

Agenda for Development Management Committee Tuesday, 21 April 2015; 2.00pm

[Members of the Committee](#)

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

[View directions](#)

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01395 517542, Issued 9 April 2015



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[Speaking on planning applications](#)

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

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

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

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

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

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Monday 13 April up until 12 noon on Thursday 16 April 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.

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

- 1 Minutes of the Special Development Management Committee meeting held on 23 March (page 4 - 12) and Development Management Committee held on 31 March 2015 (page 13 - 27)
- 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 28 - 31)
Service Lead – Planning Strategy and Development Management

- 7 **Planning appeals status report** (page 32 - 35)
Service Lead – Planning Strategy and Development Management

- 8 **Off site affordable housing calculator** (page 36 - 40)
Planning Policy Manager
2 speakers permitted – please see front of agenda for instructions on how to register to speak on this item.

- 9 **National Trust setting study for A La Ronde** (page 41 - 44)
Planning Policy Manager

- 10 **New Local Plan policies – weight to be attributed** (page 45 - 53)
Service Lead – Planning Strategy and Development Management

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

Applications for determination:

15/0424/RES (Minor) (page 54 - 62)

Axminster Rural

Ashmount, Green Lane, Axminster EX13 5TD

15/0549/COU (Other) (page 63 - 67)

Exmouth Littleham

Car Park, Maer Road, Exmouth

15/0427/FUL (Minor) (page 68 - 76)

Honiton St Pauls

George Street Garages, George Street, Honiton

15/0157/FUL (Major) (page 77 - 81)
Newton Poppleford and Harford
Byways, Back Lane, Newton Poppleford EX10 0BX

14/2861/MRES (Major) (page 82 - 99)
Ottery St Mary Rural
Land north of Eastfield, West Hill

14/2820/FUL (Minor) (page 100 - 108)
Ottery St Mary Town
Ware Farm (land at), Ottery St Mary EX15 1PJ

14/2695/FUL (Minor) (page 109 - 125)
Seaton
Pendeen, Castle Hill, Seaton EX12 2QP

14/2801/FUL (Minor) (page 126 - 142)
Trinity
Land adjacent to Regis House (formerly Lydwell House), Lyme Road, Uplyme

15/0217/FUL (Minor) (page 143 - 158)
Yarty
Land to the rear of St Andrews School, Chardstock EX13 7BX

Please note:

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

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

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

[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL

Minutes of a Special Meeting of the Development Management Committee held at Knowle, Sidmouth on 23 March 2015

Attendance list at end of document

The meeting started at 10am and ended at 5pm.

***63 Declarations of interest**

Cllr Geoff Pook; Item 5 (Local Plan) and 6 (CIL); Personal Interest (remained in the Chamber during the debate and vote); Involved in the construction industry and Chairman of Beer Community Land Trust.

Cllr Mike Howe; Item 5 (Local Plan); Personal Interest (remained in the Chamber during the debate and vote); Business owner in Clyst St Mary.

Cllr Helen Parr; Item 5 (Local Plan); Personal Interest (remained in the Chamber during the debate and vote); Landowner of the Rowan Drive site in Seaton was secretary to the local Conservative Association.

***64 Proposed amendments and supporting evidence to the New East Devon Local Plan**

Prior to Officers introducing the item, the Chairman briefly set out the background of how the Council had reached the current stage of the Local Plan process.

She advised that the Plan, shaped through extensive public consultation and having evolved over a number of years, set the blueprint for how the Council wished to see East Devon develop over the years ahead. The Plan sought to strike the right balance between development needs and conservation.

The Plan accommodated substantial growth in the West End with far more modest levels of development in the rest of East Devon, which was primarily focused on serving and meeting local needs, as sought by the town and rural communities. Higher levels of growth were proposed in Axminster, reflecting the wishes of the Town Council.

Following the Examination oral hearing sessions in early 2014, the Inspector had written to the Council asking for further work on:

- Housing numbers
- 5 year housing land supply and housing distribution
- Plan period
- Provision for gypsy and travellers

This work had unfortunately taken longer than hoped, however was now completed to the point where proposed changes were identified in the Plan. The Committee was being asked to consider the series of proposed changes, primarily those which the Inspector had identified as relevant.

Recommendations from the Committee would go forward to the Extra Ordinary meeting of the Council on 26 March. Council would make the formal decision to seek the view of the Inspector in respect of the appropriateness of future consultation. Subject to the Inspector's endorsement there would be a six week consultation on the proposed changes, the evidence that informed the changes and questions proposed by the Inspector. Subject to the responses received, and the availability of the Inspector, oral hearing sessions of examination should restart in 2015 and subject to being found sound, the Plan could be adopted later in the year.

The Committee heard from a number of public speakers who had indicated they wished to make a representation on the proposed changes to the Local Plan. The Chairman thanked speakers for their contributions, which covered:

- Sustainability of rural villages and the need to provide housing to support existing facilities and services. It was considered that too much focus was placed on the use of a private vehicle;
- Concerns about Cranbrook Plan Study Area, which encompassed Rockbeare village, designated green wedges and approved Neighbourhood Plan areas.
- Cranbrook Plan Study Area was considered unnecessary and the delays of producing a Development Plan Document would put extra pressure on surrounding villages to take development. The original text should be retained in respect of the expansion areas and the expansion to the south west retained as previously indicated but for the current Plan period rather than post 2026;
- The importance of affordable housing provision and meeting local need;
- Concerns regarding proposed changes to policy E7 and possible future expansion of Greendale Business Park
- The Objectively Assessed Housing Need figure was too high and should be reduced to 850 homes per year;
- The allocation at Tithebarn/Mosshayne should be removed to avoid coalescence between Cranbrook and Exeter;
- The need to allow for 'organic' growth in rural villages through mixed development;
- Support for the removal of the reserve site in Seaton;
- Growth needed to be gradual – the growth proposed for Clyst St Mary doubled its size and would result in the village's identity being lost;
- Housing on the Brownfield site at Winslade Park should be of low density;
- Development of the Greenfield site at Clyst St Mary threatened the Village's sports and recreation project;
- Clyst St Mary's allocations should be made through its Neighbourhood Plan not the Local Plan;
- Development of the Greenfield site in Clyst St Mary would result in a loss of high-grade agricultural land and would impact on the setting of the listed building at Winslade Park. There was no community support for the development of the site;
- There was a need to take a holistic approach to development within the growth point – policies were required that shaped the deliverability of sustainable development.
- The Greenfield site allocated at Clyst St Mary was available and deliverable with good access to facilities and employment.

The Chairman then invited Ward Members, not on Committee, to make representations on the proposed changes to the Plan. Comments included:

- The need for Members to understand the projected housing and job figures in detail;
- Replacing the employment land north of Sidford for a site north of the A3052 (next to Sidmouth Garden Centre site) due to ongoing concerns about the current allocation;
- Land between Sidford and Sidbury should be designated as a Green wedge to prevent coalescence;
- There was over provision of employment land allocated for Sidmouth;
- Proposed housing figures for the Plan period were not properly evidence based and proposals put greater pressure on the few sustainable villages identified;
- Concern about whether the disaggregated approach, with most of the District's growth being proposed in the West End, was accepted by the Inspector;
- Approved Neighbourhood Plan areas needed to be respected;
- The Cranbrook Plan Study Area had raised a number of concerns locally and needed to be clearly explained;

- Policies relating to sustainability were too restrictive. Greater flexibility was needed in order to protect existing facilities and services in the rural villages and create a vibrant countryside;
- There was a need to allow rural villages to grow to meet the needs of the community in order for them to be sustainable.

In addition to the committee report, Members had received a draft schedule of proposed changes to the Plan, a revised draft of the new East Devon Local Plan, with tracked changes highlighting the proposed amendments, and a further addendum report circulated at the meeting for consideration.

The Service Lead – Planning Strategy and Development Management presented the key recommended changes to the Plan, which were outlined in the Committee report:

- Amending the Plan to run from 1 April 2013 to 31 March 2031.
- Providing for an Objectively Assessed Housing Need figure of 950 homes per year (17,100 new homes over the 18 year period). In the recommended policy changes it was projected that the Plan would provide for 18,303 new home across the Plan period – the ability to accommodate an additional 1203 homes above the Objectively Assessed Need Figure provided positive flexibility in terms of future housing provision. Officers were proposing that the established policy approach of directing development to the Growth Point be maintained, with limited levels of growth to the towns and development limited in the villages.
- Site specific changes in respect of:
 - Cranbrook (Strategy 12) – The proposed changes deleted the ‘indicative location’ house, shown in the Plan submitted for examination, and proposed a defined ‘Cranbrook Plan Study Area’ for an additional 1550 homes for Cranbrook.
 - Tithebarn/Mosshayne Lane – A further 900 homes were proposed to be allocated on land to the east of the existing permitted site.
 - Winslade Park – 200 new homes were proposed to be allocated on Greenfield land immediately adjoining existing dwellings and through the redevelopment and reuse of existing redundant office buildings and some infill development. Provision was also made for 0.7 hectares of B1 employment uses.
 - Intermodal site – Revised policy wording proposed to enable allocation of a safeguarding area for the rail head at the Intermodal site to ensure the availability of the land for future provision and to resist development that could adversely impact on or prejudice longer term provision. The need for the change arose from uncertainty over the deliverability and demand for the railhead and the need for clarity over what would be required to facilitate delivery of the site. The delivery of the site had a direct impact on housing numbers, which was one of the main concerns of the Inspector.
 - Reserve site at Seaton – Deletion of the reserve site at Seaton was proposed due to projected development levels at the town reaching expected levels and therefore the site was no longer required. The mixed-use employment and recreation site remained an allocation.
- Villages in East Devon (Strategy 27) - classification of a) villages where the full range of housing needs could be accommodated and b) villages where development focused on meeting identified local affordable housing needs would be permitted.
- Cranbrook policy wording – policy references were updated and specific reference was made to the Cranbrook Plan work and production of a Cranbrook Development Plan Document.
- New policy wording was proposed in respect of noise issues arising from Exeter Airport.

- There was a commitment to working with West Dorset District Council.
- Greater reference to the relevance of habitat regulations and mitigation measures (particular relevance at Exmouth) was included.
- Duplications of text had been removed and simplifications made.
- Members were also advised that in light of the new SHMA, recent permissions and commencements on site, that the Council could now demonstrate a 5 year housing land supply and that projections showed that the position would be further enhanced upon the adoption of the Plan and could be maintained.

The Committee was advised that in respect of gypsy and traveller provision, a joint study had been commissioned and was currently in draft form. The draft report indicates a likely need for in the region of 37 gypsy and traveller pitches as well as a number of travelling show persons and transit sites. Site allocations for provision would be identified through a Development Plan Document.

Following the Committee's detailed considerations of the key proposed changes outlined, the Chairman guided the Committee through the remaining changes in the draft schedule and invited Members to make comments.

RECOMMENDATION:

that the Development Management Committee endorses and recommends that Council:

1. endorses and accepts the draft Schedule of Changes to the East Devon Local Plan, including the following key proposed changes:
 - Amending the Plan period to start on 1 April 2013 to an end date of 31 March 2031;
 - Providing for an Objectively Assessed Housing figure of 950 new homes per year (17,100 new homes over the 18 year period);
 - Notes that the revised Plan projects that 18,303 new homes will be provided for the Plan period (*however with deletion of land at Clyst St Mary and adjustment of housing number at Rowan Drive, Seaton, see below, the figure drops to 18,241*);
 - Including a definition of the Cranbrook Plan Study Area (within which to accommodate an extra 1550 houses) and deletion of the house symbol south-west of the part developed Cranbrook land;
 - Allocation of housing sites at Tithebarn/Mosshayne Lane and Winslade Park (Clyst St Mary);
 - Allocation of a safeguarding area of land at the Intermodal site for a railhead.
 - Deletion of the reserve site in Seaton as an allocation;

together with the series of minor further proposed changes in the addendum report, subject to the following additional amendments (not including minor typographical and consistency amendments):

- a) Chapter 6 – Inclusion of text after paragraph 2.7 summarising projected development and population change and reinstatement of a table showing housing provision at Appendix C/3.
- b) Chapter 10 (Exmouth), Habitat Mitigation in Exmouth – Broaden wording to include strategic developments beyond those within the Masterplan.

- c) Strategy 12, Development at Cranbrook – Reference to health to be included in point 4.
 - d) Chapter 15, Smaller Towns, Villages and Countryside: Proposed new policy on the re-development of redundant offices complex at Winslade Park and land adjoining Clyst St Mary – Remove the proposed northerly (Greenfield) land allocation at Clyst St Mary and reduce the total housing allocation figure for Clyst St Mary to 150, on the Brownfield land.
 - e) Chapter 15, Smaller Towns, Villages and Countryside: Revised Strategy 27 – Dunkeswell to be included in the list of settlements to receive a Built-up Area Boundary and policy wording for those settlements not listed, to be amended to refer to community led development (for example Community Land Trusts)..
 - f) Chapter 15, Small Towns, Villages and Countryside, 15.2 – Amend to read ‘...primary focus for rural development will be on promoting sustainability...’
 - g) Chapter 16, Thriving Communities, 16.10 – Amend to read ‘...associations of businesses..’
 - h) Chapter 16, Thriving Communities, 16.23 – Amend to read ‘Community self build schemes supported by Housing Associations and others, for example Community Land Trusts, can...’
 - i) Chapter 17, Climate Change and Renewable Energy, 17.10 – Include reference to the replacement for the Code for Sustainable Homes.
 - j) Strategy 25, Development at Seaton – Housing allocation for north of Rowan Drive to be amended to provide 30 new homes.
 - k) Strategy 26, Development at Sidmouth – An advisory note to be sent to the Inspector asking that he take account of the ongoing objections and concerns expressed within the local community regarding the employment allocation north of Sidford.
 - l) Strategy 34, District Wide Affordable Housing Provision Targets – In the paragraph addressing viability issues include reference to overage clause in respect of future profits and affordable housing provision, where levels provided fall below policy targets.
 - m) Chapter 20, Monitoring – Health and social care to be added to the list of key monitoring indicators.
 - n) References in the Plan to the 2001 Census to be updated to 2011 Census.
 - o) Setting the context – In the paragraph addressing the Village Development Plan Document delete reference to allocations of land and add text after ‘villages’ to read ‘..and for Hill Barton and Greendale Barton Business Parks’.
2. endorses and accepts the additional evidence used to inform plan changes and produced as supporting evidence to the Plan;

3. agrees to requesting the Inspector to propose relevant questions to ask as part of a subsequent consultation process;
4. agrees to give delegated authority to the Service Lead – Planning Strategy and Development Management to make changes to the Local Plan prior to a consultation exercise being carried out to correct any typographical mistakes or to ensure consistency throughout;
5. agrees to undertake a six week public consultation on the proposed plan changes, the evidence that informs the changes and the questions proposed by the Inspector.
6. agrees that, after consultation is concluded, responses received (which will be public documents) be forwarded directly to the Inspector and a request made to the Inspector to recommence oral hearing sessions as soon as reasonably possible.
7. agrees that responses received to the consultation be reported back to Development Management Committee.

(Cllr Ben Ingham asked that his vote against recommendations 1 and 2 be noted).

***65 Amendments to the Community Infrastructure Levy (CIL) draft Charging Schedule and response to the Inspector's concerns**

The Committee considered and discussed the report of the Planning Policy Officer setting out proposed amendments to the Community Infrastructure Levy (CIL) draft Charging Schedule and response to concerns raised by the Inspector.

The draft Charging Schedule for East Devon had been submitted for examination in August 2013 alongside the new Local Plan. Following an examination hearing in March 2014 the Inspector had written to the Council outlining key issues he felt needed to be addressed. Concern had particularly been raised regarding the evidence behind the residential and retail charges proposed for Cranbrook; the report set out a proposed response to these concerns. In addition, the report addressed aligning the Charging Schedule and its supporting evidence with the new allocations proposed in the Local Plan. An early review of the CIL Charging Schedule would be required when the site(s) for the proposed additional 1550 homes at Cranbrook was identified.

The Chairman invited a member of the public registered to speak on the item to address the Committee. During their representation, the speaker welcomed the £0/sqm charge for retail development at Cranbrook and advised that this charge should apply to the whole of the defined 'Study Area'. The proposed £68/sqm charge for residential development was considered too high and asked that agreement of the charge be delayed until there had been consultation with the New Community Partners. The residential charge, when agreed, should also apply to the expansion area.

In response to a question, Members were advised that there would be an opportunity for all parties to comment on the proposals through the consultation process.

RECOMMEDATION:

that the Development Management Committee endorses and recommends that Council:

1. agrees the amendments to the Draft Charging Schedule and maps in order to propose a £0/sqm charge for retail development at Cranbrook;
2. agrees the amendments to the Draft Charging Schedule and maps in order to extend the £80/sqm charge for residential development in the edge of Exeter allocations to apply to the newly proposed allocation of land at Mosshayne;
3. agrees the introduction of a specific review trigger for the Charging Schedule associated with the Cranbrook plan and production of a DPD to allocate additional development at Cranbrook.
4. agrees the proposed additional report ([Appendix 1](#)) prepared in response to Inspector's concerns raised in his letters to the Council regarding proposed CIL charges at Cranbrook;
5. agrees to requesting the Inspector to propose relevant questions to ask as part of a subsequent consultation process;
6. agrees, to undertake a six week public consultation on the Revised Draft Charging Schedule, the evidence that informs the changes and the questions proposed by the Inspector;
7. agrees that, after consultation is concluded, responses received (which will be public documents) be forwarded directly to the Inspector and a request is made to the Inspector to recommence oral hearing sessions in conjunction with the reconvened Local Plan hearings;
8. agrees that responses received to consultation be reported back to Development Management Committee; and adopts the Cranbrook IDP and Sports, Leisure and Recreation at Cranbrook Report for use in assessing and determining planning applications.

Attendance list

Present:

Committee Members

Councillors:

Helen Parr (Chairman)

David Key (Vice Chairman)

Mike Allen

David Atkins

Peter Burrows

Bob Buxton

Alan Dent

Vivien Duval Steer

Martin Gammell

Mike Howe

Ben Ingham

Geoff Pook

Peter Sullivan

Mark Williamson

Officers

Richard Cohen, Deputy Chief Executive

Matt Dickins, Planning Policy Manager

Ed Freeman, Service Lead – Planning

Henry Gordon Lennox, Principal Solicitor

Naomi Harnett, Project Manager

Linda Renshaw, Senior Planning (Policy) Officer

Claire Rodway, Senior Planning (Policy) Officer

Tim Spurway, Neighbourhood Planning Officer

Darren Summerfield, New Community Officer

Ross Sutherland, Planning (Policy) Officer

Hannah Whitfield, Democratic Services Officer

Mark Williams, Chief Executive

Also present

Councillors:

Ray Bloxham

Susie Bond

Peter Bowden

David Cox

Christine Drew

Jill Elson

Martin Gammell

Roger Giles

Graham Godbeer

Tony Howard

Stuart Hughes

Stephanie Jones

Pauline Stott

Andrew Moulding

Frances Newth

Ian Thomas

Graham Troman

Tim Wood
Claire Wright

Apologies:

Committee Members

Councillors:

Roger Boote

Geoff Chamberlain

Non-Committee Members

Councillor Paul Diviani

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 31 March 2015

Attendance list at end of document

The meeting started at 9.35am and ended at 6.08pm.

The Vice Chairman, Cllr Key, was unable to attend the start of the meeting and in his absence, the Committee agreed for Cllr Williamson to assume the role until he arrived.

***66 Minutes**

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

***67 Declarations of interest**

Cllr Peter Burrows; 13/1091/MOUT & 14/1897/FUL; Personal Interest (remained in the Chamber during the debate and vote); Member of Seaton Council.

Cllr Peter Sullivan; 15/0129/FUL; Personal Interest (remained in the Chamber during the debate and vote); Member of Sidmouth Council.

Cllr Helen Parr; 13/1091/MOUT; Personal Interest (remained in the Chamber during the debate and vote); Applicant is secretary to the local Conservative Association.

Cllr Andrew Moulding; 15/0147/FUL; Personal Interest (remained in the Chamber during the debate and vote); Applicant is a friend.

***68 Policy update report on 5 year housing land supply and affordable housing requirements**

The Chairman agreed for the Service Lead – Strategic Planning and Development Management's report to be taken as an urgent item in order to update the Committee on key changes to the Council's position in respect of housing land supply and affordable housing since the committee agenda was published.

The key changes outlined were:

- 5 year housing land supply – the Council's monitoring figures had been updated following publication of the SHMA to take account of the new needs assessment and as result the Council could now demonstrate a 5.45 land supply for housing (including the required 20% buffer). This was a significant step forward from the previously reported position of between 3.51 and 3.83 years and arose from the permissions that had been granted since March 2014 and having an up to date SHMA as an accurate baseline. As a result of the change housing restraint policies which previously could not be given full weight due to a lack of supply could now be given full weight, such as Built up Area Boundaries (BUABs).
- In light of the Council now having a 5 year housing land supply, Built up Area Boundaries (BUABs) could in principle now be given significant weight, however the amount of weight applied to each BUAB was dependant on its compliance with the NPPF. Additional work for the emerging new Local Plan had concluded that not all settlements were sustainable for wider development needs and it was considered that only those settlements listed within the revised Strategy 27 of the emerging new Local Plan were in accordance with the NPPF and therefore should retain their BUABs. Council had added Dunkeswell and Chardstock to the list of settlements, recommended by Officers, in Strategy 27 – Members were asked to note the

potential risk of challenge to these two settlements being included as the evidence did not support retention of a BUAB. All other settlements were to be considered as not having a BUAB as the defined boundary in the adopted Local Plan was not in accordance with the NPPF.

- A decision on an appeal at Pinn Court Farm, Pinhoe, which had been recovered by the Secretary of State, had been received in the last few days. The Inspector and the Secretary of State advised that in respect of affordable housing provision Strategy 34 of the emerging New Local Plan should be applied instead of Policy H4 of the adopted Local Plan. This would mean that in future affordable requirements would be 25% in Axminster, Honiton, Ottery St Mary, Seaton and major strategic developments within the Growth Point. Elsewhere a 50% target requirement should be applied within BUABs. Developments outside of BUABs would be treated as exception sites where the interim affordable housing statement applied a requirement for 66% affordable housing. Affordable housing provision remained subject to thresholds recently laid out in Government guidance.

During discussion, the Committee advised that it would be helpful to have an updated report on the weight to be attributed to policies within the emerging new Local Plan. In response to a question, the Service Lead – Legal and Democratic Services advised the changes were key material considerations that Committee needed to be mindful of when determining future applications. An [addendum report](#) had been circulated to the Committee prior to the meeting detailing the impact of the changes on the applications to be considered later that day.

RESOLVED: that the policy position set out in the report be noted and an update report on the weight to be attributed to policies within the emerging new Local Plan be presented to the next Committee meeting.

***69 Planning appeal statistics**

The Committee received and noted the Service Lead – Planning Strategy and Development Management report setting out appeals recently lodged and two appeal decisions notified, both of which had been dismissed.

***70 West Dorset, Weymouth and Portland Local Plan Main Modifications Consultation**

The Committee considered the Planning Policy Manager's report setting out proposed comments to West Dorset, Weymouth and Portland's consultation on main modifications to their submitted Local Plan following oral hearings with their Inspector in late 2014. The Inspector would consider any representations made before issuing his final report on the Plan.

RESOLVED: that the proposed response, as detailed in the Committee report, supporting the revised wording for Lyme Regis/Uplyme as set out in main modifications 76, 77 and 78 be submitted as the Council's response to the consultation on the West Dorset, Weymouth and Portland Local Plan Main Modifications.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 12 – 2014/2015.

Attendance list

Present:

Committee Members

Councillors:

Helen Parr (Chairman)

David Key (Vice Chairman)

David Atkins

Roger Boote

Bob Buxton

Martin Gammell

Mike Howe

Ben Ingham

Geoff Pook

Peter Sullivan

Mark Williamson

Officers

James Brown, Principal Planning Officer

Andy Carmichael, Major Projects Team Leader

Matt Dickins, Planning Policy Manager

Ed Freeman, Service Lead – Strategic Planning and Development Management

Paul Golding, Senior Planning Officer

Henry Gordon Lennox, Service Lead – Legal and Democratic Services

Alison Hayward, Economy & Regeneration Manager

Paul Lowe, Housing Enabling Officer

Gavin Spiller, Principal Planning Officer

Janet Wallace, Principal Environmental Health Officer

Hannah Whitfield, Democratic Services Officer

Also present

Councillors:

Susie Bond

Peter Bowden

Jill Elson

Graham Godbeer

Douglas Hull

Stephanie Jones

Jim Knight

Andrew Moulding

Philip Skinner

Pauline Stott

Apologies:

Committee Members

Councillors:

Mike Allen

Geoff Chamberlain

Alan Dent

Vivien Duval Steer

Martin Gammell

Non-committee members
Councillor Tony Howard

Chairman Date.....

EAST DEVON DISTRICT COUNCIL
Development Management Committee
Tuesday 31 March 2015; Schedule number 12 – 2014/2015

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:

<http://eastdevon.gov.uk/media/1002890/310315-combined-dmc-agenda-compressed.pdf>

Clyst Valley
(CLYST ST
GEORGE)

14/1901/MFUL

Applicant: Heritage Developments (SW) Ltd

Location: Branscombe Farm Ebford Lane

Proposal: Construction of 9 dwellings, garaging and landscaping with access off Ebford Lane incorporating highway works to Ebford Lane.

RESOLVED:

REFUSED for the following reasons:

1. The proposed development by reason of the location of the site, lack of services within Ebford and where access to wider services is likely to require travel by private vehicle is considered to be in an unsustainable location and fails to accord with the definition of sustainable development found within the NPPF with the adverse impacts of this development significantly and demonstrably outweighing the benefits when assessed against the policies within the Framework as a whole. As such the proposed development would be contrary to Policies S5 (Countryside Protection) and TA1 (Accessibility of New Development) of the East Devon Local Plan and Policy TC2 (Accessibility of New Development) of the emerging East Devon Local Plan) and the guidance in the NPPF.
2. The proposed development by reason of the design and uniformity of the dwellings and the suburban cul-de-sac layout would be out of character with the local vernacular and pattern of development in Ebford and as such would have a detrimental impact upon the character and appearance of the area contrary to the provisions of Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan and the emerging Draft Local Plan and the guidance contained within the NPPF.
3. The proposed development by reason of the close relationship with listed buildings, the design and uniformity of the dwellings and the suburban cul-de-sac layout, would fail to preserve the setting of nearby heritage assets contrary to Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic

Interest) of the East Devon Local Plan and the guidance within the NPPF.

4. The application fails to mitigate its impact through the provision of contributions towards Open Space, the Exe Estuary, the Pebblebed Heaths, Secondary Education and securing through legal agreement the provision of Affordable Housing. As such the application is contrary to Policies RE3 (Open Space Provision in New Housing Developments), H4 (Affordable Housing); S7 (Infrastructure Related to New Development); EN4 (Nationally Important Sites - including Sites of Special Scientific Interest) of the Adopted East Devon Local Plan, Strategy 34 (District Wide Affordable Housing Provision Targets), Strategy 43 (Open Space Standards), Strategy 47 (Nature Conservation and Geology) and Strategy 50 (Infrastructure Delivery) of the Emerging New East Devon Local Plan.

Clyst Valley
(FARRINGDON)

14/1443/MFUL

Applicant: Aggregated Micro Power PLC

Location: Land To North East Of Stuart Way Hill Barton Business Park

Proposal: Construction of wood gasification plant for low carbon energy production

RESOLVED: APPROVED with conditions as per recommendation subject to the following conditions being amended to read:

9. A Noise Management Plan covering all sources of noise audible beyond the site boundary shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the noise sources and measures to be taken to mitigate and manage the noise in order to achieve the requirement of the specific noise condition. Measures may include the provision of acoustic fencing on the southern, eastern and northern boundaries of the site.

(Reason: To ensure that noise sources are mitigated and managed throughout the life of the site in order to protect the amenity of local residents in accordance with Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan.)

10. Prior to the commencement of development, details of any external lighting to the site shall have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall avoid lateral or upwards lighting in accordance with the Institute of Lighting Engineers Guidance on the

Avoidance of Light Pollution. Thereafter, the development shall be carried out in full accordance with the approved details.

(Reason: In the interests of the visual amenity of the area and to prevent light pollution in accordance with Policy D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan.)

12. Prior to the commencement of development, an Air Quality Report detailing how any air quality impacts and dust will be mitigated and managed by the development 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 the approved details.

(Reason: To prevent pollution in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan.)

Broadclyst
(BROADCLYST)

14/2761/MOUT

Applicant:

Mr & Mrs Gent & Eagle One Homes Ltd

Location:

Mosshayne Land North Of Tithebarn Lane

Proposal:

Demolition of the existing buildings and development of the site to provide up to 900 dwellings and a primary school with car and cycle parking, public and private open space together with landscaping and associated servicing (all matters reserved).

RESOLVED:

APPROVED subject to a Section 106 Agreement, to include provision for 25% affordable housing (not 40% as indicated in the committee report, and with conditions as per recommendation subject to:

- Condition 2 being replaced with the following three conditions:
 - Application for approval of the reserved matters in respect of Phase 1 of the development hereby permitted shall be made to the LPA before the expiration of 24 months from the date of this permission.
 - Phase 1 of the development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 1 year from the date of approval of the last of the reserved matters to be approved in respect of that phase, whichever is the later.
 - Subsequent phases of the development hereby permitted shall be begun before the expiration of 1 year

from the date of the last of the residential reserved matters to be approved in respect of that phase.

- Condition 22 being replaced with:

A detailed phasing plan shall be submitted to and approved in writing by the LPA prior to the submission of the first reserved matters application. The phasing plan shall specify the proposed timing for delivery of the areas of public open space/green infrastructure as well as a construction programme for the housing and other build elements of the development. The development shall be carried out in accordance with the approved phasing plan and delivery programme.

- Condition 27 being amended to read:

The occupation of no more than 500 of the dwellings hereby approved shall take place until:
A full scheme of works for improvements to Moor Lane Roundabout has been approved in writing by the Local Planning Authority (in consultation with Devon County Council and the Secretary of State for Transport); and the approved works at Moor Lane Roundabout have been certified in writing as complete by the local planning authority (in consultation with the Secretary of State for Transport).

(Reason - to ensure that the capacity of Moor Lane Roundabout is sufficiently enhanced to reduce the risk of vehicular queues on the westbound A30 Honiton Road approach extending into and adversely impacting upon the operation of M5 Junction 29. The applicants own analyses shows that, even with the full construction of the Phase 3 Link Road to the north, the westbound flow on the A30 at this junction in the weekday AM peak hour is expected to be well above the level that currently causes queuing back into M5 Junction 29. The developer's assessments have only assumed scenarios whereby the DCC improvement scheme to Moor Lane roundabout is in place. No assessment has been presented to demonstrate when, during the occupation of the development hereby approved, those improvements become necessary. The Agency's own assessment suggests that the improvement scheme will need to be in place by 2024 which is 6 years after the expected completion of the Phase 3 Link Road and within the build-out period of the Mosshayne

Coly Valley
(SOUTHLEIGH)

14/2591/FUL

Applicant: Mr J Franks (Abbeywood House Developments Ltd)

Location: Three Horse Shoes Inn Branscombe

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

RESOLVED: REFUSED as per recommendation subject to reason 1 for refusal being amended to read:
The proposed development of two additional dwellings over and above those which would occupy the existing footprint of the public house (which on balance are considered acceptable providing benefits that would outweigh the unsustainable location) within a location that has limited facilities and services to support growth, limited access to public transport and fails to accord with the definition of sustainable development found within the National Planning Policy Framework. As such, the proposed development is considered contrary to the provisions of policies S5 (Countryside Protection) and TA1 (Accessibility of New Development) of the East Devon Local Plan, Policies STGY7 (Development in the Countryside) and TC2 (Accessibility of New Development) of the emerging new East Devon Local Plan and guidance in the National Planning Policy Framework.

Exmouth Halsdon
(EXMOUTH)

14/2912/FUL

Applicant: Mr Nigel Hayman

Location: 2 Gipsy Lane Exmouth

Proposal: Construction of attached two storey dwelling

RESOLVED: INSPECT
Reason: To allow Members to consider the concerns raised about potential overlooking from the proposal and whether the proposal would result in overdevelopment of site.

Axminster Town
(AXMINSTER)

15/0147/FUL

Applicant: Mr & Mrs A Sims

Location: Chattan Hall Cottage Woodbury Lane

Proposal: Conversion of barn to dwelling

RESOLVED: APPROVED (contrary to officer recommendation) with delegated authority given to the Service Lead – Strategic Planning and Development Management to impose appropriate conditions.
Members considered that the proposal represented sustainable development.

Seaton
(SEATON)

13/1091/MOUT

Applicant: Fosseway Developments Ltd

Location: Land North Of Rowan Drive Seaton

Proposal: Erection of up to 42 dwellings with associated access and parking (outline application with all matters reserved)

RESOLVED: DEFERRED to allow officers to negotiate a reduction in the proposed housing numbers and an appropriately sized play area.

