

Agenda for Development Management Committee Tuesday, 8 March 2016; 10am

[Members of the Committee](#)

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

[View directions](#)

Contact: [Hannah Whitfield](#)

01395 517542, Issued 25 February 2016

Committee Members please note that there will a training session on the affordable housing calculator between 1pm and 2pm, in the Council Chamber (non-committee members are welcome to attend the session). Lunch will be provided for Committee Members prior to the update. The session is not open to the public.



East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

www.eastdevon.gov.uk

[Speaking on planning applications](#)

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

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

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

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

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Monday 1 March up until 12 noon on Thursday 4 March by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

Speaking on non-planning application items

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

- 1 Minutes of the Development Management Committee meeting held on 16 February 2016 (page 5 - 12)
- 2 Apologies
- 3 [Declarations of interest](#)
- 4 [Matters of urgency](#)
- 5 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

- 6 **Planning appeal statistics** (page 13 - 18)
Development Manager

- 7 **East Devon Villages Plan** (page 19 - 30)
Planning Policy Manager

- 8 **Applications for determination**

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

15/1221/OUT (Minor) (page 31 - 44)
Axminster Town
Land at Woodbury Lane, Axminster

15/1118/MOUT (Major) (page 45 - 84)
Budleigh Salterton
Land west of Barn Lane, Budleigh Salterton

15/2756/FUL (Minor) (page 85 - 105)
Clyst Valley
Land adjacent Woodside, Farringdon

15/2059/MRES (Major) (page 106 - 124)
Ottery St Mary Rural
Land south of Exeter Road, Ottery St Mary

15/2786/VAR (Minor) (page 125 - 137)

Seaton

Pendeen, Castle Hill, Seaton

15/2808/FUL (Minor) (page 138 - 145)

Woodbury and Lympstone

Hills Venmore, Woodbury EX5 1LD

Break

(Lunch will be provided for Development Management Committee members)

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

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

15/1490/OUT (Minor) (page 146 - 155)

Exmouth Brixington

Land south of Ashcroft, Bassetts Gardens, Exmouth

15/2487/MRES (Major) (page 156 - 170)

Exmouth Littleham

Land off Queens Drive, Exmouth EX8 2 AY

15/2493/FUL (Minor) (page 171 - 189)

Exmouth Littleham

Exmouth Fun Park, Queens Drive, Exmouth EX8 2AY

15/2648/MFUL (Major) (page 190 - 215)

Exmouth Town

Bus Station, Royal Avenue, Exmouth EX8 1EN

16/0144/FUL (Minor) (page 216 - 220)

Exmouth Town

4 Albion Court, Exmouth EX8 1UD

Please note:

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

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

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

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

[Decision making and equalities](#)

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

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 16 February 2016

Attendance list at end of document

The meeting started at 10.30am and ended at 3.45pm (the Committee adjourned at 12pm and reconvened at 2pm).

***63 Minutes**

The minutes of the Development Management Committee meeting held on 19 January 2016 were confirmed and signed as a true record.

***64 Declarations of interest**

Cllr Steve Gazzard; 15/0753/MOUT, 15/1818/MFUL, 15/2079/FUL, 15/2463/FUL, 15/2627/COU, Personal interest; Exmouth Town Councillor

Cllr Alison Greenhalgh; 15/0753/MOUT, 15/1818/MFUL, 15/2079/FUL, 15/2463/FUL, 15/2627/COU; Personal interest; Exmouth Town Councillor

Cllr Mark Williamson; 15/0753/MOUT, 15/1818/MFUL, 15/2079/FUL, 15/2463/FUL, 15/2627/COU; Personal interest; Exmouth Town Councillor

Cllr Paul Carter; 15/2753/VAR, Personal interest; Ottery St Mary Town Councillor

Cllr Paul Carter; 15/1936/FUL, 15/1950/FUL, Pecuniary Interest; Related to the applicant (Cllr Carter left the room while the applications were considered)

Cllr Susie Bond; 15/1786/FUL; Personal interest; acquaintance of the agent.

Cllr David Barratt; 15/1786/FUL, Personal Interest; Applicant known to the Councillor (Cllr Barratt did not take part in the debate)

***65 Planning appeal statistics**

The Committee received and noted the Development Manager's report setting out appeals recently lodged and nine appeal decisions notified – six had been dismissed and three had been allowed. There was a backlog of appeals in light of the newly adopted local plan; the Council was working with the Planning Inspectorate to get through these.

***66 Review of public speaking arrangements**

The Committee considered the Strategic Lead - Legal, Licensing & Democratic Services' report to review the public speaking arrangements introduced to Development Management Committee in October 2014. It was introduced to try to address the length of Development Management Committee meetings and the waiting time experienced by representatives wishing to speak on an item.

RESOLVED: that the Development Management Committee agree the recommendation from the Standards Committee that the success of the trial be acknowledged and that the public speaking arrangements be continued unchanged for a further year (to see whether the new Local Plan adoption had an effect on the number of applications referred to the Committee) but with a view to permanent adoption thereafter if the arrangements continue to be fit for purpose

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 11
– 2015/2016.

