internal layout of the development, as it stands, does not fully or ideally cater for access to and from the footpath at the point where the proposed access road to the development from the existing King Alfred Close and proposing stepped link (not suitable for pushchair's

etc.) rather than taking the natural desire line through the site. The proposed steps to the footpath from the internal road are not acceptable to the CHA because of the above reason above and would require a ramped access for pushchair's and those with mobility problems.

A ramped access would probably require retaining walls and possibly a drainage system that would be expensive and time consuming to install.

The proposed crossing of access road by the (Farthings Lane) footpath in its existing position and the crossing of the proposed footpath from the open space land will require tactile paving at two points on the access road that would be close to each other. But by having one crossing only, with one internal route, it would reduce 'street clutter' and give a much better desire line to the doctor's surgery and on to the Church, shops and Primary School.

The section of land that the external footpath crosses that is in the ownership of the applicant could provide further open space amenity land and this may also be true land that the footpath crosses outside of the development red line; however this would need to be discussed with that landowner.

I'm sure that the Police Planning Liaison Officer would be in favour of the internal footpath route because it would offer passive surveillance of the route and would also cut down the number of accesses/egresses to the residential development thereby reducing the possible crime eventualities.

It is understood that the footpath further east of the development site will require some attention or possible upgrades so that it is suitable for increased pedestrian use through to School Lane, but by incorporating the section that borders this development to the north into the internal layout of the development will, I believe, be beneficial for all.

I urge the LPA to reconsider this element of pedestrian access to and through the site for all residents of Newton Poppleford both existing and new. I have discussed this proposition with the Public Rights of Way Officer for this area and subject to a suitable diversion order under the Town & Country Planning Act, he would be happy with such a proposal.

Recommendation:

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

PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

1. The proposed development would result in an unacceptable increase in pedestrians along a designated Public Footpath with consequent loss of amenity and risk of additional danger and inconvenience to all users of the designated right of way contrary to paragraph 32 of the National Planning Policy Framework.

The Local Highway Authority requests that prior to any construction that the Developer and the Local Planning Authority fully examine the proposed footpath/footway provisions within and adjacent to the development site in the light of this the above

Local Highway Authority's recommendation.

Further Comments received 05.01.16

Since the above observations and recommended refusal (submitted 03/11/2015), the applicant has submitted amended plans showing revised access to Farthings Lane, closure of the existing gated entrance, a new adoptable footway link through existing

hedge and connection to the internal footway and an uncontrolled crossing to serve the public right of over the proposed access road from King Alfred Way. The CHA is very pleased to see these amendments as these arrangements will serve to improve pedestrian movement through the development for all pedestrians, accordingly I am pleased to be able to alter my recommendation to one of recommended conditions.

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. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

REASON: To protect water quality and minimise flood risk.

2. 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;

3. The site access shall be constructed, laid out and maintained thereafter in accordance with the attached diagram 144149-020 Revision A.

REASON: To provide a satisfactory access to the site and to protect the pedestrian priority on the footway and public right of way

4. The existing access to the site via the gate as shown on 14149-20 Revision A shall be effectively and permanently closed in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the new internal footway is capable of use

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

5. 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

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

REASON: To ensure the proper development of the site.

8. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

A) The spine road and cul-de-sac carriageway including the vehicle turning head within

that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;

C) The cul-de-sac visibility splays have been laid out to their final level;

D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;

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

F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;

G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

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

9. When once constructed and provided in accordance with condition 8 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority

REASON: To ensure that these highway provisions remain available

Environment Agency

Subject: RE: 15/2172/MRES - Land South Of King Alfred Way Newton Poppleford

Our earlier comments remain unaltered.
Environment Agency

Comment Date: Wed 30 Sep 2015

Subject: RE: 15/2172/MRES - Land South Of King Alfred Way Newton Poppleford

Our previous response of 19 May 2015 stated that we had agreed a Flood Risk Assessment for the management of surface water. However, this application is entirely within Flood Zone 1 for which we are no longer a statutory consultee. Accordingly we will not be providing any comments. I would advise you to consult Devon County Council who is the Lead Local Flood Authority.

Steve Maddison
Sustainable Places - Planning Specialist Environment Agency

Environmental Health

I have no further comments to make other than my consultation response previously attached to this application.

South West Water

I refer to the above where amended plans have been submitted and would advise that South West Water has no objection or comment.

Environmental Health

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

Natural England

Ref: 15/2172/MRES

Our Ref: 166941

Thank you for your consultation.

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 29 April 2015.

The advice provided in our previous response applies equally to this application although we made no objection to the original proposal (15/0642/MRES).

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.

Yours faithfully

James Hughes
Technical Support Adviser
Consultations Team
Natural England

(Copy letter)

Date: 29 April 2015
Our ref: 150710
Your ref: 15/0642/MRES

Dear Central Team,
Planning consultation: Construction of 40 dwellings (including 16 affordable), doctors' surgery and associated works (approval of details reserved by outline planning permission 13/0316/MOUT).
Location: Land South of King Alfred Way, Newton Poppleford.

Thank you for your consultation on the above proposal which was received by Natural England on 08 April 2015.

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

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

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

European wildlife sites:

- East Devon Heaths Special Protection Area (SPA)
- East Devon Pebblebed Heaths Special Area of Conservation (SAC)

The application site is within 700m of the East Devon Heaths SPA and East Devon Pebblebed Heaths SAC, which are European wildlife sites.

This Reserved Matters application does not change our previous response (See appendix A). As such, our advice is that the measures contained in the Ecological Mitigation Plan appended to the Section 106 Agreement (dated 16/01/14) should be

sufficient to avoid Likely Significant Effect/Adverse Effect on Integrity on the European Sites.

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.

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 (darren.horn@naturalengland.org.uk). For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours faithfully,

Darren Horn

Adviser - Devon Sustainable Development Team

Housing Strategy Officer Paul Lowe (Comments re. amended plans)

Comments made on the 9th October 2015 still broadly apply to this Reserved Matters application. Concerns raised about adjoining tenures have now been satisfied after being reassured by the potential Registered Provider.

Paul Lowe

Housing Development and Enabling Officer

15 December 2015

Housing Strategy Officer Paul Lowe (Original comments)

Comments made regarding the Reserved Matters application 15/0642/MRES still in the main apply to this application, although it is noted that two one bedroom flats have been added to the proposal. We would like to see this number increased. We remain concerned that all the affordable dwellings are located in the North East of the development. We would still prefer to see a number of affordable dwellings dispersed elsewhere within the development. It is suggested that these could be a pair of the shared ownership dwellings.

We also have concerns about adjoining tenures, namely plots 15 and 16, one being shared ownership, the other rented. Experience suggests that selling the shared ownership dwelling could be impeded by the adjoining rented dwelling.

From the plans and Design and Access Statement we note the number of proposed three bedroom dwellings is four. From the available housing needs data it suggests that the need is for predominately smaller, not larger homes.

Devon County Archaeologist

Dear Sir/Madam,

Application No. 15/2172/MRES

Land South Of King Alfred Way, Newton Poppleford - 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): Archaeology

My ref: Arch/DM/ED/20020c

I refer to the above application and your recent consultation. The outline consent granted for this development (application 13/0316/MOUT is conditional upon a programme of archaeological work being undertaken - Condition 10.

This programme of archaeological work has only been partially implemented through the excavation of trial trenches across the proposed development site. This initial stage of work has identified prehistoric activity within the application area, and identified a concentration of prehistoric features. On the basis of these results further archaeological mitigation is required in the form of excavation of the areas known to contain prehistoric archaeological deposits - see attached plan.

To date, the second stage of mitigation has yet to be undertaken and, as such, I would advise that the applicant was made aware of the outstanding requirement to undertake the second stage of archaeological mitigation

South West Water

I refer to the above application and would advise that South West Water has no objection.

DCC Flood Risk SuDS Consultation

Dear Sir/Madam

Re: 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)

Thank you for referring the above application which was received on 30/09/2015.

Devon County Council Flood Risk Management Position.

We have concerns regarding the surface water management strategy for this site. Currently the strategy presented fails to address the comments made by the Environment Agency on the outline permission 13/0316/MOUT. In which, although the strategy deals with the quantity of runoff from the site in regards to rates and volumes it does not address water quality aspects.

The current strategy proposes underground attenuation systems which are not wholly sustainable as they do not provide the required water quality, public amenity and biodiversity benefit, which are the underpinning principles of SuDS. Above ground attenuation features should be utilised unless it can be demonstrated that this is not feasible. Understandably features up for adoption by South West Water must be designed to their standards; however there is scope for the private system to be open features where possible. Other features should be investigated for incorporation into the surface water management scheme such as the use of

permeable paving (lined if necessary) etc. to deal with water quality aspects of the site.

It is recognised in the granted outline planning permission a condition (condition 9) relates to soakaway testing being undertaken on the site and it is not clear if this has been undertaken or not. If infiltration is to be utilised on the site, as per the SuDS manual in relation to sloping sites, an assessment should be made to ensure that infiltration will not cause raised groundwater levels and/or waterlogging of downstream areas, and that slopes are not made unstable. Clear justification should be given that this preferred method of managing surface water, at the top of the drainage hierarchy, is inappropriate.

No detail is provided to support the numbers presented in drawings 14149-004 and 14149-005. Calculations should be provided to support the Greenfield runoff calculations and the operation of the storage components. It is noted however the rates of discharge from the site are a significant betterment to that of the approved FRA and the provision of long-term storage to deal with excess volumes established by the development.

Also within the outline permission's approved FRA, an infiltration basin/swale arrangement has been designed at the top of the site to prevent surface water entering the site. Within the current strategy this has been removed, is there a justification for its removal?

Copy correspondence received via email 09/11/15

Thank you for your email and supporting information provided. As discussed by the Environment Agency, this provides evidence that infiltration for the disposal of surface water is not an option at this site and potential issues raised by the steep gradients where this could be utilised.

We would therefore support the view of the Environment Agency made on the 6th May 2015 and have no objection to the proposed surface water management strategy.

Further Comments received 23/12/15

Thank you for referring the above application which was received on 03/12/2015.

Devon County Council Flood and Coastal Risk Management Position.

Further to our email correspondents of the 6th of November our comments remain unaltered and as such we have no objection to the proposed surface water strategy. Further to the additional information received from Jamie Purdue (TWP Consulting Engineers), on the 29th October 2015. This further information is consistent with that which was provided to the Environment Agency on the 27th April, and relates to comments made by the Environment Agency on the previous application (15/0642) on the 19th of May 2015.

The information received from Jamie Purdue (TWP Consulting Engineers), provides evidence that infiltration to dispose of surface water is not an option at this site. The BRE365 infiltration testing conducted by Ruddlesden Geotechnical in 2014 (ref:

SR/JW/DT/14137/GICAR) indicated that 6 of the soakaway tests failed and that the ground conditions are insufficiently permeable for conventional soakaway drainage. It also confirms that steep gradients within the site would be unsuited to infiltration techniques. As such, on steep sites the use of infiltration needs careful consideration in that any infiltration will not cause raised groundwater levels and/or waterlogging of downstream areas, and that slopes are not made unstable. However infiltration has shown not to be acceptable on this site, hence the removal of infiltration features from the strategy.

Given that there is no natural watercourse available in close proximity to the site, it has to be accepted, following the drainage hierarchy, that draining to the South West Water's public surface water sewer is the only viable option for surface water disposal. As such the requirements for adoption and access to SWW systems restricts the use of open SuDS above the adoptable network, hence the use of below ground attenuation system. The use of sealed underground attenuation tanks, as required by SWW to secure their adoption, as per our previous comments are not considered a true SuDS scheme, however this is best that can be achieved with the constraints above. It is also noted that the required attenuation storage required in meeting Greenfield runoff rates could not be readily achieved through an above ground feature.

As noted in our previous comments with regard to water quality aspects, traditional drainage features including several connected cascading catch pit chambers just prior to the attenuation system will be provided for the 'first flush' events, regular emptying of these chambers will be a requirement within any future maintenance plan.

The proposed rates of discharge from the site are a significant betterment to that of the approved FRA (Clarkebond, dated February 2013). The proposed strategy also includes provision of a long-term storage element (not included within the outline FRA) to deal with excess volumes established by the development; however we would request that further information is provided with regard to the sizing of this long-term storage element within the strategy.

We would also request a plan of construction drainage is provided prior to construction to deal with any runoff arising during the construction phase of the development.

As commented by the Environment Agency, the option to drain to the public sewer raises a number of issues which conflict with policies in the NPPF and EDDC, in relation to the provision of a recognised SuDS scheme. Given the above, the design process which has taken place, the proposed system is the best that can be achieved within the site constraints. The scheme has the potential to provide surface water flood risk benefits due to the attenuation storage included compared to the uncontrolled surface water runoff that might be present at this site currently.

Other Representations

20 representations of objection have been received.

6 representations of support, including a letter from the Coleridge Medical Centre and a petition containing 199 signatures, have been received.

Representation has also been made on behalf of the Newton Poppleford and Harpford Neighbourhood Plan Steering Group.

Summary of objections

1. The social housing to be provided does not match the identified requirement.
2. Inadequate notification of the current consultation period.
3. Drainage/flooding concerns were raised at the outline stage and assurances given that appropriate SUDS mitigation would be specified; this assurance is not currently detailed nor any reference as to how the required tanks will be maintained (physically and financially) throughout their agreed lifetime.
4. Kerb and surface damage to King Alfred Way due to the heavy vehicles using this road during the construction phase, difficulties in large vehicles being able to gain access due to existing "on road" parking arrangements and safety issues regarding children used to playing on the currently quiet estate roads.
5. Block walls are to be built around the south of the site to retain soil due to the gradient change which will be visually obtrusive and should be replaced with turfed gabion or other "green" natural surface.
6. Roof heights were an issue during outline stage.
7. This is a sensitive site and no detail has been given to the type and quantity of the street lighting system to be used, recognising that the security of the doctors surgery needs to be considered and managed.
8. No plans submitted for the promised footpath upgrade and the details of the footpath crossing compete with roadway markings.
9. Inadequate provision of affordable housing.
10. Density of housing is too great with a poor layout and inadequate provision of green space leading to additional surface water and increased risk of flooding.
11. Road layout will result in traffic conflicts with parked cars causing environmental and noise pollution.
12. Detrimental impact on scenic quality of village within the AONB and visible from the East Devon Way.
13. The site lies outside the Built Up Area Boundary (BUAB) for Newton Poppleford which can now once again be given significant weight.
14. Question likelihood of any improvements being made to footpath 1.
15. Surgery exceeds the clinical needs of the parish and expansion would not be justified.

16. Impact upon privacy of neighbouring properties.
17. Surgery is a potential white elephant; there is no feasibility study to support it.
18. Inadequate off street parking provided which will cause overspill parking issues to King Alfred Way and beyond.
19. King Alfred Way and the A3052 cannot handle the additional traffic that will be generated.

Summary of grounds for support

1. Current application addresses previous reasons for refusal and amendments made to the scheme.
2. No evidence to corroborate views expressed in the local press that no one wants the surgery, that it will not be built or that the Coleridge Practice will not be able to staff or run it.
3. A larger surgery building is required to provide the necessary extra accommodation that the Practice needs; it is impossible to extend the existing surgery and the site is the only one available with this being the only opportunity for the for a new surgery for the village.
4. Surgery will deliver an improved medical service and reduce the need to drive to Ottery St. Mary.
5. The proposal provides for the affordable housing needs of the village.
6. Minor disparity in proposed affordable housing mix insufficient to justify refusal.
7. Properties are tenure blind and layout promotes social inclusion without the need for dispersion of the affordable housing throughout the development. 'Pepper potting' on a site of this size is not practical for the reasons stated.
8. Previous reserved matters application followed the design principles of the masterplan, therefore unreasonable for the Council to reject it.
9. Trees planted along the estate road would have to reach a maximum height above dwelling ridge height to have the desired visual effect upon the AONB.
10. To allow trees to reach maturity and not cause problems to residents without future requests for lopping, etc. dwellings would need to be repositioned such that excessive excavation to achieve ridge heights required by the outline permission or result in very little private rear garden space.
11. Amount of housing allocated to the village for the next 20 years will be substantially met.

12. No single development would be able to fulfil all social housing requirements in the parish, particularly as needs change from year to year, but this development will largely address them.

13. Provision of replacement doctors surgery identified as necessary in the adopted Parish Plan.

14. Need for one extra one bedroom dwelling could be met through conversion of the old surgery building.

PLANNING HISTORY

Reference	Description	Decision	Date
15/0642/MRES	Construction of 40 dwellings (including 16 affordable), doctors' surgery and associated works (approval of details reserved by outline planning permission 13/0316/MOUT).	Refusal	13.08.2015 (Appeal decision pending)
13/0316/MOUT	Outline application for the development of up to 40 houses, doctors' surgery and associated infrastructure, open space and landscaping (all matters except access reserved)	Approval with conditions	16.05.2014

POLICIES

New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

Strategy 38 (Sustainable Design and Construction)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 49 (The Historic Environment)

Strategy 50 (Infrastructure Delivery)

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)

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

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

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

RC5 (Community Buildings)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Adopted East Devon Local Plan Policies

S7 (Infrastructure Related to New Development)

D1 (Design and Local Distinctiveness)

D2 (Sustainable Construction)

D4 (Landscape Requirements)

D5 (Trees on Development Sites)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

EN6 (Wildlife Habitats and Features)

EN7 (Nationally and Locally Important Archaeological Sites)

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

H3 (Range and Mix of New Housing Development)

H4 (Affordable Housing)

C2 (Local Community Facilities)

RE3 (Open Space Provision in New Housing Developments)

TA4 (Footpaths, Bridleways and Cycleways)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Relevant Planning History

Outline planning permission was granted in May 2014 for a development of 40 houses, a doctors surgery and associated infrastructure, open space and landscaping (application 13/0316/MOUT refers). Although details of the means of access to the site were approved as part of the grant of planning permission all other detailed matters, comprising the layout, scale and appearance of the development and the landscaping of the site, were reserved for later approval.

The permission is accompanied by a Section 106 agreement that secures the onsite provision of 40% affordable housing and public open space in addition to the payment of financial contributions towards open space provision/enhancement, school transport provision, off-site improvements to Farthings Lane (including implementation of an improvement plan) and implementation of an ecological mitigation plan in respect of the Pebblebed Heaths.

The approved access details at outline stage showed an extension of the existing estate road from its southern end crossing Farthings Lane and through an existing field entrance with the spine road serving the development then looping round to the west to follow the site contours.

These also included an indicative masterplan containing site layout details showing the proposed surgery located adjacent to the entrance to the site to its west with the area of public open space positioned on the opposite (eastern) side of the estate road from it.

However, subsequent to the grant of outline planning permission, a deed of variation to the Section 106 agreement was approved in the form of a modified layout plan detailing a revised siting of the on-site public open space to the west of the estate road.

Application has since been made for the approval of the outstanding details set out above that were reserved at outline stage (application 15/0642/MRES refers). However, the details were refused by Committee in August last year on the following grounds:

1. The proposed details fail to provide for a satisfactory mix of affordable housing that properly reflects the identified affordable housing need for Newton Poppleford, more particularly on account of the lack of one bedroom and single storey units incorporated within the scheme. Furthermore, the details do not provide for an acceptable level of dispersal of the affordable units throughout the scheme and as such fail to facilitate social inclusion. As a consequence, the proposed details are contrary to the provisions of Policy H4 (Affordable Housing) of the adopted East Devon Local Plan, Strategy 34 (District Wide Affordable Housing Provision Targets) of the emerging New East Devon Local Plan and policy contained within the National Planning Policy Framework.

2. The proposed landscaping scheme for the development would, on account of the lack of adequate levels of tree planting within the street scene of the principal estate road, fail to adequately soften the visual impact of the built development with consequential harm to the visual amenity of the area and the wider Area of Outstanding Natural Beauty in which the site is located. As a consequence, the proposed details are contrary to the provisions of Policies D4 (Landscape Requirements) and EN1 (Development Affecting Areas of Outstanding Natural Beauty) of the adopted East Devon Local Plan, Strategy 46 (Landscape Conservation and Enhancement and Areas of Outstanding Natural Beauty) and Policy D2 (Landscape Requirements) of the emerging New East Devon Local Plan and policy contained within the National Planning Policy Framework.

An appeal against the refusal has been lodged and at the time of writing the decision of the Planning Inspectorate is pending.

Site Location and Description

The application site is located to the south of King Alfred Way and lies adjacent to the existing built-up area boundary of the village of Newton Poppleford. It extends to an area of land totalling 2.25 ha comprising two pasture fields. The land rises from the existing built up area to the south and east and continues to rise beyond the application site to a wooded copse to the south and open fields to the east. The application site, together with the whole of Newton Poppleford and the surrounding countryside is located within the designated East Devon Area of Outstanding Natural Beauty. It is also a little over 700 metres to Harpford Common (part of the Pebblebed Heaths) which under European legislation is designated as a Special Area of Conservation (SAC) and Special Protection Area (SPA).

The northern boundary of the site is formed by an existing hedge adjacent to a public footpath (no. 1), known as Farthings Lane, that extends from School Lane to the east to the western end of High Street to the west.

The western boundary of the site is formed by an existing hedge bordering a residential property known as Little Shule. There are no other existing physical boundaries to the site although an existing hedge running from north to south divides the site.

King Alfred Way itself, a residential cul de sac, extends to the northern boundary of the site from which vehicular access to serve the site was approved at outline stage alongside a further pedestrian access from the public footpath, Farthings Lane.

Proposed Development

The application represents a renewed attempt to seek approval of the outstanding details reserved by the outline planning permission granted under ref. 13/0316/MOUT referred to above relating to the layout, scale and appearance of the development together with the landscaping of the site.

In so doing, it incorporates revisions that seek to address the grounds for refusal of the previous application referred to above. These are principally as follows:

1. The substitution of two of the 3 bedroom units previously proposed for two 1 bedroom apartments on plots 19 and 20 together with a redesign and reorientation of the building. This necessitates a slight adjustment to the position of plots 21 to 28, comprising two terraces of three units and a pair of semi-detached dwellings, to the east.
2. The planting of two additional roadside Cherry trees to the front of plots 21 and 24.

Although not undertaken to expressly overcome the previous reasons for refusal, further modifications to the site layout details are also proposed in the form of the inclusion of a footpath to connect the end of the proposed cul de sac with the footpath through the proposed area of public open space. Although this would necessitate the creation of a second breach of the central hedge that separates the two fields that make up the site, this would be compensated for by the omission of the stepped access to/from Farthings Lane previously positioned at the north eastern corner of the western field and its stopping up through infill planting.

This revision has been made in order to address the observations made by the County Highway Authority (CHA) in respect of the opportunity that is available to create more attractive and convenient pedestrian connectivity with the village as an alternative to Farthings Lane and avoid the inclusion of the stepped access. Although there is a reluctance to agree to the formal diversion of the footpath that the CHA would optimally wish to see, it is understood that the CHA is largely accepting of the modifications that have been made to the layout details. It is anticipated that the formal consultation response to these will be available in time for the Committee meeting.

Other technical revisions to address observations made by the CHA, mainly involving the submission of details of the pedestrian crossing from Farthings Lane over the proposed access road in the form of tactile-paved areas, have also been made to the detailed proposals.

The applicants also propose agreement to a deed of variation to the present Section 106 agreement attached to the outline planning permission to secure obligations to ensure the long term management and maintenance in perpetuity of the proposed private surface water attenuation tank that would be provided alongside a second tank that is to be adopted by South West Water.

In all other respects, the submitted details remain largely unchanged from those submitted with the previous application ref. 15/0642/MRES.

Considerations/Assessment

The first section of this part of the report deals specifically with the applicants' response to the previously held objections raised by Committee as well as the other revisions to the scheme. The remainder then effectively sets out the relevant issues largely as before, in regard to which the view of officers remains unchanged from previously.

For clarification, the EIA Screening Opinion produced in advance of the previous application on the site is considered to be relevant to this current application as well.

Mix and Distribution of Affordable Units

As stated, the principal revision to the previously submitted details in this regard relates to the substitution of two of the 3 bedroom dwellings originally proposed for a pair of single bedroom flats. The scheme therefore now deviates from the identified affordable housing need for the village by a shortfall of only one single bedroom unit (albeit that the single 3 bedroom dwelling that remains unchanged is still proposed as an affordable unit). In such circumstances, it is maintained that objection to the submitted detailed scheme on this basis could not be reasonably supported at appeal in the event of a further refusal.

In response to the concerns held regarding the lack of dispersal (or 'pepper potting') of the affordable dwellings throughout the site to facilitate greater social inclusion within the scheme, the agents representing the applicants have once again emphasised that registered providers, to whom the affordable housing would be transferred, place controls on the extent to which this is achievable. For a development of the size proposed, it is impractical to provide smaller groupings located in different parts of the scheme as this places additional burdens and costs upon the prospective provider and can ultimately make the units unattractive to them.

It is also stated that the affordable units are designed to be tenure blind and, moreover, that the comparatively modest site size would not allow an opportunity for the affordable element to be re-sited in a meaningfully different location.

As before, in the circumstances, and in view of there already being a registered provider on board to whom the disposition of the affordable units is acceptable, it is maintained that objection to the details on the basis of the layout could not be reasonably justified. Although there are provisions within Strategy 34 of the emerging new local plan that require dispersal of affordable units, this does not provide minimum dispersal numbers and having regard to the other issues that are material to consideration of the details in this case this is not thought to represent a justified ground for opposing them when considered within the overall planning balance.

A review of relevant appeal cases involving schemes elsewhere in relation to which the lack of appropriate dispersal of affordable housing represented a main ground for objection reveals that this is not an issue that is held by Inspectors as being

especially weighty in the balance of considerations. It is therefore anticipated in the event of a further refusal and possible subsequent appeal that the Authority's position in defending its position would not be strong.

Landscape Planting

In response to this objection, the agents again emphasise the difficulties in providing for additional tree planting within the central section of the principal estate road. In particular, in order to accommodate such planting in front of plots 1 - 11 along the southern side of the road it would be necessary to push these further up the hillside in order to create sufficient space required. This would be at the risk of increasing their visual prominence within views from parts of the surrounding area and, critically, result in roof ridge heights exceeding the 55.5m AOD threshold agreed at the outline stage, therefore breaching one of the key parameters.

Equally, in relation to the potential for tree planting in front of plots 29 - 38 along the northern side of the road, this has been discounted as the sloping land around them would mean that these would need to be moved further north in order to create space for planting, the consequence of which would be a reduction in their rear garden areas. Balanced against the limited benefits that tree planting would give to the overall character of the scheme and the wider area, it is maintained that such planting would not be desirable.

It is also highlighted that any such planting within this part of the development would make no more than a limited contribution towards the character and appearance of the area in any event owing to the screening provided by the dwellings.

Taken together with the level of planting that is proposed to be undertaken in more publicly prominent areas elsewhere within the scheme, which would be supplemented by additional tree planting, as well as the intention to carry out evergreen boundary shrub planting to the majority of the plots with road frontages, there is an acceptance that the level, position, species and distribution of landscape planting that is proposed throughout the scheme is satisfactory.

Once again, the officer viewpoint regarding this issue is that continued objection to the submitted details on this ground could not reasonably be substantiated in the event of any further appeal.

Other Matters

As stated above, these are largely as set out in the report relating to the previous application ref. 15/0642/MRES, albeit suitably amended where necessary to omit reference to matters that have already been addressed in the foregoing sections.

Layout

As before, the general disposition of the scheme accords largely with that considered at the outline stage in the form of the illustrative masterplan as amended by the deed of variation to the Section 106 agreement accompanying the permission to show the relocation of the public open space to the west of the estate road on a part of the site

that is more level. It is intended that it will provide a buffer to the existing housing in King Alfred Way and create a flatter space that will have the benefit of more natural surveillance from the proposed units on plots 38-40 to the south. Similarly, there are also perceived to be modest benefits in the repositioning of the surgery and car park in that the latter would be moved further away from the proposed housing whilst retaining an accessible location within the development.

Most of the proposed detached units are intended to be positioned where they back towards the more elevated southern boundary of the site. These will include split level and, as stated, bungalows, that better address the levels and height constraints presented both by the site and the requirement that roof ridge heights should not exceed 55.5 metres AOD.

Whilst there are also some differences between the general layout of the proposed semi-detached and terraced housing proposed and that shown on the indicative masterplan, it is not thought that this would present an unduly unacceptable street scene to the public domain.

Equally, although the layout shows a limited set back of the majority of the southern units from the street, it has been explained that the bringing forward of these towards their respective plot frontages is necessary given the need to address both levels and the ridge height restriction. It also reduces to some extent the amount of excavation, and therefore movement of material off site, that is required.

The revision to the estate road layout involving the standard cul de sac arrangement (in place of the looped cul de sac shown on the indicative masterplan) is thought to have benefits in the form of a reduction in the extent of the breaches of the central hedgerow with an associated ecological gain to be derived in terms of reduced disturbance to wildlife habitat as well as a more limited impact in terms of the amenity value of the hedge itself, which is one of the key landscape features of the site. It is also argued that the layout would reduce traffic movement near to the northern site boundary and therefore the potential for disturbance to existing residents on the opposite side of Farthings Lane to the north.

The introduction of the proposed gabion retaining walls enables the creation of levelled garden areas for individual plots since they would avoid the need to otherwise lay out sloping gardens which are thought to be less usable and desirable, in amenity terms, for prospective occupiers. Although intended to be introduced along significant lengths of the rear boundaries between plots 19-28 and 29-34 and 39-40 and 35-38, they would be largely screened from public views by the majority of these units themselves with only relatively modest glimpsed views likely to be available between individual plots.

The introduction of the proposed landscape buffer and hedge along the 'new' southern boundary with the remaining portions of both fields would provide a soft green 'edge' to the scheme and create an appropriate transition between the built-up area and the adjacent open countryside.

Importantly, the layout would ensure that reasonable separation between the development and existing properties, both to the west of the site and within King Alfred Way itself beyond Farthings Lane to the north, would be achieved.