Tale Vale
(AWLISCOMBE)

14/2633/MOUT

Applicant: Davies Holdings (Somerton) Ltd

Location: Land To West Of Marles Close

Proposal: Residential development of up to 16 dwellings and provision of site for football pitch, both with associated parking, landscaping and access (Outline application with detailed access; all other matters reserved).

RESOLVED:

REFUSED for the following amended reason:

1. The proposed development by reason of its position outside the built up area boundary of a village, which has limited services to support the proposed development, fails to accord with the countryside restraint policies of the adopted Plan and with the definition of sustainable development found within the National Planning Policy Framework. In this case it is considered that the adverse impacts of this development in terms of its positioning within an unsustainable countryside location, with the occupiers of the dwellings having limited access to essential services, infrastructure and public transport, together with a limited landscape harm, significantly and demonstrably outweighs the benefits of providing these dwellings. As such, the proposed development is considered contrary to the provisions of Policies D1 (Design and local Distinctiveness) S5 (Countryside Protection) and TA1 (Accessibility of New Development) of the East Devon Local Plan, Policies D1 (Design and Local Distinctiveness) and TC2 (Accessibility of New Development), and Strategies 35 (Exception Mixed Market and Affordable Housing at villages, small towns and outside Built Up Area Boundaries), 48 (Local Distinctiveness in the Built Environment) and 7 (Development in the Countryside) of the emerging new East Devon Local Plan and guidance in the National Planning Policy Framework.

Tale Vale
(AWLISCOMBE)

14/1157/MFUL

Applicant: Feniton Park Ltd

Location: Land North Of Greenways Greenway Lane

Proposal: Construction of 15 no. dwellings (comprising mixed open market and affordable) and associated access and landscaping works

RESOLVED: REFUSED for the following amended reason and additional reason:

1. The proposed development by reason of its position outside the built up area boundary for a village which has limited services to support the proposed development, fails to accord with the countryside restraint policies of the adopted Plan and with the definition of sustainable development found within the National Planning Policy Framework. In this case it is considered that the adverse impacts of this development in terms of its positioning within an unsustainable location, with the occupiers of the dwellings having limited access to essential services, infrastructure and public transport, together with harm to the landscape of the designated Blackdown Hills Area of Outstanding Natural Beauty and its immediate setting, significantly and demonstrably outweigh the benefits of providing these dwellings. As such, the proposed development is considered to be contrary to the provisions of Policies S5 (Countryside Protection), D1 (Design and local Distinctiveness), EN1 (Developments Affecting Areas of Outstanding Natural Beauty) and TA1 (Accessibility of New Development) of the adopted East Devon Local Plan, and Strategies 35 (Exception Mixed Market and Affordable Housing at villages, small towns and outside Built Up Area Boundaries), 46 (Landscape Conservation and Enhancement and AONBs), 48 (Local Distinctiveness in the Built Environment) and 7 (Development in the Countryside) of the emerging new East Devon Local Plan and guidance in the National Planning Policy Framework

13. The proposed development which would be set on rising land above the village would, by reason of the resulting built form; the removal of a section of internal hedgerow; and the required set back and splaying of the roadside boundary hedge, harm the landscape which is designated as an Area of Outstanding Beauty and result in a loss of character. As such the proposal fails to accord with guidance in the Framework which requires great weight to be given to the conservation of the landscape its scenic and is contrary to Policy EN1 (Development Affecting Areas of Outstanding Natural Beauty) of the adopted East Devon Local Plan and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the emerging East Devon Local Plan.

Tale Vale
(PLYMTREE) 14/2771/MOUT

Applicant: Mr J Persey

Location: Land South Of Pencepool House Plymtree

Proposal: Outline application for the construction of up to 15 dwellings, seeking approval of access details (matters of appearance, landscaping, layout and scale reserved), including proposed detached attenuation pond.

RESOLVED: REFUSED as per recommendation subject to reason 1 being amended to read:
The proposed development by reason of the location of the site, lack of services within Plymtree, and where access to wider services is likely to require travel by private vehicle, is considered to be in an unsustainable location and fails to accord with the definition of sustainable development found within the NPPF with the adverse impacts of this development significantly and demonstrably outweighing the benefits when assessed against the policies within the Framework as a whole. As such the proposed development would be contrary to Policies S5 (Countryside Protection) and TA1 (Accessibility of New Development) of the East Devon Local Plan and TC2 (Accessibility of New Development) of the emerging East Devon Local Plan) and the guidance in the NPPF.

Tale Vale
(BROADHEMBURY) 13/1828/FUL & 13/1830/FUL

Applicant: Mr Matthew Cottrell

Location: James Barn Kerswell

Proposals: Erection of agricultural building for poultry rearing with associated access and hardstanding (unit 4) (Accompanied by Environmental Statement with further information)

Erection of agricultural building for poultry rearing with associated access and hardstanding (unit 5) (Accompanied by Environmental Statement with further information)

RESOLVED: 13/1828/FUL - REFUSED as per recommendation.
13/1830/FUL - REFUSED as per recommendation.

Woodbury and
Lypstone
(LYMPSTONE)

14/2517/FUL

Applicant: Mr & Mrs J & S A Wood

Location: Tadpoles Longmeadow Road

Proposal: Construction of 2 storey dwelling, carport and creation of new access (Revised Scheme to 14/1131/OUT)

RESOLVED: APPROVED with conditions as per recommendation

Seaton
(SEATON)

14/1897/FUL

Applicant: Alison Hayward (East Devon District Council)

Location: Seaton Seafront, Seaton

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

RESOLVED: APPROVED with conditions as per recommendation

Sidmouth Town
(SIDMOUTH)

15/0129/FUL

Applicant: The Sampson Society

Location: Manor Pavilion Theatre Manor Road Sidmouth

Proposal: Construction of memorial stone to Robert William Sampson on site of existing millstone adjacent to arts centre.

RESOLVED: APPROVED with conditions as per recommendation.

Clyst Valley
(CLYST ST MARY) 14/2952/MFUL

Applicant: Solstice Renewables Limited

Location: Land Surrounding Walnut Cottages Oil Mill Lane

Proposal: Installation of ground mounted photovoltaic solar arrays together with power inverter systems; transformer stations; internal access tracks; landscaping; CCTV; security fencing and associated access gate.

Application withdrawn.

Coly Valley
(COLYTON) 15/0131/MOUT

Applicant: DBD Developments

Location: Land adjacent Peace Memorial Playing Fields (South of Ham Lane), Colyton

Proposal: Residential development of up to 16 no. units, including 6 no. Affordable units, access road and amenity land (outline application, all matters reserved)

Application withdrawn.

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

Ref: 14/1976/OUT **Date Received** 10.03.2015
Appellant: Mr Emmett
Appeal Site: Land East Of High Bank Bridge View Rockbeare
Proposal: Construction of up to 9 no dwellings (outline application
discharging means of access only)
Planning APP/U1105/W/15/3006530
Inspectorate
Ref:

Ref: 14/2381/CPE **Date Received** 10.03.2015
Appellant: Mr Gary Foster
Appeal Site: Sherway Farm Clyst Hydon Cullompton EX15 2NS
Proposal: Certificate of lawfulness for the use of the land as a garden to
Sherway Farm
Planning
Inspectorate
Ref:

Ref: 14/1912/FUL **Date Received** 13.03.2015
Appellant: Mr & Mrs J Brown
Appeal Site: Little Gosford Farm Gosford Lane Taleford Ottery St Mary
EX11 1NA
Proposal: Re-location of farm shop, access to highway and provision of
parking.
Planning APP/U1105/W/15/3006993
Inspectorate
Ref:

Ref: 14/2767/FUL **Date Received** 16.03.2015
Appellant: Mr & Mrs Myles Blood Smyth
Appeal Site: Land To Rear Of Dawlish Park Terrace Courtlands Lane
Lympstone Exmouth EX8 5AA
Proposal: Construction of two detached dwellings with access off
Courtlands Lane
Planning APP/U1105/W/15/3007573
Inspectorate
Ref:

Ref: 14/1379/MFUL **Date Received** 17.03.2015
Appellant: Solstice Renewables Limited
Appeal Site: Land Surrounding Walnut Cottages Oil Mill Lane Clyst St Mary
Proposal: Installation of ground mounted photovoltaic solar arrays together with power inverter systems; transformer stations; internal access tracks; landscaping; CCTV; security fencing and associated access gate
Planning Inspectorate Ref: APP/U1105/W/15/3007994

Ref: 14/1436/FUL **Date Received** 24.03.2015
Appellant: RBL Homes Ltd
Appeal Site: Higher Branscombe House Ebford Lane Ebford Exeter EX3 0QX
Proposal: Construction of two Dwellings
Planning Inspectorate Ref: APP/U1105/W/15/3009702

Ref: 14/2584/OUT **Date Received** 30.03.2015
Appellant: Mr Gail Leeder
Appeal Site: Eden Ebford Lane Ebford Exeter EX3 0QU
Proposal: Outline application for the construction of a detached dwelling seeking approval for access, layout and scale (matters of appearance and landscaping reserved)
Planning Inspectorate Ref: APP/U1105/W/15/3011298

East Devon District Council
List of Planning Appeals Decided

Ref: 14/2154/VAR **Appeal Ref:** 14/00080/REF

Appellant: Mrs Mary Davis
Appeal Site: 40 Stoneborough Lane Budleigh Salterton EX9 6JA
Proposal: Removal of condition 3 of planning permission 13/2785/FUL to allow clear glazing of dormer window on rear elevation.
Decision: **Appeal Dismissed** **Date:** 11.03.2015
Procedure: Written representations
Remarks: Delegated decision, amenity reasons upheld (EDLP Policy D1).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/D/14/2229758

Ref: 14/1101/FUL **Appeal Ref:** 14/00072/REF

Appellant: Mr & Mrs E Flowers
Appeal Site: Hasta La Vista Windmill Lane West Hill Ottery St Mary EX11 1JP
Proposal: Construction of detached bungalow
Decision: **Appeal Dismissed** **Date:** 13.03.2015
Procedure: Written representations
Remarks: Delegated decision, countryside protection and habitat mitigation reasons upheld (EDLP Policies S5, D1 & EN4).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/A/14/2229331

Ref: 13/2347/OUT **Appeal Ref:** 14/00036/REF
Appellant: Mr M Hague
Appeal Site: Land East Of Chelveshayes Clyst Hydon Cullompton EX15 2ND
Proposal: Outline application (all matters reserved) for the construction of 3 dwellings
Decision: **Appeal Dismissed** **Date:** 18.03.2015
Procedure: Written representations
Remarks: Delegated refusal, countryside protection and listed building conservation reasons upheld.
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/A/14/2219876

Ref: 13/2745/FUL **Appeal Ref:** 14/00040/REF
Appellant: Mr S Taylor
Appeal Site: The Old Creamery Perkins Village Exeter EX5 2JG
Proposal: Conversion of redundant buildings to three dwellings including demolition of modern outbuildings and provision of 6 no parking spaces
Decision: **Appeal Dismissed** **Date:** 21.03.2015
Procedure: Written representations
Remarks: Delegated refusal, sustainability and amenity reasons upheld (EDLP Policies D1 & D10).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/14/2220372

Ref: 14/0228/FUL **Appeal Ref:** 14/00042/REF
Appellant: Mr David Selway
Appeal Site: Land West Of Backwells Mead (off Colyton Road) Northleigh
Proposal: Construction of 4 no. dwellings
Decision: **Appeal Dismissed** **Date:** 23.03.2015
Procedure: Written representations
Remarks: Delegated refusal, sustainability, countryside protection and landscape reasons upheld (EDLP Policies S5, TA1 & EN1).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/A/14/2221520

Report to: **Development Management Committee**

Date: 21 April 2015

Public Document: Yes

Exemption: None

Review date for release None



Subject: **Planning Appeals Status Report**

Purpose of report: The report is provided as an update on the current situation regarding planning appeal decisions and gives an overview of the results of planning appeals for the year from 1st April 2014 to 31st March 2015.

Recommendation: **That Members note the report**

Reason for recommendation: To ensure that Members are appraised of the Council's current performance in respect of planning appeal decisions.

Officer: Ed Freeman – Service Lead – Planning Tel; 01395 517519 email efreeman@eastdevon.gov.uk

Financial implications: No costs were paid out during the year but costs were received amounting to £8,800 (which is a part payment of the total costs awarded).

Legal implications: There are no legal implications arising from the report

Equalities impact: Low Impact

Risk Low Risk

Links to background information: <https://www.planningportal.gov.uk/planning/planninginspectorate/statistics>
[Full list of appeals dismissed and allowed from 1 April 2014 to March 2015](#)

1.0 Background

- 1.1 The performance indicator includes only those appeals against the Council's decision to refuse planning permission. It does not include planning appeals against conditions or non-determinations. The calculation also excludes all other types of appeal e.g. advertisement appeals, enforcement appeals, lawful development certificate appeals and appeals in respect of works to protected trees. A partially allowed appeal or a split decision is counted as an appeal allowed.
- 1.2 The calculation includes those decisions where the date of decision falls within the year in question, regardless of when the appeal was lodged.
- 1.3 The Council has received 74 appeal decisions from 1 April 2014 to 31 March 2015 which are subject to the performance indicator. This is not the total number of appeal decisions received, which includes all other types of appeal as stated above.

National appeal statistics (Figures taken from the latest Planning Inspectorate Statistical Report)
Planning appeals including Householder Appeals Service (HAS)

Year	Decided	Allowed	% Allowed
2011 - 2012	14498	5021	34.6
2012 - 2013	13477	4760	35.3
2013 - 2014	13885	4889	35.2

East Devon appeal statistics

Planning appeals including HAS appeals

Year	Decided	Allowed	% Allowed
2011 - 2012	43	11	25.6
2012 - 2013	40	10	25.0
2013 - 2014	57	15	26.3
2014 - 2015	74	17	23.0

2.0 Analysis

- 2.1 The majority of the appeals were dealt with by means of written representations, with 64 having been determined on that basis. Informal Hearings were held for 6 of the appeals and a Public Inquiry was held in respect of 4 appeals relating to land at Feniton. Included within the written representation appeals were 2 householder appeals.
- 2.2 From the 74 decisions received, 17 of the appeals were allowed which equates to 23% of appeals against the Council's decision to refuse planning permission being dismissed.
- 2.3 The appeals which were allowed resulted from 9 applications which had delegated decisions and 8 applications which were decided by the Development Management Committee. Of the 8 applications which were decided by the Committee, 5 were refused against officer recommendation.
- 2.4 By procedure, 15 of the allowed appeals were dealt with by written representations, 1 was the subject of a Public Inquiry and 1 decided by means of an Informal Hearing.
- 2.5 Details of the appeal decisions are attached as appendices to this report.

3.0 Costs Applications

- 3.1 There can be financial implications in relation to cases where an application for costs is made.
- 3.2 Applications for an award of costs can be made by either party in respect of all appeals. An award of costs will only succeed in the event that the Inspector determining the appeal considered that a party had acted unreasonably.
- 3.3 If a planning application is refused, the reasons given have to be both justified and defensible. It is most likely that an application for an award of costs against the Council would be successful, in cases where an appeal is lodged and the reasons for refusal cannot be substantiated.
- 3.4 The Inspector determining an appeal can award costs against either party, with or without an application for costs having been made, if it is considered that unreasonable behaviour has occurred.

4.0 Costs Decisions 2014 – 2015

- 4.1 There have been 12 decisions following applications for awards of costs against the Council 11 of which were refused and 1 partial award of costs allowed.
- 4.2 The Council has made two applications for awards of costs against appellants, 1 was refused and 1 partial award of costs allowed.

Popplefords Restaurant Exeter Road Newton Poppleford

- 4.3 A partial award of costs was awarded against the Council in this case.
- 4.4 The appeal was against an Enforcement Notice served in respect of the material change of use of a building from a rural crafts/ nursery shop use to a health and spa facility, the erection of a wooden building, decking and gazebo. The appeal was dealt with by means of an Informal Hearing.
- 4.5 The Enforcement Notice was served following a retrospective planning application for the change of use of restaurant to hotel; change of use and extension to former farm shop to associated health & spa facility including erection of decking area, gazebo and associated works.
- 4.6 Whilst most of the proposals had already been implemented, the gazebo had not been built and reference to its removal had been incorrectly included in the Enforcement Notice. The appellant's agent was informed of this early in the appeal process to minimise any application for costs.
- 4.7 The Inspector limited the costs to those incurred as a result of contesting the inclusion of the reference to a gazebo in the enforcement notice.
- 4.8 The costs claim has not yet been submitted to the Council.

Land at Courtlands Cross, Exeter Road, Exmouth

- 4.9 A partial award of costs was awarded in favour of the Council in this case.
- 4.10 The appeal was against the refusal of outline planning permission for the construction of 33 dwellings and associated open space, balancing pond, footpaths and structural planting. The appeal was proceeding on the basis of a Public Inquiry and the appeal was withdrawn ten weeks into the appeal process.
- 4.11 The Council made an application for a full award of costs for two reasons –
- i) That the appeal did not have a reasonable chance of success following a recent appeal decision on the same site for a similar proposal, and;
 - ii) That the appeal had been withdrawn without good reason.
- 4.12 The Planning Inspectorate did not consider that it was unreasonable to make the appeal, as the appeal proposal was sufficiently different from the previous appeal scheme and since that time the NPPF has been published. However, the view was taken that having decided to make the appeal the appellants should have been prepared to proceed with it to a determination. No reason was seen to indicate that the withdrawal of the appeal resulted from a material change in the Council's case or material change in circumstances relevant to the planning issues arising on the appeal.
- 4.13 The Planning Inspectorate concluded that, by withdrawing the appeal, the appellants had acted unreasonably with the result that the Council had incurred unnecessary expense in preparing to contest it.
- 4.14 The Costs were limited to those incurred two weeks from the procedural start date letter for the appeal to allow a nominal period for the appellants to have fully considered the warning on costs contained in the Inspectorate's letter.
- 4.15 The costs claim has not yet been finalised.

5.0 Conclusions

- 5.1 The Council has continued to maintain an appeal success rate which is higher than the National average and this is considered to be an important indicator in achieving consistency in the decision making process.
- 5.2 It is imperative that appeal decisions are constantly analysed to ensure that any changes in accordance with National Planning Policy are implemented and decisions on planning applications are made in accordance with current Government Advice.
- 5.3 There has been a significant increase in the number of appeal decisions received over the last twelve months and despite that increase, the Council has exceeded the previous success rates which have been achieved over the last four years.

Report to: **Development Management Committee**

Date of Meeting: 21 April 2015

Public Document: Yes

Exemption: None

Review date for release Late 2015

Agenda item: 8

Subject: **Off-Site Affordable Housing Contribution Calculator**



Purpose of report: This committee report seeks endorsement for the completion and use of an off-site affordable housing calculator to determine the appropriate level of affordable housing contribution that should be sought where on-site affordable housing provision is not appropriate or desirable.

Recommendation: **That Committee:**

- 1. Agree to completion of the trial version of the off-site Affordable Housing Calculator; and**
- 2. Agree, on completion, to the adoption and use of the calculator as the means to establish and negotiate for off-site affordable housing contributions.**

Reason for recommendation: To ensure that we establish a logical and consistent means to calculate off-site affordable housing contributions.

Officer: Matthew Dickins, Planning Policy Manager, mdickins@eastdevon.gov.uk (Internal Tel – Ext 1540)

Financial implications: The calculator will be used to determine the appropriate off site affordable housing financial contributions made by developers.

Legal implications: The legal implications are sufficiently detailed in the report, although it is important to note the need to have a robust tool to be able to justify off-site contributions for affordable housing. In the absence of such a tool, the Council is open to challenge and reduced contributions as a consequence.

Equalities impact: Low Impact
Direct equalities impacts will be low. The calculator provides a means to

implement Council policy.

Risk: Low Risk

Whilst some applicants for planning permission may seek to challenge the findings from the calculator it is based on robust logic.

Links to background information: • See links in the report below.

Link to Council Plan: Living in this outstanding place.

1 On-site and off-site affordable housing provision

- 1.1 On residential development schemes, and under adopted and emerging local plan policy, the Council will seek to secure a proportion of the overall scheme as affordable housing. The preference will be that the affordable housing is built on the site of the planning application as part of, or allied to, the overall development scheme. However, circumstances can arise where there is a need for some or all of the relevant affordable housing provision to be located off or away from the site being developed. In such cases it can be that a developer actually has a specific site where the affordable housing element can be located, but more frequently it will be the case that the Council need to secure a financial contribution from the developer that will be used to fund affordable housing provision.
- 1.2 Instances where off-site affordable housing contributions may be appropriate include:
- a) **On schemes of 5 to 10 dwelling** – current Government policy advises (and as to be applied in East Devon) that in most rural areas developers do not need to provide affordable housing on schemes of five dwellings or less. However, in these rural areas and on schemes of 5 to 10 dwellings, affordable housing can be sought but it should be done so in the form of an off-site financial contribution. Where 11 or more dwellings are proposed the provision will typically be expected to be on-site (but also see below).
 - b) **Where there are fractions of affordable housing required** – Sometimes schemes will come forward where applying a percentage rate generates a given number of full affordable dwelling plus an additional fraction. For example if we applied a 25% affordable housing requirement to a scheme for 23 dwellings the affordable housing requirement would be $25\% \times 23 = 5.75$. In such a case it may well be that the 5 affordable homes could be on-site but the 0.75 additional element could be in the form of an off-site contribution.

- c) **Where On-site Provision is Not Appropriate** – very exceptionally, for what will need to be very good planning reasons, it can be that on-site affordable housing provision is not desirable or appropriate. In these exceptional cases it might be that the contribution for all or some of the affordable housing should be off-site.

2 Calculating the relevant contribution and affordable housing viability

- 2.1 Affordable housing provision is reliant upon there being a need for provision and also provision, at levels sought, being financially viable. In respect of overall need the new Strategic Housing Market Assessment shows a continued affordable housing need in East Devon. See:
<http://eastdevon.gov.uk/media/996504/exeter-shma-final-report-16-03-15.pdf>
- 2.2 On a site by site and scheme by scheme basis circumstances can arise where bespoke viability assessment is undertaken or is necessary. However, on a broad brush overarching level the Council commissioned evidence to establish policy targets in the new local plan. These show that typically it is viable to ask for and to seek to secure:
- a) 50% affordable housing in higher values area (rural areas and Sidmouth and Budleigh Salterton); and
 - b) 25% in other areas (others towns and West End strategic developments).
- The viability report can be viewed at:
<http://eastdevon.gov.uk/planning-libraries/evidence-document-library/chapter8.1-housing/hsg005-strategichousingviabilitystudy2011.pdf>
- 2.3 The viability evidence looks at typical developer costs and returns and was supported by a series of case studies. From this work it generates the evidence to justify the 50% and 25% policy targets in the new emerging local plan. These targets are directly applicable and can be used where on-site affordable housing is to be secured. However they do not directly translate into an off-site financial contribution. But the consultants that undertook the overarching viability assessment, Three Dragons, were commissioned to extend the overarching work into a spreadsheet based toolkit that allows for off-site financial contributions to be calculated. The toolkit provides a consistent approach to calculating off-site contributions.
- 2.4 The toolkit, which is at final draft form, applies the viability logic and assumptions that underpin planning policy targets. The key principle underlying the calculator is that the developer of a scheme should be no worse or better off financially, whether they provide the affordable housing on-site or as a commuted off-site sum, it seeks to establish a cost neutral outcome for the developer. In this context of the NPPF - see
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf
at Para 50 advises:

“50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

And at the third bullet point:

where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

The text referring to “*off-site provision or a financial contribution of broadly equivalent value*” is the critical part. The contribution, from each market dwelling that contributes, will only comprise a part of the actual cost of building or acquiring an affordable property.

- 2.5 By selecting development locations from the calculators pull down menu’s and inserting details of a scheme in terms of number of dwellings being built, policy compliant affordable housing requirements and the mix/form of affordable housing equivalent that is sought the calculator generates the relevant contribution level.
- 2.6 The calculator includes a number of default cost and other values. These were based on values established when the viability study was completed in 2011. Circumstances have changed since the work was completed and also individual schemes can require bespoke fine tuning. The calculator must be furnished with up to date default values before it is finalised and used within the council and it also has the facility to make use of scheme specific data when that is available. To this end the default values in the calculator allow for bespoke over-writing so that up to date scheme/location values and levels can be inserted. This over-writing function can be critical in terms of establishing robust financial contribution levels.

3 Future work on the calculator and application in the decision making process

- 3.1 The calculator has been supplied, to date, in a trial version and explicitly also it requires a licence agreement. The intent is that we will move swiftly towards finalisation of the calculator and sign a licence agreement. Upon completion the calculator will then be available for use by the Council in negotiating on and determining off-site affordable housing contributions.
- 3.2 To illustrate the basic working of the calculator if a qualifying scheme in rural East Devon, inside a Built-up Area Boundary, is being assessed a 50% affordable housing target would apply under the new emerging Local Plan. If this schemes is for 8 houses then we would seek half (50%) as affordable, ie 4 dwellings. But because 8 falls below Government thresholds we would have to seek this as an off-site contribution.

3.3 There are a great many variables that will need to go into the calculator to determine actual outputs, not the least of these being the end market value of the market properties. But it would not be unreasonable in a rural area of East Devon, that is away from the higher value coastal areas, and where we would seek to use contributions to help secure a mix of 2 and 3 bed terraced affordable home equivalents, to expect the calculator to generate a contribution equivalent from 8 open market homes that might be reasonably close to (or potentially higher than) £200,000. Another way to look at the data is to say that in this rural area example, for each open-market house built, the contribution could be approximately £25,000 or maybe slightly higher. In areas where a 25% policy target applies it would be lower but in rural coastal areas and Sidmouth and Budleigh Salterton, where property prices are higher, it would go up.

3.4 **It is stressed that these figures are quoted as an illustration of possible approximate levels of contribution and have no formal status. Outputs generated are very sensitive to changes in values and levels and the property types and mix. In this example we recognise that out of date values, not adjusted to reflect current circumstances, have been used.**

4 Current and future approach to spending monies raised

4.1 Collecting money in the form of off-site contributions is not new to the Council and to date funds have been used to help secure completed dwellings and fund council and registered provider affordable housing developments. This report does not seek to formalise current approaches or to set out policy for expenditure in the future. However, with the potential for increasing importance to off-site contributions we may need to establish a more fine tuned future policy approach to expenditure of monies raised.

4.2 In the context of affordable housing provision it would be reasonable to use the off-site contribution secured, and add to this other sources of monies, notably income in the form of projected rent or shared ownership sales from a new affordable dwelling, to secure provision. It should be noted, as well, that the calculator and contributions generated take account of wider viability issues which are also reflected in infrastructure requirements and the Community Infrastructure Levy charging schedule rates and the calculator outputs must align with this work otherwise affected developments could be rendered unviable which current government legislation and guidance would not allow.

Report to: **Development Management Committee**

Date of Meeting: 21 April 2015

Public Document: Yes

Exemption: None

Review date for release None



Agenda item: 9

Subject: **National Trust Setting Study for A la Ronde**

Purpose of report: The National Trust has produced a study to identify the setting of several important heritage assets in their ownership at A la Ronde to the north of Exmouth. These include the Grade 1 listed buildings of The Point in View, The Manse of the Point-in-View and A la Ronde, together with the associated grade 2 registered park and garden. Changes proposed to the new East Devon Local Plan refer to the study and state that it may be a material consideration in the determination of planning applications. This report summarises the main findings of the report and raises concerns about some of the recommendations contained in it for East Devon District Council actions.

Recommendation:

- 1. That East Devon District Council note the setting study and its relevance to development proposals that may affect the setting of the heritage assets concerned.**
- 2. That the National Trust be advised of the responses to the recommended 'East Devon District Council Actions' section of the report as set out in the table in paragraph 4 of this report.**

Reason for recommendation: The study usefully sets out the landscape context of a nationally important group of heritage assets and identifies key factors that could affect their setting.

Officer: Matthew Dickins, Planning Policy manager, mdickins@eastdevon.gov.uk (01395 – 571540)

Financial implications: There are no financial implications

Legal implications: The legal implications are detailed in the report and no further comment is required

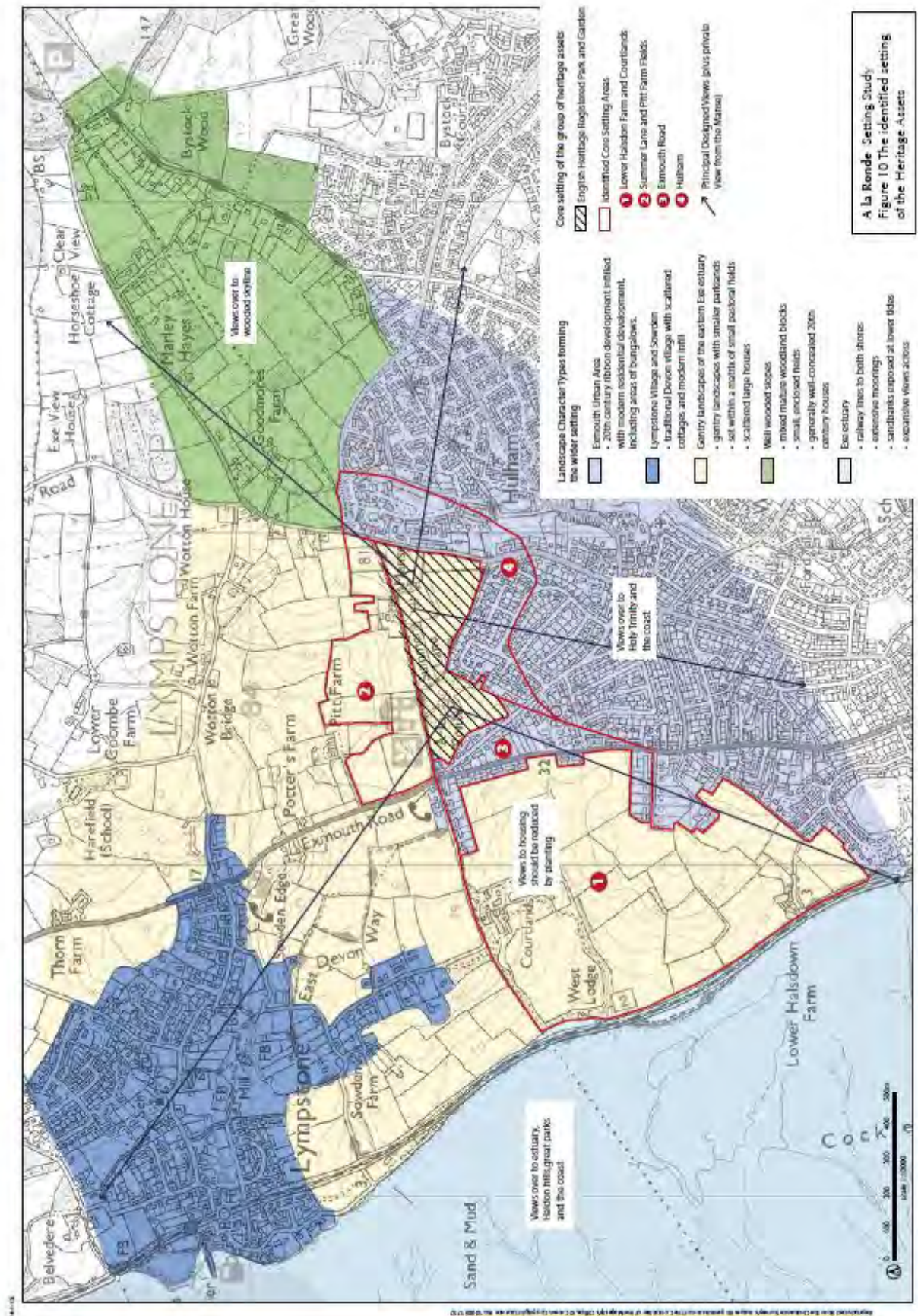
Equalities impact: Low Impact
No specific equalities issues are identified.

Risk: Low Risk
No specific risks are noted.

Links to background information:

Link to Council Plan: Living in this Outstanding Place.