Attendance list

Present:

Committee Members

Councillors:

Cllr David Key (Chairman)
Mike Howe (Vice Chairman)
Mike Allen (PM only)
David Barratt
Susie Bond (PM only)
Colin Brown
Peter Burrows
Paul Carter
Alan Dent
Steve Gazzard
Alison Greenhalgh
Simon Grundy
Ben Ingham (PM only)
Chris Pepper (PM only)
Mark Williamson

Officers

Ed Freeman, Service Lead – Strategic Planning and Development Management (AM only)
Henry Gordon Lennox, Strategic Lead, Legal, Licensing and Democratic Services (PM only)
Chris Rose, Development Manager
Shirley Shaw, Planning Barrister
Amanda Coombes, Democratic Services Officer

Also present

Councillors:

David Chapman
Maddy Chapman
Peter Faithfull
Geoff Jung
Andrew Moulding
Pauline Stott

Apologies:

Committee members:
Councillor Matt Coppel

Non-committee members

Councillors:
Peter Bowden
Brenda Taylor
Cherry Nicholas
Jill Elson
Brian Bailey

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL
Development Management Committee
Tuesday 16 February 2016; Schedule number 11 – 2015/2016

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:

<http://eastdevon.gov.uk/media/1525042/160216-combined-dmc-agenda-compressed.pdf>

Exmouth Littleham
(EXMOUTH)

15/0753/MOUT

Applicant: Littleham 2010 Ltd

Location: Land To Rear Of No's 62-82 Douglas Avenue, Exmouth

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

RESOLVED: that the Planning Inspectorate be informed that had the Local Planning Authority retained the power to determine the application it would have refused permission.

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

Exmouth
Withycombe Raleigh
(EXMOUTH)

15/1818/MFUL

Applicant: Methodist Homes (MHA)

Location: Moreton, 13 Drakes Avenue, Exmouth

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

RESOLVED: APPROVED with conditions as per recommendation subject to a legal agreement securing C2 use and operation.

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

Exmouth Brixington
(EXMOUTH)

15/2079/FUL

Applicant: Mrs Alison Rogers

Location: 30 Little Meadow, Exmouth

Proposal: Erection of attached dwelling and detached garage

RESOLVED: APPROVED with conditions as per recommendation subject to a Unilateral Undertaking to secure the affordable housing contribution.

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

(Councillors Allen, Bond, Ingham and Pepper arrived)

Ottery St Mary Rural 15/2753/VAR
(OTTERY ST MARY)

Applicant: Boden Homes Ltd (Mr M German)

Location: Land At Barton Orchard, Tipton St John

Proposal: Variation of condition 2 (amended design of proposed dwellings) and removal of condition 3 (previously securing development to code level 5) of permission 14/1745/VAR (development of 15 no. houses).

RESOLVED: APPROVED as per recommendation.

Raleigh
(WOODBURY) 15/1936/FUL

Applicant: F W S Carter And Sons

Location: Units 7 - 9 Hogsbrook Units, Woodbury Salterton

Proposal: Retention of conversion of building to 3 no. industrial units (use class B8 Warehouse & Distribution)

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

Members considered that the proposal was contrary to a number of local plan policies (Strategy 7, E4, E5, E7, TC2, TC7 and TC9) due to:

- it representing an unauthorised extension to Greendale Business Park,
- the proposal not resulting in small scale development
- the unsustainable location for this scale of development
- concerns regarding a lack of car parking and increased traffic movements.

(Cllr Paul Carter left the Chamber during consideration of the application)

Raleigh
(WOODBURY) 15/1950/FUL

Applicant: F W S Carter & Sons Ltd

Location: 1 - 5 Hogsbrook Units, Woodbury Salterton

Proposal: Retention of conversion of building to 5 no. industrial units (Use Class B2 General Industry, B8 Warehouse and Distribution and B1 Office and Light Industry)

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

Members considered that the proposal was contrary to a number of local plan policies (Strategy 7, E4, E5, E7, TC2, TC7 and TC9) due to:

- it representing an unauthorised extension to Greendale Business Park,
- the proposal not resulting in small scale development
- the unsustainable location for this scale of development
- concerns regarding a lack of car parking and increased traffic movements.

(Cllr Paul Carter left the Chamber during consideration of the application)

Tale Vale
(AWLISCOMBE) 15/1786/FUL

Applicant: Mr Martin Fordham

Location: Crosshill Farm, Weston

Proposal: Conversion and extension of barn to form a dwelling

RESOLVED: APPROVED (contrary to officer recommendation) subject to a legal agreement to secure the affordable housing contribution and delegated authority being given to the Development Manager to impose appropriate conditions.

Members considered the location to be sustainable and that the building was structurally capable of conversion and would provide benefits from an additional dwelling that would improve the appearance of the area.