Scale

The overall scale, including the massing and height, of the proposed built forms within the scheme are considered to be largely appropriate. Significantly, they would reflect the character of the development as an edge of village extension to an existing residential cul de sac. The proportions of both the individual units and groups of semi-detached and terraced dwellings would retain a domestic scale that would be essentially sympathetic to that of the existing development in King Alfred Way.

Similarly, the proposed surgery building would be of a relatively modest scale overall. It would measure 11.2 metres by 7.05 metres and incorporate a roof ridge height of 5.3 metres.

It is not thought that either element of the proposal would be of a scale that would result in the scheme appearing unduly dominant or prominent given the location of the site on the edge of the village, more especially in view of the compliance with the agreed datum level established at the previous outline stage.

Individual plot ratios would appear to be acceptable and it is not considered that any of the proposed buildings would appear to overdevelop their respective plot areas in a manner that would undermine the character, appearance or quality of the scheme overall.

Appearance

The scheme proposes a mix of a number of different house types throughout the site which collectively incorporate a reasonable variety of building forms and palette of external wall and roof finishes that will lend interest to the street scene within the development and create an attractive development overall.

Although the semi-detached and terraced arrangement of the affordable units would represent something of a contrast with the detached layout of the open market dwellings, it is considered that these also feature a reasonable mix of face brick and render wall finishes that would blend in well with them.

Equally, the surgery building would exhibit an appearance that belies its modesty with the mix of wall finishes that is proposed to its principal west elevation which would lend visual interest to its otherwise comparatively simple form.

It is intended that the road serving the development would be designed as a shared surface space with block paving and laid out to promote pedestrian priority at the main access point. The shared private driveway serving plots 38-40 would be designed with low kerbs and a flush surface to reduce its impact upon the adjacent public open space.

Landscaping

The submission incorporates detailed planting and hardworks drawings to illustrate the proposed soft and hard landscaping proposals respectively.

One of the key elements of the former comprise the introduction of garden hedge evergreen shrub planting along the principal frontages of all of the plots that are intended to front the main estate road (including that occupied by the surgery), the exceptions being the affordable housing plots 19-28 where parking spaces would be positioned in front of the units.

Such planting would help to soften the street scene and compensate to some extent for the absence of specimen tree planting along a substantial length of the estate road, which is contended by the applicants to be difficult in any event owing to the proximity of the majority of the dwellings to their respective plot frontages and therefore the lack of adequate space to allow tree planting to develop and mature.

However, there is specimen tree planting proposed elsewhere throughout the nearer part of the site to the northern boundary with Farthings Lane which is intended to be supplemented by the reinforcement and infilling of the existing hedgerow along this boundary with further planting using native hedgerow species. Tree, shrub and wildflower planting is also proposed around the surgery building and car park whilst the boundary of the latter with plot 1 would be defined by a Devon bank and hedge.

A similar treatment would be introduced along the proposed eastern boundary of the site as well as the southern boundary to which reference has already been made. In both cases, this would be supplemented by areas of woodland copse planting towards the south eastern and south western corners of the site.

In terms of hard landscaping, the majority of the shared surface estate road and shared driveway serving plots 38-40 would be surfaced in silver grey block paving. The first part of the former, along with the proposed footpaths and the surgery car park and its entrance, would incorporate a bituminous surface. Natural coloured slab paving would define private pathways and patios around and to the rear of individual dwellings.

Elsewhere, the boundary treatments between and along the rear of private rear gardens would comprise a mix of 1.8 metre and 1.2 metre high close-boarded timber fences, timber post and wire fences and, in the case of plots 1-4, railings to raised garden areas. The boundaries of plots whose main private garden areas side on to the estate road are to be mainly defined by a 1.8 metre high rendered on a brick plinth.

As referred to above, stone-filled gabion retaining banks are proposed at the rear of a number of the properties that front onto the estate road as well its return length near to the Farthings Lane boundary.

The landscaping proposals taken as a whole are considered to be largely acceptable. In particular it is thought that the soft landscaping proposals, and more especially the treatment around the southern perimeter of the site at the point of the

transition between the edge of the development, as well as the built-up area of the village more widely, are appropriate. The importance of creating a 'soft' edge to the built-up area in this location, within the designated AONB, is of particular significance and in this regard it is maintained that the submitted landscaping proposals would largely achieve this objective.

Drainage

One of the conditions attached to the outline planning permission requires the submission of a detailed scheme for dealing with surface water. It stipulates that this should take the form of a SUDS scheme that should be designed to mimic greenfield level of run-off and to a standard to deal with a 1 in 100 year storm event.

Details of a scheme, which involves the controlled discharge to a nearby surface water sewer, have been submitted as part of the reserved matters application. This takes the form of attenuation tanks, one of which would be designed to the 1 in 100 year requirement, with an allowance for 30% climate change, to an adoptable standard. However, South West Water as the water authority would only be obliged to adopt the attenuation required for the 30-year plus 10% climate change storm. The 30-year to 100-year storage would need to be held within a privately-maintained attenuation tank which would be connected to the adoptable attenuation tank storage by means of a flow control chamber to ensure that agreed runoff rates are achieved.

The attenuation tanks would be located underneath the proposed public open space.

Soft SUDS solutions, such as detention basins, swales, filter strips and ponds are not acceptable as the water authority will not permit these to discharge into the sewer network and there are no natural watercourses within proximity of the site. Moreover, infiltration techniques have been considered to be unsuitable as the topography of the site, and more particularly its steep gradient in places, would not allow for these to operate safely.

This therefore leaves a controlled discharge to the sewer as the only viable option for dealing with surface water from the development.

It is accepted that the requirement for a second, private attenuation tank to ensure that greenfield surface water runoff rates are not increased stems from the need for the affordable housing element to comply with the appropriate code level of the Code for Sustainable Homes (i.e. without the affordable housing there would be no need for a private attenuation tank to be maintained alongside the adoptable tank). However, the weight given at the outline stage to the social benefits of the scheme in largely providing for the identified social housing requirements of the village in the wider sustainable development balance materially outweighs any environmental issues associated with the means by which surface water drainage is discharged from the scheme, more especially given the management regime for the private tank that can be secured.

It is stated by the applicants that the management and maintenance of the private attenuation tank can be achieved through a private maintenance company. Indeed, as stated above, there is a willingness on the part of the applicants to agree a deed

of variation to the present Section 106 agreement attached to the outline planning permission to secure obligations to ensure the long term management and maintenance in perpetuity of the tank.

These details were previously found to be acceptable and did not form a reason for refusal and further comments from Devon County Flood Risk Team supporting this position have been received in response to this current application.

Maintenance of boundary and internal hedges

It is intended that the conveyancing of individual plots where they border either the central hedge to be retained or the hedge that defines the western site boundary would exclude the various lengths of these hedges themselves with the extent of ownership extending to the face of these landscape features. They would thereafter be maintained through a management company which can be appointed under the provisions of the Section 106 agreement attached to the outline permission.

Provision of surgery building

The applicants have confirmed that it is intended that the proposed surgery building be constructed with the housing as a single phase. It would be retained by Clinton Devon Estates but rented out to future occupiers. Discussions between Clinton Devon Estates and the NHS are ongoing.

Although not required as part of the overall development in order to make the scheme acceptable, there is a commitment to provide the building.

Archaeology

Archaeological investigation of the site has been carried out (as per a requirement of one of the conditions of the outline planning permission) in the form of a trial trench evaluation in accordance with a written scheme of investigation previously submitted to, and agreed with, the County Archaeology service.

Whilst this investigation exposed two small prehistoric features as well as buried cultivation soils, based on the evidence it is thought that the site does contain the potential for further localised prehistoric occupation and for more artefacts of this period to be recovered. Further archaeological mitigation would therefore be required in the form of excavation of the areas known to contain prehistoric archaeological deposits.

Ecology

The submission is accompanied by a wildlife and ecology management plan as required by one of the conditions on the outline permission. This document sets out objectives and prescriptions for the management of the site based upon key ecological features previously identified. It covers the pre-construction, construction and post-construction phases of the development. The latter cover a 10-year period. It also sets out a monitoring programme.

The management incorporates retention and creation of wildlife habitats within the public areas within the development and deals with mitigation measures for protected fauna species, such as reptiles, bats, badgers, nesting birds and hazel

dormice, as well as the protection of retained trees and hedgerows and new hedgerow, wildflower grassland, tree and woodland planting.

Trees/Hedges

An Arboricultural Impact Assessment report and tree protection plan also forms part of the reserved matters submission. Its principal content comprises measures for the protection of trees and hedgerows within and bordering the site.

Providing that these protection measures are implemented in line with the report and plan, there are no objections to the proposal from an arboricultural perspective.

Impact during Construction

One of the conditions attached to the outline permission requires the submission of a construction and environment management plan prior to the commencement of any works. This should set out measures for dealing with matters or air and water quality, dust, lighting, noise and vibration, control of pollution and monitoring. It also restricts construction working hours and prevents burning and the use of high frequency audible reversing alarms.

In conjunction with the Council's adopted Code of Practice for the Construction Site Nuisance, which outlines the measures that the Authority expects works on construction sites to comply with in order to avoid excessive nuisance to residents, it is considered that there are appropriate safeguards in place to address the concerns expressed by local residents with regard to disruption and associated problems anticipated during construction of the development and a condition is proposed to ensure details of surface water drainage during construction are submitted to prevent any impact upon neighbouring properties and the highway.

RECOMMENDATION

APPROVE subject to the following conditions and the applicants entering in to a supplemental agreement to the Section 106 agreement attached to outline planning permission ref. 13/0316/MOUT to secure an appropriate mechanism for the management of the private attenuation tank to be installed to deal with surface water drainage:

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

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. No. 13/0316/MOUT) granted on 16th May 2014.

The following reserved matters have yet to be approved:
None

The following Conditions attached to the Outline Planning Permission (ref.: 13/0316/MOUT) referred to above are discharged in relation to the part of the site covered by this reserved matters application:
1, 2, 9

The following Conditions attached to the Outline Planning Permission (ref. 13/0316/MOUT) referred to above remain to be complied with where details are required to be submitted prior to the commencement of development in so far as they relate to the site covered by application 15/0642/MRES:
5, 6, 8, 10, 11, 12, 13

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

2. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area which is designated an Area of Outstanding Natural Beauty in accordance with Policies D1 (Design and Local Distinctiveness) and EN1 (Development Affecting Areas of Outstanding Natural Beauty) of the adopted East Devon Local Plan and Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policy D1 (Design and Local Distinctiveness) of the emerging New East Devon Local Plan.)
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order, with or without modification), no gates, fences, walls or other means of enclosure shall be constructed forward of any of the dwellings hereby permitted without a grant of express planning permission from the Local Planning Authority.
(Reason - To enable the Local Planning Authority to retain control over operations that would not ordinarily require a grant of planning permission in the interests of the character and appearance of the development and to comply with the provisions of Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan and Policy D1 (Design and Local Distinctiveness) of the emerging New East Devon Local Plan.)
4. The development hereby permitted shall be carried out in full accordance with the recommendations for the protection of trees and hedges during the course of construction set out in the Arboricultural Impact Assessment report (ref.: 04267 AIA 4.2.15) dated 4th February 2015 and as shown on the tree

protection plan (ref.: 04267TPP Rev A 8.5.15) (as modified) prepared by Aspect Tree Consultancy Ltd.

(Reason - In the interests of assimilating existing landscape features into the development and to comply with the provisions of Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the adopted East Devon Local Plan and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the emerging New East Devon Local Plan.)

5. Prior to the commencement of development details of a strategy to deal with surface water run-off during construction shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with these details.

(Reason: To prevent flooding of surrounding properties and the highway in accordance with Policy EN15 (Control of Pollution) of the Adopted East Devon Local Plan 20016 and Policy EN14 – Control of Pollution of the emerging New East Devon Local Plan.)

6. The existing access to the site via the gate as shown on 14149-20 Revision A shall be effectively and permanently closed in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the new internal footway is capable of use.

(Reason: To prevent the use of a substandard access and to minimise the number of accesses on to the public highway in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan 2006 and Policy TC7 – Adequacy of Road Network and Site Access of the emerging East Devon Local Plan.)

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

(Reason: To ensure that these highway provisions remain available in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan 2006 and Policy TC7 – Adequacy of Road Network and Site Access of the emerging 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:

12706-L01-11	Proposed Site Plan	17.09.15
13133 L 04.01	Proposed Elevation	17.09.15

P1

12706 02.01 P3	H01	A	Proposed Floor Plans	17.09.15
12706 04.00 P3	H01	A	Proposed Elevation	17.09.15
12706 04.01 P3	H01	A	Proposed Elevation	17.09.15
12706 04.02 P3	H01	A	Proposed Elevation	17.09.15
12706 02.00 P3	H02	A	Proposed Floor Plans	17.09.15
12706 02.01 P3	H02	A	Proposed Floor Plans	17.09.15
12706 04.00 P6	H02	A	Proposed Elevation	17.09.15
12706 04.01 P6	H02	A	Proposed Elevation	17.09.15
12706 02.00 P3	H03	A	Proposed Floor Plans	17.09.15
12706 02.01 P3	H03	A	Proposed Floor Plans	17.09.15
12706 02.02 P2	H03	A	Proposed Floor Plans	17.09.15
12706 02.03 P2	H03	A	Proposed Combined Plans	17.09.15
14149-005F			Other Plans	02.10.15
14149-004H			Other Plans	02.10.15
12706 02.00 P3	H01	A	Proposed Floor Plans	17.09.15
12706 02.00 P6	H04	B	Proposed Floor Plans	28.09.15
12706 04.00 P8	H04	B	Proposed Elevation	28.09.15

12706 L01 103			Other Plans	28.09.15
12706 L06.10 P1			Sections	28.09.15
12706 L04 100			Street Scene	28.09.15
12706 04.00 P3	H01	A	Proposed Elevation	17.09.15
13133 L 02.01			Proposed Floor Plans	17.09.15
12706 02.00	H09	A	Proposed Floor Plans	17.09.15
12706-L01-14			Location Plan	17.09.15
12706 04.00 P3	H03	A	Proposed Elevation	17.09.15
12706 04.01 P2	H03	A	Proposed Elevation	17.09.15
12706 02.00 P5	H04	A	Proposed Floor Plans	17.09.15
12706 04.00 P5	H04	A	Proposed Elevation	17.09.15
12706 04.00	H05	A	Proposed Elevation	17.09.15
12706 02.00 P5	H05	A	Proposed Floor Plans	17.09.15
12706 02.01 P5	H05	A	Proposed Floor Plans	17.09.15
12706 02.00	H06	A	Proposed Floor Plans	17.09.15
12706 02.01 P4	H06	A	Proposed Floor Plans	17.09.15
12706 02.02 P2	H06	A	Proposed Floor Plans	17.09.15
12706 02.03 P1	H06	A	Proposed Floor Plans	17.09.15

12706 04.00	H06 P10	A	Proposed Elevation	17.09.15
12706 04.01	H06 P6	A	Proposed Elevation	17.09.15
12706 02.00	H07	A	Proposed Floor Plans	17.09.15
12706 02.01	H07 P3	A	Proposed Floor Plans	17.09.15
12706 04.00	H07 P3	A	Proposed Elevation	17.09.15
12706 02.00	H08 P6	A	Proposed Floor Plans	17.09.15
12706 02.01	H08 P4	A	Proposed Floor Plans	17.09.15
12706 04.00	H08 P6	A	Proposed Elevation	17.09.15
12706 02.00	H09	A	Proposed Floor Plans	17.09.15
12706 04.00	H09	A	Proposed Elevation	17.09.15
12706 93	04A		Landscaping	17.09.15
12706 93	03A		Other Plans	17.09.15
14149-010B			Other Plans	17.09.15
14149-011B			Sections	17.09.15
14149-012B			Sections	17.09.15
14149-013B			Sections	17.09.15
14149-014B			Sections	17.09.15
14149-015B			Sections	17.09.15
14149-016F			Other Plans	17.09.15
14149-017F			Other Plans	17.09.15

14149-018F	Other Plans	17.09.15
14149-007B	Other Plans	17.09.15
14149-008B	Sections	17.09.15
14149-009B	Sections	17.09.15
14149-019A	Other Plans	17.09.15
04267 TPP REV B	Other Plans	17.09.15
04267 TCP 26.07.2014	Other Plans	17.09.15
12706-L01-101B	Proposed Site Plan	25.11.15
12706-L93-100B	Other Plans	25.11.15
12706-L93-101B	Other Plans	25.11.15
12706-L94-100B	Other Plans	25.11.15
12706-L94-101B	Other Plans	25.11.15
14149-001	Other Plans	25.11.15
14149-002N	Other Plans	25.11.15
14149-003N	Other Plans	25.11.15
14149-020A	Other Plans	25.11.15

List of Background Papers

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

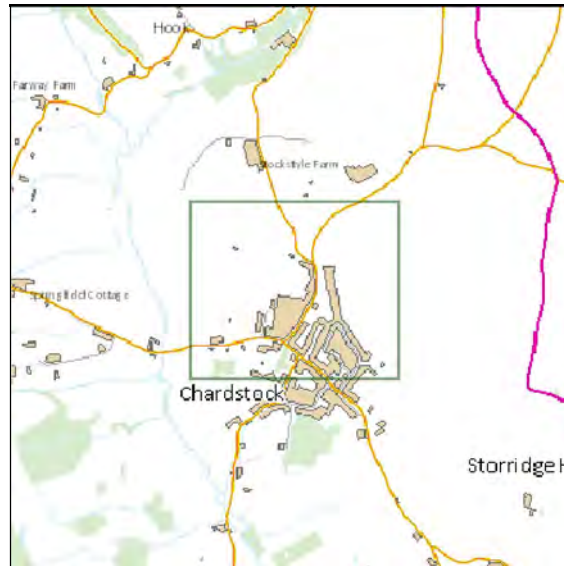
Ward Yarty

Reference 15/2026/FUL

Applicant Mrs Anne FitzHenry

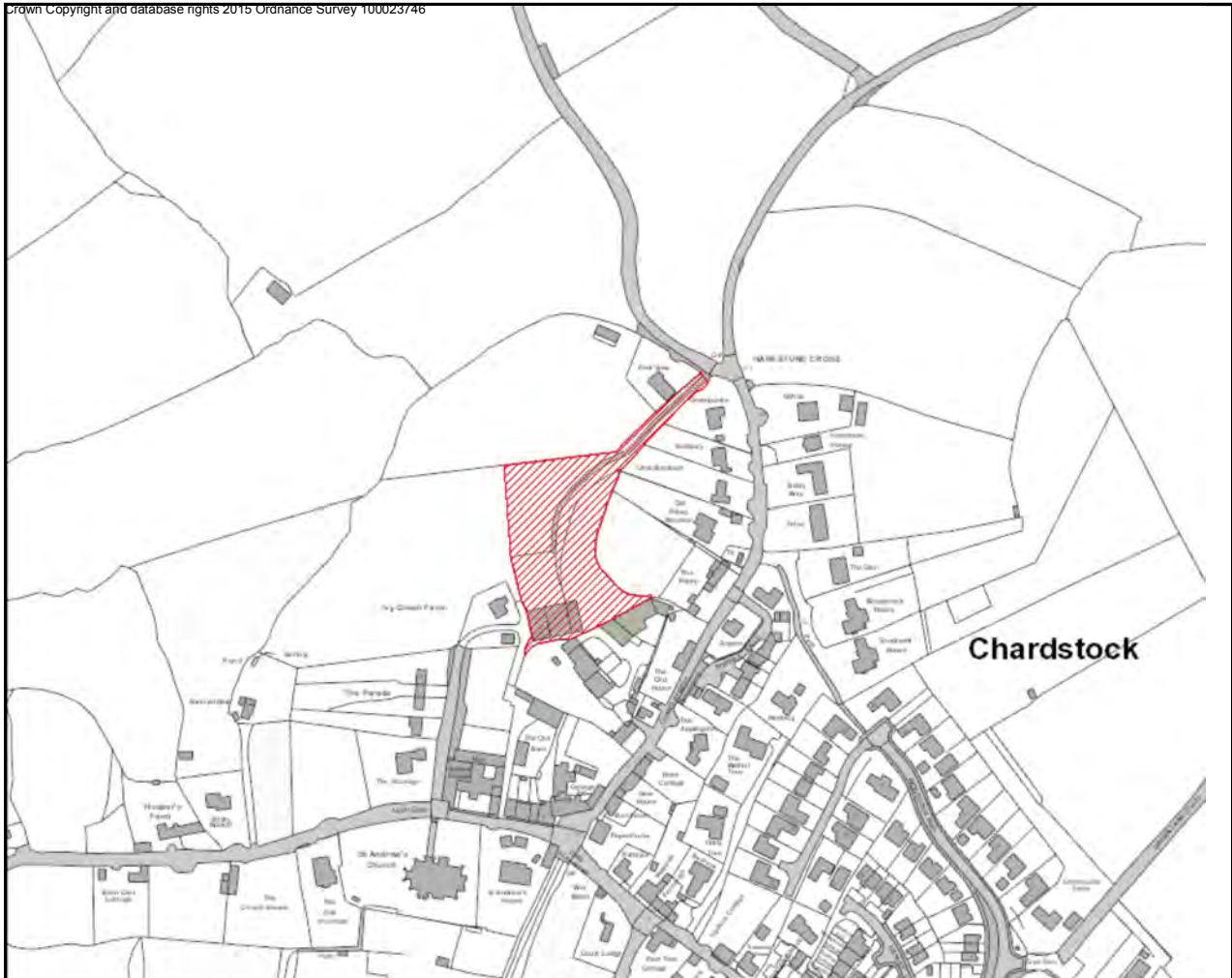
Location Ivygreen Farm Chardstock
Axminster EX13 7BY

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



RECOMMENDATION: Approval with conditions

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		Committee Date: 19 January 2016
Yarty (CHARDSTOCK)	15/2026/FUL	Target Date: 29.10.2015
Applicant:	Mrs Anne FitzHenry	
Location:	Ivygreen Farm Chardstock	
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	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The proposal is referred to Committee as the comments of the Ward Member are contrary to the officer recommendation of approval.

The proposal seeks planning consent for dog kennel for up to 20 dogs, with associated dog hydrotherapy/grooming building and external exercise area.

The main issues concerning this proposal are the principle of the development, impact on the amenity of nearby neighbours with regards to noise generated, the impact on the character and appearance of the Areas of Outstanding Natural Beauty and the impact on the highway network.

The economic policies within the National Planning Policy Framework establish a positive approach to supporting a prosperous rural economy. Emerging Local plan policy E5 resonates with this approach and facilitates the principle of the development at the edge of a village in a sustainable location.

Although barking from kennelled dogs is a main concern the Councils environmental health department has been involved through the consideration of the proposal and they do not raise an objection to the proposal. Aspects of the development, including noise insulation and management of the external areas, can be secured via condition.

Timber cladding and reclaimed slate will mean that the visual appearance of building would be similar to that of an agricultural building. The pool and exercise building would, from most views be screened by existing agricultural buildings. There will be immediate views of the proposal from a nearby footpath, however a landscaping scheme would soften this view. No objection has been raised by the Highway Officer to the proposal, subject to mitigating conditions.

CONSULTATIONS

Local Consultations

Yarty - Cllr P Diviani

12.10.2015 - I have been delaying my response as I have been awaiting Janet Wallace's noise report, but having re-read the file papers I have become more concerned that this is the wrong place for this activity. There are too many factors outside the effective on-going control of the Applicants. The essence of good design is having the right conditions in the right place. However you dress it up, there is real potential for disharmony through inserting a canine business into what has become a residential area. Not adjacent to, but within an AONB, is tantamount to discounting the designation which has been re-affirmed very clearly through the NPPF. For this to be a sustainable development, all three elements must be present and whilst the economic wellbeing of the Applicants (solely, apparently) may well be enhanced, it is clearly not socially acceptable in the village and has the real potential to be environmentally detracting from the tranquillity that we have a reasonable expectation to enjoy.

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

15.12.2015 - If we were to move towards a Recommendation of Approval, then I would be asking for a site inspection as issues of proximity of dwellings and dog users footpaths will lead to as much tension as the noise and access issues already flagged up by the Parish Council.

Parish Council

22.09.2015 - At the Parish Council meeting on Wednesday 9th September 2015 the Council voted to NOT SUPPORT this application.

One of the key reasons that this development should be refused is that Chardstock is classified in planning terms as unsustainable. In September 2014, officers of East Devon District Council, as part of the Local Plan process, conducted a thorough assessment of East Devon's Small Towns and Villages. As Chardstock met only five out of the twelve criteria, it was declared unsustainable and therefore unsuitable for further development. The latest application in Chardstock to go before the DMC (Southview 15/1007/FUL) was refused specifically on the grounds of unsustainability. The proposal for this dog hotel will have an even greater negative impact on the infrastructure of the village, as detailed below.

There are also a number of planning policies in East Devon's existing Local Plan as well as the emerging Local Plan that this proposal does not comply with.

Local Plan Policy E6 - Small scale employment development in rural areas. This policy concerning small scale businesses within or adjacent to BUABs states that the proposed buildings should be in keeping with their surroundings and local building styles. They should have minimal or no impact on wildlife or on the amenity of

nearby residents, and should ensure that road access and services are adequate, the site being accessible to public transport, or by cycling or walking.

The proposed development does not meet these criteria. The applicant has not submitted a protected species report, even though it is likely that the old barns could possibly provide habitat for such species as owls. It would certainly impact on the amenity of local residents, and the site is over a mile from the nearest form of public transport.

Local Plan Policy D10 - Re-use of rural buildings outside settlements. This policy details the activities and types of business considered suitable for the re-use, conversion, alteration or extension of rural buildings. These include farm shops, community, recreation and tourist facilities.

The list of activities does not include a kennels or animal boarding business and therefore the proposal at Ivy Green Farm is not covered by this policy.

Emerging Local Plan Strategy 7 - Development in the countryside. As the location of this proposal is outside of Chardstock's Built Up Area Boundary and within the Blackdown Hills AONB, it is therefore in open countryside, and development can take place only if it is in accordance with specific Local or Neighbourhood Plan policies.

Although Chardstock's emerging Neighbourhood Plan talks about encouraging local businesses, we feel that, whilst there may be a small economic gain, with possible local employment, the negative impact in terms of the social harm to local residents outweighs any small benefits that this business may bring.

Emerging Local Plan Strategy 28 - Sustaining and Diversifying Rural Enterprises. The Local Plan will provide for developments that will help sustain and diversify agricultural and traditional rural enterprises and add value to rural produce. The re-use of rural buildings to provide jobs and accommodate business start-ups and expansions will be encouraged.

Ivy Green Farm is no longer a working farm, and this proposal does not fit the description of a traditional rural enterprise.

Emerging Local Plan Strategy 46 - Landscape conservation and enhancement and AONBs. This strategy looks to permit development where it conserves and enhances the landscape character, does not undermine landscape quality, and is appropriate to the economic, social and well-being of the area.

The proposed dog hotel would do none of these, as the buildings would be more prominent in the landscape than the existing buildings. This is especially so when seen across the Kit valley from the west. Security lighting would also add to the overall visibility of the buildings and increase the amount of light pollution in the area.

Emerging Local Plan Development Management Policy D8 - Re-use of rural buildings outside of settlements. The proposal does not comply with this policy, as the farm buildings would be demolished, rather than re-used. The policy also states

that the proposed use would not harm the countryside by way of traffic, parking, storage, pollution or the erection of associated structures.

The plans for Ivy Green Farm would result in increased levels of traffic with the arrival and departure of the hotel's guests and their owners. Whilst the applicant intends to keep this to a two-hour window every morning and afternoon, this is not enforceable. There would also be additional traffic from the deliveries of materials and supplies for the management of the facility, as well as staff. The applicant has further suggested that the hydrotherapy pool and grooming services may be available to non-hotel guests, thus adding to the traffic flow.

Emerging Local Plan Policy E5 - Small Scale Economic Development in Rural Areas. This policy allows for development provided that various criteria are met. These include the need for a safe highway access, for the local highway network to be capable of accommodating increased levels of traffic, and for there to be no detrimental impact upon the amenities of neighbouring properties.

This development would result in increased traffic on very narrow lanes, and the proposed entrance/exit will be onto a narrow lane close to the junction with Chard Street at Harestone Cross, where there is very poor visibility. The entrance to the Ivy Green Farm site, we understand, has only ever been a field entrance and not used for vehicles. The proposed access would be a single-track drive, so vehicles entering the site would have to wait on the public highway by the road junction should another vehicle be trying to exit at the same time.

The location of Ivy Green Farm is such that there are a number of houses nearby. The nearest will be the new houses on the site behind the Old School, being just 30 metres from the buildings that would form the dog hotel. Whilst the rooms of the hotel itself are to be designed with high levels of acoustic insulation, there would be many periods during the day when the dogs would be outside for play and exercise, with all the resulting noise that this would inevitably bring. Whilst it is not shown on the location map, there is a public footpath across the field to the west of the site on land that forms part of Ivy Green Farm. This is used regularly by dog walkers, and it is reasonable to assume that the interaction between dogs on the footpath and those in the outside exercise area would also result in barking. The applicant has informed us that the dog hotel would have no openable windows in order to reduce nuisance of noise, i.e. barking, from the housed dogs. As the building would therefore be effectively a sealed unit, air conditioning is being proposed for cooling and ventilation. The sound emanating from cooling fans would add to the overall level of noise in the area, bearing in mind that in this is a particularly quiet rural location, and any noise is very noticeable, particularly at night.

The applicant refers in the Design and Access Statement to the Canine Country Club, a dog hotel near Bude. This facility, along with others of a similar nature throughout the UK, is set in open countryside, a considerable distance from any residential areas, giving the dogs large areas of land to be able to run freely without disturbing local residents. Ivy Green Farm is simply not in the right location for this type of business. Being so close to the centre of Chardstock village, it would have a serious impact on the amenity of neighbouring properties.