1. The National Trust commissioned Nicholas Pearson Partnership LLP to identify the setting of A la Ronde to help inform decisions about local development. The document and its associated maps and figures may be viewed at: www.eastdevon.gov.uk/papers/developmentmanagement/210415dmcalrfinalstudy.pdf. East Devon has had no input into the document, although officer comments were made on both the brief to consultants and the draft study. These comments have been taken into account to some extent in the final study. The need for a setting study was identified in an internal National Trust A la Ronde Conservation Management Plan. This notes that the setting of A la Ronde extends beyond the land owned by the National Trust, particularly to the north east and to the south west towards the Exe Estuary. Development pressures in the vicinity together with local plan proposals for development at Goodmores Farm and the extension of Dinan Way heightened the Trust's desire to more fully understand the setting of heritage assets in the vicinity.
2. A La Ronde, Point in View and The Manse form a very significant group of nationally important heritage assets, albeit there is some physical separation between A La Ronde and the other two properties. There are few other examples of a group of grade I assets in East Devon apart from Bishop's Court and its mediaeval outbuildings. The setting of these assets is an intrinsic element of their significance. Both views from the assets and their position in the landscape overlooking the Exe estuary are important and this aspect of their significance should be managed in a way that does not cause any harm. The National Planning Policy Framework requires applicants to describe the significance of any heritage assets affected by development proposals, including any contributions made by their setting, and the Council require a 'statement of significance' to be produced for applications that have the potential to impact upon a heritage asset or its setting. The A la Ronde setting study is welcomed as a useful tool in understanding and managing the setting of this important group of heritage assets, although it will not obviate the need for individual statements of significance.
3. The National Trust report highlights recent planning cases where development has been found to be unacceptable where there is any harm to the setting of heritage assets (even where this is less than substantial) without exceptional and convincing justification. It is acknowledged that setting is a complex concept to interpret and define, made more complex because every heritage asset is unique with its own individual setting. The approach taken in the study to inform setting followed the English Heritage approach of considering the three components of visibility, spatial context and function. The study has mapped and annotated the core setting and indicated the wider setting as shown in figure 10 of the document, which is reproduced below for information purposes.



The core setting study area has been reduced to exclude land formerly included near Goodmores Farm following officer comments on the draft study. Whilst it should be noted that the extent of setting is not fixed and may change as the asset and its surroundings

evolve, this map is considered to be a good 'starting point' for more detailed consideration as part of any consideration of development proposals.

4. The report contains valuable detailed work to help understand the historic background and significance of the A la Ronde group together with its visual envelope and setting. The conclusions and recommendation section of the report sets out a series of recommended actions for East Devon District Council that are summarised in the table below, together with a recommended response.

EDDC action request	Proposed response
Consult the National Trust on any developments within the core setting or affecting the key view that could have implications for the significance of the group of heritage assets.	Decisions on consultations on individual planning applications are assessed on a case by case basis, the extent of consultation related to the scale of the proposed development.
Publish the study on the EDDC web site.	The study will be made available to view on the East Devon web site.
Request a reference to the study within the emerging local plan.	A reference has been incorporated into the proposed main modifications to the local plan.
Further development on the northern edge of Exmouth should avoid further intrusion into principal views and adverse impact on the A la Ronde landscape.	The impact of proposed development on the setting of a heritage asset is a material planning consideration.
Seek S106 contributions to enhance the setting of and improve access to National Trust land.	It is considered that the legal tests required for S106 contributions are unlikely to be met, but individual requests from the National Trust will be considered on a case by case basis to see if the relevant test are met. However, any contributions would need to mitigate an adverse impact on the heritage asset, but if the impact was severe the application would be refused, so it is considered unlikely that S106 contributions will be justified.
Consider use of an Article 4 direction suspending permitted development rights on properties adjoining the western boundary of A la Ronde, to enable control of highly visible changes within the identified core setting.	There are significant procedural and legal obligations (including a right to apply for costs from a LPA) for removing permitted development rights. It is not considered that the study produced for the National Trust demonstrates harm caused by the exercise of PD rights to justify such an extreme course of action by the Council.

Report to: **Development Management Committee**



Date of Meeting: 21/04/2015

Public Document: Yes

Exemption: None

Review date for release: None

Agenda item: 10

Subject: **New East Devon Local Plan – Weight to be attributed**

Purpose of report:

The new East Devon Local Plan has been submitted to the Secretary of State for examination following the amendments to the plan agreed the council meeting of the 27th March 2015. Following this meeting and the Secretary of States decision stating he is minded to allow the appeal at Pinn Court Farm giving significant weight to Strategy 34 a number of Members sought clarity over the weight to be attributed to policies within the emerging local plan. This report therefore seeks to update the guidance in the report to Development Management Committee of 15th October 2013 on weight to be attributed to the emerging Local Plan.

While some weight can be attributed to the policies that were in the plan at the time of its initial submission to the inspector back in July 2013 it is considered that no significant weight should be given to the amendments to the plan recently agreed by the Council. These changes to the plan have not been the subject of consultation and so could be subject to significant objection. The other policies within the new Local Plan can be afforded weight albeit the weight to be attributed is affected by the level of objection received during the previous consultations.

This report seeks to advise Members of the status of the plan and also provide a guide as to the weight that can be attributed to specific policies. It is hoped that this information will aid Members in making informed decisions on planning applications that come before the committee by affording appropriate weight to the new Local Plan.

Recommendation:

That Members consider the report and give appropriate regard to the policies of the new Local Plan having considered the guidance contained in this report in their decision making process.

Reason for recommendation:

To ensure that all planning and related applications are determined having had due regard to all material planning considerations which should now include the new Local Plan.

Officer: Ed Freeman – Service Lead – Planning Strategy and Development Management

Financial implications: There are no financial implications.

Legal implications: As with the initial report to Development Management Committee of 15th October 2013, this report makes clear that it is a guide to assist Members, and this is because the weight to be attributed to any policy is a matter for the decision maker. There have been a number of changes in circumstances since the initial report was prepared (examination hearings, Inspector indicated changes, provision of a 5 year land supply and Inspector's decisions on appeal) all of which impact one way or another on the weight to be attached to policies. So this guide seeks to update Members on the judgment exercise required when considering the weight to be afforded to any of the policies in the New Local Plan but outside of understanding this, there are no legal issues arising.

Equalities impact: Low Impact
[Click here to enter text on impact level relating to your report. Link to an equalities impact assessment form if necessary.](#)

Risk: Low Risk
[Click here to enter text on risk considerations relating to your report.](#)

Links to background information: <http://eastdevon.gov.uk/planning/planning-policy/emerging-plans-and-policies/the-new-local-plan/examination-and-hearing-sessions/plan-changes-and-new-evidence-march-2015/#article-content>

Link to Council Plan: Living in/Working/Enjoying and Funding this outstanding place

Report in full

Members will be aware that the revisions to the East Devon Local Plan were agreed for submission to the Secretary of State at the Council meeting on the 27th March 2015. As a result the Council's own deliberations and consultations on the new Local Plan have come to an end and the plan now represents the clear agreed intentions of the Council in relation to development over the period between 2013 and 2031.

The National Planning Policy Framework (NPPF) states at paragraph 216 that:

“From the day of publication, decision takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this framework (the closer the policies in the emerging plan to the policies in the framework, the greater the weight that may be given).”

In order to have due regard to this advice it is considered that all decisions made on planning and related applications following submission of the amendments to the Local Plan must have regard to the new Local Plan albeit the amendments themselves cannot carry significant weight. That said the weight that can be attributed to the new Local Plan will still be less than the current adopted Local Plan, which will remain the primary development plan where it is in accordance with the NPPF. The weight to be given to individual policies will also vary based on the level of

objections received and the level of consistency with the NPPF. The level of weight that can be attributed to the amended policies in the plan will be very limited as these changes are currently subject to consultation. However in cases where the inspector has suggested changes to wording at examination and these changes have now been made it is considered that greater weight can be attributed to these as the inspector's suggested changes indicate that he is broadly happy with the policy. The weight to be given to Strategy 34 can however be more significant in light of the Secretary of State's views on the appeal at Pinn Court Farm where substantial weight was given to this strategy.

Members should note that even though only very limited weight can be attributed to Strategy 27 which lists those settlements to which built up area boundaries should be applied the comments contained in the chairmans urgent item report to the committee's meeting on 31st March still apply and are reproduced below for ease of reference:

“Built-up area boundaries (BUAB) can now in-principle be given significant weight, however the extent of weight that can be given to any saved policy, in this case S3 depends on its compliance with the NPPF. Clearly the boundaries identified in the adopted Local Plan were identified prior to the NPPF and in the absence of a detailed assessment of the sustainability of individual settlements we had taken the view that they complied with the NPPF and attached full weight to them when we did have a 5 year land supply. Since that time additional work has been done in support of the new Local Plan that suggests that not all such settlements are sustainable for meeting wider development needs. In light of this work it is considered that the adopted BUAB's are only in accordance with the NPPF where they relate to the settlements identified in Strategy 27 of the emerging new Local Plan as these have been identified as sustainable settlements in accordance with the NPPF. Members have added Dunkeswell and Chardstock to the list of settlements in Strategy 27 recommended by officers and so for consistency these should also be considered as having a BUAB, although Members should note that there is a potential risk of challenge involved in taking this stance since the available evidence does not support retention of a BUAB at these settlements. The remaining settlements which are proposed to have the BUAB's removed should be considered as not having a BUAB because the boundary as defined in the adopted Local Plan is not in accordance with the NPPF.

It is however important that reference is made to Policy S3 (Built-up Area Boundaries for villages) of the adopted Local Plan rather than Strategy 27 of the new Local Plan. This is because Strategy 27 has been re-written in response to the local plan inspectors concerns and has not been out to consultation as yet. Therefore while the plan itself is at an advanced stage of preparation Strategy 27 itself is not and cannot be given significant weight at this time.”

To aid Members a list of the policies in the new Local Plan has been produced and colour coded according to the weight officers feel can be attributed to each policy based on an assessment of this criteria. The policies have been labelled as follows:

Red = Policies with significant unresolved objections/comments and/or remain subject to consultation to which little (if any) weight should be attributed

Amber = Policies with some minor unresolved objections/comments to which some weight can be attributed.

Green = Policies with no significant unresolved objections/comments to which significant weight can be attached.

The list below indicates which category each policy falls into. Members are advised to consider this guidance when attributing weight to policies in their consideration of planning and related applications. Officers will determine delegated applications and advise Members on applications based on this guidance. It should be noted that the categorisation of these policies is a subjective judgement of the officers, and as such this list is only intended as a starting point to attributing weight to these policies and should not be seen as a definitive guide, given that, ultimately, the weight to be given to any particular policy is a matter for the decision maker. If in doubt check with the planning policy team for further guidance or check on line where you can view all the representations received by clicking on the number next to each policy in the on-line version of the plan.

PART ONE – STRATEGIC APPROACH AND POLICIES

Spatial Strategy

Strategy 1 - Spatial Strategy for Development in East Devon

Strategy 2 - Scale and Distribution of Residential Development

Strategy 3 - Sustainable Development

Strategy 4 - Balanced Communities

Strategy 5 – Environment

Strategy 5B – Sustainable Transport

Strategy 6 - Development within Built-Up Area Boundaries

Strategy 7 – Development in the Countryside

Strategy 8 - Development in Green Wedges

Development of East Devon’s West End

Strategy 9 - Major Development at East Devon’s West End

Strategy 10 - Green Infrastructure in East Devon's West End

Strategy 11 - Integrated Transport and Infrastructure Provision at East Devon's West End

Strategy 12 - Development at Cranbrook

Strategy 13 - Development North of Blackhorse/Redhayes

Strategy 14 - Development of an Urban Extension at Pinhoe

Strategy 15 - Intermodal Interchange

Strategy 16 – Now deleted

Strategy 17 - Future Development of Exeter International Airport

Strategy 18 - Future Development of Exeter Airport Business Park

Strategy 19 – Now deleted

8 Axminster

Strategy 20 – Development at Axminster

9 Budleigh Salterton

Strategy 21 - Budleigh Salterton

10 Exmouth

Strategy 22 - Development at Exmouth

11 Honiton

Strategy 23 - Development at Honiton

12 Ottery St Mary

Strategy 24 - Development at Ottery St Mary

13 Seaton

Strategy 25 - Development at Seaton

14 Sidmouth

Strategy 26 - Development at Sidmouth

15 Smaller Towns, Villages and Countryside

New Policy – Re-development of Redundant Offices Complex at Winslade Park and land Adjoining Clyst St Mary

New Policy – Development at Uplyme

Strategy 27 - Development at the Small Towns and Larger Villages

Strategy 28 - Sustaining and Diversifying Rural Enterprises

16 Thriving Communities

Strategy 29 - Promoting Opportunities for Young People

Strategy 30 – Inward Investment, Communication Links and Local Benefits

Strategy 31 - Future Job and Employment Land Provision

Strategy 32 - Resisting Loss of Employment, Retail and Community Sites and Buildings

Strategy 33 - Promotion of Tourism in East Devon

Strategy 34 - District Wide Affordable Housing Provision Targets (while the proportions of affordable housing sought have been endorsed in a SOS decision recent amendments to wording should not carry significant weight)

Strategy 35 - Mixed Market and Affordable Housing Outside Built-up Area Boundaries

Strategy 36 - Life time Homes and Care/Extra Care Homes

Strategy 37 - Community Safety

17 Climate Change and Renewable Energy

Strategy 38 - Sustainable Design and Construction

Strategy 39 - Renewable and Low Carbon Energy Projects

Strategy 40 - Decentralised Energy Networks

Strategy 41 - Allowable Solutions

18 Our Outstanding Natural, Built and Historic Environment

Strategy 42 – Now deleted

Strategy 43 - Open Space Standards

Strategy 44 - Undeveloped Coast and Coastal Preservation Area

Strategy 45 - Coastal Erosion

Strategy 46 - Landscape Conservation and Enhancement and AONBs

Strategy 47 - Nature Conservation and Geology

Strategy 48 - Local Distinctiveness in the Built Environment

Strategy 49 – The Historic Environment

19 Delivery and Infrastructure Provision

Strategy 50 - Infrastructure Delivery

20 Monitoring

PART TWO – DEVELOPMENT MANAGEMENT POLICIES

21 Design Standards

D1 - Design and Local Distinctiveness

D2 - Landscape Requirements

D3 - Trees and Development Sites

D4 - Applications for Display of Advertisements

D5 – Now deleted

D6 – Locations without Access to Natural Gas

D7 – Agricultural Buildings and Development

D8 – Re-use of Rural Buildings Outside of Settlements

22 The Natural and Built Historic Environment

EN1 - Land of Local Amenity Importance

EN2 - The Valley Parks in Exmouth

EN3 - Land at the Byes in Sidmouth

EN4 - Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites

EN5 - Wildlife Habitats and Features

EN6 - Nationally and Locally Important Archaeological Sites

EN7 - Proposals Affecting Sites which may potentially be of Archaeological Importance

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

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

EN10 - Preservation and Enhancement of Conservation Areas

EN11 – Now deleted

EN12 – Now deleted

EN13 - Development on High Quality Agricultural Land

EN14 - Control of Pollution

EN15 – Now deleted

EN16 – Contaminated Land

EN17 - Notifiable Installations

EN18 - Maintenance of Water Quality and Quantity

EN19 - Adequacy of Foul Sewers and Adequacy of Sewage Treatment System

EN20 – Now deleted

EN21 - River and Coastal Flooding

EN22 Surface Run-Off Implications of New Development

EN23 – Now deleted

EN24 – Now deleted

EN25 – Development Affected by Coastal Change

23 New Residential Development

H1 – Now deleted

H2 - Range and Mix of New Housing Development

H3 - Conversion of Existing Dwellings and Other Buildings to Flats

H4 - Dwellings for Persons Employed in Rural Businesses

H5 - Occupancy Conditions on Rural Workers Dwellings

H6 - Replacement of Existing Dwellings in the Countryside

H7 - Sites for Gypsies and Travellers

24 Employment, Economic Development, Retail and Tourism

E1 – Now deleted

E2 - Employment Generating Development in Built-Up Areas

E3 – Now deleted

E4 - Rural Diversification

E5 - Small Scale Economic Development in Rural Areas

E6 – Policy Deleted

E7 - Extensions to Existing Employment Sites

E8 – Now deleted

E9 - Town Centre Vitality and Shopping Areas

E10 - Primary Shopping Frontages

E11 - Large Stores and Retail Related Uses in Area Centres

E12 - Neighbourhood Centres and Shops

E13 - Use of Upper Floors in Shopping Developments

E14 - Change of Use of Village Shops or Services

E15 - Retail Development in Rural Areas outside Built-up Area Boundaries

E16 - Proposals for Holiday or Overnight Accommodation and Associated Facilities

E17 - Principal Holiday Accommodation Areas

E18 - Loss of Holiday Accommodation

E19 - Holiday Accommodation Parks

E20 - Provision of Visitor Attractions

25 Recreation and Community Facilities

RC1 - Retention of Land for Sport and Recreation

RC2 – New Open Space, Sports Facilities and Parks

RC3 – Allotments

RC4 - Recreation Facilities in the Countryside and on the Coast

RC5 - Community Buildings

RC6 - Local Community Facilities

RC7 - Shared Community Facilities

26 Transportation and Communications

TC1 – Telecommunications

TC2 - Accessibility of New Development

TC3 - Traffic Management Schemes

TC4 - Footpaths, Bridleways and Cycleways

TC5 - Safeguarding Disused Railway Lines

TC6 - Park and Ride and Park and Share/Change

TC7 - Adequacy of Road Network and Site Access

TC8 - Safeguarding of Land Required for Highway and Access Improvements

TC9 - Parking Provision in New Development

TC10 - Rear Servicing of Shopping/Commercial Development

TC11 - Roadside Service Facilities

TC12 – Aerodrome Safeguarded Areas and Public Safety Zones

PART THREE – NEIGHBOURHOOD PLANNING

27 Neighbourhood Plans in East Devon

NP1 Neighbourhood Planning in East Devon

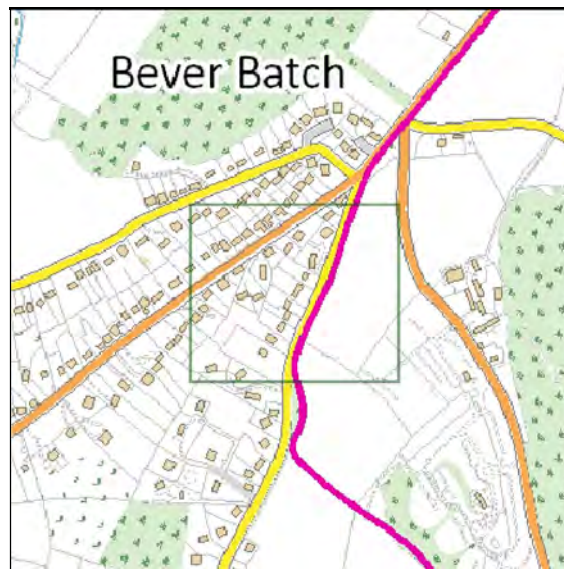
Ward Axminster Rural

Reference 15/0424/RES

Applicant Mr & Mrs A Moore

Location Ashmount Green Lane Axminster
EX13 5TD

Proposal Construction of dwelling (approval
of matters reserved under
application 13/1873/OUT)



RECOMMENDATION: Approval with conditions



		Committee Date: 21.04.2015
Axminster Rural (AXMINSTER)	15/0424/RES	Target Date: 15.04.2015
Applicant:	Mr & Mrs A Moore	
Location:	Ashmount, Green Lane	
Proposal:	Construction of dwelling (approval of matters reserved under application 13/1873/OUT)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the Officer recommendation is contrary to that of the Ward Member.

This is a revised reserved matters application for the erection of a single storey detached dwelling, subsequent to an outline consent granted in 2013. The application relates to a plot of land which currently forms the rear garden of Ashmount, which is a single storey detached dwelling adjoining Green Lane, located within the built up area of Raymonds Hill. The application site adjoins Ashmount, which is on its eastern side, and 4 other dwellings to the south, north, and west.

This revised application, previously approved in 2014, covers these same matters although the only difference between the previously approved matters and those now proposed is that of layout, with the scale of the building, its access, landscaping and the design and materials of the building all being as previously approved. With regard to layout, the proposed dwelling is slightly rotated clockwise and moved slightly south and east within the site, compared to the position and orientation which was previously approved.

With regard to the amenity of occupiers of neighbouring dwellings, whilst the revised layout would cause the dwelling to face more directly towards the gardens of properties to the north and south, existing hedge screening would fully protect the privacy of the property to the south (Cuckoo Lodge) and would partially protect the privacy of the property to the north (Moonraker), although a gap in the existing screening to the north of the site currently allows unobstructed views from the garden of Ashmount into the garden of that property.

Given that the principle of the development is already established and that

through the imposition of conditions, the proposal would not be harmful to the amenity or character of the area or compromise highway safety it is recommended that this application be approved.

CONSULTATIONS

Axminster Rural - Cllr H Jeffery

Object to the application.

I agree 100% with all the comments and observations of the Axminster Town Council and I know these to be correct. I would request that this application is looked at by an enforcement officer, plus it is brought to committee. This building is now far removed than what was applied for in the first place.

In the event my recommendation and that of the planning officer differs, I wish the application to be referred to the Development Control Committee.

Parish/Town Council

Axminster Town Council opposes this application as the proposed change in the position of the dwelling within the site will have greater impact on the privacy of the residents of adjoining properties. The design and access statement is unchanged from the approved application and no indication is given as to the reason for the change in position of the dwelling despite the use of the phrase "new layout".

In the light of the information received from the owners of the adjoining properties to the effect that the footings for a dwelling are in place but have not been laid out in accordance with the approved plans (14/2019/res), the Town Clerk was asked to report this breach to the planning enforcement officer and to inform the building control department.

County Highway Authority

Highways Standing Advice

Other Representations

Representations have been received from 4 individuals objecting to the proposal, raising the following points:

- o The plans are misleading and inconsistent
- o The principle of back-land development is unacceptable in the area as it affects its charm and appeal and makes the traffic on Green Lane busier
- o There is no need for back-land development in this rural area, as there area new housing developments in Axminster
- o All other back-land development properties in this lane have been located so that the only the gable end is visible from neighbouring properties, but the proposed revised layout would mean that the neighbouring property 'Moonraker views the side of the property
- o The proposed dwelling is intrusive to the house and garden of 'Moonraker' and the 7 windows looking into the back garden (which is lower than the ground level of the application site), would remove the privacy in that garden
- o There is no need for 3 windows in the garage and these should be removed or fitted with opaque glass

- o Noise from kitchen appliances in the new dwelling will impact on the neighbouring properties and wildlife
- o Mature trees and shrubs have already been cleared from the site and new plantings will take many years to establish
- o The garden of 'Moonraker' already suffers poor drainage which may be exacerbated by rainwater run off from the new property

PLANNING HISTORY

Reference	Description	Decision	Date
14/2019/RES	Construction of dwelling (approval of matters reserved under application 13/1873/OUT)	Approval with conditions	15.10.2014
13/1873/OUT	Construction of dwelling (outline application all matters reserved)	Approval with conditions	18.11.2013

POLICIES

New East Devon Local Plan Policies

Strategy 6 (Development within Built up Area Boundaries)

D3 (Trees and Development Sites)

D1 (Design and Local Distinctiveness)

TC7 (Adequacy of Road Network and Site Access)

EN14 (Control of Pollution)

Adopted East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

D5 (Trees on Development Sites)

TA7 (Adequacy of Road Network and Site Access)

EN15 (Control of Pollution)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

NPPG (National Planning Practice Guidance)

Site Location and Description

'Ashmount' is situated to the west of and served by Green Lane Axminster. The site is within the existing built-up area boundary of Raymonds Hill and is not within the AONB or any other areas of special designation. The site is currently occupied by a single storey detached dwelling and garage with a large garden to its west.

Access to the site is via Green Lane in Raymonds Hill. The only public right of way adjacent to the site is Green Lane which runs along the eastern frontage of the existing dwelling.

The application site relates to the private rear garden area of the property which is approximately 0.1 hectares in size. The garden is large, level and landscaped and planted with trees and shrubs. There are a number of mature trees on the boundaries.

The locality comprises low density residential housing surrounding the site on all sides. To the east lies the applicant's dwelling, Ashmount, to the south Cuckoo Lodge, to the west Stone Croft and to the north Moonraker and Mountfield.

Proposed Development

The application seeks approval for revised reserved matters pursuant to outline planning permission (planning reference 13/1873/OUT) relating to the construction of a dwelling in the garden of Ashmount. Reserved matters relating to the layout, appearance, scale, access and landscaping to the dwelling were previously approved on 14 October 2014 (planning reference 14/2019/RES).

The revised reserved matters propose exactly the same appearance, scale, access and landscaping as were previously approved (planning reference 14/2019/RES), namely the proposed dwelling is a single storey unit of a contemporary design with a mono pitch roof, with external elevations consisting of brickwork walls, a grey rubber coloured roof membrane, powder coated fascia's and soffits and aluminium powder coated windows and doors.

The revised reserved matters propose a different layout (to that which was approved through the previous reserved matters consent) in that the new building would be rotated clockwise and moved southwards and eastwards, compared to the previously approved position, such that instead of the nearest part of the dwelling being 4.5 metres from the boundary to the north it would be 6.5 metres away at its nearest point.

ANALYSIS

The principle of accommodating a dwelling on this site has been previously established under permission 13/1873/OUT and all of the reserved matters have been approved under application 14/2019/RES, therefore as the scale, appearance,

access and landscaping remain as approved, the main considerations in the determination of this application relates to the amended siting of the dwelling.

The reason that an amended application has been submitted is that the previous site survey was incorrect and that South West Water require any new building to be at least 3 metres away from their infrastructure, therefore, as approved the dwelling could not be constructed without impacting on the South West Water infrastructure.

Impact on neighbouring amenity

Objectors have raised concerns regarding overlooking of Moonraker, the garden of which is stated to be at a lower level than that of Ashmount. Whilst it is true that the windows of the revised building layout would face more directly towards the gardens of the neighbouring properties both to the north (Moonraker) and to the south (Cuckoo Lodge) than would have been the case with the previously approved layout, owing to the fact that the building would be at single storey height and that there is an existing boundary hedge of 2.1metres in height to the south (though not completely within the applicant's ownership) and of 1.7m along most of the northern boundary, views into the neighbouring garden to the south would be prevented and views into the garden to the north would only be available from some areas of the site. It is a relevant consideration that there is an existing view into the garden of Moonraker from the garden of Ashmount through a large gap in the existing boundary screening. The new dwelling would have a floor height slightly above the pre-existing ground level, so overlooking would be very slightly increased compared to the existing situation. It is also a consideration that the householders bordering Ashmount could erect their own boundary screening fence or wall of up to 2 m in height through permitted development rights to ensure their privacy, if they so wished. Notwithstanding the considerations above and the applicant's proposal to plant new hedge to fill the existing gap where there is currently no visual screening, it is considered that the best way to ensure that residential amenity, relating to privacy, is protected would be to require new screening to be erected on the applicants land adjacent to the property boundary. It is recommended that a planning condition be imposed to this end. The erection of boundary screening would not preclude the applicant planting a hedge adjacent to that boundary.

An objector's comment raises a concern that noise from domestic appliances could harm the amenity of neighbouring residents and disturb wildlife, however it is considered that the noise from internal domestic appliances experienced at neighbouring properties or their gardens would be likely to be low level and no louder than noise which could in any case arise from the use of the back garden of a residence, incidental to the enjoyment of that residence, in any case a dwelling has previously been approved on this site which would have had a similar negligible impact.

Impact on surroundings

The proposed dwelling would be single storey as previously approved and would be positioned behind the existing dwelling 'Ashmount' and so would not be visible from a public viewpoint. A schedule and sample of the proposed materials were submitted with the previous reserved matters application and were not considered to

detract from the established residential character of the surroundings. This consideration remains unchanged. Although the proposed design of the dwelling is contemporary in the context of properties of more traditional design, given the above, it is not considered that any harm would result due to the revised position.

Impact on trees

With regard to trees, an objector has raised concerns about the loss of shrubs and mature trees within the boundary, (and some removal of vegetation has already occurred) and indicated that new plantings will take years to establish. A condition of the outline planning consent required a tree protection plan to be submitted and approved prior to commencement of the development and a monitoring report to be submitted for approval after the completion of the development. The tree protection plan has subsequently been submitted and approved however it is recommended that a condition be imposed to ensure the approved plan is adhered to and to maintain the requirement for a monitoring report to be submitted.

Other issues

A concern has also been raised in relation to the adequacy of on site drainage for dealing with rainwater. The application proposes that 2 soakaways be installed within the garden of the proposed dwelling with a total capacity of 7.2 m². No objections to this proposal have been raised by the South West Water and the proposed soakaways are therefore deemed adequate for this proposal. A condition was imposed on the outline planning consent requiring details of surface water drainage to be submitted and approved prior to development and these details have since been approved. It is recommended that a condition be imposed to require the approved details to be adhered to.

RECOMMENDATION

APPROVE subject to the following conditions:

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

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. No. 13/1873/OUT) granted on 18th November 2013.

The following reserved matters have yet to be approved:

None

The following Conditions attached to the Outline Planning Permission (ref 13/1873/OUT) referred to above are discharged:

5 Surface Water Drainage

The following Condition attached to the Outline Planning Permission ref. 13/1873/OUT referred to above remains to be complied with:

None

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 dwelling hereby approved shall be constructed of the following external materials, the details and samples of which were received by the Local Planning Authority 10th October 2014;
Bricks - Terca Kansas
Roof - grey EPDM rubber covering
Windows - Powder Coated Ral 1015, as illustrated on drawing 'A1' received 10th October 2014
(Reason - To ensure that the proposed dwelling has an acceptable visual impact and maintains the character of the area, in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan, and guidance contained within the National Planning Policy Framework).
4. Prior to the occupation of the dwelling hereby permitted, details of the boundary treatment to provide visual screening between the development and the neighbouring property, Moonraker, shall have been submitted to and approved in writing by the Local Planning Authority. 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 preserving and enhancing the character and appearance of the area and/or protecting the privacy of local residents in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan).
4. For the duration of works to which this permission relates (including demolition and site clearance or tree works) the Arboricultural Method Statement and Tree Protection Plan dated 26 November 2014 shall be adhered to, including the keeping of the monitoring log, which shall be signed off by the supervising arboriculturalist and submitted to the Local Planning Authority for approval and discharge of this condition on the completion of the development.

(Reason - To ensure the continued well being of the trees in the interests of the amenity of the locality, in accordance with Policy D5 (Trees on Development Sites) of the East Devon Local Plan and guidance contained in BS 5837:2012).

5. The development shall be carried out in accordance with the surface water drainage details shown on drawing number AM.5C submitted with application 14/2019/RES.

(Reason - to ensure a sustainable drainage system is provided which disposes of rain water in a sustainable manner without impacting on neighbouring properties in accordance with policy EN15 (Control of Pollution) of the East Devon Local Plan).

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant listed building concerns have been appropriately resolved.

Plans relating to this application:

AM1.C	Proposed Elevation	18.02.15
AM2.B	Proposed Floor Plans	18.02.15
AM4.F	Location Plan	18.02.15
AM5.D	Proposed site layout plan	18.2.15
AM6 - DRIVE SECTION	Sections	18.02.15
AM7 - DRIVE PLAN	Sections	18.02.15

List of Background Papers

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

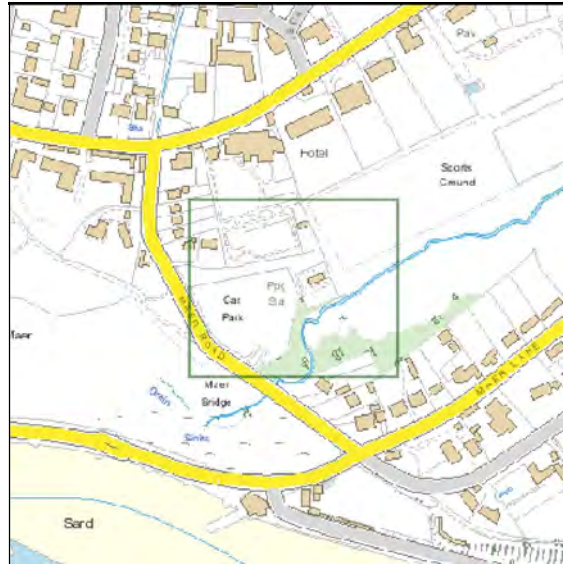
Ward Exmouth Littleham

Reference 15/0549/COU

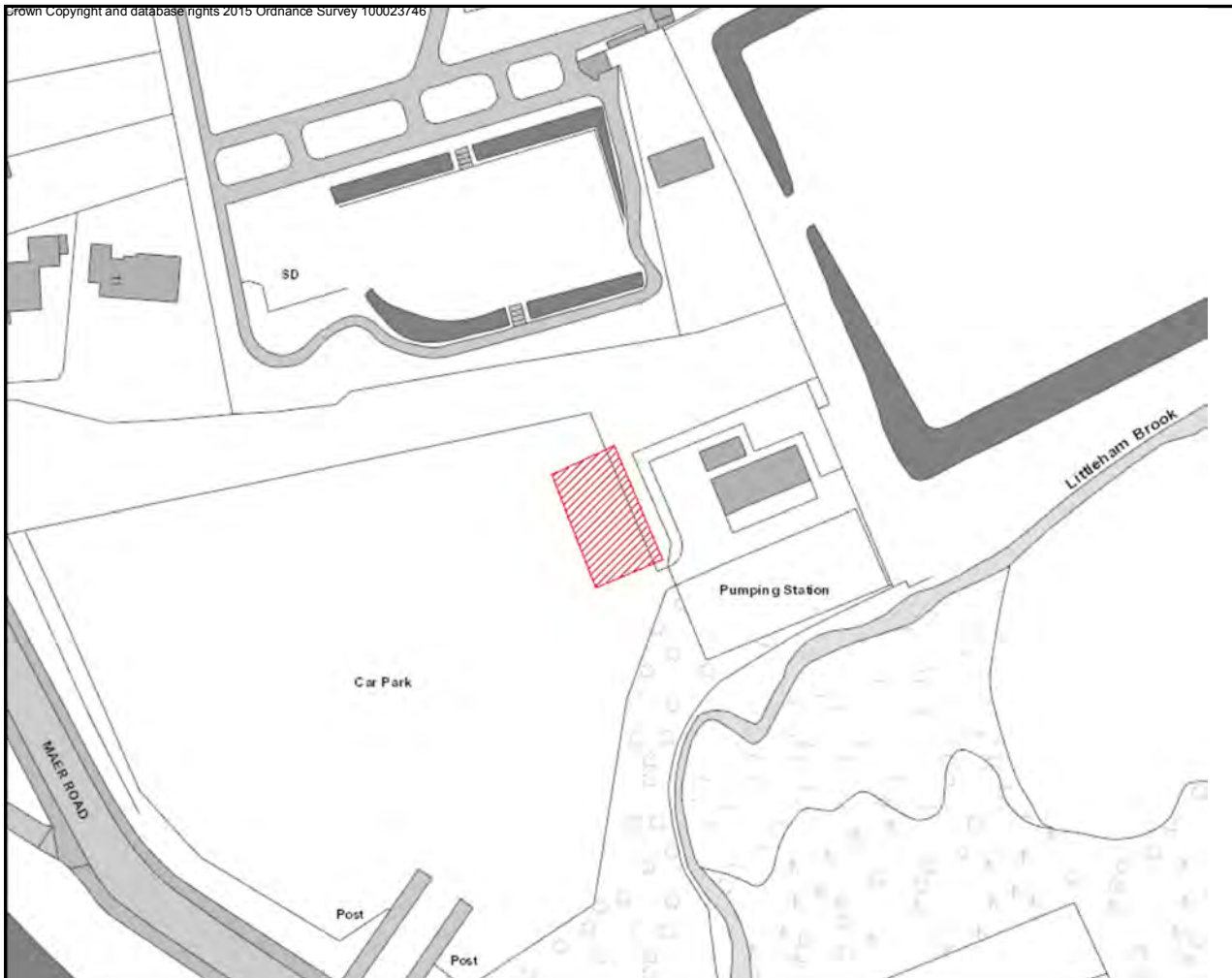
Applicant Mr I Stuart

Location Car Park Maer Road Exmouth

Proposal Retention of two metal storage containers to house Exmouth Land Train (revisions to planning permission 14/0158/FUL) to allow increase in width to 4.575m



RECOMMENDATION: Approval with conditions



		Committee Date: 21 April 2015
Exmouth Littleham (EXMOUTH)	15/0549/COU	Target Date: 27.04.2015
Applicant:	Mr I Stuart	
Location:	Car Park Maer Road	
Proposal:	Retention of two metal storage containers to house Exmouth Land Train (revisions to planning permission 14/0158/FUL) to allow increase in width to 4.575m	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the application site is owned by East Devon District Council and follows the grant of permission in 2014 for containers of a narrower width.