Exmouth Halsdon
(EXMOUTH) 15/2463/FUL

Applicant: No. 10 Developments Ltd

Location: Land Adjoining 2 Byron Way, Exmouth

Proposal: Erection of detached dwelling

RESOLVED: APPROVED with conditions as per officer recommendation and subject to a Unilateral Undertaking to secure the affordable housing contribution.

Exmouth Halsdon
(EXMOUTH) 15/2627/COU

Applicant: Mr Ian Thompson

Location: 37 Ashleigh Road, Exmouth

Proposal: Change of use of land to form private garden, and retention of steps.

RESOLVED: APPROVED as per officer recommendation.

Coly Valley
(FARWAY)

15/2669/FUL

Applicant:

Mr A White

Location:

Land At Budlake Cross, Adjacent Valley View, Farway

Proposal:

Erection of a single dwelling

RESOLVED:

WITHDRAWN

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

Ref: 15/1013/FUL **Date Received** 25.01.2016
Appellant: Mr A Lethbridge
Appeal Site: Pebbleoak Rockbeare Exeter EX5 2LU
Proposal: Retrospective application for retention of chalet building,
parking area and septic tank
Planning APP/U1105/W/16/3143093
Inspectorate
Ref:

Ref: 15/2358/LBC **Date Received** 10.02.2016
Appellant: Mr P Eastburn
Appeal Site: Bridge Cottage Dalwood Axminster Devon EX13 7EH
Proposal: Installation of 2 no. rooflights
Planning
Inspectorate
Ref:

Ref: 14/2952/MFUL **Date Received** 12.02.2016
Appellant: Solstice Renewables Limited
Appeal Site: Land Surrounding Walnut Cottages Oil Mill Lane Clyst St
Mary
Proposal: Installation of ground mounted photovoltaic solar arrays
together with power inverter systems; transformer stations;
internal access tracks; landscaping; CCTV; security fencing
and associated access gate.
Planning APP/U1105/W/16/3144419
Inspectorate
Ref:

Ref: 15/2425/FUL **Date Received** 15.02.2016
Appellant: Mr A Cooper
Appeal Site: 28 Burrough Fields Cranbrook Exeter Devon EX5 7AN
Proposal: Demolition of existng garden wall and construction of new 2m
high boundary wall.
Planning APP/U1105/D/16/3144550
Inspectorate
Ref:

East Devon District Council
List of Planning Appeals Decided

Ref: 15/1451/FUL **Appeal Ref:** 15/00050/REF

Appellant: Mr S Brown

Appeal Site: Land Rear Of 15 & 15A Everest Drive Seaton EX12 2ED

Proposal: Erection of detached dwelling

Decision: **Appeal Dismissed** **Date:** 29.01.2016

Procedure: Written representations

Remarks: Delegated refusal, amenity reasons upheld (EDLP Strategy 6 & Policy D1).

BVPI 204: **Yes**

Planning Inspectorate Ref: APP/U1105/W/15/3134555

Ref: 14/2381/CPE **Appeal Ref:** 15/00009/LDC

Appellant: Mr Gary Foster

Appeal Site: Sherway Farm Clyst Hydon Cullompton EX15 2NS

Proposal: Certificate of lawfulness for the use of the land as a garden to Sherway Farm

Decision: **Appeal Allowed** **Date:** 04.02.2016
Lawful Development Certificate issued

Procedure: Written representations

Remarks: The Inspector concluded that on the balance of probability, the breach of planning control in using the land as part of the gardens of the dwelling at Sherway Farm has continued uninterrupted for more than ten years, such that enforcement action may no longer be taken.

BVPI 204: **No**

Planning Inspectorate Ref: APP/U1105/X/15/3011447

Ref: 14/2932/FUL **Appeal Ref:** 15/00042/REF
Appellant: Mr C Roberts
Appeal Site: Mayfield 3 West Hill Lane Budleigh Salterton EX9 6AA
Proposal: Construction of 1no dwelling
Decision: **Appeal Dismissed** **Date:** 05.02.2016
Procedure: Written representations
Remarks: Delegated refusal, conservation reasons upheld (EDLP Strategies 6, 48 & 49 and Policies EN8, EN9 & EN10).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/15/3132633

Ref: 15/0958/FUL **Appeal Ref:** 15/00060/REF
Appellant: Mr B Wright
Appeal Site: Whimble House Farm Church Road Whimble Exeter EX5 2SZ
Proposal: Erection of two storey 3 bedroom dwelling and proposed new vehicular access and garage
Decision: **Appeal Withdrawn** **Date:** 09.02.2016
Procedure:
Remarks:
BVPI 204: **No**
Planning Inspectorate Ref: APP/U1105/W/15/3137785

Ref: 15/1399/FUL **Appeal Ref:** 15/00049/HH
Appellant: Mr Willis
Appeal Site: 3 Glebe Close Otterton Budleigh Salterton EX9 7JW
Proposal: Construction of rear dormer and internal alterations to loft
Decision: **Appeal Dismissed** **Date:** 16.02.2016
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policy D1).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/D/15/3134486

Ref: 15/0510/OUT **Appeal Ref:** 15/00043/REF

Appellant: Mr & Mrs C Bayliss

Appeal Site: Land Adjacent To Mill Down Bishops Court Road Clyst St Mary Exeter EX5 1DG

Proposal: Outline application for 3 dwellings. All matters reserved apart from access

Decision: **Appeal Dismissed** **Date:** 18.02.2016

Procedure: Written representations

Remarks: Delegated refusal, sustainability and countryside protection reasons upheld (EDLP Strategy 7 and Policies TC2 & D1).