As well as the concerns over noise, affecting not only the immediate neighbours but residents living further away, and the increase in traffic on the narrow lanes, there are the environmental issues surrounding the disposal of waste and water. Whilst we appreciate that these are not strictly material planning considerations, we cannot ignore the need for effective waste disposal in the form of a properly designed drainage system, including Environment Agency and LA Building Control approval to ensure that there is no pollution of ground water, springs or aquifers. The drainage for the disposal of the large volumes of water required for cleaning, together with the emptying of the hydrotherapy pool, must also be given proper consideration to avoid overloading the local sewers or polluting local watercourses.

For these reasons the Parish Council cannot support this application.

Additional Comments 12.10.2015 - Whilst this additional information does not alter our previous decision not to support this application, there are several issues that it does raise.

1. The Foul Drainage Assessment, as submitted by the applicant, is lacking in sufficient detail and content to enable a valid assessment of the proposed drainage scheme to be considered. In line with Environment Agency directives, a permanent drainage connection from the new facility should be made where possible to the public sewage system so as to achieve a satisfactory means of effluent disposal. No explanation has been given by the applicant as to why this cannot be done.

2. If private foul water disposal is considered to be the only viable option, then this must be outlined in sufficient detail so that a meaningful assessment of the proposal can be made to ensure that full compliance with Environment Agency and Building Regulation standards is achieved. The present proposal does not give enough information for this exercise to be carried out.

3. The applicant has assumed that soakaway drainage (drainage field) can be used as a method of dispersing the treated effluent. This assumption must be backed up with an 'in principle' agreement from the Environment Agency (EA). Sufficient detail should be provided to show the proposed location of the drainage plant and disposal site and, if permitted, that it will not cause nuisance or pollution. The applicant does not appear to have addressed these issues in his submission. The map enclosed with the FDA1 form, as with all the other location maps submitted with this application, does not show the public footpath that runs across the field to the west of the site, close to the boundary of the proposed Dog Hotel. It does, however, show that the drainage system would extend into the field crossing the footpath at right angles, bringing into question the overall suitability of the location.

4. Soakaway drainage, if permitted by the EA, will depend on the sub-soils having suitable soakage potential. This must be proved by 'on site' percolation testing. Whilst percolation tests will be necessary to enable detailed design to be progressed, it is nonetheless considered important at this pre-planning stage to establish if soakaway drainage is a workable solution, but the applicant states that no percolation tests have been carried out.

5. It is noted that the expected daily foul water flow rate has not been specified. Looking at the guidance notes, we can see that there is no data for typical flows from kennels or anything similar.

6. It is also noted that no proposals have been submitted for dealing with waste water disposal from the proposed hydrotherapy pool in terms of volume of water, frequency of emptying, and where and by what means the water is to be treated and dispersed.

In looking at the whole question of the removal of waste from the Dog Hotel, we have noted the Pollution Prevention Guidelines for Stables, Kennels and Catteries (PPG24) produced by the Environment Agency, in conjunction with the Scottish Environment Protection Agency and the Environment and Heritage Service. We realise that East Devon's Environmental Health Department have been asked to comment as a consultee, but we would like to point out the following from these guidelines.

- Section 3 para b Kennels. The washing down of kennels and rainfall-related run-off can produce a highly polluting effluent. This may result in large variations in flow to a treatment plant. A suitably sized sedimentation tank should be installed. ... Unless the flow is carefully managed to ensure a suitable level of dilution is maintained, the presence of biocides such as gluteraldehyde will make drainage from these areas unsuitable for treatment by conventional sewage treatment plants.
- Section 4 para b Kennels and catteries. Washdown from kennels ... should be directed to the foul sewer or if not available to a sealed cesspool. ... Drainage to a private sewage treatment plant must only be considered as a last option, and only if appropriate treatment and flow balancing are provided. ... Because the high strength of the effluent may affect the adequacy of the treatment, advice should be sought on the design, installation and operation of this type of plant. Solid waste should be collected, bagged or otherwise suitably contained and disposed of to a suitably licence facility.

All these factors only go to strengthen the point that we made in our previous submission, that this proposal is not suited to the location, being so close to the centre of Chardstock village.

16.10.2015 - copy of letter from Clarke Willmott received 15.10.2015 from Chardstock PC

14.12.2015 - The council has already provided feedback regarding this application, and whilst some changes have been proposed this does not change the position of this council. There are great concerns regarding the ability for the proposed conditions to be imposed. Concerns that the amendments are now even nearer to a public right of way that is well used by dog walkers, therefore possibly increasing the noise. There are serious concerns about the traffic management. The council is surprised that highways are not raising concerns regarding access on to the road. It is felt that a site visit should be undertaken.

There are concerns about the positioning of the outdoor toilets. It is still very much felt that this proposal would be detrimental to the area; therefore the council cannot support it.

17.12.2015 - Following receipt of additional information and revised plans, the Parish Council, at its meeting on Wednesday 9th December 2015, voted to NOT SUPPORT this application.

The revisions have not addressed any of the major concerns expressed by the Parish Council and the many residents who have written to East Devon District Council. The revised location of the exercise area is closer to the boundary of a neighbouring property as well as a well-used public footpath, and the additional outside toilet area is located close to the boundaries of properties in Chard Street.

We are also particularly concerned over the reports submitted by the Environmental Health Officer and Highways Officer, as, in our opinion, they have not looked at the problems in detail but relied purely on the information submitted by the applicant.

Potential noise from the "Dog Hotel" is a major issue, and, in spite of all the assurances from the applicant that the resident dogs won't bark, this can only be proven when the dogs are in situ. No amount of sound insulation to the buildings themselves will stop the noise from the dogs when they are outside being exercised. The Environment Officer seems to have accepted the report from Soundguard Acoustics Ltd, which concentrates on the requirements for the insulation of the buildings, even though the second paragraph of the report states that there are no "universally agreed prediction models" and the report seems to use evidence based on 5 dogs. The proposed dog hotel has the potential for a minimum of 15 dogs, and possibly more. The applicants have submitted further reports on dog behaviour, but, as the dogs would be coming into a strange environment alongside other dogs they are not familiar with, their behaviour would inevitably be unpredictable.

The applicants have proposed that the drop-off and collection of animals would be limited to two 2-hour windows in the morning and the afternoon. Apart from the fact that the proposed afternoon slot coincides with the end of the school day, when the road from the village to the A358 is already at capacity, this proposal is no more than wishful thinking and is totally unenforceable.

On all the plans submitted, the applicants have failed to include the line of the public footpath, which runs through the adjacent field, tight to the boundary with the farm and the new location for the exercise area. This is clearly marked on OS maps. This path is used by many of the village's residents walking their dogs, many of whom report barking from the applicants' dogs. So how would the barking of the "guests" be restrained?

We are also surprised that the Environmental Health Officer has made no comment on the proposals to deal with the disposal of canine faeces and other waste from the site, questions which have not been fully addressed by the applicant.

The Highways Officer's report makes recommendations for improving the access but has not taken into account that to achieve this involves land owned by the

neighbouring properties at Park View and Greenbanks, the owners of which have not been consulted. A number of residents have supplied detailed evidence demonstrating that the proposed access is unworkable and dangerous.

This additional response from the Parish Council is to reiterate all the points that we raised in our previous responses and to show our support for all the residents of Chardstock who have submitted letters detailing their well founded concerns and objections.

Technical Consultations

Blackdown Hills AONB Project Partnership

Applications for commercial development in the AONB do require careful consideration to ensure that they contribute to conserving and enhancing the natural beauty of the area and are not detrimental to the AONB's special qualities. Particular considerations for this proposal in relation to landscape and visual impact and conserving and enhancing the AONB include:

1. New build commercial development in AONB open countryside of unusual proportions with associated vehicle movements and parking, fencing, runs and lighting.
2. Works to access and track - presumably a prestige facility will require corresponding 'improvements' to the existing field entrance and creation of a driveway.
3. Assertions regarding control of barking and other noise from dogs - experience from elsewhere in the AONB suggests that despite best intentions groups of dogs do bark, whine and howl, including when able to see, smell or hear people and other dogs on nearby footpaths. In this location, as well as affecting nearby neighbours, this would affect those using the public footpath and the wider tranquillity of the AONB.

Conservation

We do not wish to comment on this application

Environmental Health

09/10/2015 - I have considered this application and carried out a visit. I have also considered the proposed design of the buildings and the associated noise report submitted, I have discussed the management proposals submitted by the applicant and with the proposed management plan strictly adhered to the issues of dogs barking in the vicinity should not be cause for noise complaints. I accept and agree with the conclusion of the noise report that this application should not impact on any additional noise pollution in this area, therefore I recommend approval.

27/11/2015 - I have reconsidered the noise report submitted by Soundgard Acoustics dated 10th July 2015. The report has thoroughly considered the whole issue of potential nuisance caused by dogs barking at the kennels. It is clear that the dogs will be within a building kept in a high quality environment at all times, with staff on

site. Our experience with kennels is that well run facilities do not lead to barking complaints - we know from many visits to kennels that dogs may bark when unfamiliar people go into the kennel area, but this can be managed. It is not our experience that the dogs bark during exercise periods. The consultant has carried out an assessment using the only standard available and has concluded that residual noise may only exceed the background noise level by 5dB or less. This is a very low level (3dB is usually imperceptible by the human ear) and of course the dogs are unlikely to bark at all. The calculations show that the building envelope itself will provide the required level of control and the report gives clear guidance to the applicant on what they need to achieve.

I can therefore confirm that we do not anticipate any unreasonable impact on residential amenity. If, once operating, some noise issues do arise then we can deal with those queries as a noise complaint in the normal way. We will of course also be regularly involved with the premises as part of the licensing requirements and can raise any issues at those visits. I do not consider it appropriate to use the planning process to manage this type of noise potential, but recommend that the following condition is included on any approval:

The recommendations in the report prepared by Soundgard Acoustics dated 10th July 2015 in relation to the control and management of noise shall be implemented in full before first use of the premises and maintained at all times the premises is in use for the kennelling of dogs.

Reason: to protect the amenity of residents from unreasonable noise

Environment Agency

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

County Highway Authority

Observations:

The proposed development is located on the site of the derelict farm Ivy Green Farm which consists of the farmhouse and adjacent agricultural buildings. The farmhouse is being extended under planning permission 14/2130/FUL. The site can be accessed via the private road to the south, by the former Chardstock School, and also by the existing agricultural gated access to the north, close to Harestone Cross on Chard Street.

I visited the site on Thursday 17th September 2015 on two occasions, 08:30 AM and later at 15:30 PM. I did this to ascertain the site access proposals during the AM peak travel period (07:30 - 09:30). On the AM visit, I observed that traffic in and around Chardstock appeared to be mainly to with trips to and from the new Chardstock School, people travelling to work and some tradesman traffic to the Old School site. Most traffic appeared to be travelling on the Chardstock/ Tytherleigh road and Chardstock main street. Whilst there was some vehicles using Chard

Street, the numbers did not appear great and vehicles using the Chard Street/Hook Road junction appeared to do so at very low speeds.

The proposed access for the development from Hook Road is in the form of an existing gated agricultural access which is close the Chard Street/ Hook Road junction. A wide grassed track extends from the gate downhill to the development site. Whilst visibility to the right when exiting is somewhat obscured by hedge/tree overgrowth, visibility of the junction is not impaired. Traffic speeds appear to be low, even though the junction is technically outside of the 30 mph limit of Chardstock.

On my afternoon visit to the site, I spoke with the Agent Mr Fitzhenry (the applicants husband) who was on-site. We discussed the proposed access and the overgrown hedge and whether any improvements could be made. Mr Fitzhenry was unsure whether the hedge was under his control or not. We also discussed the existing grassed surface and Mr Fitzhenry explained that he proposes to lay a suitable hard core surface to the track up to the adopted highway and will install a vehicle passing place set back from the junction. The crushed hard core is proposed to come from the building demolition.

It is reasonable to assume that the agricultural access from Harestone Cross would have probably have been maintained with appropriate hedge-cutting when the farm was working and that it would have regularly been used as access for farm machinery.

Mr Fitzhenry also explained his intent to follow the modal of The Canine Country Club based at Youlstone and I have looked at their web-site, unfortunately I cannot find any highway comments regarding this site.

The application proposes that drop-off & pick-up times will be limited to a 2 hour window in the morning and the same in the afternoon evening. I would wish to see therefore that these times were scheduled so that they do not impact on the AM peak travel period (07:30-09:30) and the PM peak travel period (16:30-18:30). This would ensure that most commuter traffic and especially the school traffic would be avoided.

RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1.No part of the development hereby approved shall be commenced until details of the treatment of the visibility splays and the means of defining the boundary between the visibility splay and the remainder of the application site have been submitted to and approved by the Local Planning Authority.

REASON: To ensure that the visibility splays are provided to a standard acceptable to the Local Planning Authority

2. The site access road shall be hardened, surfaced and maintained thereafter so that two family sized vehicles can pass each other within the access drive to the satisfaction of the Local Planning Authority for a distance of not less than 20 metres back from its junction with the public highway

REASON: To prevent mud and other debris being carried onto the public highway and so that two vehicles can pass each other.

DCC Flood Risk SuDS Consultation

Thank you for referring the above application which was received on 25/09/2015.

Devon County Council Flood Risk Management Position.

The applicant has not provided any detailed information regarding the management of surface water on the site.

A detailed drainage design should be submitted to demonstrate how surface water from the development will be disposed of, in a manner that does not increase flood risk, in accordance with DCC's Sustainable Drainage Design Guidance, as attached.

I would be pleased to provide a substantive response when the above information is provided by the applicant.

Other Representations

47 letters of objections have been received at the time of writing;

- Detrimental impact from noise generated through dogs barking and associated operations of the kennels.
- Flawed methodology and conclusion of noise survey/report.
- Harmful impact on character and appearance on AONB.
- Harmful to the existing tranquillity of the AONB.
- Highway safety issues arising from use of the access point with the main road and increased use of the Harestone Cross Junction.
- Increased vehicle speeds and usage along unsuitable highway network.
- Increase noise levels from increased usage of roads.
- The proposal constitutes unsustainable development.
- Inappropriate development within the open countryside.
- Impact on ecology.
- External lighting harmful to quality of life of neighbours and wider AONB.
- Question the employment generated and economic benefits of the proposal.
- Harmful to the setting of listed buildings.
- Planning conditions cannot control harmful aspects of the proposal.
- Harmful to the enjoyment and social cohesion of the village.
- Harmful odours arising from the development.
- There are all ready surrounding kennel businesses (which also create noise)

PLANNING HISTORY

Reference	Description	Decision	Date
15/0277/FUL	Single storey side extension and provision of decking	Approved	10.03.2015
14/2130/FUL	Single and two storey extension to side and rear	Approved	02.09.2014

POLICIES

New East Devon Local Plan Policies

E5 (Small Scale Economic Development in Rural Areas)

D1 (Design and Local Distinctiveness)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

TC9 (Parking Provision in New Development)

TC7 (Adequacy of Road Network and Site Access)

EN22 (Surface run-off Implications of New Development)

EN14 (Control of Pollution)

Strategy 7 (Development in the Countryside)

Adopted East Devon Local Plan Policies

S5 (Countryside Protection)

D1 (Design and Local Distinctiveness)

TA9 (Parking Provision in New Development)

TA7 (Adequacy of Road Network and Site Access)

EN15 (Control of Pollution)

EN1 (Development affecting Areas of Outstanding Natural Beauty)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

NPPG (National Planning Policy Guidance)

Site Location and Description

Ivy Green Farm is a detached dwelling situated on the outskirts of Chardstock. The property has surrounding fields to the north, east and west. There is a gentle decline in gradient to the west with long range views of the valley below. There are several existing agricultural buildings to the south east of the dwelling which are in a state of disrepair. There are two main access points into the holding. One a private lane access point from the south and a second agricultural access point to the north, in close proximity to Harestone Cross. This access does not appear to have been used for some time and has no hardstanding.

The application takes place within the designated Areas of Outstanding Natural Beauty (AONB). There is a public footpath which runs through the holding on a north to south axis beside the existing dwelling. There are neighbouring dwellings to the north east and south of the site. It should be noted that planning permission (15/0217/FUL) has been granted for 5 dwellings on land to the rear of St Andrews School which lies directly to the south of the site.

Proposed Development

The applicant has described the proposal as a 'dog hotel' which is 'an upmarket boarding kennel that builds upon the traditional ideas and design of more typical and common boarding facilities'. The proposal would create a 15 room kennel building for up to 20 dogs (including the applicant's 2 dogs). In addition to the kennel building facilities such as dog grooming, hydrotherapy areas and exercise spaces would also

be provided. According to the applicant dog hotels are becoming increasingly popular inspiring dog owners to travel greater distance for the benefits of these boarding facilities.

The proposal would consist of a new purposely built kennel and the creation of a separate pool building and exercise area adjacent to the existing agricultural buildings. Amended plans have been received which have illustrated that the kennel building would be timber clad, with the roof using reclaimed slate. An external exercise area is proposed to the east of the kennels with an associated parking area to the north.

The proposed access would use the existing field opening to the north.

ANALYSIS

The main issues concerning this proposal are the principle of the development, the impact on the character and appearance of the Area of Outstanding Natural Beauty (AONB), the environmental health issues and the impact on the highway network.

Principle of the development

The settlement of Chardstock had a built up area boundary under saved East Devon Local Plan 2006-2011. The site of the proposed planning application would be outside of this saved local plan boundary but would, in many places, be adjoining this built up area boundary.

Under the emerging local plan it is an aspiration that Chardstock would maintain its built up area boundary notwithstanding the lack of robust and up to date evidence to establish this - resulting from evidence gathered by the planning policy department. The emerging local plan is currently going through its adoption process and has had two examinations in public sessions. But to date the policies of the local plan have not been adopted. Therefore the built up area of the boundary has not been finalised with an assessment of the sustainable attributes of the settlements are required.

It is accepted that Chardstock has some facilities and services that might support day to day living including; a shop/post office, primary school, public house, community hall etc. but aside from these access to the wider range of facilities available in nearby towns such as Chard or Axminster for employment, secondary school, wider shopping or leisure facilities and doctors surgery are limited essentially to access by private transport. In light of both the planning policies assessment of the sustainable attributes of Chardstock and the consideration above it is considered that Chardstock does not constitute a sustainable settlement and as such, until Strategy 27 is accepted by the Local Plan Inspector with Chardstock listed as a sustainable settlement, the settlement is considered to be unsustainable.

Policy S5 of the East Devon local plan seeks to restrict development in the countryside in order to protect its character, amenity and environment except where permitted in accordance with specific policies. On the face of it there is an in principle issue raised by these policies as the position of the kennels either outside the built

up area boundary of Chardstock or taking the view that Chardstock has no boundary at all.

However, paragraph 28 of the NPPF makes it clear that planning policies should take a positive approach to sustainable new development and this is realised in emerging local plan policy E5 – Small Scale Economic Development in Rural Areas.

The emerging policy is less restrictive supporting new businesses or the expansion of existing businesses on Greenfield sites. For the purpose of assessing this planning application this emerging policy facilitates small scale economic development on a greenfield sites provided it would be well related in scale and form, and in sustainability terms, to the village and surrounding area. In addition there are other qualifying criteria such as the requirement for no detrimental impact upon the amenities of neighbour properties, wildlife, landscape or historic interest.

Whilst the emerging local plan is not yet adopted there has not been any indication from the examining Inspector that to date there are issues with regard to economic policies of this document or Policy E5 in particular. Taking this into consideration and the conformity with the NPPF aim to support a prosperous rural economy considerable weight is attributed to policy E5.

Accordingly the development proposed must be considered in sustainability terms. In most instances kennels are generally found within the open countryside in order to minimise potential impacts on properties and in such circumstances the preference for this outweighs a remote location which would bring about increased traffic movements. Provided that the kennels do not have a harmful impact on surrounding properties there are no objections to its position relative to the settlement benefitting from some facilities. Such an enterprise is unlikely to be facilitated within a built up area and would inevitably always generate traffic movements.

The existing dwelling on site would act as the manager's accommodation and so this would remove the requirement to commute. Additionally, the business would be positioned in reasonable proximity to Chard Road which would facilitate wider transport links. Therefore under policy E5 there would be sustainable attributes to the proposal, when accounting for the type of development proposed.

In terms of scale and form the proposed buildings seek to reference agricultural buildings which might occupy the field were an agricultural business still being operated. This is a sensible approach given the proximity of public vantage points and the agricultural character of the surrounding land. There is clearly a change in character from the existing built form within Chardstock to a more sporadic development seen in the countryside. The development would respect that transition by avoiding over development or incongruously designed building.

In light of the above the principle of the proposal is considered to satisfy Policy E5 of the new Emerging Local Plan due to the business being well related to a settlement with some facilities and promoting a new business that is usually located in more rural locations.

Impact on the character and appearance of the open countryside and AONB

Policy EN1 (Developments affecting Areas of Outstanding Natural Beauty) states that development will only be permitted within or adjacent to the East Devon AONB or Blackdown Hills AONB where the proposal conserves or enhances the landscape character of the area and respects traditional local built forms. Strategy 46 of the emerging local plan echoes this approach. Paragraph 115 of the NPPF accords great weight to the conservation of the scenic beauty of the AONBs.

The Landscape Character Assessment (2008) defines the landscaping within which the application site is positioned as upper undulating farmed and wooded slopes with small to medium size fields with irregular boundaries. There is a dispersed settlement pattern of isolated farms and small villages. The assessment suggest conserving and enhancing by improving integration of 20th Century development within the wider landscape, especially by replicating the distinctive treed earth banks and small words of the landscape character type.

Although the proposal would involve additional buildings, a drive way and parking for the most part the existing field would be left untouched by the built form of the development. The character of the landscape would therefore largely be left 'open' with ground levels left unchanged. Accordingly the character of the AONB would not be harmed as a result of the development.

The kennel building itself also would have an overall low roof height with a shallow pitched roof. The floor space for the kennels is large and as this building is more centrally placed within the field it can be more easily seen within the AONB landscape. It should be noted that there is a public footpath which would pass directly beside the development (to the west of Ivy Green Farm house). Users of the public footpath would, no doubt, experience a high magnitude of change in the visual appearance of the field. Therefore a visual change would be evident from immediate public vantage points.

It is considered that this visual change could be mitigated by virtue of a sensitive landscaping scheme, which would include a substantial hedgebank to soften views from the public footpath. The use of timber boarding on the external elevations would provide a rural aesthetic to the building and provide an opportunity to use a natural tone to blend with the surrounding colour palette of the landscape.

From medium range vantage points the site would not be highly visible due to the surrounding screening, topography and lack of public vantage points. The site can be seen from long range vantage points to the west, but from these far ranging views the development would be read in association with the main settlement of Chardstock, with the proposed buildings remaining below the skyline of this settlement.

The pool and exercise area would be positioned on the end of an existing agricultural building (which currently appears in disrepair). This is a low key building with a

shallow and low roof pitch. Due to the low height and position of this building this would not be a prominent building within the overall AONB landscape.

Environmental Health Impact

The applicants would be seeking a licence for a maximum of 20 dogs (two resident dogs and eighteen spaces at the kennels). Given the numbers of dogs, most of whom would be situated within an alien environment, this could result in loud barking (or similar) noises. Given the position of the adjacent neighbouring properties in relation to the kennel buildings and external exercise area the impact that such a noise generated must be taken into account. Policy D1 (Design and Local Distinctiveness) is of particular importance and is designed to ensure that new development has regard to its context and does not adversely affect the amenity of occupiers of adjoining residential properties. As the proposal takes place within the AONB policy EN1 of the saved local plan requires the avoidance of noise disturbance. Additionally, policy EN15 seeks to control pollution including noise impacts.

The applicant has referred to other similar type of kennels and the noise produced by these. It needs to be made clear that each case is considered on its own merits and the submitted information in this regard has not had an impact on noise considerations. Further, although there are indications of 'good management' from the applicants the consideration must be based on only those aspects that can be reasonably controlled under planning legislation. As the planning authority cannot control who owns or runs the kennels robust and enforceable conditions are required in order to prevent a noise impact and the acceptability of the proposal is based around the ability to mitigate what would otherwise be an unacceptable noise impact in a tranquil location.

The Environmental Health department has been consulted throughout the planning application process and does not raise an objection to the proposal, subject to conditions. Significant weight is attributed to the environmental health department's expertise and experience in such matters. A comprehensive noise survey regarding the kennel and spa buildings has been submitted with the planning application and the environmental health team have not raised an objection to the methodology used or the conclusions drawn. The noise impact assessment has been considered using the worst case scenario of noise projecting from the south 'spa' building in relation to the closest residential property. The report demonstrates that noise mitigation methods used in the construction of the buildings would reduce the noise created to an acceptable level - comparative to the existing background noise levels.

It is noted that the noise report does not account for the use of external areas, which would be much harder to control. Nevertheless the Environmental Health department are satisfied that by reducing the number of dogs using the external area at any one time and restricting the hours of external exercise that this would produce acceptable levels of noise. With regard to the outside exercise area the submitted noise management plan states that only three dogs at any one time would be able to use this area. There have been some concerns that increased traffic would result in increased noise, however, given the close proximity of the existing road network and

the lack of ability to control traffic levels using this wider network any objection on this basis cannot be substantiated.

There is no evidence to suggest that unacceptable odour would occur from the development and without an objection raised to the proposal from the environmental health department in relation to anticipated noise levels there are no grounds to refuse the planning application on this basis.

Impact on the highway network

The proposed access would be situated to the north of the kennels with an allocated parking area. This access point passes between two properties called Park View and Greenbanks. The access point would require the majority of drivers to use the junction at Harestone Cross. Many of the letters of objection have raise concern over the proposed access point and impact on wider highway network.

The highway officer visited the site on two occasions, 08:30 AM and later at 15:30 PM in order to ascertain the site access proposals during the AM peak travel period (07:30 - 09:30). On the AM visit, the highway officer observed trips to and from the new Chardstock School, people travelling to work and some tradesman traffic to the Old School site. Most traffic appeared to be travelling on the Chardstock/ Tytherleigh road and Chardstock main street. Whilst there were some vehicles using Chard Street, the numbers did not appear great and vehicles using the Chard Street/Hook Road junction appeared to do so at very low speeds.

The proposed access for the development from Hook Road is in the form of an existing gated agricultural access which is close the Chard Street/ Hook Road junction. A wide grassed track extends from the gate downhill to the development site. Whilst visibility to the right when exiting is somewhat obscured by hedge/tree overgrowth, visibility of the junction is not impaired. Traffic speeds appeared to be low even though the junction is technically outside of the 30 mph limit of Chardstock.

It is also reasonable to assume that the agricultural access from Harestone Cross would have probably have been maintained with appropriate hedge-cutting when the farm was working and that it would have regularly been used as access for farm machinery.

Taking all of the above into account the Highway Officer does not raise an objection to the proposal subject to conditions. Whilst it is acknowledged that a traffic assessment has not been submitted there are no objections raised in any event by the Highway Officer and this has not been specifically requested as necessary in order to come to a view on the proposal. The proposal would not result in a severe impact on the wider highway network in accordance with paragraph 33 of the NPPF.

Other matters

Section 66 of the Listed Buildings and Conservation Areas Act 1990 requires that special attention is given to the desirability of preserving the listed building or its setting. The position of the listed buildings within Chardstock relative to the application site has been noted. The nearest listed buildings to the proposed site are

the 'St Andrews School', 'The Old House', 'George Inn', 'The Priory' and notably the grade 11* listed Church – 'St Andrew's'. Due regard is given to each of the list descriptions and in each case there is no suggestion that the application site played a functional role in contributing to these listings. Given the distance between the sites and these listed buildings there would not be a direct visual impact on the setting of these listed buildings. Therefore whilst there may be some limited views where it would be possible to view the listed buildings and proposed development at the same time there is no suggestion that harm to the historic setting would result. As noise levels can be successfully mitigated there would not be any intrusion upon the historic setting in this respect or effect how these listed buildings are experienced. As there would not be any harm arising the proposal would avoid constituting 'less than substantial harm' referred to in paragraph 134 of the NPPF. The conservation officer has been consulted on the proposal has not raised an objection to the proposal.

Section 72 of the Listed Buildings and Conservation Areas Act 1990 requires that special attention is given to preserving and or enhancing the conservation area. The site is positioned some distance from the boundary of the conservation area and there is not anything within the Chardstock Conservation Area Appraisal to suggest that the site contributes in a meaningful way to its setting. Therefore there is no harm to the designated conservation area.

Although a phase 1 habitat survey has not been conducted there is no evidence to suggest that the site provide characteristics that would support the habitat of protected species. Whilst part of a dilapidated barn would be removed in order to accommodate the hydrotherapy building the corrugated roofs and fibre cement sheeting are unlikely to provide attractive roost for bats.

Concern has been raised regarding pollution run-off. A Foul Drainage Assessment (FDA1) from has been submitted during the process of the planning application. This establishes that a Klargester Sewage treatment plan would be installed which will be subject to routine maintenance. Whilst primarily not a planning matter there is no evidence to suggest that effluent or other pollutants would affect neighbouring properties or land which would preclude granting the planning consent.

With regards to external lighting it is considered that a suitably worded condition could secure the type, luminance and position of such lighting to ensure no harm to amenity of other properties or the wider AONB.

Conclusions

Paragraph 7 of the framework outlines that there are three dimensions to sustainable development: economic, social and environmental. Paragraph 8 explains that these dimensions should be undertaken in concert in order to achieve sustainable development.

In economic terms the proposal would be likely to bring about benefits in terms of starting a business which would support a prosperous rural economy. According to the submitted form the development would provide three full time and three part time

staff. Although there could be some doubt as to whether all of these jobs would materialise in the short term, this nevertheless can only represent an economic benefit in favour of the proposal. The business proposed would be in conformity with emerging local plan policy E5.

The social role requires that development supports a strong vibrant and healthy community and in this respect the proposal would offer an accessible service for the wider rural community.

In terms of the environmental role the Councils Environmental Health department have been satisfied that noise levels generated would be acceptable. The highway officer is satisfied that the proposal can operate without severely harming the wider highway network and that safe access can be provided. The design of the proposal would be sympathetic to the wider AONB landscape and any visual impact could be successfully mitigated by landscaping. Therefore the proposal meets the environmental role.

