

# Agenda for Development Management Committee (additional meeting) Tuesday, 23 June 2015; 2pm



## [Members of the Committee](#)

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

[View directions](#)

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

01395 517542, Issued 4 June 2015

East Devon District Council  
Knowle  
Sidmouth  
Devon  
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

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

## [Speaking on planning applications](#)

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

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

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

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

(<http://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 8 June up until 12 noon on Thursday 11 June by leaving a message on 01395 517525 or emailing [planningpublicspeaking@eastdevon.gov.uk](mailto:planningpublicspeaking@eastdevon.gov.uk).

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

A maximum of two speakers from the public are allowed to speak on agenda items that are not planning applications on which the Committee is making a decision (items on which you can register to speak will be highlighted on the agenda). Speakers will have 3 minutes to make their representation. You can register to speak on these items up until 12 noon, 3 working days before the meeting by emailing

[planningpublicspeaking@eastdevon.gov.uk](mailto:planningpublicspeaking@eastdevon.gov.uk) or by phoning 01395 517525. A member of the Democratic Services Team will only contact you if your request to speak has been successful.

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

- 1 Apologies
- 2 [Declarations of interest](#)
- 3 [Matters of urgency](#)
- 4 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.

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

Applications for determination:

*Wherever possible and in order to prevent unnecessary site inspections, Members of the Committee should familiarise themselves with application sites in their locality where such sites are visible from the public highway and other public vantage points.*

**14/0557/MOUT (Major)** (page 4 - 27)

Honiton St Pauls  
Land at Ottery Moor Lane, Honiton

**15/0766/OUT (Minor)** (page 28 - 36)

Newbridges  
Highfield, Kilminster, Axminster EX13 7RX

**15/0677/FUL (Minor)** (page 37 - 42)

Ottery St Mary Rural  
O Jays, Metcombe, Ottery St Mary EX11 1RS

**14/2293/FUL (Minor)** (page 43 - 58)

Seaton  
Land west of Underfleet, Seaton

**15/0585/FUL (Minor)** (page 59 - 63)

Seaton  
Conifers, 2 Wessiters, Seaton EX12 2PJ

**15/0626/LBC (Other)** (page 64 - 68)

Seaton  
31 Queen Street, Seaton EX12 2NY

**15/0554/OUT (Minor)** (page 69 -84)

Sidmouth Rural  
1 Laundry Lane, Sidford, Sidmouth EX10 9QR

**15/0714/FUL (Minor)** (page 85 - 89)  
Sidmouth Sidford  
Dunoon, Yarde Mead, Sidmouth EX10 9JL

**15/0757/FUL (Minor)** (page 90 - 93)  
Sidmouth Town  
71 Woolbrook Road, Sidmouth EX10 9XJ

**15/0945/FUL (Minor)** (page 94 - 98)  
Sidmouth Town  
Cambridge Cottage, Salcombe Road, Sidmouth EX10 8PR

**15/0300/FUL (Minor)** (page 99 - 108)  
Yarty  
Bowditch Farm, Membury, Axminster EX13 7TY

**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](#)

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

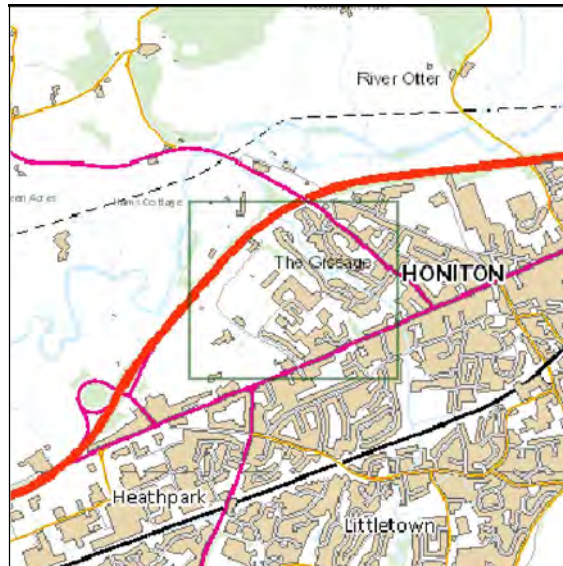
**Ward** Honiton St Pauls

**Reference** 14/0557/MOUT

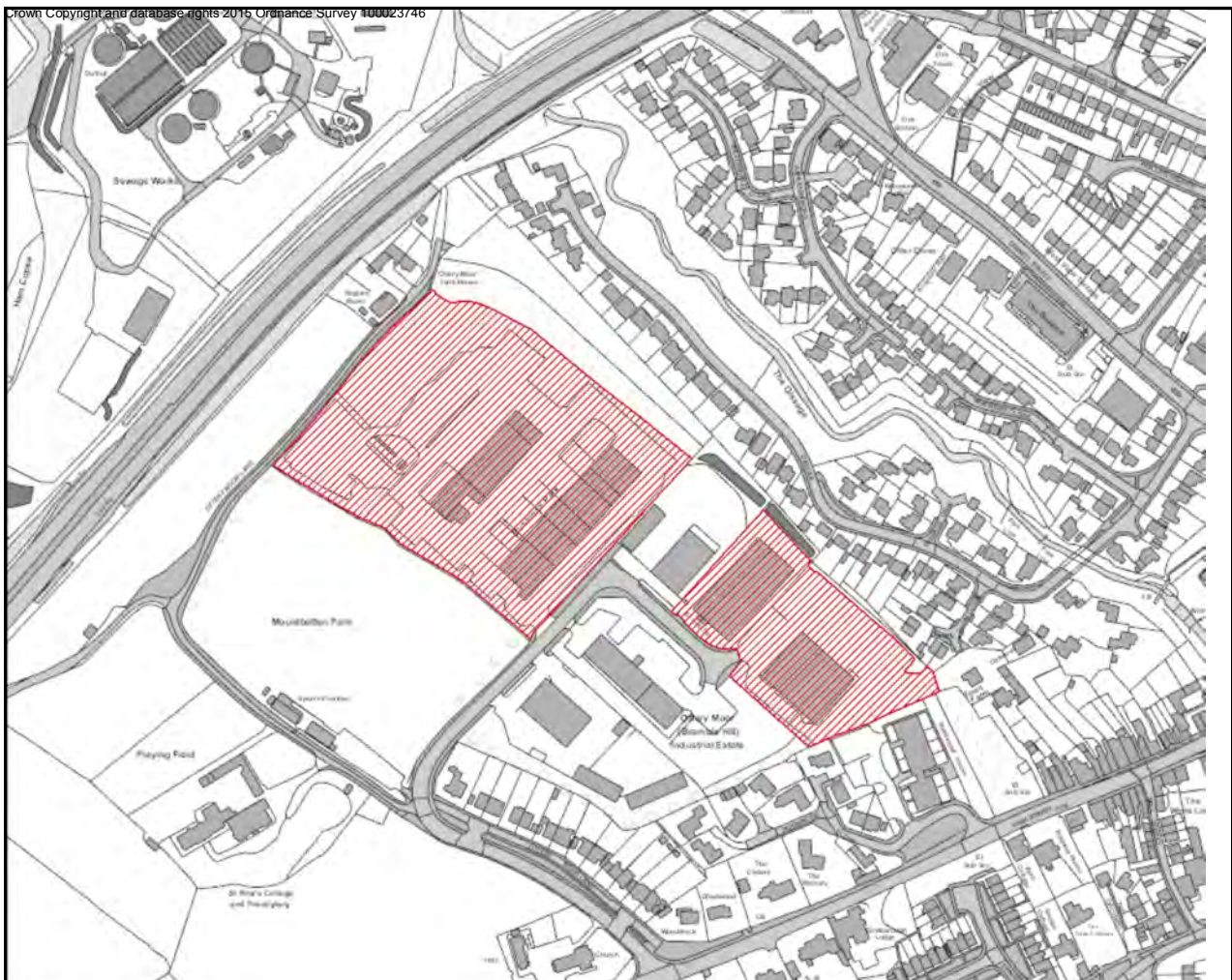
**Applicant** Spen Hill Developments Ltd

**Location** Land At Ottery Moor Lane Honiton

**Proposal** Outline planning application for residential development of up to 150no. dwellings; access to be considered all other matters reserved



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 16.06.2015</b>
<b>Honiton St Pauls (HONITON)</b>	<b>14/0557/MOUT</b>	<b>Target Date: 27.10.2014</b>
<b>Applicant:</b>	<b>Spen Hill Developments Ltd</b>	
<b>Location:</b>	<b>Land At Ottery Moor Lane Honiton</b>	
<b>Proposal:</b>	<b>Outline planning application for residential development of up to 150no. dwellings; access to be considered all other matters reserved</b>	

**RECOMMENDATION: Approval subject to conditions and completion of a S106**

#### **EXECUTIVE SUMMARY**

The planning application is referred to the Development Management Committee as the proposal is not fully compliant with the saved East Devon Local Plan, as it would result in the loss of designated employment land.

The proposal seeks outline planning permission for the creation of up to 150 dwellings served off Ottery Moor Lane, Honiton. The proposed access is to be considered at this outline stage, with all other matters reserved for subsequent approval. The site is split into two parts, currently occupied by a 'Rainbow' retail store and other smaller commercial units. The proposed development takes place within the established built up area boundary for Honiton, which accepts the principle of residential development, subject to site constraints.

The loss of employment land is incorporated within the policies of the Emerging East Devon Local Plan, which also provides for the future expansion of Heath Park Industrial Estate and allocates housing on the existing site. However, as the emerging plan has not been adopted and objections remain to the allocations this can only be given limited weight and the policies of the saved local plan remain a consideration. Therefore, the loss of the employment land must be fully justified; an assessment of current needs and vacant units together with an assessment of market conditions has been submitted with the application.

Due to the high land and remediation construction cost the applicant has claimed that it would not be viable to deliver the scheme if policy compliant in all respects, i.e. 25% affordable housing, open space and education contributions. The District Valuer has assessed the financial viability of the scheme and has agreed that the majority of S106 contributions could be waived in order to deliver a scheme that would contribute toward much needed affordable housing; an overage clause is recommended in the event of an approval.



**On balance the proposal accords with the spatial vision for Honiton, established within the emerging local plan, not compromising the existing employment needs of the town and therefore a recommendation of approval is made subject to S106 contributions and conditions.**

## **CONSULTATIONS**

### **Local Consultations**

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

The Town Council unanimously supports this application and wishes to highlight the following points:

- The Town Council supports the comments of the S.106 Officer and in particular with regard to the need for a higher proportion of affordable housing.
- The Town Council suggests that an additional contribution towards improvements at Turks Head junction should be sought.
- The Town Council requests clarity with regard to the future of Mountbatten Park which is in close proximity to this site.
- The Town Council suggests that sustainability could be improved through provision of pedestrian and cycle access through Town Farm Lane/Town Farm Close/Oaklea in the south eastern corner of the site.
- The design of the whole site should be capable of integrating the remaining areas of employment land should these become available at a future date.

### **Technical Consultations**

#### **Devon County Council Education Dept**

The forecasts for the primary schools supported by this development show that they will be over capacity as a result of the above development and for this reason Devon County Council will seek a contribution towards additional education infrastructure at the local primary school that serves the address of the proposed development. The contribution sought is £426,056.25 (based on the current DfE extension rate for Devon) which will be used to provide education facilities for those living in the development.

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

## South West Water

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable without requirements as details below.

Please note that no development will be permitted within 3 metres of the water main. The water main must also be located within public open space and ground cover should not be substantially altered.

Should the development encroach on the 3 metres easement, the water main will need to be diverted at the expense of the application. The applicant/agent is advised to contact the Development Planning Team to discuss the matter further.

South West Water will only allow foul drainage to be connected to the public foul or combined sewer. Permission will not be granted for the surface water from the site to return to the public combined or foul sewerage network. We will request that investigations are carried out to remove the surface water using a Sustainable Urban Drainage System, such as a soakaway. If this is not a viable solution to remove the surface water, please contact the Development Planning Team for further information.

## County Highway Authority

The application is in outline for up to 150 residential dwellings with matters of access to be considered at this time and all other matters to be held in reserve.

The applicants transport Consultant (PBA) approached the CHA and the Highways Agency at an early stage to agree the scope of the surrounding local and wider highway network to be considered in the accompanying Transport Assessment - Traffic Impact Assessment. The study area included existing junctions:-

- High Street/Ottery Moor Lane priority T junction
- High Street/A373 Dowell Street signalised junction
- High Street/Exeter Road/A375 Sidmouth Road roundabout junction
- Exeter Road/Turk's Head Lane existing priority T junction
- Exeter Road/Turk's Head Lane (proposed roundabout junction)
- A30 offslip/Turk's Head Lane priority junction

TRICS 2014(a) database (a nationally recognised prediction tool) has been used to determine the potential vehicle trips for both the existing permitted uses of the sites as a Retail Store and Business Park and those of the proposed residential dwellings of up to 150 units. This has resulted in a forecast that the proposed development would increase the AM peak hour trips by 34 additional trips and reduce the PM peak hour trips by 4 trips. The AM trip forecast of an additional 34 trips was used for the modelling of the junctions and the PM trip (minus 4) was ignored. The study concludes that the overall impact on the local highway network would be minimal in the AM peak only and that this would not be severe. With regard to the Strategic Road Network and in particular the Turk's Head junction (both existing and improved); forecasts indicate that there would be little impact on this junction and

that the majority of trips in the AM peak hour would use the westbound A30 route towards Exeter. The CHA is content that the methodology used and conclusions reached are robust predictions and that overall there would not be a severe impact on the road network and that no mitigation measures would be required.

Although the application is for access only and it majors mainly on motorised trips on the existing roads that access the sites from the town. I would have liked to have seen some proposed improvements to the existing pedestrian and cycle routes in the locality. Possibly incorporating Rockwood Close to the south or Down Farm Close and Oaklea to the east and wish that these routes and possibilities are explored more fully at any detailed planning stage.

#### Devon County Archaeologist

I refer to the above application and your recent consultation. While lying in an area of archaeological potential, the proposed development site has been subject to significant ground disturbance associated with the construction of the extant industrial units, and their associated car parking and hardstanding areas. As such, I do not regard the proposed development as having any archaeological impact or for there to be any requirement for archaeological works to be undertaken in mitigation for the proposed development.

The Historic Environment Team has no comments to make on this planning application.

#### Environment Agency

Thank you for referring the above application which was received on 29th July 2014.

#### ENVIRONMENT AGENCY POSITION.

We have no objections to the proposal providing development proceeds in accordance with the submitted Flood Risk Assessment dated 26th February 2014.

#### Highways Agency Exeter

18/08/14 - No objection.

#### 106 Officer Sulina Tallack

HOTs submitted

There is no mention of whether DCC Education has been contacted and whether their requirements will be met.

The offer of a non-specific amount of Affordable Housing subject to viability falls far short of the 40% still required at this point in time.

The open space offer appears to be entirely through off-site contributions. This would not be appropriate on a site of this size. The requirement for allotment provision, sport provision, parks and rec, youth play space and natural/semi-natural green space wherever possible should be provided on site.

There is no mention of public art or of the replacement of alternative business units.



### Contaminated Land Officer

I have considered the application which is proposed on land previously used. I recommend that the following condition is applied to any approval to ensure that the developer is aware of the potential risks and react to any findings:

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

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

### Housing Strategy Officer Paul Lowe

If this application secures planning permission then we expect that a minimum of 40% of the proposed residential development be affordable homes as defined in the National Planning Policy Framework (the Framework). All affordable homes are to be constructed to current Homes and Communities Agency Design and Quality Standards, and to at least Code level three for Sustainable Homes. The affordable homes should be tenure blind, pepper potted throughout the development in cluster of 10 - 15 units, remain affordable in perpetuity, and be transferred to and managed by a Preferred Registered Provider.

In accordance with East Devon Exeter and Torbay Housing Market Assessment 2007 (East Devon updated Aug 2011) we expect to see a tenure mix of 70 / 30% in favour of rented accommodation, the remaining as shared ownership or similar affordable housing product as defined in the Framework and approved by East Devon District Council.

We also expect that a nomination agreement be in place to enable the Local Authority or the Preferred Registered Provider to nominate individuals from the Common Housing Registers, with preference being given to those who have a local connection to Honiton.

Consideration should also be given to providing a number of affordable homes for those with mobility difficulties.

### Other Representations

7 letters have been received comprising of 6 objections and 1 representation. In summary;

- Taking employment opportunities with nowhere to relocate causes unrest and possible poverty.
- Turks Head is not capable of dealing with the increase in traffic and would require a redesign to meet additional demands.
- Loss of employment land.

- Congestion will increase on Ottery Moor Lane and detract from the quiet and secure neighbourhood.
- Increased pressure on limited services.
- Antisocial behaviour would increase.
- Air, light and noise pollution would occur.
- Need to ensure sufficient stock of larger homes are also provided within Honiton.
- The proposal should seek to ensure trees survive and more planting is added.
- Concern that play space would be developed separately.
- Concerning regarding overlooking.
- Concern that additional trees and buildings would reduce light to neighbouring properties.
- Concern for wildlife.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
12/1361/TRE	W1 Mixed Woodland - Woodland management to fell 10 x Poplars and 2 Ash; to pollard 4 x Norway Maple, 1 x Ash 2 x Willow; to coppice 2 x Willow and to remove a low overhanging branch from one Pine.	Approved	31/07/2012
12/0527/COU	Change of use of site from B1/B8 (light industry/storage) to mixed B1/A1 (retail) use.	Approved	04/04/2012
09/1168/FUL	Temporary use of land for siting of 75 containers for self storage and storage of 30 vehicles for rental purposes	Approved	27/10/2009
07/2663/MFUL	Demolition of existing buildings and erection of food store with associated car park and servicing	Refused & Dismissed at appeal	07/01/2009 (at appeal)
03/P0512	Change Of Use From Tool Hire To Children's Indoor Play Area	Refused	13/05/2003
03/P0853	Enlargement & Relocation Of External Doors	Approved	13/05/2003
01/P0936	Change Of Use From Industrial Use To Plant Hire & Retail Sale Of Plant, machinery, tools & Equipment	Approved	12/07/2001
98/P1346	Alterations To Form Distribution Depot	Approved	29/09/1998

97/P0083	Change Of Use To Hire Centre For Building & Catering Hire & Catering Sales	Approved	19/02/1997
96/P0142	External Storage Compound	Approved	02/05/1996
93/P1843	Alterations And Change Of Use To Industrial/store Units	Approved	17/01/1994
84/P0134	Erection Of Steel Clad Coal Silo & Aluminium Ash Hopper.	Approved	22/02/1984

## **POLICIES**

### New East Devon Local Plan Policies

Strategy 4 (Balanced Communities)  
 Strategy 6 (Development within Built-up Area Boundaries)  
 Strategy 23 (Development at Honiton)  
 Strategy 31 (Future Job and Employment Land Provision)  
 Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)  
 Strategy 34 (District Wide Affordable Housing Provision Targets)  
 Strategy 43 (Open Space Standards)  
 Strategy 47 (Nature Conservation and Geology)  
 D1 (Design and Local Distinctiveness)  
 H2 (Residential Land Allocation)  
 E1 (Provision of Employment Land)  
 E3 (Safeguarding Employment Land and Premises)  
 EN10 (Preservation and Enhancement of Conservation Areas)  
 TC2 (Accessibility of New Development)  
 TC3 (Traffic Management Schemes)  
 TC7 (Adequacy of Road Network and Site Access)  
 TC9 (Parking Provision in New Development)  
 D3 (Trees and Development Sites)

### Adopted East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)  
 D1 (Design and Local Distinctiveness)  
 EN6 (Wildlife Habitats and Features)  
 EN11 (Preservation and Enhancement of Conservation Areas)  
 EN15 (Control of Pollution)  
 EN16 (Contaminated Lane)  
 H1 (Residential Land Provision)  
 H4 (Affordable Housing)  
 E1 (Provision of Employment Land)  
 E2 (Employment Generating Development in Built-up Areas)  
 E3 (Safeguarding Employment Land and Premises)  
 TA1 (Accessibility of New Development)  
 TA2 (Traffic Management Schemes)  
 TA3 (Transport Assessments /Travel Plans)

TA7 (Adequacy of Road Network and Site Access)  
TA9 (Parking Provision in New Development)  
H4 (Affordable Housing)  
D5 (Trees on Development Sites)  
RE3 (Open Space Provision in new Housing)

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)  
NPPG (National Planning Policy Guidance 2013)

### Site Location and Description

The application site comprises of two parcels of land located off Ottery Moor Lane, Honiton. 'Site A' is 2.8 ha square parcel of land which currently occupied by Honiton Business Park which comprises of 16 employment units, and 'site B' is 1.12 ha parcel, together the overall site is 3.92 ha. The site is accessed via Ottery Moor Lane, which in turn is accessed from Honiton High Street which is the main road through the town. The town centre of Honiton is positioned approximately 300 metres to the south east of the application site. Both of these sites lie within the former built up area boundary for Honiton as established under the saved East Devon Local Plan.

'Site B' is currently the site is currently the site of 'Rainbow Superstore' which is a discount retail store. A large portion of this land is dedicated to a car park and storage area.

Between the two appeal sites is Jewson builders' merchant. To the west of 'site B' is the Goonvean Fibres Factory, with Hamblys (an agricultural machinery retail and repair business) positioned further to the west.

To the east of 'site A' is a belt of trees covered by a Tree Preservation Order. Further to the east, and at a much lower ground level, are residential properties along a road known as 'Oaklea'. This road is positioned along the east boarder of both sites A and B. To the immediate west of 'site A' is Mountbatten Park which is used as a cricket pitch. The properties known as 'Ottery Moor Farm House' and 'Rogues Roost' are situated to the north of the application site, with the A30 situated beyond. The Honiton conservation area covers land to the south east (not within the application site).

### Proposed Development

The proposed development seeks planning permission to demolish the existing retail and business buildings on the site and create up to 150 residential dwellings. The planning application is made in outline, with access only to be determined at this stage. The matters of scale, layout, appearance and landscaping are all reserved for subsequent approval.

Although the layout is a reserved matter indicated site layout plans have been provided in order to demonstrate how the site could accommodate the proposed development together with indicative landscaping details.

## ANALYSIS

The main issues concerning this planning application are:

- The principle of the development;
- The loss of employment land;
- Affordable housing;
- Highway Issues;
- Impact on amenity of surrounding neighbours;
- Environmental Health issues;
- Impact upon ecology;
- Impact upon flood risk;
- Impact on trees;
- Impact on the conservation area;
- S106 contributions; and
- Planning balance.

### **The principle of development**

The application site is within the built up boundary of Honiton (under both the saved and emerging local plans) with policies that facilitate, as a matter of principle, residential development subject to site constraints. The site was allocated for employment generating use under the saved East Devon Local Plan, however, in the emerging East Devon Local Plan the site is specifically allocated under Strategy 23 for 150 houses, with the employment land envisaged to be located elsewhere in the settlement (west of Hayne Lane). The proposal would result in the loss of employment land but nevertheless contribute towards the planned housing needs within the district, in line with one of the main thrusts of the Framework.

Paragraph 7 of the Framework states there are three dimensions to sustainable development, the economic, social and environmental. Paragraph 8 makes it clear that for sustainable development to be achieved these are mutually dependent and have to be in concert. Paragraph 9 states that the aim of this sustainable development is to improve the quality of life of inhabitants of settlements. The main issue is whether this development would accord with all three dimensions of sustainability when accounting for any harm resulting from the loss of employment land, and whether any such harm is significant when also taking into account the increased requirement for employment which would be generated by the additional housing. The balancing of all competing elements will be undertaken at the end of this report once all issues have been discussed.

### **The loss of employment land**

Honiton has been the focus for a large proportion of the District's recent housing provision, with the population more than doubling between 1970 and 2012 from

5,000 to 11,608. There are around 5,369 dwellings within the existing settlement (as defined by the 'Built-up Area Boundary' of the adopted East Devon Local Plan). Industrial land has also been developed and some of this land in 'Heathpark' to the West of the town has been used for retail uses. The town is recognised by the Tyms Study (carried out as part of our policy base data) as a local employment centre for East Devon with good transport links and has a high percentage of economically active people.