BVPI 204: **Yes**

Planning Inspectorate Ref: APP/U1105/W/15/3132112

Ref: 15/1239/FUL **Appeal Ref:** 15/00047/REF

Appellant: Ms Jacqui Roehrig

Appeal Site: Land To Rear Of Malls Orchard Smallridge Axminster EX13 7LY

Proposal: Construction of new dwelling and garage

Decision: **Appeal Dismissed** **Date:** 19.02.2016

Procedure: Written representations

Remarks: Delegated refusal, sustainability, countryside protection and amenity reasons upheld (EDLP Strategies 7 & 27 and Policies TC2 & D1).

BVPI 204: **Yes**

Planning Inspectorate Ref: APP/U1105/W/15/3132993

Ref: 15/0521/OUT **Appeal Ref:** 15/00057/REF
Appellant: Mr R.G Seward
Appeal Site: Land Adjoining Furze Hill Church Road Whimble Exeter EX5 2TF
Proposal: Outline application with all matters reserved for the construction of a dwelling.
Decision: **Appeal Dismissed** **Date:** 22.02.2016
Procedure: Written representations
Remarks: Delegated refusal, sustainability reasons upheld (EDLP Policy TC2 and Strategy 27).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/15/3136406

Ref: 15/1007/FUL **Appeal Ref:** 15/00046/REF
Appellant: Mr & Mrs B Curwood
Appeal Site: South View Chardstock Axminster EX13 7BW
Proposal: Demolition of garage and erection of dwelling
Decision: **Appeal Dismissed** **Date:** 22.02.2016
Procedure: Written representations
Remarks: Officer recommendation to refuse, Committee refusal. Sustainability reasons upheld (EDLP Strategies 7 & 27 and Policy TC2).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/15/3133495

Ref: 15/0174/OUT **Appeal Ref:** 15/00048/REF
Appellant: Mr & Mrs K & L Hawkins & Roden
Appeal Site: 7 And 5 Copp Hill Lane (land To The Rear Of) Budleigh Salterton EX9 6DT
Proposal: Outline application for the construction of two dwellings (all matters reserved)
Decision: **Appeal Dismissed** **Date:** 23.02.2016
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Strategy 6 and Policy D1).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/15/3133072

Report to: **Development Management Committee**
Date of Meeting: 8 March 2016
Public Document: Yes
Exemption: None
Review date for release: None



Agenda item: 7

Subject: **East Devon Villages Plan**

Purpose of report: This report provides further feedback to members on the consultation undertaken on criteria for defining Built-up Area Boundaries. It also:

- sets out the steps needed to progress the Plan to publication stage;
- considers the scope of the plan; and
- recommends criteria to guide the definition of Built-up Area Boundaries.

Recommendation:

- 1. Development Management Committee notes the work undertaken in response to the Built-up Area Boundary consultation of 2015.**
- 2. That Development Management Committee agree the scope of the Villages Plan as set out in paragraph 2 of this report.**
- 3. That the timetable for plan production leading to formal publication in late 2016 is endorsed.**
- 4. That the revised criteria for defining Built-up Area Boundaries, as set out in paragraph 5 of this report, are agreed for the purposes of producing plans for public consultation, details of which will be considered by this Committee prior to the commencement of consultation.**
- 5. That the same Built-up Area Boundary defined in a Made Neighbourhood Plan is used for the Villages Plan, unless a request is made by the plan makers that it be amended in the Villages Plan to accord with the proposed methodology.**

Reason for recommendation: To ensure that the Villages Plan is progressed expeditiously and in accordance with an agreed scope and methodology for defining Built-up Area Boundaries that builds on the strategy of the adopted Local Plan and previous consultation work.