The proposed containers are intended to provide storage for the Exmouth land train and are located in the north-eastern corner of the large Maer Road car park. In this location they are seen against the backdrop of the tall trees and a pumping station. Whilst the containers now proposed are wider than the containers previously approved in 2014, and are no longer proposed to be clad with coloured timber boarding, they are to be coloured green and as such the overall visual impact of the development upon the character and appearance of this area is still considered to be acceptable.

CONSULTATIONS

Local Consultations

Exmouth Town Council

No Objection.

Exmouth Littleham - Cllr M Williamson

Can you specify the duration of this permission please.

Technical Consultations

County Highway Authority

Does not wish to comment

East Devon District Council - Estates

The applicant has liaised with officers responsible for the management of council land. An in principal agreement has been given to the applicant to put the necessary lease arrangements in place if planning permission is granted.

The wider containers should not encroach any further into the Car Park than their current position. The extra width should be taken up on the grass verge.

Other Representations

None received

PLANNING HISTORY

Reference	Description	Decision	Date
14/0158/FUL	Installation of 2 no metal storage containers to house Exmouth Land Train	Approved	04.04.02014

POLICIES

New East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Site Location and Description

Maer Road car park is a large surface level public car park at the eastern end of the Exmouth sea front. It is accessed off Maer Road and bordered on most of its perimeter by a variety of trees and hedgerows. There is a pumping station in the north-eastern corner of the site, to the front of which two storage containers have been situated.

Proposed Development

This application is effectively a variation to the approval granted under 14/0158/FUL to allow two slightly larger containers to be sited in lieu of those previously approved

to provide a secure storage facility for the Exmouth land train. The previous approval related to containers measuring 12.19m length x 2.49m in width with a height of 2.74m. The proposed containers have the same height and length, but with an increased width of 4.575m. They are proposed partly on the car park and partly on an adjoining piece of grass verge.

Roller shutter doors are proposed in lieu of opening doors at either end of the containers, powered by solar panels on the flat roof. The containers and doors are to be painted dark green (RAL Colour 6005 Moss Green).

In order to accommodate the wider containers, the area of grass on which the containers are partly proposed to be sited will need to be replaced by an area of chippings to allow easier access and agree for the land train.

Works to place the containers on site have already begun and as such the application is for the retention of the containers.

Material Considerations

As with the previous application, the two storage containers that would accommodate the land train would be positioned where they would be seen against the backdrop of the planting that screens the pumping station, in the corner of the car park. This application does not include the cladding to the containers that was previously proposed however the containers are to be painted the same dark green colour that was proposed for the cladding, and it is not considered that the loss of the cladding would be detrimental to the visual impact of the containers, particularly as the height and position of them would remain as before.

It is felt that the impact of the storage facility, when seen from public vantage points of the site and in the context of the public car park in which it has been located, would be negligible. The site lies outside of the Area of Outstanding Natural Beauty, which takes in Foxholes Hill and the area to the east, but does not extend along the northern side of Maer Road.

The position of the containers in the extreme top corner of the car park, well away from Maer Road itself is considered to be the least intrusive possible, and their impact upon the street scene along the road and within the area generally would not be so harmful to justify refusing permission in this case.

Whilst the area of chippings upon which the container would be sited would be increased, this would not encroach any further into the car parking area, and as the increased width would not result in the loss of any parking spaces it is considered to be acceptable.

The application is accompanied by a flood risk assessment which concludes that in the event of a flood this will be low risk development that would not put people in danger.

Although the plans and application forms confirm the colouring of the containers Moss Green, a condition is proposed to ensure that they are coloured green in perpetuity.

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 2nd March 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. Within one month of the date of this decision the containers and their doors shall have been coloured green in full accordance with the application details and thereafter retained as such.
(Reason: In the interests of the visual amenity of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 East Devon District Council works proactively with applicants to resolve all relevant planning concerns, however in this case the application was deemed acceptable as submitted.

Plans relating to this application:

D029-15-100	Location Plan	02.03.15
D029-15-102	Proposed Combined Plans	02.03.15

List of Background Papers

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

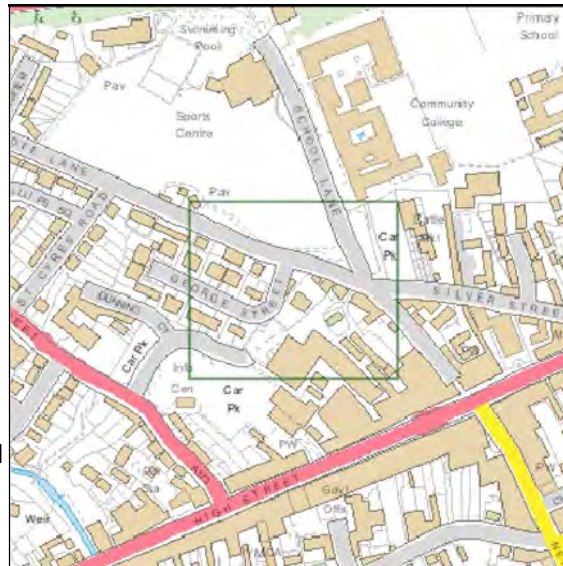
Ward Honiton St Pauls

Reference 15/0427/FUL

Applicant Mr N Harris

Location George Street Garages George Street Honiton

Proposal Demolition of garages and erection of two storey detached dwelling and associated parking



RECOMMENDATION: Approval with conditions



		Committee Date: 21.04.2015
Honiton St Pauls (HONITON)	15/0427/FUL	Target Date: 16.04.2015
Applicant:	Mr N Harris	
Location:	George Street Garages George Street	
Proposal:	Demolition of garages and erection of two storey detached dwelling and associated parking	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the land subject of the application is in EDDC ownership

The site lies in the existing built up area of Honiton close to essential services and infrastructure that are necessary for day to day living. These services can be reached on foot, bicycle and public transport rather than reliance on the private motor vehicle, and as such the site is considered to lie in a sustainable location.

Whilst the loss of garages in a residential area is regrettable, the garages on site are empty; furthermore, there is no certainty that local residents would have the benefit of the garages and therefore it is considered that the benefit of providing an additional 2 bedroomed dwelling, which would potentially add to the Council's housing stock to rent out, would outweigh the loss of the empty lock up garages and provide a visual improvement.

The dwelling would be at relative odds with the settlement pattern where the majority of houses are set in 'rows' in a parallel manner fronting onto roads; however, the proposal is not considered to create a dominant or discordant feature. Furthermore, as the dwelling would be of a similar design to those recently approved on the adjacent site (4 Northcote Lane), under application 14/0270/FUL, it would be consistent in terms of its form with the character and appearance of the area.

With the imposition of appropriate conditions, it is considered that the amenity of the occupiers of neighbouring dwellings would be maintained and that the impact on highway safety would not be detrimental.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Town Council unanimously supports this application

Technical Consultations

Housing Strategy Officer Paul Lowe

If this application is approved, and subject to internal approvals being in place, then it is the intention of the Council to acquire the proposed two bedroom dwelling to add to the Council's housing stock.

As part of the agreed negotiations with the developer the property should also be constructed to the Council's own Standards and in accordance with the plans submitted.

South West Water

Thank you for the revised plans.

As you have demonstrated the 3m easement from the proposed dwelling to the water main within the boundary and the provision of a soakaway South West Water has no comment to make regarding the above planning application.

County Highway Authority

Observations:

The Highway Authority has visited the site. The application is for the erection of a dwelling. It is located near the town centre, where there are a number of shop and bus stops. The site is located near the Community College. The site is in a 20 MPH zone. There adequate visibility in both directions.

Recommendation;

No objections

Other Representations

No third party comments received

POLICIES

New East Devon Local Plan Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

TC7 (Adequacy of Road Network and Site Access)

EN14 (Control of Pollution)

D2 (Landscape Requirements)

EN10 (Preservation and Enhancement of Conservation Areas)

Adopted East Devon Local Plan Policies

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

D1 (Design and Local Distinctiveness)

TA7 (Adequacy of Road Network and Site Access)

EN15 (Control of Pollution)

TA1 (Accessibility of New Development)

D4 (Landscape Requirements)

EN11 (Preservation and Enhancement of Conservation Areas)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

ANALYSIS

Relevant Planning History

On this site:

13/0903/FUL - Construction of 8no dwellings and associated works - Refused

Adjacent site:

14/0270/FUL - Construction of 2no dwellings, 2no flats and creation of access - Approved

Site Location and Description

The land is located within the built up area boundary for Honiton to the north of the High Street of the town fronting Northcote Lane/George Street with the sports pitches of the college to the north, and car parking areas on the old market site to the north east. On the same side of the lane and immediately to the east of the site is currently a development site implementing planning permission 14/0270/FUL.

To the north west further dwellings are located on the other side of George Street fronting Northcote Lane with semi detached homes off George Street itself to where they meet a small car park to the west of the Co-operative food store.

The site itself is currently occupied by lock up garages which are no longer in use, immediately to the south of which lies an area of informal parking and to the north an area of green open space.

The boundary of the Conservation Area is located to the east and south of the site between approximately 30m and 80m distant depending on the direction. Generally there is a mixture of styles of buildings in the area with more traditional styles closer to the High Street and along Silver Street. Dwellings to the north west along Northcote Lane are a mixture close by extending into semi-detached properties fronting the lane. The dwellings within George Street are 2 storey mansard style 'Cornish Units'.

Proposed Development

This application seeks full planning permission for the demolition of the existing lock up garages and replacement with a detached 2 bedroomed dwelling with associated parking (2no. spaces).

The dwelling would be of a similar two storey form and appearance to the dwellings approved on the adjacent site (14/0270/FUL) using the same materials.

Assessment

The main considerations in the determination of this application are the principle of the proposed development, the loss of lockup garaging, the impact of the proposal on its surroundings, the design and appearance of the proposed dwelling and the impact on highway safety.

Principle

The site is located well within the built-up area boundary of Honiton, and given the easy access to the High Street, public transport within a reasonable distance, and other services such as schools, community facilities, shopping, and healthcare within walking distance the site is considered sustainable in terms of its location. Therefore the principle of the proposed development of a residential unit is acceptable in principle under Policy S2 of the EDDC Local Plan and the NPPF providing the impacts are acceptable in relation to other policies contained in the development plan and Framework.

The house lies on Council owned land and it is envisaged, once constructed, to be retained by the Council to add to its housing stock and the comments of the Housing Enabling Officer reflect this. However, this should not be the overriding factor for Members to consider; the proposal should be judged on its own planning merits.

Loss of garages

There are currently 6 no. lock up garages on the site that are rented by the Council to local people. It has been confirmed by the Council's Housing Department that these garages have been empty for some time. George Street is characterised by on street parking; the garages could have taken some of these vehicles off the road,

however as the garages are leased there is no guarantee that they would be taken up by residents of George Street or that they would be used for parking purposes. Therefore, whilst the loss of garages is regrettable, the fact that the garages are empty and the fact that there is no guarantee that residents of adjoining houses would have the benefit of them, it is considered that the benefit of providing an additional dwelling in a sustainable location is a matter that weighs in favour of an approval.

Layout, format, design and materials

The street is characterised by mostly traditional pitched roofs with gaps between buildings; where buildings are continuous - for example at the eastern end of Silver Street - there is a variation of roof heights. This theme continues walking eastwards down Silver Street where it morphs into Northcote Lane with open space of the car park and sports pitches opposite the site to the north. Similarly, walking from the High Street northwards either along the start of Northcote Lane itself or Vine Passage, 3 storey buildings along the High Street give way to two storey buildings but generally in traditional formats. To the west of the site the character of the area is typified by semi detached homes and generally with a more open layout reflecting the move away from the jumble of buildings nearer to the High Street. Whilst there are exceptions, such as the Co-operative food store building to the south, it is considered that the buildings are of a traditional character and appearance in this part of Honiton.

In contrast, the proposed scheme would introduce a dwelling that would be sited in a detached manner at odds with the general arrangement with houses in 'rows' fronting onto the public highway. However, it is considered to sit comfortably within its own curtilage on a parcel of land that is large enough for a dwelling of this size without causing a detrimental impact in terms of its form or siting.

The proposed appearance of the dwelling would be more modern than the traditionally designed dwellings fronting onto Northcote Lane and George Street. That being said there are a mix of houses built over a number of different decades in the surrounding area. Furthermore, the recently approved dwellings on the curtilage of 4 Northcote Lane (14/0270/FUL) are of a very similar appearance. The NPPF advises Local Planning Authorities not to prescribe styles of design on applicants; the character of this part of Honiton is of two storey dwellings in traditional materials such as render and brick. The proposal utilises an element of render though there is a considerable portion of the front elevations proposed in horizontal cement cladding which enables the dwelling to assimilate well within its surroundings and be practically identical the recently approved dwellings on the adjacent site. The more modern approach to use of materials is not considered to create a dominant or discordant feature within the street scene.

The proposal is therefore considered to be acceptable in design, layout and use of materials in accordance with Policy D1 of the EDDC Local Plan and guidance contained in the Framework.

Impact on residential amenity

The foremost property to be impacted upon as a result of the application is No. 4 Northcote Lane which lies immediately to the east of the proposal site. The only window proposed on the rear elevation of the property (save for the obscure glazed toilet window on the ground floor) that would have a view into the garden of the aforementioned dwelling would be the one serving the stair way. Whilst the proposed dwelling would be sited lower than No. 4 Northcote Lane and there is some tree screening, the window would be in close proximity to the boundary separating them and the trees could be removed. Therefore it seems appropriate to impose a condition for this window to be obscure glazed and non opening.

The views from the proposed dwelling's front elevation would be across the public highway towards an area of green open space.

It seems appropriate, due to the constrained nature of the site, to remove permitted development rights to ensure adequate amenity space remains for the occupiers of the dwelling and that the living conditions of the occupiers of No. 4 Northcote Lane are safeguarded.

It is considered that subject to the imposition of the aforementioned conditions the proposal is acceptable in accordance with Policy D1 of the Local Plan.

Impact on highway safety

The site was formerly in use for 6 no. lock up garages. The dwelling would be served by 2 no. parking spaces, and it is considered that there is the potential for fewer traffic movements to be generated by the proposed use as opposed the former use. That being said, in any event the provision of 2 no. spaces in this location is considered acceptable conforming with highways standing advice. Devon County Highways Engineer has also confirmed he has no objections to the proposal. Therefore, it is considered that there would be no detrimental impact on highway safety in accordance with Policy TA7 of the Local Plan.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been

submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule Part 1 Classes A, B or E for the enlargement, improvement or other alterations to the dwellings or structures within the curtilage hereby permitted, other than works that do not materially affect the external appearance of the buildings, shall be undertaken. (Reason - The space available would not permit such additions with detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
5. The window on the rear elevation serving the stairway shall be obscure glazed and non opening prior to occupation of the dwelling house and shall thereafter be retained as such in perpetuity. (Reason - To ensure that the residential amenity of the occupiers of No. 4 Northcote Lane is maintained in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan and advice contained in the National Planning Policy Framework.
6. The parking areas identified on drawing number EX612/PA/001 A shall be laid out and capable of use prior to occupation of the dwelling house and thereafter set aside for parking purposes only (Reason - To ensure adequate facilities are available to traffic attracted to the site in accordance with Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan).
7. Prior to their instillation the means of boundary treatment for all boundaries shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with such approved details. (Reason - In the interests of the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan
8. Before any development commences, details and site sections identifying finished floor levels and finished ground levels in relation to a fixed datum 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 adequate details of levels are available in the interests of the appearance of the locality and the amenity of adjoining occupiers and flooding in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan) .

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 East Devon District Council works proactively with applicants to resolve all relevant planning concerns, however in this case the application was deemed acceptable as submitted.

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.

Plans relating to this application:

EX612/PA/003	Proposed Elevation	18.02.15
EX612/PA/001 A	Proposed Site Plan	11.03.15
EX612/PA/002 A	Location Plan	11.03.15

List of Background Papers

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

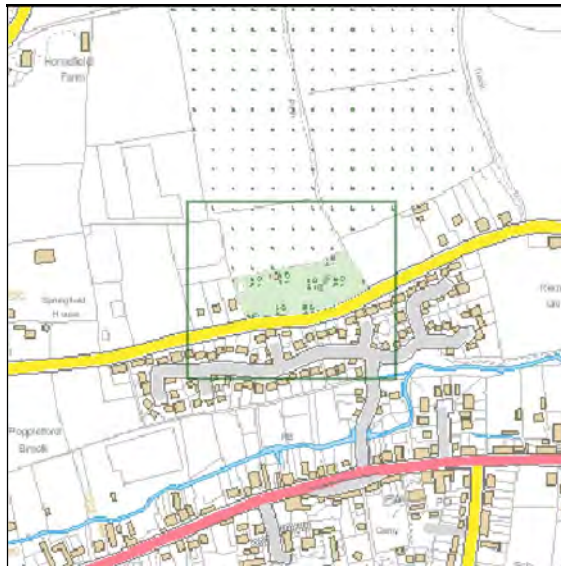
Ward Newton Popleford And Harpford

Reference 15/0157/FUL

Applicant Mr Toby Taylor

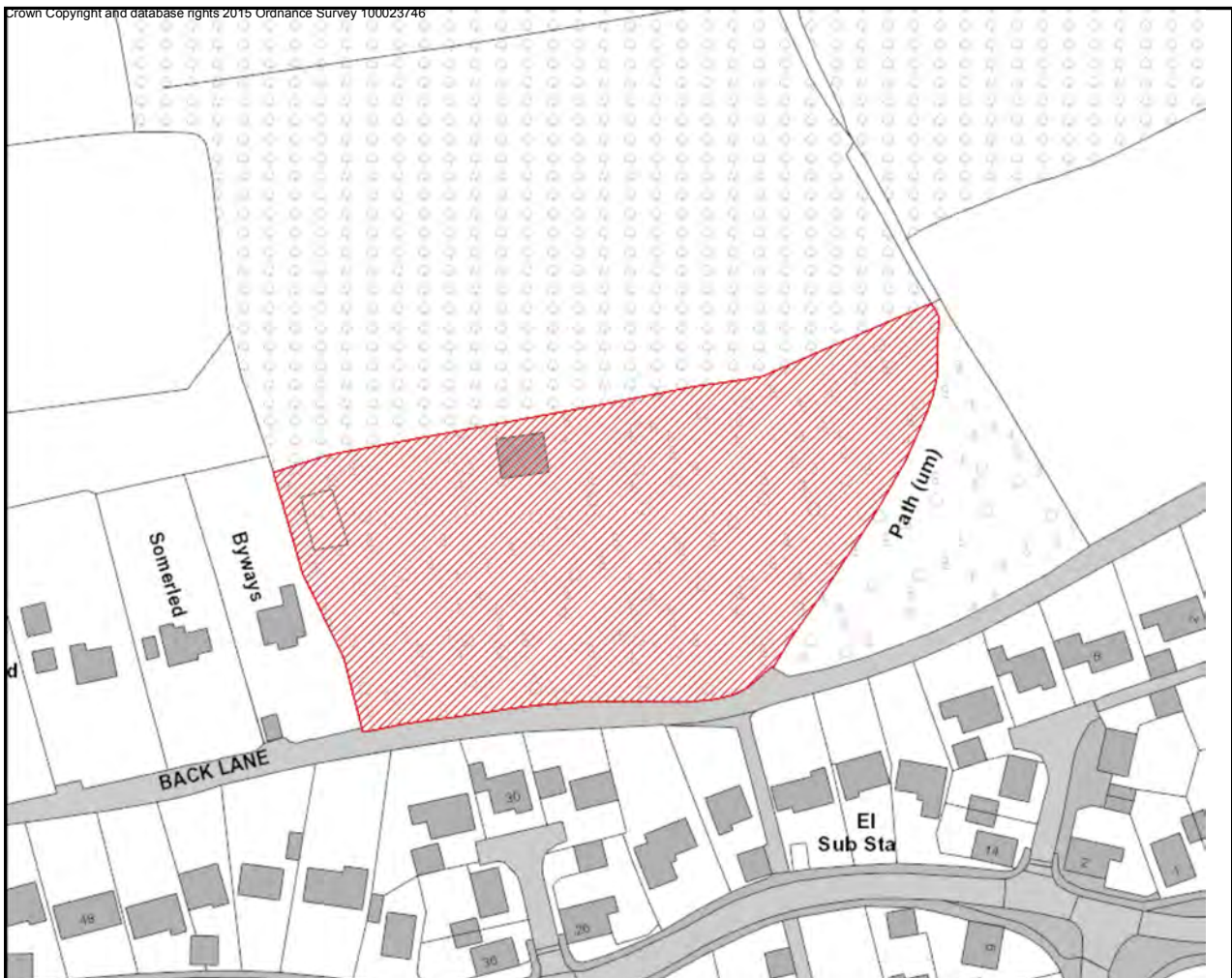
Location Byways Back Lane Newton Popleford Sidmouth EX10 0BX

Proposal Construction of timber field shelter (retrospective application)



RECOMMENDATION: Approval with conditions

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		Committee Date: 21.04.2015	
Newton Poppleford And Harpford (NEWTON POPPLEFORD AND HARPFORD)	15/0157/FUL	Target 24.04.2015	Date:
Applicant:	Mr Toby Taylor		
Location:	Byways Back Lane		
Proposal:	Construction of timber field shelter (retrospective application)		

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is brought before the Committee as the applicant is related to one of the Members of the Council and cannot therefore be determined through the delegation scheme.

It seeks planning permission retrospectively for the retention of a timber-framed field shelter on a parcel of land to the north of Back Lane beyond the edge of the built-up area of Newton Poppleford. The site, which is located within the East Devon Area of Outstanding Natural Beauty (AONB), presently contains areas of both evergreen and deciduous native tree planting and houses a recently-constructed barn.

Although the stated purpose of the development is to shelter livestock, its form and design are thought to be rather more domestic than agricultural in character. However, it is considered to be of sufficiently modest scale and well screened by the existing tree planting as to have no more than a very limited and localised impact upon glimpsed views from a short length of an adjacent public footpath through an established hedge.

On balance therefore, it is considered that the development is acceptable.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Parish Council fully support the above application. No objections. It is not prominent in the landscape and has no impact on neighbouring properties.

Technical Consultations

County Highway Authority

Does not wish to comment

Other Representations

No third party representations have been received in respect of the application proposal.

PLANNING HISTORY

Reference	Description	Decision	Date
10/0403/FUL	Agricultural pole barn (retrospective)	Approval - standard time limit	02.07.2010

POLICIES

New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

EN13 (Development on High Quality Agricultural Land)

Adopted East Devon Local Plan Policies

S5 (Countryside Protection)

D1 (Design and Local Distinctiveness)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Introduction

This application is referred to the Committee for determination because the applicant is related to a Member of the Council and it cannot therefore be dealt with under the scheme of delegation.

Site Location and Description

The site comprises a parcel of land approximately 1.2 hectares in area located on the northern side of Back Lane beyond the northern edge of the built-up area of Newton Poppleford. The land, which occupies part of a south-facing hillside, currently houses a small plantation of evergreen trees in addition to a barn (subject of planning permission ref. 10/0403/FUL granted in July 2010). A further small area of deciduous native tree planting is located to the north of the former and east of the latter.

The applicant's property, Byways, borders the land to the west whilst part of a public footpath (no. 28) bounds the site to the east. This section of path, which connects Back Lane with Harpford and Brooklands Cross, mainly takes the form of an unmade lane between established hedges.

The site is within the designated East Devon Area of Outstanding Natural Beauty (AONB).

Proposed Development

Planning permission is sought retrospectively for the retention of a two bay timber-framed field shelter that is located adjacent to a hedge that defines the northern boundary of the land around 40 metres to the west of its north eastern corner.

The structure is of gabled form with a fully pitched roof finished in shingles. The front and rear gable elevations are open. However, whilst both bays are finished in vertical timber boarding on the west elevation, only one of the two bays is similarly enclosed on the east elevation.

The building measures 3.7 metres by 2.5 metres with a roof ridge height of 3.5 metres. It is positioned around 48 metres to the east of the barn referred to above.

Details submitted with the application state that the structure provides a shelter for livestock during the winter months.

Considerations/Assessment

The principal issues in the consideration of this proposal involve the acceptability (or otherwise) of the principle of the development and its impact upon the rural landscape character and scenic beauty of the AONB.

It is considered that the building exhibits rather more a domestic form, design and appearance than agricultural despite its intended purpose. As such, it is not thought that it appears entirely compatible with the character of its surroundings or with the more distinctly agricultural character and appearance of the nearby barn on the land.

Nevertheless, the structure is of a modest scale. It is also very well screened from Back Lane and wider views of the site by both the existing plantation and the established hedges around the site. Equally, whilst it is visible in glimpsed views through the hedge alongside a short length of the adjacent public footpath, its visual impact is essentially limited owing to its relatively small size and the very localised nature of these views. As such, it causes little harm to the wider landscape character or scenic beauty of the AONB.

It is not thought therefore that an objection based upon the wider landscape impact of the development upon the AONB could reasonably be justified. Although its form and design does not appear overtly agricultural, this is considered to be outweighed in the overall planning balance by its highly limited impact upon the immediate area.

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 27th February 2015.
(Reason - To comply with Section 63 of the Act.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 East Devon District Council works proactively with applicants to resolve all relevant planning concerns, however in this case the application was deemed acceptable as submitted.

Plans relating to this application:

C	Combined Plans	22.01.15
A	Location Plan	27.02.15
B	Block Plan	27.02.15

List of Background Papers

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

Ward Ottery St Mary Rural

Reference 14/2861/MRES

Applicant Blue Cedar Homes

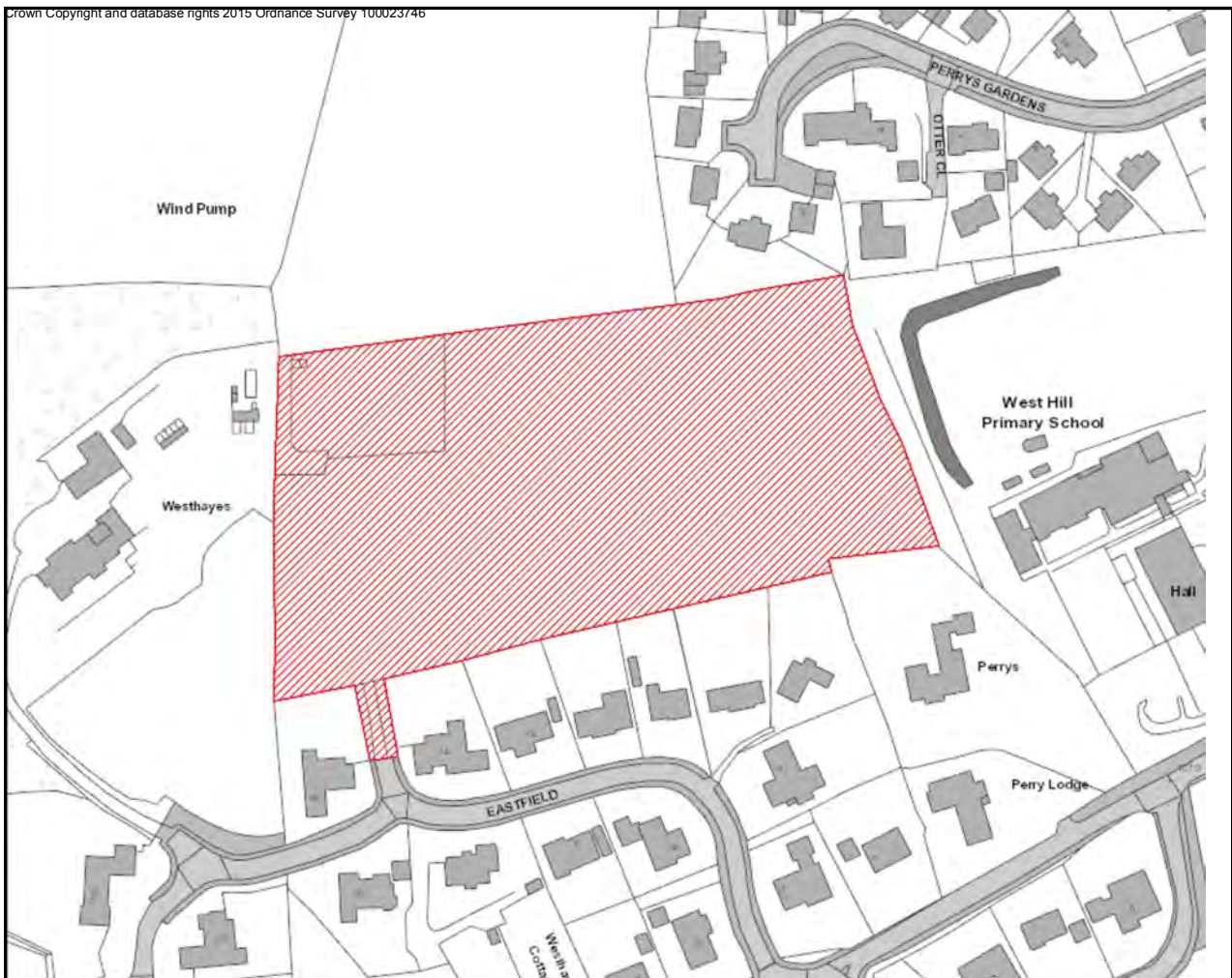
Location Land North Of Eastfield West Hill

Proposal Reserved matters application for the erection of 25 no. dwellings (seeking approval of appearance, layout, scale and landscaping) pursuant to permission 13/1809/MOUT.



RECOMMENDATION: Approval with conditions

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		Committee Date: 21.04.2015
Ottery St Mary Rural (OTTERY ST MARY)	14/2861/MRES	Target Date: 26.03.2015
Applicant:	Blue Cedar Homes	
Location:	Land North Of Eastfield	
Proposal:	Reserved matters application for the erection of 25no dwellings (seeking approval of appearance, layout, scale and landscaping) pursuant to permission 13/1809/MOUT.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application seeks approval of the outstanding details (relating to layout, scale, appearance and landscaping) reserved by outline planning permission ref. 13/1809/MOUT in relation to a residential scheme of 25 dwellings (consisting of 10 age restricted, 10 affordable and 5 open market units) on land to the rear (north) of Eastfield on the edge of the built-up area of West Hill. Details of the means of access to the development have already been approved at the outline stage.