The site at Ottery Moor Lane is based within a built up area, adjoining a playing field and residential uses. As such this site could be sensitive to conflicting uses such as intensive industrial use, although there are some landscape buffers which were installed when the estate was established. The Tyms study comments that the employment site is a less accessible location than Heathpark and does not offer any significant prominence. Whilst the site could prove a source of potential new improved employment accommodation, it is likely to be less attractive to occupiers. The Atkins Report (2006) commented that Ottery Moor Lane is an ageing industrial area close to Honiton town centre containing a number of trade centre and retail outlets, with a lesser degree of general industry. It noted from the site visit that the buildings currently were in a generally fair to poor condition and that transport links meant that it could be seen as a less viable option in this respect.

It was noted, during a site visits, that some of the employment units are currently vacant and general activity on the estate currently appears to be minimal. As such the existing site cannot be said to retain economic vitality. However, this current existing situation could be the result of a tenancy agreement and does not necessarily mean that, if the opportunity arose, further units could be taken up which in turn would increase economic vitality of the estate.

Policy E3 (Safeguarding Employment Land and Premises) of the saved local plan looks to resist the loss of existing employment unless, amongst other matters, 'options for the retention of the site or premises for employment uses have been fully explored without success and there is a clear demonstration of surplus of employment land in the locality'. At the request of the planning authority an update to the supply and demand of employment land and buildings in Honiton has been submitted (dated May 2015). This document concludes that there has been very little change in occupied and vacant premises from the East Devon Employment Land review 2012-13. This update indicates that there are a number of surplus units especially on Heathpark Industrial Estate.

The vision for Honiton in the Local Plan promotes the town as a major employment and commercial focal point in East Devon reflecting its central position in the District with excellent road and rail links. The site itself is subject to a strategic land allocation within the emerging local plan under Strategy 23. This strategy aims to provide up to 150 new homes (of an overall mixed use development) in a sustainable location close to the town centre (evaluated under SHLAA references E164, E321 and E322).

Strategy 23 also includes the strategic allocation on land west of Hayne Lane for 'B' use classes with a phased delivery of 5 ha and then a second phase of 10 ha, if needed after a 5 year period review. Furthermore, Policy E1 of the emerging Local



Plan identifies 3.2 Ha of employment land at Heath Park Industrial Estate/ Business Park.

Although the examining Inspector took issue with the soundness of aspects of the emerging local plan no adverse comments were made about the allocation for employment land, and whilst this does not necessarily mean that there are no issues with this emerging strategy, this aspect was not singled out as requiring further amendment and consultation. In this instance the data collected that contributed to the formation of the emerging economic policies are the most up to date and robust.

The Framework, under Paragraph 22, states that policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities’.

The Local Planning Authority continues to monitor the need for employment premises and land in Honiton as evidence towards periodic employment land reviews; for this purpose a database of all enquiries made to the Council is maintained. The latest information derived from the database indicates very low, if any, demand for employment land or premises in Honiton, although some applications have been received for new industrial units but are mainly expansion of existing business on sites that have previously been developed. There remains vacant sites in the town especially on Heathpark Industrial Estate as evidenced by the applicant’s May 2015 update.

Taking this all into account the following points make the arguments in favour for the loss of this employment land, in this instance, persuasive;

- The loss of this employment site has been accounted for and is compliant with the spatial vision for Honiton with the emerging local plan. If the loss of this employment land has been allocated, taking into account the evidence of base data, then the vision for Honiton must be satisfied that this loss of employment land is acceptable.
- Since the reduction in number of businesses operating from Ottery Moor Lane there has not been any noticeable rise in the number of planning enquiries or planning applications for relocation to other industrial units or construction of new units in or around Honiton.
- There is a clear policy preference for increasing capacity within and around the Harepath Industrial Estate within the emerging local plan, as opposed to the retention of the site at Ottery Moor Lane for employment, principally due to accessibility issues.
- Vacant employment land still remains available on Heathpark Industrial Estate

In line with the Framework, paragraph 22, given the circumstances there is no reasonable prospect of the application site to continue being used for employment use. All existing tenants have been served notice that their contracts are to be

terminated and the majority of businesses have vacated the site. Whilst no specific marketing of the site for alternative business use has taken place (which current saved policies require), taking into account that market signals do not indicate that businesses are struggling to relocate, the fact that there is currently surplus employment land and vacant premises for rent or sale, the emerging local plan allocates additional employment land and also allocates the application site for mixed residential development, this loss of employment is not considered to detrimentally impact on the employment land supply for Honiton and its surrounding catchment area. Therefore, whilst the proposal is contrary to Policy E3 of the saved local plan, the proposal is considered, for the reasons given, to be an acceptable departure from that policy.

### **Affordable Housing**

Policy H4 of the saved local plan requires the development to contribute 40% affordable housing, however, the Inspectors decision on the Pinn Court Farm appeal considered that the most up to date evidence for housing need and viability has been used to formulate Strategy 34 of the emerging local plan and appropriate weight must be given to Strategy 34 in favour of the approach contained in Policy H4.

Strategy 34 of the emerging local plan states that within Honiton a minimum of 25% affordable housing should be sought. In addition, current policy is to seek a tenure mix of 70/30% in favour of rented accommodation (the remainder as shared ownership). Affordable housing is considered to be a priority for the Council and as such, within the planning balance, the aim is to secure as many affordable housing units, whilst still maintaining a viable scheme that can come forward.

Due to abnormal construction costs being in excess of £2,000,000 the applicant has claimed that it is not viable for the scheme to come forward under the usual policy requirements. Abnormal costs refer to site specific extra over build cost and effectively represents a sum for additional to normal foundations, structure build cost and plot external works. These abnormal costs have been split down into demolition, asbestos removal, removal of retaining structures, remediation, and disposal of hazardous and non hazardous materials for both parcels of the site (amongst others). An in-depth financial appraisal of the scheme has been submitted by the applicant and independently assessed by the District Valuer, at the request of officers. In conclusion the District Valuer has agreed that the scheme would indeed be unviable if policy compliant in all respects. Therefore negotiations have taken place to ensure that the scheme is deliverable, yet still provide affordable housing and an appropriately sized and equipped play area on site.

In this instance as a result of the viability assessment the proposal seeks to provide 26 units of affordable housing (17.3%). Whilst this is below the policies of the emerging local plan it would nevertheless be a social benefit which would weight in favour of the proposal. Members will be aware that the viability evidence only represents a 'snap shot' in time, as such it is advocated by the District Valuer and by Officers that an overage clause is secured in the Section 106 agreement to re-address the viability gap should the housing market/economy improve.

## **Highway issues**

Devon County Council Highways Department has commented on the proposal and has confirmed that they have been involved in pre-application discussions regarding the proposal. A Traffic Impact Assessment has been submitted which has taken into account for the impact on the surrounding junctions and the wider highway network. In addition, a comparative study into traffic generation into the use of the retail store and Business Park and the proposed 150 units has been submitted. This study predicts an increase of 34 additional trips within the 'AM' time frame which Devon County considered not to be severe ('severe' being the threshold requirement under the Framework paragraph 32).

The Highway Agency has also been consulted as there is the potential for the development to affect trunk roads. The Agency is satisfied the development would not have a severe impact of the strategic road network and has therefore confirmed that they have no objections. It is recognised that the Turks Head junction suffers from capacity constraints during peak period, but the development is not of a scale where specific mitigation could be reasonably secured. There are no highway agency objections to the proposal.

In terms of pedestrian links to the town centre direct routes are precluded due to third party ownership and the differences in ground levels between the site and adjoining land. There are pedestrian routes available to the nearby town centre, albeit with greater distances. However, this issue within the planning balance is not considered to preclude the development from being granted approval.

Devon County Highways Department do not wish to impose any conditions as all of the information they require is illustrated on the plans accompanying the application.

## **Impact on amenity of surrounding neighbours**

There has been some concerns expressed by nearby neighbours that the proposal would result in overlooking and overshadowing. The planning application is made in outline with the majority of matters reserved and so details, such as exact roof heights and position of windows have not been presented at this stage. Due to the difference in ground levels the proposed dwellings would be positioned above the properties situated along Oaklea and Town Farm Close, to the east of the application site. In this instance it would be likely that due to the distance between the development sites and these adjacent properties an overlooking or oppressive impact would not occur. In any event this could be designed out at the reserved matters stage.

There has also been concerns raised that the increase in road usage would disrupt the quiet and secure feeling currently enjoyed by residents on Ottery Moor Lane. However, it is considered that the highway network can accommodate the increase in proposed traffic, when also taking into account the existing potential for commercial vehicles to currently use the site. There would also be a change in nature of the traffic using the highways once the construction phase is finished from larger commercial vehicles to private motor vehicles. It should be acknowledged that Ottery Moor Lane is accessed off the main High Street and close to the town centre,

which attracts a vitality and vibrancy of its own. Within the overall built environment the increase in usage of the road, which does not immediately affect the properties along Ottery Moor Lane in any event, is not considered to harm the occupiers amenity. The proposal would therefore accord with Local Plan Policy D1.

### **Environmental health issues**

It is noted that the Environmental Health Officer has raised concerns regarding the potential for noise pollution from the surrounding commercial developments. If allowed the residential development would be situated within close proximity to the Goonvean Fibres Factory site (opposite site B). This factory benefits from an extant planning consent (ref; 14/2300/MFUL) to extend and this must be taken into account. There is concern that the noise emanating from the factory could constitute as a noise nuisance for future occupiers of the proposal. However, the residential properties in close proximity to the factory could have noise insulation which would mitigate such noise impacts, and could be included at the reserved matters stage. Subject to certain noise insulation being incorporated the potential impact from noise would be acceptable.

An air quality assessment has been carried out which demonstrates that the any impact of the scheme would be negligible with the overall impact judged to be insignificant. Measures set out within the Travel Plan would also help to reduce the impact of development generated road traffic emissions and would be secured within a S106.

A phase 1 Environmental Assessment has been submitted. The contaminated land officer has not raised any objection to the proposal and has suggested a condition to secure appropriate details in the event that any contamination is found.

### **Ecology**

An ecological assessment report and phase 2 ecological survey has been submitted as part of this planning application. There are seven distinct habitats within the site; scrub, amenity hedges, amenity grassland, tall grass communities, species rich hedgerow with deciduous trees, commercial/retail buildings and hard surfaces. These provide the opportunity for foraging and habitats of protected species. Specifically the surveys comments are as follows:

*Bats* - The industrial units on the site were identified as having low bat roosting potential. The construction of the buildings appeared to be tight and unlikely to afford bat access, further the working environment of the majority of the commercial units is likely to be noisy and busy which would be unsuitable for bats. The site of the Rainbow Store is also identified as having low potential for bat roosts with a lack of roof voids. An in depth bat report, conducted during summer months, surveyed both internal and external aspects of the buildings. As no bats had been found no further mitigation measures are proposed.

*Reptiles and amphibians* - The site is not within a Great Crested Newt Consultation Zone and there is no suitable breeding habitat for this species on site. The amenity

grassland within this survey area is relatively well maintained with formal order and affords less suitable habitable potential for reptiles.

*Badgers* - On site B no mammal runs were observed and there was no potential for occupancy of badgers. Site A, however, could not be properly surveyed under first ecological appraisal, but the 2<sup>nd</sup> phase survey searched the site as far as physically possible and no signs of badgers were found. As no evidence of badgers were found additional mitigation is not required.

*Dormice* - The species rich hedge lines provide habitat connectivity and nesting opportunity for common dormice. Hazel was identified within the hedge boundary, although none was present within the fenced off security areas. This inaccessible area affords potential for dormouse nesting and foraging, but no nuts were found. The presence of dormice was not therefore denied or confirmed within the first report. The mitigation measures state that if the removal of hedgerow is required a nest tube survey should be undertaken.

The proposed development is not considered to detrimentally impact on protected species providing it is carried out with the mitigation and enhancement measures outlined within the ecological assessment reports.

### **Flood risk**

The site lies in flood zone 1 as defined by the Environment Agency's flood risk maps. The Flood Risk Assessment (FRA) does not attempt to provide a final design for SUDs, but aims to provide an outline assessment of how to deal with water from the site. The final design and details of surface and foul drainage would be provided at reserved matters stage. The Environment Agency raises no objections providing the development proceeds in accordance with the submitted FRA.

### **Impact on trees**

In the north east corner of the site there is a belt of protected trees. This woodland strip was originally planted to provide landscaping and screening of the industrial site. The submitted arboricultural implications assessment and arboricultural method statement states as part of its introduction that the arboriculturalist has not aware that the trees surveys are protected by a Tree Preservation Order (TPO). According to the submitted arboricultural report the group of trees (labelled as group J) has no visible defects, are in good condition and have a remaining contribution of 40 years plus. There is no justification for the removal of the protected trees from this area and therefore a condition shall be imposed to this effect. The arboriculturalist has commented on the proposal subject to the retention of all of the tree belt to the east of the site no objections are raised. With regard to the rest of the scheme the arboricultural report is considered acceptable.

Tree protection of the existing trees will be required during the development of the site and therefore forms a condition at the end of the report.

## **Impact on the conservation area**

Honiton Conservation Area is situated to the south east of the site and incorporates the historic town centre. The difference in topography means that although the site borders the Conservation Area it is not experienced in the same context, as each area is distinctly separated in terms of the ground levels. Accounting for this and the distance to the older parts of the town centre, the proposal is unlikely to harm views of this historic core. Additionally there are more modern developments, such as Rookwood House, between the proposed development and Conservation Area. As such the proposal is not considered to harm the preservation of the Conservation Area.

## **S106 matters**

The applicant claims that the proposed scheme could not be policy complainant in terms of S106 contributions, due to costly remediation works and anticipated build costs of developing the commercial site. As previously mentioned it has been necessary to consult with the District Valuer (DV) to test the applicant's viability claim. The following four scenarios were presented to the DV;

1. Full policy S106 compliance of the scheme (which has been found by the DV to be financially unviable).
2. £400,000 worth of S106 monies which would result in 14% affordable homes (20 units with 15 rented and 5 shared ownership).
3. Without any S106 monies the scheme would be able to provide 19.25% affordable homes, which would equal 27 units (20 rented and 7 shared ownership).
4. It is noted that there is a policy requirement for onsite formal play space. It is estimated that the formal equipment would cost in the region of £70,000 which is approximately the construction cost of an affordable unit. Therefore a further option would be to reduce affordable housing by one unit to 26 units (17.3%) (19 rented and 7 shared ownership) in order to secure formal play equipment cost as part of the S106.

Scenario 1 would produce an unavailable scheme and so would not deliver any benefits. Scenario 2 would not provide a reasonable amount of affordable housing and scenario 3 would not provide any S106 contributions whatsoever. On balance, and in light of policy thrust to secure affordable housing as a priority, there is a clear preference for the scenario 4. However, it is necessary to ascertain whether any overriding harm would arise through the lack of other S106 contributions.

### **2. Contributions:**

(a) Education: Devon County Council Education Department have sought a contribution of £426,056.25. However, given the viability issues raised with developing this site there is a balance to be struck between provision of housing and affordable units against the need to mitigate the increased pressure on local education facilities. To request the education amount within a S106 would prevent the delivery of the scheme. It should also be taken into account that the Hayne Lane development (EDDC ref: 13/2744/MOUT) would have provided toward education



contribution. Given that there is a presumption to grant such residential planning applications under the Framework, the harm in not providing this education contribution has not been demonstrated as significant by Devon County Council. In this instance the amount requested by the County would not be sought within a S106, instead the social benefits of affordable housing are considered to outweigh this requirement.

(b) Health facilities

Despite consulting with the NHS corporate and local as a standard consultee on this planning application there has not been a response to date.

The existing surgery at Honiton has a floorspace of circa 1,164 square metres gross internal area (excluding the pharmacy). The latest guidance issued by the NHS (Appendix 5) indicates that a two storey surgery serving 18,000 patients should have a floor space of 1,167, therefore the surgery has sufficient capacity for just under 18,000 patients. As the existing number of patients on roll is 16,618 (September 2014) and the number provided by the development would be circa 375 patients. It is understood that there is a capacity for 632 patients taking into account the Hayne Lane development (which benefits from a committee resolution to approve) and other extant planning consents in Honiton (96 dwellings). Even taking this into account there would still be a surplus of patient spaces at the surgery. As such any contribution in this regard has not been demonstrated.

(c) On site formal recreation:

In this instance £70,000 would be sought via S106 in order to provide onsite formal play equipment. A planning condition would secure the inclusion of onsite play space within the layout.

(d) Travel Plan

(e) Monitoring fee to cover the cost of monitoring the requirements of the S106 agreement in a sum to be agreed.

### **Planning balance**

One of the key roles of the planning is to ensure that sufficient land of the right type is available in the right places at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

The building of 150 houses would support the local economy and local businesses through the jobs that would be created both directly and indirectly by the construction work and in the future through spend in the local economy. Although there would be the loss of an employment site this is anticipated within the emerging local plan with future development preferred at the Heathpark Industrial Estate and its extension on the opposite side of Hayne Lane.

There would be direct social benefits in providing affordable housing that the scheme would bring. This would all aid to supporting strong, vibrant and healthy communities by supplying the housing required to meet the needs of the district.

Whilst the development not being able to contribute towards improved education facilities in the town is regretful, the competing requirements between affordable housing and other Section 106 contributions must be balanced; and indeed it has been identified that education facilities would be improved by other developments in the town and from other direct funding sources.

The proposal does not lie within a designated landscape and is unlikely to represent any visual harm above that of the existing commercial use. The proposal would allow for a sustainable pattern of growth in close proximity to the services and facilities on offer in Honiton and redevelop an ageing brownfield site.

Therefore it is considered that, whilst supporting a proposal in an emerging plan would bring development forward prematurely, the existing employment land situation in Honiton is such that the loss of this site could be accommodated without creating excessive demand for new premises and therefore the proposal is considered to be acceptable.

## **RECOMMENDATION**

APPROVE subject to the prior signing of a Section 106 agreement to secure the following matters:

- Provision of 26 units of affordable housing (17.3%), (19 rented and 7 shared ownership).
- Travel Plan.
- Formal play equipment fees (£70,000).
- Monitoring fees.
- Overage clause to revisit viability dependent on the progress of construction within an identified time frame, and subject to market conditions at that time.

and the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).
2. Approval of the details of the layout, scale and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
(Reason - The application is in outline with one or more matters reserved.)

3. No development shall take place until a detailed phasing plan including all necessary works to implement the development has been submitted to and agreed in writing with the Local Planning Authority (hereinafter referred to as Local Planning Authority). The development shall not be carried out other than in strict accordance with the Phasing Plan as may be agreed unless otherwise agreed in writing with the Local Planning Authority.  
(Reason - To ensure the development proceeds in a properly planned way and to limit any unacceptable impact on the locality, in accordance with policies TA2 (Traffic Management Schemes), TA7 (Adequacy of Road Network and Site Access) and EN15 (Control of Pollution) of the East Devon Local Plan and policies TC3 (Traffic management Schemes) and TC7 (Adequacy of Road network and Site Access) of the Emerging East Devon Local Plan).
4. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site.  
(Reason - To ameliorate and mitigate against the impact of the development on the local community in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan) and policy EN14 (Control of Pollution) of the Emerging East Devon Local Plan).
5. The development shall not proceed other than in strict accordance with the recommendation, mitigation measures and enhancements detailed in the Ecological Assessment dated February 2014 and the phase 2 Ecological Survey dated June 2014.  
(Reason -To ensure protected species are managed in an appropriate way in accordance with Policy EN6 (Wildlife Habitats and Features) of the East Devon Local Plan and Policy EN5 (Wildlife habitats and Features) of the Emerging East Devon Local Plan).
6. The development shall not proceed other than in strict accordance with the Flood Risk Assessment conducted by Pinnacle Consulting Engineers Ltd, received by the Local Planning Authority 9<sup>th</sup> April 2014.  
(Reason -To ensure the development complies with the guidance as set out in the National Planning Policy Framework and Policy EN21 (River and Coastal Flooding) of the Emerging East Devon Local Plan).
7. 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.)
8. No development shall take place until a revised Construction and Environment Management Plan (CEMP) to include schemes for the suppression of dust and air quality measuring and mitigation, details of construction vehicles movements, routes, times and hours of operation, has been submitted to and agreed in writing with the Local Planning Authority. The development shall not proceed otherwise than in strict accordance with the CEMP as may be agreed unless otherwise agreed in writing with the Local Planning Authority.

(Reason - To ameliorate and mitigate against the impact of the development on the local community in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan and Policy EN14 (Control of Pollution) of the Emerging East Devon Local Plan).

9. Prior to the commencement of each phase of the development, a schedule of materials and finishes, including British Standard or manufacturer's colour schemes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls, roofs and ground surface materials 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, unless otherwise agreed in writing with the Local Planning Authority.

(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 and Policy D1 (Design and Local Distinctiveness) of the Emerging East Devon Local Plan.)

10. Prior to their installation of full details, including construction details, of all boundary and retaining walls and fences including the intended external finishes of those features shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

(Reason - in the interests of the visual appearance of the development and the character of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan and policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the Emerging East Devon Local Plan).

11. The development shall not proceed other than in strict accordance with the recommendations and mitigation measures as outlined in the Noise Assessment received 3<sup>rd</sup> march 2014.

(Reason -To ensure the development takes account of existing noise generating development close to the site in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan and Policy EN14 (Control of Pollution) of the Emerging East Devon Local Plan.)

12. The landscaping scheme approved at the reserved matters stage 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) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the Emerging East Devon Local Plan).

13. Notwithstanding the submitted arboricultural plan BMD.14.003.DR902 and the details of the Arboricultural Implication Assessment and Arboricultural Method Statement (February 2014) no trees shall be removed from 'Group J' (as illustrated on plan BMD.14.003.DR902). (Reason – Insufficient information has been submitted to justify the removal of these protected trees, to remove trees from this group would conflict with policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the East Devon Local Plan and policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and D3 (Trees and Development Sites) of the Emerging East Devon Local Plan).
14. Prior to the commencement of the development hereby approved details for the provision of onsite formal equipped recreation open space (LEAP), of no less than 400 square metres, to be included as part of the layout, shall be submitted to and approved in writing by the Local Planning Authority. This formal recreation space will make provision for a 10 metre buffer zone to the nearest dwelling(s). The development shall be carried out in accordance with the approved details. (Reason - To ensure the appropriate provision of the formal recreation open space in accordance with policy RE3 (Open Space Provision in New Housing) of the East Devon Local Plan)
15. Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.  
(Reason: To ensure that any contamination existing and exposed during the development is identified and remediated, in accordance with policy EN16 (Contaminated Land) of the East Devon Local Plan and policy EN15 (Control of Pollution) of the Emerging East Devon Local Plan).
16. Notwithstanding the submitted Arboricultural Implication Assessment and Arboricultural Method Statement (February 2014), prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a further detailed Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved AMS. The AMS shall include full details of the following:
  - a) Implementation, supervision and monitoring of the approved Tree Protection Scheme
  - b) Implementation, supervision and monitoring of the approved Tree Work Specification

- c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme
- d) Timing and phasing of Arboricultural works in relation to the approved development.

Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition. (Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality, in accordance with policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the East Devon Local Plan and policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and D3 (Trees and Development Sites) of the Emerging East Devon Local Plan).

- 17. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed Construction Specification / Method Statement for the development including where any surplus materials from the site will be transported to shall be submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement. (Reason: To ensure the continued well being of the trees in the interests of the amenity of the area, in accordance with policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and D5 (Trees on Development Sites) of the East Devon Local Plan and policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and D3 (Trees and Development Sites) of the Emerging East Devon Local Plan).
- 18. At the reserved matters stage the layout shall include the provision of charging points for electric vehicles. Prior to their installation details of the position and manufactures specification of the car charging points shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. (Reason - To ensure that the development contributes toward a low carbon future, in accordance with policy TC9 (Parking Provision in New Development) of the Emerging East Devon Local Plan).