Taking all of the above into account the proposal meets each of the three dimensions whilst according with the NPPF and emerging Policy E5 and constitutes as sustainable development.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The development hereby approved shall be carried out in accordance with noise mitigation measures contained within the submitted 'Sound Impact Assessment of the proposed dog hotel at Ivy Green Farm' conducted by Soundguard acoustics received by the Local Planning Authority 1st September 2015 and built to the specification detailed in the report. All windows and skylights must be fixed shut, with air circulation being totally controlled within the building by air conditioning only.
(Reason – In order to ensure acceptable noise levels and to retain the tranquillity of the Area of Outstanding Natural Beauty, in accordance with policies D1 (Design and Local Distinctiveness), EN1 (Development affecting Areas of Outstanding Natural Beauty) and EN15 (Control of Pollution) of the East Devon Local Plan and policies D1 (Design and Local Distinctiveness),

Strategy 46 (Landscape Conservation and Enhancement and AONBs) and EN14 (Control of Pollution) of the Emerging East Devon Local Plan).

4. No more than 20 dogs shall be kennelled at any one time.
(Reason – To clarify the terms of the consent and to ensure that the levels of traffic do not conflict with highway safety standards and that harmful levels of noise are avoided, in accordance with policies D1 (Design and Local Distinctiveness), EN1 (Development affecting Areas of Outstanding Natural Beauty), TA7 (Adequacy of road Network and Site Access) and EN15 (Control of Pollution) of the East Devon Local Plan and policies D1 (Design and Local Distinctiveness), Strategy 46 (Landscape Conservation and Enhancement and AONBs), TC7 (Adequacy of Road Network and Site Access) and EN14 (Control of Pollution) of the Emerging East Devon Local Plan).
5. No dogs shall use the outside external exercise area, as defined on submitted plan 15/FIT/03 A received by the Local Planning Authority 10th November 2015 other than between the hours of 0800 and 1800.
(Reason – In order to ensure that an unacceptable noise impact on the neighbouring properties and to retain the tranquillity of the Area of Outstanding Natural Beauty, in accordance with policies D1 (Design and Local Distinctiveness), EN1 (Development affecting Areas of Outstanding Natural Beauty) and EN15 (Control of Pollution) of the East Devon Local Plan and policies D1 (Design and Local Distinctiveness), Strategy 46 (Landscape Conservation and Enhancement and AONBs) and EN14 (Control of Pollution) of the Emerging East Devon Local Plan).
6. In accordance with the submitted Noise Management Plan received by the Local planning Authority 10th November 2015 no more than 3 dogs using the kennel and pool/exercise building shall use the outside external exercise area, as defined on submitted plan 15/FIT/03 A, received by the Local Planning Authority 10th November 2015, at any one time.
(Reason – In order to ensure that an unacceptable noise impact on the neighbouring properties and to retain the tranquillity of the Area of Outstanding Natural Beauty, in accordance with policies D1 (Design and Local Distinctiveness), EN1 (Development affecting Areas of Outstanding Natural Beauty) and EN15 (Control of Pollution) of the East Devon Local Plan and policies D1 (Design and Local Distinctiveness), Strategy 46 (Landscape Conservation and Enhancement and AONBs) and EN14 (Control of Pollution) of the Emerging East Devon Local Plan).
7. Prior to their installation samples of the roofing material and timber boarding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.
(Reason - To conserve the appearance of the Area of Outstanding Natural Beauty, in accordance with policies D1 (Design and Local Distinctiveness) and EN1 (Development affecting Areas of Outstanding Natural Beauty) of the East Devon Local Plan and policies D1 (Design and Local Distinctiveness) and

Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the Emerging East Devon Local Plan).

8. Prior to their installation details of any external lighting, including manufacturer's type/specification, luminance, position and orientation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
(Reason – To avoid a detrimental amenity impact on surrounding properties, light intrusion and to conserve the Area of Outstanding Natural Beauty, in accordance with policies D1 (Design and Local Distinctiveness), EN1 (Development Affecting Areas of Outstanding Natural Beauty) and EN15 (Control of Pollution) of the East Devon Local Plan and policies D1 (Design and Local Distinctiveness), Strategy 46 (Landscape Conservation and Enhancement and AONBs) and EN14 (Control of Pollution) of the Emerging East Devon Local Plan).
9. A landscaping scheme shall be submitted for the proposed development including details of a native hedge to soften views from the adjacent public footpath and details of all methods of enclosure associated with the external exercise area. All landscaping shall be carried out in the first planting and seeding season following the first use of the kennels and hydrotherapy/grooming room, or in accordance with a programme to be agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed landscaping plan. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To conserve the Area of Outstanding Natural Beauty, in accordance with policies D1 (Design and Local Distinctiveness) and EN1 (Development Affecting Areas of Outstanding Natural Beauty) of the East Devon Local Plan and policies D1 (Design and Local Distinctiveness) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the Emerging East Devon Local Plan).
10. No construction shall commence until details of the surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. Such details shall accord with the principles of Sustainable Urban Drainage systems. The development shall be carried out in accordance with the agreed details.
(Reason – To ensure the adequate disposal of surface water, in accordance with policy EN22 (Surface Run-off Implications of New Development) of the Emerging East Devon Local Plan and the National Planning Policy Framework).
11. No construction shall commence until details of the sewage treatment plant, including capacity and manufacture type and specification shall, be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details. (Reason – To ensure that foul water is adequately disposed, in accordance with policy EN15 (Control of

Pollution) of the East Devon Local Plan, EN14 (Control of Pollution) of the emerging East Devon Local Plan, and the National Planning Policy Framework).

12. No construction shall commence until details of the treatment of the visibility splays and the means of defining the boundary between the visibility splay and the remainder of the application site have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
(Reason: To ensure that the visibility splays are provided to a standard acceptable to the Local Planning Authority, in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the emerging East Devon Local Plan and policy TA9 (Adequacy of Road Network and Site Access) of the East Devon Local Plan).
13. The site access road shall be hardened, surfaced and maintained thereafter so that two motor vehicles can pass each other within the access drive for a distance of not less than 20 metres back from its junction with the public highway.
(Reason: To prevent mud and other debris being carried onto the public highway and so that two vehicles can pass each other, in accordance with policy TC7 of the emerging East Devon Local Plan and policy TA9 of the East Devon Local Plan).
14. The drop-off & pick-up times for users and visitors of the development hereby approved shall be limited to 09.30-11.30 am and 14.30-16.30 pm Mondays to Saturdays only. On Sundays and Bank Holidays no drop off and pick-up associated with the development hereby approved shall occur.
(Reason - To ensure that commuter traffic is avoided, in accordance with policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan and policy TC7 (Adequacy of Road Network and Site Access) of the emerging East Devon Local Plan).
15. For the avoidance of doubt the users and visitors associated with the development hereby approved shall only use the drive and access point to the north east of the kennel building (as illustrated within the red edge of location plan 15/FIT/03 A received by the Local Planning Authority 10th November 2015).
(Reason – To ensure that traffic generated by the proposal does not use the alternative access to the south which would result in hindrance to the free flow of traffic, in accordance with policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan and policy TC7 (Adequacy of Road Network and Site Access) of the emerging East Devon Local Plan).
16. Notwithstanding the annotation on the submitted location plan, 15/FIT/03 A, received by the Local Planning Authority 10th November 2015 a further location plan shall be submitted to and approved in writing by the Local Planning Authority illustrating a repositioned dog 'toilet area' within the perimeters of the 'external exercise area' (as labelled on the same location plan) prior to the development hereby approved first being brought into use. The development shall be carried out in accordance with the agreed plan.

(Reason – In order to ensure that an unacceptable noise impact on the neighbouring properties, in accordance with policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan and policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the Emerging 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:

15/FIT/03 A	Location Plan	10.11.15
15/FIT/01 A	Proposed Combined Plans	10.11.15
15/FIT/02 A	Proposed Combined Plans	10.11.15

List of Background Papers

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

Ward Axminster Rural

Reference 15/2519/FUL

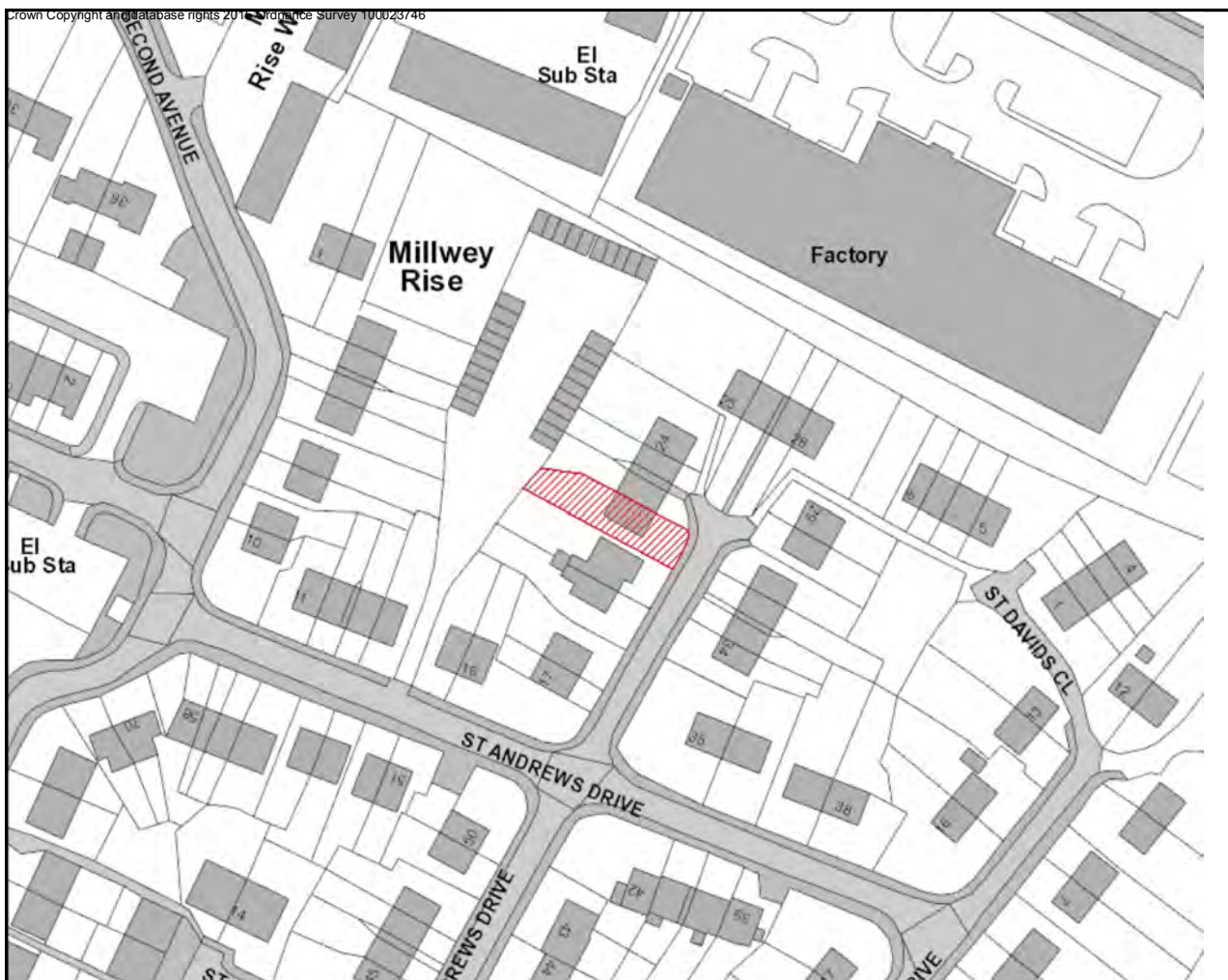
Applicant East Devon District Council (Mr J Burns)

Location 21 St Andrews Drive Axminster EX13 5HA

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



RECOMMENDATION: Approval with conditions



		Committee Date: 19 January 2016
Axminster Rural (AXMINSTER)	15/2519/FUL	Target Date: 31.12.2015
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	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is before committee as East Devon District Council is the applicant.

Planning permission is sought for the construction of a single storey side extension in order to provide a wheelchair accessible bedroom and wet room. In addition the construction of a level access to the front door is proposed. The proposed extension would be constructed from matching face brickwork and would have a flat roof. The level access would involve the construction of a ramped access to the front door from the existing garden path.

The proposed extension is subordinate to the existing dwelling and utilises matching materials. It would not be prominent in the street scene and is considered to be acceptable in terms of its design and impact on the amenity of surrounding residents. The proposed ramp is of a suitable design and would not harm the street scene. In all other respects the application is considered to be acceptable and is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

AXMINSTER TOWN COUNCIL SUPPORTS THIS APPLICATION SUBJECT TO NO OBJECTIONS FROM NEIGHBOURS

Other Representations

None

Technical Consultations

County Highway Authority
Does not wish to comment

POLICIES

New East Devon Local Plan Policies
D1 (Design and Local Distinctiveness)

Strategy 6 (Development within Built-up Area Boundaries)

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

S4 (Development Within Built-up Area Boundaries)

Government Planning Documents
NPPF (National Planning Policy Framework)

SITE LOCATION AND DESCRIPTION

21 St. Andrews Drive is a two storey end of terrace property situated within a residential cul-de-sac of post war local authority housing to the north of Axminster.

The building features brick elevations under a tiled roof although there is some variety in the form of buildings and materials employed both within the cul-de-sac and the wider area.

The building is situated on the north-west side of the road and where the natural topography is a slight slope from east to west. As such the ground floor level of the building is slightly below road level and at the rear of the property floor levels are set above garden level. To the southwest of the property is a side garden area between the dwellinghouse and the neighbouring property. A path provides access to the enclosed rear garden area.

PROPOSED DEVELOPMENT

Planning permission is sought for the construction of a single storey side extension in order to provide a wheelchair accessible bedroom and wet room. In addition the construction of a level access to the front door is proposed.

The proposed extension would be constructed from matching face brickwork and would have a flat roof. It would measure 7.8 metres by 2.8 metres with a height ranging from 3.15 to 3.55 metres above adjoining ground level. The level access involves the construction of a hard surfaced ramped access to the front door from the existing garden path to overcome the existing change in levels.

ANALYSIS

The application is before committee as East Devon District Council is the applicant and planning permission is required in this instance due to the overall height of the extension in relation to its proximity to the side boundary.

There is no objection to the principle of such an extension in this location and the main considerations are the design and impact upon the character and appearance of the area and amenity of surrounding residents.

Design and impact on the character and appearance of the area

The proposal is subordinate to the existing dwelling and utilises matching materials.

Whilst the flat roof design is somewhat at odds with existing development in the vicinity this is not particularly harmful and dwellings of this style and period often feature flat-roofed garages in such a position and the proposal would not be dissimilar to such an arrangement.

In addition, the extension would not be prominent in the streetscene being largely screened on approach by the neighbouring property to the southwest which is set further forward in its plot. Finally, it is acknowledged that an extension of a slightly lower height at the rear, but otherwise of the same dimensions, could be constructed as permitted development. As such there are no objections to the design and visual impact of the extension.

With regard to the ramp, this is low level covering only a small part of the front garden and as such is also of a suitable design and appearance.

Residential Amenity

The proposed extension is single storey only with windows in the front and rear elevations protecting the amenity of adjoining properties. To the side of the extension access is maintained to the rear garden area and the neighbouring property to this side has no openings that could be impacted upon by the development.

The proposed ramp is within the front garden and as such no greater levels of overlooking or loss of privacy will be created.

RECOMMENDATION

APPROVE subject to the following conditions:

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

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

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

P133-15-104	Proposed Combined Plans	03.11.15
P133-15-100	Location Plan	03.11.15
P133-15-103	Proposed Floor Plans	03.11.15

List of Background Papers

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

Ward Budleigh Salterton

Reference 15/1890/FUL

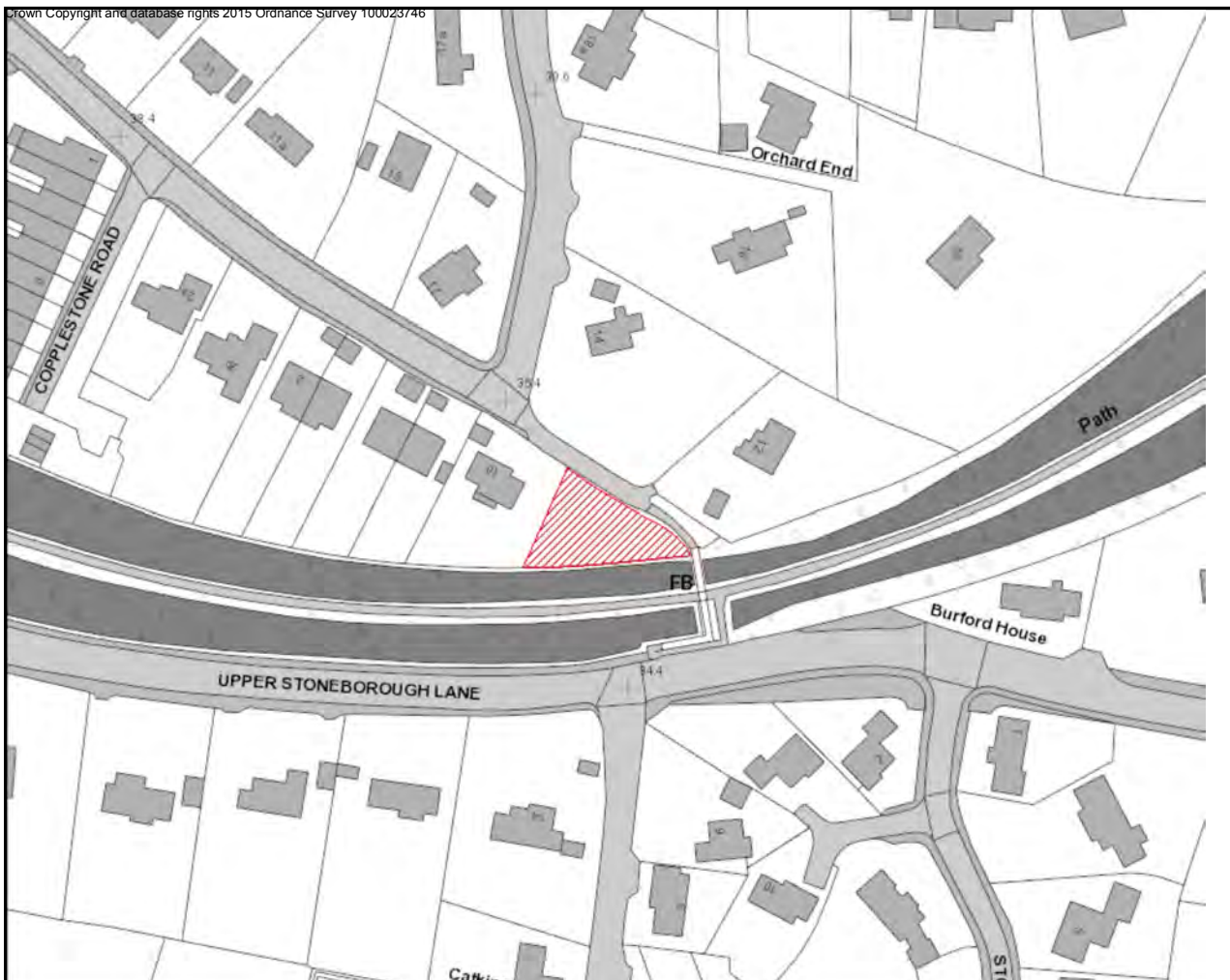
Applicant C J Woodley Ltd

Location 10 Copp Hill Lane (Land Adj)
Budleigh Salterton EX9 6DT

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



RECOMMENDATION: Approval with conditions



		Committee Date: 19 January 2016
Budleigh Salterton (BUDLEIGH SALTERTON)	15/1890/FUL	Target Date: 08.01.2016
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	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

This application follows two previous permissions for a detached dwelling in the former garden of 10 Copp Hill Lane. The first application was approved in August 2014 but the position of the dwelling had to be amended to avoid a South West Water pipe. The amended proposal was approved in January 2015. The current application maintains the dwelling in its approved form and position but adds a detached single garage and alters the access.

The new access would be about 15 metres east of the approved access and the existing boundary wall would be retained, except where the new opening is created. The proposed garage would not appear prominent or intrusive in the streetscene and would not appear out of character in the context of a domestic garden.

The access would be at the end of the lane, opposite the access to 12 Copp Hill Lane. Beyond this point the lane narrows to join a footbridge over the former railway line which provides pedestrian access to Upper Stoneborough Lane.

Given the very low level of vehicular movements associated with the vehicular accesses to no. 12 and the application site, and the low vehicle speeds as they manoeuvre into or out of their driveways, the risk to pedestrians using the lane or emerging from the footbridge would be negligible. Similarly, the probability of vehicles meeting in the lane and needing to reverse would be low and, moreover, such a situation would be unlikely to give rise to conflict with pedestrians or other vehicles because there would be adequate intervisibility.

In the absence of demonstrable harm to visual amenity or vehicular or pedestrian safety, the proposal is considered acceptable.

CONSULTATIONS

Local Consultations

Budleigh - Cllr S Hall

15/1890/FUL 10 Cop Hill Lane Budleigh.

I cannot support this application.

As the access has been shifted by some 20 metres plus from the original proposal I believe that this will have a detrimental effect in terms Highways and road safety issues.

Please advise of any further developments.

Budleigh – Cllr T Wright

I do not support the application. I was perfectly happy with the previous applications but the move of the site access is more significant and will have more than a negligible impact on safety. The 'narrow end' of Copp Hill Lane is a very well used path for people to cross the bridge across the old railway lane. The bridge allows safe pedestrian access to the public footpath along the old railway lane a much valued amenity. It also provides a short cut for pedestrian access to the town via Cricket Field Lane. I wonder what research was carried out to arrive at the 'negligible' impact judgement arrived at in the report.

Parish/Town Council

This Council is unable to support the application. There are concerns about pedestrian safety as the proposed entranceway (which has already been created) will join a well-used footway.

Members would like the situation with the entranceway resolved by District Council Enforcement Officer.

Other Representations

Two objections have been received raising concerns about the proposed access and the effect on pedestrian and vehicular safety.

Technical Consultations

County Highway Authority

Does not wish to comment

PLANNING HISTORY

Reference	Description	Decision	Date
14/1376/FUL	Construction of detached dwelling together with new vehicular and pedestrian access and associated external works.	Approval with conditions	11.08.2014
14/2134/FUL	Construction of detached dwelling together with new vehicular and pedestrian access and associated external works (revised design and layout following approval 14/1376/FUL).	Approval with conditions	23.01.2015

POLICIES

New East Devon Local Plan Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

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

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Adopted East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

TA1 (Accessibility of New Development)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

No. 10 Copp Hill Lane is a detached two storey dwelling located within a residential area to the north of the town centre. The property occupies the widest part of a broadly triangular-shaped plot that tapers from west to east. The frontage of the site is almost wholly onto a combined private driveway that provides access to no. 12 Copp Hill Lane and a footpath that connects Copp Hill Lane with Upper Stoneborough Lane via a footbridge over the former railway line, now a public amenity walk, which bounds the site to the south.

The plot frontage with this driveway/footpath is defined by a brick wall surmounted by a vertical boarded timber fence.

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

ANALYSIS

This application follows two previous permissions for a detached dwelling in the former garden of 10 Copp Hill Lane. The first application was approved in August 2014 but the position of the dwelling had to be amended to avoid a South West Water pipe. The amended proposal was approved in January 2015.

The current application maintains the dwelling in its approved form and position but adds a detached single garage and alters the access. The main issues to consider, therefore, are: whether the garage and access would be compatible with the character and appearance of the area; and the effect of the proposal on highway safety.

Character and Appearance of the Area

Permission has already been granted for a new access to the site which, if constructed, would involve the demolition of the existing boundary wall and the construction of a visibility splay. In the current proposal the wall would be retained except where the new access would be created. The proposal would therefore only have a minor impact on the character and appearance of the area.

The proposed garage would be a new addition compared to the approved scheme but it would not appear prominent or intrusive in the streetscene and would not appear out of character in the context of a domestic garden.

In view of these considerations, the proposal would not have an adverse effect on the landscape of the East Devon AONB.

Highway Safety

The lane serving the site only provides vehicular access to two dwellings: 10 Copp Hill Lane, which is to the west, and 12 Copp Hill Lane, which has an access directly opposite the proposed access. The lane is also a well-used pedestrian thoroughfare linking Copp Hill Lane with Upper Stoneborough Lane. The accesses to the site and to no. 12 are located at the end of the lane and beyond this point the lane narrows to join a footbridge over the former railway line. The access land is an unclassified road.

The proposal has been discussed with the Highway Authority and no objection has been raised. Given the very low level of vehicular movements associated with the vehicular accesses to no. 12 and the application site, and the low vehicle speeds as they manoeuvre into or out of their driveways, the risk to pedestrians using the lane or emerging from the footbridge would be negligible.

Similarly, the probability of vehicles meeting in the lane and needing to reverse would be low and, moreover, such a situation would be unlikely to give rise to conflict with pedestrians or other vehicles because there would be adequate intervisibility.

Finally, it is material to the consideration of the application that an access can be created off the lane under permitted development rights for the existing dwelling without the need for planning permission.

Financial Contributions

The submission includes a unilateral undertaking relating to the payment of a contribution of £749 towards measures to mitigate the recreational impacts of the development upon the Exe Estuary and the Pebblebed Heaths in accordance with the adopted charging schedule, as well as a contribution towards open space.

Any grant of planning permission would be required to be read in conjunction with this legal agreement so that this contribution can be appropriately secured.

RECOMMENDATION

APPROVE subject to the following conditions:

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

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Notwithstanding the submitted details, before development is commenced above foundation level, 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 dwelling and garage 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, which is designated an Area of Outstanding Natural Beauty, in accordance with Policies D1 (Design and Local Distinctiveness) and EN1 (Development Affecting AONBs) of the adopted East Devon Local Plan and Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policy D1 (Design and Local Distinctiveness) of the emerging New East Devon Local Plan.)
4. The dwelling hereby permitted shall not be occupied until the parking spaces for vehicles shown on drawing no. 1170/1A have been provided and completed. Thereafter at all times these shall be kept available for car parking purposes.
(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety and to comply with Policy TA9 (Parking Provision in New Development) of the adopted East Devon Local Plan and Policy TC9 (Parking Provision in New Development) of the emerging New East Devon Local Plan.)
5. 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 windows, doors rooflights or other openings other than those shown on the plans hereby permitted shall be formed in the west elevation of the dwelling.
(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan and Policy D1 (Design and Local Distinctiveness) of the emerging New East Devon Local Plan.)

NOTE FOR APPLICANT

This permission shall be read in conjunction with the unilateral undertaking in the name of C J Woodley Ltd which secures financial contributions towards open space and habitat mitigation.

Informative:

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

Plans relating to this application:

	Location Plan	14.08.15
1170/1A	Combined Plans	19.10.15
1170/12	Combined Plans	14.08.15
1170/13	Proposed Elevation	14.08.15
1170/11	Proposed Elevation	14.08.15

List of Background Papers

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

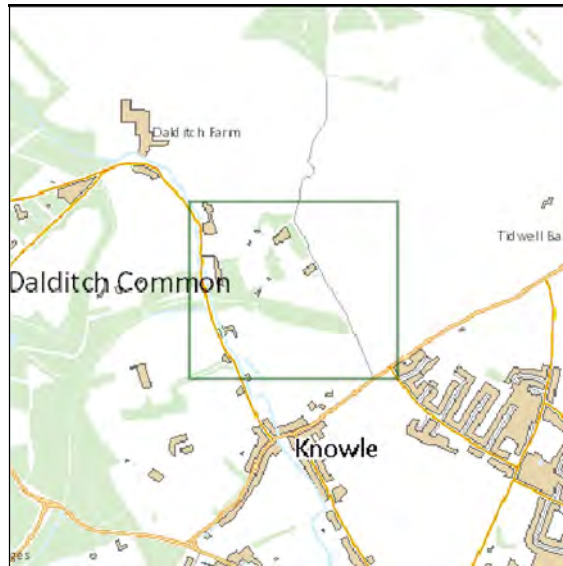
Ward Budleigh Salterton

Reference 15/2136/FUL

Applicant Pooh Cottage Holiday Park

Location Pooh Cottage Holiday Site Bear Lane Budleigh Salterton

Proposal Proposed storage area for 47no touring caravans.



RECOMMENDATION: Refusal



		Committee Date: 19th January 2016
Budleigh Salterton (EAST BUDLEIGH)	15/2136/FUL	Target Date: 10.11.2015
Applicant:	Pooh Cottage Holiday Park	
Location:	Pooh Cottage Holiday Site Bear Lane	
Proposal:	Proposed storage area for 47no touring caravans.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before Committee having been referred from Chairman's Delegation meeting.

The application seeks permission for the use of an agricultural field for the winter storage of caravans. The use would be associated with an adjacent holiday touring caravan site which is in operation for the main holiday season only. While the applicant has sought to demonstrate the benefits of the scheme through additional income for the existing site, and continuity of service for clients (those staying on the site during the summer would be able to store their caravan on the adjacent field), the site lies within the Area of Outstanding Natural Beauty.

In such an environment, which is given the highest level of landscape protection, development should be in the National Interest or have sufficient justification while still protecting and preserving the environment. While economic benefits can help to justify a scheme, they are not considered in this instance to outweigh the concerns regarding the visual impact from the proposal and highway safety concerns from additional vehicle and caravan movements on a single-width carriageway.

CONSULTATIONS

Local Consultations

Parish/Town Council Budleigh Salterton

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

1. Over-development of the site - the proposal would not enhance the AONB

2. The additional caravans will be intrusive and would not contribute to the visual appeal and amenity of the area. Additionally, the proposal removes the space currently used for 28 day special events.

Clerk To East Budleigh / Bicton Parish Council
15/2136/FUL No objections

Budleigh - Cllr A Dent

When a similar proposal came before us three years ago I supported the application on the following grounds:

- o The additional income from the winter storing of caravans would be of considerable benefit to the Pooh Cottage business. In addition there would be a some benefit to the local economy.
- o By not moving caravans seasonally in and out of the site, there would be less traffic movements in Bear Lane.