The submitted details show a mix of bungalows and two storey units within the age restricted and open market elements of the scheme with the affordable housing being entirely two storey in form. Whilst greater 'pepper potting' of the affordable housing, either individually or in small clusters, around the site would have been preferred, it is understood on smaller schemes such as this that it is the requirement of the registered social landlord that social housing be concentrated for management reasons.

The scheme otherwise comprises a reasonable mix of dwelling forms and designs with the use of a brick, render and boarding wall finishes and slate roofs throughout. Together with the extensive landscaping proposed, which seeks also to retain the more important of the trees around the perimeter of the site, it is thought that these would result in an attractive development that pays appropriate regard to its surroundings and other recent developments elsewhere in West Hill.

Although the concerns raised by the town council, ward member and third parties with regard to the height and scale of the units near to the southern boundary with the rear of existing properties in Eastfield are acknowledged, they

are not considered to represent significant objections upon which refusal of the details could reasonably be justified. The layout retains sufficient separation distance between this part of the development and the neighbouring properties which, when taken together with the extent of the existing hedge screening to be retained and the rear elevation design of the units themselves which proposes only roof lights above ground floor level, is thought sufficient to avoid any significant adverse impact upon the living conditions of the adjacent occupiers.

Equally, the height of the fence screening along the part of the southern boundary alongside the proposed community orchard would, at 1.8 metres, be sufficient to prevent any impact upon neighbours. Again, this would reinforce the screening that is already provided by an existing hedge. Furthermore, in the absence of any objection to the level of parking provision offered by the scheme by the County Highway Authority (CHA), the concern that this is insufficient could not readily be upheld.

In view of the above it is considered that the details, as amended where necessary to address the CHA's observations as well as those of the Council's Arboricultural Officers, are considered to be acceptable.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Planning Committee would like to add the following concerns to this application:

- o A 2 metre close boarded fence should be erected at the boundary behind the community orchard and open market bungalows to prevent access onto the Devon Bank and this will extend across the rear aspect of 3 properties in Eastfield.
- o Parking - more than 2 visitor spaces are needed in the Blue Cedar scheme, to lessen the risk of visitors parking in Eastfield.
- o The Eastfield residents remain strongly opposed to anything other than bungalows to back onto Eastfield, which are all bungalows. They have consistently stated this since the earliest consultation. The new plan shows one and a half storey dwellings. The land on the development site is higher than Eastfield and slopes upwards throughout the site.

Ottery St Mary Rural - Cllr C Wright

I support residents and the town council's concerns and agree that there should be:

- A 2 metre close boarded fence erected at the boundary behind the community orchard and open market bungalows to prevent access onto the Devon Bank to be extended across the rear of 3 properties in Eastfield.
- o Parking - there is a considerable lack of parking in the scheme and specifically there should be far more than two visitor spaces, to lessen the risk of visitors parking in Eastfield.

o I support the Eastfield residents concerns about the height of the proposed dwellings that back onto Eastfield, which are all bungalows. Residents have consistently emphasised this since the earliest consultation. The new plan shows one and a half storey dwellings. The land on the development site is higher than Eastfield and slopes upwards throughout the site. Two storey houses and their proximity to the dwellings in Eastfield would be bound to have an intrusive impact, blocking light and taking away privacy. I hope that this will be reconsidered.

My concerns remain and I would like to send the application to committee.

Ottery St Mary Rural – Cllr T Howard

As the District Ward member for this village I have consistently objected to planning applications on Land North of Eastfield: I have also attended and voiced my objection at related of Appeal hearings. My views are unchanged and I firmly object to the current proposal. It is noted this is a case of considering reserved matters, nevertheless my objection remains.

I have carried out an individual survey of Eastfield residents and would like to emphasise to Development Management Committee the strength of hurt and worry they all feel as the Blue Cedar development becomes a reality. This is an elderly community who feel they will not be able to overcome the stress and other health related effects as the development progresses. It is believed local views have been disregarded, or indeed flatly ignored, in favour of the developer. The residents of Eastfield have lost faith in EDDC planning department.

The surface water run-off from Eastfield to the West Hill Road (and beyond) has not been addressed and with more tarmac/concrete in the planned housing development the situation will become far worse.

In general terms I would align my other comments with those of Ottery Town Council who also object on a number of associated matters.

Technical Consultations

Environment Agency

This application has been submitted without a flood risk assessment (FRA). In line with guidance of the NPPF this would be sufficient grounds to refuse.

However, we agreed a FRA, prepared by Sands Chartered Engineers, dated 24 July 2013 Rev PO2 under the outline application 13/1809/MOUT. Providing therefore that the development proceeds in accordance with this document there are no objections.

If not, we would object and would require a revised FRA.

Environmental Health

The EH comments on the outline application still apply, although now the developer must ensure they comply with the EDDC Code of Practice on the control of construction site nuisance.

Contaminated Land Officer

Our original comments still apply. These were:

I have considered the application and in view of the previously undeveloped history of the site and no adjacent uses of concern I do not anticipate any contaminated land concerns.

Housing Strategy Officer Paul Lowe

The comments stated in my response to 13/1809/MOUT still apply.

The proposal is to provide 40% (10) affordable homes of which 70% (7) are for affordable rent and 30% (3) as shared ownership. The layout plan provides for 8 x 2 bedroom houses and 2 x 3 bedroom houses. The provision of smaller units does meet a proportion of the need identified in the local housing needs survey. There is a need for a ground floor wheelchair accessible unit which has not been met.

We would have preferred to see the affordable units dispersed in small clusters rather than in one group.

South West Water

Thank you for your email dated 19 December 2014 regarding the above proposal. I am pleased to advise South West Water has not objection for the above proposal.

I trust this clarifies our position, however if you have any questions or queries, please contact me either via email or direct line: 01392 443189.

County Highway Authority

Observations:

The LPA will be aware that the CHA has recommended conditions on the Major Outline Application 13/1809/MOUT which was concerned with the matters of access, the provision of open space and associated works. This Reserved Matters Application seeks approval for the appearance, layout, scale and landscaping of the proposal.

Whilst the previous layout would have been indicative only, this layout is for consideration in detail. The CHA has concerns regarding the proposed layout, in that:

- The main access road finishes abruptly at a proposed field access to the north of the site without any closure from the carriageway to the open field. It would be expected that there should be a field gate, or similar, to create a proper ending to this road.
- The proposed vehicle turning facility at the end of the main access road is some 20m back from the end of the road, which is too far for vehicles to reverse in a

residential development. It is also at a road junction which appears to show a raised access which again is not suitable for reversing/turning vehicles.

- The lateral access road that serves plots 14 & 15 ends with a private access for plot 14 that is also proposed as a field access. Unless the field is part of curtilage of plot 14 then access to the field requires crossing presumably a private drive. Again there is not any proper closure to this road.

- The access road that serves plots 1 to 10 is proposed to be a gated road. This road could not be adopted by the CHA because it would not be open to general the public.

- The access road that serves plots 1 to 10 does not have any permeability between it and the rest of the development for vehicles or pedestrians. This will make this a completely closed community.

- The bin store for plots 1 to 10 is within the gated area and requires refuse vehicles to access via the proposed gates. This may not be acceptable to the waste contractor.

- It is noted that the application does not give any proposed drainage strategy for surface water drainage proposals, including private and highway surface water. The Ground Investigation Report and the E A Report proves that the ground on site is not suitable for soakaway drainage, as proposed in the outline application; however there are not any alternative drainage proposals in this detailed design. The CHA will require firm details of the proposed surface water drainage proposals, ideally with the acceptance of the E A and the Local Water Authority, before it could recommend acceptance of these reserved matters to the LPA.

- Because of the general highway layout arrangements and the lack of any identified surface drainage strategy, unfortunately the CHA recommends that the application is refused because of lack of detail.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE APPLICATION BE REFUSED ON THE FOLLOWING GROUND:

1. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of road layout, surface water drainage, and on site turning facilities contrary to paragraph 32 of the National Planning Policy Framework.

(Observations re. amended plans awaited)

Other Representations

6 representations of objection have been received, including 1 representation from West Hill Primary School, raising the following grounds:

1. Repeated requests for the properties situated behind the bungalows in Eastfield to be bungalows, so as to prevent overlooking and loss of privacy, have been ignored in spite of meetings that have been held between Blue Cedar Homes, Eastfield residents and West Hill Residents Association and it is therefore disappointing that seven 1½ storey houses have been positioned close to the boundaries of three of these properties.

2. Prior to submission of the application, Blue Cedar agreed the provision of a 2 metre fence between the proposed community orchard and Eastfield bungalows; however, this is now proposed at only 1.8 metres.
3. Inadequate provision of visitor parking spaces for the gated retirement scheme that will result in increased traffic and parking in Eastfield which, when considered alongside the percentage increase in the number of properties that will be served by Eastfield (Blue Cedar and Westhayes), would be a nuisance for residents and exacerbate the likelihood of accidents, particularly as the site entrance is used regularly as a turning point.
4. Impact of additional housing on the primary school which is almost at capacity with no possibility of expansion.
5. Potential disruption to day to day running of school in terms of vehicular access, parking and noise.
6. Effect on trees bordering the school grounds which are an important feature to the 'forest school' work.
7. Exacerbation of existing problems with surface water runoff from the site which leads to significant flooding of gardens of properties in Perrys Gardens owing to their lower level in relation to the site.
8. Overlooking of bedrooms of properties in Perrys Gardens.
9. Query whether it is appropriate for a village for the retirement housing to be gated.

PLANNING HISTORY

Reference	Description	Decision	Date
13/1809/MOUT	Construction of up to 25no dwellings (circa 10 age restricted, 10 affordable and 5 open market), provision of access, open space and associated works (outline application with details of access only)	Approval with conditions	27.06.2014

POLICIES

New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

Strategy 35 (Mixed Market and Affordable Housing Outside Built-up Area Boundaries)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

RC2 (New Open Space, Sports Facilities and Parks)

TC7 (Adequacy of Road Network and Site Access)

Adopted East Devon Local Plan Policies

S5 (Countryside Protection)

S7 (Infrastructure Related to New Development)

D1 (Design and Local Distinctiveness)

D4 (Landscape Requirements)

D5 (Trees on Development Sites)

H3 (Range and Mix of New Housing Development)

H4 (Affordable Housing)

TA7 (Adequacy of Road Network and Site Access)

RE3 (Open Space Provision in New Housing Developments)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Relevant Planning History

Outline planning permission was granted in June 2014 (under application reference 13/1809/MOUT) for a residential development scheme comprising the construction of up to 25no dwellings (circa 10 age restricted, 10 affordable and 5 open market) alongside the provision of vehicular access, open space and associated works.

Details of the means of access were also approved at that stage with the remaining details, consisting of the layout, scale and appearance of the development and the landscaping of the site, reserved for later approval.

Site Location and Description

The proposal relates to a greenfield site of approximately 1.7 hectares area located on the western edge of West Hill that is accessed from Eastfield, a residential cul de sac, to the south. Its southern boundary, which is also the rear boundary of existing properties in Eastfield that back on to the site, is contiguous with the edge of the built-up area of this part of the village.

The site comprises a single field used for grazing and divided from an adjacent field to the north by a mature but broken hedgerow. The land falls gently from west to

east. The site is also bound to the north east by residential development in Perrys Gardens and the village primary school to the east. A single large detached dwelling, Westhayes, is located beyond its western boundary. A comparatively recent appeal decision has granted planning permission for a scheme of 10 dwellings to the west of this property.

Proposed Development

Approval of the remaining details of the proposed development reserved at the outline stage is now sought. These relate to the layout of the site, the scale and appearance of the residential units and the hard and soft landscaping works.

The scheme details envisage the construction of the 10 no age restricted units within a gated community at the higher western end of the site with the affordable housing positioned within the south eastern portion and the open market element predominantly towards the north eastern quadrant. The affordable element would be laid out in the form of one terrace of three units alongside three semi-detached pairs and a single detached dwelling. All of the remaining dwellings, comprising the age restricted and open market elements, would be detached.

Eight of the ten affordable units would be two bedroom with plots 24 and 25 comprising three bedroom dwellings, all with external parking spaces. These would be a mix of two storey and storey and a half height. Plots 1 and 10 of the age restricted units are shown as two bedroom bungalows with the remainder of these consisting of three bedroom two storey houses, all served by a mix of attached and detached single and double garages. The five detached open market units would all be four bedroom and two storey, with the exception of plot 11 which would be a bungalow. No part of the development would be greater than two storeys in height.

Considerations/Assessment

The submitted details fall to be considered having regard principally to the four remaining matters reserved by the outline planning permission that are each considered in turn below.

Layout

The details show the ten age restricted units arranged around a largely central landscaped courtyard garden and served by a cul de sac extending north off the main spine road, itself a cul de sac that is shown to extend through the central portion of the site. Three of the five open market dwellings would be served by a second spur road with the affordable units accessed via a third road. The principal elevations of the remaining two open market houses would face towards the spine road but to the south and north of the road serving the affordable housing element.

The units nearest to the western and northern site boundaries have been laid out with the potential proximity to trees along both in mind. Three individual specimens, all Oaks, along the northern boundary are formally protected through a Tree Preservation Order (TPO) whilst an area order also applies to the curtilage of Westhayes that extends to include the far western end of Eastfield itself. The position of the units on plots 1-7 and 13-15 have been considered in liaison with the Council's Arboricultural Officer and it is accepted that the layout provides sufficient

clearance from the most important of these specimens so as to avoid any potential harm to their individual and collective amenity value subject to appropriate means of protection being employed during the course of construction (as conditioned at the outline stage).

Works to a number of the trees along the western boundary of the site that are not considered to be covered by the area order on Westhayes owing to their young age (the order was made back in 1990) have been agreed in consultation with the Council.

The layout details also provide for the public open space secured through the Section 106 legal agreement attached to the outline permission through the planting of a community orchard area to the east of the proposed entrance to the development off Eastfield. Aside from providing a local amenity for prospective occupiers of the scheme, it is also intended to serve as a buffer between the rear boundaries of nos. 12 and 14 Eastfield and the development.

These elements of the scheme layout are largely acceptable. Moreover, the general disposition of the age restricted, open market and affordable units across the site appears very much in line with an illustrative sketch layout plan that was submitted with the outline application. Although it separates the three forms of housing with little apparent significant integration of the social and open market housing, it is understood that the concentration of the affordable element is a requirement of the prospective registered social landlord that would be responsible for the management of the units. Given the comparatively small numbers of such units in this particular scheme, it is accepted that it would not be feasible to separate the affordable dwellings into smaller clusters that are more dispersed around the site.

It is not thought that there is any sustainable objection to the general arrangement and layout of the market and affordable housing on the site which, as stated, essentially follows the principles set out in the indicative site layout plan submitted with the outline application. It is also acknowledged that at least the open market dwelling plots 11 and 12 are reasonably well related to the affordable housing and would result in some degree of social integration.

Moreover the general arrangement of private garden and semi-public and public open space throughout the site, coupled with the landscaping proposals that have been submitted (which are discussed in greater detail below) and the retention of the majority of the existing boundary trees and hedges, would result in an attractively landscaped development towards which the overall quality of the layout would contribute.

As a result of negotiations with the County Highway Authority (CHA), the layout also incorporates field access gates at the end of both the principal spine road and the spur serving plots 12-15. Other matters raised by the CHA have been the subject of dialogue with the applicants; however, the amended site layout details - which also incorporate the detailed landscaping proposals - are now acceptable.

Scale

As stated above, no part of the development would exceed two storeys in height which in general terms is thought to be largely acceptable.

However, the principal issue of concern with the town council, ward member and adjacent occupiers of Eastfield who have commented on the proposals, centres upon the height of the affordable units (plots 19-25) that would back onto the southern boundary of the site, beyond which are the rear gardens of existing bungalows in Eastfield.

Whilst these are shown as being of two storey form when viewed from the proposed internal access road, with roof ridge and eaves heights of 8.2 metres and 5 metres respectively, these units have been designed with asymmetrically pitched roofs with extended rear elevation roof planes dropping to a lower eaves height of 3.5 metres within which the first floor level accommodation would be served by a series of rooflights.

The rear elevation walls of these dwellings would be set back a distance of between 11 and 12 metres from the southern boundary of the site. The corresponding distances from the rear of the existing properties in Eastfield to the same boundary varies from around 18 metres to 30 metres. The minimum overall separation distance that would therefore be achieved between existing and proposed dwellings would be just about 30 metres (and in the majority of cases the distance would be greater than this) which is considered to be adequate to ensure that satisfactory living conditions for the current occupiers (as well as those of the development itself) would be appropriately safeguarded.

Typical cross section details have been supplied by the applicants that indicate that the rooflights in the rear elevation of plots 19-25 would be positioned at a height of around 1.5 metres above the prospective internal floor level. Factoring in the comparatively shallow pitch of these roof planes and the considerable separation distances from these units and the existing properties in Eastfield described above, it is not considered that the relationship that would be created, either in terms of the scale and height of the proposed dwellings themselves or the outlook that would be available from the rooflights, would have a detrimental impact upon the adjacent properties.

Taken together with the intention to retain, and indeed reinforce with new additional planting, the existing established hedge along the southern boundary of the site, it is not thought that the development would be of a scale that would result in undue harm to the privacy or amenity of neighbouring residents through the introduction of unacceptable levels of overlooking from windows in the rear elevation of plots 19-25 or through being unduly physically overbearing, dominating or intrusive with consequent detrimental effect upon the present levels of light, aspect or outlook that are available to them. Whilst there would be some difference between the finished floor levels of the proposed units and those of the properties in Eastfield, in view of these factors it is not thought that the development would cause material harm to the living conditions of existing residents.

It was not considered necessary to seek to control the height and scale of these units by condition at the outline stage and, aside from any understanding that may

have been given or received by local residents prior to the submission of the detailed scheme for development of the site in the light of discussions held between the applicants and the residents association, it is now incumbent upon the Authority to consider and assess the details that are before it. As such, having regard to the factors and issues set out above, it is maintained that the scale of these particular units would be acceptable.

In terms of the remainder of the scheme, it is thought that it would create a reasonable mix of both single and two storey dwellings that would not appear out of scale with either the neighbouring residential development in Eastfield or Perrys Gardens or inappropriate for this edge of village location more generally. The proposed finished floor levels would reflect the relatively gentle west/east fall across the site with some 6.8 metres difference between that of plot 5, which would occupy the highest part of the site adjacent to its north western corner, and that of plot 19 at its south eastern corner. In addition, the finished floor and roof ridge levels of the proposed three terraced affordable dwellings at plots 21-23 would be stepped in a manner that acknowledges the sloping nature of the site.

The overall disposition of dwellings and the open spaces between them is considered to be generally acceptable and would result in a scheme that would not appear as an overdevelopment of the site or provide for inadequate public open or private garden space. Roof ridge heights of the two storey units across the site would generally be in the range of 7 - 8.5 metres with the slightly lower units mainly comprising the age restricted element that would occupy the more elevated portion of the site. Such heights are not thought to be excessive or inappropriate.

Appearance

The submitted details propose a reasonable number and variety of house types across the site. However, all units would be of largely traditional form and appearance incorporating pitched roofs with a mix of gabled and hipped roof forms. Although the reduced scale and more simple form of the affordable element would appear more distinct in terms of differences in appearance to the remaining detached units, this would not be entirely untypical of schemes such as this that involve a mix of open market and social housing. In the circumstances therefore, there is no objection to the variety of house types and building forms that is proposed.

It is intended to utilise an essentially identical palette of external wall and roof finishes throughout all three parts of the scheme. These would consist of a mix of face brick and painted render, with in some cases the addition of boarding to gables and other elements, and slate roofs. However, no details as to the exact specification of materials to be employed in the development have been provided.

The selection of these finishes is intended to reflect other more recent housing developments in West Hill as well as the applicants' own retirement housing developments that have been built elsewhere.

Subject to the submission of further details/samples, it is considered that the form, design and appearance of the units would be largely satisfactory.

Landscaping

These include a highly detailed landscaping scheme for the site that is based upon a block structure that incorporates structural landscaping and seeks to retain existing features, including trees, with the guiding principle in mind of creating what is described in the submitted design and access statement as a 'landscape dominated environment'.

The scheme proposes the planting of native species hedges along significant lengths of both sides of the main spine road serving the development with that along the western side consisting mainly of a mix of Beech and Holly with that opposite comprising mainly Beech. A Beech and Holly hedge is also proposed along the boundary of plot 11 with the community orchard/open space area to its west. Elsewhere, it is intended that a belt of native tree and shrub planting is introduced alongside part of the southern boundary of the site adjacent to the rear gardens of nos. 8, 9 and 10 Eastfield and native hedge interplanting carried out along both the northern and western site boundaries. There would also be structural tree planting throughout the site and tree and shrub planting of the courtyard garden serving the age restricted units. A Beech hedge with adjacent 1.2 metre high post and rail fencing would in part define the scheme boundary with the easternmost portion of the site beyond the affordable housing element and along the side boundary of plot 15.

The landscaping proposals have been amended slightly during the course of the application, following negotiations involving the Council's Arboricultural Officers, to allow for the removal of a Western Red Cedar tree from plot 5 and the planting of three specimen trees in its place. In addition, revisions to the planting species elsewhere throughout the site have been incorporated that mainly involve the substitution of larger species for smaller species where the spaces in which they are proposed are more restricted in area and within which the planting of the wrong species may result in domination and subsequent pressure for removal or significant reduction works in the longer term.

A tree protection plan and arboricultural method statement submitted with the details have also been modified in the light of discussions with the Arboricultural Officers.

Much of the remaining boundary treatment would take the form of 1.8 metre high fencing. This would be constructed along the inside of both the existing hedge that defines the southern boundary with the rear of the existing Eastfield properties and the new tree and shrub belt to be introduced referred to in the preceding paragraph. Elsewhere, it would mainly define the plot boundaries between the rear gardens of the units and as such would not be readily visible within the street scene or wider public domain. Such treatment would be supplemented in the case of the age restricted units by lower post and rail fencing along the sections of plot boundaries furthest from the rear of each dwelling.

The preference expressed by the town council, ward member and third parties for the height of the fencing alongside the part of the southern site boundary adjacent to the proposed community orchard/open space and plot 11 to be 2 metres (rather than

the 1.8 metre height proposed) is acknowledged. However, boundary screening of 1.8 metre height is commonly considered to be adequate to ensure that reasonable levels of privacy are maintained between private garden areas at ground floor level. In this case, coupled with the separation distances described above and the intention to retain the existing well established hedge that defines the boundary, it is considered that a 1.8 metre fence would be adequate and that there is no sustainable ground upon which to insist upon this being of a 2 metre height.

Once again, while there may have been an understanding locally following discussions involving the residents association and the applicants that a proposal for a 2 metre high fence would be forthcoming, the Council is required to consider the details that have been submitted on their merits. In view of the foregoing factors it is maintained that a 1.8 metre fence would be sufficient to ensure that appropriate levels of privacy for existing residents in Eastfield are safeguarded.

Other Matters

The other principal concern raised by the town council, which is also reflected in the views of both the ward member and third parties, relates to the number of visitors' parking spaces that are proposed with the age restricted housing. Whilst these are noted, no objection is raised to the scheme by the County Highway Authority. However, a small number of minor revisions to the site layout details have been made to accommodate the provision of field access gates at the end of the main spine road and the spur serving the three open market units nos. 13-15.

Whilst at the time of writing the report the Highway Authority's observations concerning these are awaited, it is understood that there are unlikely to be any objections to these revisions. In addition, it is understood that the other issues raised have been addressed through exchanges of information directly between the applicants and the Highway Authority and do not require the formal submission of further revised details in plan form.

The objections raised by residents of Perrys Gardens to the north east of the site with regard to overlooking are acknowledged. However the separation distance between the rear elevation of plot 15, the nearest of the proposed dwellings to the rear gardens of nos. 6 and 7 Perrys Gardens, and the site boundary with these properties would be around 12 metres with further distances of around 17 and 30 metres respectively between the boundary and each of these dwellings owing to the reasonably generous sizes of their rear gardens.

Matters relating to surface water drainage were the subject of consideration at the outline application and a condition imposed requiring the development to be carried out in accordance with a detailed flood risk assessment that was submitted at that stage. This incorporated a surface water management plan containing proposals for the installation of a below ground attenuation feature to control the rate of surface water runoff to ensure the maintenance of greenfield runoff flows and therefore avoid any increased flows from the site.

RECOMMENDATION

APPROVE subject to the following conditions:

1. East Devon District Council as Local Planning Authority HEREBY APPROVE THE FOLLOWING RESERVED MATTERS of the above described development proposed in the application numbered as shown above and in the plans and drawings attached thereto, 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. 13/1809/MOUT) granted on 27th June 2014.

The following reserved matters have yet to be approved:

None

The following Conditions attached to the Outline Planning Permission (ref.: 13/1809/MOUT) referred to above are discharged in relation to the part of the site covered by this reserved matters application:

1, 2

The following Conditions attached to the Outline Planning Permission (ref. 13/1809/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 14/2861/MRES:

4, 11, 12, 14

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

2. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan and Policy D1 (Design and Local Distinctiveness) of the emerging New East Devon Local Plan.)
3. Notwithstanding the Schedule Part 1 Class B (The enlargement of a dwellinghouse consisting of an addition or alteration to its roof) of Town and

Country Planning (General Permitted Development) Order 1995 (as amended), no additions or alteration shall be made to the south facing roofslopes of the dwellings located along the southern edge of the site and referenced on the approved plans as plots 11, 19-25.

Reason: In the interests of amenity of adjoining residents in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan and Policy D1 (Design and Local Distinctiveness) of the emerging New East Devon Local Plan.)

4. Notwithstanding the plans hereby approved, there shall be no boundary fence located along the southern edge of the identified public open space (itself located adjacent to the site access), which shall instead be enclosed along this boundary with the retained existing hedgerow or other natural treatment for which details shall have been submitted to and approved in writing by the Local Planning Authority prior to its instigation.

Reason: To ensure a suitable quality and appearance to the landscaping to maintain the character of the area and Policy D4 (Landscape Requirements) of the adopted East Devon Local Plan.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

015 V	Proposed Site Plan	15.12.14
016 A	Street Scene	15.12.14
030A	Sections	04.12.14
40B	Combined Plans	15.12.14
41B	Combined Plans	15.12.14
49A	Proposed Elevation	04.12.14
51B	Proposed Combined Plans	04.12.14
52A	Proposed Floor Plans	04.12.14
53B	Proposed Combined Plans	15.12.14
54A	Proposed Floor Plans	04.12.14

56D	Proposed Floor Plans	04.12.14
57E	Proposed Elevation	04.12.14
60D	Combined Plans	04.12.14
61C	Proposed Elevation	04.12.14
65D	Proposed Floor Plans	04.12.14
66A	Proposed Elevation	04.12.14
80E	Proposed Floor Plans	15.12.14
81E	Proposed Elevation	15.12.14
85E	Proposed Floor Plans	04.12.14
86C	Proposed Elevation	04.12.14
90B	Proposed Floor Plans	04.12.14
91C	Proposed Elevation	04.12.14
92C	Proposed Elevation	04.12.14
93B	Proposed Floor Plans	04.12.14
95C	Proposed Floor Plans	04.12.14
96A	Proposed Elevation	04.12.14
97	Proposed Floor Plans	04.12.14
98	Proposed Elevation	04.12.14
99	Proposed Floor Plans	04.12.14
100A	Proposed Elevation	04.12.14
101	Proposed Floor Plans	04.12.14
102	Proposed Elevation	04.12.14
671-01F	Landscaping	20.03.15
03380 TPP REV E	Other Plans	20.03.15

45 B	Proposed Plans	Combined	17.12.14
103	Proposed Floor Plans		15.12.14
104	Proposed Elevation		15.12.14
001	Location Plan		15.12.14

List of Background Papers

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

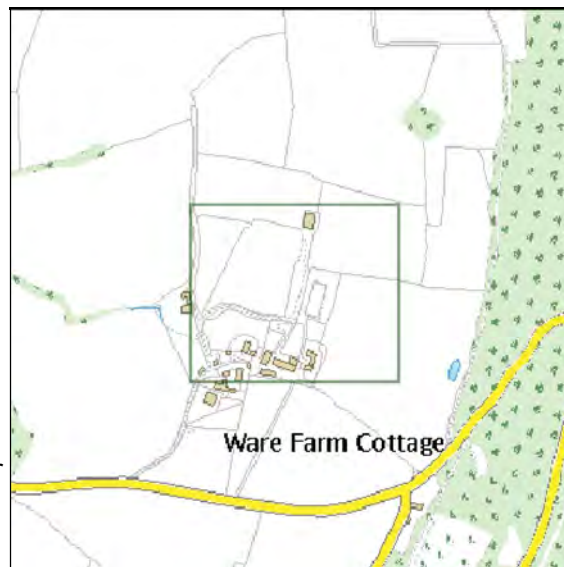
Ward Ottery St Mary Town

Reference 14/2820/FUL

Applicant Mr M Selley

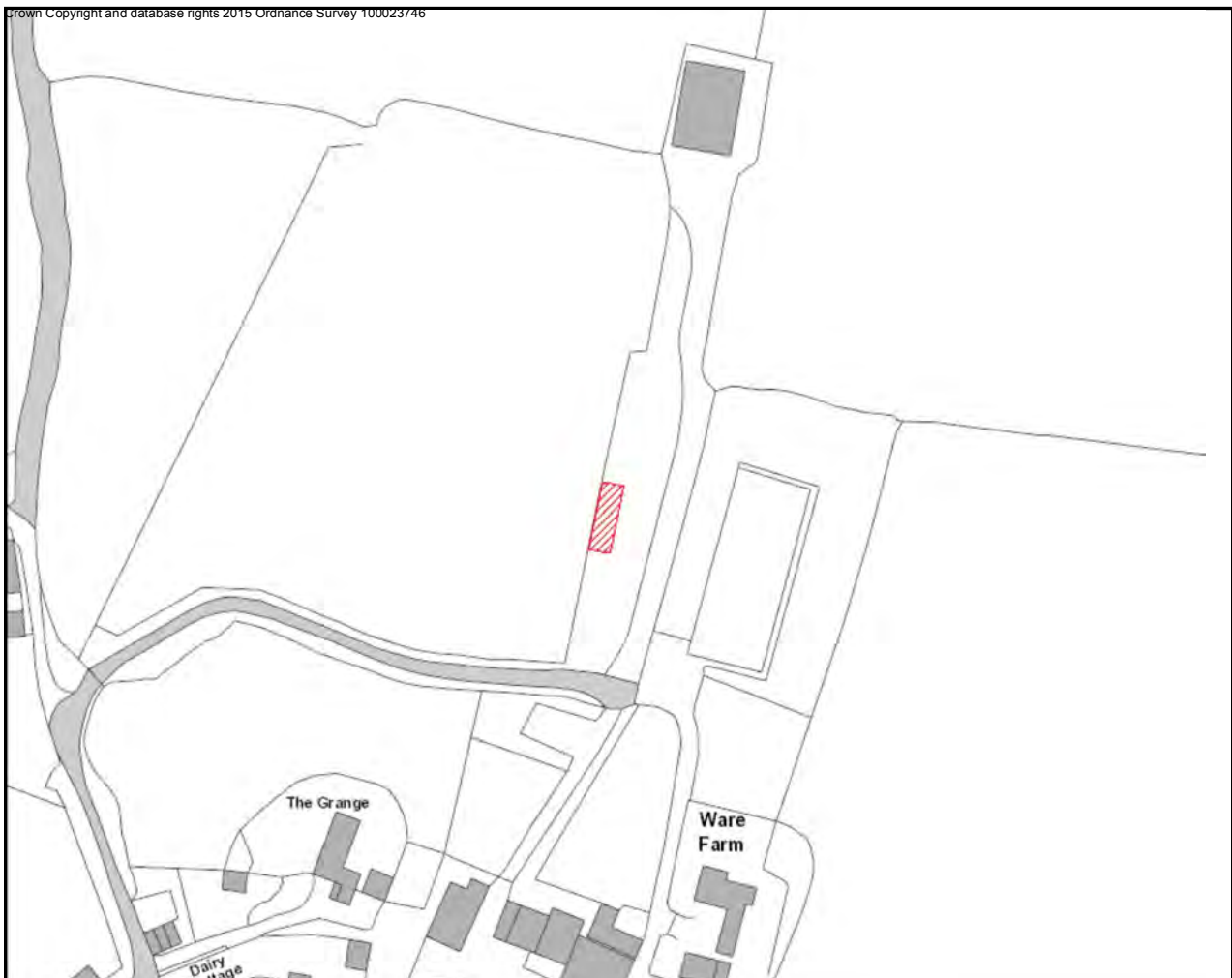
Location Ware Farm (Land At) Ottery St Mary EX11 1PJ

Proposal Siting of temporary mobile home for agricultural worker



RECOMMENDATION: Approval with conditions

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		Committee Date: 21 April 2025
Ottery St Mary Town (OTTERY ST MARY)	14/2820/FUL	Target Date: 10.02.2015
Applicant:	Mr M Selley	
Location:	Ware Farm (Land At) Ottery St Mary	
Proposal:	Retention of temporary mobile home for agricultural worker	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application seeks permission for the siting of a temporary mobile home located on the upland hill slopes of East Hill. Located on land adjacent to Ware Farm the 16 acre site is accessed from an existing track/lane from Chineway Hill where this lane passes close to a cluster of existing farm buildings and private houses located close to Ware Farm. The applicant has submitted functional and financial evidence which on balance demonstrates that there is a need to live on site to meet the full level of agricultural activity that would take place for the business which primarily focuses on calf rearing together with a small suckler herd and other stock based enterprises. In addition the financial statement submitted indicates that while currently the activity would not justify a full time business, the business should be capable of a reasonable profit to support at least one full time worker when it is fully operational. While still in its early stages the principle of a mobile home on a trial basis and to allow the business to become fully operational is not unreasonable. Assessments have been undertaken considering the impact on neighbour amenity, highway access and landscape impact (the site is within the designated Area of Outstanding Natural Beauty) but no significant harm is considered to arise and on balance it is recommended that the application be approved.