## NOTE FOR APPLICANT

### Informative:

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

### Plans relating to this application:

7138-L01	Location Plan	03.03.14
----------	---------------	----------

### List of Background Papers

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

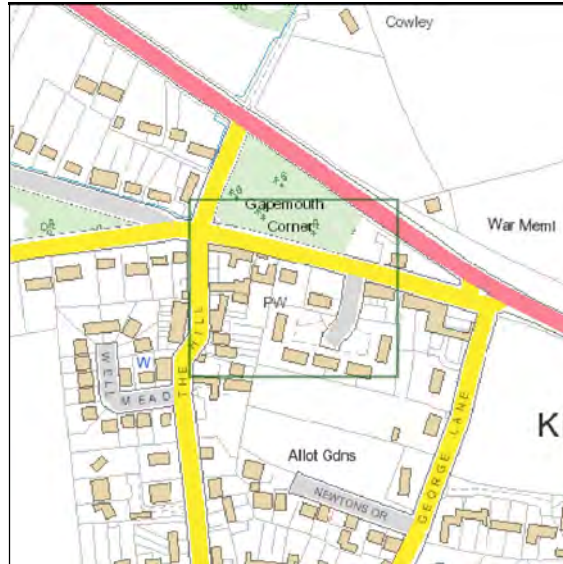
**Ward** Newbridges

**Reference** 15/0766/OUT

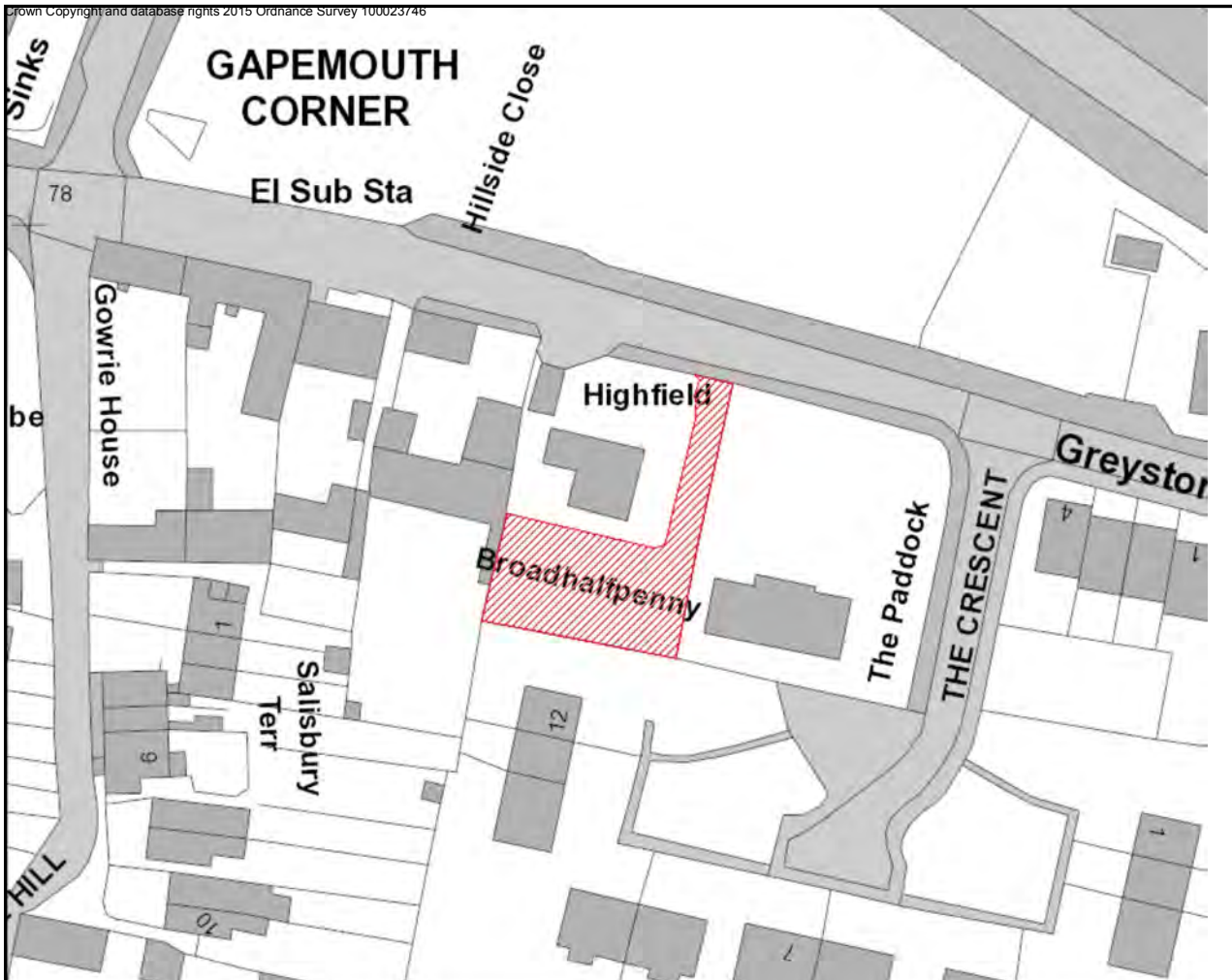
**Applicant** Mr N Cook

**Location** Highfield Kilmington Axminster  
EX13 7RX

**Proposal** Proposed dwelling and formation of  
access (outline application with all  
matters reserved)



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 16.06.2015</b>
<b>Newbridges (KILMINGTON)</b>	<b>15/0766/OUT</b>	<b>Target Date: 27.05.2015</b>
<b>Applicant:</b>	<b>Mr N Cook</b>	
<b>Location:</b>	<b>Highfield Kilmington</b>	
<b>Proposal:</b>	<b>Proposed dwelling and formation of access (outline application with all matters reserved)</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before members as the officer recommendation is contrary to the views expressed by the Ward Member.**

**The existing site contains a detached bungalow, set within the existing built up area boundary of Kilmington surrounded by other residential properties, to the east of the site the density of development is relatively low, where as the density to the west is higher. The settlement is considered to be a sustainable settlement with regards to the level of services within the village and its connections via public transport to other essential services without reliance on the private motor vehicle, accordingly the erection of an open market dwelling is considered to be acceptable in principle.**

**A number of the representations received including from the parish council and the ward member raise concerns regarding the size of the site and its ability to provide a dwelling, adequate sized garden and parking and turning area for the proposed dwelling and leaving sufficient garden area for the existing dwelling considering that the proposal represents overdevelopment of the site. The illustrative plans indicate a single storey property containing two bedrooms with rear and front garden, a parking space and turning area, the dwelling would be of a smaller scale than the host dwelling 'Highfield'. On the basis of the illustrative plans the proposal is considered acceptable, however as layout, scale and appearance are matters that are all reserved for subsequent approval, the design and layout submitted at the reserved matters stage will need to be assessed again. The amount of private amenity space retained for 'Highfield' is considered acceptable.**

**The impact on residential amenity and highway safety have been assessed and are considered acceptable, in both regards it is considered that a dwelling could be accommodated on site without detrimentally impacting on residential amenity**

or highway safety.

Accordingly, approval of the outline application is recommended

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Kilmington parish council opposes this application on the grounds of overdevelopment.

#### Newbridges - Cllr I Chubb

This application is an inappropriate proposal in a small back garden which will affect the amenity of Highfield, it will also affect all the neighbouring properties due to the small size of the proposed site and the mass of the proposed dwelling. The outline plan is very vague and I fear the scale of the drawings look incorrect.

The proposal will destroy the character of the neighbourhood and ruin the current family dwelling by grabbing the garden for development. I also cannot see how the proposed site will allow any room for parking and turning cars, with again very little or no garden. I therefore cannot support this application.

### **Technical Consultations**

#### County Highway Authority

Highways Standing Advice

#### Other Representations

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

- Overcrowding and urbanisation;
- Vehicular Access;
- Impact on trees;
- Noise;
- Possible disturbance/contamination of underground watercourse;
- Covenants restricting development;
- Privacy;
- Traffic flow;

The planning issues insofar as they relate to the principle of the proposed development will be considered in this report.

## **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)

Adopted East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

TA7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Government Planning Documents

National Planning Practice Guidance

**ANALYSIS**

Relevant Planning History

None

Site Location and Description

The site lies within the built up area of Kilmington close to its periphery. It currently comprises a detached single storey dwelling with attached garage and single dedicated access off the public highway. There are residential dwellings to the east, south and west with the public highway and a wooded area to the north. The proposal site currently forms the rear garden of the property.

Proposed Development

This application seeks outline planning permission for the erection of a single storey dwelling to the rear of the existing dwelling known as 'Highfield' together with a new access off the public highway. Matters of layout, scale, access, appearance and landscaping are all reserved for subsequent approval.

**Assessment**

The main considerations in the determination of this application are the principle of the proposed development and the illustrative plans submitted with the application.

**Principle**

The site lies within the built up area boundary of Kilmington which is considered to be a sustainable settlement with regards to the level of services within the village

and its connections via public transport to other essential services without reliance on the private motor vehicle, accordingly the erection of an open market dwelling is considered to be acceptable in principle providing the impact of the dwelling is acceptable in relation to other policies contained in the development plan.

### **Illustrative plans**

The illustrative plans submitted with the application indicate a single storey property with a dedicated parking and turning area and access off the public highway sited to the rear of the existing dwelling.

The settlement pattern surrounding the site is mixed with a lower density form of development to the east, whereas to the west, south west and south of the site the density is much greater, the site lies on the transition between the lower density and higher density housing, it is considered that the siting of the dwelling would not be at odds with the settlement pattern.

A number of the representations received including from the parish council and the ward member raise concerns regarding the size of the site and its ability to provide a dwelling, adequate sized garden and parking and turning area for the proposed dwelling and leaving sufficient garden area for the existing dwelling considering that the proposal represents overdevelopment of the site. The illustrative plans indicate a single storey property containing two bedrooms with rear and front garden, a parking space and turning area, the dwelling would be of a smaller scale than the host dwelling 'Highfield'. On the basis of the illustrative plans the proposal is considered acceptable, however as layout, scale and appearance are matters that are all reserved for subsequent approval, the design and layout submitted at the reserved matters stage will need to be assessed again. The amount of private amenity space retained for 'Highfield' is considered acceptable.

There are a number of properties bounding the site, the host property 'Highfield' to the north, 'The Paddock' to the east, 'No. 12 The Crescent' to the south and 'Broadhalfpenny' to the west - each of the potential impacts will be assessed.

#### *Highfield*

The proposed dwelling would lie to the south, being of single storey nature, it is considered that the dwelling would not impact unreasonably on amenity, any overlooking in terms of window positions could be designed out at the reserved matters stage, the dwelling would not be of a height to appear overbearing and the distance to the boundary would be considered at reserved matters stage.

#### *The Paddock*

The proposed dwelling would be set at a slightly higher level than 'The Paddock', the illustrative plan indicates an access point with a driveway running adjacent to the aforementioned property. The nearest part of 'The Paddock' to the application site is the garage which contains a window overlooking the site. Therefore, due to the single storey nature of the proposed dwelling, the distance the separation distance between the two dwellings (to take account of the proposed driveway) and the fact

that any potential overlooking could be designed out at the reserved matters stage, the impact on this dwelling is considered acceptable.

### *12 The Crescent*

There is an existing 1.8 metre high close boarded fence on the southern boundary of the site boarder 'No. 12 The Crescent' with a mono pitched garage/shed on the aforementioned dwellings side of the fence. The proposed dwelling would be single storey in nature with window positions to be determined at the reserved matters stage. It is considered that a dwelling could reasonably be accommodated without detrimentally impacting unreasonably on the aforementioned dwelling's amenity.

### *Broadhalfpenny*

The illustrative site plan submitted with the application indicates that the existing curtilage would be separated at the end of the existing hedge which marks the boundary between 'Broadhalfpenny' and 'Highfield', therefore the existing ground floor windows of the aforementioned property would be unaffected by the proposed development. As the proposed property would be single storey in nature, it would not be overbearing on the windows that look out over the site, again though this would be a matter that would be assessed at the reserved matters stage.

It is therefore considered that a single storey dwelling could reasonably be accommodated on site without detrimentally impacting on the surrounding properties.

### **Access**

The site currently benefits from an access which serves 'Highfield', however, a new dedicated access for the proposed dwelling would be formed onto the public highway. The visibility from the access would be formed by the removal of a hedgerow and the existing pedestrian access; there is an existing highway verge that afford good visibility in both directions. This is the only realistic place on site that an access could be formed. Highways standing advice would raise no objections in principle to the proposed development, however as access is reserved for subsequent approval the final design of the access would need to be considered at the reserved matters stage.

### **Other issues**

Some of the representations received raise concerns regarding loss of trees, there is one tree in the middle of the site which would be removed as a result of this application and is a fruit tree. The tree on the site frontage which is worthy of retention would remain, a tree protection condition is necessary to ensure that works to the access do not detrimentally impact on the tree.

### **RECOMMENDATION**

APPROVE subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
(Reason - In accordance with the requirements of Section 92 of the Town & Country Planning Act 1990.)
2. Approval of the details of the layout, scale and appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
(Reason - The application is in outline with one or more matters reserved.)
3. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
4. The dwelling on site shall be single storey only, for the avoidance of doubt a dormer bungalow would not be acceptable  
(Reason: The size of the site is such that a two storey dwelling or room in the roof dwelling could detrimentally impact on surrounding residential properties' living conditions in accordance with Policy D1 of the East Devon Local Plan)
5. Prior to commencement of any works on site (including demolition), tree protection details, to include the protection, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.  
In any event, the following restrictions shall be strictly observed:
  - (a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.
  - (b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.
  - (c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.  
(Reason - To ensure retention and protection of trees on the site in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with policies D1 (Design and Local Distinctiveness), D4



(Landscape Requirements) and D5 (Trees on Development Sites) of the East Devon Local Plan

6. The landscaping scheme submitted as part of any reserved matters application 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)
7. Prior to the commencement of the development hereby permitted details of the access visibility splays, and of the layout, construction and surfacing of the proposed access, internal driveways, parking areas and provision for turning vehicles within the site shall be submitted to and approved in writing by the Local Planning Authority.  
(Reason - In the interests of highway safety in accordance with the requirements of Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within Schedule 2, Part 1, Classes A or B for the enlargement, improvement or other alterations to the dwellings hereby permitted, other than works that do not materially affect the external appearance of the buildings, shall be undertaken.  
(Reason - The space available would not permit such additions with detriment to the character and appearance of the area or to the amenities of adjoining occupiers.)
9. The drainage layout for both foul and surface water shall be submitted as part of any reserved matters application.  
(Reason: to ensure that adequate drainage is provided to serve the dwelling in accordance with guidance contained in the National Planning Policy Framework)

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

	Location Plan	31.03.15
TW13/80/1	Proposed Combined Plans	31.03.15

List of Background Papers

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

**Ward** Ottery St Mary Rural

**Reference** 15/0677/FUL

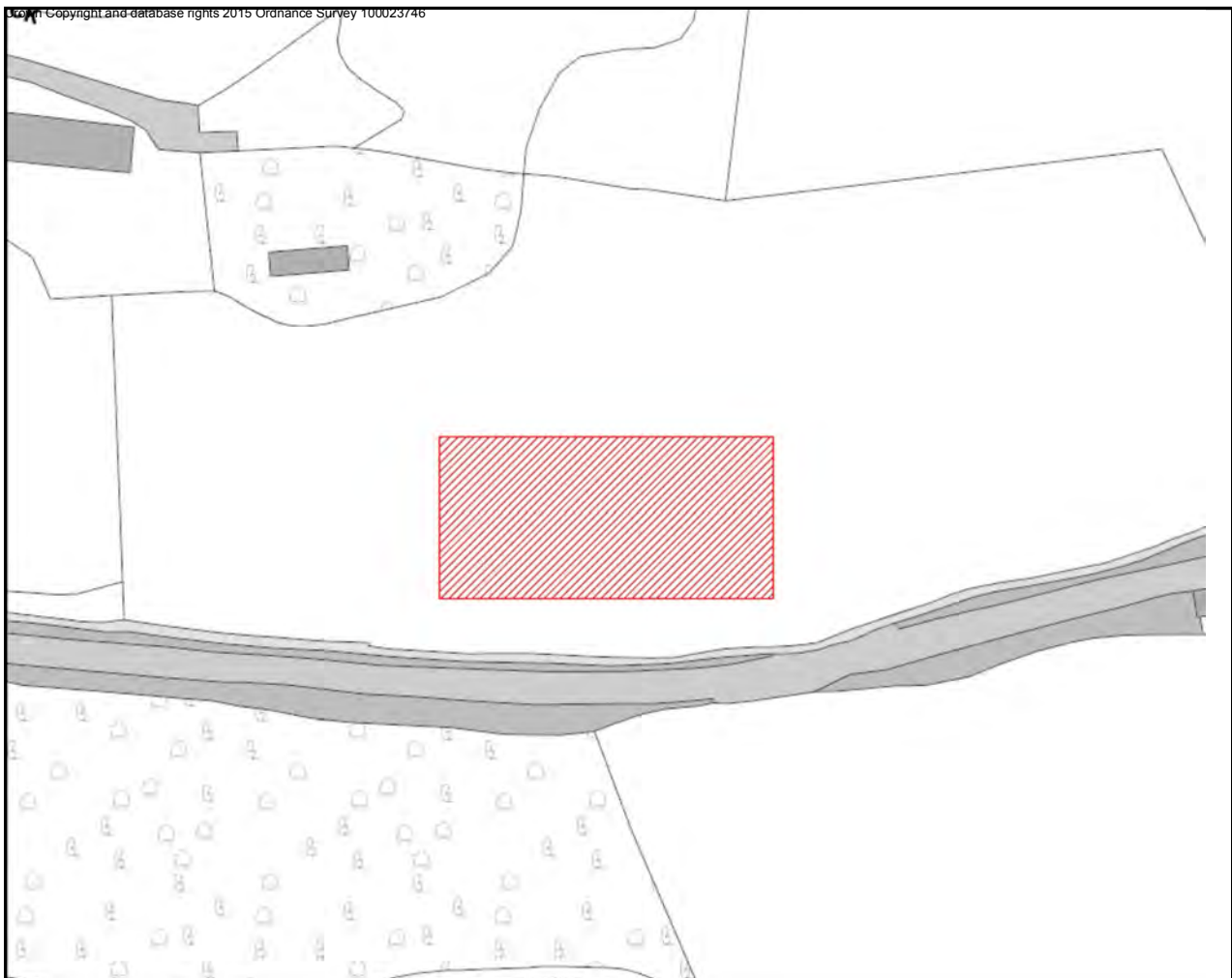
**Applicant** Mr P Carter

**Location** O Jays Barn Metcombe Ottery St Mary EX11 1RS

**Proposal** Formation of Manege



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 16.06.2015</b>
<b>Ottery St Mary Rural (OTTERY ST MARY)</b>	<b>15/0677/FUL</b>	<b>Target Date: 15.05.2015</b>
<b>Applicant:</b>	<b>Mr P Carter</b>	
<b>Location:</b>	<b>O Jays Barn Metcombe</b>	
<b>Proposal:</b>	<b>Formation of manege</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is brought before the Committee as the applicant is a Member of the Council, and also in this case one of the members for the ward in which the site is located, and cannot therefore be determined under the delegation procedure.**

**The proposal relates to the formation of a manege within the lower portion of an open pasture field located between Tipton St. John and Metcombe. The field rises to the north from a frontage with the County highway although the development would occupy a more level area close to the road. However, some cut and fill works would be necessary to create a levelled area measuring 40 metres by 20 metres. The development would be used for year round exercising of horses within the ownership of the applicant's family.**

**The proximity of the development to the highway frontage of the field coupled with the level of screening provided by an established hedge and mature trees along it and the modest scale of the engineering operations necessary to facilitate the laying of the manege is such that it is not considered that it would result in any unduly detrimental effect upon the rural landscape character or appearance of the locality. Equally, although the site is located within a flood zone, it is not considered that the development would have any significant effect on flood water or increase flood risk elsewhere.**

**No objections are raised to the proposal by the town council and no comments or observations have been received from the other member for the ward or from third parties.**

**Approval is therefore recommended subject to conditions to secure the submission of details of the landscape treatment of the banks around and**

supporting the north eastern and south western corners of the development respectively and to restrict the use of the manege for private, rather than commercial, purposes.

## **CONSULTATIONS**

### **Local Consultations**

#### Ottery St Mary Town Council

The Planning Committee have no objection to this application.

### **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.

## **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)

EN21 (River and Coastal Flooding)

### Adopted East Devon Local Plan Policies

S5 (Countryside Protection)

D1 (Design and Local Distinctiveness)

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

## **ANALYSIS**

### Introduction

This application is brought before the Committee as the applicant is a Member of the Council, and also in this case one of the members for the ward in which the site is located, and cannot therefore be determined under the delegation procedure.

### Relevant Planning History

Although there is reasonably extensive background history relating to O Jays Barn itself, there is none that is of direct relevance to the current application proposal.

### Site Location and Description

The site comprises a portion of land within a pasture field located to the north of, but immediately adjacent to, the Class C road (Brookvale Road) that connects Tipton St. John and Metcombe approximately midway between the two.

Part of the site lies within flood zones 2 and 3. However, neither the site nor the surrounding area is the subject of any landscape or other designations or constraints. The field itself slopes from north to south down towards a hedge along the road frontage.

### Proposed Development

The application proposal involves the formation of a manege, including associated engineering works, within the lower, and more level, portion of the field near to the highway frontage hedge. It would measure 40 metres by 20 metres and be surrounded by timber post and rail fencing. Some cut and fill engineering work would be necessary to build up the south western corner of the development while the north eastern corner would be partially cut into the field.

Surface water drainage would be discharged by means of soakaways.

### Considerations/Assessment

The main issues that are material to consideration of the proposal in this case relate to the principle of the development having regard to the stated justification for it and its impact upon the rural character and appearance of the landscape.

The applicant currently farms around 30 acres, which is all laid to grass and grazing by cattle, sheep and horses, and owns a number of horses having done so for over 20 years. Members of the family compete at eventing and other riding competitions. However, the training and exercising of horses on the land during the winter months is not possible at present owing to the ground being too wet. There is therefore a need to transport the horses to other locations which is both costly and time consuming. The proposed manege would enable horses to be trained and exercised on the site all year round.

The intended siting for the manege is in reasonably close proximity of an established road frontage hedge interspersed with mature trees that together form a reasonably effective screen for the lower portion of the field and as such would largely obscure the development from view from the highway. In the circumstances therefore, it is not thought that the intervention of the proposed manege would be to the detriment of the rural landscape character of this attractive, albeit non-designated, area of open countryside.

Furthermore, it is thought that the excavation works necessary to create the levelled surface for the manege would be comparatively limited in both extent and visual impact. Taken together with the partial visibility of the development that would be afforded from the lane owing to the presence of the hedge and tree screening, the impact of the manege upon the local landscape would be limited and localised only

to the extent that it is not considered that it would appear unduly harmful to the character or appearance of the area.

The application is accompanied by a flood risk assessment which concludes that the manege would be partially cut into the land and formed in self-draining material. As such, it would have very little effect on flood water. This conclusion is broadly supported and it is not considered therefore that the development would give rise to any flood risk objections.

The manege would facilitate year round training and exercising of horses and therefore, balanced alongside its limited impact on the countryside and the absence of any concerns with regard to flood risk, it is considered that it would be acceptable.