Officer:	Linda Renshaw, Senior Planning Officer (Policy), lrenshaw@eastdevon.gov.uk (01395 – 571683)
Financial implications:	No financial implications have been identified.
Legal implications:	The legal considerations are generally set out in the report. The amendments to the assessment criteria identified in Section 5 seem sound and the approach to identifying BUABs for the identified villages advocated in the same section seems a reasonable approach to take. While the report refers to not progressing consultation on a BUAB for Lypstone on the basis that it has a Neighbourhood Plan that identifies one, it should be noted that the Villages DPD will ultimately include an identified BUAB for Lypstone (to comply with Strategy 27) but this will be included later on in the process and will mirror the area identified in its Neighbourhood Plan. No further legal observations are required at this time
Equalities impact:	Low Impact No specific equalities issues are identified.
Risk:	Medium Risk The progress of the Villages Plan is an important component for achieving up-to-date planning policies for the settlements concerned and will be important in the determination of planning applications. Without agreed criteria for making consistent judgements, defining Built-up Area Boundaries would be a subjective process and there is a risk that the DPD may subsequently be found to be unsound by an Inspector at examination.
Links to background information:	<ul style="list-style-type: none"> • Details of work undertaken to date on the Villages Plan is available at The villages plan - East Devon • The Draft Villages Plan Document that was consulted on from 17th January to 10th March 2014 is available at http://eastdevon.gov.uk/media/266865/draft-villages-dpd.pdf • The Built-up Area Boundary consultation document may be viewed at http://eastdevon.gov.uk/media/1249785/buab-consult-doc-final-august-2015.pdf • Copies of all responses received may be viewed at Consultation on proposed criteria for reviewing built-up area boundaries - East Devon. • The initial consultation report on BUAB criteria to this Committee in November 2015 may be found at http://eastdevon.gov.uk/media/1354068/031115-combined-dmc-agenda-compressed.pdf and the relevant minutes at http://eastdevon.gov.uk/media/1372172/031115-dmc-mins.pdf

- Planning Advisory Service Legal Checklist April 2013 [Local planning | PAS](#)
- [National Planning Policy Framework - Publications - GOV.UK](#)

Link to Council Plan: Living in this Outstanding Place.

Summary

Following the adoption of the Local Plan, work on the Villages Plan needs to be progressed. Whilst work on the Villages Plan commenced in 2012, progress had been stalled awaiting the resolution of uncertainties on the Local Plan in relation to the rural areas.

The Villages Plan will define Built-up Area Boundaries around a number of the larger East Devon villages and the town of Colyton. The plan will also include inset maps for Greendale Business Park and Hill Barton Business Park. These business parks will not, however, have Built-up Area Boundaries; in planning policy terms they fall in the open countryside.

Work has progressed on neighbourhood planning in most of the areas covered by the Villages Plan and careful consideration will be needed of any overlapping issues as work on the plan proceeds.

Public consultation will be necessary before the Villages Plan is submitted to the Planning Inspectorate. The plan should be ready for submission in early 2017.

The first consultation proposed will be on options, most notably options for Built-up Area Boundaries around fourteen of the settlements listed in Strategy 27 of the adopted Local Plan. The Lypstone Neighbourhood Plan defines Built-up Area Boundaries and is 'made' so it already forms part of the 'development plan'. The Lypstone BUAB will not therefore be considered as part of the Villages Plan, unless the Parish Council request it

Consultation was undertaken on a methodology to guide the drawing of Built-up Area Boundaries in summer 2016. The responses have been considered and used to inform changes to the proposed methodology, as set out in Appendix 1. The consultation responses have also informed the recommendation of a possible alternative approach to defining Built-up Area Boundaries which will use pedestrian accessibility to inform inclusion or exclusion of land in boundaries. The intent is that consultation on maps will take place during summer 2016. All consultation documents will be considered by this Committee prior to consultation.

1. Introduction

- 1.1 Work on the Villages Plan commenced in 2012 and much work was done by Parish Councils to consult their communities on development options within the 42 settlements then proposed to have defined Built-up Area Boundaries. A draft consultation villages plan was consulted on in early 2014, around the same time as the first hearing sessions on the Local Plan.
- 1.2 Following the receipt of the Inspectors initial Local Plan letter of 31st March 2014, further work was undertaken on the suitability of rural settlements for development. This work informed revisions to Strategy 27 of the Local Plan (which lists the settlements to have Built-up Area Boundaries defined). Key changes to the policy included reducing the number of settlements identified, removing the development levels attributed to each settlement and including references to neighbourhood planning.
- 1.3 Strategy 27 of the adopted Local Plan states that:

The following settlements vary in size and character but all offer a range of accessible services and facilities to meet many of the everyday needs of local residents and they have reasonable public transport. They will have a Built-up Area Boundary that will be designated in the East Devon Villages DPD though they will not have land specifically allocated for development:

- Beer;
- Broadclyst;
- Clyst St Mary;
- Colyton;
- East Budleigh;
- Feniton;
- Kilmington;
- Lympstone;
- Musbury;
- Newton Poppleford;
- Sidbury;
- Uplyme;
- West Hill;
- Whimble; and
- Woodbury.

If communities wish to promote development other than that which is supported through this strategy and other strategies in the Plan (at the settlements listed above or any other settlement) they will need to produce a Neighbourhood Plan or promote community led development (for example Community Land Trusts) justifying how and why, in a local context, the development will promote the objectives of sustainable development.