CONSULTATIONS

Local Consultations

Ottery St Mary Town - Cllr R Giles

This application is in my ward and my preliminary view, based on the information presently available is that it should be REFUSED.

The fundamental issue is whether the need for an agricultural workers` dwelling has been demonstrated. My view is that it most certainly has not. The applicant is only able to demonstrate ownership of 16 acres of land at or near Ware Farm. Other land which the applicant hopes to work is distant from the application site and/or of uncertain ownership/leased arrangements.

There are many properties within 2 miles of the application site (some much closer than 2 miles) which could house someone working the land at Ware Farm. The appraisal forming part of the application incorrectly states "Ware Farm is approximately 5 miles from the town of Ottery St Mary" - Ware Farm is less than 2 miles from Ottery St Mary.

I also have other concerns which have not been satisfactorily dealt with in the application. These include the long standing water run-off problem; the foul drainage arrangements in a very sensitive location; and the visual impact of a dwelling in the Area of Outstanding Natural Beauty.

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

Ottery St Mary Town - Cllr D Cox

The 'Planning Appraisal' is incomplete (appendices D & E are missing) so that it is not clear whether the enterprise will be viable on relocation to Ware Farm (16 acres) with remote holdings of rented land some of which is five miles away. Likewise, in the absence of projections to evidence that the proposed expansion plans are achievable, new temporary agricultural accommodation cannot be justified, particularly within the Area of Outstanding Natural Beauty. Instead, housing should be sought in the vicinity of the farm; Ottery St. Mary is less than two miles away. In the circumstances, it is my view that the application should be refused; however, in the event that the application comes to Committee, I reserve my position until I am in possession of all the relevant facts and arguments for and against.

Parish/Town Council

The Planning Committee unanimously does not support this application:

- Lack of Agricultural justification
- Adverse impact in an Area of Outstanding Natural Beauty
- Surface water run off
- The size of the holding at 16 acres is insufficient to support an agricultural dwelling
- Dirty water run off from the animals

Technical Consultations

County Highway Authority
Does not wish to comment

Other Representations

Objections from 2 addressees raising the following comments

- Applicant owns 11 dogs which could result in excessive noise
- Application is a pre cursor to a dwelling and not a genuine agricultural operation with associated need
- Insufficient land on which to undertake proposed operation
- No details on how foul drainage would be managed
- Development could exacerbate surface water runoff and associated risk of flooding and pollution from dirty water
- Parts of the applicants existing business comprising agricultural contracting and the running of a shoot have ceased/been sold
- Applicant could run stock from rented land elsewhere and therefore does not need the mobile home on Ware Farm
- Harm local landscape which is designated as an Area of Outstanding Natural Beauty

POLICIES

New East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

D7 (Agricultural Buildings and Development)

E8 (Agricultural Development and Succession Housing)

H4 (Dwellings for Persons Employed in Rural Businesses)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 5 (Environment)

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)

S5 (Countryside Protection)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

ANALYSIS

Location

Land at Ware Farm is formed from rising agricultural land bounded by a mix of mature hedges and post and rail fencing located to the east of Ottery St Mary. This is also located inside the designated Area of Outstanding Natural Beauty. Existing agricultural buildings have been cut into a small plateau area which itself is set to the north of the main cluster of houses and outbuildings. While the main farmhouse

(unrelated to this application) is accessed from a single private access the rest of the complex including this site is accessed from a narrow lane accessed from Chineway Hill to south of the complex.

Proposal

The application seeks permission for the siting of a mobile home to serve a new agricultural enterprise on a 16 acre site. The mobile home which has been installed during the consideration of this application has been located within the plateau area and on the line of the access track spurring off from the main complex in a northerly direction and linking to the previously constructed agricultural building. At the time of the visit the existing barn itself was in use and stocked with a number of cattle and there was a range of stored materials around the site

Assessment

While part of the enterprise is being moved from an existing set up near Blannicombe Farm (and from rented to owned land) the intention is to substantially grow the business and intensify and diversify the agricultural operations being undertaken. That being the case the main issues with the application relate to the principle of siting a mobile home in the location proposed, the level of justification for it and whether there are any other reasonably available properties, the landscape impact and highway access.

In terms of the principle the test set out within the Framework requires the following to be met:

"an essential need for a rural worker to live permanently at or near their place of work in the countryside"

In this instance the applicant proposes a farming business comprising

10 Suckler Cows
1 Bull
40 Stores
240 Milk Rear Calves
5 Sows

It has been confirmed that all this livestock would be housed at Ware Farm. While the Store Cows and Suckler Cows are already owned, investment over the first year period would allow the remaining to be brought into the enterprise including all Milk Reared Calves which would be brought in batches of 40 at between 10 days and 3 weeks old and then sold at 4-6 months.

In addition the applicant seeks to manage 15 acres of mown grass, 50 acres of pasture and 15 acres of forage maize split between the land at Ware Farm and rented land elsewhere in East Devon.

The statement provided with the application demonstrates that this level of activity would generate around 1.65 labour units and therefore goes some way to justifying

the agricultural need. However it does not necessarily demonstrate that there is a need to be on site and under the old guidance to be readily available at most times.

To address this element, the submitted statement also sets out the need to be on site for the proper functioning of the unit and in particular to manage all animal husbandry issues particularly those associated with young livestock where quick reaction to emerging problems is important. It is envisaged that in addition to the calf rearing enterprise the calving of the Suckler Cows would take place in the Spring and Autumn.

In terms of the business planning of the unit a set of fixed costs and predicted accounts have been submitted and these demonstrate that the scheme when fully operational would generate a reasonable profit. It is noted that some concern has been raised regarding the cross subsidy of the enterprise by agricultural contracting work that is undertaken by the applicant. This has not formed part of either the functional or financial appraisal and therefore no weight is given to such contracting work either in support of or against the assessment that is being made.

Based on the above it is considered that reasonable evidence has been provided to demonstrate there is both a level of agricultural activity taking place and a need to be either on or near the site so that on balance the functional need is demonstrated.

As an application seeking only a temporary permission for three years its primary purpose is to allow the development of the business and ascertain whether indeed it can become profitable. While the predicted accounts appear to demonstrate that a profit can be realised it is not necessary to show an actual profit or have the business fully up and running at the outset of what ultimately is a trial period. In this regard it is considered that there is sufficient evidence and confidence that a successful business could become established not to withhold permission on this basis.

Whether there is an alternative dwelling within a reasonable distance that could accommodate the needs of the holding is never easy to fully address. In this instance while it is noted that Ware Farm is itself agriculturally tied and has been on the market in recent times, this is no longer up for sale. In any event when it was on the market an asking price of in excess of £1.5M was being asked and this is considered unaffordable to most farmers. Currently there are three properties available within 3 miles of the site which are below £220,000 - a four bedroom maisonette and 4 bedroom semi-detached house in Ottery St Mary and a 4 bedroom semi-detached dwelling in Feniton. While these are more affordable than many properties ranging from between £155,000 to £217,500 they nevertheless would still require a substantial deposit. In addition it could be argued that they are not reasonably related to the farm holding to provide the level of surveillance and cover which the applicant reasonably claims is necessary. The applicants agricultural appraisal argues that there is a need for a dwelling on the site to look after suckler cows calving down in the autumn and spring and to look after their progeny. This being the case it is considered that dwellings in the nearby area would not be able to meet the functional need in this case.

Landscape impact is also critical given the location of the site within the designated Area of Outstanding Beauty which attracts the highest level of landscape protection. It is noted that in the vicinity of the site there are no immediate footpaths that provide clear views of the site. As such it remains that the main visual impact of the site is from the medium distances and in particular land on the edge of the town. Views tend to look "up" to the site where the mobile home is then viewed against the background of the rising hill and wooded hilltop to the east. In addition the home is also read in part, as a continuation of the existing cluster of buildings and houses that have already been described around the Ware Farm area. While the proposed location is the most appropriate within the holding the light metallic appearance of a mobile home in this location will appear quite prominent and out of place, however this is justified by the functional need for the dwelling. If the holding is successful a permanent dwelling would appear less prominent due to its more appropriate materials while it would also be reasonable to provide better screening for a permanent unit in the future.

In terms of highway access the property would utilise an existing track/private road that accesses Chineway Hill. While in places this is of poor surfacing it remains a reasonable lane to access the farm. It is noted that this passes fairly close to a number of private residential properties but these are located on the edge of the existing lane which has in the past seen a reasonable level of farming activity. While some additional impact on amenity of these occupiers would arise from the farm activity described - particularly the frequent stocking and replacement of young calves, it is not considered that sufficient harm would arise to resist the application. Private vehicle movements associated with the single additional mobile home (which should be the primary focus of this application - while noting that its presence is likely to make the agricultural activity more likely) would not cause significant harm.

In terms of the access itself, the junction with Chineway Hill is not ideal. However it is an existing junction and one that has seen significant vehicle movement in the past (before the new access track to Ware Farm itself was formed). With this history and given the level of uncontrolled agricultural traffic which could use the junction irrespective of whether the mobile home was permitted, it is not considered that substantial harm could be demonstrated.

The siting of the mobile home prevents any harmful amenity impact in terms of dominating, overshadowing or overlooking impacts affecting the adjacent residential properties from occurring.

Other Issues

The mobile home is located within 10 Km of the pebblebed Heaths habitat mitigation area and therefore the applicants will have to pay the required contribution to mitigate impacts under the habitat regulations. As long as the developer pays the required contribution then it is considered that the development would not have a significant impact on this European designated area.

RECOMMENDATION

APPROVE subject to the following conditions and receipt of a completed unilateral undertaking to make the required contribution under the habitat regulations to address impacts on the Pebblebed Heaths. :

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 19 March 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. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.
(Reason - The dwelling is justified only by agricultural need and should remain available for this purpose in accordance with Policy H8 (Dwellings for Persons Employed in Agriculture or Forestry) of the East Devon Local Plan.)
4. Any occupation of the temporary dwelling hereby permitted shall cease, the dwelling structures shall be removed from the land and the site returned to its former condition within 3 years of the date of this decision or at any time at which agricultural activity on the land cease permanently, whichever is the earlier. (Reason - To ensure that only residential development that is essential to the rural economy is permitted within this open countryside location, in accordance with polices ST1 and ST16 Devon Structure Plan 2001-2016 and policies S5 and H8 of the adopted East Devon Local Plan).

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

	Location Plan	08.12.14
2	Proposed Elevation	27.11.14
1	Proposed Combined Plans	27.11.14

APPENDIX B	Block Plan	03.12.14
	Location Plan	03.12.14

List of Background Papers

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

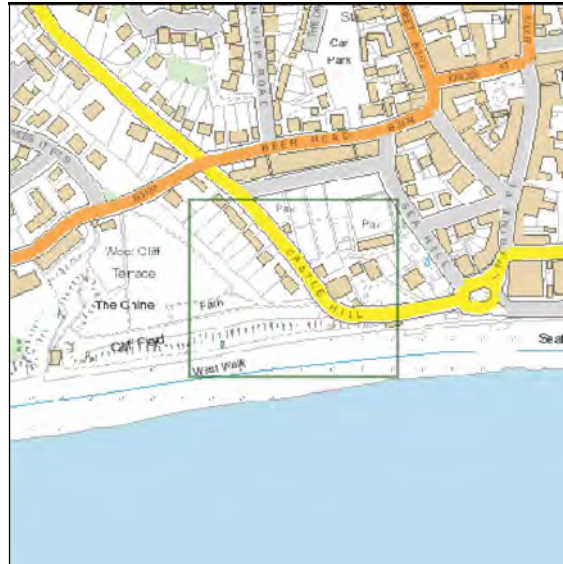
Ward Seaton

Reference 14/2695/FUL

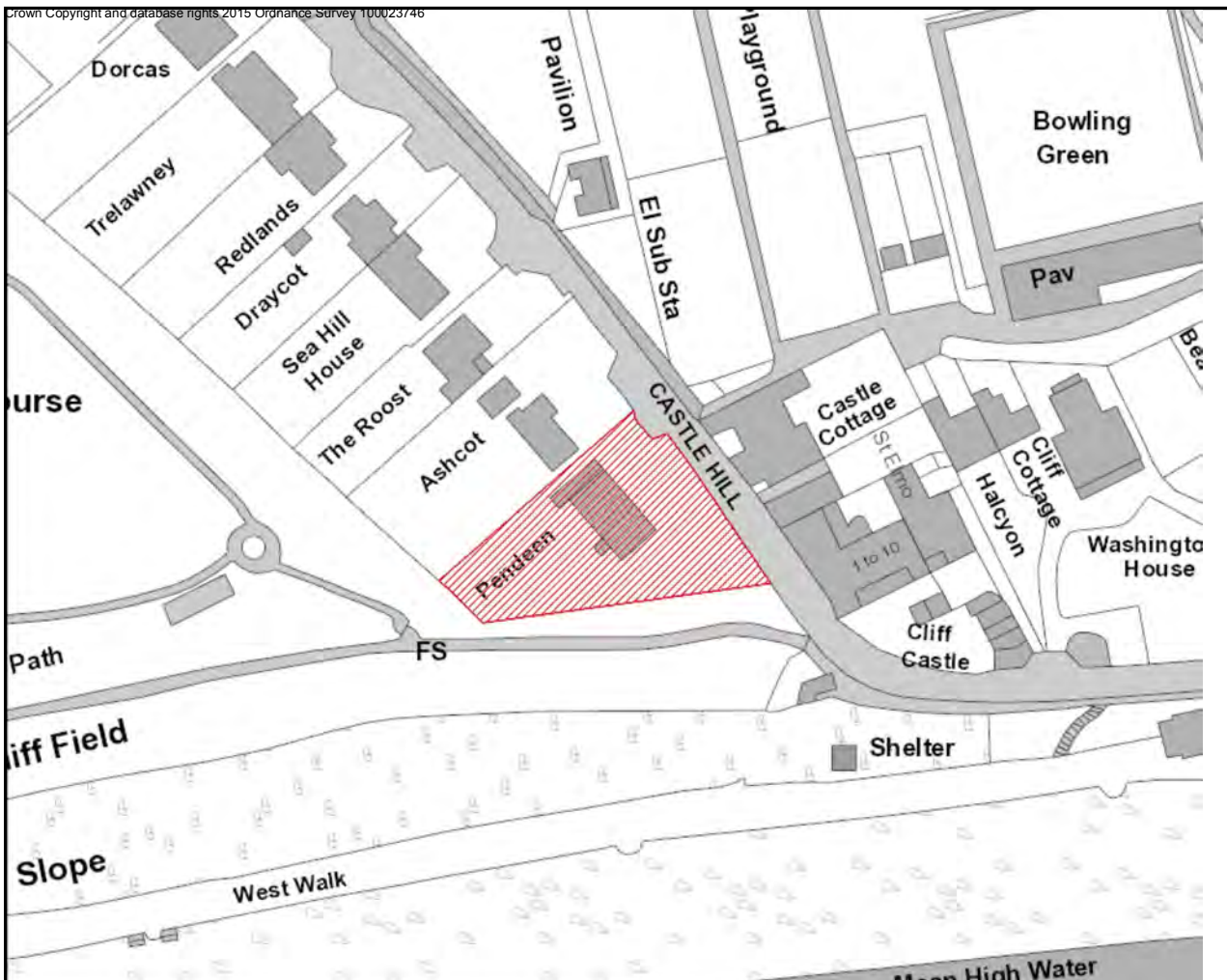
Applicant Mr & Mrs J Absalom

Location Pendeen Castle Hill Seaton EX12 2QP

Proposal Demolition of bungalow and construction of 3 no. flats



RECOMMENDATION: Approval with conditions



		Committee Date: 21.04.2015
Seaton (SEATON)	14/2695/FUL	Target Date: 22.01.2015
Applicant:	Mr & Mrs J Absalom	
Location:	Pendeen Castle Hill	
Proposal:	Demolition of bungalow and construction of 3 no. flats	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

The application seeks the redevelopment of this relatively prominent site on elevated land to the west side of Seaton. The site is currently occupied by a modest bungalow dating from the 1920's which sits at the southern end of a line of properties on the west side of Castle Hill. Opposite the site is the grade II listed Cliff Castle and Castle Hill also marks the boundary of the Town's conservation area which the site is outside of but adjoins.

The application proposes the demolition of the existing bungalow and the redevelopment of the site with a two storey building containing 3 no. apartments. The proposed replacement building is of contemporary design and would have a greater footprint than the existing building, it would however have a lower overall height achieved through the use of flat roofs and lowering of site levels.

The application originally proposed a larger more bulky building containing 4 no. flats and objection to this was raised by the town council, local ward members and local residents. Objections raised related to the design of the building, its scale, the impact on the setting of listed building and the conservation area, wider landscape impact, highway safety and land stability concerns amongst other things. As a result, the applicant has amended the proposals to show a smaller building on a reduced footprint and for one unit less. A number of objections have also been received to the revised scheme although at the time of writing no amended response has been received from the ward members or town council.

In officer view the amended plans have adequately addressed the concerns previously raised in relation to the original design and scale of building

proposed and it is not considered that an objection in principle can be substantiated. Whilst it is acknowledged that contemporary design often polarises views it is considered that the site can accommodate such a design without adverse affect on the setting of the conservation area/listed building, residential amenity or wider landscape. Other concerns raised have been addressed in the body of the report, however in conclusion the proposal is considered to be acceptable and is recommended for approval subject to the conditions set out at the end of the report.

CONSULTATIONS

Local Consultations

Seaton - Cllrs S Jones and J Knight

Following an initial review of the above application we recommend the following:

Object to the application

In the event our recommendation and that of the planning officer differs, we wish the application to be referred to the Development Management Committee.

Relevant planning observations on the planning application to support our recommendation above:

Pendeen is a single detached bungalow located on Castle Hill adjacent to the Seaton Conservation Area. Within and adjacent to conservation areas policies EN11 and EN12 apply. The former requires development proposals to demonstrate that they preserve or enhance the appearance and character of the designated area and policy EN12 requires in the case of demolition of unlisted buildings that they make little or no contribution to the character or appearance of the area.

Policy D1 of the East Devon Local Plan encourages locally distinctive designs that reinforce the key characteristics and special qualities of the area in which development is proposed, ensuring that matters of scale, massing, height, fenestration and materials of construction all relate well to their context.

The National Planning Policy Framework (NPPF) advises that new development within or adjacent to a conservation area should make a positive contribution to the local character and distinctiveness of the area.

The Seaton Conservation Area covers a large extent of the central part of the town. The character of this part of the Conservation Area, which is situated behind the main seafront properties, is one of small scale buildings located tight to the road frontage.

We object to this application on the grounds of:

Adverse effect on the residential amenity of neighbours, by reason of noise, disturbance, overlooking, loss of privacy, overshadowing etc. (Contrary to Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2006 - 2026).

Unacceptably high density/overdevelopment of the site, especially as it involves the loss of garden land and the open aspect of the neighbourhood.

Visual impact of the development. The proposed development would be more prominent from views from the south and has the potential to have a detrimental

visual impact generally and more specifically on the setting of the adjoining conservation area and that of Cliff Castle a grade 11 listed building.

Effect of the development on the character of the neighbourhood. Dwellings to the north of Pendeen are mostly single detached dwellings of single or two storeys. This proposal will, in effect, dominate the listed building to the east of the site due to its proposed height. Approved policy provides for housing development within the built up part of defined settlements provided that it would be compatible with the character of the site and its surroundings and would not detract from the heritage significance of the adjacent Conservation Area. (Contrary to Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2006 - 2026).

Design (including scale, bulk and massing, density, height, fenestration and materials do not relate well to their context. (Contrary to Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2006 - 2026).

The proposed development is over bearing, out of scale and out of character in terms of its appearance compared with existing development in the vicinity. . (Contrary to Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2006 - 2026).

The loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring owners.

The adverse effect of the development on the character and appearance of the adjacent Conservation Area. (Contrary to Policy EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan 2006 - 2026).

The adverse effect of the development on the setting of Cliff Castle, a grade 11 listed building. . (Contrary to Policy EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan 2006 - 2026).

For these reasons we object to this application and in the event that this application comes to Committee we would reserve our position until we are in full possession of all the relevant facts and arguments for and against.

Seaton - Cllr P Burrows

I wish to object to this application along the lines expressed by Seaton Town Council. If by some strange chance the officers wish to grant approval I wish this to go to committee.

Parish/Town Council

The Town Council objects to this application as;

- o it is over intensive development
- o there will be a loss of visual amenity from a number of directions
- o further development at this site will lead to increased traffic congestion
- o there are highways safety concerns as the site is on a blind bend and there is no pedestrian footpath
- o the highway has a vehicle width limit but this is unenforced
- o there are subsidence concerns due to the proximity to the cliff edge and coastal path
- o the build is not in keeping with the surrounding properties as the newest building in the adjacent area was built in the 1960's
- o the proposed design will be detrimental to the street scene
- o there will be an overlooking effect on neighbouring properties
- o the development is contrary to the Seaton Design Statement

- o the proposal will intrude on the visual impact from Cliff Fields, the South West coast path and Cliff Field Gardens

In addition to the above, the details contained within the application are inaccurate as they state that the existing building is from the 1950's when in fact it was built in 1920, the access is from the east side and not the west side as stated, and there are at least 3 areas of water /ponds in the surrounding area which provide a habitat for newts

Other Representations

24 letters of objection received raising the following issues:

- There are discrepancies in the documentation and supporting information submitted with the application particularly in relation to location of site within designated areas and constraints on it
- Increased traffic
- Overdevelopment of the plot with a nondescript block of flats
- Pedestrian safety danger resulting from increased traffic through existing poor access
- Impact of additional traffic and people movement on neighbouring occupiers
- There is a covenant on the site restricting further development
- The proposal is out of keeping with the surrounding area
- The underlying soil conditions increase the potential for land slips and the impact of the development in this respect has not been properly considered
- There are known badger setts in the locality which could be affected by the development
- Impact on underground wartime construction to the south of the site
- This is a good example of an Arts and Craft Style property which should be retained and preserved
- Loss of wildlife habitat
- The proposed location for parking would create an eyesore in this prominent location
- The required earthworks and level changes could have a destabilising effect on the cliffs
- The proposal provided inadequate parking provision for the number of flats proposed
- Increased surface water run-off due to increased area of hard-surfacing
- Visual impact on surrounding area and Cliff Gardens
- Extends beyond existing rear building line
- Impact on stability of demolition of part of the boundary wall
- Proposal is out of keeping with other 1920's style properties along this section of road.
- The proposal will cause disruption to pedestrians and vehicular traffic during construction including the Jurassic Coast bus service.
- The Ecological Assessment has not properly considered all potential habitats in the vicinity.
- Impact on public amenity and use of public gardens/footpaths due to overlooking from proposed balconies
- Proposal is contrary to national planning policy which seeks to maintain the character of the undeveloped coast.

- There is a restrictive covenant in force that seeks to restrict the number of dwellings permitted on the west side of Castle Hill, the proposal would breach this.

Technical Consultations

English Heritage

I am writing to inform you that we have carried out an initial assessment to consider whether the above building should be added to the List of Buildings of Special Architectural or Historic Interest.

The Secretary of State for Culture, Media and Sport has asked us to consider this application in our role as the Government's statutory adviser on the historic environment with responsibility for listing. We have now considered the application and completed an assessment of the building based on the material provided. The Secretary of State has decided not to add Pendeen, Castle Hill, Seaton EX12 2QP to the List at this time.

The reasons for this decision are set out in the at the report
Recommendation: Reject

Assessment CONTEXT

We have received an application requesting that we consider 'Pendeen', a 1920s bungalow, for listing. The building is the subject of a current planning application for its demolition and replacement. The building is not within a conservation area, which extends to the opposite side of the road on which the bungalow stands.

HISTORY AND DETAILS

The dwelling, known as 'Pendeen' was constructed circa 1923, the first of a number to be built along a newly laid out road. The building is single storey, in an Arts and Crafts-influenced style, with a deep, tiled roof with steeply-hipped ends and a single, central dormer to the main elevation, with rendered ridge stacks; it is rendered, with replacement double-glazed hardwood windows. The entrance is set back within a semi-circular arched opening. The plan is double-depth, with rooms to front and rear off a main hall and an inner hall. A bedroom is contained within the attic space. The photographs available of the interior indicate that the principal room has a loosely Arts and Crafts style fireplace with tiled insert and a panelled overmantel, and exposed ceiling joists.

DISCUSSION

The Principles of Selection for Listing Buildings (March 2010) set out the broad criteria used when buildings are considered for designation. Before 1700, all buildings that contain a significant proportion of their original fabric are listed; from 1700 to 1840, most buildings are listed; after 1840, because of the greatly increased number of buildings erected and the much larger numbers that have survived, progressively greater selection is necessary. With reference to the Principles of Selection and the English Heritage Selection Guide for The Modern

House and Housing (Domestic 4, April 2011), 'Pendeen' is not recommended for listing, for the following principal reasons:

* Relative date: the bungalow dates from the 1920s, and for buildings of such a late date, selection criteria are stringent;

English Heritage (Designation) Reject at Initial Assessment Report 16 December 2014

* Lack of architectural interest: the house is in an Arts and Crafts inspired style which recalls the work of architects such as CFA Voysey, but is much later in date, and in a derivation of the style which became ubiquitous for suburban development in the inter-war years. It is thus not distinguished in the national context from its very many peers;

* Alteration: one of its most prominent features, its windows, are all late-C20 or early C21 replacements which house double-glazed units in hardwood. A small extension has also been added to the rear.

Amended plans

Thank you for your letter of 10 March 2015 notifying English Heritage of the scheme for planning permission relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

County Highway Authority

The County Highway Authority commented on (14/0007/PREAPP) as attached. This was for a proposal of 6 flats with parking for 9 vehicles with turning room, and the CHA did not have any in principle objections to that proposal.

The current proposal, 14/2695/FUL, is for 3 flats with parking for 4 vehicles with turning room, this size of development on an unclassified road would normally be dealt with by the LPA under Standing Advice; however because the CHA has commented on the pre-app it is correct that it also comments on the full planning application, even though it is for a smaller development.

The existing access and particularly the visibility to the south along Castle Hill is restricted by the boundary stone wall and therefore the access, as it stands, is substandard in terms of visibility. I estimate that the local traffic speeds on Castle Hill are low and well below the 30 mph speed limit because of the bend at the bottom and the uphill gradient. Also the one-way traffic movement means that vehicular traffic comes from one direction only as opposed to two way traffic.

The proposed development for 3 flats proposes to improve the visibility to the south by altering the wall. The alteration will provide improved visibility to the south and even though the access will still be slightly substandard in terms of visibility splay length, I believe that what is proposed is a betterment overall that will be an improvement in highway safety terms.

Considering the size of the proposed development and the low number of increased traffic movements it will attract against that which currently exists, I do not believe that the CHA could successfully sustain an objection on highway safety grounds in an appeal situation.

The proposed offers adequate on site vehicle parking and turning room so that vehicles can enter and leave in a forward gear. There is not any existing footway provisions in Castle Hill and therefore I do not see that new pedestrian provisions are required as part of the application because it would not link to any existing footway provisions.

If it was possible the CHA would welcome further improvements to the visibility splay length to the south, perhaps by the lowering of the boundary wall to 600mm above the proposed driveway. But this may conflict with other overriding LPA's policies that may take precedent over what is a minor highway concern.

POLICIES

New East Devon Local Plan Policies

Strategy 6 (Development within Built up Area Boundaries)

D1 (Design and Local Distinctiveness)

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

EN10 (Preservation and Enhancement of Conservation Areas)

EN5 (Wildlife Habitats and Features)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

S4 (Development Within Built-up Area Boundaries)

EN6 (Wildlife Habitats and Features)

EN11 (Preservation and Enhancement of Conservation Areas)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

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

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

NPPG (National Planning Practice Guidance)

SITE LOCATION AND DESCRIPTION

The site lies within the built-up area boundary of the town, just to the west of the town centre and sea-front and adjacent to the town centre conservation area, the boundary of which runs along the opposite side of Castle Hill to the east of the site. Cliff Castle on the opposite side of the road to the southeast of the site is a grade II listed building.

To the south and west of the site are public amenity areas. The existing property occupies an elevated plot set above the town to the east and the sea front to the south. The land continues to slope upwards to the north. The existing building on the plot is a bungalow with accommodation within its roof, It is set back and raised up from the road in line with other properties in Castle Hill to the north of the site - It is unclear exactly when the building dates from but is certainly appears on OS maps from the 1930's and therefore was constructed some time prior to then, probably in the early Inter War years. The plot is relatively level and largely laid to lawn. The site boundaries are marked by hedge to the rear and sides with low planting atop the stone retaining wall to the front.

PROPOSED DEVELOPMENT

Planning permission was originally sought for the demolition of the existing bungalow and the construction of a replacement building on the site housing 4 no. 2/3 bed flats. Following concerns raised, the application has been amended to reduce the overall number of units proposed from 4 to 3 and to reduce the scale of the proposed building.

The proposed replacement building is a broad L shape in two storey plan form with a northwest to southeast axis broadly on the footprint of the existing property and running in line with the adjoining properties to the northwest side; and a northeast to southwest wing running parallel to the rear garden boundary with the neighbouring property to the northwest, known as 'Ashcot'. At ground floor level there is a further extension between the two main parts of the building and extending deeper into the plot.

The building would be of contemporary appearance with flat roofs over rendered elevations with some feature panels of powder coated aluminium panelling and timber boarding. Fenestration would be large areas of full height glazing, particularly on the south eastern elevation with more typically domestic sized fenestration to the northeast and southwest elevations and limited openings on the northwest elevation.

The location of the access remains as existing, in the northeast corner of the plot but would be widened with the existing boundary retaining wall indicated to be partially re-built to create a wider entrance splay and to improve visibility. The front garden area would be re-landscaped to provide parking/turning areas.

ANALYSIS

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

- The principle of the proposed development
- Design and impact on the character and appearance of the area and on the setting of listed building/conservation area
- The wider landscape impact
- Impact on residential amenity
- Access and Highway safety
- Other Issues

THE PRINCIPLE OF THE PROPOSED DEVELOPMENT

The proposal looks to demolish the existing bungalow on the site and to replace this with a new building containing 3 no. flats. The existing building is not listed nor does it lie within a designated conservation area, therefore there is no in principle reason on which its demolition could be resisted, subject to a suitable replacement building. English Heritage received a request to have the building listed but declined to do so citing the age of the building; lack of architectural interest and alterations that have taken place to it as reasons why the building was not considered suitable for listing.

The development plan for the District is the East Devon Local Plan 1995-2011 including all the saved policies following the Secretary of State's Direction in 2009. The site lies with the built up area boundary of Seaton as defined by Policy S2 of the East Devon Local Plan and occupies a position relatively close to the town centre.

The location of the development close to the centre of the settlement and the town centre shopping area where there would be good access to a range of essential services and public transport links, would mean that future occupants would not need to be reliant on private motor vehicle to access such services. Therefore the development is acceptable in principle subject to any impacts being acceptable in relation to other relevant policies and material considerations.

DESIGN AND IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA AND ON SETTING OF LISTED BUILDING/CONSERVATION AREA

The plans originally submitted raised concerns in relation to the scale and massing of the proposed building, its design and its impact on the setting of the conservation

area and adjoining listed building. The applicant has considered the concerns raised and has amended the scheme in an attempt to overcome them. The overall scale of the building has been reduced with a smaller footprint now proposed and the height is lowered to below the ridge height of the existing dwelling. As such the proposal would be less prominent in the streetscene and therefore in relation to the listed building and conservation area on the opposite side of Castle Hill. The design of the building whilst remaining unashamedly contemporary has been simplified from that originally proposed and appears less disjointed. Whilst the front/street elevation still appears to lack some legibility and presence in reality this is not seen in isolation other than glimpsed views from the site entrance and from where the entrance foyer would be most prominent.