### **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 a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to specifically include details as to the landscape treatment of the banks to be created during excavation works to create the levelled area for the development. The scheme shall also give details of any proposed fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the adopted East Devon Local Plan and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the emerging New East Devon Local Plan. To ensure that the development is adequately mitigated through appropriate landscaping at an appropriate stage of development, the Local Planning Authority requires that these details are submitted before development commences.)
4. The surface finish of the manege hereby permitted shall comprise 75mm yellow Silica sand as shown on drawing no. 1506A/01A.

(Reason – To define the permission and in the interests of the character and appearance of the development 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.)

5. The development hereby permitted shall only be used for purposes ancillary to the use of the land for the keeping of horses on a private basis and/or in conjunction with the use of O Jays Barn as a dwellinghouse and shall not be used for any equestrian centre, riding school or other business or commercial use.

(Reason - To enable the Local Planning Authority to retain control over the site, to reflect the nature of the application and in the interests of safeguarding the rural landscape character and appearance of the area and the level of traffic generated by the development in accordance with Policies D1 (Design and Distinctiveness) and TA7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan and Policies D1 (Design and Distinctiveness) and TC7 (Adequacy of Road Network and Site Access) of the emerging New East Devon Local Plan.)

#### NOTE FOR APPLICANT

##### Informative:

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

For the avoidance of doubt, this planning permission does not convey any approval for any lighting or floodlighting around the manege hereby permitted. A separate grant of planning permission would be required for any such development.

##### Plans relating to this application:

1506A/01A	Proposed Site Plan	26.05.15
1506A/03	Location Plan	19.03.15

##### List of Background Papers

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





		<b>Committee Date: 16.06.2015</b>	
<b>Seaton (SEATON)</b>	<b>14/2293/FUL</b>	<b>Target</b>	<b>Date:</b>
		<b>17.11.2014</b>	
<b>Applicant:</b>	<b>Mr Simon Allchurch</b>		
<b>Location:</b>	<b>Land West Of Underfleet Seaton</b>		
<b>Proposal:</b>	<b>Creation of car park</b>		

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

**This application is deferred to the Development Management Committee as East Devon District Council own the land subject of the application.**

**The application site relates to an area of open space to the west side of the Underfleet opposite the EDDC public car park. The land is currently general amenity space and provides an attractive undeveloped and green entrance to Seaton. The application proposes to develop the majority of this space to provide an additional car parking facility. The car park would seek to replace some of the parking spaces lost through the redevelopment of the car park and Tourist Information Centre opposite to allow for the development of the Jurassic Coast Interpretation Centre (Seaton Jurassic). The proposed car park would primarily serve this new development but would also provide additional general car parking spaces for the town.**

**There has been considerable public interest in the proposal with a significant number of objections to the scheme primarily on the basis of loss of amenity/green space and lack of perceived need. On the other hand, there have also been a number of representations in support of the scheme. Whilst the concerns in relation to the visual impact of the scheme are noted and some harm in this respect would occur, it is considered that the scheme as a whole is justified specifically in seeking to replace parking spaces lost by the development opposite and generally in supporting the regeneration of the town and attracting and retaining visitors to it. Although the proposal would diminish the appearance of the site it would retain its open character and through the use of new landscaping and materials the impact could be limited. The Environment Agency following initial concerns has advised that they are now content from a flood risk point of view. It has also been confirmed that the proposed development would not impact on the existing public footpath that follows the western site boundary. It is therefore considered that on balance the benefits of the scheme in supporting the regeneration of the wider area and fostering the**

**economic wellbeing of the town in this instance would outweigh any harm in terms of the diminishment of the of this public open space and as such the application is recommended for approval subject to the conditions set out below.**

## **CONSULTATIONS**

### **Local Consultations**

Seaton - Cllr J Knight

#### **Original Comments**

From the very start of this idea I have been opposed to it as an unwanted and a cash cow for EDDC there has not been any real data on this issue to date, a loss of one of our green open spaces and more loss of trees taking this green away will leave us just one at the Round Orchard. No safety issues put in place like a proper pedestrian crossing and possibly an area where accidents will abound. Quality of life for the residents in the area will be severely affected with more carbon for them to inhale and noise and light pollution. There will be more congestion from all the new entrances being allowed on the Underfleet road with severe speeding problems and the loss of a very valued amenity and no proof that it is needed. The council should visit this in years' time to see what affects this new development will bring and noting we have several car-parks and highway parking all around the town.

#### **Amended Plan Comments**

My objections remain the same and oppose this development.

Parish/Town Council

No objections

### **Technical Consultations**

County Highway Authority

#### **Original Comments 31.10.14**

Observations:

The Highway Authority has visited the site which will be accessed off the B3172 which is Secondary Route and although it is not part of the Strategic Road Network of Devon, it does serve as the primary route in and out of Seaton from the A3052 (Primary Route). The proposed development of the overflow car park is located opposite to the existing car park and the new Seaton Jurassic Visitors Centre (SJVC) on land that is currently landscaped to grass with occasional trees. At this location it is a two-way carriageway of 6 metres in width with a 2m footway on the eastern side with an on-carriageway marked cycleway. There is a 3.5m segregated cycle/footway on the western side next to the open grassland. The road forms sweeping bends at

this point and it is open in character without any roadside development; it is streetlight on the eastern side (SJVC) only.

The proposed new car park is intended to be for overflow vehicles once the existing car park on the other side of the road is full. The SJVC is taking some of the existing spaces from this car park, so replacement parking is thought to be necessary. Although on visits to the site it has been noted by the County Highway Authority (CHA) that this existing car is hardly ever full. This maybe because of the large 3 hour free parking facility at the newly built Tesco Supermarket close by, this car park will also ultimately link with the SJVC and the Tramway Station as the one on The Underfleet is intended to do.

The Highway Authority has concerns of safety with the proposal, both in traffic terms and for pedestrians. There is no indication in the application documentation of how this 'overflow' car park is intended to operate. Once the main car park is full what will indicate to drivers that the overflow car park is now intended for use? Presumably vehicles will have to several circuits of the existing car park, to ascertain that it is full with no spaces vacant or becoming vacant and then they will go back out onto the B3172 and make their way to the overspill car park. This will create a lot of extra and unnecessary vehicle movements within the existing car park and at the entrance to the existing car park.

With regard to the proposed new car park there is not any barriers to stop pedestrians exiting at any point along The Underfleet, this is likely to encourage pedestrians to cross the carriageway in an uncontrolled manner that, with the extra vehicular movements mentioned above, is likely to cause unnecessary pedestrian/vehicular conflict which will be an increased hazard to all road users.

The Highway Authority has been in contact with the applicants designers with regard to a proper uncontrolled pedestrian crossing at the most convenient point along The Underfleet. This crossing should, we believe have a central refuge island, wide enough for pushchairs and cycles etc. This is also the view of the DCC Road Safety Audit Team. However the designer's response is that this refuge island is not warranted and even if it was the existing carriageway width is too narrow. The Highway Authority refute this and see the safety aspects of a refuge island an important safety measure especially with the increased number of vehicular and pedestrian movements that we foresee with the development.

The Highway Authority also regards the lack of suitable barriers (knee high) for the proposed boundary on the side of the B3172 to prevent pedestrians and possibly cars from leaving the car park in an uncontrolled fashion and not from designated entry and access points, as an increased hazard on the highway that will lead to unnecessary vehicular/pedestrian conflicts.

Recommendation: Refusal

## **23/3/15 Revised comments**

The CHA have received an amended drawing from East Devon District Council numbered C/86/14/01 this plans shows the above comments have been addressed and the CHA would recommend conditions.

A note for the applicant: Any works carried out on the Public Highway will be subject to the relevant permits and agreements which will need to be applied for at Devon County Highways Development Management.

Recommendation:

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

1. The Developer shall enter into an appropriate agreement with the Highway Authority for the Highway Works for the New Pedestrian Crossing and any alterations to the Public Highway required to facilitate the New Pedestrian Crossing to be completed before the proposed Car Park is brought into use.

Environment Agency

## **Original comments**

We object to this proposal on flood risk grounds.

Advice to LPA/Applicant

The proposed development is located in Flood Zone 3 and should be subject to the Sequential Test (ST) set out in NPPF. This is a matter for your Council to satisfy and should not form part of a Flood Risk Assessment (FRA). Only when your Council has satisfied the ST is it appropriate for you to satisfy the Exception Test (ET) , part of which requires the submission of an FRA prepared by a suitably qualified person.

In this instance we will leave it to your Council to satisfy the ST and provide the following observations on the FRA submitted to satisfy the ET.

Unfortunately the FRA has been prepared without appropriate consultation with this Agency and contains serious factual inaccuracies and an underestimation of flood risks on the site. Accordingly we are left with little alternative than to recommend refusal of this proposal on the grounds that the FRA has not properly determined and mitigated for the risks of flooding.

In addition to the FRA the proposal is accompanied by a "Surface Water Drainage Strategy" dated September 2014. Again this appears to have been prepared without appropriate consultation with this Agency and fails to refer to;

- a) the watercourse that passes through the site and;
- b) third parties land that drains to this watercourse.

Wrongly the report promotes a drainage solution that focuses on the site only and appears to utilise the existing watercourse as a site to create 2 swales that will then drain into South West Waters Plc sewer. This arrangement, if correct, is unacceptable and warrants a recommendation for refusal as it does not protect the existing watercourse and those third parties drainage interests that drain to it.

The proposed development and general drainage arrangement also appear to result in a significant overall loss in local surface water storage capacity. Again, if correct this is unacceptable and warrants a recommendation for refusal as it will lead to an increase in flooding risks locally to the detriment of third parties flooding risk and not the desired reduction in risks sought in NPPF (para 100).

### **Amended Plans Comments**

We are able to remove our objection to this proposal providing development proceeds in accordance with the submitted Flood Risk Assessment dated 15th January 2015.

#### DC Footpath Officer

Can you please clarify for me what will happen to the existing footpath, your email refers to the footway not footpath. As stated in my original email there is a footpath which is not shown on the plans or on the application form. Without the footpath being shown on any of the plans it is very difficult to establish if it is just outside of the planned car park or not.

This application states that the proposed new car park does not require a diversion or extinguishment of a public footpath. Shown below is the area in question and you can see where Seaton FP2 runs, it is shown in pink dashes. Can you please send me the plans for this car park which show that FP2 will not need to be diverted, I await your reply.

#### Other Representations

45 notifications of objection have been received to the application raising the following issues:

- Loss of trees of amenity value
- Lack of need for further parking
- Visual impact and loss of open green space
- Highways safety concerns and impact on pedestrians, cyclists and mobility vehicle users
- Access for emergency vehicles to adjoining sites may be affected if car park locked or inaccessible
- Impact of a further junction onto the Underfleet in terms of traffic management
- Potential for antisocial behaviour
- Light pollution from new car park
- Impact on wildlife
- Increased noise pollution
- Inappropriate use of tax payers money
- Development would spoil the green entrance into Seaton

- A trial period should be implemented once the Jurassic centre is open to assess need or not for it
- There is a recognised lack of open/amenity space in Seaton, this development will reduce that further.
- During the busiest day in Seaton's year, 'Grizzly run' the town was able to cope with the number of visitors (2 - 3000) and therefore this shows that the car park is unnecessary.

In addition 26 notifications of support, citing the following reasons have been received.

- Vital amenity to replace lost car parking provision
- Proposal important as inadequate, expensive and hard to find parking will only act as a deterrent for people coming back
- The proposal will help the traders in Seaton and the reputation of Seaton as a welcoming destination.
- The proposals to re-landscape the area are welcomed and will soften impact of the car park and may enhance it.

## **POLICIES**

### New East Devon Local Plan Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 25 (Development at Seaton)

D1 (Design and Local Distinctiveness)

EN5 (Wildlife Habitats and Features)

D3 (Trees and Development Sites)

D2 (Landscape Requirements)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

RC1 (Retention of Land for Sport and Recreation)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

D5 (Trees on Development Sites)

S4 (Development Within Built-up Area Boundaries)

EN6 (Wildlife Habitats and Features)

LSE 1 (Seaton Regeneration Area)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

RE1 (Retention of Land for Sport and Recreation)

TA3 (Transport Assessments /Travel Plans)

TA4 (Footpaths, Bridleways and Cycleways)

D4 (Landscape Requirements)

#### Site Location and Description

The application site relates to a linear strip of open space to the west side of the Underfleet opposite the EDDC public car park. The land tapers at the northern and southern ends of the site and is wider in the central part, it extends to 0.29 ha in area. The land is relatively level and is largely laid to grass with some tree planting within it. There is a denser area of tree/shrub planting along the western boundary of the site marking the boundary with adjoining Jubilee Lodge and associated communal amenity areas. A public footpath runs along the entire length of this boundary of the site. There is further residential development on higher land to the west of the site on the opposite side of Marsh Road.

The site is located to the east of the town centre and north of the sea front., it falls within a designated high risk flood zone.

### **ANALYSIS**

#### Relevant Planning History

None

#### Proposed Development

Planning permission is sought for the creation of a car park on land to the west side of The Underfleet opposite the Jurassic Coast Interpretation Centre (Seaton Jurassic) and existing public car park. The car park is proposed to provide additional parking provision to serve the town and in particular Seaton Jurassic, the construction of which will lead to a reduction in the number of spaces within the existing car park from 367 (combined short and long stay spaces) to 150 spaces. The proposed car park is proposed to offset the loss of some of these spaces and would provide for 69 additional spaces. Although proposed on the basis of an



overflow car park to the main car park opposite, the opening hours are proposed to match and it is not proposed to manage the use of the car park so that its use is restricted to when the main car park is full.

The physical works involved would entail the removal of existing trees within the central part of the site and the hardurfacing of this area in a permeable material with spaces delineated either side of a central access route that would run broadly north-south through the site. The site would be served by means of a new access constructed on the apex of the bend in The Underfleet. Replacement tree planting is indicated to the east and west of the parking areas.

### Considerations

The application is made on behalf of East Devon District Council and therefore has been referred to Development Management Committee.

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

- Principle of development
- Flooding and surface water drainage matters
- Design and impact on the character and appearance of the area
- Impact on trees
- Impact on residential amenity
- Site Access and Highway Matters
- Ecological Impact

### THE PRINCIPLE OF THE PROPOSED DEVELOPMENT

The site is located in close proximity to the town centre, opposite the Seaton Regeneration site, Seaton Jurassic and Seaton Tramway Terminus. The town centre is within close walking distance to the west of the site. At present the site serves as an area of informal open space that provides an attractive entrance to the town on approach from the north.

A footpath runs along the western boundary of the site, although this is partially overgrown in places and a pedestrian/cycle path runs along the eastern edge adjacent to the road. The proposal would clearly reduce the area of usable open space on the site that could be used by members of the public, dog walkers etc. although some space would remain at the northern and southern ends of the site and either side of the site access. The loss of this space needs though to be balanced against the potential wider benefits of the town of providing sufficient car parking provision to meet its needs and to ensure that there are appropriate and adequate facilities to meet the needs of visitors to the town in order to realise the potential benefits to the town of such visitors.

Policy C2 of the Adopted Local Plan concerns proposals for Local Community Facilities, whilst a car park is not one of the specific uses referred to in the pre-ambles to this policy, it is considered to raise similar issues and is a facility designed to serve both the existing community and visitors to the town. The policy sets out a criteria

based approach which includes the requirement for development to: be compatible with the character of the site and its surroundings; to relate well to the built form of the settlement; to be accessible by a variety of modes of transport, and for the traffic generated by the development to be capable of being safely accommodated on the local highway network, and; finally that the proposal would not be detrimental to the amenity of residents. The proposal would clearly change the character and appearance of the site but would not be out of character with surrounding development and would relate well to the town and surrounding uses. The proposal is clearly designed to serve the car but is accessible by other modes of transport. Highways comments are considered separately below as are amenity issues.

A supporting statement submitted to accompany the application explains the current level of parking provision in the town, the amount lost as direct result of Seaton Jurassic and the likely impact, in terms of parking need of this new visitor attraction. It is advised that Seaton Jurassic will result in a net loss of 217 off-road parking spaces in the town and that the proposal seeks to go some way to filling the deficit. The statement also contains some analysis, based on available data, of the current usage of the town's car parks. Whilst the analysis would suggest that there are few times at present when demand outstrips supply it is anticipated that with the visitor projections for Seaton Jurassic and assuming these visitors all arrive by car and during the busiest times of the year (weekends and school holidays) then the deficit in required spaces is very similar to the number of additional spaces proposed. The figures provided are speculative as actual visitor figures are unknown as is the number of spaces taken up by residents with parking permits, as these are unrecorded. It is clear, however, from local representations that there are concerns that the car park is unnecessary and that any demand can be adequately met by existing car parks in the town, including the car park related to the Tesco superstore. It has been suggested that existing car parks are rarely at capacity and that therefore the loss of this amenity space is unnecessary. Whilst it is only possible to estimate the potential demand for spaces arising from Seaton Jurassic, what is clear is that parking spaces will be lost as a result of its construction and that the application will not make up for all the spaces lost so the overall car parking provision for the town would be less after Seaton Jurassic's construction than before even with the additional provision proposed by this application.

## FLOODING AND SURFACE WATER DRAINAGE MATTERS

The site lies within a designated high risk flood zone. The submitted Flood Risk Assessment (FRA) explains that this risk originates from both tidal and fluvial sources related to the river Axe. It is understood that the greatest risk is related to the River Axe overtopping its defences. Planning guidance set out in the NPPF states that development proposed in such locations should be subject to a sequential test, the aim of which is to steer development to areas at lower risk of flooding. It goes on to state that development should not be permitted in such high risk areas if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to carry out the sequential test and to consider if there are other sites, at lower risk of flooding that could reasonably serve the development. In this case, if the need for the development is accepted, the matters to consider are whether there is an alternative site that could meet the need that lies within an area at lower risk of

flooding. Given that the car park is designed to replace provision of parking spaces lost through the development of land to the east to create Seaton Jurassic it therefore needs to be well located in relation to the town centre and to this new facility. The site also needs to be of a size capable of accommodating the required number of spaces. Given these constraints it is considered that the proposal site is the only site not currently developed, which is of a suitable size and is located close enough to the town centre and visitor attractions to meet a need for additional car parking provision, however this is a matter that Member's will need to satisfy themselves on that the sequential test has been met.

If it is accepted that there are no alternative sites at a lower risk of flooding then the development must then be considered against the exceptions test.

In terms of the exceptions test, it needs to be considered whether the development would provide wider sustainability benefits to the community that outweigh the flood risk. In this respect, the development is for a use designed to serve the parking needs of the town and to ensure that adequate provision of this is available to serve the town centre and visitor attractions. The under provision of parking could result in potential visitors being put off from visiting Seaton with a knock on impact on the town's economy. The proposed location would also be highly accessible and well located in terms of the town centre, sea front and visitor attractions opposite.

The submitted Flood Risk Assessment considers whether it would be possible to comply with the exceptions test in terms of taking into account the vulnerability of its users without increasing flood risk elsewhere and ideally reducing flood risk overall. At present the site is grassed allowing natural drainage, there is in addition a drainage channel on the western site boundary that caters for any additional run-off. The proposed drainage strategy would be to use a permeable surfacing material to the car park i.e. grasscrete or gravel that would allow infiltration rates similar to the existing rates. In addition it is also proposed to clear debris from and extend the drainage channel to the west of the site to improve its performance. The Environment Agency has considered the latest FRA and has raised no objections to the development subject to compliance with the submitted flood risk assessment. However, as the submitted drainage strategy is in outline form only it would be necessary to condition a full surface water drainage strategy in the event of an approval.

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

This site lies at the main entrance to the town centre and for many visitors will be one of their first views of Seaton. The concerns of local residents and the ward member in relation to the loss or diminishment of this open green space are therefore recognised. The development of the site will inevitably have an impact on the character and appearance of the site and would result in the loss of existing trees. Furthermore, whilst the development is low lying, in that it does not involve above ground construction to any great extent, parked vehicles on the site will clearly alter its character and appearance. It is considered that the proposal will have some negative impact in this respect. However, it is also recognised that this is a site close to the town centre and one which in terms of the character of the area has and is continuing to experience change as a result of investment and regeneration. In terms

of mitigating the impact, the proposals attempt to reduce these to an acceptable level by keeping open grassed areas at both ends of the site and to the west side either side of the proposed access. It is also proposed to provide additional landscape planting in the form of new trees to replace those that would be lost as a result of the development and to provide softer surfacing materials to the car park through the use of a permeable material such as grasscrete or gravel.

## IMPACT ON TREES

The proposals would result in the loss of a number of on-site trees including the locally distinctive group of Lombardy Poplar in the central part of the site. These trees have been surveyed and this group together with a further Cider Gum tree are classified as B1 or B2 quality trees. Trees categorised as B quality in accordance with BS5837 are those which are - ' A good example for a tree of that species that should be retained.' Other trees on the site are of a lower quality and as such do not pose a constraint on development. The location of the better specimen trees are such that it would not be possible for them to be retained as part of the development as they are located within or close to the internal access route. The loss of these trees would therefore add further weight to the negative visual and character impact of the development but could be mitigated to an extent through replacement tree planting as proposed. The Council's arboricultural officer has been consulted on this matter but subject to conditioning details of replacement tree planting has raised no specific objection to the proposal.

## IMPACT ON RESIDENTIAL AMENITY

There are a number of residential properties that lie to the west of the site and within relatively close proximity to it, these include properties at the north end of the site in Marsh Road which are set at a higher level to the site and the apartments within Jubilee Lodge toward the southern end of the site. The potential impact on the occupiers of these properties resulting from the development is most likely to be as a result of increased noise and activity related to its use. There are no proposals indicated for lighting and any lighting necessary is likely to be low key as it is anticipated that the car park will primarily be used during daylight hours. It is also noted that there is existing street lighting both in Marsh Road and on the east side of The Underfleet and therefore any additional lighting would be seen in this context. In terms of noise and activity on this site there will invariably an increase and this will be closer to residential properties, however this is a location close to the town centre and a main road and where a certain level of noise and activity is only to be expected, there is no reason to suggest the level of noise and activity would be of a type or intensity to have a significant impact on residential amenity.

## SITE ACCESS AND HIGHWAY MATTERS

The proposed car park would be served by a new access broadly central to the eastern boundary. A pedestrian refuge island would be provided in the centre of the access to allow safe crossing for pedestrians using the footway on the west side of the Underfleet. The initial section of access road would be tarmaced but the internal access road serving the spaces and the spaces themselves would be constructed using a permeable material. A further pedestrian crossing point is proposed to the

south of the vehicular access to channel pedestrians across the road toward the main entrance to Seaton Jurassic.

The County Highways Authority had initially raised concerns in relation to the safety of the proposal, both in traffic terms and for pedestrians, as well as questioning the need for the car park. These concerns related to lack of information on how the car park was intended to operate, particularly in relation to the car park opposite and the potential for confusion to motorists as to which car park to use when. There were also further concerns relating to the lack of barriers along the roadside boundary of the car park to prevent pedestrians exiting at any point onto the Underfleet and therefore increasing the potential for pedestrians to cross the carriageway in an uncontrolled manner that would be likely to cause unnecessary pedestrian/vehicular conflict.

On the amended plans and additional information submitted, the Highways Authority has advised that these concerns have been addressed. As such they have withdrawn their objection, subject to the applicant entering into an appropriate agreement with them, to facilitate the new pedestrian crossing being completed before the proposed car park is brought into use. On this basis the proposal is considered to be acceptable in this respect.

## ECOLOGICAL IMPACTS

The application is accompanied by a Preliminary Ecological Appraisal which considered the ecological potential of the site and the impact of the proposed development on it. The report did not identify any particular issues that would prevent the development or represent a particular constraint on it. The report does though make a number of recommendations to be followed during construction to avoid potential wildlife impacts, in the event of an approval these matters could be conditioned.