The Inspector refused the application in support of the Highways comments as well as the detrimental effect there would be on the AONB.

This application addresses the harm to the AONB by moving the proposed storage site further down the slope. The advantage to both traffic movements in Bear Lane as well as the benefit to the local economy remain. On balance I feel the benefits outweigh any potential harm and I support this application.

In the event that officers disagree with my position then I would like this application to be taken to committee.

Budleigh – Cllr S Hall

I wish to express my support for this application.

I believe that this revised location is much more acceptable in terms of visibility and impact on nearby residents. Traffic movements should be significantly reduced. Please advise of any future developments on this.

Budleigh – Cllr T Wright

I support this application. I was strongly opposed to the previous application as there would have been significant visual impact as the previous site was higher up the land. The new site is lower down the hillside and not so obtrusive. The reduction in the resulting movement of caravans is to be welcomed on a number of points, reduced traffic congestion, improved road safety and a lessening of carbon emissions. The business is a valuable contributor to the Budleigh and wider East Devon economy.

Technical Consultations

County Highway Authority

Observations:

The applicant is proposing that the 47 caravans that occupy the approved site throughout the summer months will be the same 47 touring caravans that will use the

storage area proposed as part of this application. The applicant is suggesting that no other clients would use the balance of either the touring capacity or the storage capacity. Notwithstanding the likelihood of this scenario, the highway authority would suggest that it would be difficult, if not impossible to enforce a condition that would ensure that this took place. On that basis, the highway authority has no alternative other than to recommend that the application is refused on highway safety grounds, consistent with previous responses for intensification at this site. The applications is for a storage area for 47no touring caravans. The site is accessed off of Bear Lane. Bear Lane comes off of the B3178. The Local Planning Authority will be aware that similar planning application have been made in the past.

Bear Lane is a cul-de-sac running north from the B3178 to the application site. For the first 125 metres approximately from the B3178 it has a surfaced width of approximately 2.4 metres. There are no passing bays available over this length, only a couple of field entrances just to the south of the old railway bridge. Although it is indeed possible to see one end of this narrow section of Bear Lane from the other, when a vehicle turns into Bear Lane, particularly executing the left turn manoeuvre from Knowle village, an oncoming vehicle in Bear Lane would only be observed once the driver had committed and carried out the manoeuvre. This could quite conceivably lead to vehicles, possibly towing caravans, needing to reverse out onto the carriageway of the B3178to allow passage of the other vehicle which would be prejudicial to highway safety In addition, Bear Lane, between the B3178 and the old railway bridge forms part of the National Cycle Route (NCN 2). Although there may technically be just enough room for a car to pass a cycle in the available width, cars, particularly those towing caravans will not have sufficient room easily to pass groups of pedestrians or cyclists

Recommendation:

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

PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

1. The proposed development would be likely to result in an increase in the number of vehicle movements, particularly towing vehicles, using Bear Lane, a narrow road with limited passing facilities and no footways which will further prejudice highway safety and lead to additional interference and conflict with other highway users along the length of Bear Lane and its junction with B3178, including users of the national Cycle Network, contrary to Policy TO6 of the Devon County Structure Plan and Policy TA7 of the adopted East Devon District Local Plan

Officer authorised to sign on behalf of the County Council 20 October 2015

DCC Flood Risk SuDS Consultation

Thank you for referring the above application which was received on 23/09/2015.

Devon County Council Flood Risk Management Position.

Section 1.4 of the Design and Access Statement and Flood Risk Assessment briefly states that the site is virtually level. This raises concerns regarding the ponding of surface water and the consequent risk of flooding during heavy precipitation events.

Additionally, section 2.2 of the same document notes that the site will incorporate French drains and attenuation, but I cannot find any evidence of this on the Site Plans, or an elaboration of their functioning.

Consequently, sufficient information has not been provided in relation to the disposal of surface water from the site to enable me to make a substantive response to this application. The applicant should provide a detailed drainage strategy which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk, in accordance with DCC's Sustainable Drainage Design Guidance, as attached.

I would be pleased to provide a substantive response when the above information is provided by the applicant.

Environment Agency

Subject: RE: 15/2136/FUL - This application is entirely within Flood Zone 1 for which we are no longer a statutory consultee. Accordingly we will not be providing any comments. I would advise you to consult Devon County Council who are the Lead Local Flood Authority.

Environmental Health

I have considered this application and Environmental Health Housing and Pollution teams have no further comments to make

Other Representations

4no. letters of objection were received, 3.no from neighbouring residents and 1.no letter from the Otter Valley Association. The main issues raised were:

1. The application does not acknowledge the need for additional security measures normally required with caravan storage. Examples given such as fencing, lighting, CCTV etc which would harm both the appearance of the AONB and potentially the amenity of residents.
2. Winter traffic would increase as there would be no limit on clients picking up or dropping vans at different points should they want to perform maintenance on their vans or use them during the winter months.
3. There is insufficient information regarding drainage
4. No guarantee can be made that the future clients of the storage area will only be existing clients.

POLICIES

New East Devon Local Plan Policies

Strategy 5 (Environment)

Strategy 7 (Development in the Countryside)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

E5 (Small Scale Economic Development in Rural Areas)

Adopted East Devon Local Plan Policies

S5 (Countryside Protection)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

TO4 (Caravan, Chalet and Camping Sites)

TA7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site History

11/1531/COU - Change of Use of land to caravan storage area for up to 47 caravans – refused 18.11.2011

11/00063/REF - Appeal against the above decision – dismissed 15.05.2012.

15/2178/FUL – Change of use to allow field to be used as camping and rally site for up to 60 days per year. Refused on the 15.12.2015 on the grounds of visual impact and highway safety.

Site Location and Description

Pooh Cottage comprises an established tent and touring facility in the edge of Budleigh Salterton. Located within a gently sloping field that is partially screened by hedges and a number of mature trees, it has an adjacent field which lies to the north west, which is used for periodic rallies. Currently the entire site has to be cleared at the end of October with the season recommencing in March the following year.

Access to the site is via a country land itself access from the road linking Knowle Village with Tidwell House and East Budleigh.

Proposed Development

The application seeks permission for the use of a section of land (to the west of and lower than the rally field) as a caravan storage facility during the closed season. Storage for up to 47 caravans is sought, and it is proposed that these are positioned within the field at the end of the main season and then left until the start of the new season.

The applicant seeks the use of the field as a means of improving the economic viability of the site and ensuring continuity of service to a number of clients who could leave their van either in the storage area or the main caravan park all year round.

This scheme differs only slightly to the scheme refused and dismissed at appeal (ref. 11/1531/COU and 11/00063/REF), with the key difference being the redlined site being now at the lowest part of the field. Additionally an earth bund has been created on the boundary of the site which is approximately 1.5m high.

ANALYSIS

The main issues with the application concern the principle for the use of the field, the impact that the scheme would have on the character and appearance of the area (an Area of Outstanding Natural Beauty) and highway access.

In this instance both the main caravan park and the adjacent rally field are located within the open countryside itself designated as an Area of Outstanding Natural Beauty.

Policy S5 of the adopted Local Plan recognises that development in the countryside should be strictly controlled and states that development in such areas will only be permitted where in accordance with a specific Local 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, including

1. Landform and patterns of settlement
2. Important natural and manmade features which contribute to the local landscape character including topography traditional field boundaries areas of importance for nature conservation and rural buildings and
3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.

In addition and as already recognised, the site also lies within a landscape designated as an Area of Outstanding Natural Beauty (AONB) which is strictly controlled by National and Local Plan Policy. The Countryside and Rights of Way Act 2000 reiterates the sensitivity of such a landscape and through section 85 places a duty on amongst others, Local Authorities in exercising their functions, to have regard to the purpose of conserving and enhancing the Natural Beauty of the landscape. As such AONBs are now afforded the same importance in terms of landscape importance as National Parks. In Policy EN1 of the adopted East Devon Local Plan and guidance in the NPPF, the conservation and enhancement of their natural beauty will be given priority over other considerations. This is reiterated in Strategy 46 of the emerging New Local Plan.

A further material consideration in respect of this application and directly relating to the principle of development in the AONB is the East Devon AONB Management strategy 2014-2019. These are prepared by a team with a cross party range of interests in the character functioning and economic viability of the environment and form a useful tool to help inform the determination of development proposals. In this instance the site is considered to fall within designated landscape area where it is recognised that

It remains the duty of the Local Planning Authority to balance the competing demands of different locations and establish where certain activities and the associated infrastructure are appropriate.

Economic, Social and Environmental considerations

As already alluded to and considered in more detail within the AONB Management Strategy such environments should not be stifled of appropriate growth and development. Economic generating activity is essential to their continuing function as sustainable environments and therefore carefully selected employment provision as well as housing and social activity needs to be balanced against the very strong environmental credentials that clearly must be given significant weight.

The Management strategy recognises this through statement and policy requirements including:

“The AONB is a well managed landscape in which every farm and woodland makes a positive and profitable contribution to the biodiversity, economy and communities of the AONB”

“The special qualities of the AONB landscape are protected, enhanced and conserved by planning policies which are robust enough to ensure that development is both appropriate and compatible with the national importance of the landscape”

“Rural Economy and Services

The AONB economy is robust and able to adapt and is sustaining local communities, services and businesses, whilst operating in harmony with and the enhancement of the outstanding landscape.”

However in this instance while it is recognised that the proposal would provide an enhanced income at the existing Caravan site and allow for a degree of continuity between seasons, it is not considered that the economic benefits outweigh the principal harm - that is allowing an outside storage use within the designated AONB and more particularly in an upland environment. It is recognised that trees currently provide screening of the site, but in this location where development is nationally significant or of overwhelming justification, it is not considered that the scheme can be supported in this instance.

The site is visible from footpaths and the national cycle network cycle route to the west of the site, and therefore will have an impact upon the character of the area. When viewing the site from the foot and cycle paths from the west with the applicant glimpsed views of the single campervan was possible. Whilst the view was to a greater extent shielded by the embankment, earth bund and trees, the potential harm of even glimpsed views of 47 caravans is deemed to be significant.

The appeal inspector for the dismissed appeal of application 11/1531/COU stated that during a site visit where caravans were present on an area close to this application area

“The caravans were seen through the depleted foliage as a stark manmade incursion into the landscape, and further caravans would increase visual intrusion”.

Highway Access

It has previously been the case that Bear Lane, providing access from the main road has been considered inappropriate for intensification and as such the Local Highway Authority have consistently recommended refusal to further development. This objection was sustained by the planning inspector determining appeal reference 11/00063/REF which was for a similar scheme of storage of 47 touring caravans on this part of the site. In this instance it has been recognised that the development as proposed is likely to generate additional traffic (particularly towing vehicles).

Bear Lane has a surfaced width of approximately 2.4m and over a distance of approximately 125m there are no suitable passing bays (although there are a couple of field gateways to the south of the old railway bridge). Sufficient forward visibility only exists along the length of the road after vehicles have committed themselves to the turn off Knowle Village Road and therefore the potential for highway safety to be compromised by vehicles having to reverse out into the main road is significant. As Bear Lane also forms an important part of the National Cycle Route (NCN 2) and while there is technically just enough room for a car to pass a cycle, additional conflict is likely to arise between cars towing caravans and groups of cyclists using the National Route. In response to the appeal of planning refusal 11/1531/COU, which was dismissed at appeal, the planning inspector stated that the scheme would have a detrimental impact as follows:

“If a car and caravan has passed them (field entrances near to site) on the way out and another car and caravan turns into the lane, then one of them would have to reverse. It would be an unsafe manoeuvre to back out onto the classified road and, given that the lane is a designated cycleway, not desirable for caravans to have to back down it”.

The applicant had previously tried to address these concerns through two approaches both of which were not accepted by the planning inspector of appeal 11/00063/REF as follows:

“The appellant has indicated that all of the caravans that would utilise the storage area would be seasonal vans that would go to the storage area directly from the holiday park. If this were the case then there would be likely to be a net decrease in trips to and from the holiday park. To ensure this a condition would be necessary, and the appellant has given two suggestions of methods by which this could be achieved.

“Firstly, there could be a requirement for the appellants to inform the Council of the number plates of the caravans that were kept seasonally on the holiday park so that these could be checked during the winter on the appeal site. It may well be that the Council would also want to check the list given by the appellant at various times during the season, to confirm to themselves that the list given does correspond to the vans on site during the season. Without regular inspections the Council would have no way of ensuring compliance with the condition, as any breach leading to

extra trips would be very difficult to detect. Although feasible therefore, I consider that this arrangement would be somewhat onerous and on balance unreasonable in terms of the expectations placed upon the Council.

“Secondly, the appellant suggest that there could be an overall numbers system, whereby the number of storage vans could not exceed the number of seasonal vans. This second system would not however ensure that the seasonal vans were the ones that were stored over the winter period. It would be theoretically possible for all of the seasonal vans to leave the site to be replaced in the storage area by other vans. This second system would not therefore ensure that there would be no increase in trips to and from the site.”

In addition, the applicant had offered to end the season two days early and reopen two days late to allow any additional journey to and from the storage facility to be made within the effective open season when vehicle movements could be made anyway. While this option appears potentially attractive, it still has the likelihood of increasing vehicle movement along the road in the two days at either end of the season, over and above the number of movements that would have taken place anyway. On the balance of probabilities the total number of vehicle movements, against a potentially quiet period of the season, is likely to be substantially increased. On this basis it is still considered that highway safety is likely to be prejudiced and that the application should be resisted.

As options for management had been considered during the previous application and appeal, and were not considered to overcome the issues presented by this and the previous proposal, the LPA did not enter into negotiations regarding the management of access..

Drainage

Insufficient information has been submitted to the LPA to access the proposed drainage issues relating to the level site and the potential for ponding and standing water on the storage area. In itself this would not be a reason for refusal, but additional information would have been requested had the principle of the development been acceptable.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development by reason of its nature and use represents unsuitable and inappropriate development in the countryside that is designated as an Area of Outstanding Natural Beauty. The development fails to:
 - o respect the distinctive qualities of the area that contribute to its visual appeal and amenity quality;
 - o enhance or conserve the character of the area; and
 - o demonstrate that it is in the National interest and that there are no other alternative sites available elsewhere.

As such the development is considered contrary to Regulations in the Countryside and Rights of Way Act 2000; guidance in the NPPF (specifically para 115, 116), Policies S5 (Countryside Protection) and EN1 (Development affecting Areas of Outstanding Natural Beauty) of the adopted East Devon Local Plan, strategies 5 (Environment), 7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement of AONB's) of the emerging New East Devon Local Plan.

2. The proposed development would be likely to result in an increase in the number of vehicle movements, particularly towing vehicles using Bear Lane, a narrow road with limited passing facilities and no footways which will further prejudice highway safety and lead to additional interference and conflict with other highway users along the length of Bear Lane and its junction with B3178 including users of the National Cycle Network, contrary to Policy TA7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan and policies TC4 (Footpaths, Bridleways and Cycleways) and TC7 (Adequacy of Road Network and Site Access) of the emerging New East Devon Local Plan.

Plans relating to this application:

7264-LP	Location Plan
7264-01A	Proposed Site Plan

List of Background Papers

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

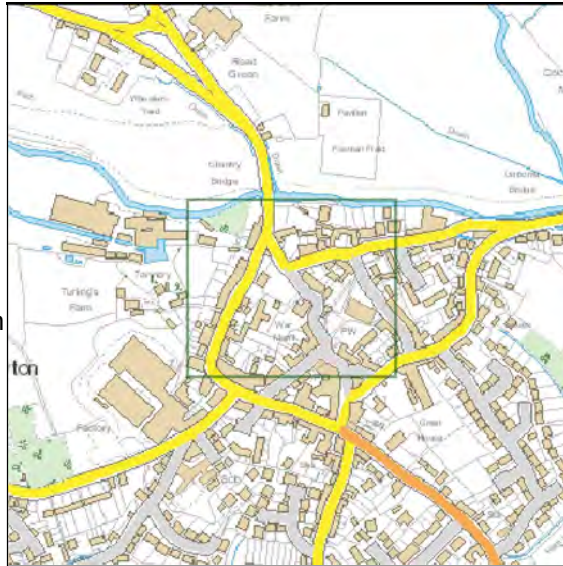
Ward Coly Valley

Reference 15/2376/TCA

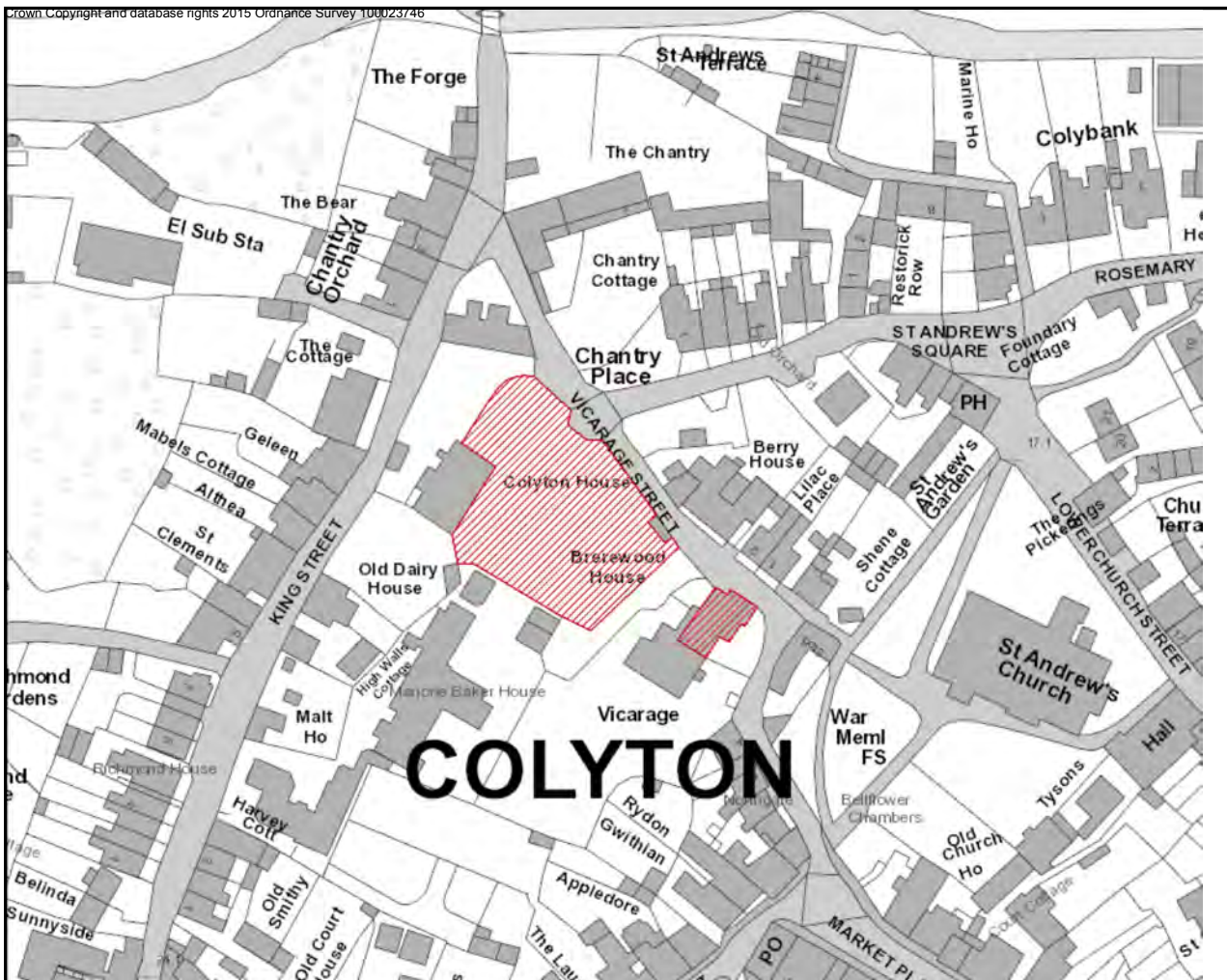
Applicant Mrs Helen Parr

Location Colyton House Vicarage Street
Colyton EX24 6LQ

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.



RECOMMENDATION: Approval - standard time limit



		Committee Date: 19 January 2016
Coly Valley (COLYTON)	15/2376/TCA	Target Date: 26.11.2015
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.	

RECOMMENDATION: Approval - standard time limit

EXECUTIVE SUMMARY

This application is before Committee as the application is a Member of the Council.

The application is to carry out works to trees within a Conservation Area.

The works proposed to the T1 Holm Oak are suitable to ensure its continued health and appearance. The felling of T5 Holly and T6 Cypress are necessary and appropriate. The felling of the remainder of the trees is also acceptable as they have outgrown their locations and will be replaced with more suitable trees.

CONSULTATIONS

Parish/Town Council
Support

Local Consultations

None

Technical Consultations

None

Other Representations

None

PLANNING HISTORY

Reference	Description	Decision	Date
08/0632/TCA	Fell 1 Poplar Tree	Approved	11.04.2008
10/2118/TCA	T1 Holm Oak- Reduce crown by 25% via thinning . T2 Eucalyptus – Fell T3 Cypress – Fell T4 Pittosporum – Lift crown to 4m clearance T5 Walnut – Lift crown to 3m clearance	Approved	03.02.2011

Site Location and Description

The site lies within the centre of Colyton in the Conservation Area in a predominately residential area and is Grade II listed with a separately listed Grade II boundary wall and gate piers.

ANALYSIS

Holm Oak.

This is a fully mature tree with a large spreading crown. The tree dominates the garden and is easily seen over the high boundary walls of the listed building. The tree has been regularly maintained in the past through periodic light crown reduction to insure against failure of the extended lateral branches. The tree has responded vigorously to past reduction works and the thinning and reduction now proposed represents the next intervention in the management regime.

T1 and T2 Incense Cedar

Two semi-mature specimens planted along with other trees around the periphery of the walled garden. At the time of planting the potential size of these trees was not taken into full consideration, with the result that they are becoming increasingly inappropriate to their individual locations. In the case of T1 the tree is growing from within and completely overrunning a small raised rockery, whilst T2 is growing within 1m of the tall natural stone walls that form the curtilage of the listed building. It is only a matter of time before the trees roots will damage the structure of the wall.

The felling of these two trees is therefore justified and they are not worthy of protection through Tree Preservation Orders.

T3 Copper Beech

This is an early semi-mature tree that is growing close to and being suppressed by T2 tree. As a consequence of the competition from T2, several of the branches are

becoming over-extended, spoiling the long term form of the tree. The proposed reduction of these branches will give a better form and balance to the tree.

T4. Pittosporum

This is a relatively mature tree growing close to the base of the same wall as T2. The canopy of the tree overhangs the boundary and the adjacent properties roof line and obstructs the perimeter path running around the garden. As a result of these constraints the tree has been the subject of repeated reduction works. The tree has now lost much of its natural form. The felling of the tree is therefore accepted.

T5 Holly

The tree is dead and as such is not worthy of a Tree Preservation Order.

T6 Cypress

This is a self seeded tree growing from the top of, and causing damage to, the listed curtilage wall and as such its removal is welcomed.

Conclusion

With the exception of the Holm Oak the trees are considered to be essentially garden trees that do not make a significant contribution to the treescape of the locality. The applicant intends to plant replacement trees that are more suitable to the location and provide greater year round interest than the simply evergreen appearance of those to be felled and has already carried out new tree planting within the garden.

RECOMMENDATION

APPROVE

NOTE FOR APPLICANT

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. Further advice on bats is available from The Bat Conservation Trust (0845 1300 228).

British Standard BS 3998:2010 Tree Work - Recommendations came into effect on 31 December 2010 and supersedes BS 3998:1989 which is withdrawn. Before carrying out the works to which this notice applies, any person involved with the works should ensure they are fully aware of the contents of the new standard. A

copy of the standard is available for inspection at the Council Offices, Knowle, Sidmouth or can be purchased from the BSI Shop on the website www.bsigroup.com/shop.

Plans relating to this application:

List of Background Papers

Application file, consultations photographs (Figs. 1 -6)

Ward Ottery St Mary Rural

Reference 15/2052/OUT

Applicant Mr A Lightfoot

Location Land Adjoining White Farm Lane
West Hill Ottery St Mary EX11 1GF

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



RECOMMENDATION: Refusal



		Committee Date: 19th January 2016
Ottery St Mary Rural (OTTERY ST MARY)	15/2052/OUT	Target Date: 11.11.2015
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.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

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

It is currently considered that this Authority can demonstrate a 5 year land supply for housing development and as such significant weight can be given to the built up area boundary of West Hill. As the proposed dwelling would be sited outside of this boundary, there is no local plan policy support for the proposal and it has been advertised as a departure.

However, it is recognised that the housing land supply figures are as yet untested and this tempers the weight that they attract. The application therefore needs to be considered on the basis of its sustainability and the three dimensions as set out in the NPPF: economic, social and environmental. The proposed development would have a small social benefit through the provision of new housing but would not make a significant contribution to the supply of housing in the district. The construction would also provide some economic benefits through associated employment and business activity. However, the harm to the character of the area and the inaccessible location away from services and facilities causes environmental harm which together outweighs the small social and economic benefits.

CONSULTATIONS

Local Consultations

Parish/Town Council

15/2052/OUT - Land adjoining White Farm Lane, West Hill

No more unsustainable than many applications in West Hill and well out of view with no impact

Ottery St Mary Rural - Cllr P Carter

I would like to support this application on the information already given and being consistent on applications in and around West Hill please let me know if you require further information.

I would like to comment on the issues of sustainability and the BUAB.

Without an up to date local plan, planning applications are also determined against the NPPF.

So with this in mind West Hill has been identified as one of the settlements where a full range of housing needs can be accommodated and seen as having the greatest range of facilities and hence most suited in sustainability terms and these Villages will have BUAB identified as part of one of the strategy 27 settlements in the East Devon Villages Plan.

so with all this in mind, please could this application go before the DMC

Ottery St Mary Rural - Cllr M Coppel

I cannot support this application as it sits outside the BUAB and in an unsustainable location.

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

Technical Consultations

County Highway Authority

Highways Standing Advice

Natural England

Location: Land Adjoining White Farm Lane West Hill Ottery St Mary EX11 1GF.

Thank you for your consultation on the above proposal which was received by Natural England on 17 September 2015.

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

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

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

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

European wildlife sites

Further information required: No Habitats Regulations Assessment

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

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹.

¹ Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.

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

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

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

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

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

East Devon Pebblebed Heaths SAC and East Devon Heaths SPA

The application site lies approximately 600m from the East Devon (Pebblebed) Heaths SAC and SPA. This is within the 10km zone within which impacts of residential development on the aforementioned sites could reasonably be expected to arise in the absence of appropriate mitigation.

There is no evidence of a Section 106 agreement (including a Habitat Mitigation Contribution) being agreed for this development. This needs to be agreed and secured in order to help avoid and mitigate additional recreational impacts from the proposal, should it be granted planning permission.

Assuming that a financial contribution is secured and is sufficient, Natural England would concur with the view that a Likely Significant Effect can be avoided.

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

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

East Devon Pebblebed Heaths SSSI

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

Protected Landscapes

The application site lies c. 600m outside of the East Devon Area of Outstanding Natural Beauty

(AONB). Having considered the application, Natural England does not believe that it would impact

significantly upon the purposes of designation of the AONB.

Protected Species

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

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

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

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

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

Other advice

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

- local sites (biodiversity and 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](#).

Other Representations

6 no. letters of objection were received and the reasons for objection can be summarised as follows:

- Trees had been felled prior to application to accommodate the proposal
- Removal of Devon bank
- Outside BUAB
- Unsustainable location
- Impact upon highway safety due to lack of capacity on the private access road, White Farm Lane.

POLICIES

New East Devon Local Plan Policies

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

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

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

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

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Adopted East Devon Local Plan Policies

S3 (Built-up Area Boundaries for Villages)

S5 (Countryside Protection)

S7 (Infrastructure Related to New Development)

D1 (Design and Local Distinctiveness)

D5 (Trees on Development Sites)

EN6 (Wildlife Habitats and Features)

RE3 (Open Space Provision in New Housing Developments)

TA1 (Accessibility of New Development)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Site Location and Description

The site to which this application relates is an area of woodland to the west of the property Pine Trees, White Farm Lane, West Hill. The site has seen a degree of tree removal which has resulted in a clearing being created. The site is located outside of the West Hill Built Up Area Boundary, directly linked to the north of the site is an area of trees which are covered by a tree protection order. The west and south of the site are characterised by open countryside.

Proposed Development

Outline planning permission is sought for the erection of a dwelling on land to the west of the residential property Pine Trees, West Hill. The site has been cleared of numerous trees over a period of time. Whilst the site is designated as forestry land the gradual clearance of the site has preceded this application with no replacement trees being planted. The site will be accessed off of the existing private road, White Farm Lane.

Considerations/Assessment

The main issues in the consideration of this application are whether the principle for the development is acceptable; the proposal would constitute a sustainable form of development; how the proposed development will affect the character and appearance of the area in part due to loss of trees at the site; and other matters.

Principle of the Development

The National Planning Policy Framework requires that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide for five years worth of housing against their housing requirements with an additional buffer of 5% or 20% if there has been a persistent under delivery of housing.

It can now be demonstrated that East Devon District Council has a 5 year housing land supply following work undertaken in respect of Strategic Housing Market Assessment. This is currently being considered by the Inspector as part of the evidence for the emerging Local Plan and therefore weight can be attributed to draft Local Plan policies and the identified 5 year supply in accordance with paragraph 216 of the NPPF.

In this instance Strategy 27 of emerging Draft Local Plan cannot yet be attributed significant weight due to recent changes, which are now under consultation and unresolved objections. However Policies S3 (Built up Area Boundaries (BUAB) for villages) S4 (Development in Built up Areas) and S5 (Countryside Protection) of the Adopted Local Plan are still material considerations at the current time and can be afford significant weight – particularly in light of the identified housing supply. In regards to Policy S4 and as a result of the 5 year supply the Local Planning Authority considers that the proposal would be sited on land outside of the BUAB.