The southeastern elevation would potentially be the most prominent elevation with views of it on approach from Castle Hill to the east and also along the coastal path from the west. In these views the proposal would have a relatively low profile aided by the strong horizontal emphasis from the flat roofs, balconies and fenestration arrangements. The massing of the building is also broken up with projecting and recessed elements and the judicious use of timber cladding. Overall, the proposed replacement building would be more prominent from the coastal path but the design with its 'art deco' undertones and crisp clean lines has the potential to make a positive statement as a piece of coastal architecture. In addition its reduced massing overall and the reduction in height and simplification of the building means it would no longer visually compete with the listed building to the east and it is now considered that it would have a neutral impact on the setting of the listed building and conservation area.

It is appreciated that the design of the building is still considered to be inappropriate and out of keeping to some parties and in particular in relation to the neighbouring properties to the north, however, these buildings whilst of more traditional appearance, display a variety of design elements and are not within the conservation area, nor do they display any particular architectural style that should be adhered to. Design often illicit a subjective response and modern design in particular can polarise views, The NPPF in relation to consideration of design states at para. 60:

"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles."

In respect of the potential impacts aside from the building itself, concerns have been raised in relation to the visual impact of the proposed parking area. This is proposed on the site frontage behind a new hedge. Whilst the impact of parked cars can have a detrimental impact on a streetscene in this instance due to the difference in levels between the site and the road, the proposed landscaping to the roadside boundary and the limited number of spaces proposed it is considered that this would in time be well screened and as such would not dominate the site frontage or be detrimental to the appearance of the site.

On this matter it is considered that subject to conditions relating to materials, design detailing and landscaping, that the proposal is acceptable.

THE WIDER LANDSCAPE IMPACT

The location of the site is such that it has the potential to be viewed in mid and longer range views on approach from the east and west. From the Esplanade to the east, the existing building is largely set behind the listed building on the opposite side of Castle Hill, known as 'Cliff Castle'. In addition the low height of the building, the recessed nature of its rear wing and the use of similar material finished to Cliff Castle give rise to the view that it would not appear prominent in views from the east. When viewed on approach from the west the site is more prominent as Pendeen is the first building on approach and the roof of it can be seen for some distance across Cliff Field. From here whilst the design of the building would be noticeably different to other properties to the northwest along Castle Hill and the massing greater, due primarily to the larger footprint, it is not considered that this necessarily results in a negative impact. The existing building is low key with mainly only the roof visible above boundary planting, the proposal would be more apparent from the cliff foot path but would add visual interest and would be seen in context with the built form of the town spreading out beyond it. It is not considered that the proposal would have any significant wider landscape impact and any impact it would have would not be detrimental.

IMPACT ON RESIDENTIAL AMENITY

The application site only physically adjoins one other property, that being 'Ashcot' to the northwest. However, due to the elevated nature of the site and the increased scale of the development there is potential to have an impact on properties on the opposite side of Castle Hill also. Given the separation distance between the proposed building and the neighbour but one to the north (over 20 metres) coupled with the lack of openings proposed to the northwest elevation it is not considered that the amenity of this or properties further to the northwest would be affected.

To the east the proposal would view towards the properties known as 'Cliff Castle' and 'Castle Cottage' (over a distance of approximately 18 metres) these properties are at a lower level, such that their first floor level is more in line with the proposed ground floor of the building. At present there is a low hedge along the roadside boundary of Pendeen which grows above the retaining wall, it is proposed to supplement this with a new hedge which would reduce views into the site and also from the site. There are existing windows in Pendeen, including at first floor level which view towards the Cliff Castle and Castle cottage and there are also public views towards these buildings from the cliff path, as a result it is not considered that the proposal would have any significant additional impact on the amenity of residents opposite.

Clearly the property that has the greatest potential to be affected by the proposal is Ashcot to the immediate northwest. This property is of two storey form and sits in line with Pendeen (and other properties on Castle Hill) on a northwest-southeast axis. The side boundary between the site and this neighbour is currently formed by a mature evergreen hedge to a height of approximately 3 metres.

The original scheme proposed a rear two storey wing deep into the site and close to the shared boundary and there were concerns that this could give rise to an

overbearing impact on this neighbour. The amended design has aimed to overcome these concerns by pulling the rear wing further away from the shared boundary, reducing its height and depth and removing any first floor windows that view toward the boundary. As a result of the changes the potential impact on this neighbour has been significantly reduced to the extent that it is now considered that the proposal would have no detrimental impact on the neighbouring property. The proposed first floor roof terrace is set at a distance of over 11 metres from the shared boundary and where views would primarily be to the south over the sea. There are 2 no. first floor windows proposed on the northwest elevation of the building which would be more or less in line with an existing window on the southeast elevation of Ashcot and as such it is recommended that these windows are conditioned to be obscure glazed.

Therefore, it is considered that the proposed development would not detrimentally impact on residential amenity in accordance with Policy D1 of the East Devon Local Plan.

ACCESS AND HIGHWAY SAFETY

The application proposes to utilise the existing access and to improve visibility in a southeasterly direction from this by setting back the existing retaining wall to the south side of the access. Castle Hill is restricted to one-way traffic travelling from the seafront northwest passed the site to the junction with Seaford Road, as such visibility concerns are primarily in the southeasterly direction. At present visibility in this direction is limited due to the presence of the retaining boundary wall, the proposals to set this back further would therefore improve visibility of oncoming vehicles in this direction.

The Highways Authority had originally suggested that standing advice be applied, however, given that they have previously commented at pre-application stage they have now provided bespoke comments.

Although the visibility that would be achieved would appear to fall short of that normally expected the Highways Authority advise that it would represent a betterment overall in highway safety terms. This is based on the proposed increase in visibility splay to the south and the existing highway conditions where the estimated local traffic speeds on Castle Hill are low due to the bend just to the south of the site and the uphill gradient. In addition the visibility requirements can be reduced from normal requirements because of the one-way nature of the traffic movements passed the site. The Highways Authority has further suggested that due to the low number of increased traffic movements the development would attract, against that which currently exists, they do not believe a refusal on highways grounds could be sustained.

In terms of pedestrian traffic they have suggested that although there is not any existing footway provisions in Castle Hill they do not consider that new pedestrian provisions are required as these would not link to any existing footway provisions.

The proposal looks to provide 4 no. parking spaces and given the proximity to the town centre is considered to be adequate and the proposed improvements to the site access to offset the likely intensification in its use.

OTHER ISSUES

Land stability - A number of members of the public have raised concerns in relation to the impact of the proposed development on the stability of the cliff, particularly given the landslip further to the west of the site at Old Beer Road. There is no particular evidence to suggest that this part of the coastline is similarly affected and where it is protected at this point by the West Walk Promenade from direct sea erosion. Nevertheless the applicant has sought expert opinion from a Geo-technical consulting engineer who has experience of the area having advised the council on this section of coastline for a number of years. He concludes that nearby cliff slope instability is negligible and insignificant and further that the proposed redevelopment of the site would not create in itself any cliff stability issues.

Wildlife - Concern has been raised that the submitted ecological survey has failed to pick up the presence of garden ponds in the vicinity of the site and where these might harbour protected species. The purpose of the report in this instance was primarily to assess the impact of the proposed demolition on bats, should they be using the roof area of Pendeen. The report found that the design and location of the building meant it had low potential to support roosting bats but makes recommendations for further inspection prior to demolition, this could be conditioned. In relation to Great Crested Newts it advises that no further surveys are required and the same conclusion is reached in relation to badgers, although this is not to say there may be setts outside the site. The report has been prepared by professional ecologists who have advised that no further surveys are required.

Impact on wartime structure - This relates to a small, what appears to be a, WWII pill box. The structure lies outside of the site on the opposite side of the cliff path and there is therefore no reason to consider it would be affected by the proposed development.

Restrictive covenant - A number of local residents have referred to a restrictive covenant in place on the site and the land to the northwest and which seeks to restrict the overall number of dwellings permitted on the land. The fact that a covenant may exist is not disputed and may have been put in place at the time of the original development of this side of the road. However, the land was originally developed nearly one hundred years ago (English Heritage date Pendeen to circa 1923) and development pressures and density have changed considerably since that time. A covenant on the land does not affect the ability to grant planning permission and is not a matter that would be enforced by the Council. However, equally the granting of planning permission does not prevent any parties to the covenant pursuing their own civil action in this respect.

Surface Water Run-off - The proposal would look to increase the hard surfaced area of the site both through the increased footprint of the building and enlarged parking area, however, areas of hard surfacing could be permeable and the issue of surface

water run-off being dealt with within the site is a matter for consideration under the building regulations.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
4. No development shall commence until the following details and specification have been submitted to and approved in writing by the Local Planning Authority.
 - New rainwater goods including profiles, materials and finishes.
 - New windows/doors including materials, sections, profiles and finished colour. Sections through casements should be at a scale of 1:2 or 1:5.
 - Eaves and verge details including construction and finishes.
 - balustrade and balcony details including typical elevation and section details at a scale of 1:2 or 1:5
 - Position, design and finish of all external vents, flues and meter boxes.

The works as agreed shall be carried out in accordance with the approved details.

(Reason - In the interests of good design and to ensure the detailing of the design is appropriate given the location of the site in relation to listed buildings and the designated conservation area in accordance with Policies D1 (Design and Local Distinctiveness) and Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan.)

5. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include:
- the planting of a hedge along the northeast roadside boundary of the site
 - details of existing planting and boundary treatment to be retained
 - details of any other proposed walls, fences and other boundary treatment .
 - details of any other trees, hedges, shrubs, herbaceous plants and areas to be grassed.
 - details of the finished surfacing of all areas of hardsurfacing.

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.)

6. Notwithstanding the requirements of condition 5 above or the details shown on drawing no. 3343/7A no development shall commence until further details of the extent of wall to the south side of the site access to be rebuilt has been submitted to and approved in writing by the Local Planning Authority, such details to include:
- the, layout, length and finished height
 - the materials and finish to be used.

Development shall proceed in accordance with details as agreed.

(Reason - In the interests of the character and appearance of the area and highway safety in accordance with Policies D1 (Design and Local Distinctiveness), EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) and TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

7. Prior to the commencement of any works on site (including demolition and site clearance), a Tree Protection Plan (TPP) for the protection of all retained trees/hedges shall be submitted to and approved in writing by the Planning Authority.

The development shall be carried out in accordance with the approved details. The TPP shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees/hedges will be protected during the development process.

Reason: To ensure the continued well being of retained trees/hedges in the interests of the amenity of the locality and that of adjoining residents in accordance with policies D1 (Design and Local Distinctiveness) and D5 (Trees on Development Sites) of the East Devon Local Plan.

8. Notwithstanding the submitted details as shown on drawing nos. 3343/5A and 3343/6A the first floor windows on the northwest elevation shall be fitted with obscure glazing prior to the initial occupation of that residential unit and shall be permanently fixed as non-openable below a minimum height of 1.75 metres above the level of the floor. The obscure glazing and opening limitations required by this condition shall be retained thereafter.

(Reason - To protect the privacy of adjoining occupiers in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

9. Development shall proceed in accordance with the recommendations of the submitted Preliminary Ecological Assessment and Bat Building Assessment Report dated 28th October 2014 and prepared by Arbeco Ltd..

(Reason - In the interests of protected species in accordance with Policy EN6 (Wildlife Habitats and Features) of the East Devon Local Plan)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 East Devon District Council works proactively with applicants to resolve all relevant planning concerns, however in this case the application was deemed acceptable as submitted.

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.

Plans relating to this application:

3343/1	Existing Block Plan		10.11.14
3343/5A AMENDED	Proposed Plans	Combined	12.03.15
3343/6 AMENDED	A Proposed Plans	Combined	12.03.15
3343/7A AMENDED	Block Plan		12.03.15

List of Background Papers

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

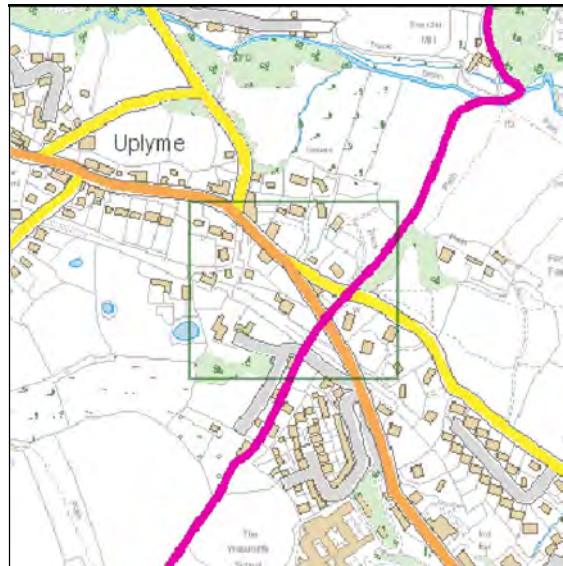
Ward Trinity

Reference 14/2801/FUL

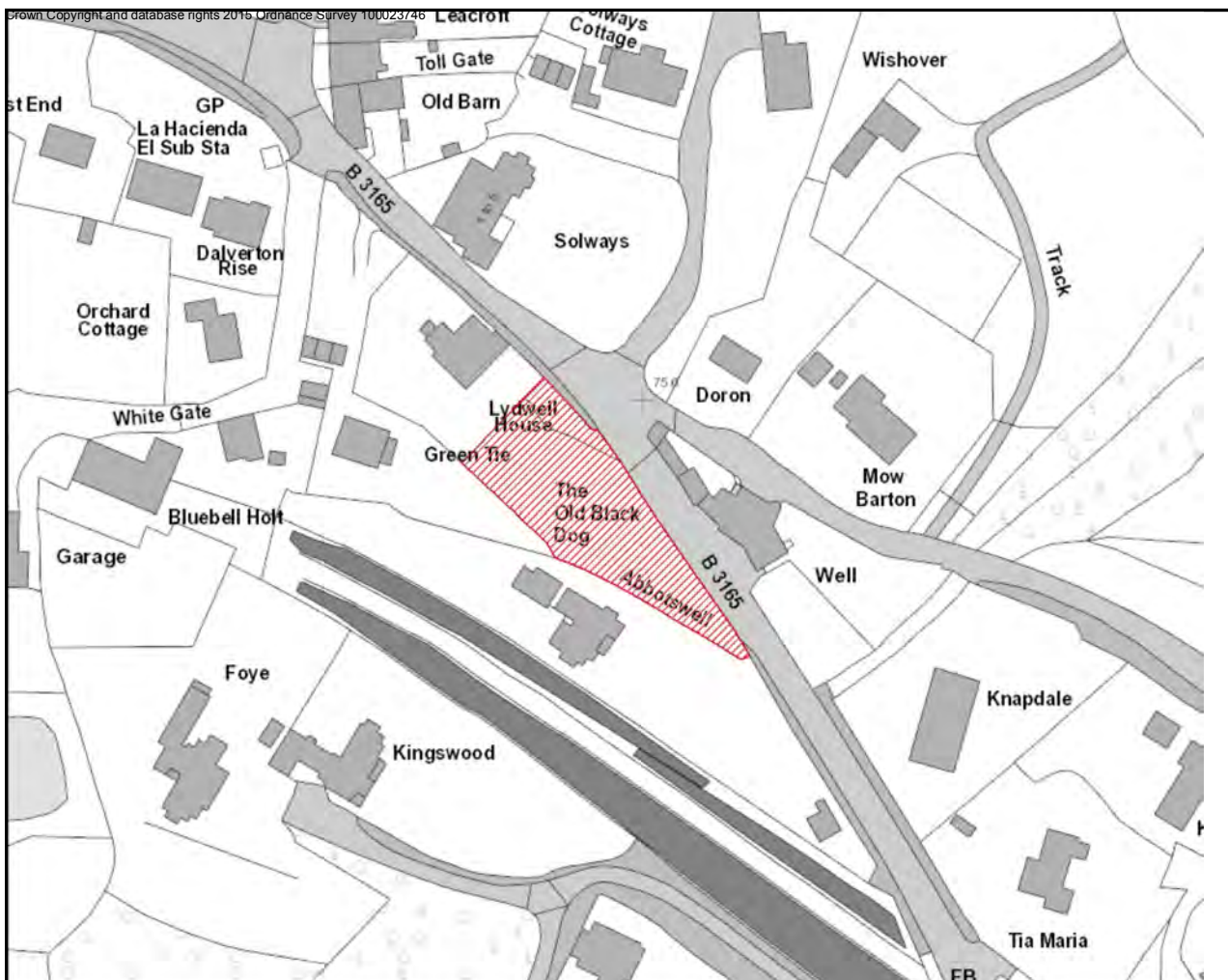
Applicant LLK Property Ltd

Location Land Adjacent Regis House
(formerly Lydwell House) Lyme
Road Uplyme

Proposal Erection of 4 no. 2 bed apartments,
2 no. 1 bed apartments and 1 no. 2
bed dwelling



RECOMMENDATION: Approval with conditions



		Committee Date: 31.03.2015
Trinity (UPLYME)	14/2801/FUL	Target Date: 04.02.2015
Applicant:	LLK Property Ltd	
Location:	Land Adjacent Regis House (formerly Lydwell House) Lyme Road	
Proposal:	Erection of 4 no. 2 bed apartments, 2no. 1 bed apartments and 1no 2 bed dwelling	

RECOMMENDATION: Approval with conditions and subject to a legal agreement

EXECUTIVE SUMMARY

This application is before Members as the Ward Member's view is contrary to the Officer recommendation.

This site has been the subject of a number of development proposals over the years, some of which have been approved and some refused. The most recent approval was in 2009 and was for the development of the site in the form of 2 no. large detached dwellings. That application was supported by supporting information from a structural engineer to the effect that there was no technical reason why the site could not be developed. The permission contained a planning condition requiring full details of retaining structures to be provided prior to commencement and it is considered that on the basis of this and extant permissions on the site that it is reasonable and necessary to impose a similar condition on any approval.

The scale of the building has increased over that of the extant scheme where the detached houses are substituted for a building containing flats and as such the amenity space and curtilage requirements differ. Previous schemes for a greater number of units raised concerns primarily in relation to the impact of increased curtilages on the character of the area, rather than AONB impact. The proposed development would not increase the number of curtilages and indeed would have the appearance of a single large detached building, with the smaller detached unit appearing as a subordinate 'coach house' to it. In design terms the proposal is considered to be acceptable and whilst concerns have been raised locally in relation to highway safety and access issues there has been no objection raised by the Highways authority. On balance, the proposal would provide for an acceptable and viable development of the site and where there are no technical objections to or reasons to withhold permission.

CONSULTATIONS

Local Consultations

Trinity - Cllr I Thomas

Planning History:

This site has been the subject of several planning applications over the last 15 years. These have included a single dwelling, 3 town houses, 2 four bed houses, 2 pairs of semi-detached houses. The latest application is for a total of 7 dwellings comprising 4x two bed apartments, 2x one bed apartments and a single two bed dwelling. All except 09/0885/FUL (2x 4bed) and 02/P1901 & 0090 for a single dwelling and garage, have been refused. None the less, the renewal in 2012 of the 2009 consent suggests that the principle of development of the site is established.

The site:

The site is compact and faces Lyme Road, rising steeply toward the rear (West). Recognising this topography and the underlying geology of the area, I believe it is important that the suitability of the site from a stability perspective is confirmed, as a condition of any possible further renewal, or new consent. This is particularly important for the owners of the property to the west, which sits at the summit of the back face of the site, close to the boundary.

Sadly Highways have declined to comment. My view is that this is a poor egress from the properties on the inside of a bend. I would appreciate that, whilst no Highways comment has been offered, confirmation is secured that exit visibility meets current highways standards for such a road access?

An Initial View:

My instinctive view is that the proposal constitutes a major over development of a modest plot. This view is supported by the Planning Appeal Ref 10/00008/REF against the application for 4 dwellings proposed in 09/2252/FUL where the Inspector upheld the refusal commenting "four dwellings would appear cramped on this constricted site" - yet the current proposal is for seven!

Affordable Housing Provision;

The recent amended application has removed the provision of onsite 'affordable' housing. I am aware that this probably reflects a recent change in Central Government policy where no provision can now be specified for a development of up to 6 properties and for proposed developments of between 6 and 10, the contribution is to be by way of a contribution toward 'offsite' provision.

The question remains - what is the scale of contribution which could be expected to offset this loss? Perhaps an estimated construction only cost of circa £180K? (to allow construction on an alternate Uplyme site of 3 properties) or a 20% contribution toward such costs (Circa £36K) to reflect yield variation between 'Open Market' and 'affordable' rentals? This would be totally inadequate to secure provision. This is a general point I accept, but relevant both here and no doubt other apps'

In conclusion, my initial view is that there are strong, defensible reasons, some already confirmed in previous application refusals and one further upheld at appeal, to indicate that this application should be refused.

In the event that Officers do not support my assessment, then I ask that the application be referred to the Development Management Committee for determination.

Parish/Town Council

The Parish Council Planning Committee objects to the application, which represents overdevelopment on a restricted and unstable site. In addition, parking is inadequate for the number of households, there is a lack of turning space, one parking space will block neighbours' access, there is no clear road view to exit the site, a danger to passing pedestrians especially schoolchildren, and overlooking of property opposite. On two previous occasions DCC Highways has not objected (ref 09/0885/FUL and 09/2252/FUL), but the inspector firmly rejected the appeal on road safety grounds (ref APP/U1105/A/10/2121620). Highways should be asked to specifically confirm the safety of the site if this application is approved, and a condition re: stabilising the slope (see condition 12 of 09/0885/FUL). In view of the road situation, the site would need a rigorous Construction Management Plan if it were allowed to go ahead.

Parish/Town Council

The Uplyme Parish Council strongly objects to this application on the same grounds as previously stated. Furthermore, it wishes to commend the detailed objections submitted by Mr C Boothroyd.

Other Representations

6 letters of representation have been received raising the following concerns:

- Proposal does not conform to the Parish Plan and is obtrusive.
- Inadequate visibility splays at access making for dangerous vehicle movements.
- There is no suitable on street parking around this location
- Overdevelopment of the site.
- The main building is three floors and will result in overlooking of neighboring properties
- The mass of the larger building is out of proportion with the existing buildings
- Inadequate turning facilities particularly for delivery vehicles etc.

Technical Consultations

Natural England

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

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

Statutory nature conservation sites - no objection.

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

Protected landscapes

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

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

Protected species

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

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present.

It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

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

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted. If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local sites

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

Biodiversity enhancements

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

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Impact Risk Zones for Sites of Special Scientific Interest

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

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

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

County Highway Authority

The application site has been the subject of many planning applications dating back to at least the year 2000. Before the introduction of the national guidance publications Manual for Streets 1 & 2 (MfS 1 & 2), the County Highway Authority (CHA) had recommended that the front bay of Lydwell House would need to be altered to accommodate adequate visibility splay for the proposed access near Lydwell House to comply with the then guidance for suitable visibility splays contained in the Design Manual for Roads and Bridges. Since then several factors

have changed; firstly the introduction of the priority flow on the B3165 Lyme Road to the north of the development site which keeps the traffic speeds down to acceptable levels and deters vehicle overtaking and secondly the introduction of MfS 1 & 2, which has taken into account advances modern motor vehicle improvement in designs and improved road surface materials to enable visibility splays to be reduced from those that were formerly thought appropriate. Therefore in 2008 the CHA was able to recommend the proposed visibility splays, differing from the previous applications, would be acceptable. This recommendation was reiterated in later applications in 2009.

The CHA notes that the approved visibility splays from the most northerly access have not been fully implemented. Although the visibility in the southerly direction (towards Lyme Regis) has been obtained with the re-siting of the boundary wall behind the visibility splay line. The same is not so in the other direction. The existing wall to the north of this access (towards the centre of Uplyme) needs to be re-sited behind the visibility splay of 2.4m by 45m to the centre line of the carriageway.

Recommendation:

1. Visibility splay shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram 8447/100 Revision B where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge

of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distance to the centre line of the carriageway of the public highway (identified as Y) shall be 45 metres

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

PLANNING HISTORY

Reference	Description	Decision	Date
02/P0090	Erection Of Dwelling With Garage	Approval With conditions	16.01.2002
08/2586/FUL	Erection of dwelling	Refusal	15.12.2008
08/2694/FUL	Erection of 3 town houses with new vehicular access	Refusal	08.12.2008
09/0885/FUL	Erection of 2no 4 bedroom detached dwellings with garaging	Approval with conditions	02.07.2009

09/2252/FUL	Construction of 2 pairs of semi-detached houses (alternative scheme to 09/0885/FUL)	Refusal	07.01.2010
12/1309/FUL	Renewal of extant planning permission 09/0885/FUL for the construction of 2no. detached dwellings and associated garaging	Approval with conditions	13.11.2012

POLICIES

New East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D3 (Trees and Development Sites)

H2 (Range and Mix of New Housing Development)

Strategy 34 (District Wide Affordable Housing Provision)

Strategy 43 (Open Space Standards)

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

S4 (Development Within Built-up Area Boundaries)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

D5 (Trees on Development Sites)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

RE3 (Open Space Provision in New Housing Developments)

H4 (Affordable Housing)

SITE LOCATION AND DESCRIPTION

The application site relates to a broadly triangular plot of land, wider at its north-western end and narrowing toward the south-eastern end. The site extends to approximately 0.11 ha and is currently largely undeveloped, save for a detached garage building toward the south-eastern end. The land on site slopes down from southwest to northeast with a number of mature trees along the rear (southwest) boundary. The adjoining property to this side, Abbotswell, sits side on to the site and is elevated significantly above the level of the site. There is a further neighbouring residential property to the northwest 'Regis House', a substantial detached period property. The main road through the village runs parallel to the northeast site boundary on the opposite side of which is a further large period property, 'The Old Black Dog' in use as a guest house and tea rooms. The site lies within the current defined built-up area boundary of Uplyme which in itself is relatively close to the larger settlement of Lyme Regis to the southeast. The site is also within the designated East Devon Area of Outstanding Natural Beauty.

PLANNING BACKGROUND

There is an extensive planning history relating to this site and dating back to 2000 when permission was first sought for a dwelling and garage on the site. Planning permission was refused initially but permission was granted for this in 2002 (02/0090) refers. Latterly, in 2008 permission was again granted for a dwelling. In 2009 permission (09/0885/FUL) was granted for the construction of 2 no. 4 bedroom detached dwellings with garaging - this permission was renewed in 2012 (12/1309/FUL) and remains extant. A separate application in 2009 for the construction of 2 pairs of semi-detached houses (09/2252/FUL) was refused.

PROPOSED DEVELOPMENT

Planning permission was originally sought for development comprising of the erection of 4 no. 2 bed apartments (open market) and 2no. 1 bed apartments and 1 no.2 bed dwelling (affordable). Following changes in central government planning guidance, the on-site affordable housing has been omitted from the scheme, as this can no longer be requested on developments of this scale and instead would be replaced by an off-site commuted payment secured by means of a s.106 agreement.

The development would take the form of a predominantly 2 storey form of building, with further accommodation in the roof void. The building would have a staggered front elevation and roofline between the north-western and south-eastern parts of the building. The material finish and fenestration treatment also varies between the two in order to give a distinct appearance to each side so as to appear as two distinct properties. To the northwest side of the building a parking and turning area is proposed to serve the site, this would utilise the existing access onto the highway and would provide for 8 no. parking spaces as well as vehicle turning, bike and bin stores are also shown.

To the southeast side of the site a separate detached unit is proposed at right angles to the road, this is served by a separate access and has separate parking provision.

ANALYSIS

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

- The principle of the proposed development
- Design and impact on the character and appearance of the area
- Impact on residential amenity
- Highway Issues
- Other Issues

THE PRINCIPLE OF THE PROPOSED DEVELOPMENT

The site is located within the defined built-up area boundary of the village where there is access to a range of facilities and services necessary for day to day living, including; a garage, shop and post office, a public house, a primary school and a community hall. In addition the village itself is close to the edge of Lyme Regis where a wider range of services are available and is on a main road leading into Lyme and in relatively close proximity to a number of bus stops giving travel options to further afield. Therefore in sustainability terms as advocated by the NPPF the site is considered to be in a sustainable location.

The site has previously been subject to a number of applications for residential development and there is a current extant permission for 2 no. large detached properties on the site. The principle of residential development of the site has therefore previously been accepted.

Subject to other planning considerations as set out below the application is considered to be acceptable in principle.

DESIGN AND IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

The proposal site is a linear site, broadly triangular in shape, wider at its north-western end and narrowing toward its southwestern end. The land on site slopes down generally from north to south, with the land sloping more steeply on the rear site boundary where there is a line of mature trees. The site is currently vacant and has been for a number of years it is in an overgrown state, a redevelopment of the site with an appropriate scheme would serve to improve the appearance of this site at the eastern entrance to the village.

The application looks to develop the wider and less steeply sloping north-western end of the site, similar to the area where development has previously been approved in the form of 2 no. larger detached properties. The separate detached unit would be located to the southeast of the main building and would be positioned at right angles to the road to take the form of a 'coach house' to the main building.

The buildings would be cut into the slope to the rear with a retaining wall starting to the rear of the car parking area and continuing along the rear of the buildings. The design of the main building has taken into account design detailing seen elsewhere in the village including in the use of materials and design features such as pitched roof dormers and main roofs. The scale of the building is kept down through

containing the upper storey within the roof void and the massing of the building is broken up with variation in eaves and ridge height, a staggered front elevation and changes in material and fenestration to give a separate identity to the two parts of the building and help to further separate these visually. It would though remain a large building prominent in localised views but would not be particularly out of character with the larger scale period style properties found elsewhere in the village including opposite the site at 'The Old Black Dog' and 'Solways' further to the north.

The stone boundary wall, which already marks the boundary of the south-eastern end of the site with the road, would be continued across the whole of the site frontage to give a sense of enclosure. This would be punctured in 3 places to provide for the pedestrian and vehicular accesses.

The detached 'coach house' unit would sit inside the retained boundary wall and at right angles to the road, this is designed to appear as a subservient outbuilding to the main building but would provide a separate residential unit served by its own access. Although the detailing to this and the scale of the proposed roof additions are somewhat questionable overall the impact of this would be limited and the scheme as a whole is considered to be acceptable in design terms.

It is acknowledged that there are concerns locally in relation to the scale of the development and comparisons have been drawn with previous development proposals for this site. This scheme is for a higher density development than previous schemes albeit that the footprint of development is not incomparable with the most recent approval and importantly a significant gap is maintained to Lydwell House. Furthermore, importantly as a flated development individual curtilages would be avoided this would serve to reduce the potential for the development to appear constrained. This is a pertinent point as the previous appeal decision that has been referred to by objectors was dismissed by the Inspector primarily on the impact of the increased number of domestic curtilages rather than the number of units involved.

In terms of wider impact the site lies within the East Devon Area of Outstanding Natural Beauty and where Policy EN1 of the Local Plan states development will only be permitted where it conserves or enhances the landscape character of the area and respects traditional local built forms. The site whilst within the AONB is also within an established village setting, between existing buildings, close to the edge of the larger settlement of Lyme Regis and on a site where the principle of residential development has previously been accepted. In these circumstances it is not considered that the proposal would impact on the landscape character of the area and the design is considered to reflect local built forms.

AMENITY IMPACT

There are existing neighbouring properties adjoining the site to the northwest, 'Lydwell House', to the south, Abbotswell and to the west 'Green Tie'. There are further properties on the opposite side of the road to the east 'The Old Black Dog' and 'Doron' and further to the north 'Solways'. The impact on these properties will be addressed in turn:

Lydwell House - This is a large period detached property situated on lower land to the northwest of the proposed main building and separated from it by the proposed car parking area and the existing side garden to Lydwell House. Vehicular access to Lydwell House is through the site sharing the main access with it. The proposal also requires the setting back of the existing boundary wall to the southeast side of Lydwell house. The separation distance between the two buildings is a minimum of 20 metres and there are only 2 bedroom windows in the nearest side elevation to the boundary, at this distance it is not considered that any significant loss of privacy would result. In terms of traffic movements there is the potential for some harm to arise due to the increased activity and vehicle movements in this area but bearing in mind the extent of the curtilage to Lydwell House and its position adjacent to the main road through the village where occupants are already likely to experience traffic noise it is not considered that any impact would be so significant on occupiers of this property that objection could be substantiated on these grounds.

Abbotswell - This large 2 storey detached dwelling occupies an elevated site above the application site and has its side elevation parallel to the site boundary. The boundary at this point is marked by a group of Elms which it appears it is intended to retain. Given the juxtaposition of this property with the proposed development and importantly the significant levels difference it is not considered that the proposal would have any significant impact on occupiers.

Green Tie - Is a detached bungalow set on higher land to the rear of Lydwell House, given the separation distances, existing screening on the boundary and level difference with the site it is not considered that this property would be affected.

The Old Black Dog - This property sits opposite the site and is road fronting, as a result the separation distance between it and the closest part of the proposed development (the detached unit) would be less than 10 metres. The original scheme had the detached unit fronting the road and there were concerns, amongst other things, that this could result in loss of privacy to first floor accommodation in this property (the ground floor being in commercial use) particularly with living accommodation being proposed at first floor level. The amended plans have seen the detached unit turned through 90 degrees to sit side on to the road, not only is this considered to result in a better layout but also reduce the potential for overlooking. This unit would have a first floor terrace to its rear but it is considered that judicious landscape planting inside the boundary wall would mitigate any impact from its use. The larger building does not sit directly opposite and any views from it would be largely out to the northeast.