## OTHER ISSUES

The Public Rights of Way officer at Devon County Council has sought confirmation that the proposed car park would not impact on the route of Seaton Footpath 2, the route of which runs north – south parallel to the sites western boundary. The Council's Property Services Department, as applicant, have confirmed that the route of the footpath would be unaffected by the proposals and the submitted site plan also indicates this to be the case.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

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

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

3. 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 tree planting (including size, species, number and location)
- Details of any other landscape planting
- Details (including typical elevation/sections) of any proposed barrier system to the eastern site boundary.

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. The condition is required to be pre-commencement as the site lies in a prominent position and the landscaping is key to the integration of the proposal into its surroundings)

4. The use hereby approved shall not commence until the following details and specification have been submitted to and approved in writing by the Local Planning Authority.

- Details of all external lighting

- Details of any pay machines, signs, waste bins and other related infrastructure

Development shall proceed in accordance with approved details.

(Reason - In the interests of the amenities of the area in accordance with Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan.)

5. Prior to the commencement of development a detailed scheme for surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- o details of the drainage during the construction phase;

- o details of the final drainage scheme;

- o provision for exceedance pathways and overland flow routes (if required);

- o a timetable for construction;

- o a construction quality control procedure;

- o a plan for the future maintenance and management of the system and overland flow routes.

Following approval of details and prior to the car park being brought into use it shall be demonstrated to the satisfaction of the Local Planning Authority that the scheme have been completed in accordance with the approved details and timetable. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

(Reason: To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development in accordance with national planning policy contained in National Planning Policy Framework. The condition is required to be pre-commencement as drainage of the site is key to how the development integrates into its surroundings and there are no off site impacts)

6. Development shall proceed in accordance with the recommendations set out in the submitted Ecological Appraisal prepared by Devon Wildlife Consultants and dated June 2014.

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

7. The car park hereby approved shall not be brought into use until the highway works for the new pedestrian crossings and any alterations to the public highway required to facilitate the new pedestrian crossings have been completed in accordance with details that have been previously submitted to and agreed in writing with the Local Planning Authority.

Reason - To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interests of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents in accordance with policy D1(Design and Local Distinctiveness) of the East Devon Local Plan.

## NOTE FOR APPLICANT

### Informative:

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

The developer is advised of the need to enter into a separate agreement with the County highways authority in relation to the works affecting the public highway.

### Plans relating to this application:

	Location Plan	19.09.14
C/86/14/02	Sections	22.09.14
C/86/14/01 B	Layout	23.03.15

List of Background Papers

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



**Ward** Seaton

**Reference** 15/0585/FUL

**Applicant** Mr S Davey

**Location** Conifers 2 Wessiters Seaton EX12 2PJ

**Proposal** Construction of first floor balcony to front and side



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 16.06.15</b>
<b>Seaton (SEATON)</b>	<b>15/0585/FUL</b>	<b>Target Date: 12.05.2015</b>
<b>Applicant:</b>	<b>Mr S Davey</b>	
<b>Location:</b>	<b>Conifers, 2 Wessiters</b>	
<b>Proposal:</b>	<b>Construction of first floor balcony to front and side</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

**This application is reported to the Development Management Committee because the applicant is an employee of the council.**

**The application seeks permission for a new first floor balcony on the south-eastern elevation of a residential property in Seaton. The main issues relate to design and neighbouring residential amenity in relation to privacy. In assessing these issues it is considered that the design of the proposed balcony would harmonise with that of the existing building and its context but that its use would generate new overlooking potential toward neighbouring properties to the northeast and east. The installation of a privacy screen at the north-eastern end of the balcony, which could be required by condition, would overcome this issue and in the absence of any other concerns it is considered that the proposal should be approved, subject to conditions.**

### **CONSULTATIONS**

#### **Local Consultations**

Parish/Town Council  
No objection

#### **Technical Consultations**

County Highway Authority  
Does not wish to comment

#### **Other Representations**

No representations have been received.

## **POLICIES**

### New East Devon Local Plan Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

### Adopted East Devon Local Plan Policies

S4 (Development Within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

### Government Planning Documents

National Planning Policy Framework

### Relevant Planning History

None

### Site Location and Description

The property known as 'Conifers' is a detached dwelling located within a residential area in Seaton, approximately 0.5 km west of the town centre. The principle elevation of the dwelling faces south west towards Wessiters, an unclassified road, from which the property derives its access. To the north-west, north and east lie neighbouring residential properties, to the south west lies Wessiters (road) and to the south east lies Beer Road. The dwelling is located on ground which slopes downwards towards the south east and is single storey on the higher ground and double storey on the lower ground. It is positioned within a large garden which lies predominantly south east of the dwelling. In terms of design and appearance the dwelling has thinly coursed natural stone walls, a tiled roof and painted timber window frames with small areas of painted render. There is already a balcony on the south western side of the building above the garage which has a wooden frame and hand rails and frosted glazed panels.

### Proposed Development

It is proposed to install a 15.6 metre long, 2.4 m wide balcony at first floor level on the south eastern facade of the dwelling, with a new stairway rising from the garden level meeting the balcony at its eastern end. The balcony would have a frameless glass balustrade and a stainless steel handrail and would join up with the existing balcony at the southern corner of the building. The railings and handrails of the existing balcony would be removed and replaced with the same balustrade and handrail materials and design as those proposed to be used in the new balcony. The new balcony would adjoin the existing first floor kitchen, lounge and dining area

of the house and would be supported beneath by 6 vertical galvanised square section posts.

## **ANALYSIS**

The main considerations in the determination of this application are the design of the proposed development and the impact of the proposal on residential amenity.

### **Design**

The contemporary design and materials of the new balcony would blend with the existing architectural character of the house and the use of glass and minimal framing would assist in giving it a lightweight appearance such that it would not dominate the appearance of the building overall. The scale of the balcony would not be at odds with the scale of the existing house or its context. It is therefore considered that the design is acceptable.

### **Impact on Neighbour Amenity**

The new balcony would create a new outdoor area at a high level alongside the south eastern building facade which would allow new overlooking potential towards neighbouring properties located towards the north-east and east of Conifers, with a consequential loss of privacy for those properties. It is therefore recommended that a condition be imposed to require a privacy screen to be erected at the eastern end of the balcony to prevent overlooking from this area which would ensure that neighbouring residential amenity is not adversely affected by the development. There would be no significant overlooking generated in a south-westerly through to south-easterly direction by the development due to the intervening distance between the site and neighbouring properties in these directions and the fact that there is an existing balcony on the south-west side of the building.

The proposal is considered to be acceptable in accordance with Policy D1 of the East Devon 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. The use of the balcony hereby permitted shall not commence until details of a 1.7 metre high privacy screen (measured from the floor level of the balcony) for

the north eastern end of the balcony have been submitted to and approved in writing by the Local Planning Authority and the privacy screen has been installed in accordance with the details so approved.

Reason: In the interests of the protection of the privacy of neighbouring residences to the north east and east and in accordance with part 3 of Policy D1 of the East Devon Local Plan.

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

S 304/2                      Proposed      Combined      10.03.15  
   Plans

##### List of Background Papers

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

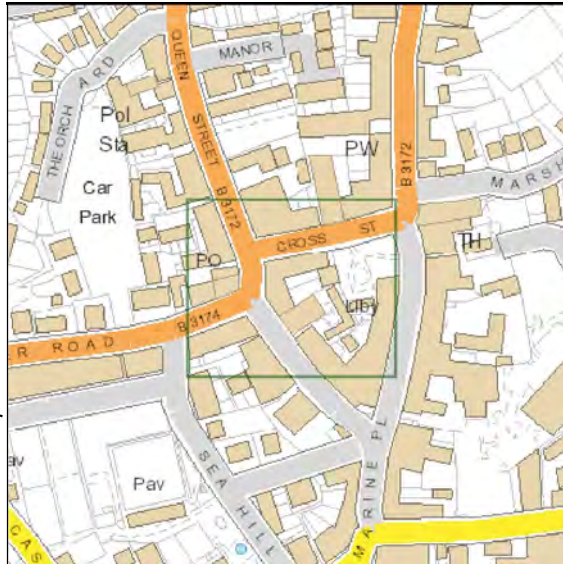
**Ward** Seaton

**Reference** 15/0626/LBC

**Applicant** Mr & Mrs P Burrows

**Location** 31 Queen Street Seaton EX12 2NY

**Proposal** Replace existing upvc doors on rear elevation with timber casement doors and removal of chimney



**RECOMMENDATION: Approval - standard time limit**





		<b>Committee Date: 16.06.2015</b>
<b>Seaton (SEATON)</b>	<b>15/0626/LBC</b>	<b>Target Date: 08.05.2015</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs P Burrows</b>	
<b>Location:</b>	<b>31 Queen Street Seaton</b>	
<b>Proposal:</b>	<b>Replace existing upvc doors on rear elevation with timber casement doors and removal of chimney</b>	

**RECOMMENDATION: Approval - standard time limit**

### **EXECUTIVE SUMMARY**

**This application is referred to Development Management Committee as the applicant is a Member of the Council**

**The works to regularise the situation are considered to be acceptable and it is recommended that the application be approved.**

### **CONSULTATIONS**

#### Parish/Town Council

The Town Council objects.

The Town Council requests that details from the relevant District office that deals with Listed Buildings provide input regarding this application as well as the detailed report from the building inspector regarding the safety of the building.

#### County Highway Authority

Does not wish comment

#### Other Representations

No 3rd party representations were received

### **POLICIES**

#### New East Devon Local Plan Policies

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

## Adopted East Devon Local Plan Policies

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

## Government Planning Documents

NPPF (National Planning Policy Framework 2012)

## Site Location and Description

Listed Grade II: SEATON QUEEN STREET 1. 5176 Premises of Neils and Nos 27 and 31 (formerly listed as "Premises occupied by Tolman and Sons and H E Collier") SY 2489 SY 2490 1/16 8.11.79 II 2. Range of cottages with shop premises. Circa C18 with C19 alterations. Long stuccoed range with thatched roof with gabled ends. Two storeys. Seven window range. Right hand sash windows with glazing bars. Left hand C19 sashes without glazing bars. Central two-storeyed splayed bay. Neils to right hand has Victorian shop front. No 31 to left hand has C19 square bay window. Listing NGR: SY2442390069

Seaton Conservation Area

## ANALYSIS

No 31 Queen Street is one of a range of cottages, originally all with shop premises. Constructed circa C18 with C19 alterations, the two storey property is stuccoed with a thatched roof with gabled end. No 31 to the left hand end has a C19 square bay window at ground floor.

A meeting was held with the applicant on Thursday 10th July 2014 at the property which is listed Grade II to discuss unauthorised works that had been carried out at the rear of the property to remove a redundant brick chimney and the insertion of upvc French doors to the rear lounge. Both of these items would have required listed building consent for the works.

This application therefore relates to the regularisation of the works. It is understood that the chimney was damaged during storms in 2010, leaning badly and subsequently removed in 2012 and the doors were inserted in conjunction with other works approved under 00/P1855/LBC for alterations, but not included on the approved plans at that time. The planning history shows plans under 00/P1855/LBC and 94/P1505. The latter shows the chimney prior to demolition, although there are no photographs of this, only drawings. However, the chimney appears to be located adjacent to the two storey flat roof extension and extends to just below the ridge, making it only visible from the rear. A Structural Report has been submitted with the application supporting its removal based on a recent inspection of the property and photographs of the collapsed chimney. It appears that at some point in the past the chimney breast has been removed at lower levels and any reconstruction of the chimney would require considerable additional works to be able to support a new stack. In addition, that due to the nature of the original stack in terms of height and width, this would not necessarily be acceptable from a construction point of view under current regulations.



Chimney stacks are both formal and functional features of the roofscape and can be important indicators of the date of a building and of the internal planning. In many cases chimneys also perform a vital structural function, and they should normally be retained, even when no longer required. There may, however, be poorly built and positioned later additions that can be removed with advantage.

In this instance, it appears that the chimney was already redundant when it collapsed and that the chimney breast has already been removed. From a structural point of view this rendered the chimney unstable and at some risk. The chimney is also at the rear of the property and could not be seen from the main front elevation. There are still two remaining chimneys on the property, one at the left hand end facing and the other at the rear. It is therefore considered that the loss of the chimney is justified and that to rebuild it at this time would be likely to cause further harm to the listed building.

The Town Council have raised an objection to the application relating to the safety of the building, but there are no outstanding issues relating to safety as the chimney has already been removed some time ago and the structure made safe and the void capped and thatched over.

With regards the upvc French doors to the rear lounge, it is proposed to replace these with purpose made slimline double glazed timber doors to match the design of the 3 light 3 pane casement window above. This will improve the overall character and appearance of the listed building and the replacement door are considered to be acceptable within the more recent two storey extension.

#### **Further recommendation.**

Enforcement action to be taken to ensure that the existing French windows to the rear lounge are removed within 3 months of the date of consent being granted.

#### **RECOMMENDATION**

##### APPROVE

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted.  
(Reason - To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)

##### 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 listed building

concerns. However in this case the application was deemed acceptable as submitted.

Plans relating to this application:

	Location Plan	12.03.15
TW15/21/01	Existing Combined Plans	12.03.15
TW15/21/02	Proposed Combined Plans	12.03.15
TW15/21/01	Sections	12.03.15

List of Background Papers

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

**Ward** Sidmouth Rural

**Reference** 15/0554/OUT

**Applicant** Mrs J Hargreaves

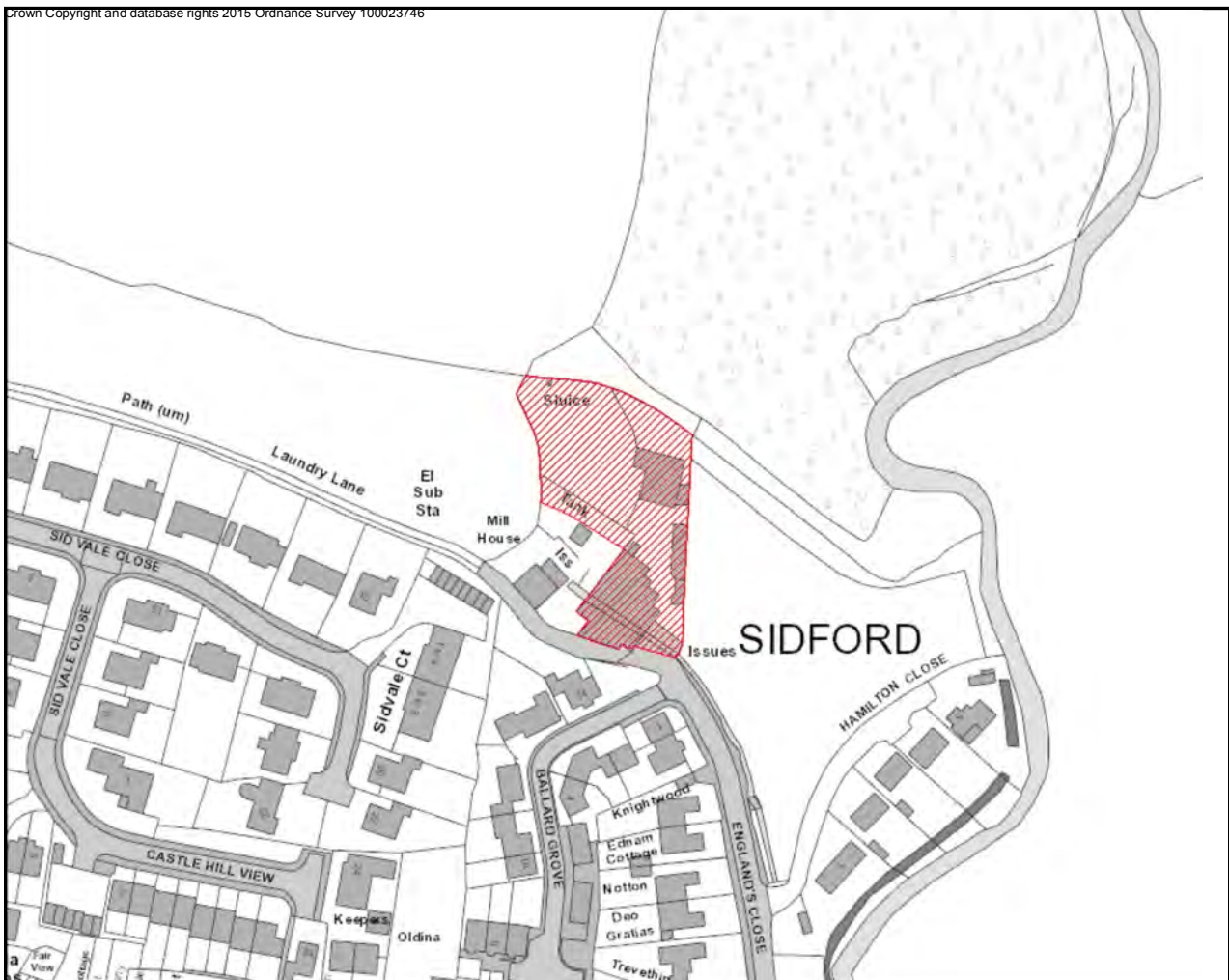
**Location** 1 Laundry Lane Sidford Sidmouth  
EX10 9QR

**Proposal** Demolition of existing buildings and  
construction of 5no. dwellings with  
associated access and garaging  
(outline application with all matters  
reserved)



**RECOMMENDATION: Refusal**

Crown Copyright and database rights 2015 Ordnance Survey 100023746



		<b>Committee Date: 16.06.2015</b>
<b>Sidmouth Rural (SIDMOUTH)</b>	<b>15/0554/OUT</b>	<b>Target Date: 01.05.2015</b>
<b>Applicant:</b>	<b>Mrs J Hargreaves</b>	
<b>Location:</b>	<b>1 Laundry Lane Sidford</b>	
<b>Proposal:</b>	<b>Demolition of existing buildings and construction of 5no. dwellings with associated access and garaging (outline application with all matters reserved)</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

The application seeks permission for the construction of 5 dwelling on land outside of the built up area boundary for the town, in a high risk flood zone and within the designated Area of Outstanding Natural Beauty. While there are benefits in terms of development of this site including the reuse of a part brown field site and the delivery of housing in a location that is accessible to a range of shops and services these are not considered to be outweighed by the harm that would arise.

In particular it is noted that

- Following revision to the emerging Local Plan the site now lies outside of the defined built up area boundary of both the current and emerging Plan. Without the context of the proposed Sidford Employment site designation, the site is in the open countryside and results in landscape harm by reason of the built form of new dwellings and its associated paraphernalia
- The development would result in the loss of an employment site where there has been insufficient evidence submitted to justify its removal from making a meaningful contribution to job creation.
- In respect of flood risk it is noted that the applicants have undertaken modelling work with the Environment Agency who have advised that if the site passes the Sequential test then it can be made safe through a detailed Flood Risk Assessment. However the site lies in an area where there is a high risk of flooding and therefore occupiers of any new dwellings would be vulnerable to the effects of flooding. National policy directs housing development to lower risk sites and it has been demonstrated that there are sites available elsewhere in the district that could accommodate the development proposed – As such it is considered that the site fails the sequential test.

## **CONSULTATIONS**

### **Local Consultations**

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

Support. Note: Members recognised the risk of flooding was very substantial and complex and were of the view that any decision rested on a reliable assessment of the flood risk and measures to alleviate the floor risk subject to the approval of the Environment Agency.

#### **Sidmouth Rural - Cllr D Barratt**

I wish to record my support for the above application. I feel that this development will improve the character of the site, replacing disused and near derelict structures with housing which will both compliment others nearby and help to provide a valuable contribution to the housing need.

Initial concerns with regard to the settlement boundary and any flood risk would now seem to have been addressed.

I ask that this application should go to the full Development Management Committee for determination.

However, I do reserve my final position until all the facts are known and until I have heard full discussions at Committee.

### **Technical Consultations**

#### **County Highway Authority**

The application is for demolition of existing buildings and construction of 5no. dwellings. The site is located off of England's close. The proposed development will generate more traffic movements than what is existing. The viability at the junction of Laundry Lane with England's Close is adequate, considering the low number of movements and the low vehicle speeds.

Recommendation:

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

1. No part of the development hereby approved shall be brought into its intended use until the amended access, parking facilities, commercial vehicle turning area, parking spaces and garage/hardstanding, access drives and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

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

Environment Agency

We have no objections to this proposal.

Advice to LPA

Further to Jubbs letter dated 16th April 2015 we can advise that the submitted Flood Risk Assessment dated 2004 and Flooding Note dated 2013 are still satisfactory and providing development proceeds in accordance with these documents this satisfies part (b) of the Exception Test set out in NPPF, para 102.

Please note that notwithstanding our comments on the applicant's flood risk assessment we would remind you of your duty to consider the requirements of the Sequential Test as part of the decision making process.

Original Comments

Thank you for consulting us on the above proposal. Environment Agency Position

We object to this application on flood risk grounds.

Advice to LPA

The proposed development is locate in Flood Zone 3 "High Probability" of flooding. Any new dwellings in such a "High Probability" of flooding area should be subject to the Sequential Test (ST) set out in NPPF, para 100.

If your Council satisfy the ST and wish to move to satisfy the Exception Test (ET) we make the following observations on the Flood Risk Assessment (FRA) submitted to satisfy part (ii) of the ET.

The proposed development is accompanied by a Flood Risk Assessment (FRA) dated 2004 and a Flooding Note dated 2013.

While the 2004 FRA was acceptable to us at 10 years ago there have been important changes in the assessment of flood risk since that time. Importantly the techniques for estimating the "design" flood flow have developed in line with advances in technique and longer data sets. Thus the 2004 estimate of the 1 in 100 flood flow is considered likely to higher today.

As a consequence the shallow flooding of the site that arose from the minor watercourse through the site in the 1 in 100 20% climate change "design" flood conditions in 2004 may be significantly deeper when calculated using a present day estimate of flow.

This aspect needs to be revisited to ensure any new dwellings will be "safe" and sustainable. It would be helpful if a revised FRA could be submitted that reassesses this aspect and includes an indicative site layout showing proposed site and floor levels.

At present we must recommend refusal of this proposal until we are advised by your Council that; a) you wish us to proceed to satisfy the ET and, b) we have received an acceptable FRA.

### Environmental Health

Following from my colleagues comments in January 2014, I concur and:

I do not anticipate any environmental health impact once constructed but there is potential for the development to impact on existing residents during construction. I therefore recommend that the following condition is included on any approval:

#### Construction Site Condition:

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

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

### Contaminated Land Officer

I have considered the application and do not anticipate any contaminated land concerns once any development has been completed as oversite works will remove any surface materials. The developer should be aware of unforeseen contamination exposed during ground works and I therefore recommend that the following condition is included in any approval:

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

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

### 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 may be granted.

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

#### Local sites

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

#### Biodiversity enhancements

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



### 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.

### Devon County Archaeologist

I refer to the above application. I have no additional comments to make on this current planning application to those made on the earlier planning application for this site (ref: 13/2549/MOUT), namely:

The proposed development lies in an area of archaeological potential in proximity to the site of prehistoric funerary monument to the east, while the southern part of the application area includes the site of the 'Old Mill' shown on the late 19th century OS map. There are documentary references to the mill here from the late 18th century, though it may have earlier origins. Construction and demolition work associated with the proposed development will have an impact upon any surviving historic building fabric associated with the former mill and any below-ground remains. In addition, there is potential for any groundworks in the more undisturbed parts of the site to expose archaeological or artefactual evidence associated with the known prehistoric activity recorded in the vicinity.