In light of this it is considered that the development would in policy terms be sited on land within the countryside and would therefore be contrary to Local Plan Policy S5. The fact that the site is alongside the BUAB is not an overriding reason to permit a new dwelling within the countryside.

In the absence of being able to give full weight to the 5-year land supply situation, the application is assessed below as to whether it constitutes sustainable development in accordance with the NPPF and the restrictions that it carries.

Sustainability, Accessibility and Recent appeal

Sustainability has 3 components comprising environmental, social and economic considerations and these need to be weighed in the balance in determining whether the development proposed represent sustainable development. This will be concluded at the end of the report taking account of all relevant considerations.

In the context of West Hill however, it is noted that there is a recent appeal decision which made an assessment with regard to the issue of accessibility to services, and is also situated outside of the development boundary. This appeal decision related to an application for a single dwelling (13/2459/FUL refers) off Lower Broad Oak Road where the Inspector considered that whilst there would be a degree of reliance on car travel, there are a small range of services in West Hill, including a school and a shop, and so the development would not be wholly reliant on car travel. In that instance the inspector considered that it would be unreasonable to withhold permission on the basis of the need to travel by car and as such found the site to be in a suitable location.

However, to promote sustainable development in rural areas, the NPPF states that housing should be located where it would enhance or maintain the vitality of rural communities. It also states that development should facilitate the use of sustainable modes of transport. In this case, community facilities such as the village shop/post office and primary school are located more than 1km from the site and potentially further following the limited option of footpaths in the village. Most of this distance is via unlit roads without pavements. Given this situation, it is likely that the occupiers of the new dwelling would rely on the private car for the majority of their day-to-day needs.

Bus services from the village provide access to Ottery St Mary, Honiton, Sidmouth and Exeter but the nearest bus stops are not readily accessible to pedestrians or cyclists for the reasons already described.

Although comparisons are drawn with other dwellings or potential development sites within the built-up area which may be in less sustainable locations than the application site, that does not change, the individual assessment that needs to be undertaken to assess that the application site is in an inaccessible location.

Whilst recognising the appeal decision and as a result of the lack of footways, street lighting and the nature of the route between the site and the village centre, this site is considered to be inaccessible development. It is therefore concluded that the location weighs heavily against the proposal when assessing the balance in terms of sustainable development.

Impact upon Tress and the Character of the Area

As an outline application details of design, siting, scale and massing are reserved. However in this instance it is not felt that the siting of a dwelling would be out of keeping with the street scene, as this would be an extension to an existing street. However, the proposal, being outside the BUAB, and having only been possible through the clearance of a majority of the site of trees would result in both an encroachment into the countryside, and the loss of the character of this wooded buffer to the developed village.

The site has been cleared to such an extent that a dwelling can be sited on the land. However, this loss of tree coverage has already had an effect on the character of the area reducing the screening that the woods give between the built up area and countryside. Additionally, should a dwelling be sited in this location, as seen in the residential properties located within the BUAB, the pressure to fell trees would increase to allow for less shading, potential extensions, or a more accessible amenity space. Therefore this development both immediately, and in the future, will result in harm to the character of the area through loss of, or additional pressure to fell trees which contribute to defining the BUAB and the open countryside.

Other Matters

The site is located within the Pebblebed Heaths habitat mitigation area and as such a unilateral undertaking has been entered into by the applicant to ensure the correct

contribution would be paid. Therefore whilst the site is located within this area, any adverse impacts would be mitigated against.

The access is deemed to be broadly acceptable and whilst the lane is a private road there is space within the site to accommodate additional cars with adequate parking and turning. The access onto Higher Broad Oak Road is adequate, and therefore residents concerns regarding highways safety whilst acknowledged, would not result in a reason for refusal.

Foul drainage is not possible through creating a link to the public sewers as this area of West Hill is not covered by South West Water sewers. However, it is proposed where possible to send surface water to a soakaway and considering the location of the site the proposal is deemed acceptable.

Regarding the impact that this proposal will have upon the sites ecology, this would not constitute a reason for refusal. Considering the findings of the ecological appraisal, there would be scope to design and build a structure which would not harm wildlife at the site.

RECOMMENDATION

REFUSE for the following reasons:

1. The development proposed, by virtue of its location outside of the built-up area boundary of West Hill as defined in the Adopted and emerging East Devon Local Plan, would fail to respect the pattern of settlement of the village and encroach on the countryside. It would not therefore be well related, complementary or compatible with the built form of West Hill and would be contrary to the West Hill Design Statement, policies S5 (Countryside Protection) and D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan, strategy 7 (Development in the Countryside) and policy D1 (Design and Local Distinctiveness) of the submitted New East Devon Local Plan and guidance in the National Planning Policy Framework.
2. By virtue of the excessive distance to public transport links and facilities in West Hill and the surrounding area, as well as the road network being unsuitable for pedestrian or cycle access to such facilities, the occupiers of the proposed dwellings would be largely dependent on car-based trips to access shops, employment, leisure and community facilities. The proposal would therefore constitute unsustainable development which would be contrary to policies S5 (Countryside Protection) and TA1 (Accessibility of New Development) of the adopted East Devon Local Plan, strategies 7 (Development in the Countryside) and 5B (Sustainable Transport) and policy TC2 (Accessibility of New Development) of the submitted New East Devon Local Plan and guidance in the National Planning Policy Framework.
3. Considering the scale of tree clearance and lack of replanting of this forestry land which has taken place prior to planning application, the requirement for further trees to be felled to accommodate a dwelling, and the future pressure

associated with domestic gardens to fell trees, the scheme would result in the loss of a significant area of woodland and also of individual trees which bound the village, and contribute to the character of the area. As such the proposal is considered contrary to policies D5 (Trees and Development Sites) of the adopted East Devon Local Plan and D3 (Trees on Development Sites) of the submitted 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 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:

14/07/1	Proposed Site Plan	16.09.15
	Location Plan	15.10.15

List of Background Papers

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

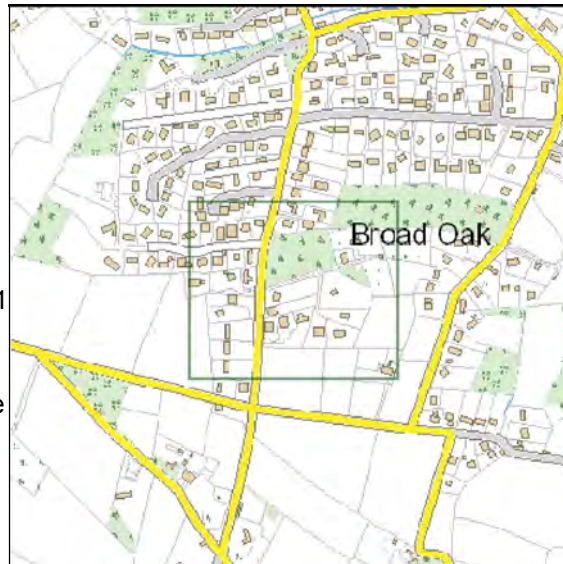
Ward Ottery St Mary Rural

Reference 15/2543/OUT

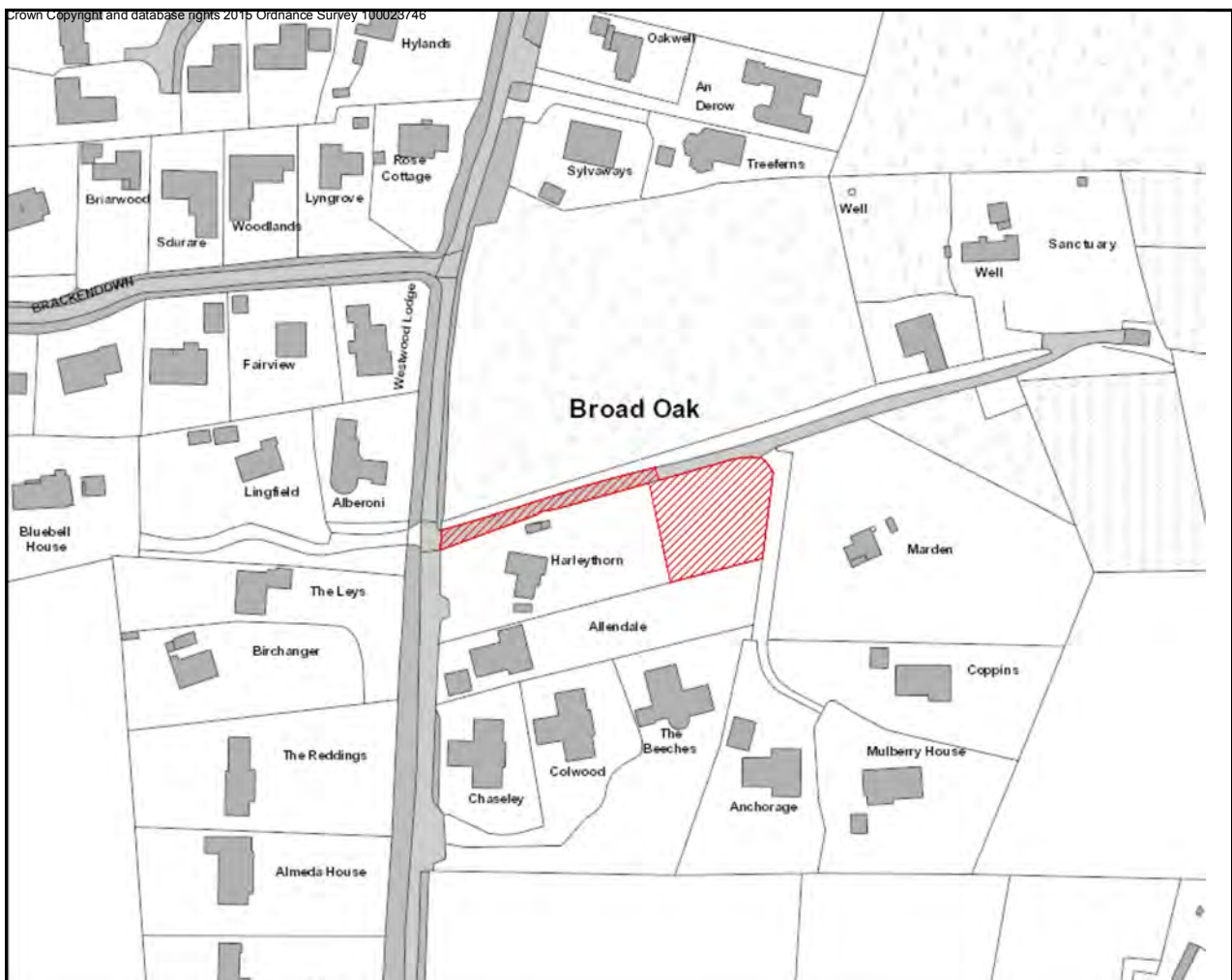
Applicant Mr And Mrs M Mattocks

Location Harley Thorne Higher Broad Oak
Road West Hill Ottery St Mary EX11
1XJ

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



RECOMMENDATION: Refusal



		Committee Date: 19 January 2016
Ottery St Mary Rural (OTTERY ST MARY)	15/2543/OUT	Target Date: 31.12.2015
Applicant:	Mr And Mrs M Mattocks	
Location:	Harley Thorne Higher Broad Oak Road	
Proposal:	Construction of dwelling and garage including formation of vehicular access (Outline application with all matters reserved).	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

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

It is currently considered that this Authority can demonstrate a 5 year land supply for housing development and as such significant weight can be given to the current built up area boundary of West Hill until this is revised through the East Devon Villages DPD. As the proposed dwelling would be sited outside of the current BUAB boundary, there is no local plan policy support for the proposal and it has been advertised as a departure.

However, it is recognised that the housing land supply figures are as yet untested and this tempers the weight that they attract. The application therefore needs to be considered on the basis of its sustainability and the three dimensions as set out in the NPPF: economic, social and environmental. The proposed development would have a small social benefit through the provision of new housing but would not make a significant contribution to the supply of housing in the district. The construction would also provide some economic benefits through associated employment and business activity. However, the harm to the character of the area and the inaccessible location away from services and facilities causes environmental harm which together outweighs the small social and economic benefits.

CONSULTATIONS

Local Consultations

Clerk To Ottery St Mary Town Council

The Planning Committee supports this application

Ottery St Mary Rural - Cllr P Carter

I would like to comment on the sustainability and the issue of the BUAB in West Hill. At this time West Hill is seen as a sustainable location and the BUAB is one to be determined in the new Village plan, therefore I would like to see this application go before the DMC.

Ottery St Mary Rural - Cllr M Coppel

I would ask that this application be brought to committee for determination.

Technical Consultations

County Highway Authority

Highways Standing Advice.

EDDC Trees

The Tree Inspection report erroneously refers to British Standard BS5837:2005. This document has been superseded by BS5837:2012.

It is unclear whether the plans accompanying the application are based on a topographical survey and therefore whether the trees positions have been accurately plotted.

The radii of the Root Protection Areas (RPA) for retained trees are incorrectly plotted, in all cases the RPA's shown are too small. Whilst the footprint of the proposed new dwelling and garage lie outside of the corrected RPA's, the driveway does encroach by approximately 1m into the RPA of T430.

The above ground constraints, presented by the line of mature Scots Pine on the southern boundary have not been identified or taken into account, with the consequence that the indicative footprint of the new dwelling is too close to these trees when dominance and shade is taken into consideration. As such the current indicative layout is not considered to be sustainable in relation to the juxtaposition of trees.

Notwithstanding the above, there is space within the plot for a development but the design and layout will need to be informed by a constraints plan that accords with the principles laid out in BS5837:2012.

Should the application be approved then the following condition is required:

Tree Survey and Report, Tree Protection Plan and Arboricultural Method Statement

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

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

The tree survey and report shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. The development shall be carried out in accordance with the approved details

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

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

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

Other Representations

There have been 10 letters of representation received supporting the application:

- o The site is sited within a sustainable location as within easy walking distance of the village centre;
- o There are no overlooking or loss of privacy issues with this proposed dwelling;
- o There are sufficient grass verges to walk along to access the village shop;
- o A bus route provides access to nearby Ottery St Mary;
- o Support if development were a bungalow.

There have been 4 letters of representation received objecting the application:

- o The previous application was refused and the situation has not changed;
- o The site is outside of the Build Up Area Boundary;
- o Detrimental to neighbouring properties;
- o Proposed dwelling would harm the local wildlife and habitat of the land;
- o The dwelling should be bungalow to diminish the impact upon neighbouring properties;

West Hill Residents Association objects to the application for the following reasons:

- o This is resubmission of 15/0177/OUT and reasons 1 and 2 are still valid refusal reasons;

- o The building should be changed to a bungalow to minimise impact upon neighbouring properties.

Relevant Planning History

15/0177/OUT Outline Application		Construction of dwelling and garage including formation of vehicular access (Outline application with all matters reserved).	Refusal 11/06/2015	
09/1591/FUL Application	Full	Proposed single storey extension	Approval - standard time limit 08/10/2009	
05/2896/OUT Outline Application		Erection of dwelling and associated access.	Refusal 14/12/2005	Appeal Dismissed 28/07/2006
86/P1583 Application	Outline	Erection Of Bungalow.	Refusal 18/11/1986	Appeal Dismissed 15/12/1987

POLICIES

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

New East Devon Local Plan Policies

Strategy 5B (Sustainable Transport)

Strategy 6: Development within Built-up Area Boundaries

Strategy 7 Development in the Countryside

Strategy 38: Sustainable Design and Construction

Strategy 43: Open Space Standards

Strategy 46: Landscape Conservation and Enhancement and AONB's

Policy D1: Design and Local Distinctiveness

Policy D2: Landscape Requirements

Policy D3: Trees and Development Sites

Policy E5: Small Scale Employment in Rural Areas

Policy TC2: Accessibility of New Development

Policy TC7: Adequacy of Road Network and Site Access

Policy TC9: Parking Provision in New Development

Adopted East Devon Local Plan Policies

Policy S4: Development within Built-up Area Boundaries

Policy S5: Countryside Protection

Policy D1: Design and Local Distinctiveness

Policy D2: Sustainable Construction

Policy D4: Landscape Requirements

Policy D5: Trees on Development Sites

Policy RE3: Open Space Provision in New Housing Developments

Policy TA1: Accessibility of New Development

Policy TA7: Adequacy of Road Network and Site Access

Policy TA9: Parking Provision in New Development

Site Location and Description

The site is approximately 0.1 hectares in area and forms part of the rearmost section of the garden of the dwelling house with high hedgerow mature treed boundary. The land is located to the south of the village centre of West Hill with access taken from Higher Broad Oak Road and via Sanctuary Lane that runs to the north of Harley Thorne. The character of the area is formed by large residential properties with extensive gardens and the roads lined with mature trees and green banks.

The main dwelling house of Harley Thorne is a detached two storey building built with rendered walls, UPVC windows and doors and tiled roof and sited adjacent to Higher Broad Oak Road.

The site is not situated within an area of special designation although is within 10km of the designated Pebblebed Heaths. This Heathland is designated as a SAC, SPA and SSSI and as such is subject to the Conservation of Habitats and Species Regulations 2010 (as amended) therefore requiring an assessment as to whether the development is likely to have a significant adverse effect, or whether any suitable mitigation can be secured.

More locally, the site is situated outside of, but immediately adjoining, the designated built-up area boundary for West Hill. The site falls within the residential curtilage of the dwelling house and has been advertised as a departure from the Local Plan. There are no public rights of way across the site.

Proposed Development

The proposal is a resubmission of previously refused application 15/0117/FUL for an outline application for the erection of a two storey detached 3 bedroom dwelling

house with garage in the rear garden of Harley Thorne. The application is submitted with all matters reserved. Access would be taken from Sanctuary Lane.

The previous application on the site (15/0177/FUL) was refused on the 11th June 2015 for the following reasons:

1. The development proposed, by virtue of its location outside of the built-up area boundary of West Hill as defined in the Adopted and emerging East Devon Local Plan, would fail to respect the pattern of settlement of the village and encroach on the countryside. It would not therefore be well related, complementary or compatible with the built form of West Hill and would be contrary to the West Hill Design Statement, policies S5 (Countryside Protection) and D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan, strategy 7 (Development in the Countryside) and policy D1 (Design and Local Distinctiveness) of the submitted New East Devon Local Plan and guidance in the National Planning Policy Framework.
2. By virtue of the excessive distance to public transport links and facilities in West Hill and the surrounding area, as well as the road network being unsuitable for pedestrian or cycle access to such facilities, the occupiers of the proposed dwellings would be largely dependent on car-based trips to access shops, employment, leisure and community facilities. The proposal would therefore constitute unsustainable development which would be contrary to policies S5 (Countryside Protection) and TA1 (Accessibility of New Development) of the adopted East Devon Local Plan, strategies 7 (Development in the Countryside) and 5B (Sustainable Transport) and policy TC2 (Accessibility of New Development) of the submitted New East Devon Local Plan and guidance in the National Planning Policy Framework.
3. Insufficient information has been submitted to demonstrate that the development of the scale indicated, together with an access, could be achieved without harm to trees of amenity value. Without a suitable report in accordance with BS5837: 2012 considering how, both an access and development of the plot could be achieved, the proposal is considered contrary to policies D5 (Trees and Development Sites) of the adopted East Devon Local Plan and D3 (Trees on Development Sites) of the submitted New East Devon Local Plan.
4. No appropriate mechanism has been submitted to secure a contribution towards measures to mitigate the effects of recreational use of the East Devon Pebblebed Heaths Special Area of Conservation and Special Protection Area by residents of the proposed development. Without such a mechanism and with no information submitted to facilitate the making of an Appropriate Assessment, the proposal is considered to conflict with the Conservation of Habitats and Species Regulations 2010. In addition the proposal is considered to be contrary to guidance in the National Planning Policy Framework and to Policies S7 (Infrastructure Related to New Development) and EN4 (Nationally Important Sites - including Sites of Special Scientific Interest) of the adopted East Devon Local Plan and Strategies 47 (Nature Conservation and Geology) and 50 (Infrastructure Delivery) of the emerging New East Devon Local Plan.

ANALYSIS

Consideration and Assessment

The main issues in the consideration of this application are:

1. Whether the principle for the development is acceptable;
2. Whether the proposal would constitute a sustainable form of development;
3. Whether the access is acceptable and the local highway network can accommodate traffic associated with the development;
4. The effect of the proposed development on the character and appearance of the area;
5. Section 106 contributions.

Principle of the development

The National Planning Policy Framework requires that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide for five years worth of housing against their housing requirements with an additional buffer of 5% or 20% if there has been a persistent under delivery of housing.

It can now be demonstrated that East Devon District Council has a 5 year housing land supply following work undertaken in respect of Strategic Housing Market Assessment. This is currently being considered by the Inspector as part of the evidence for the emerging Local Plan and therefore weight can be attributed to draft Local Plan policies and the identified 5 year supply in accordance with paragraph 216 of the NPPF.

In this instance Strategy 27 of emerging Draft Local Plan cannot yet be attributed significant weight due to recent changes, which are now under consultation and unresolved objections. However Policies S3 (Built up Area Boundaries (BUAB) for villages) S4 (Development in Built up Areas) and S5 (Countryside Protection) of the Adopted Local Plan are still material considerations at the current time and can be afford significant weight – particularly in light of the identified housing supply. Despite the agent's assertions to the contrary concerning Policy S4 and as a result of the 5 year supply the Local Planning Authority considers that the proposal would be sited on land outside of the BUAB.

In light of this it is considered that the development would in policy terms be sited on land within the countryside and would therefore be contrary to Local Plan Policy S5. The agent has requested that the Local Planning Authority assesses that the land falls within the residential curtilage of the property and this should override the fact that the garden falls outside of the development boundary. Irrespective as to whether the land forms part of the residential curtilage of the property it still falls outside of the BUAB and therefore the use of the garden land is not an overriding reason to permit a new dwelling within the countryside.

The agent further states that the site cannot be considered as isolated under paragraph 55 of the NPPF and therefore the presumption in favour of sustainable development outlined in paragraph 49 of the framework should be applied.

In light of the currently policy situation, the application is assessed below as to whether it constitutes sustainable development in accordance with the NPPF and the restrictions that it carries.

Sustainability, Accessibility and Recent appeal

Sustainability has 3 components comprising environmental, social and economic considerations and these need to be weighed in the balance in determining whether the development proposed represent sustainable development. This will be concluded at the end of the report taking account of all relevant considerations.

In the context of West Hill however, it is noted that there is a recent appeal decision which made an assessment with regard to the issue of accessibility to services, and is also situated outside of the development boundary. This appeal decision related to an application for a single dwelling (13/2459/FUL refers) off Lower Broad Oak Road to the north east of this site where the Inspector considered that whilst there would be a degree of reliance on car travel, there are a small range of services in West Hill, including a school and a shop, and so the development would not be wholly reliant on car travel. In that instance the inspector considered that it would be unreasonable to withhold permission on the basis of the need to travel by car and as such found the site to be in a suitable location.

However, to promote sustainable development in rural areas, the NPPF states that housing should be located where it would enhance or maintain the vitality of rural communities. It also states that development should facilitate the use of sustainable modes of transport. In this case, community facilities such as the village shop/post office and primary school are located more than 1km from the site in a straight line and considerably further following the winding lanes and footpaths. Moreover, most of this distance is via unlit roads without pavements. Given this situation, it is likely that the occupiers of the new dwelling would rely on the private car for the majority of their day-to-day needs.

Bus services from the village provide access to Ottery St Mary, Honiton, Sidmouth and Exeter but the nearest bus stops are not readily accessible to pedestrians or cyclists for the reasons already described.

Although comparisons are drawn with other dwellings or potential development sites within the built-up area which may be in less sustainable locations than the application site, that does not change the individual assessment that needs to be undertaken to assess that the application site is in an inaccessible location.

Whilst recognising the appeal decision and as a result of the lack of footways, street lighting and the nature of the route between the site and the village centre, this site is considered to be inaccessible development. It is therefore concluded that the location weighs heavily against the proposal when assessing the balance in terms of sustainable development

Highways

There are no objections to the proposal from a highway safety point of view, and whilst the proposal would result in an increase in traffic using Sanctuary Lane this is a private access and the additional traffic that would be generated is not considered to result in material harm to highway safety.

Character and appearance

West Hill is characterised by low density housing in a woodland setting with narrow lanes and hedgebanks contributing to its semi-rural character. Although there are some areas of undeveloped woodland adjacent to the settlement, it is largely contained by agricultural land abutting the built-up area boundary.

The site lies on the southern edge of the village and set within a large garden of the dwelling house though outside of the development boundary. On the eastern side of the dwelling house there is a further dwelling, known as Marden, and four properties to the south: Allendale, The Beeches, Cotwood and Chaseley. To the north of the land is the wooded area of Broad Oak and Sanctuary Lane. This part of West Hill therefore has a very rural character which contrasts with the more suburban character of the areas within the built-up area boundary to the north of the site.

Although the site is well screened from public vantage points, the proposed dwelling and driveway with built form and paraphernalia would result in the loss of a garden area which would erode the rural character of this edge of settlement part of West Hill

The West Hill Village Design Statement set out in its design principles that low density development is part of the character of the village, the balance between buildings and greenery must be maintained, buildings should not cover more than 20% of a plot and multiple accesses off a single driveway are discouraged. This proposal does not fully comply with the principles set out within this Statement and this adds further weight to the concerns identified.

Impact on neighbour amenity

It is not considered that neighbouring properties would be significantly affected by the proposals. The property would be sited at a lower level than that of neighbouring properties bounded by well established hedgerows. The layout is indicative only and at this stage there are no details with regards to scale and appearance of the proposed dwelling. It is suggested that it would be possible to position windows within the dwelling such that they would not unreasonably overlook the neighbouring properties.

Taking into account the road side context and space between the properties it is not considered that the dwelling would be significantly harmful to neighbouring occupiers though would be subject to assessment of a full planning application.

Impact upon Trees

A Tree Inspection by Mr. S Rippin dated 31st September 2015 has been submitted with and recommending the felling and removal of a middle conifer (Red Cedar) on the boundary of Sanctuary Lane, reduction in crown of Birch on boundary to rear garden and annual inspection of Scots Pines on the southern boundary and the mature Copper Beech along the northern boundary adjacent to the hedge.

The Tree Officer has assessed the submitted Tree Inspection report and details that the incorrect British Standard BS5837:2005 has been referred to and this document has been superseded by BS5837:2012.

In addition, concerns are raised by the Tree Officer regarding whether the plans are based on a topographical survey and therefore whether the trees positions have been accurately plotted. The Tree constraints plan SK.29-1-A for root protection areas has been supplied; however the radii of the Root Protection Areas (RPA) for retained trees are incorrectly plotted, in all cases the RPA's shown are too small. Whilst the footprint of the proposed new dwelling and garage lie outside of the corrected RPA's, the driveway does encroach by approximately 1m into the RPA of T430.

The above ground constraints, presented by the line of mature Scots Pine on the southern boundary have not been identified or taken into account, with the consequence that the indicative footprint of the new dwelling is too close to these trees when dominance and shade is taken into consideration. As such the current indicative layout is not considered to be sustainable in relation to the juxtaposition of trees.

Notwithstanding the above, and whilst there may ultimately be space for a dwelling, the design and layout will need to be informed by a constraints plan that accords with the principles laid out in BS5837:2012.

Whilst an assessment has been carried out concerns have been raised to the information provided in relation to the protection trees of trees and in particular concern is raised to the potential impact upon a mature Copper Beech tree that is sited on the northern boundary adjacent to the indicated access.

In conclusion there is insufficient information for the LPA to make a full assessment of the proposed works and the potential harm to the trees and this therefore weighs against the proposal.

East Devon Pebblebed Heaths

The submission is accompanied by a unilateral undertaking relating to the payment of a financial contribution of £2408.00 for open space contributions and £626.00 towards mitigation of the impacts from recreational use of the development upon the ecologically sensitive habitats of the European-designated East Devon Pebblebed Heaths Special Protection Area (SPA) in line with the Council's adopted approach. Any grant of planning permission will therefore need to be read in conjunction with this obligation. This removes one of the previous refusal reasons.

Sustainability Assessment and Conclusion

It is currently considered that this Authority can demonstrate a 5 year land supply for housing development and as such significant weight can be given to the built up area boundary of West Hill. As the proposed dwelling would be sited outside of this boundary, it is therefore contrary to adopted local plan policies.

However, it is recognised that these housing figures are as yet untested and this tempers the weight that they attract. Considering sustainability therefore, whilst the proposed development would have a small social benefit through the provision of new housing, it would not make a significant contribution to the supply of housing in the district. The construction would also provide some economic benefits through associated employment and business activity. However, the harm to the character of the area and the inaccessible location causes environmental harm which together outweighs the small social and economic benefits.