- 1.4 Strategy 27 is an important factor in setting the scope of future work on the Villages Plan and in informing the appropriate criteria for defining Built-up Area Boundaries.
- 1.5 Draft criteria for defining Built-up Area Boundaries were consulted on during the summer of 2015. The main issues raised were summarised for the Development Management Committee meeting of 3rd November 2015. At that meeting it was resolved to put further work on the Villages Plan on hold until the Inspectors report was received. Further work has now been undertaken to consider these consultation responses in light of the conclusion of work on the Local Plan. A table summarising the main points raised in relation to the questions asked as part of the consultation, with an officer response where appropriate, has been produced and will be available with full response received at:
<http://eastdevon.gov.uk/planning/planning-policy/emerging-plans-and-policies/the-villages-plan/consultation-on-proposed-criteria-for-reviewing-built-up-area-boundaries/>
- 1.6 Following the adoption of the Local Plan it is important to consider the scope and programme of the Villages Plan, together with the proposed criteria for defining Built-up Area Boundaries. Since the start of the villages planning process significant progress has been made with neighbourhood planning and it is also important to consider the relationship between these two planning activities.

2. Scope of Villages Plan

- 2.1 The Local Development Scheme (LDS) (revised 30th July 2015) sets out the scope of and timetable for producing future planning policy documents. The LDS states that the Villages Plan will be 'specifically concerned with development issues and boundaries in and around the main villages of East Devon and Colyton'.
- 2.2 Since the LDS was devised the strategic direction has become clearer, with the receipt of the Inspectors report into the new East Devon Local Plan and the adoption of the Local Plan. Strategy 27 of the adopted Local Plan limits the scope of the Villages Plan to not specifically allocating land for development and to defining Built-up Area Boundaries in the 15 listed settlements. The Local Plan also states that Greendale and Hill Barton Business Parks will have their own inset plans as part of the Villages Plan, although these Business Parks are in the countryside and will not have a Built-up Area Boundary and therefore policies relevant to such boundaries will not apply at these business parks.
- 2.3 In view of the strategic context for the Villages Plan that has been established by the adoption of the Local Plan, the scope of the Villages Plan should be confined to defining Built-up Area Boundaries around the 15 settlements listed in Strategy

27, together with showing details of any local plan policies on an 'inset' plan and consideration of appropriate inset plans for Greendale and Hill Barton Business Parks.

3. Relationship between neighbourhood planning and the Villages Plan

- 3.1 Of the 15 settlements listed in Strategy 27 one now has a 'made' neighbourhood plan (Lympstone), eleven more have designated areas and initial work has started on two others. The most recently adopted local plan (in this case the Villages Plan) or made neighbourhood plan will take precedence in terms of which document forms part of the development plan (which decisions on planning applications are made in accordance with unless material considerations indicate otherwise). This means in practice, for example, that if a different BUAB was defined in the adopted Villages Plan to the made Lympstone Neighbourhood Plan, then the Villages Plan would take precedence. However, the expectation is that there will typically not be contradictions between policies of a Neighbourhood Plan and a plan of this Council (perhaps other than when plans become dated) and therefore typically plans should complement rather than contradict one-another.
- 3.2 In the case of Lympstone, where the Neighbourhood Plan was made within the last year and defines a Built-up Area Boundary, it would not be appropriate to consider reviewing the boundary through the Villages Plan. The boundary defined in the Neighbourhood Plan appears to broadly follow the methodology proposed for the Villages Plan, with the exception of the inclusion of a site granted planning permission as an 'exception' and a further housing allocation on a nursery site, which is wholly compatible with the strategic approach of the Local Plan to support sustainable development where put forward through a neighbourhood plan. This approach complies with advice in paragraph 013 of the National Planning Guidance that: 'Where a neighbourhood plan has been made, the local planning authority should take it into account when preparing the Local Plan strategy and policies, and avoid duplicating the policies that are in the neighbourhood plan.'
- 3.3 The timing of the development of the Villages Plan is more complex in relation to the other settlements where neighbourhood planning has started but plans have yet to be made. If the defining of Built-up Area Boundaries was 'devolved' to the neighbourhood planning processes there would be uncertainty over the progress of up to 14 of the 15 identified settlements. The definition of Built-up Area Boundaries is fundamental to the development management process and it is important that a review is undertaken on a consistent basis as quickly as possible. It is anticipated that work being undertaken on neighbourhood planning can be taken fully into account when boundaries are drawn and there will be opportunities for public involvement and for representations to be made to an independent Inspector as part of the Villages Plan making process (see proposed timetable below). It is therefore recommended that work progresses to

define Built-up Area Boundaries for all the settlements listed in Strategy 27, except for Lympstone (unless requested to do so by Lympstone Parish Council), and that any emerging neighbourhood planning work on this issue be incorporated into proposals where appropriate and compatible with the agreed methodology.

4. Proposed timetable for Villages Plan production

4.1 The plan making process can be split into five key stages:

- the beginning;
- plan preparation - front loading;
- plan preparation – formulation;
- publication and
- submission.

These stages are taken from the Planning Advisory Service Legal Compliance Checklist April 2013). At certain key stages the plan should also be informed by consultation responses and Sustainability Appraisal/Strategic Environmental Assessment.