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

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

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

## Reason

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

I would envisage a suitable programme of work as taking the form of a staged programme of work, commencing with an appraisal of the standing buildings to determine the significance of any surviving historic building fabric to allow the scope and requirement of any further historic building recording required in mitigation for the loss of these heritage assets. In addition, a programme of archaeological monitoring and recording should be implemented during any demolition and construction works to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

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

## Other Representations

Three contributors have made comments on the application as follows:

### Supports

- Site unsuitable for industrial use, small and no turning space for large vehicles
- Dwellings preferred as appropriate for the neighbourhood
- Brownfield site, opportunity for new housing without using agricultural land
- Employment buildings have deteriorated and may be unfit for further employment use
- Refusal may result in further deterioration of the buildings which would become an eyesore.
- Lorry traffic should be avoided due to the proposed foot and cycle path
- Flood risk assessment has been carried out.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
13/2549/OUT Outline Application	Demolition of existing buildings and construction of 5no. dwellings with associated access and garages (outline application with all matters reserved)	Refusal	10/03/2014

03/P2520	Demolition Of Existing Buildings And Erection Of Ten Affordable Dwellings With Alt. To Access	Refusal	13/10/2004
03/P2519	Erection Of 7 Dwellings With Alterations To Vehicular And Pedestrian Access	Approved	20/04/2005

## **POLICIES**

### New East Devon Local Plan Policies

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

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

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

E3 (Safeguarding Employment Land and Premises)

E5 (Small Scale Economic Development in Rural Areas)

EN14 (Control of Pollution)

EN15 (Environmental Impacts, Nuisance and Detriment to Health)

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

EN22 (Surface Run-Off Implications of New Development)

EN5 (Wildlife Habitats and Features)

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

EN10 (Preservation and Enhancement of Conservation Areas)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

RC2 (New Open Space, Sports Facilities and Parks)

### Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

D2 (Sustainable Construction)

D5 (Trees on Development Sites)

S5 (Countryside Protection)

D4 (Landscape Requirements)

E3 (Safeguarding Employment Land and Premises)

E6 (Small Scale Employment Development in Rural Areas)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

EN6 (Wildlife Habitats and Features)

EN7 (Nationally and Locally Important Archaeological Sites)

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

EN15 (Control of Pollution)  
H2 (Residential Land Allocation)  
H3 (Range and Mix of New Housing Development)  
H4 (Affordable Housing)  
RE3 (Open Space Provision in New Housing Developments)  
TA1 (Accessibility of New Development)  
TA3 (Transport Assessments /Travel Plans)  
TA7 (Adequacy of Road Network and Site Access)  
TA9 (Parking Provision in New Development)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

### ANALYSIS

#### Site Location and Description

The site lies on the northern edge of Sidford on a plot of land which extends beyond the built-up area into the open countryside beyond. Much of the site is taken up with light industrial and storage buildings but part of it forms the garden to the historic mill house neighbouring the site. Access is from Englands Close, which also serves residential development in Ballard Grove and Hamilton Close. Connecting Englands Close with the A375 to the west there is a public footpath which follows the driveway to Mill House and forms the southern boundary to the site.

The site is in the East Devon Area of Outstanding Natural Beauty and flood zone 3.

#### Proposed Development

Outline planning permission is sought for a development of 5 dwellings to replace existing light industrial buildings and part of the undeveloped garden of Mill House. All matters are reserved but an indicative layout and a cross-section have been submitted.

The main issues to consider are: the principle of development outside the Built-up Area Boundary; the loss of employment land; the risk of flooding; the impact on the character and appearance of the area, with particular regard to the impact on the East Devon AONB; the impact on highway safety and the impact on the amenity of the occupiers of surrounding dwellings.

#### Principle

It has already been recognised that the application site is outside of the development boundary as defined in the adopted Local Plan. In this regard the application represents development contrary to established plan policy to which weight can be given. The application has been advertised as a departure.

In previous drafts of the emerging Local Plan the site was included within the proposed development boundary due to its position surrounded by the proposed Sidford employment site allocation. The proposed Built-up area boundary had been

extended around the allocation. In the current draft for consultation (16 April 2015 - 12 June 2015) the Sidford employment site allocation has been deleted. Along with the deletion of the allocation site, the Built-up Area Boundary (black line) has been amended to follow the southern edge of the now excluded site. As a result 1 Laundry Lane and the associated buildings remains outside of the defined settlement boundary.

Following the results of the Strategic Housing Market Assessment (SHMA) there have also been a number of key changes in the Councils position which means the Council can now demonstrate a 5 year housing land supply. The fact that the Council can now demonstrate a 5 year land supply is significant in that policies which seek to restrict the supply of housing are no longer to be considered 'out of date' and therefore are a material consideration to be taken into account when determining applications. The SHMA figures have yet to be tested as part of the Local Plan process, however at this moment in time and having received the SHMA it is appropriate to rely on the figures as they represent the most up to date and robust information on housing numbers that the Council has. The requirement to meet Sidmouth's housing needs through the accommodation of 150 homes has also been deleted from the emerging Local Plan. Strategy 26 (Development in Sidmouth) retains the requirement to allocate land for housing within the existing Built-up Area Boundary and land allocations are proposed at the Current Council site office (site ED02A 50 homes), the land at the current Manstone Depot (site ED01 20 homes) and land at Port Royal (site ED03 30 homes). A small, 50 home allowance within the boundary is also made for future windfall completions.

When noting the in principle policy objection, sustainability as a material consideration remains significant and therefore a clear assessment of this concept is still required. The easiest way to achieve this is to consider the implication for this of each of the main areas requiring assessment. In this instance this will consider the accessibility of the site, loss of employment land, flooding, its impact on the landscape and character, and impact on amenity.

### **Accessibility**

In this instance occupiers of the dwellings would have reasonable access to a range of local facilities in Sidford including post office, doctors surgery, public house and convenience store, public transport links via a bus service to Sidmouth, Seaton and Honiton and a cycleway into Sidmouth. Therefore the site is considered to be accessible to a range of services and while it is likely new occupiers would have a private vehicle, occupiers would not be totally reliant on such a vehicle to access key services. On balance this is considered to weigh in favour of the proposal.

### **Loss of Employment Land**

It is understood that the buildings are currently vacant following the relocation of a sail cleaning business 'Hancock Marine Service' to premises elsewhere. The submitted structural survey indicates that the buildings on the site have reached the end of their useful life and would require replacement. However, the main building was substantially constructed and is suitable for continued use with repairs and upgrading. The sail washing buildings is a warehouse constructed of brick walls with

a Turnerised tile roof over timber sarking, with skylights along the ridge. The extensions to the main building consist of metal containers.

The application states that subsequent industrial and commercial uses of the site have not proved viable and are prejudiced by the proximity to and need to protect the private residential amenities of Mill House. The application also states that valuations of both Mill House and the commercial site have been adversely affected by the intimate relationship of one to the other and the lack of adequate separation for wholly private residential use of the existing house and garden in association with unrestricted commercial use of the industrial building. It is suggested in the submitted planning statement that the income from letting the premises would not cover the cost of bringing the premises up to modern standards.

It is acknowledged that Laundry Lane now serves a considerable number of private residences and the applicant proposes that the redevelopment of this site would bring it into conformity with the prevailing land use accessed by this road.

However, the site is an existing employment site on the outskirts of Sidmouth. With the deletion of the employment allocation for Sidford it could be argued that the employment need is lacking, however this is not considered to be the case and applications for alternative uses of land or buildings should be treated on their merits having regard to the relative need for different land uses to support sustainable local communities. The allocation sought to provide sufficient employment land to meet large scale needs, however this has been revised as part of the local plan process. It is considered that this site could provide for the needs of a small or medium sized business and therefore it can be argued that the employment need is greater now that the land allocation has been removed.

No evidence of marketing and subsequent lack of interest in the site by local businesses or lack of need for employment sites in the District has been submitted. Moreover, the site is located on the edge of the settlement with good vehicular access where continued employment uses would be unlikely to cause unacceptable harm to the amenities of nearby residents.

### **Flood risk**

According to the Environment Agency Flood Map, the site lies within flood zone 3 where dwellings should not generally be permitted, other than in exceptional circumstances. The sequential test set out in the NPPF seeks to direct development to areas with the lowest risk of flooding. Housing should only be permitted on the application site if there are no other reasonably available sites elsewhere that it could be located.

The application site has been assessed by Jubb Consulting Engineers Limited who have met with the Environment Agency and reviewed the Hydraulic Modelling of the River Sid. The assessment found the watercourse channel to have capacity for 11.9m<sup>3</sup>/s compared to the 3.1m<sup>3</sup>/s as set out in the original 2004 Flood Risk Assessment and the report now assumes that there is adequate capacity for flows within the channel and in addition that the raised finished floor levels of the dwellings

would be sufficient defence from flooding in an area where there remains a high probability of flood risk.

Following an updated FRA report and Jubbs letter dated 16<sup>th</sup> April, the Environment Agency have withdrawn their objection and consider the site specific FRA to be appropriate. However the EA are clear to remind the Local Planning Authority of their duty to consider the requirements of the Sequential Test as part of the decision making process.

Paragraph 101 of the National Planning Policy Framework (NPPF) states that the aim of the Sequential test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. A sequential approach should be used in areas known to be at risk from any form of flooding.

Paragraph 102 of the NPPF states that if following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate.

For the Exception Test to be passed:

- (a) It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- (b) a site specific flood risk assessment must demonstrate that the development will be safe for its life time taking account vulnerability of its user, without increasing flood risk elsewhere, and, where possible will reduce flood risk over all.

The guidance is clear that both elements of the test will have to be passed for development to be allocated or permitted.

### Sequential Test

The Sequential Test has been applied to the proposal using the guidance published by the Environment Agency in April 2012.

Based on this it is recognised that the flood risk vulnerability is '*More vulnerable*' and therefore not necessarily appropriate for a high risk flood zone. The guidance recognises that a suitable geographical area needs to be established over which to assess the availability of other potential sites. In this instance and recognising that the development proposed is for general purpose housing for which the need is district-wide it is appropriate to consider a District wide availability.

Sources for identifying available sites include the adopted Policy, the recently published Strategic Housing Market Assessment and other sites already with planning permission.

Recognising these sources it has been identified that extant permissions exist at the following:

Land At Barton Orchard, Tipton St John (11/2172/MFUL): 15 dwellings.  
Land at Frys Lane, Sidford (12/2222/MOUT): 12 dwellings.

Both of these sites are considered to be reasonably available and suitable for the type of development proposed. Because they have planning permission there are no known constraints to delivery. Importantly they are also both in flood zone 1.

It has therefore been shown that there are sites in areas with a lower probability of flooding within the district that are reasonably available and appropriate to the type of development proposed. Given the availability of other sites with a lower probability of flooding, the NPPF advises that development should not be permitted on the application site. Whilst noting the most recent comments from the Environment Agency there is no need to consider the Exception Test in this situation - The dwellings would be located in the flood zone 3, outside the development boundary and within an area designated as AONB. Without any overriding need for the construction of 5 dwellings in this location or any wider community benefit that would outweigh flood risk, the construction of 5 dwellings within the flood zone is considered to be unacceptable.

### **Impact on the Area of Outstanding Natural Beauty**

When considering the previous proposal, the existing site buildings were considered to breach a fairly well defined boundary between the built-up area and the adjacent countryside, however the site was considered to be a well established feature of the landscape. The proposed development seeks to replace the existing buildings and also includes development of an area of undeveloped garden to the rear of Mill House.

Whilst it was previously recognised that there would be limited landscape harm, this site would be out of context with the previous policy position which included an employment allocation surrounding it. The wider landscape harm from the redevelopment of the site and the undeveloped garden land is therefore reconsidered. The site is situated within the open countryside designated as AONB. Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

In this case the site can be seen from the road and from views within the AONB. The redevelopment of the employment site and garden would change the existing character of the site. As such the proposals are not considered to be justified in terms of housing need or public interest that as a result would outweigh the harm to the landscape character.

As a result, the proposals are considered to have an adverse impact on the character and appearance of the Area of Outstanding Natural Beauty which weighs against the proposal



## Highway Safety

It is expected that the proposed development would generate a similar amount of traffic to that which could potentially be generated by an employment use on the site. Because the existing highway access is considered satisfactory, the highway authority has raised no objection to the proposal, subject to conditions.

## Amenity

The indicative layout demonstrates that five houses can be accommodated on the site with good levels of space and privacy. Mill house would potentially be overlooked but there is sufficient space within the site that the dwellings could be located so as not to appear intrusive. The development would not affect the privacy and amenity of the occupiers of other nearby dwellings although it is acknowledged that there would be some disruption during the construction phase. As this would only be a temporary disruption there would be no lasting detriment to the neighbour's amenities.

## Other Matters

As a commercial site there is a risk that the land is contaminated but subject to imposing a suitable condition, the risk can be managed so that any contamination is dealt with appropriately.

In accordance with the requirements of the Habitats regulations, a unilateral undertaking has been submitted which secures a financial contribution towards Habitat Mitigation to mitigate against the impacts of the development on the Pebblebed Heaths Special Protection Area.

A protected species survey of the site has been undertaken but no evidence of active use was found. Therefore the survey report indicates that development could go ahead and further recommends biodiversity enhancements, which could be secured by condition.

The site is in an area of archaeological potential but subject to a programme of archaeological work there would be no harm to the historic environment.

## **CONCLUSION**

The site lies in an area where there is a high risk of flooding and therefore occupiers of any new dwellings would be vulnerable to the effects of flooding. National policy directs housing development to lower risk sites and it has been demonstrated that there are sites available elsewhere in the district that could accommodate the development proposed.

Although housing is not acceptable on this site, the continued use for some form of employment generating activity would be compatible with the flood risk on the site and in accordance with advice in the Technical Guide to the NPPF. Furthermore, it is considered that it would be unlikely to cause unacceptable harm to the amenities of nearby residents. Given these circumstances and the continuing need for

employment land, the loss of the site to housing would not comply with policy E3 (Safeguarding Employment Land and Premises) of the Local Plan.

### **RECOMMENDATION**

REFUSE for the following reasons:

1. The Environment Agency Flood Map indicates that the site lies in flood zone 3 where there is a high risk of flooding. There are other reasonably available sites within the district of East Devon with a lower probability of flooding than the application site that would be appropriate for the type of development proposed. Therefore the development fails to satisfy the Sequential Test and would conflict with national planning policy as set out in the National Planning Policy Framework and Policy EN21 (River and coastal Flooding) of the emerging East Devon Local Plan.
2. The proposed development would result in the loss of an established employment site and it has not been demonstrated there is a surplus of employment land in the locality or that the site cannot be retained for employment use. Therefore the proposal would be contrary to policy E3 (Safeguarding Employment Land and Premises) of the East Devon Local Plan and Strategy 32 (Resisting Loss of employment, Retail and community Sites) and Buildings of the emerging East Devon Local Plan.
3. The proposed development would take place on land that lies outside of the defined built up area boundary for Sidmouth and within the designated Area of Outstanding Natural Beauty. Despite the existing buildings located on part of the site the proposal would result in built form and associated paraphernalia taking place outside an established boundary and that harms the character of the designated area. As such the development is contrary to guidance in the National Planning Policy Framework, Policies S5 (Countryside Protection) and EN1 (Development affecting Areas of Outstanding Natural Beauty) of the adopted East Local Plan and Strategies 7 (Development in the Countryside) 26 (Development at Sidmouth) and 46 (Landscape Conservation and Enhancement and AONBs) of the emerging East Devon Local Plan.

### **NOTE FOR APPLICANT**

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved, however in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

### **List of Background Papers**

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

**Ward** Sidmouth Sidford

**Reference** 15/0714/FUL

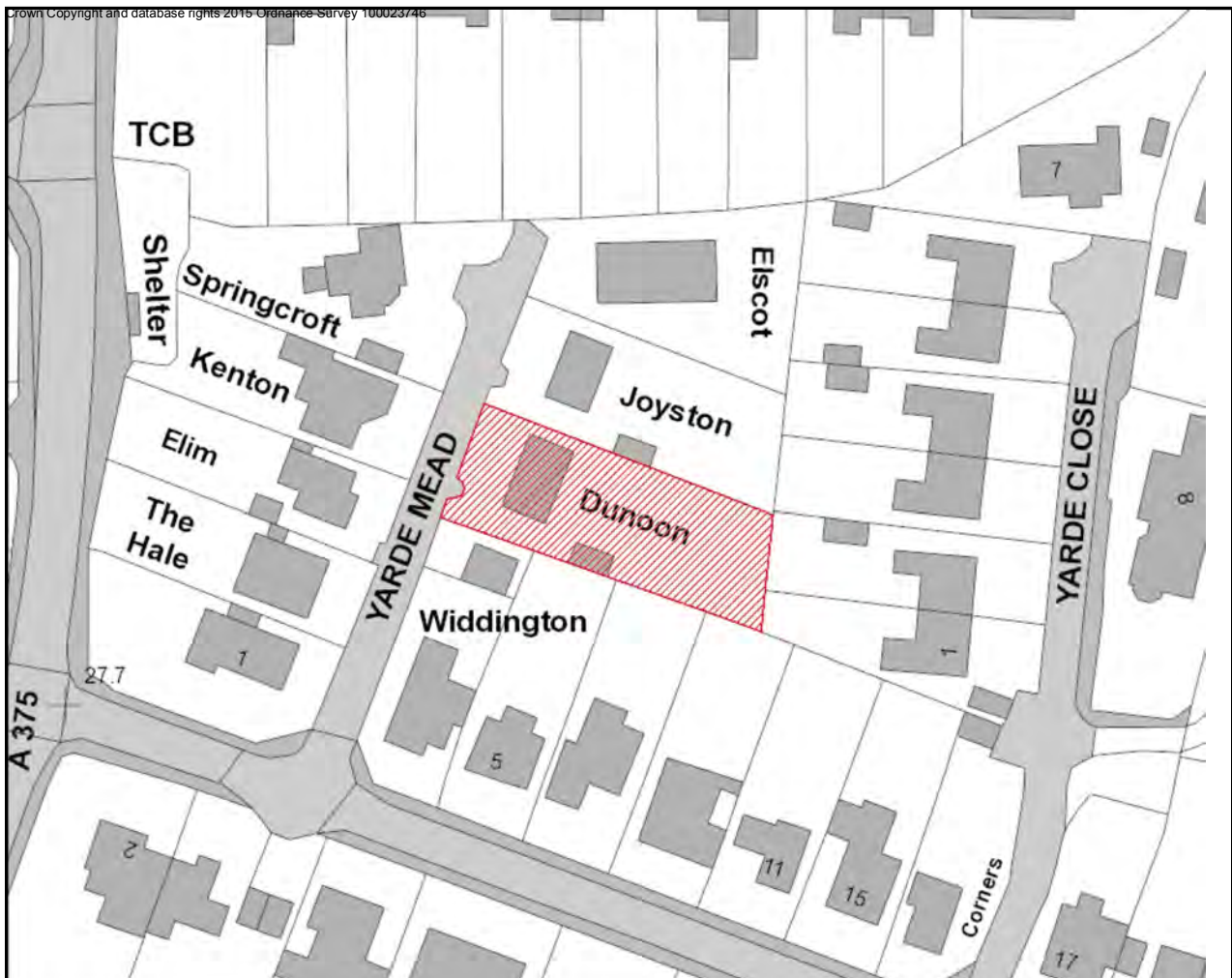
**Applicant** Mr J Carter

**Location** Dunoon Yarde Mead Sidmouth  
EX10 9JL

**Proposal** Construction of single storey rear  
and side extension.



**RECOMMENDATION: Approval - standard time limit**



		<b>Committee Date: 16.06.2015</b>
<b>Sidmouth Sidford (SIDMOUTH)</b>	<b>15/0714/FUL</b>	<b>Target Date: 20.05.2015</b>
<b>Applicant:</b>	<b>Mr J Carter</b>	
<b>Location:</b>	<b>Dunoon, Yarde Mead</b>	
<b>Proposal:</b>	<b>Construction of single storey rear and side extension.</b>	

**RECOMMENDATION: Approval - standard time limit**

### **EXECUTIVE SUMMARY**

**This application has been referred to Development Management Committee as the applicant is a member of staff of the Local Authority and therefore this application cannot be determined under the delegated process.**

**This proposed single storey side and rear extensions to this property are considered to be acceptable and would not result in any significant loss of amenity to neighbouring properties or adversely impact upon the character and appearance of the local area. Although quite a large single storey extension the bulk of the extension would be located to the rear of the property and as such would not be prominent from public viewpoints. The proposed shallow pitched roof would ensure that the eaves of the extension do not project more than 1 metre above the boundary fence with the adjoining property while the shallow pitched roof would prevent the extension appearing overly dominant or intrusive from their perspective.**

**In light of officers views and the lack of any objections either from neighbours, the town council or ward members the proposed extension is recommended for approval.**

### **CONSULTATIONS**

#### **Local Consultations**

Town Council

No representation received.

#### **Technical Consultations**

County Highway Authority  
Does not wish to comment

### Other Representations

There have been no third party representations.

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
05/2673/FUL	Rear extension to dwelling (renewal of permission)	Approval - standard time limit	23.11.2005
00/P1711	Renewal Of Permission For Extension	Approval with conditions	18.10.2000
95/P0508	Extension	Refusal	15.06.1995

### **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

The site is located to the north of the town centre of Sidmouth accessed off Sidford Road (A375) via Coulsdon Road on Yard Mead. The property is a detached early 20<sup>th</sup> Century dwelling house built with render and painted brick walls with exposed red brick detailing over the door and windows and chimney breast, white UPVC windows and doors and tiled roof.

#### Proposed Development

The proposal is for the construction of a single storey side (north) and rear (east) extension to provide a shower room, kitchen and family/dining room. It would be built with brick and rendered walls with double glazed bi-folding doors on the east and south elevations of the rear extension and would have a tiled roof.

## Considerations

The proposed single storey side and rear extension is considered to be a modest and subservient addition to the existing detached dwelling house.

## Design and Character

The proposed use of materials are of a similar appearance to those used in the construction of the exterior of the existing dwelling house and therefore considered to be acceptable.

Only the side extension would be visible from Yarde Mead and is not considered to result in any significant visual impact or harm on the character and appearance of the area or the street scene.

## Neighbour impact

The proposed rear extension is not considered to adversely impact upon the amenity of the neighbouring property of Joyston as it would only be single storey in height and the property is stepped away from the boundary.

There would be limited overlooking from the proposed dining/family room to the rear gardens of no's 3 and 5 of Coulsdon Road, as there is a fence and planting on the southern boundary together with an existing garage to ensure no harmful loss of amenity to these properties.

Due to the above, and as no objections were received during the consultation period, the application is considered to be acceptable and is therefore recommended for approval.

## **RECOMMENDATION**

### APPROVE

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those of the existing building.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the existing building in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

## NOTE FOR APPLICANT

### Informative:

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

### Plans relating to this application:

	Location Plan	24.03.15
1662/05	Proposed Site Plan	24.03.15
1662/01	Combined Plans	24.03.15
1662/02	Combined Plans	24.03.15
1662/03	Combined Plans	24.03.15
1662/04	Combined Plans	24.03.15

### List of Background Papers

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



**Ward** Sidmouth Town

**Reference** 15/0757/FUL

**Applicant** Mr Mark Symonds

**Location** 71 Woolbrook Road Sidmouth EX10 9XJ

**Proposal** Loft conversion to include installation of clear glazed velux windows



**RECOMMENDATION: Approval with conditions**





		<b>Committee Date: 16/06/2015</b>
<b>Sidmouth Town (SIDMOUTH)</b>	<b>15/0757/FUL</b>	<b>Target Date: 29.05.2015</b>
<b>Applicant:</b>	<b>Mr Mark Symonds</b>	
<b>Location:</b>	<b>71 Woolbrook Road Sidmouth</b>	
<b>Proposal:</b>	<b>Loft conversion to include installation of clear glazed velux windows</b>	

**RECOMMENDATION: Approval - standard time limit**

### **EXECUTIVE SUMMARY**

**This application is presented to the Committee because the applicant is an Officer of the Council.**

**The proposal is to convert the loft of the bungalow to provide two bedrooms and a bathroom. The works requiring planning permission comprise the addition of roof lights on the east and west side roof slopes but the development also includes removal of a chimney, enlargement of the existing dormer and the addition of roof lights on the north and south elevations.**

**The roof light in the east elevation would face Woolbrook Park and would be an inconspicuous addition which would not overlook any private amenity areas. The west elevation has been amended so that there would now be only one roof light with a sill level of 1.7 metres instead of two with a lower sill level. This amendment satisfactorily removes any overlooking concerns and directly addresses the neighbour's objection about loss of privacy to the dining room.**

**Following amendment, the proposal is now acceptable and recommended for approval.**

### **CONSULTATIONS**

#### **Local Consultations**

Parish/Town Council  
Support.