RECOMMENDATION

Refusal

1. The development proposed, by virtue of its location outside of the built-up area boundary of West Hill as defined in the Adopted and emerging East Devon Local Plan, would fail to respect the pattern of settlement of the village and encroach on the countryside. It would not therefore be well related, complementary or compatible with the built form of West Hill and would be contrary to the West Hill Design Statement, policies S5 (Countryside Protection) and D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan, strategy 7 (Development in the Countryside) and policy D1 (Design and Local Distinctiveness) of the submitted New East Devon Local Plan and guidance in the National Planning Policy Framework.
2. By virtue of the excessive distance to public transport links and facilities in West Hill and the surrounding area, as well as the road network being unsuitable for pedestrian or cycle access to such facilities, the occupiers of the proposed dwellings would be largely dependent on car-based trips to access shops, employment, leisure and community facilities. The proposal would therefore constitute unsustainable development which would be contrary to policies S5 (Countryside Protection) and TA1 (Accessibility of New Development) of the adopted East Devon Local Plan, strategies 7 (Development in the Countryside) and 5B (Sustainable Transport) and policy TC2 (Accessibility of New Development) of the submitted New East Devon Local Plan and guidance in the National Planning Policy Framework.
3. Insufficient information has been submitted to demonstrate that the development of the scale indicated, together with an access, could be achieved without harm to trees of amenity value. Without a suitable report in accordance with BS5837: 2012 considering how, both an access and development of the plot could be achieved, the proposal is considered contrary to policies D5

(Trees and Development Sites) of the adopted East Devon Local Plan and D3 (Trees on Development Sites) of the submitted 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 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	05.11.15
TW14/109/02A	Other Plans	05.11.15
TW14/109/04	Proposed Floor Plans	05.11.15

List of Background Papers

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

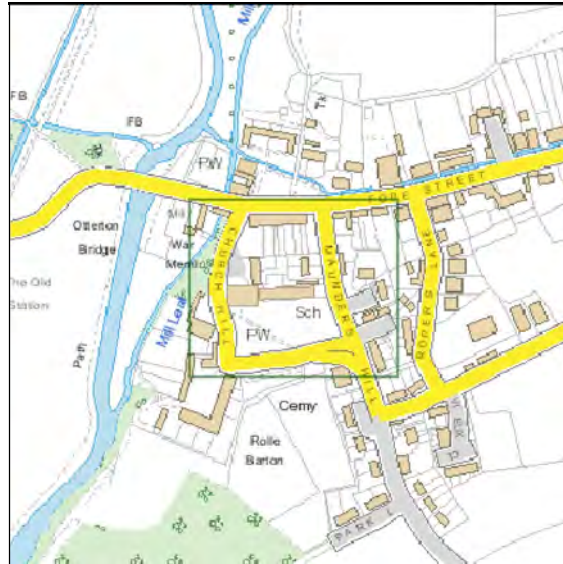
Ward Raleigh

Reference 15/2461/FUL

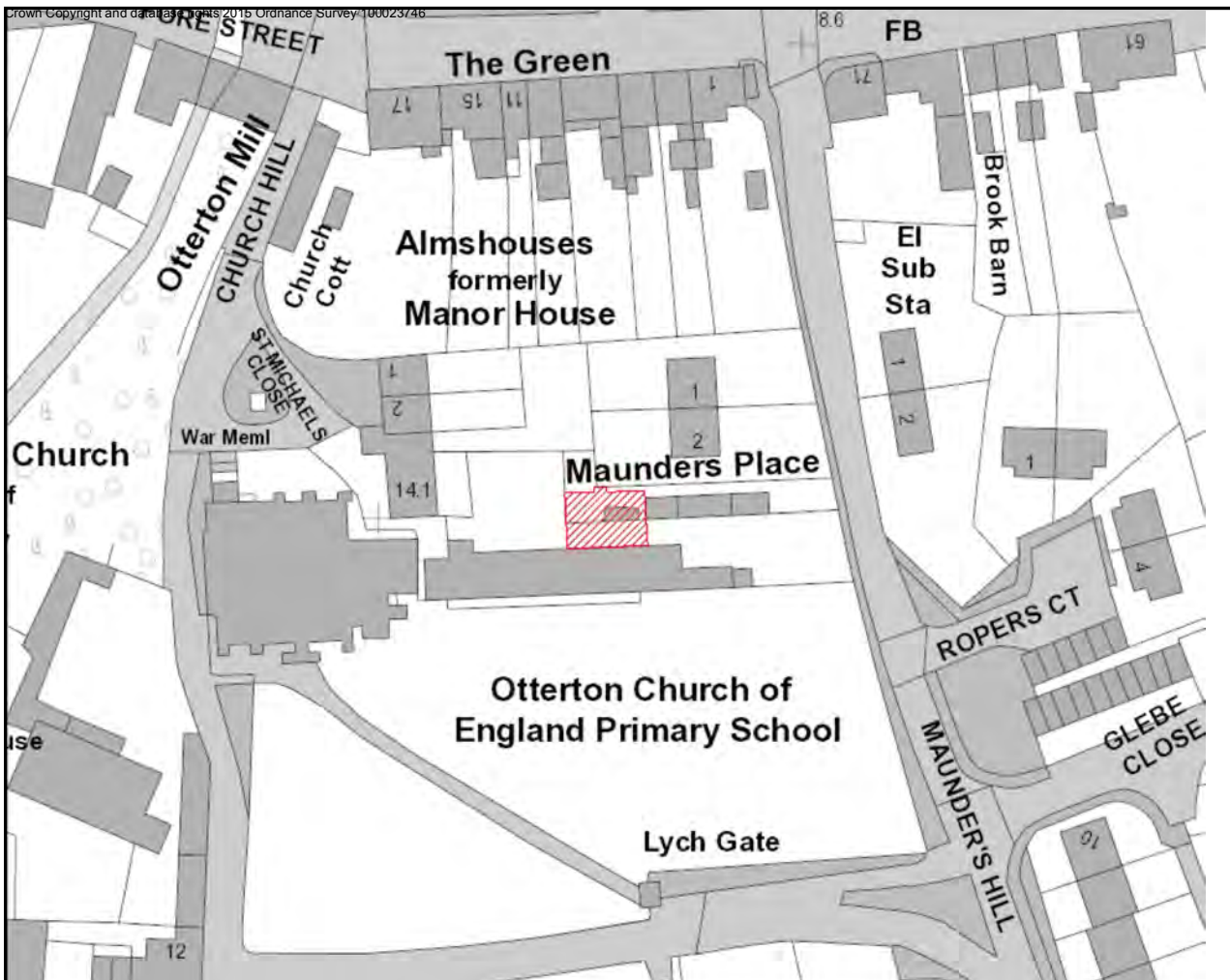
Applicant Mrs Carron Saunders

Location Otterton C Of E Primary School
Church Hill Otterton Budleigh
Salterton EX9 7HU

Proposal Erection of play equipment



RECOMMENDATION: Approval retrospective (conditions)



		Committee Date: 19th January 2016
Raleigh (OTTERTON)	15/2461/FUL	Target Date: 05.01.2016
Applicant:	Mrs Carron Saunders	
Location:	Ottertton C Of E Primary School Church Hill	
Proposal:	Erection of play equipment	

RECOMMENDATION: Retrospective Approval (conditions)

EXECUTIVE SUMMARY

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

Planning permission is sought for the retention of a school goal end and netball back board and net. Concerns have been raised regarding balls flying into the neighbouring garden and other impacts upon the amenity of neighbouring residents. However the use of the area for games is established as part of the schools curtilage and the size of the structure does not affect the neighbouring resident's amenity sufficiently to warrant refusal. The works would not harm the setting of the conservation area or nearby listed buildings.

A condition is proposed to increase the retention of balls within the school site through the addition of a light ball stop net above a section of the proposed fence and subject to this the application is recommended for approval.

CONSULTATIONS

Local Consultations

Cllr Geoff Jung

In reference to planning application 15/2461/FUL

I have visited the Ottertton School and seen the net ball unit in the playground against the boundary fence and viewed it from Mr Wench`s Garden.

I have discussed the issue with both the school and Mr Wench who objects to the play equipment, and I list a number of points:

1. The new basket ball stands are very substantial large metal frame constructions. The one against Mr Wench`s garden fence extends at least a

metre higher than the height of his fence. Visually this when viewed from the garden, which is on lower ground is I consider intrusive. To prevent stray balls entering the garden suggestions of extending a fence to the same height or putting netting to the height of the netball hoop would create further visual intrusion.

2. I understand that the reason these net ball stands have been erected in this location was due to a recent Grant Funding to remove an unsuitable garden feature and replace it with a playground surface linking the 2 existing playgrounds. The Grant Funding was specifically for this area only and therefore this is the only reason net ball stands have been placed in this location.
3. The location of these nets I am told are not suitable for playing a netball match as the distances between are too close to create a full size play court. Therefore they are only suitable for practicing. The existing net ball court is further along the playground and other netball stands are located there.
4. I fully support the school to obtain the maximum Grant for sports facilities and recognise the work they do for providing sport and physical education. However the location of this netball stand against the boundary fence is in my opinion not suitable.
5. The Otterton School playground backs onto number residential gardens which presents the school authorities with substantial problems. Some noise and stray balls are to be expected and as the playground has been used for a very long time there is an element of "continuous use." However the School authorities have a duty to minimise any nuisance caused to their neighbours. I believe that having a netball stand on the boundary of Mr Wench's garden will only increase the nuisance.

I do hope that the School can re-evaluate the location of the stands and discuss the unique restraints they have with the sports equipment suppliers and grant funding concern to provide a satisfactory solution, to provide better sports and play equipment which the school certainly deserves and requires.

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.

Clerk To Otterton Parish Council
15/2461/FUL

Four Councillors visited the site and met the complainant prior to discussion in the Council. The Council took note of the problems associated with the new Play Area, particularly the noise of balls striking the fence and the risk of them coming over it into the garden. Opinions were divided and there was some argument for higher fencing. However on balance it was considered that the potential playground area for the school was very limited and that the new layout would provide much-needed opportunities.

Technical Consultations

County Highway Authority
Does not wish to comment

Other Representations

1.no neighbour has written to object to the scheme detailing the following issues:

- Impact upon visual amenity of the structure
- Intensification of noise and the nuisance this causes.
- Potential harm to residents and animals from ball strikes and ingestion of soft balls landing in the neighbouring garden
- Risk of damage to property in the neighbouring property through flying balls.
- The existing school yard is too small for ball games; therefore the addition of this play equipment would exacerbate the current issue.

POLICIES

New East Devon Local Plan Policies

Strategy 49 (The Historic Environment)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

RC2 (New Open Space, Sports Facilities and Parks)

Strategy 6 (Development within Built-up Area Boundaries)

RC6 (Local Community Facilities)

Adopted East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

D1 (Design and Local Distinctiveness)

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

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

EN11 (Preservation and Enhancement of Conservation Areas)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Site Location and Description

The site to which this application relates is a Church of England School made up of the main school building, converted end terrace at St Michael's Close and the school

yard which runs parallel to the south of Maunders Place. The rear yard and play area is used for children during sports lessons and during breaks and lunch times for games.

Part of the proposed structure has been erected. Currently work has stopped once the agents realised that planning consent was required. To complete the works the backboard wire meshing is required, and the final sections of fence would need to be erected alongside the goalmouth.

Proposed Development

Planning permission is sought for the retention of, and completion of a fence, basketball/netball net, backboard and goalmouth on the north side of the site alongside the corner of the rear boundary of 2 Maunders Place, and a standalone netball net and goal end which is alongside the wall of the school's main building. These goal ends and netball nets are proposed for use by pupils in their PE lessons and potentially playtime. The fence is located alongside the goal end on the northern side of the play area.

The structure is made up of metal wire mesh fencing with back panels alongside the goalmouth/net and has a backboard behind the netball hoop. This section of the fence is 3.78m tall and 2.0m wide, the side fencing is lower at 2.47m. The fencing and back stop is finished in dark green powdercoat.

The goal end will be next to the rear corner of the neighbouring properties garden. To the rear of the goal end is the schools own garden area and other playground areas. Fencing will back onto the existing 2.0m fencing of the neighbouring property No.2 Maunders Place.

Consideration and Assessment

Whilst the impact of a school play area and equipment has the potential to affect the amenity of neighbouring residents, this scheme is not considered to exacerbate the situation to a point which would be considered out of the ordinary where a residential property adjoins a school site. In fact, to some extent the proposed back board and fencing which is taller than the existing boundary treatment would reduce the chance of balls going over the boundary.

A fence and goal end of two meters or less would not require planning permission, but would not stop as many balls crossing over the boundary. It is relevant to consideration of this application that a 2m high boundary would be a fall back option for the school in providing sports facilities.

Principle for the Use of the Site for Play

When considering the application the use of the area as a play area is not in dispute. Planning permission is not required for the use of the schools yard for games classes or informal play. The proposal does introduce a more formal area for games but the constraints of the site mean that games would always be played alongside a boundary (either to the rear or front of No.2 Maunders Place). Therefore the issue of

some disturbance associated with primary school children playing and learning in this space would continue. Simply put the local planning authority cannot limit the use of the area to exclude sports or other more noisy uses so long as the site remains a school.

Visual amenity needs to be assessed, as does the potential amenity issue of balls entering the neighbouring garden. It is important to note that the structure has not been completed and that the backstop and fence mesh is not in place, and thus does not currently work to stop balls entering the neighbours garden.

Residential Amenity

The two key amenity issues raised by the erection of the structure are visual amenity, through the height of the structure, and the nuisance and potential risk of balls flying over the boundary.

When viewed from within the neighbours (No.2 Maunders Place) rear garden and property the backboard is visible over the existing fence. However the structure is to the rear corner of this garden, is constructed of an open mesh fence, and whilst tall is not viewed above the backdrop of the roof lines of the buildings to the rear. As such, the highest part of the structure whilst visible is not significantly overbearing or dominant as to cause harm to neighbouring resident's amenity.

The reason why the backboard is 3.78m tall and the fence is above the standard 2.0m is to address the latter issue and to try to keep as many balls within the school yard as possible. The existing boundary treatment between these properties is a 2.0m high fence. The slight height increase of the new fencing to 2.47m will go some way to reduce the number of balls falling into the neighbours garden.

In order to address the wayward balls to the right of the backstop, a condition is proposed to incorporate a light ball stop mesh net alongside the backboard linking into the fence. As the school is a primary school the type and size of ball is limited, as is the power with which balls are thrown and a simple net should minimise any disturbance from balls to the neighbour.

Other Matters

As detailed in the objection letter, balls had entered the garden of No.2 Maunders Place prior to the part erection of this structure. Once complete the structure will to an extent reduce the number of balls entering the neighbouring site as it is a higher boundary treatment than is currently present. The risk to animals raised in the objection may be present; however this would remain regardless of the erection of the goal end. The use of the site for games, including ball games is established, therefore if this is a genuine risk, then with or without the proposed structure the issue would remain.

Otterton Church of England School is located within Otterton Conservation area and in close proximity to listed buildings. The structure is not considered to harm the appearance of the Conservation Area, or detract from the setting of the neighbouring

listed buildings. This is due to the small scale of the structure which will not be visible outside of the school premises or adjoining residential gardens.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Notwithstanding the time limit to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission being retrospective as prescribed by Section 63 of the Act shall have been deemed to have been implemented on the 22nd October 2015.
(Reason - To comply with Section 63 of the Act.)
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Prior to the use of the goalmouth and netball goal on the north side of the site details of a ball stop net attached to the fence and backboard, and a timetable of its installation shall be submitted to, and approved in writing by the Local Planning Authority. The net thereby permitted shall be carried out, and maintained in accordance with the approved plans
Reason: To protect the amenity of the neighbouring resident at No. 2 Maunders Place through catching errant balls.

Plans relating to this application:

	Location Plan	22.10.15
PRIM003-B-PT 1 OF 2 : PS2	Specifications/technical data	22.10.15
PRIM003-B-PT 2 OF 2	Specifications/technical data	22.10.15
PRIM009-A-PT : PS5	Specifications/technical data	22.10.15
PRIM019-B-PT : PS 11	Specifications/technical data	22.10.15
PFD22756-B	Other Plans	22.10.15
PFD22756-B (1A)	Other Plans	23.10.15

List of Background Papers

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

Ward Beer And Branscombe

Reference 15/2295/FUL

Applicant Ms Natalie Bucklar (East Devon Riding Academy)

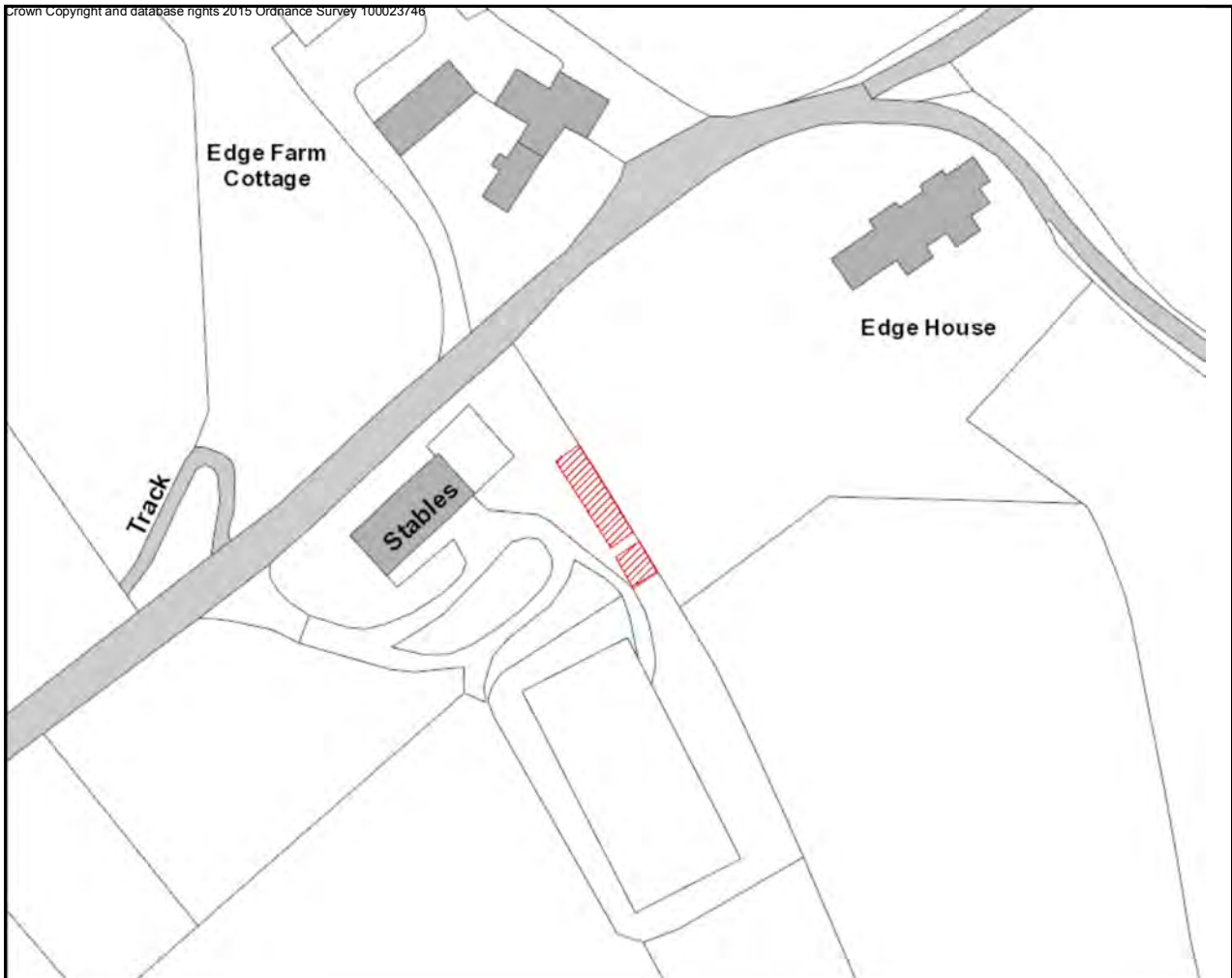
Location Edge Farm Stables Branscombe
Seaton EX12 3BL

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



RECOMMENDATION: Refusal

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		Committee Date: 19 January 2016
Beer And Branscombe (BRANSCOMBE)	15/2295/FUL	Target Date: 02.12.2015
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	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before Members as the comments from the Ward Member differ from the Officer recommendation.

The proposal seeks planning permission for the creation of a temporary mobile home for a rural worker.

The proposal is submitted with information in order to ascertain that there is an essential need for an agricultural worker in association with an existing horse riding enterprise. However, in this instance it is considered that the justification submitted does not establish an essential need and as such conflicts with adopted and emerging planning policy.

In the absence of a need for the accommodation, the application is recommended for refusal.

CONSULTATIONS

Local Consultations

Parish/Town Council

Branscombe Parish Council support this application and have no further comments to make.

Beer And Branscombe - Cllr G Pook

Further to my earlier correspondence I have visited the application site and am able to add to my initial support.

I fully support the application as the applicant has a proven need to live on site to tend for animals, the business has been in operation for several years and is now clearly viable, the applicant having put a significant amount of effort and capital into building it up to its present level.

The business provides employment and supports the tourism policies of the council. It further supports the goals related to health and wellbeing in its provision of sporting facilities to the wider population not just tourism.

With regard to its position in the open countryside it is not isolated or solitary as there are a number of domestic and agricultural buildings in close proximity.

Should the officer's views differ from mine I would ask for the application to be taken to Chairman's Delegation.

With reference to the above application based on my information to date I support the application. Please keep me informed of its progress through the planning process.

Technical Consultations

County Highway Authority
Does not wish to comment

Other Representations

1 letter of support has been received (in summary);

Losing livestock has a direct impact on the business in terms of the value of the lost livestock, as well as the resulting lost business.

It would be impractical over any sustained period to run such a business that relies on good animal husbandry, on top of the demands of running a family, whilst living off site a few miles away.

PLANNING HISTORY

Reference	Description	Decision	Date
09/2064/FUL	Change of use of part of agricultural building to create three stables and construction of manege and parking area	Approved	16.12.2009

07/1521/AGR	Erection of implement store and hay barn	Approved	13.07.2007
06/0479/COU	Change of use & erection of barn for stabling	Refused and dismissed at appeal	23.02.2007

POLICIES

New East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)
 Strategy 46 (Landscape Conservation and Enhancement and AONBs)
 H4 (Dwellings for Persons Employed in Rural Businesses)
 Strategy 7 (Development in the Countryside)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)
 EN1 (Developments Affecting Areas of Outstanding Natural Beauty)
 H8 (Dwellings for Persons Employed in Agriculture or Forestry)
 RE3 (Open Space Provision in new Housing Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The application site concerns several parcels of land which contain associated stable barn, sand arena and riding area. The mobile home is currently on the site and has been brought to the planning authority's attention following an enforcement investigation. The site is accessed via a narrow lane which serves several other properties.

The application takes place within the designated AONB. The landscape Character Assessment (2008) defines the landscape as an open coastal plateau separate by river valleys and dissected by combs. There are regular medium to large field patterns with very low settlement density. There are also extensive views along the coast.

Proposed Development

The proposal seeks planning consent for the retention of a mobile home for a temporary period of three years.

The applicant is currently living in the mobile home on land which forms part of the East Devon Riding Academy, which has operated from Edge Farm since 2010. An

associated utility building is positioned alongside the mobile unit. The business offers riding lessons and tuition on horsemanship and pony caring.

ANALYSIS

The main issues concerning this proposal is whether there is an essential need for a rural worker to live at the site and the impact on the Area of Outstanding Beauty.

Whether there is an essential need for a rural worker to live on site

Under paragraph 55 of the National Planning Policy Framework (NPPF) local planning authorities should avoid allowing new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. The framework supersedes the requirements of local plan policy H8 with policy H4 of the emerging New Local Plan dealing with 'Dwellings for Persons Employed in Rural Businesses'. Upon the request of the Local Planning Authority additional justification has been submitted to justify the essential need to be housed permanently on site.

The applicant moved the mobile home on to the site in August 2013 from Colyford. As the business expanded the need to travel increased between Colyford and Edge Farm making 6 to 8 trips back and forth each day to tutor pupils and attend to the needs of the 18 or so horses within her care. The applicant has stated that the enterprise has grown from a single operative to a business which now employs 5 other local people for helping the riding academy. Whilst income during 2 of the past 3 years has been modest the applicant considers that there are clear indications that the last and present turnover shows clear signs that the business is profitable and viable.

A letter from Coombefield Veterinary Hospital has accompanied the planning application. This states that an onsite presence is advisable to treat sick or lame horses; other occasions have required intensive care and close monitoring, including late nights and early mornings. The letter concludes that it would be 'advantageous' for someone to live on site. The planning authority has not been given financial details as to the cost of any of the horses or how potential loss would impact on the viability of the business.

The breakdown of the 82 hours a week claimed includes looking after the horses (feeding, mucking out, rugs, watering, etc), grounds maintenance, teaching and administration. It is considered that all of these activities could be done as part of the day to day activities and does not require a continuous on site presence beyond the time frame of a working day.

There is obviously an animal welfare issue involved in that the horses on site need to be looked after. However, there is no foaling stated as taking place on site and there is no reason why a continuous night time presence would be a necessity. The veterinary letter states that it would be 'advantageous' for someone to live on site but there is not that same requirement as 'essential' which is the requirement under the NPPF and policy H4 of the emerging New Local Plan. Although there is the possibility of emergencies the number and severity of incidence is unlikely to require

a person to be readily available at most times of day or night and the forms of monitoring such as CCTV or an alarm system has not been explored.

There is no evidence that the applicant has explored available accommodation nearby as the NPPF and policy H4 requires an essential need for a rural worker to live permanently at or nearby their place of work.

Impact on the Area of Outstanding Natural Beauty (AONB)

Paragraph 115 of the framework states that great weight should be given to conserving landscape and scenic beauty of the AONB which has the highest status of protection. Policy EN1 of the adopted Local Plan and Strategy 46 of the emerging New Local Plan state that the conservation and enhancement of the AONB will be given priority over other considerations. Development will only be permitted where the proposal conserves or enhances the landscape character and respects the traditional local built form. Policy D1 of the local plan seeks to reinforce key characteristics and special qualities of the area.

The mobile home sits within the complex of other buildings which do benefit from planning consent. There is good screening along the perimeter of the field and the mobile home would not be overly prominent from public vantage points. Although the mobile home is not a traditional form of the development considering it could legitimately be used for storage of hay (or some other agricultural use) without the need for prior consent there is no objection to the visual impact on the AONB.

Other matters

As the proposal is only seeking temporary consent it is not necessary to secure the provision towards open space.

Conclusions

Whilst the site lies in the open countryside where development should be strictly controlled, the proposal represents an exceptional circumstance (accommodation for an agricultural worker) where Paragraph 55 of the NPPF and Policy H4 of the emerging New Local Plan provide support in principle subject to criteria including there being a proven essential need to be housed permanently on site.

The justification submitted is considered insufficient to warrant acceptance that a further worker is required to live on site on a temporary basis. The functional need to live on site should be demonstrated by the need for a worker to be readily available at most times on the site, rather than the labour requirement of the enterprise. It is generally only those instances that arise during unsocial hours that justify an on-site presence. Whilst it is recognised that the applicant works extremely hard on the site, this in itself does not warrant a dwelling.

RECOMMENDATION

REFUSE for the following reasons:

1. The site is in the open countryside where there is a presumption to avoid new isolated homes unless there is an essential need for a rural worker to live at or near their place of work. The Local Planning Authority is not satisfied by the evidence submitted that there is an essential need for an on-site presence. The proposed mobile homes would therefore be contrary to policy H8 of the East Devon Local Plan and policy H4 (Dwellings for Persons Employed in Rural Businesses) of the emerging East Devon Local Plan and paragraph 55 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 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:

TW15/32/1 Proposed Site Plan 07.10.15

List of Background Papers

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

Ward Seaton

Reference 15/2477/ADV

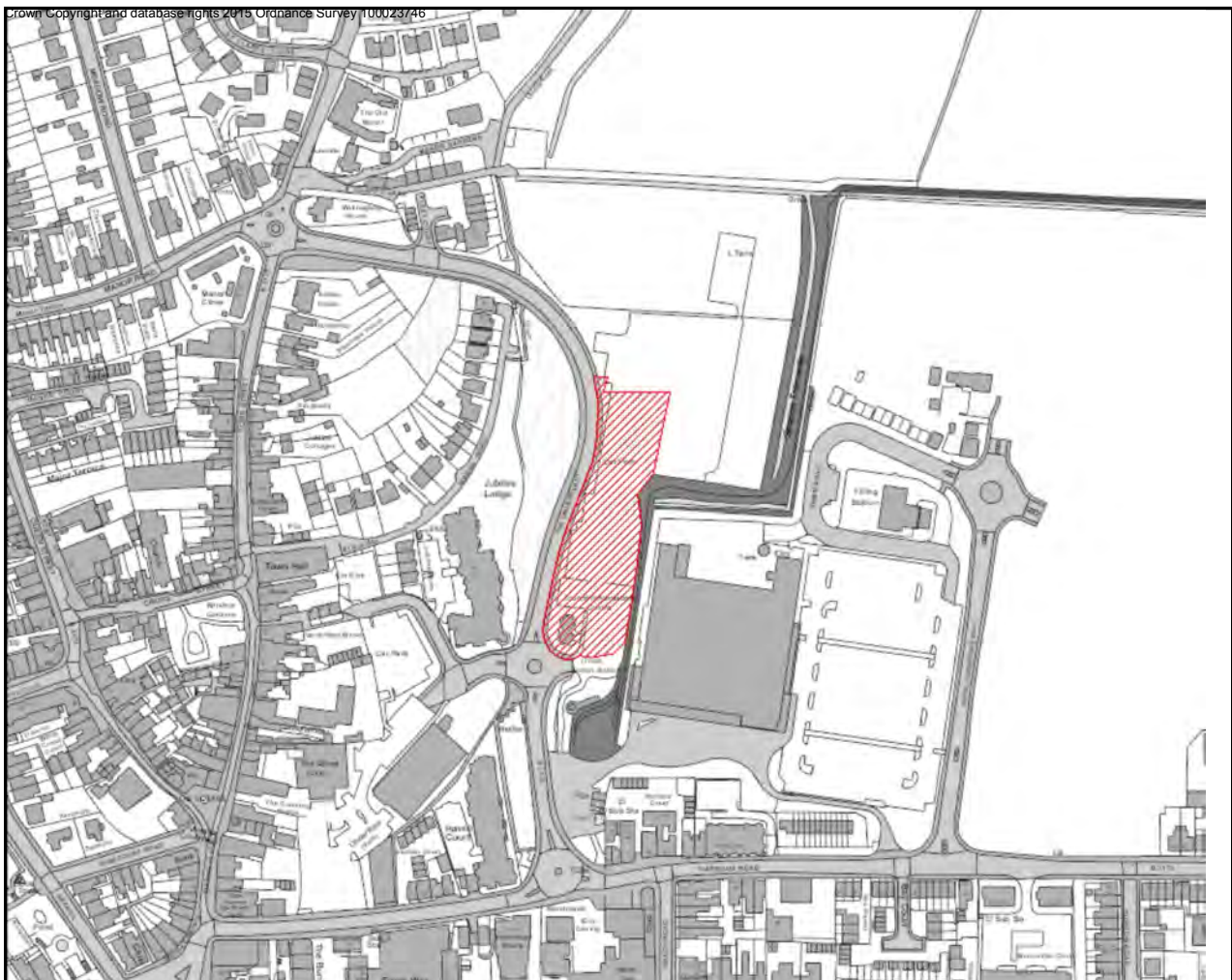
Applicant East Devon District Council (Ms Alison Hayward)

Location Seaton Jurassic The Underfleet
Seaton EX12 2WD

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



RECOMMENDATION: Approval with conditions



		Committee Date: 19 January 2015
Seaton (SEATON)	15/2477/ADV	Target Date: 28.12.2015
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	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the application is submitted by East Devon District Council.