4.2 Stage 1 – The Beginning. This stage focuses on early public engagement, building an evidence base and identifying any cross boundary issues. There have already been several rounds of public involvement in the Villages Plan and the evidence base produced so far includes work on the sustainability appraisal, landscape assessments and technical reports for individual settlements. There is a Duty to Co-operate on strategic issues that affect more than one area, including housing. Whilst work on the Villages Plan is at a local scale rather than at a strategic level, cross boundary housing issues were identified during the preparation of the Local Plan at Uplyme/Lyme Regis and should be taken into account where possible during plan preparation.

4.3 Stage 2 - Plan Preparation Front Loading. This stage focuses on developing options and involving different bodies and groups in the process. This is the stage the Villages Plan is at currently. The development of strategic options for the rural settlements was considered through the Local Plan so the identification of reasonable alternatives of approach is constrained by the strategic context of the plan. However, alternative approaches to defining Built-up area Boundaries have been identified and need to be considered through further consultation (please see discussions under Proposed Criteria for Defining Built-up Area Boundaries in Section 5 below).

4.4 Stage 3 – Plan Preparation – Formulation. The reasonable alternatives identified at 'Stage 2' should be assessed at this stage to enable the formulation of a preferred strategy. In the case of the Villages Plan this will take the form of producing a draft plan with inset plans for the 15 'Strategy 27' settlements and Greendale and Hill Barton Business Parks. This stage provides the main opportunity for commenting on the emerging plan.

- 4.5 Stage 4 – Publication. This is a formal consultation stage on the plan that you propose to submit for examination. Issues capable of resolution should have been incorporated following earlier consultation. Any representations received at publication stage are sent to the appointed Inspector to consider as part of the examination.
- 4.6 Stage 5 – Submission. The plan is submitted for examination. The Local Planning Authority must consider that the plan meets the Duty to Co-operate, has met all of the legal and procedural requirements and is ‘sound’. For a plan to be ‘sound’ it must be:
- Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.
- 4.7 It is important that progress is made on the Villages Plan as quickly as possible and the following timetable represents the ‘best case’ for plan progression. The timetable makes provision for two consultation periods and engagement with the local community through Neighbourhood Plan groups and Parish Councils. The key stages ahead, with approximate timescales, are:
- March/April 2016 officers prepare BUAB maps for consultation, to include alternatives where appropriate.
 - May 2016 council agree documents for consultation.
 - May/June 2016 EDDC consult of draft document. In practice this is expected to show a plan of each settlement listed in Strategy 27 with a minimum of a proposed BUAB defined, although for larger settlements this may show more than one option (please see discussions of the proposed criteria in paragraph 5 below), together with plans showing the business parks at Greendale and Hill Barton.
 - As part of the above consultation or after its conclusion officers will liaise with Neighbourhood Plan groups, Parish Council’s or other local groups on boundary considerations.
 - July/August/September 2016 officers consider consultation responses and prepare the draft publication plan.
 - October 2016 council consider consultation responses and agree the publication plan for consultation.
 - October/November 2016 EDDC consult on the publication plan (any responses received will be submitted to the Planning Inspectorate with submission plan).
 - January 2017 submit Villages Plan for Examination.

- 4.8 It should be noted that the Council need to produce new Local Development Scheme (LDS), which is a programme and timetable for plan production, and the intent is that the above timetable, (refined where appropriate) will be incorporated into the new LDS.

5. Proposed Criteria for defining Built-up Area Boundaries

- 5.1 The consultation on the proposed criteria for defining Built-up Area Boundaries has proved to be a useful exercise in refining our proposed approach to the development of the Villages Plan. As a result of the responses received, two changes to the methodology are now proposed and an alternative approach to defining BUAB's is also recommended.
- 5.2 The revised methodology for defining BUAB's is shown in Appendix 1 of this report, with additions shown underlined. A proposed change is made to criterion B1, so that if special circumstances were taken into account when granting a planning permission for a particular form of development, it could be included as an 'exception' and excluded from the BUAB if appropriate. The other change proposed is to add a 'physical' relationship to the settlement to criterion B2 to make it compatible with other criteria (this was omitted in error in the previous consultation).
- 5.3 It is recommended that the revised methodology shown is used to inform detailed work on the preparation of BUAB's. However, consideration also needs to be given to whether there are 'reasonable alternatives' to the approach set out and the ability to access local services and facilities was raised in several consultation responses.
- 5.4 The primary purpose of defining a BUAB is to distinguish where policies provide for development (subject to other considerations) from areas where development is usually only allowed in specified exceptional circumstances. It would be reasonable to consider defining BUAB's to take account of the ability to access services and facilities on foot, particularly as this was a key factor in identifying the 'Strategy 27' settlements in the Local Plan. It is also a matter that has been considered by Inspectors dealing with planning appeals, including in Newton Popleford and at West Hill.
- 5.5 **It is therefore recommended that two approaches are taken to identifying BUAB's.** The first would follow the revised methodology proposed. The second would follow that methodology, but would then consider whether areas should be excluded from the boundary identified to take account of walking distances or obstacles to accessing services and facilities on foot. Accessibility by foot is not only about the walking distance involved it is also about the attractiveness, quality of paths, terrain (and hilliness) and safety of the route (and perceptions of safety) especially on busy roads and crossings. These factors will be relevant to

able bodied and disabled people, people with push chairs, children walking to school and potentially other groups of people.