#### **Other Representations**

One objection has been received raising concerns about loss of privacy.

## **Technical Consultations**

### County Highway Authority

Does not wish to comment

## **POLICIES**

### New East Devon Local Plan Policies

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

### Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

S4 (Development Within Built-up Area Boundaries)

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

### Site Location and Description

The property is a detached bungalow located between Woolbrook Road on the north side of the site and Bennett's Hill on the south side. The eastern boundary adjoins Woolbrook Park and faces the Church of St Francis of Assisi on the opposite side of the road. On the west side of the site is a detached two storey dwelling known as Sunnybanks. Although there is a dormer window on the southern (rear) elevation of the bungalow, all of the living accommodation is at ground floor level.

## **ANALYSIS**

Planning permission is sought for a loft conversion to create two bedrooms and a shower room at first floor level. Externally the development would involve removal of a chimney, enlargement of the dormer and the addition of roof lights on all four sides of the roof.

The elements requiring planning permission are the roof lights in the side (east and west) elevations.

The roof light in the east elevation would face Woolbrook Park and would be an inconspicuous addition which would not overlook any private amenity areas.

The proposal originally included two roof lights on the west elevation with a sill height of 1.4 metres. From these windows there would have been a view directly across to the dining room of window Sunnybanks. Owing to concerns about loss privacy, the two windows have been reduced to one and raised to a height of 1.7 metres above floor level. This satisfactorily removes any overlooking concerns and directly addresses the neighbour's objection.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

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

## NOTE FOR APPLICANT

Informative:

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

### Plans relating to this application:

	Location Plan	31.03.15
1661/02A	Combined Plans	02.04.15
1661/03	Combined Plans	31.03.15
1661/04A	Combined Plans	28.04.15
1661/01B	Combined Plans	28.04.15
1661/05A	Combined Plans	28.04.15

### List of Background Papers

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

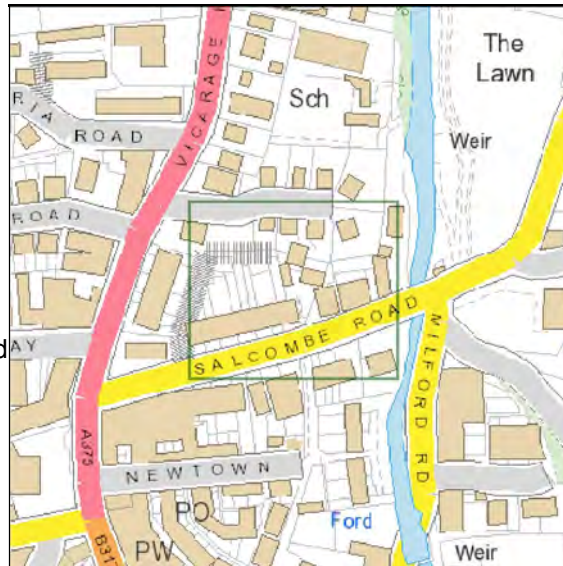
**Ward** Sidmouth Town

**Reference** 15/0945/FUL

**Applicant** Mr M Millmow

**Location** Cambridge Cottage Salcombe Road  
Sidmouth EX10 8PR EX10 8PR

**Proposal** Replacement two storey and single  
storey extensions.



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 16/06/2015</b>
<b>Sidmouth Town (SIDMOUTH)</b>	<b>15/0945/FUL</b>	<b>Target Date: 19.06.2015</b>
<b>Applicant:</b>	<b>Mr M Millmow</b>	
<b>Location:</b>	<b>Cambridge Cottage, Salcombe Road</b>	
<b>Proposal:</b>	<b>Replacement two storey and single storey extensions.</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

**This application has been referred to Development Management Committee as the applicant is a member of staff of the Local Authority and therefore this application cannot be determined under the delegated process.**

**This proposed two storey and single storey side extensions to this property are considered to be acceptable and would not result in any significant loss of amenity to neighbouring properties or adversely impact upon the character and appearance of the local area.**

### **CONSULTATIONS**

#### **Local Consultations**

Parish Council

Support

#### **Technical Consultations**

Environment Agency

Thank you for consulting us on the above proposal.

Please refer to our flood risk standing advice for the appropriate comment for this application.

<https://www.gov.uk/flood-risk-assessment-local-planning-authorities>

County Highway Authority  
Does not wish to comment

## **POLICIES**

### New East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

EN10 (Preservation and Enhancement of Conservation Areas)

### Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

EN11 (Preservation and Enhancement of Conservation Areas)

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

## **ANALYSIS**

### Site Location and Description

The site is located to the north of Sidmouth town centre accessed off Salcombe Road via a private path to the side of Cambridge Terrace. The property is a two storey dwelling house set within the rear garden of number 13 Cambridge Terrace which is Grade II Listed although Cambridge Cottage itself is an independent unlisted property. The cottage is built with rendered walls, timber windows and doors and slate roof. The site is within the Sidmouth conservation area.

### Proposed Development

The proposal is for the construction of a single storey side (north) and rear (east) extension to provide a shower room, kitchen and family/dining room. It would be built with rendered walls with openings limited to first and ground floor windows to the front elevation and a glazed roof panel over the kitchen set within a front monopitch roof section. A double glazed bi-folding door would be added to the front elevation of the main house and the extensions would have a tiled roof.

### Considerations

The proposed increase in size of kitchen at ground floor with enlarged bathroom above is considered to be of a modest size and would appear subservient to the existing dwelling house. Indeed the extension replaces an existing but smaller two storey side extension.

### Design and Character

The proposed use of materials would be of a similar appearance to those used in the construction of the exterior of the existing dwelling house and are therefore considered to be acceptable. It is recommended that a matching materials condition would be placed on any permission granted and the use of conservation type roof lights required given its location within a conservation area.

The side extension would be visible from a private lane that provides access to Cambridge Terraces rear gardens and is not considered to result in any significant visual impact or harm on the character and appearance of the area or the street scene.

### Neighbour impact

The proposed rear extension is not considered to adversely impact upon the amenity of the neighbouring properties No 1 Cambridge Villas as the bathroom window is proposed to be obscure glazed and fixed with restricted casement furniture to restrict the window being fully opened. The usual approach is a fan light style window; however, this window design would not be in keeping with the character and appearance of the existing building and the Conservation Area.

Due to the above, and as no objections were received during the consultation period, the application is considered to be acceptable and is therefore recommended for approval.

### Flood Risk

A Flood Risk Assessment has been submitted with the application detailing that floor levels will be the same as the existing dwelling, the ground floor internal wall would have waterproof plaster applied and all internal sockets and switches would be 0.750mm above finished floor level. This information is considered to be acceptable and the development would be conditioned to be carried out in accordance with details submitted if consent is granted.

### Conclusion

The proposed extension to the property is not considered to result in any visual harm upon the local area or adversely impact upon the amenity of neighbouring properties. Therefore this application is recommended for approval subject to recommended conditions.

## **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. Before the bathroom extension hereby permitted is occupied, the window on the east elevation shall have been glazed with obscure glass and fitted with restricted casement furniture to prevent the window opening by more than 100mm at its widest point. The obscure glazing and fixing of this window shall thereafter be retained at all times.

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

4. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those of the existing building.

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

5. The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment by Mr P Palfrey dated 21<sup>st</sup> April 2015.

Reason – To ensure that adequate provision is made in relation to flood risk in accordance with Policy EN20 (Rivers and Coastal Flooding) of the Adopted East Devon Local Plan and EN21 (Rivers and Coastal Flooding) of the emerging New East Devon Local Plan.

Plans relating to this application:

	Location Plan	22.04.15
1634/01	Combined Plans	22.04.15
1634/02	Combined Plans	22.04.15
1634/03	Combined Plans	22.04.15
1634/04	Proposed Site Plan	22.04.15

List of Background Papers

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



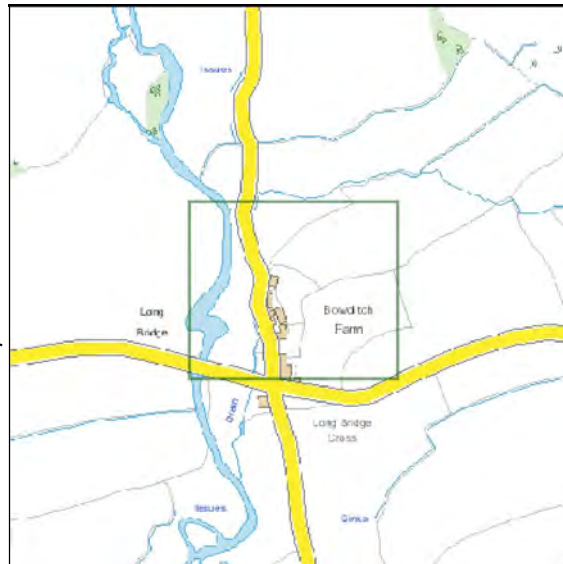
**Ward** Yarty

**Reference** 15/0300/FUL

**Applicant** Mr & Mrs M Bell

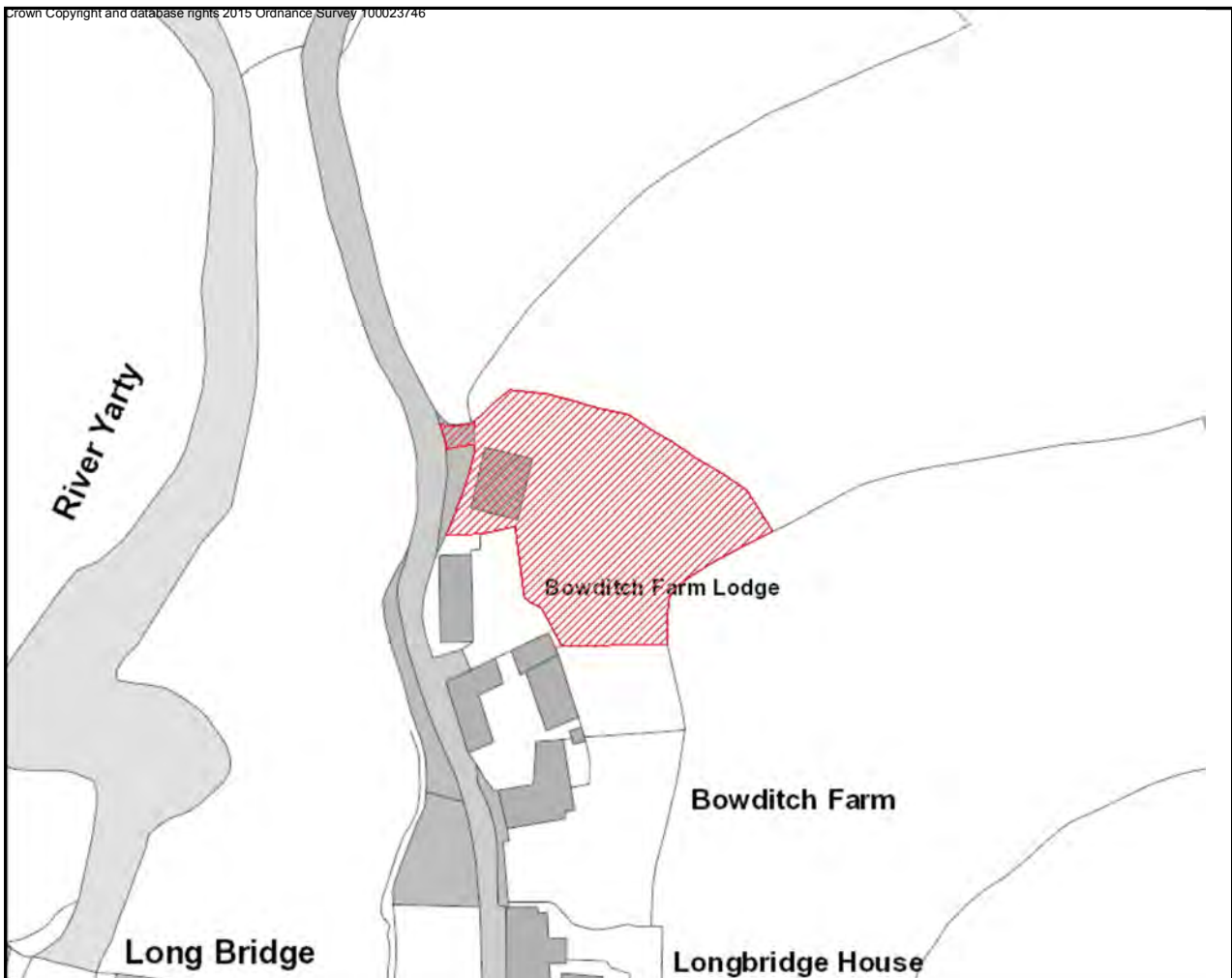
**Location** Bowditch Farm Membury Axminster  
EX13 7TY

**Proposal** Construction of 3 bedroomed  
dwelling and detached garage



**RECOMMENDATION: Refusal**

Crown Copyright and database rights 2015 Ordnance Survey 100023746



		<b>Committee Date: 16.06.2015</b>
<b>Yarty (MEMBURY)</b>	<b>15/0300/FUL</b>	<b>Target Date: 27.04.2015</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs M Bell</b>	
<b>Location:</b>	<b>Bowditch Farm Membury</b>	
<b>Proposal:</b>	<b>Construction of 3 bedroomed dwelling and detached garage</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

**This application is referred to the Development Management Committee as Officer's views differ from those expressed by the ward member.**

**The application proposes a new dwelling in an isolated rural location outside of, and some distance from the nearest settlement. Whilst the application would bring forward an additional dwelling with the associated economic and social benefits these benefits must be weighed against the harm that would arise from its location and must be balanced against the Council's belief that it has a 5 year housing land supply albeit the evidence that supports this has not been tested. Notwithstanding the housing land supply issues, the proposed development would erode the existing rural character of the site and detrimentally affect its undeveloped appearance by expanding the existing residential development further to the north. In addition, it is considered that the proposal would represent unsustainable development in terms of its location some distance from services, shops and public transport and where as a result occupiers are likely to be heavily reliant on private transport for the majority of journeys.**

**The design of the dwelling, use of some of the materials and the elevated position would detract from the character and appearance of the area which is a designated Area of Outstanding Natural Beauty.**

**The identified harm arising from this development would not outweigh the benefits to housing supply and the associated economic and social benefits in this case. It is therefore considered that the application should be refused.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Membury Parish Council supports this application apart from reservations concerning the use of non-vernacular weatherboarding which is discouraged in Membury's Village Design Statement and draft Neighbourhood Plan.

#### Yarty - Cllr P Diviani

I support wholeheartedly this application as the building is within the curtilage of an existing dwelling and it will enable the Bells to downsize thus freeing up a family house. I know they are into sustainable construction and sustainable transport and this will be a much needed addition to our housing stock in line with NPPF and our latest SHMA aspirations. We should be encouraging more individuals to take on the house builders as the results in Membury are encouraging.

Having fallen foul of wavey edge when encouraged to do so by conservation back in the 90s I'm inclined to agree but equally agree with the PC that the application should be supported.

### **Technical Consultations**

#### County Highway Authority

Highways Standing Advice

#### Other Representations

7 letters of support have been received as a result of this application raising the following points:

- The removal of a large black corrugated barn that is located adjoining the lane.
- The development will not create any additional burden on the lane in terms of access.
- Opportunity to provide housing aimed at a younger demographic
- The proposed site will have little or no annoyance in the area and will replace an ugly, unused and semi-derelict barn.
- The apparent privacy of the house will not suggest the opening the "flood gates" in other freehold properties.
- The design fits the rural setting, is eco friendly and energy saving, adds to East Devon housing stock.
- There is no visual impact on any property East or West in the valley.
- The proposal is entirely in keeping with the proportion and materials of other properties in the vicinity and we are particularly supportive of the sustainable energy systems and proposed use of recycled materials.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
87/P2427	Demolition Of Existing Buildings & Erection Of Two Dwellings On Land To The North.	Refusal	08.03.1988

## **POLICIES**

### New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D3 (Trees and Development Sites)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

### Adopted East Devon Local Plan Policies

S5 (Countryside Protection)

D1 (Design and Local Distinctiveness)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

TA7 (Adequacy of Road Network and Site Access)

D5 (Trees on Development Sites)

TA1 (Accessibility of New Development)

## **SITE LOCATION AND DESCRIPTION**

Bowditch farm is a detached farmhouse located approximately 1 mile to the northeast of Stockland and 2 miles northwest of Membury. The farmhouse is set back from the road and there are a range of stone outbuildings to the north of it. Beyond these is a timber clad 2 storey building with a mono-pitch roof sloping down towards the road. This building is in the same ownership as the farmhouse and is restricted for holiday letting purposes.

The application site is elevated above the level of the road and existing holiday lodge by approximately 2 metres and the land continues to rise gently to the east. The boundary of the site with the highway to the west is marked by a stone retaining wall and the site is surrounded by hedgerow to the northeast and southeast sides and by a further retaining wall to the parking area east of the holiday unit. To the south of

Bowditch farm is a neighbouring residential property 'Longbridge House'. The local road that serves the site runs on a north-south axis to the immediate west of the site. The river Yarty flows on a similar line further to the west. The surrounding area is open countryside characterised as lower rolling farmed and settled slopes and designated as part of the Blackdown Hills Area of Outstanding Natural Beauty.

## **PROPOSED DEVELOPMENT**

Planning permission is sought for the construction of a detached 2 storey dwelling toward the northwest corner of the site with an associated detached double garage in the central part of the site. The proposed dwellinghouse would be for a generous 3 bedroom property featuring a traditional pitched roof with low ridge height and first floor accommodation accommodated within the roof area and served by large pitched roof dormers to the front and rear roof slope. A glazed veranda is indicated across the front elevation and the elevations are shown as finished in a mix of flint block and cedar weatherboarding under a reclaimed slate roof.

To the southwest of the house partially on the site of a sheet metal clad barn, a detached building housing a two bay car port and separate enclosed store is indicated. This building would be served by a new access and driveway proposed from the highway to the northwest and leading up to a parking and turning area to the northwest of the house.

Foul drainage is proposed to be dealt with by means of a Klargestar Biodisc plant located on adjoining land to the south of the proposed dwellinghouse.

## **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
- The wider landscape impact
- Impact on residential amenity
- Highways Issues

## **BACKGROUND**

Outline Planning permission for the erection of 2 no. detached dwellings was previously sought in 1987 under application 87/P2427, the application was refused on 4 grounds relating to its location: within the open countryside, outside of a recognised settlement, and within a designated (Area of Great Landscape Value (The site actually falls within an Area of Outstanding Natural Beauty), its impact on the rural character of the area and the inadequacy of the roads serving the site.

## **THE PRINCIPLE OF THE PROPOSED DEVELOPMENT**

The site lies outside of a designated settlement boundary (as defined by the East Devon Local Plan). Policy S5 (Countryside Protection) of the Local Plan seeks to restrict development in the countryside to only that explicitly permitted by another

policy of the Local Plan. In the absence of a demonstrated need for a dwelling to house an agricultural (or other rural worker) and given that there is no existing, permanent, habitable dwelling on the site then it is not considered that there is any policy support within the Local Plan for the proposal. Paragraph 55 of the NPPF similarly permits 'exceptions' to the usual policy of restraint with regards to residential development in the countryside but the proposal fails to meet any of the exceptions set out therein.

The supporting information accompanying the application recognises that the site falls outside of a designated settlement boundary but suggests that development of the site would be in line with the NPPF by helping to support services in a nearby village (Membury). Membury and Stockland are the nearest recognised settlements to the site (with Stockland actually being considerably closer) and which currently have defined settlement boundaries. In terms of sustainability neither village is considered to represent sustainable locations for new development. Both have a primary school and village hall and in addition Membury also has a shop/post office. However, Membury does not have a Doctor's Surgery and has no public transport and Stockland does not have a Post Office, General Convenience Store or Doctor's Surgery and is not considered to be sustainable in transport terms. Furthermore, in both cases these villages are located some distance by road from the site and are reached by narrow, winding sometimes steep and unlit local lanes, as a result regular walking to either village would not be a viable option. There does not appear to be any bus services past the site and indeed there is no regular bus service serving either of the closest villages. Given the site's location in relation to the services and employment opportunities necessary for day to day living, any future residents would be likely to be heavily reliant on private transport for the majority of journeys and there is no guarantee that the residents of any dwelling would use the services in the nearest villages where there are a wider and more extensive range of services in Axminster, Chard or Honiton as such residential development in this location is not considered to represent sustainable development.

It is pertinent to note a number of recent appeal decisions for similar circumstances and where appeals were dismissed on sustainability grounds. The first application (APP/U1105/A/14/2217939) was for a new dwelling in a field at the end of a line of existing residential development fronting the road through All Saints (a hamlet northwest of Axminster) and the other (APP/U1105/A/14/2218502) was for a new dwelling to replace a derelict former cottage on the adjoining land to the south. Both applications sought the development of new dwellinghouses on land falling outside of a recognised settlement boundary the nearest settlement in both cases being Smallridge, the boundary of which was approximately 700m to the southwest. Whilst Smallridge has some limited services (comparable to Stockland and Membury) and both sites were closer to these services, as they were to bus stops providing public transport access to Axminster, both appeals were dismissed on sustainability grounds. The Inspector on the first application concluding on this issue:

"... the site is remote from all but a narrow range of services and facilities and access to most of these would be very reliant on car travel. Infrastructure and accessible local services are components of both the economic and social roles of planning and this proposal fails in these respects. The development would represent

unsustainable development, contrary to the thrust of the Framework and the terms of LP Policy TA1 and NLP Policy TC2."

It is considered that the same conclusion should be drawn on the current proposal. The application is not needed to meet a shortfall in housing land supply and if it were would in any case fail to be considered an appropriate form of development due to the site's unsustainable location. There has been no essential need or other overriding justification provided as to why these matters should be overridden in this instance and as such the principle of the development of the site is unacceptable.

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

The proposal is to construct a relatively generous detached dwelling of a traditional form, together with a detached outbuilding/car port. The building itself would utilise some natural materials albeit the external appearance and detailing of the building would not match vernacular dwellinghouse design, as houses in the area are generally either render or stone as opposed to being timber clad (or synthetic equivalent). In this respect therefore the proposal would fail to reinforce the Local Distinctiveness of the area and rather would seek to compound the use of inappropriate and alien materials used on the building to the southwest.

It is noted that the Blackdown Hills AONB 'Design Guide For Houses', 2012 aims to promote vernacular design and to incorporate particular design features within new housing, albeit recognising the need to also incorporate energy saving features within new buildings. Whilst the proposal would utilise natural materials the artificial timber cladding to the upper elevations is not a traditional treatment for dwellinghouses in the area and it is noted that period properties, such as those to the south tend to be close to and either parallel with or at right angles to the road. The proposed layout therefore with the building set well back from the lane elevated above it and angled across the plot does not reflect traditional development. The indicated wide driveway layout and prominent parking arrangements would also serve to draw attention to the site. The design of the building with low eaves and larger oversized dormers breaking the eaves line is also considered to be out of character with traditional development adjoining the site. This being the case it is considered that the proposal would be of an inappropriate design which coupled with the layout, the inevitable domestication of the site and its elevated position above the road would result in a development that would detract from the unspoilt rural character of the site and fail to conserve or enhance it. Whilst the design 'per se' may be considered to be acceptable it needs to be considered whether it is appropriate having regard to the character and appearance of the area. As such and in accordance with paragraph. 64 of the NPPF;

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

## THE WIDER LANDSCAPE IMPACT

The application site lies within the Blackdown Hills Area of Outstanding Natural Beauty where East Devon Local Plan Policy (EN1) states that development will only

be permitted where it conserves or enhances the landscape character of the area and respects traditional local built forms. The NPPF similarly states that, 'Great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty'. Whilst it is accepted that the development would be located close to existing residential properties it would represent further sporadic development would adversely impact on the rural character and appearance of the site and would fail to conserve the character or appearance of the site or wider landscape, contrary to the aforementioned policy.