The proposal seeks advertisement consent for 6 flags, 1 entrance sign, 1 cafe information sign and 2 wayfinding signs in association with the newly constructed Seaton Jurassic centre.

The proposal is considered to have an acceptable visual impact on the street scene, would bring attention to an attraction that would boost the local economy and would not represent a highway safety issue. Therefore the recommendation is one of approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Town Council objects to this application as it could lead to further flag poles being erected at the site as well as setting a precedent for future applications of this type elsewhere within the town.

Amended plans - No objection.

Technical Consultations

County Highway Authority

Observations:

The Local Highway Authority does not wish to make any comments about this application.

No objections

Other Representations

None received to date.

PLANNING HISTORY

Reference	Description	Decision	Date
14/2493/VAR	Demolition of existing tourist information centre, land-fill operations and other infrastructure improvements including extinguishing existing car park access, formation of new highways junction and car park access, erection of new build Jurassic Coast Interpretation centre and associated external works (amendments to application 10/1587/FUL	Approved	21.01.2015
10/1587/FUL	Demolition of existing tourist information centre, land-fill operations and other infrastructure improvements including extinguishing existing car park access, formation of new highways junction and car park access, erection of new build Jurassic Coast Interpretation centre and associated external works	Approved	14.06.2013

09/0577/MFUL	Demolition of existing tourist information centre, land-fill operations and other infrastructure improvements including extinguishing existing car park access, formation of new highways junction and car park access, erection of new build Jurassic Coast Interpretation centre and associated external works	Approved	24.04.2009
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POLICIES

New East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

D4 (Applications for Display of Advertisements)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

D8 (Applications for Display of Advertisements)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

Seaton Jurassic is a newly constructed visitor centre which is positioned on the site of the former tourist information centre in Seaton. To the south of the site lies the Seaton Tramway Terminus with the tramlines running up the eastern boundary of the site. To the north of the site is a play area and then open countryside and the site lies adjacent a Tesco supermarket.

Proposed Development

Along the main road four flags (6m in height with 4m high flags) are proposed which would advertise the visitor centre in a range of colours. Two wayfinding signs (1.86m in height by 0.4m wide at a depth of 0.2m) are also proposed along the road frontage along with an entrance sign (1.35m high by 0.3m by 2m wide at a depth of 0.3m) adjoining the wheelchair access point. A further sign (1.4m high by 0.5m wide and 0.12m deep) advertising the cafe is proposed to the south of the building with two further flag pole signs proposed adjacent to the circular area on the boundary with the tram lines and Tesco.

Amended plans have been submitted during the consideration phase of the planning application. These amendments altered the adverts on new flag poles, instead of the

lampposts original planned. The proposal has been assessed on the basis of the merits of the amended plans.

ANALYSIS

The main issues concerning this proposal for advertisement consent are the impact on public amenity and impact upon highway safety.

Amenity

The most prominent flags will be the four that are positioned along the main road, known as 'The Underfleet', and these would be seen in the context of the main Seaton Jurassic building. The positions of the flags are in close proximity to this main building and so would not appear out of place. They will be on a verge and will not block any pavements or access paths. The other flag will be viewed against the Tesco Superstore that is set on higher land.

The wayfinding and entrance sign posts are more discrete and as they are set back further from the road will be less highly visible from the public realm and sit against the backdrop of the building.

Highway Safety

The prominence of the flags and notices are not likely to lead to distraction of drivers using this route. The advertisements would not result in confusion with directions or obscure views of pedestrians and other vehicles. No objections have been received from the Highway Authority. Therefore the proposal does not compromise highway safety.

The Town Council commented on the original plans that the flags would set a precedent for the creation of flags within the main town. However, each case must be assessed on its own merits and different advertisements in different locations would clearly have different benefits and potential harm which are not directly comparable. Therefore the proposal, if approved would not set a precedent elsewhere within Seaton.

Additionally the proposal would be supportive of the economic benefits deriving from the Jurassic Centre which is generated by visitors to the area.

RECOMMENDATION

APPROVE subject to the following conditions:

1. No advertisement shall be sited or displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

(Reasons for Conditions : As required by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.)

Plans relating to this application:

1190_WFDE_00 2	Proposed Combined Plans	28.10.15
1190_WFDE_00 4	Proposed Combined Plans	28.10.15
1190_WFDE_00 5	Proposed Combined Plans	28.10.15
1190_ES_001 C	Layout	11.11.15
1212_OS_001 B	Proposed Site Plan	11.11.15

List of Background Papers

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

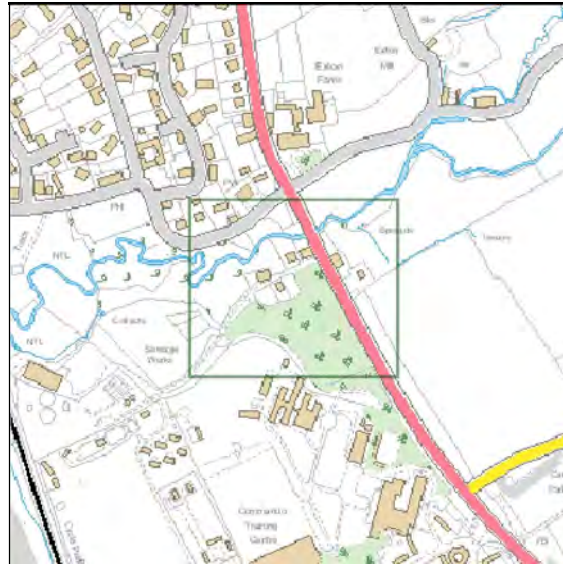
Ward Woodbury And Lymstone

Reference 15/0239/FUL

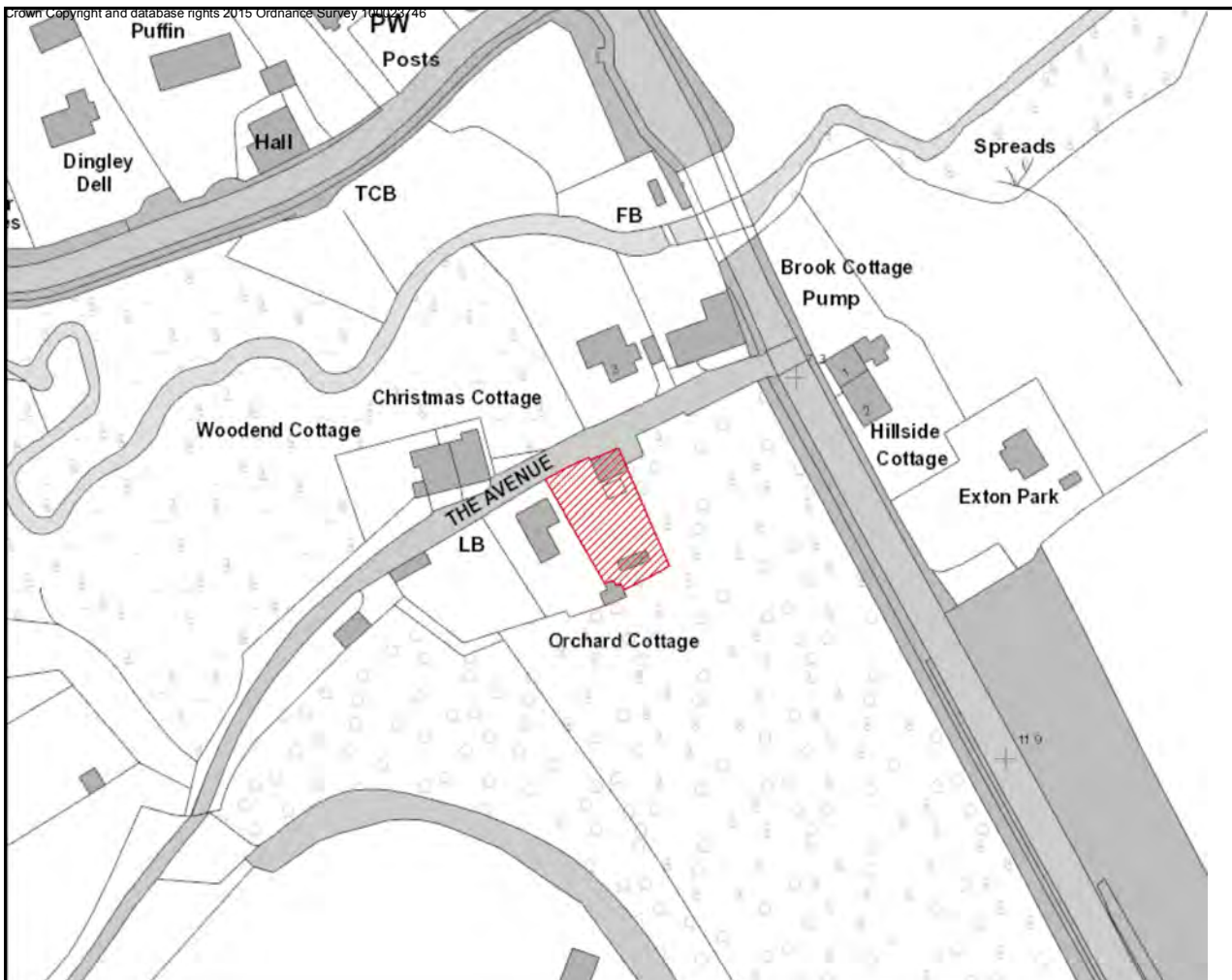
Applicant Mr & Mrs T Payne

Location Land East Of Orchard Cottage The Avenue Exton EX3 0PX

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



RECOMMENDATION: Refusal



		Committee Date: 19 January 2016
Woodbury And Lympstone (WOODBURY)	15/0239/FUL	Target Date: 26.03.2015
Applicant:	Mr & Mrs T Payne	
Location:	Land East Of Orchard Cottage The Avenue	
Proposal:	Demolition of existing garage and proposed new dwelling and vehicular access	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

Members will recall that this application was presented to the Development Management Committee 16 June 2015 when the agreed resolution was to approve permission contrary to the officer recommendation. Since that time, and following the issuing of the planning permission, a legal challenge was lodged against that permission alleging shortcomings in the decision to approve permission. Following a review of the permission, the Council chose not to defend the challenge but instead to submit to judgement and allow the application to be returned to the Council for redetermination. The following report therefore assumes no previous permission and seeks determination of the scheme afresh.

This full application proposes the erection of a single dwelling within The Avenue, an unadopted lane situated outside the built up area of the village and within a Green Wedge. The site has been subject to two previous refusals of permission at the Development Management Committee for residential development.

The lane serves as an access to five existing dwellings, four of them listed buildings, as well as providing a regular route for a tanker to access an MOD septic tank. The dwelling is proposed in two storey format utilising render, elements of timber boarding and a zinc roof. The parking and a turning area including a cesspool and soakaway are proposed within the area to the front of the dwelling. An existing garage of no particular merit would be removed.

The proposal moves the proposed dwelling a further 1m from Orchard Cottage but this change does not overcome concerns about the loss of amenity to the occupants of Orchard Cottage given the side gable of the proposal would be around 4.5m of the neighbouring property.

The area around The Avenue, whilst not designated for its landscape quality is included in the Green Wedge and has a subtle quality of spaciousness and natural character. It is considered that whilst there is some merit in removing the garage, the dwelling would add to the existing sporadic development in the locality and in terms of its scale and height would detract from the rural character of The Avenue contrary to the objectives of the Green Wedge. This, along with the location of the site in the countryside weighs against the proposal from an environmental dimension with the impact upon the neighbour undermining the social dimension. This harm is not outweighed by the small economic and social benefits from an additional dwelling.

As such, the proposal is considered to be unacceptable and has not overcome the reasons for refusal on the previous application.

CONSULTATIONS

Local Consultations

Woodbury & Lympstone - Cllr B Ingham

In light of the history of this application, I request it is sent to DMC for a decision.

Parish

Recommend refusal on the grounds of access, water run-off, proximity to a listed building and it is in the green wedge (P/S: Pattison/Reg Brown vote: 7 in favour/2 abstentions)

Technical Consultations

County Highway Authority
Highways Standing Advice

Environment Agency

Please refer to our flood risk standing advice for the appropriate comment for this application.

Environmental Health

Your attention is drawn to the Council's adopted Code of Practice for the Control of Construction Site Nuisance which is available on the EDDC website. The Code of Practice details the measures that the Council expects all works on construction sites to comply with to avoid excessive nuisance to residents. You should therefore ensure that all contractors on site are provided with a copy of this document and told to comply with it. Failure to comply with the code may lead to action under the Environmental Protection Act 1990 or the Control of Pollution Act 1974.

Devon County Archaeologist

I refer to the above application. The proposed development site occupies an area shown in the mid-19th century Tithe Map and on the late 19th and early 20th century OS maps as containing buildings that may be associated with the 17th century Orchard Cottage to the west. The structures within the application area appear to have been demolished sometime in the early 20th century and may be of some antiquity and contemporary with Orchard Cottage. Groundworks for the construction of the new dwellings have the potential to expose and destroy archaeological deposits associated with these earlier settlement here.

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

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

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

Reason

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

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

Other Representations

3 letters of objection received stating:

- There continues to be a lack of acceptance of unsuitability for The Avenue to have more traffic on it.
- The Avenue is a very narrow single road with no passing places.
- In addition it is a private road and provides valuable and necessary access to the MoD site.
- Large traffic needing site access continues to move up and down the road at all hours day and night.

- The bin situation remains unchanged so regular periods of poor visibility and access onto the A376 continue
- It is positioned very close to Orchard Cottage with harmful impact upon the amenity of the occupiers
- Soakaways next to the flood plain are difficult and will impact upon neighbouring property
- Contrary to Green Wedge Policy
- Inadequate foul drainage provision
- Impact upon protected species
- The design is not sensitive to the listed building
- There has never been a dwelling on the site.

POLICIES

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

Strategy 8 (Development in Green Wedges)

D1 (Design and Local Distinctiveness)

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)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Adopted East Devon Local Plan Policies

S5 (Countryside Protection)

S6 (Development in Green Wedges)

S7 (Infrastructure Related to New Development)

D1 (Design and Local Distinctiveness)

EN6 (Wildlife Habitats and Features)

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

TA1 (Accessibility of New Development)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

ANALYSIS

Relevant Planning History:

Application number 13/1749/FUL for the construction of 2 flats and a single dwelling was refused planning permission by the Development Management Committee for 7 reasons on the 16th December 2013. The reasons for refusal related to the location of the site within the Green Wedge; design being out of character; drainage; inadequate access width and turning within the site; and unacceptable levels of overlooking.

A subsequent application 14/1504/FUL for 'Demolition of existing garage and proposed new dwelling and vehicular access' was refused by the Development Management Committee on the 23 October 2014 for the following reasons:

1. The proposal would constitute an unacceptable addition to, and consolidation of the existing loose knit sporadic development in the vicinity of the site that is located within the countryside designated as a Green Wedge beyond the built-up limit of Exton. The site is both physically and visually separate and therefore poorly related, and would detract from the existing rural vernacular character of the Avenue. As a consequence, the proposed development would be contrary to the provisions of Policies S5 (Countryside Protection), S6 (Development in Green Wedges) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 1995-2011 and Strategy 8 (Development in Green Wedges) and Policy D1 (Design and Local Distinctiveness) of the New East Devon Local Plan 2006 to 26 Proposed Submission (Publication) November 2012.

2. The proposal by reason of the proximity and height of the south west gable would result in an overbearing impact and loss of outlook for the neighbouring property to the west, Orchard Cottage, and its private garden area, resulting in a detrimental impact upon and loss of amenity enjoyed by the occupiers of the property. As a consequence, the proposal would be contrary to the provisions of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 1995-2011 and Policy D1 (Design and Local Distinctiveness) of the Draft New East Devon Local Plan.

Site Location and Description:

The site is at present formed by a garage adjacent to the lane and an area of unkempt and overgrown land to the south of the lane known as The Avenue which is

located on the south side of the village of Exton between the A376 and the estuary. The site is outside of the built-up area boundary as set by the adopted local plan; in the draft local plan it is intended to remove the built-up area boundary from Exton completely.

Access to the site is from the A376 Clyst St Mary to Exmouth Road into an unsurfaced road serving 4 existing properties, 4 to the north, 1 to the south, as well as access by HGV to the Lympstone MoD's septic tank. The site is adjacent to the east of Orchard Cottage; the land rises from the track in a southerly direction. 4 of these dwellings are Listed Buildings.

The site is within the local green wedge which is intended to remain for the next plan period. The site is within 10km of the Exe Estuary European site.

Proposed Development:

Planning permission is sought for the construction of a detached three bedroom dwelling in two storey format, orientated so the ridge falls in a north easterly / south westerly ridge with its principal elevation facing the lane to the north. It would be positioned behind the front building line of Orchard Cottage to the south west. The application is for full planning permission. The existing garage is proposed to be removed, and a drive and turning area installed to the front of the dwelling as well as a cess pit and soakaway.

The dwelling proposed has a contemporary appearance with the use of cedar boarding over white rendered walls and feature windows at first floor level underneath the eaves. At the rear a two storey nib is proposed to provide space for bathrooms as well as a small paved area and storage for bikes.

The Design and Access statement summarises the changes to the proposed development in an attempt to overcome the previous reasons for refusal. The changes can be described as:

1. A reduction in the width of the dwelling from 11.0 metres to 9.5 metres allowing for a further 1.0 metre separation from Orchard Cottage.
2. A detailed analysis of the impact on Orchard Cottage
3. Introducing a 2.0 metre high trellis boundary with Orchard Cottage
4. Proposing a three bed instead of a four bedroom property.

Issues and Assessment:

Whilst this application is different from the previous application, and each must fall to be considered on its own merit, the concerns raised on the previous refusal should form some basis for consideration of this application, as well as considering any new matters arising. The issues are seen as: Principle and Policy Context; Green Wedge designation; The design, format and materials proposed; Effect to the character of The Avenue; Setting and character of Listed Buildings; Amenity of neighbouring properties; Ecology impacts on site; Ecology impacts off site; Access and Highway matters; Flooding and drainage; Archaeology.

Principle and Policy Context

The site lies outside of the built-up area boundary for Exton and therefore occupies an open countryside location for the purposes of the adopted local plan.

Although the draft local plan has yet to be adopted, Exton is not identified as a sustainable settlement for future growth under emerging Strategy 27 and hence it is intended that it should not keep its Built-up Area Boundary. As such the site is in the open countryside for the purposes of the emerging local plan.

The future strategy of the Local Plan envisages no new open market development at the village over the forthcoming plan period (unless justified as an 'Exceptions' site or through a Neighbourhood Plan). Whilst it is accepted that the Plan cannot at this stage be afforded full weight in advance of receipt of the Local Plan Inspectors Report, it does nevertheless give a very strong indication as to intended future policy and this weighs against the proposal.

At the time of the most recent application for the construction of a dwelling it was considered that the Council could not demonstrate a five year supply of housing land and it was concluded that the site was fairly sustainable due to the services and facilities available at Woodbury and Lympstone, and more so in Exmouth and Exeter, and these would be available by the regular bus services along the A376. As such the previous applications were not refused on the basis of the sites inaccessible location.

Until the receipt of the Inspectors Report to the emerging New Local Plan, only the second part of Policy S5 carries any weight (the first part of the policy relating to the supply and location of housing being out of date in the absence of a 5 year supply of housing). Policy S5 defines land outside of the built up area Boundaries (BUAB's) shown on the Proposals Map as the countryside. The policy states that development within the countryside will only be permitted where other policies in the plan allow and where it would not harm the landscape, amenity and environmental qualities within which it is located.

There are no other Local Plan policies that would support housing development on the application site and as such the application represents a departure from the adopted Local Plan and has been advertised as such. This weighs against the proposal although in the absence of a 5 year supply of housing land, paragraph 14 of the NPPF requires the application to be considered on the basis of its sustainability credentials. The application therefore needs to be considered against any benefits or harm to the environmental, social and economic strands of sustainability.

Whilst the proposal would provide some economic and social benefits from the construction of the dwelling, this is limited to the benefits from the construction and provision of a single dwelling only. It is considered that the limited benefit for the social and economic dimension to sustainable development is partly undermined through the location of the site away from a range of services and facilities. In addition, it is considered that the environmental dimension is harmed to a much greater extent by virtue of the location of the site within the countryside and Green

Wedge (see below) and the social dimension harmed impact upon the amenity of the adjoining occupiers (addressed further below in the report).

Green Wedge

The site is divorced from the current built-up area boundary and within the local Green Wedge on land adjoining the Exe estuary and West of the A376 North of Lympstone to the Royal Marines site.

Policy S6 (Development in Green Wedges) of the adopted Local Plan and Strategy 8 (Development in Green Wedges) of the emerging New Local Plan, seek to protect neighbouring settlements from 'creeping' development. The justification to the policy states that 'To prevent such coalescence it is important that open land between settlements is retained thus helping them maintain their separate identities, their landscape settings and to avoid the creation of unrelieved development.'

Policy S6 states the following:

'Within Green Wedges, as defined on the Proposals Map, development will not be permitted if it would add to existing sporadic or isolated development or damage the individual identity of a settlement or could lead to or encourage settlement coalescence.'

Whilst there are 5 existing homes within the Avenues it is considered an additional dwelling would change the character of this grouping by infilling of space between the only dwelling to the south of the Avenue and the main road. This would be contrary to Policy S6 given that an additional dwelling in this location would add to the existing sporadic and isolated development of the 5 existing homes. Whilst it is not thought the proposal would lead to or encourage settlement coalescence given its location on the south side of the Avenues away from Exton itself, it would change the pattern of development that Policy S6 seeks to protect.

The applicant has advised that they consider the purpose of the Green Wedge to protect the East bank of the Exe Estuary, and is not to protect one dwelling on a previously developed curtilage. This view seems to have been taken from the preamble to Policy S6 (Development in Green Wedges) however this preamble only states areas that are considered necessary to protect "land adjoining the Exe Estuary west of the A376 north of Lympstone to the Royal Marines site and north of Exton to Marsh Barton" so it is not clear why the applicant considers it only relates to the East bank of the estuary. For clarification, the designation of the Green Wedge is not related to the protection of the estuary and its ecological value or designations and is confirmed in the justification for the policy that relates to 'landscape settings'.

Whilst the design of the dwelling has been revised from the previous application, it is not considered that this is sufficient to overcome the concerns regarding the impact of the development in terms of its addition to, and consolidation of the existing loose knit sporadic development in the vicinity of the site that is located within the countryside designated as a Green Wedge beyond the built-up limit of Exton. The site is still viewed as being both physically and visually separate from Exton and

therefore poorly related, and would detract from the existing rural vernacular character of the Avenue.

Therefore an objection is still retained on the harm to the Green Wedge and this weighs against the proposal in terms of causing harm to the environmental dimension of sustainable development.

Neighbour Impact

With the exception of Orchard Cottage, it is considered that there would be a limited effect on the amenity of neighbouring properties. This is due to the position and distance relative to the existing homes. The proposal would face No 3 and whilst this neighbour has windows at ground and first floor levels on the facing elevation given the distance of greater than 20m, it is considered the proposal would not give rise to unacceptable overlooking. Nor given the distance, is it considered it would be sufficiently overbearing to warrant an objection or lead to a loss of light (as opposed to direct sunlight).

In terms of Orchard Cottage, there would be a first floor blank wall presented to the rear of the cottage, and the projection and rear window in the main part of Orchard cottage (as opposed to within the projection). Whilst the amended plans move the dwelling 1m to the east, it is not considered that concerns about the overbearing nature of the development and loss of outlook at least from the rear ground floor window (acknowledging that the said window may not provide the main light into the room which it serves) have been adequately addressed.

Whilst permitted development rights could be removed for windows in the south west facing gable of the proposal, the amended scheme still positions a gable wall 6.5m high within 1.5m of the boundary with Orchard Cottage. It is therefore considered this would amount to an unacceptable degree of harm to the amenity of the occupiers of the cottage, including the garden area to the rear and an objection is raised on grounds of loss of amenity.

This weighs against the proposal from an environmental perspective.

Ecology impacts off site

The Unilateral Undertaking submitted with the application includes a contribution to the Pebblebed Heaths since at the time of submission there was no formal process adopted. However the applicant has latterly advised that they would agree to the joint contribution of £749 for both the Exe Estuary and Pebblebed Heaths.

Access and Highway matters

Whilst objections have been received from the Parish Council and neighbours on the highway aspects of the proposal, County Highways have stated that the application falls under standing advice. However given the history and concerns related to this issue it has been discussed with the highway authority. It is considered that there is sufficient room to access, park and turn a vehicle adequately. If approval were

forthcoming, a condition would enable the parking area to be brought forward and made available prior to the first use and to remain for the dwelling.

In terms of the access from the Avenue out on to the A376, County Highways have acknowledged that whilst visibility is affected by overhanging branches, technically the parameters of the splay meet the minimum standards for 'Manual for Streets'. They go on to say that the Avenue itself is restricted in width and with a lack of passing spaces.

In summary, mindful of the previous applications where there were similar circumstances for an application for one dwelling, they have not raised an objection, given that that proposal, whilst refused for other reasons, did not turn on the concerns relating to the access on to the A376. Therefore, County Highways have advised that any approval should be conditional on the provision of splays on to the A376.

Whilst a neighbour has commented on the lack of information for journeys for vehicles emptying the proposed cesspool, unlike the arrangements for the MoD which seem quite frequent, this would be of a domestic scale. No objection has been received from County Highways on the level of traffic attracted to the site and therefore an objection is not raised.

Flooding and drainage

Whilst concerns have been raised by neighbours both on the flooding potential and drainage arrangements for the dwelling, no comments have been received from South West Water on the proposals; the Environment Agency, whilst not objecting, have advised that the developer should contact them for advice on non mains drainage. The applicant proposes foul drainage by means of a cesspool given that the nearest mains is 100m distant.

The previous application was refused, with one of the grounds being that there was inadequate information that the drainage proposals would not affect neighbouring properties; however that scheme was for a package treatment plan. This application proposes a cesspool which is a sealed unit with no soakaway. The foul drainage assessment advises that the proposals meet all elements of the standing advice, and therefore in this case, it is not considered that a specific objection be raised on the drainage arrangements.

Whilst the concerns of neighbours are of course understood in this regard, presumably other dwellings within the Avenue have similar arrangements. The drainage of the site remains essentially a matter for Building Regulations, which have to be met and satisfactory arrangements put in place with the Environment Agency in order that a dwelling may be occupied. (The matter of trips for emptying the cesspool are dealt with under the section covering Highways and Access).

In terms of the flood zone, the site is located in Flood Zone 1 and therefore there is no specific objection in terms of the position of the proposed dwelling. In principle this is considered acceptable and whilst objections have been received there is no

technical or sequential reason for the proposal to be resisted, or objection from the Environment Agency.

Archaeology

The County Archaeologist advised that given the potential for uncovering evidence of archaeological remains that a condition should be attached to any approval.

Setting and character of Listed Buildings

It was previously considered with the original submission that the position of the new dwelling would be dominant, given the distance of 2m to Orchard Cottage. However the footprint has now moved further to the east and given this change as well as the amendments to the appearance, the previous concerns have been met. Therefore, it is considered the setting of Orchard Cottage as a Listed Building would not be harmed. There are also concerns relating to the provision a 2m fence between the site and Orchard Cottage, but this could be controlled by means of condition.

Conclusion

Whilst there are some social and economic benefits from the provision of a dwelling, these benefits are limited and considered to be outweighed by environmental harm from development within the Green Wedge and the social harm to the amenity of the adjoining occupiers.

In light of this, and in the absence of any significant change to the application from the previous refusal of permission, the application is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposal would constitute an unacceptable addition to, and consolidation of the existing loose knit sporadic development in the vicinity of the site that is located within the countryside designated as a Green Wedge beyond the built-up limit of Exton. The site is both physically and visually separate and therefore poorly related, and would detract from the existing rural vernacular character of the Avenue. As a consequence, the adverse impacts significantly and demonstrably outweigh the benefits and the proposed development would be contrary to the provisions of Policies S5 (Countryside Protection), S6 (Development in Green Wedges) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 1995-2011 and Strategy 7 – Development in the Countryside, Strategy 8 - Development in Green Wedges, and Policy D1- Design and Local Distinctiveness of the emerging New East Devon Local Plan and the National Planning Policy Framework.
2. The proposal by reason of the proximity and height of the south west gable would result in an overbearing impact and loss of outlook for the neighbouring property to the west, Orchard Cottage, and its private garden area, resulting in a detrimental impact upon and loss of amenity enjoyed by the occupiers of the

property. As a consequence, the proposal would be contrary to the provisions of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 1995-2011 and Policy D1 - Design and Local Distinctiveness of the Draft 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 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:

ECOLOGICAL IMPACT ASSESSMENT	Protected Species Report	28.01.15
T1	Location Plan	28.01.15
S1	Existing Site Plan	28.01.15
	Flood Risk Assessment	28.01.15
P1	Proposed Site Plan	28.01.15
P2	Proposed Floor Plans	28.01.15
P3	Proposed Elevation	28.01.15
P4	Proposed Elevation	28.01.15
P5	Street Scene	28.01.15
P6	Street Scene	28.01.15
P7	Combined Plans	28.01.15
P7 A	Combined Plans	28.01.15

List of Background Papers

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