Doron – This property is a small detached bungalow accessed from Haye lane. It has some screening to its roadside boundary and its main private garden area appears to be to the rear, any views from windows in the proposed development would generally view out over the top of this property.

Solways - This large detached building sits side onto the main road to the north of the site and has been subdivided into 5 no. flats., there are communal gardens to the front (southeast) of the building. This building is sufficiently distant from the site that there would be no impact on amenity.

HIGHWAY AND ACCESS CONSIDERATIONS

The Parish Council and a number of local residents have raised concern in relation to visibility at the site access, the level of parking provision proposed and the adequacy of on-site turning facilities etc. The proposal looks to provide 8 no. parking spaces at the northwest end of the site and served by the main access. This access would also continue to serve Lydwell House. A separate area to the rear of the front boundary wall would provide for cycle parking. To the southeast of the main building and between it and the separate detached unit a secondary vehicle access is proposed to serve that unit, this also provides for on-site vehicle turning.

The County Highway Authority has considered the application together with reviewing the history of development proposals and permissions relating to the site. They explain that since permission was first sought design guidance has changed and importantly a priority flow has been introduced on the B3165 Lyme Road to the north of the development site. This they state reduces traffic speeds to acceptable levels and deters vehicle overtaking. They advise that subject to conditions requiring visibility splays to be provided and maintained that they have no objections to the proposals. On this basis with no objections from the highway authority there are no grounds on which to substantiate an objection in this respect. In terms of the level of parking provision there are no minimum standards that need to be applied. The proposal effectively provides for 1 no. space per unit plus 2 visitor spaces and this given the type and size of development proposed is considered to be acceptable.

OTHER ISSUES

- LAND STABILITY

A major issue of concern to the local community is the question of the stability of the land. This was indeed an issue at the time of application 02/P1901 and where suitable conditions were imposed. It is understood that the developer abandoned work, on that dwelling at an early stage due to the instability of the south west boundary and a temporary support was put in place. This application shows a removal of a certain amount of the bank to reduce the slope and the construction of retaining walls. Whilst the applicant has not submitted any structural report in this instance such a report has previously been prepared in relation to a previous application (09/0885) and where it was concluded that there was no technical reason why the site should not be developed. As with earlier approvals relating to development of the site such matters would be controlled by the Building Regulations process but it is again considered necessary that a condition is imposed on any permission requiring full engineering details of any retaining structures to the rear of the site and to ensure the long term stability of this boundary which has caused concern.

- TREES

The application is accompanied by an arboricultural survey that indicates that the trees of amenity value on the site, being those on the higher (southwest boundary) will be retained and protected during the course of development. It is proposed to

remove a single palm tree from the centre of the site but this is non-native and is not considered to be a constraint on development.

- ECOLOGY

A phase 1 habitat survey has been submitted which considered the site to be of low ecological value and did not recommend the need for any further survey work. It does though make recommendations for biodiversity improvements.

- S.106 ISSUES

The application originally proposed to provide 3 no. affordable units on site however, as a result of changes in government planning guidance these could no longer be secured and in any case providing affordable units in the same building as market housing (where they would likely be subject to different lease and maintenance arrangements) is generally not considered to be appropriate.

The affordable housing commuted sum calculator hasn't at this point in time been formally adopted by EDDC, but is the method used to calculate an appropriate sum for an off-site commuted payment towards affordable housing provision.

Recent amendments to the National Planning Practice Guidance states that "affordable housing and tariff style contributions should be sought from developments of between 6 and 10 units in the form of cash payments which are commuted until after completion of the units within the development". This applies to rural areas described under section 157 (1) of the Housing Act 1985. The guidance therefore requires a cash payment rather than on-site affordable housing provision in a case such as this where 7 units are proposed. On this basis the commuted sum payment to be secured is £151,585. In addition the contribution required from the development towards the delivery of open space provision is £11,119.80. The applicant has agreed in principle to meet these requirements which would need to be secured by means of a s.106 agreement.

RECOMMENDATION

APPROVE subject to the prior signing of a Section 106 agreement covering the matters discussed above and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been

submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

4. No development shall be carried out until full engineering details of the retaining structures and works to the slope forming the south west boundary of the site, where it adjoins the neighbouring property 'Abbotswell', have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the details approved.
(Reason - In the interests of securing the stability of the boundary slope and adjoining land in accordance with policies D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan and advice contained in the National Planning Practice Guidance)
5. No development shall commence until the visibility splays at the site access have been provided and laid out in accordance with the attached diagram 8447/100 Revision B where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distance to the centre line of the carriageway of the public highway (identified as Y) shall be 45 metres. Once provided the visibility splays shall thereafter be maintained in accordance with the above requirements
(Reason - To provide adequate visibility from and of emerging vehicles in the interests of highway safety and in accordance with policy TA7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan.
6. All new windows shall be timber only.
(Reason - To ensure the materials are sympathetic to the character and appearance of the area in accordance with policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan.)
7. 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:
 - Details of the finished surfacing material for all areas of hardsurfacing
 - Details of new hedge planting inside the boundary wall to the southeast of the detached unit
 - Details of any landscape planting
 - 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.)

8. Prior to the commencement of development, a 1-2 square metre sample panel of stone walling to be used shall be constructed on site for inspection by an officer of the Local Planning Authority. Any such sample provided shall be agreed in writing with the Authority and any variations as to coursing, pointing and the type of stone to be used. All stone walling as may be agreed, shall be completed prior to the beneficial use of the building to which the application relates.
(Reason - In the interests of the appearance and character of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan)
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule Part 1 Classes A, B, or E for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure.
(Reason - The space available would not permit such additions without detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan.)
10. Development shall proceed in accordance with the Arboricultural Method Statement, prepared by Guy Lowndes and dated October 2014.
(Reason - In the interests of the protection of trees of amenity value in accordance with policy D5 (Trees on Development Sites) of the East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

INFORMATIVE

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.

Plans relating to this application:

8447/100 REV I	Location Plan	02.02.15
8447/101 REV C	Proposed Floor Plans	27.01.15
8447/102 REV C	Proposed Elevation	27.01.15
8447/103 REV E	Proposed Combined Plans	02.02.15
8447/104 REV G	Street Scene	02.02.15
8447/105 REV A	Sections	27.01.15

List of Background Papers

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

Ward Yarty

Reference 15/0217/FUL

Applicant Samuel Bellamy Property Ltd

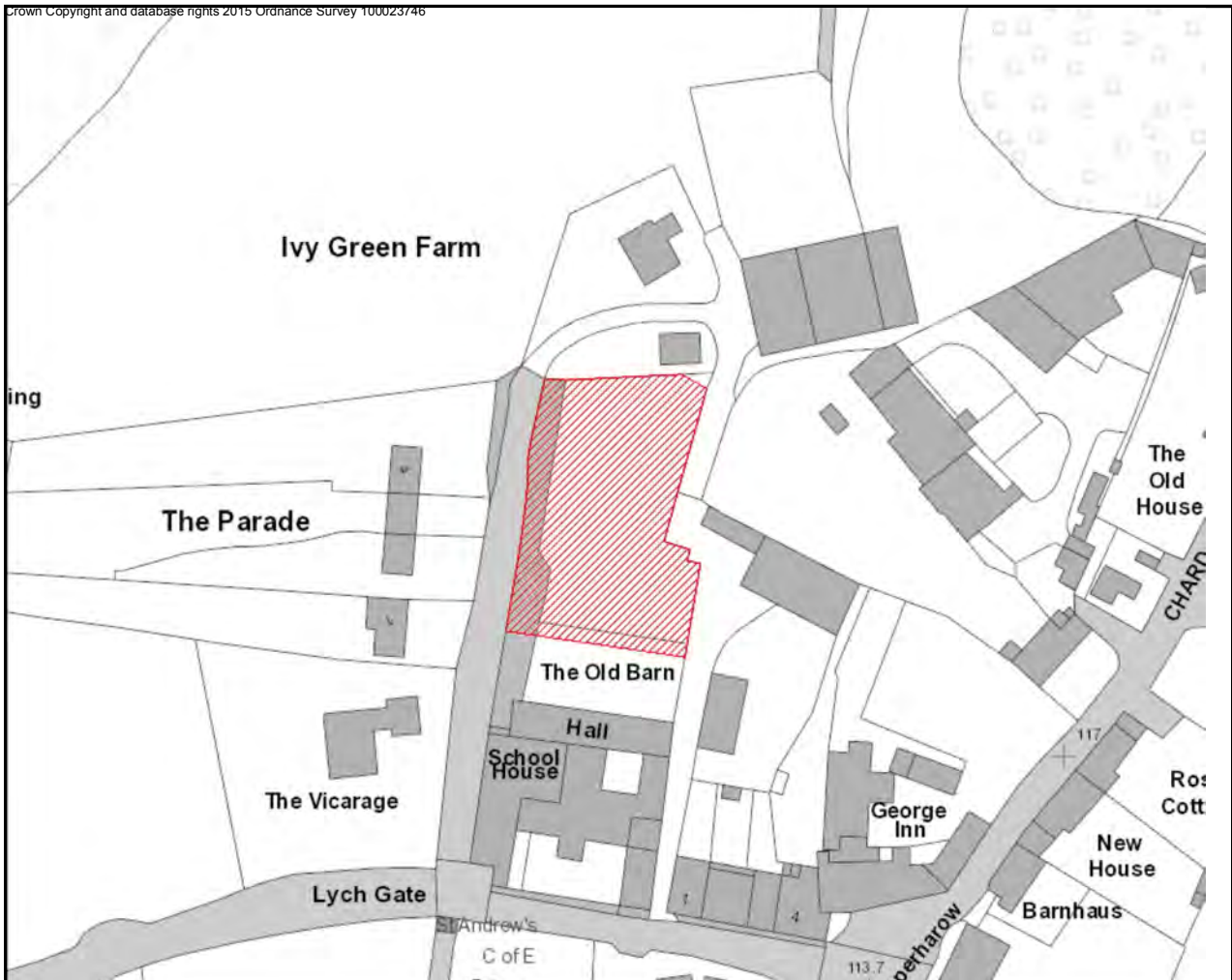
Location Land To Rear Of St Andrews School Chardstock Axminster EX13 7BX

Proposal Construction of 5 no. dwellings, car port, garage and associated landscaping



RECOMMENDATION: Refusal

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		Committee Date: 21.04.2015
Yarty (CHARDSTOCK)	15/0217/FUL	Target Date: 02.04.2015
Applicant:	Samuel Bellamy Property Ltd	
Location:	Land To Rear Of St Andrews School Chardstock	
Proposal:	Construction of 5 no. dwellings, car port, garage and associated landscaping	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

The planning application is referred to Members of the Development Management Committee as the officer recommendation conflicts with that of the Ward Member.

The planning application proposes the construction of 5 dwelling on land to the rear of St Andrew School, Chardstock, a grade II listed building. This application follows a previously refused planning application (in December 2014) for 4 dwellings on the same site.

Since the previous refusal, the policy position has moved forward following the Council's acknowledgement that it has an up to date 5 year land supply and the recent amendments to the New Local Plan having been ratified by Full Council. Members considered that Chardstock should be included within the settlements that are suitable for growth in Strategy 27, despite the evidence and analysis undertaken by Officers to underpin the strategy indicating that the level of services in the settlement and its absence of public transport links indicating that the settlement is unsustainable. Therefore, a judgement must be made as to whether the retention of the built up area boundary at Chardstock is in conformity with the NPPF especially in light of the Offwell appeal decision and the previous refusal on this site on sustainability grounds.

Whilst in other aspects the planning application is considered to be acceptable the proposal is considered to be situated, again, within an unsustainable location. Chardstock has only a limited range of services and access to a wider range of services and employment opportunities. There are limited benefits that would arise from the delivery of five dwellings but on balance the proposal fails to outweigh the harm arising from the lack of sustainable credentials of the locality. As such the proposal fails to satisfy the environmental dimension of sustainable development and is recommended for refusal on this basis.

CONSULTATIONS

Local Consultations

Yarty - Cllr P Diviani

For clarity, could I repeat that I find the Applicant's arguments very persuasive and compelling and should the Officer recommendation be for refusal on sustainability grounds, I would like this to be brought to Committee with the usual caveats on predetermination.

Parish/Town Council

At the Parish Council meeting on Wednesday 11th February 2015 the Council voted NOT TO SUPPORT, this planning application, for the following reasons.

Sustainability

Whilst the applicant has attempted to address the issues and objections that were raised by the previous application for development on this site (14/2084/FUL), this new application also brings with it new issues, notwithstanding the fact that the site is not considered to be a sustainable site to accommodate new development, which was the reason that the previous application was refused.

The site is not sustainable because it is on the edge of a village with a limited range of services, and no public transport meaning that access to a wider range of services, and employment opportunities would require the use of private transport.. The proposed increase from four houses to five, will only make this factor more acute.

Chardstock's Neighbourhood Plan

The rationale for the increase in the number of houses, is that the applicant is responding to the criticism of the previous scheme with regard to the number of large 4 bedroom houses, by reducing these to just two, and adding three 3 bedroom houses with the Design and Access statement making reference to Chardstock's Neighbourhood Plan Questionnaire.

The research for our Neighbourhood Plan shows very little support, or perceived need for development in the parish. However, most residents felt that if development were to be forced again, then it would be better that it were houses at the smaller end of the scale. The questionnaire shows that there was 71.8% approval for smaller 1 to 2 bedroom houses . The questionnaire results also show that 49.6% of respondents considered 3 bedroom houses important or very important , whilst 70.2% scored 1 to 2 bedroom houses important /very important, and only 8% scored 4 bedroom houses important/very important. So with 40% of these houses having 4 bedrooms, the requirement for smaller homes, hasn't been addressed at all.

The planning statement (para 2.2) refers to the results from the Neighbourhood Plan questionnaire with regard to possible development sites, stating that, of the four options, this site was the preferred location. But this needs to be seen in the context of our Neighbourhood Plan. The sites prioritised by the questionnaire are an indication of local preference if development were to be forced again. To suggest that the research somehow indicates a local will for new development is to totally misunderstand the true situation. To be blunt- the sites referred to are a "least bad" option in the event of further enforced development, and we hope it will not come to that.

In conclusion, the greatest preference of Chardstock people, is for no more development, but should Chardstock be compelled to accommodate more houses, then our Neighbourhood Plan will specify criteria to determine the scale and type of housing, and where it may be located to best reflect the wishes of the local community in line with Local Plan Strategic Policies.

At the moment there is no such requirement, as EDDC's emerging Local Plan has so far allocated 10 new houses to Chardstock, and these have all been built, along with planning permission granted for 4 more, which includes 3 in the redevelopment of the Old School itself

Other matters

As it stands, this site within Chardstock is not suitable for sustainable development. However, if matters were otherwise, then this proposal should not be looked at in isolation but in conjunction with the proposals for the conversion of the Old St Andrew's School. The site in question was also detailed in a previous consultation, and the preference was that this site be developed in conjunction with the conversion of Old St Andrew's School , to provide better amenity space, in terms of gardens and parking for the dwellings within the Old School, with perhaps a small number of two to three bedroom houses.

We have now received new plans for the Old School, (15/0305/FUL and 15/0306/LBC) which propose conversion to five dwellings, as opposed to the three for which approval has been given, making a total of ten new houses, plus the two existing flats in the Old School, the Vicarage and four other houses in The Parade. This concentration of dwellings in a relatively small area, will seriously impact on traffic and parking in the vicinity, all in the village's Conservation Area.

This new proposal has also sought to overcome the concerns about the height of the houses, by lowering the roof height of the row of three terraced houses, but the elevation plan of the terrace, shows the roof height as the same as that of the two detached houses, just as they were in the previous application.

It is difficult to ascertain from the plans if the issue of the width of road at the northern end of The Parade has really been addressed. The width of the road is a real concern, especially for those living in the row of houses opposite and was fully documented in letters in response to the previous application. The block plan submitted for the previous application (14/2084/FUL) clearly showed that the proposal encroached on the road by some 11', reducing the width to approximately

16'. The current block plan indicates this road width is now 27'. Unless the boundary at the front of the development has moved back, how can this be ? We therefore ask that the planning officers look carefully at this aspect of the proposal.

For these reasons we cannot support this application.

Chardstock Parish Council
23rd February 2015

Technical Consultations

County Highway Authority

The proposed development for 5 no. dwellings is similar in highway terms to the previous application (14/2084/FUL) for 4 dwellings.

The unclassified county road which fronts the old school to the south is a 30 mph road that forms a junction with the private road known as the Parade. The junction is adequate in visibility for this category of highway.

The Parade leads to two number accesses proposed for the development. The first one serving the terraced dwellings with vehicle parking and the other serving the two detached dwellings with garaging. Both these accesses have adequate vehicle turning room for access off the Parade and for the parking and turning at the rear of the dwellings.

Recommendation:

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

Devon County Archaeologist

The area occupied by the proposed residential development is shown on the late 19th and early 20th century OS maps as containing a range of buildings associated with the St Andrew's College and Industrial Schools. These appear to have been demolished sometime in the early 20th century and are not visible on the 1946-9 RAF aerial photographs of the village. The original school was built in 1839 and enlarged in 1853/6 and again in 1875 and the buildings that once occupied the proposed development site are likely to date from these periods. Any groundworks associated with the development of the site, such as excavations for services, foundations, hard landscaping etc, are likely to have an impact upon any surviving below-ground archaeological and artefactual remains associated with the College and Industrial School.

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 excavation of the areas to be disturbed by the construction of the new dwellings and any associated infrastructure, access roads, services etc. This work will need to be undertaken in advance of any construction work commencing and would effectively 'sterilise' the development site of any archaeological deposits and, once complete, would enable construction work to be undertaken without any further archaeological involvement. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

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

Devon County Council Education Dept

Further to your recent correspondence regarding the above planning application I write to inform you that a contribution towards school transport via a Section 106 agreement is sought.

There is currently capacity at the nearest primary and secondary schools for the number of pupils likely to be generated by the proposed development. We will however require a contribution towards secondary school transport costs due to the development site being further than 2.25 miles from Axe Valley Community College. The costs required are as follows: -

1.00 secondary pupils

£3.24 per day x 190 academic days x 5 years = £3,075.75

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

Should you require any further information regarding either of the above please do not hesitate to contact me.

*These contributions should be adjusted on the date of payment in accordance with any increase in Building Cost Information Service (BCIS) all in tender price index.

Other Representations

12 letters have been received to date, 4 in support and 8 objecting to the proposal. in summary;

Support

- The site is boarded by existing development.
- The design in keeping with the listed school.
- The road can accommodate development.
- Refusing the planning application would be detrimental to the settlement and services therein if it cannot be allowed to grow.

Objections

- Not a sustainable site, increasing the number of units would make it even more unsustainable.
- Lack of sustainable transport links and facilities on offer within the settlement.
- Highway safety issues - lack of turning, poor visibility and increased usage of inadequate network
- Flood and drainage issues.
- Too many properties proposed within the site.
- A number of properties remain unsold within the village.
- Excessive noise
- The properties would be too high in comparison to existing terrace.
- Planning history and other appeal decisions have set a precedent.
- Overcrowding, when considered alongside another planning application for dwellings within the school.
- Harmful impact on amenity.

PLANNING HISTORY

Reference	Description	Decision	Date
14/1241/FUL	Conversion to 3 no.dwellings and erection of car port	Refused	26.09.2014
14/1242/LBC	Internal and external alteration to facilitate conversion to 3no dwellings and erection of car port	Refused	26.09.2014

14/2084/FUL	Construction of 4 no. new dwellings, carport, garage and associated landscaping	Refused	17.12.2014
14/2537/FUL	Conversion to 3 no dwellings and erection of car port	Approved	10.12.2014
14/2538/LBC	Internal and external alterations to facilitate conversion to 3no dwellings and erection of car port	Approved	09.12.2014
15/0305/FUL	Conversion of former school buildings to form 5no dwellings and erection of car port	Pending	
15/0306/LBC	Conversion of former school buildings to form 5no dwellings and erection of car port	Pending	

POLICIES

New East Devon Local Plan Policies

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

EN14 (Control of Pollution)

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

EN10 (Demolition of Listed Building)

TC4 (Footpaths, Bridleways and Cycleways)

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

Adopted East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

S5 (Countryside Protection)

D1 (Design and Local Distinctiveness)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

TA1 (Accessibility of New Development)

EN15 (Control of Pollution)

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

EN11 (Preservation and Enhancement of Conservation Areas)
TA4 (Footpaths, Bridleways and Cycleways)

Government Planning Documents

NPPG (National Planning Practice Guidance 2013)

NPPF (National Planning Policy Framework 2012)

Supplementary planning Guidance

Chardstock Parish Plan

Site Location and Description

The application site is located to the rear of the former St Andrews Primary School, a grade 2 listed complex of school buildings. The rear wall of the former school forms the boundary to the conservation area which crosses the access road and runs to the north of The Vicarage. The access road to the site serves four properties, collectively known as The Parade (probably 1930s) around 23 metres to the west and culminates in a track into agricultural land to the north and a dwelling known as Ivy Green Farm around 14m from the edge of the application site. To the east of the site around 11m away is 'The Old Barn' and further to the north east is Chardstock joinery around 40 metres away.

The historic maps indicate that the application site once contained a courtyard of buildings with a narrow range against the surviving wall forming the eastern boundary, and also a range of buildings against the rear of the highway. The built up area boundary runs approximately through half of the site and it is located within an Area of Outstanding Natural Beauty.

Proposed Development

This planning application seeks planning consent for the creation of two detached dwellings and a terrace of three dwellings, with associated garages and parking. Inevitably as the proposal concerns the same site and has been submitted within a recent time period to the previously refused planning application for 4 dwellings on the plot many of the planning issues would be the same as previously considered.

The proposed dwellings would be situated parallel to the highway and the dwellings on the opposite side of the road. The dwellings would consist of render (for the two detached dwellings) and chert stone on the terrace of three dwellings. Two separate access are proposed onto the main road which lead to parking to the rear.

ANALYSIS

The main considerations are considered to be:

- The principle of the proposed development (including sustainability);
- Layout
- The impact on residential amenity;
- The impact on the setting of the listed building and conservation area;
- Highway safety;

- Archaeology;
- Impact on AONB;
- Drainage; and
- Contributions;

The principle of the proposed development

The site lies partly within and partly outside the existing built up area boundary for Chardstock, therefore as the Council can now demonstrate an up to date 5 year land supply the existing built up area boundaries can be given weight but only where they are in conformity with the NPPF.

The NPPF advises that the "golden thread" running through Planning is the presumption in favour of sustainable development and the three dimensions to it: economic, social and environmental. This means approving development that accords with the Development Plan or, if this is out of date, granting permission unless any adverse impacts of doing so would significantly and demonstratively outweigh the benefits when assessed against the policies as a whole within the framework; or specific policies in the framework indicate that development should be restricted.

The main centre of population is Chardstock village which lies 1 mile west of the A358 junction at Tytherleigh. This area contains many of the parish's main facilities, including the Church, the Community Hall, the children's play area, the Primary School, the George Inn and the Post Office and stores. There is one main access road into Chardstock from the A358 to the east, at Tytherleigh. This road is narrow for much of its length, without room to pass in places. A number of smaller lanes lead from the village to the more rural parts of the Parish. Post war development to the east of the village centre benefits from pavements and street lighting but the remainder of the village is accessed by traditional rural lanes. There is an extensive network of bridle and footpaths, but no dedicated cycle paths.

The NPPF states that where there are groups of smaller settlements development in one village may support services in a village nearby. This policy has been clarified by the National Planning Practice Guidance (NPPG) which identifies a thriving rural community as one where there are local services and community facilities such as schools, shops, cultural venues, public houses and place of worship The NPPG goes on to state that all settlements can play a role in delivering sustainable development in rural areas, and that blanket policies restricting housing development in some areas and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

It is accepted that the intended residents of the proposed dwellings could support the existing facilities within Chardstock, but sustainable patterns of development still require suitable access through a range of transport means. However, a robust policy assessment has identified those settlements that contain suitable levels of services and facilities which in turn can support growth. The lack of facilities and access to these would not equate to suitable development and the benefits to surrounding villages (which have not been identified) have not been made explicit. It is considered that the proposal, as a consequence of its location with a settlement

with few facilities and an irregular bus service, is not positioned within a sustainable location. As this would be contrary to a core planning principle of the NPPF significant weight is attached to this.

The Inspector appointed to conduct the Examination of the ELP wrote to the Council in terms that he did not consider that the ELP was sound. In essence, the Inspector expressed concern that the figures in the draft plan in terms of development at villages were not based on an assessment of the ability of the settlements concerned to accommodate growth, and that an application of a 5% minimum growth to settlements was too crude a tool in assigning dwellings to villages. Chardstock was envisaged to have a level of growth of 10 dwellings.

The resulting revised Emerging Local Plan following the Inspector's comments, under strategy 27, now has a list of rural settlements that offer a range of accessible services and facilities. This list includes Chardstock. However, Chardstock was only included on this list at the request of Members when reviewing the revised changes to the Local Plan before being sent back to the Inspector. Having regard to the Offwell appeal decision, the previous decision on this site and the limited range of services in Chardstock with poor public transport links, Officers remain of the view that the settlement is unsustainable and therefore not in conformity with the NPPF. As a consequence it is considered that, as the revised Strategy 27 has not been out to public consultation or had comment from the Inspector, the amount of weight that can be attributed to the built up area boundary for Chardstock is limited. Furthermore, part of the proposal falls outside of the boundary.

Therefore, the proposed development is considered to represent unsustainable development contrary to the guidance contained in the NPPF.

Layout

The site is of a size that can accommodate the five dwellings without appearing cramped or overdevelopment. An active road frontage would be created reflecting the general pattern of the development within Chardstock. The designs of the dwellings themselves are acceptable within this location and a suitable condition to secure appropriate external materials would also aid assimilation of the development.

Impact on residential amenity

In terms of the impact on residential amenity, the main considerations relate to the properties located to the east and west of the site.

To the west of the site are the properties known as "The Parade." These properties would face toward the site. The distance between the proposed properties and these dwellings is approximately 22.0 meters away, across a lane that runs in between. At this distance it is considered that that any looking between these properties would be at such a distance that detrimental loss of privacy would not occur.

The windows on the rear of the proposed dwellings would face east towards the large garden of Yew Tree Cottage. Given the distance to the boundary and that the

dwelling itself is located some distance away and that the windows would be towards the end of the garden rather than a more private area closer to the property it is considered that the level of overlooking that would occur would not be detrimental to amenity. It is also noted that the garden of this property is raised in comparison to the site and there is tree screening at the end of the garden. Taking these factors into account it is not considered that there would be any detrimental overlooking.

In relation to the 'Old Barn' to the east, it is again considered that given the distance and the angle of the proposals relative to this property that no detrimental overlooking would occur.

In terms of noise generation and disturbance from the cars that would be associated with the proposal it is considered that this use must be compared to the use as a school. It is considered that the use of this area as a playground/field would have potential to also generate noise from playing children which would be likely to be more than the relatively short duration of cars exiting the development.

Impact on listed building and conservation area

The site is discussed within the 'Chardstock Location and landscape character context' document which was used as part villages to inform the Village DPD document. Within this document the sensitivity of the site is described as 'high' as it is "adjoining the grade II listed building and the Conservation Area, and (has) views in an out of unspoilt Victorian Village centre particularly views of the School, church and Churchyard. It also states that the impact on the School building of development would be high and the playing field contributes to its setting and gives it historical context. New development could detract from the School building".

It is considered that as such the proposal would take place within the original envelope and boundaries of the school. It is considered again that the proposed dwelling would sit well within the confines of the existing site and the natural boundaries. The Chardstock Parish Plan identifies that new housing should be designed to "fit" with the design of the surrounding buildings.

The proposed dwelling would utilise both render and chert stone on the elevations with natural slate on the roof. This pallet of materials would help to preserve the designated conservation area. Features such as the dormer windows, porches, variety of fenestration size and detail provides a positive impact on the overall development. Boundary treatment would need to be carefully controlled to ensure suitable heights and to avoid inappropriate materials.

The mass and scale of the proposal respects the setting of the listed building in accordance with Policy EN9 of the local plan.

Highway Safety

There has been concern raised with regards to the impact on the highway network, the lack of suitable turning and poor access visibility.

The Highway Authority has not raised an objection to the proposal.

The unclassified county road which fronts the old school to the south is a 30 mph road that forms a junction with the private road known as the Parade. The junction is adequate in visibility for this category of highway.

The Parade leads to two number accesses proposed for the development. The first one serving the terraced dwellings with vehicle parking and the other serving the two detached dwellings with garaging. Both these accesses have adequate vehicle turning room for access off the Parade and for the parking and turning at the rear of the dwellings.

Therefore any proposed harm resulting to the wider highway network would not be severe, which is the test under the NPPF.

Archaeological impact

The area occupied by the proposed residential development is shown on the late 19th and early 20th century OS maps as containing a range of buildings associated with the St Andrew's College and Industrial Schools. These appear to have been demolished sometime in the early 20th century and are not visible on the 1946-9 RAF aerial photographs of the village. The original school was built in 1839 and enlarged in 1853/6 and again in 1875 and the buildings that once occupied the proposed development site are likely to date from these periods. Since any groundworks associated with the development of the site, such as excavations for services, foundations, hard landscaping etc, are likely to have an impact upon any surviving below-ground archaeological and artefactual remains associated with the College and Industrial School.

The County Archaeologist has commented on the proposal and has suggested a suitable investigative condition in the event of an approval.

Impact on the AONB

The site lies within the East Devon Area of Outstanding Natural Beauty (AONB). The site is described within the "Chardstock Location and landscape character context" document that "inter divisibility of the site is divided between distant expansive views across the AONB to the north west (from which the site is clearly visible but against a backdrop of trees/buildings) shorter, interrupted views of the historic village centre buildings to the south and stopped views to the east and north. There is limited indivisibility with the AONB".

Whilst acknowledging the sensitivity of the site it is noted that the site is surrounded on all sides by built form and it is considered that the proposal would reflect the surrounding context. Any distant views of the site would be read in the context of these buildings. The landscape character of the AONB would not be harmed as a result of the proposal.

Drainage and Flooding

The site would be connected to both the mains foul and surface water drainage. There is no evidence submitted of the existing drainage system has experienced capacity issues.

The site of the planning application is not within a designated flood zone and although additional structures would be introduced within the site resulting surface water could be dealt with via a SUDs system.

Contributions

In line with recently publicised amendments to the NPPG it is clear that due to the scale of the development proposed within a rural area that the threshold for requesting contributions is not triggered. Therefore it would not be reasonable to request contributions to mitigate the development or insist on the provision affordable housing.

Conclusion

A balancing exercise is required to be carried out. The applicant has pointed out that with other planning applications within the district the balancing exercise has shown that inaccessibility by itself would not outweigh the provision of housing supply. However, this argument is somewhat weakened now that the Council can demonstrate an up to date supply of housing, it is essential that each planning application is considered on the benefits and dis benefits arising from each individual scheme.

The recent amendments to the Local Plan that is currently under examination, specifically Strategy 27, require careful consideration especially in light of recent appeal decisions, the previous decision on this site, the evidence behind the analysis under pinning Strategy 27 and why Officers did not include Chardstock within its final draft of the plan and the amount of weight can be afforded to the built up area boundary given that the proposal would seem to be contrary to the sustainability aims of the NPPF.

Paragraph 7 of the NPPF 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. It is an underlying core principle of the NPPF that patterns of growth should be actively managed to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable (paragraph 17). The conclusions of these issues are sufficient to overcome the modest advantages that would result in respect of the provision of general housing. Essentially as 4 dwellings on the site had been considered unsustainable there is no cogent reason now presented as to why 5 dwellings would be acceptable. As the proposal fails in meeting the environmental dimension of sustainability the proposal cannot constitute as sustainable development.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development by reason of its location within a village in the countryside which has limited services to support growth, fails to accord with the definition of sustainable development, specifically the environmental role, found within the National Planning Policy Framework. In this case, the Local Planning Authority considers that the adverse impacts of this development in terms of unsustainable location with the occupiers of the dwellings having limited access to essential services and infrastructure (including public transport and access to it) significantly and demonstrably outweigh the benefits of providing these when assessed against the policies within the Framework as a whole. As such, the proposed development is considered contrary to the provisions of the National Planning Policy Framework and TA1 (Accessibility of New Development) of the East Devon Local Plan, and policies TC2 (Accessibility of New Development) of the emerging East Devon Local Plan and the guidance in the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved, however in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

SF4 - REV F	Proposed Elevation	29.01.15
SF5 - REV F	Proposed Elevation	29.01.15
	Location Plan	29.01.15
PWR 19.01.15 - STREET ELEVATION	Other Plans	29.01.15
SF4 REV F	Proposed Floor Plans	29.01.15
SF5 REV F	Proposed Floor Plans	29.01.15
REV T - SCHOOL FIELD	Proposed Block Plan	29.01.15
0010	- Other Plans	29.01.15

VISIBILITY
SPLAY - REV Q

List of Background Papers

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