## HIGHWAYS ISSUES

The application proposes the construction of a new driveway to serve the dwelling. Access would be taken across the entrance splay to a field to the north of the site. Although no driveway section details have been provided, the site survey plan indicates that a steep section of driveway would be required to accommodate the almost 3 metres difference in levels between the site and the road level over a distance of approximately 8 metres. The visibility at the junction does, however, appear to be reasonable in both directions and given the narrow and winding nature of the local road traffic speed past the site is likely to be relatively low.

## IMPACT ON RESIDENTIAL AMENITY

The orientation of the proposed dwelling and its location set some distance from other residential properties in the locality are such that it would avoid direct impact on amenity through overlooking or loss of privacy. A new dwelling in this location would be likely to have some additional impact in terms of increased activity and traffic movements, however, bearing in mind the low key residential use proposed it is not considered that any additional impact would be significant.

## TREES

No arboricultural report has been submitted with the application to assess the impact on trees of amenity value within or adjoining the site. However, any trees that were present across the site boundary appear to have been removed at some point and the one remaining tree to the north of the proposed access is growing at a lower level to and outside of the site. The site plan indicates special treatment within the nominal root protection area of this tree and other trees of amenity values are located far enough from the proposed development that they should not be harmed. In the event that the application was considered to be acceptable in all other respects it would be possible to condition tree protection measures and a specific method statement for works within the RPA of the tree close to the site access/parking area.

## WILDLIFE

The application site is largely grass sward and is considered to have limited ecological potential. The existing barn on site which is to be removed is clad in sheet metal and as such is therefore unlikely to provide suitable roosting conditions for bats.



## DRAINAGE

The application proposes a non-mains foul drainage system presumably due to the lack of mains connections available because of the isolated and rural nature of the site. A Klargester sewage treatment plant is proposed and it is proposed to deal with surface water by means of a SUDs system, details have not been submitted of this but such details could be controlled by condition in the event of an approval.

## **RECOMMENDATION**

REFUSE for the following reasons:

1. The application is for a new dwelling in the open countryside outside any established settlement with a development boundary, without any special justification of need for its siting and where it would be located remote from adequate services, employment, education, and public transport, and where it would therefore increase the need for travel by private vehicles contrary to Policy TA1 (Accessibility of New Development) and S5 (Countryside Protection) of the East Devon Local Plan 1995 to 2011; Strategy 7 (Development in the Countryside) and TC2 (Accessibility of New Development) of the Emerging East Devon Local Plan, and guidance within the National Planning Policy Framework on sustainable development .
2. The proposed dwelling would be located within an area of isolated and sporadic residential development, whilst it would involve the removal of an existing barn, this is not overly prominent or out of character with the surrounding area, and would be replaced by a considerably larger dwelling, separate outbuilding and associated residential curtilage, as such it would detract from the rural character and appearance of the area and would fail to conserve or enhance the surrounding Area of Outstanding Natural Beauty and would therefore be contrary to Policies D1 (Design and Local Distinctiveness), S5 (Countryside Protection) and EN1 (Development in Areas of Outstanding Natural Beauty) of the East Devon Local Plan 1995 to 2011; Strategy 7 (Development in the Countryside), Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policy D1 (Design and Local Distinctiveness) and of the Emerging East Devon Local Plan, and; guidance in the National Planning Policy Framework.
3. The proposal by virtue of the overall design of the building, the use of some of the proposed elevation materials, the size and number of dormers proposed and the elevated position and layout of the building would fail to reinforce the key characteristics and special qualities of the area contrary to Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan; Policy D1 (Design and Local Distinctiveness) of the New East Devon Local Plan and guidance on design set out in Chapter 7 of the National Planning Policy Framework.

## NOTE FOR APPLICANT

### Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved, however in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

### Plans relating to this application:

	Location Plan		02.03.15
	Proposed Site Plan		02.03.15
BF/303	Proposed Floor Plans		26.02.15
BF/302	Proposed Plans	Combined	05.02.15
BF/301	Proposed Plans	Combined	05.02.15

### List of Background Papers

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

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

**Date of Meeting:** 23 June 2015

**Public Document:** Yes

**Exemption:** None

**Review date for release:** None



**Agenda item:**

**Subject:** **East Devon Local Plan and Community Infrastructure Levy – Feedback Report on Consultation responses Received – June 2015**

**Purpose of report:** To provide summary feedback on consultation responses received in the April to June 2015 consultation and to advise of the next stages of work.

**Recommendation:** **That Development Management Committee note the consultation feedback received to latest round of local plan consultation.**

**Reason for recommendation:** To inform members of ongoing work.

**Officer:** Matthew Dickins, Planning Policy Manager, [mdickins@eastdevon.gov.uk](mailto:mdickins@eastdevon.gov.uk) (01395 – 571540)

**Financial implications:** There are no financial implications.

**Legal implications:** As this report is simply reporting on / providing a summary of representations to the further consultation, there are no direct legal implications arising.

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

**Risk:** Low Risk  
Reporting on feedback received is, in its own right, low risk. However there are risk considerations associated with the local plan going forward and the acceptability of plan policy.

**Links to background information:** Links are provided in the body of the report.

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

## **1 Context**

1.1 Changes to the Local Plan were produced in response to the Inspector's letter of 2014 and further evidence gathering. These changes were subject to an eight week period of consultation that ended on 12 June 2015.

- 1.2 There were 14 questions, provided by the Inspector, these can be viewed <http://eastdevon.gov.uk/media/1060687/final-edlp-consultation-inspectors-questions.pdf> that were set out in the consultation. These were grouped into four subject areas:
- Questions 1 to 6 - Housing – including overall numbers and distribution;
  - Questions 7 to 10 – Gypsies and Travellers;
  - Questions 11 to 14 - Site allocations; and
  - Question 15 – other and general matters was added as a final question.

- 1.3 There were response received from around 145 individuals or organisations and these have been sent to the appointed planning inspector, Mr Thickett. The intention is that oral hearing sessions into plan objections recommence on Tuesday 7 July 2015. We are advised that the proposed programme for hearing sessions is:

Day/Date	Subject
Tues 7 <sup>th</sup> July 2015	Gypsies and Travellers and allocations sites – to include Cranbrook.
Weds 8 <sup>th</sup> July 2015	Housing (not Cranbrook)
Thurs 9 <sup>th</sup> July 2012	Reserved day
Fri 10 <sup>th</sup> July 2015	Community Infrastructure Levy

- 1.4 The inspector has advised that hearing sessions will be open to the public to observe and that those that previously made oral representations will be able to speak. All people and organisations making representations have been advised of the next stages.
- 1.5 All representations on this stage of plan making can be viewed on the council web site at: <http://eastdevon.gov.uk/planning/planning-policy/emerging-plans-and-policies/the-new-local-plan/examination-and-hearing-sessions-and-further-consultation-at-april-2015/february-march-2014-hearing-sessions/#article-content>  
See guide item 5.

## **2 Themes and issues contained in representations**

- 2.1 As might be expected a very wide range of matters featured in plan representation and some reiterated previous points that have been raised. Whilst many representations related to the specific questions asked by the inspector, or addressed proposed plan changes, some did relate to new issues.
- 2.2 Tabled below is a very succinct summary of some of the main themes and issues that featured in representations. It is stressed that this is not and is not intended to be in any way a definitive or comprehensive list of matters raised, nor for the most part does it seek to attribute comments made to any particular party. The intent is to provide an overview of general matters that featured and it is stressed that full representations should be viewed in their entirety to gain a complete comprehensive overview.

## Summary of Comments received

Subject Heading and Inspector's Question	Succinct overview officer summary of main issues raised
<p><b>Housing Questions</b></p> <p>1. The National Planning Policy Framework (NPPF) advises that Local Plans should 'be drawn up over an appropriate time scale, preferably a 15-year time horizon'. It is proposed that the Plan period change from 2006 to 2026 to 2013 to 2031.</p> <p>a) Is the proposed change appropriate and is it supported by the new evidence produced by the Council?</p> <p>b) What are the implications, if any, of changing the start date from 2006 to 2013 on meeting any un met need for housing?</p>	<p>Most respondents that expressed a view endorsed the changes to the plan end date though there was some criticism that it should run for a longer period, specifically to 2033. The main concerns raised in respect of revisions to the plan start date were in respect of concerns around whether appropriate scales of housing were built in past years and therefore additional house should be built in the future to provide for a n argued past shortfall.</p>
<p><b>Housing</b></p> <p>2. According to National Planning Practice Guidance (PPG), the starting point when assessing need should be the household projections published by the Department for Communities and Local Government. The latest projections (2012 – 2037) were published in February 2015. The authors of the 2014/15 Strategic Housing Market Assessment (SHMA) admit that the latest projections were not used as they came too late to inform the assessment and that the estimates of need in the SHMA may be higher than would be case had the 2012 based rates been used.</p> <p>a) Do the SHMA, the Employment Projections Report and the East Devon Demographic Scenario 'Policy on' Report provide robust and reliable evidence to support the revised housing target of a minimum of 17,100 new homes between 2013 and 2031?</p>	<p>a) There was a split view on whether the 17,100 number was supported by robust and reliable evidence. With some respondents suggesting higher growth and others lower.</p> <p>Those suggesting the 17,100 figure was <b>too low</b> highlighted issues to include:</p> <ul style="list-style-type: none"> <li>• That provision should be made for what was seen as a previous under-provision of development;</li> <li>• Jobs growth could be higher in the future;</li> <li>• The plan should be accommodating additional housing for needs that cannot be met in the City of Exeter.</li> <li>• There is a need for more housing overall to meet high affordable housing needs; and</li> <li>• Indications of a successful current housing market point (and for example house price rises) pointing to a need to provide more housing.</li> </ul> <p>Those suggesting the 17,100 figure was <b>too high</b> highlighted issues to include:</p> <ul style="list-style-type: none"> <li>• Concern that the number of projected new jobs in the District was over-emphasised.</li> <li>• That the Council had selected the highest job led scenario and should have applied an alternative (such a mid point) level.</li> <li>• That the environmental value and integrity of East Devon would be adversely affected by the proposed building levels.</li> </ul>

<b>Subject Heading and Inspector's Question</b>	<b>Succinct overview officer summary of main issues raised</b>
<p>b) If, as the SHMA says, the 2012 projections may have led to a lower estimate of need does this matter given that the NPPF seeks to boost the supply of housing and provided the level growth can be satisfactorily accommodated?</p>	<p>b) A number of respondents questioned the issue of not using 2012 projections and the impacts this would have in respect of overall housing numbers. However there was also the view that this was not a critical issue as the overall housing numbers are increased through a jobs led increase in housing numbers and the fact that the National Planning Policy Framework promotes greater levels of housing development.</p> <p>There were mixed responses to this question and whilst there was support from some parties for a concentration of development at the west end there was objection that there should be greater provision made for development at the towns and villages/rural areas. In some representations specific settlements were highlighted as appropriate for development and in others (and in a more general sense) the distribution strategy was challenged in principle.</p>
<p><b>Housing</b></p> <p>3. As submitted Strategy 1 directs about 50% of new homes to the West End, 40% to the seven main towns and 10% to smaller towns and villages. Those percentages are proposed to be deleted and according to the figures in the revised Strategy 2, the distribution would be as follows: West End, 64%, Area centres, 29% and 7% to villages and the rural area. Does this distribution meet objectively assessed needs, particularly in the smaller towns, villages and the rural areas?</p>	<p>There was concern expressed in a number of responses that the plan should actively plan for greater levels of development at villages and also some promoted specific sites or land areas. There was also concern that this approach would not provide certainty over levels of housing growth that might occur at villages. Some suggesting that certainty should be provided for by positively promoting housing growth/number whilst a counter view was greater certainty should exist to resist or at least more fully manage growth. There was a specific concern expressed that neighbourhood plans will not be an effective way to plan for growth and development (although numerous representatives supported them as a means to deliver locally supported housing).</p> <p>A number of responses from the Parish Councils affected, stated that they supported the reduction in BUAB's in principle. Chardstock and Dunksell both object strongly to being allocated a BUAB contrary to the evidence of the Small Towns and Villages assessment.</p>
<p><b>Housing</b></p> <p>4. As proposed to be changed Strategy 27 would no longer assign housing numbers to small towns and larger villages nor would sites be designated through a Villages Development Plan Document. The provision of new housing in the settlements listed in the revised Strategy 27 would be left to Neighbourhood Plans.</p> <p>a) If the plan does not assign numbers or allocate sites in these settlements (informed by The Small Towns and Villages Development Suitability Assessment 20144) how will the 1,123 dwellings identified for villages and rural areas in Strategy 2 be delivered?</p> <p>b) Without strategic guidance with regard to numbers and distribution from the Local Plan, how will the Council ensure that new housing in small towns and villages meets objectively assessed needs?</p>	<p>There was concern expressed in a number of responses that the plan should actively plan for greater levels of development at villages and also some promoted specific sites or land areas. There was also concern that this approach would not provide certainty over levels of housing growth that might occur at villages. Some suggesting that certainty should be provided for by positively promoting housing growth/number whilst a counter view was greater certainty should exist to resist or at least more fully manage growth. There was a specific concern expressed that neighbourhood plans will not be an effective way to plan for growth and development (although numerous representatives supported them as a means to deliver locally supported housing).</p> <p>A number of responses from the Parish Councils affected, stated that they supported the reduction in BUAB's in principle. Chardstock and Dunksell both object strongly to being allocated a BUAB contrary to the evidence of the Small Towns and Villages assessment.</p>

Subject Heading and Inspector's Question	Succinct overview officer summary of main issues raised
<p><b>Housing</b></p> <p>5. Assuming the Plan is sound, would it, on adoption make provision for 5 years' worth of supply?</p>	<p>Some responses to this question cross-reference to and are relevant in respect of the 17,100 figure in Question 1 (this figure is one factor that feeds into the five year land supply assessment). In particular there were a number of responses that were concerned that historical undersupply (pre-2013) was not being accounted for in the calculations and when this was added in (various ways of calculating) this resulted in a less than five years supply. There was concern expressed by some respondents around rates of housing delivery generally and on specific sites and the fact that the potential for non-implementation of some sites had not been accounted for and this was considered by some to mean that a five year land supply would not be achieved. Also those advocating higher house building levels also highlighted that higher requirements would result in their not being a five year land supply. The lack of an up to date Strategic Housing Land Availability Assessment (SHLAA) upon which to judge the deliverability of sites was criticised.</p>
<p><b>Housing</b></p> <p>6. As submitted the Local Plan sought to deliver around 15,000 new dwellings between 2006 and 2026 (20 years x 750 pa). That target is now proposed to be around 17,100 between 2013 and 2031 (18 years x 950 pa). Assuming 17,100 is the right number; does the Plan make adequate provision for its delivery?</p>	<p>The most significant challenges in respect of this question related to overall delivery rates and proposals that more sites should be allocated or made available for development to promote house building. Concerns were raised that the 17,100 requirement should be met in full by commitments and allocations and not rely on windfalls or sites that are simply known to be policy compliant. A number of respondents also referred to the spatial distribution of development being unreasonable (dealt with as responses to question 3).</p>
<p><b>Accommodation for Gypsies, Travellers and Travelling Showpeople</b></p> <p>7. The Devon Partnership Gypsy and Traveller Accommodation Assessment 2014 identifies a need for 37 pitches for gypsies and travellers and 3 sites for travelling showpeople (2014 – 2034) 5.</p> <p>a) Are the assessments findings and the targets soundly based?</p> <p>b) Were, as required by national guidance, traveller communities engaged in the production of the assessment?</p>	<p>There were very limited comments on the soundness of the methodology for calculating needs, the view was expressed that the consultants had produced the report in line with Government best practice including consulting gypsies and travellers directly.</p>

<p><b>Accommodation for Gypsies, Travellers and Travelling Showpeople</b></p> <p>8. Planning Policy for Traveller Sites requires local planning authorities to set pitch targets for gypsies and travellers and plot targets for travelling showpeople which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities. A need has been identified and it has not been met. The Local Plan does not accord with national policy and is, therefore, unsound. How can this be rectified?</p>	<p>Comments on this policy were in respect of advocating that large scale housing allocation sites in the plan should also provide for gypsy and traveller accommodation. More detailed comments stated that, as a matter of urgency, work should be undertaken to assess the ability of existing sites to accommodate further pitches and policy should be amended to incorporate pitch/plot numbers and that existing sites should not be expanded (as many sites originated in inappropriate locations, impact upon the settled community and are not well located in terms of facilities, public transport etc).</p>
<p><b>Accommodation for Gypsies, Travellers and Travelling Showpeople</b></p> <p>9. The Council intend to produce a Gypsy and Traveller Development Plan Document (DPD) but the National Planning Policy Guidance (NPPG) states that local planning authorities should produce a Local Plan for its area and that any additional DPDs should only be used when clearly justified.</p> <p>a) Given that the Local Plan is able to allocate land for housing and employment uses what is the justification for not including pitch targets for gypsies and travellers in the Local Plan?</p> <p>b) Does the failure to allocate land for gypsies and travellers and travelling showpeople in the Local Plan contravene the Public Sector Equality Duty?</p>	<p>Very few comments were received in respect of this question, but these included:</p> <p>The gypsy and traveller community do not have access to the same level of certainty as to where development will be permitted as the settled community. This could be held to be discriminatory; and</p> <p>There is no justification for not including pitch targets in the plan or failing to allocate land for new pitches.</p>
<p><b>Accommodation for Gypsies, Travellers and Travelling Showpeople</b></p> <p>10. Planning Policy for Traveller Sites requires criteria based policies to be fair and to facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community. Does Policy H7, as proposed to be revised, comply with national guidance?</p>	<p>Again, few responses were received but these included a request to reinstate point 1 (preventing sites being located in AONB's, green wedges or sites of conservation interest), an objection that the policy does not balance the needs of existing communities against gypsies and travellers and an observation that the criteria as proposed are fair but the omission of allocation sites is not.</p>



<p><b>Allocations</b></p> <p>11. Is the area proposed to be designated as the Cranbrook Plan Area justified?</p>	<p>Whilst there were limited comments on this Cranbrook Plan area boundary there was some concern expressed that there was not an explicit published report available setting out the reasoning and logic for area definition.</p>
<p><b>Allocations</b></p> <p>12. The Council has resolved to grant outline planning permission for the proposed allocation at Mosshayne Green (Strategy 13, Site No. W213B). Does the site need to be allocated given the Council's resolution? Can it be delivered?</p>	<p>Limited comments were received.</p>
<p><b>Allocations</b></p> <p>13. What are the implications for safeguarding the land for a railhead at the proposed Intermodal Interchange Site? (Strategy 15).</p>	<p>Whilst there was some support for the safeguarding there was also objection that the rail head would be unlikely to be built and that there is very limited market demand for such a facility.</p>
<p><b>Allocations</b></p> <p>14. Is the proposed allocation at Winslade Park, Clyst St Mary (Site W344) suitable for housing and deliverable?</p>	<p>There were concerns in respect that the allocation should not be made on account of unacceptable loss of employment space and also in respect of adverse impact on listed buildings and heritage assets. Conversely there was also objection that the allocation should be bigger.</p>
<p><b>General / Others Issues Raised</b></p> <p><b>An extremely large range of additional issues were raised in representation with some respondents replicating or reinforcing concerns that they had previously raised. It is by no means a comprehensive list but matters raised included:</b></p> <p>It should be noted that a number of statutory agencies commented on the plan, the significant objections/challenges were made by:</p> <ul style="list-style-type: none"> <li>Natural England in respect of Habitat Regulation issues and Sustainability Appraisal –in respect of process issues and conclusions reached; and</li> </ul>	<p><b>Changes too significant to be 'amendments'</b> – a small number of respondents suggested that the Plan had changed so significantly since submission it now constitutes a different plan and should be withdrawn.</p> <p><b>Clyst Valley Regional Park</b> - needs to be clearly defined (boundary errors).</p> <p><b>Community facilities and sport provision</b> - There needs to be a commitment to delivery of aspirational proposals.</p> <p><b>Carbon reduction</b>- measures should be more flexible so that they can become stricter as the plan period progresses and a means of monitoring them should be put in place.</p> <p><b>Housing sites</b> - A number of respondents to the plan proposed additional land allocations, specifically for residential development.</p> <p><b>Affordable housing</b> – some respondents advised that 50% provision is unrealistic and unviable.</p> <p><b>Development at Sidmouth and Sidford Employment Allocation site</b> - There was concern expressed that the policy approach in the plan would damage Sidmouth; some</p>

- Historic England in respect of the principle of development at Winslad Park and impact on heritage assets.

In respect of the Natural England objections we are taking advise of consultants and would envisage provision of further assessment work for the inspector.

respondents favoured the de-allocation of the Sidford employment allocation. Linked to this was a suggested need for a green wedge between Sidbury and Sidford. Some commented on enhancement to the Alexandria Road estate being appropriate. Manstone Depot was identified as a preferred location for a combined primary school site (currently operating on 3 sites).

**Deletion of Seaton Reserve site** - was met with mixed responses, with support for its deletion as housing need was being met elsewhere in the town and requests for it to be reinstated in case development (particularly affordable housing) is not otherwise delivered. **Habitat Regulations Assessment and Sustainability Assessment** – concern was expressed about processes followed and conclusions reached.

**Employment provision** - Proposed that there should be a greater range of employment sites allocated and uses clearly defined– to give more choice to potential investors, and clarity is needed over sites at Ottery St Mary and Honiton.

**Excessive Employment provision** - the level of employment proposed does not correlate to the housing numbers and is excessive, particularly if 69% of residents will be retired in the future (shma figure)

**Employment protection** - Proposed that employment land should be protected and a policy preference for social/community uses where employment land isn't taken up.

**Exeter Airport** – proposed that **additional development should be promoted**. Uses should be clearly defined/related to airport activity

**Policy EN23 should be retained** - coastal erosion is already occurring and more certainty over the future is needed.

**Green Infrastructure**- should remain a strategic matter with a supporting policy

**Areas of Great Landscape Value** policy should be reinstated

**Inadequate protection** for, and definition of, culturally and socially important community facilities.

**Decentralised energy networks**- require more assessment to test viability before they are a requirement of policy.

**Rural Buildings**- in conversions, rural location should not be a determining factor

**Heritage assets**- concern was expressed that heritage assets should have greater emphasis, particularly land and buildings owned by the Nation Trust and the conservation area appraisals should be updated/reviewed as required by law

**Neighbourhood Plans**- generally a high level of support for neighbourhood plans to determine level of housing appropriate locally.

### **3 Comment on the Changes to the Community Infrastructure Levy Charging Schedule**

- 3.1 We received 10 representations on the revised CIL Draft Charging Schedule and supporting evidence. With the Inspector's question being focused on the residential CIL rate for the Cranbrook expansion areas the key representation was made by the East Devon New Community Partners (EDNCPs).
- 3.2 The EDNCPs continue to have the same concerns that they presented at the first hearing sessions, majoring on the fact that; infrastructure at Cranbrook should continue to be provided through S106 (rather than CIL) as it has been successful to date and there is a greater risk to delivery by using CIL; some of the assumptions used in the viability study are incorrect; and the moderated CIL rate proposed ought to apply to the whole of the Cranbrook Plan area. Devon County Council also commented that they would prefer to see key infrastructure at Cranbrook delivered through S106 rather than CIL.
- 3.3 Main concerns highlighted in other representations received suggested that the East of Axminster allocation and the Axminster £80 charging zone should be extended to include the whole of the site currently being considered by Development Management, that the viability study upon which the proposed CIL charges are based is now out of date, and related to specific infrastructure projects and their delivery."