- 5.6 This second approach could result in consultation plans for some settlements that show two potential BUAB's: one with the BUAB drawn to accord with the methodology and a smaller area with the BUAB reduced to take account of pedestrian access to services and facilities. These 'reasonable alternatives' would then be consulted on and comments taken into account before a draft plan for further consultation is prepared that would show one proposed BUAB. The advantage of this approach is that it allows meaningful engagement on reasonable alternatives, in accordance with best plan making practice.

East Devon Villages Plan - Proposed Built-up Area Boundary Criteria – Revised February 2016 - revisions are shown as new text in red and underlined and deleted text ~~crossed out~~.

	Ref	Criteria	Exceptions	Commentary
General Criteria	A1	Boundaries should reflect the existing scale and core built form of the settlement and should not seek expansion to facilitate additional development.	Communities may wish to allocate specific sites to accommodate additional development through neighbourhood planning. If a neighbourhood plan is made that allocates development, that site may be included within the Built-up Area Boundary under criteria B3, although this may be at a future review of the Villages Plan, depending on the timing.	It is important that the Villages Plan is prepared in accordance with the strategy set out in the new <u>adopted</u> local plan, which does not make provision for increased levels of development in rural settlements (rather it provides for infill development within the boundary and potential for affordable housing at the edges justified as an exception).
	A2	Where practical, boundaries should follow clearly defined physical features such as walls, fences, hedgerows, roads and water courses.	Where buildings are set in large grounds physical features may not form the appropriate boundary, depending on the relationship with the fabric of the settlement. For example, large gardens that 'stretch out' from the main built up area may be specifically excluded despite the absence of a physical boundary feature.	It is clearly desirable for lines on maps to follow physical features that have a degree of permanence. This enables the plan to be easily read and understood by interested parties and often such features on the edge of settlements mark a change in character from built settlement to rural. However, sometimes the change in character is more gradual, for example where large gardens form a 'buffer' between the main built form of the settlement and the wider countryside. In these circumstances it may be appropriate for the BUAB not to follow physical features.
Areas to be included	B1	Built and extant planning permissions for residential and employment uses which are both physically and functionally related to the settlement.	Where planning permission has been granted as an exception to normal planning policy, including any market housing built to enable affordable housing under either the interim 'mixed market affordable housing' policy or Strategy 35 of the emerging East Devon Local Plan <u>OR where planning permission has been granted but due to special circumstances, such as low density development to protect mature trees, exclusion is appropriate.</u>	Where sites with permission will secure development that will fall in line with the criteria detailed in this methodology it will typically be appropriate to include them in the boundary.
	B2	Built and extant planning permissions for community facilities, such as religious buildings, schools and community halls which are considered to be <u>physically</u> and functionally related to the settlement.	Where the buildings are set in extensive grounds either the grounds or the buildings and grounds may be excluded, depending upon the physical and functional relationship with the settlement.	Where buildings are physically well related to the built form of a settlement inclusion is appropriate. However, to include spacious grounds that are clearly beyond the built form of a settlement would suggest that development would be permitted in them when this is not the intention.

	Ref	Criteria	Exceptions	Commentary
	B3	Site allocations identified in the development plan for residential, community or employment uses which are physically and functionally related to the settlement.	Significant areas of open space on the edge of site allocations with the countryside will not be included	If site allocations are contained in a neighbourhood plan that is Made, the Built-up Area Boundary defined in the Villages Plan will be amended when the plan is reviewed. In the interim there may be a discrepancy between the neighbourhood and villages plan.
Areas to be excluded	C1	The curtilage of any property with the capacity to extend the built form of the settlement, including large residential gardens.	Where there are small areas of land surrounded on more than two sides or predominantly surrounded by buildings that would not extend the visual appearance of the settlement, subject to detailed landscape assessment.	The definition of Built-up Area Boundaries, is about defining a group of land and buildings that together take the physical form of a settlement. It is not about including outlying land and buildings simply because they share an address or post code or including land with future development potential.
	C2	Recreational or amenity space at the edge of settlements which has a predominantly open visual character.	Built structures, such as clubhouses, may be included where they 'read' as being part of the built form of the village.	
	C3	Isolated development which is physically or visually detached from the settlement (including farm buildings or renewable energy installations).	There is no expectation of there being exceptions.	
	C4	Parts of settlements that might comprise of groups of houses or buildings but which are separated by fields or open space from the main core of the village.	The only exception would apply where an outlying area also contains a range of services and facilities which might form a core service area in its own right.	

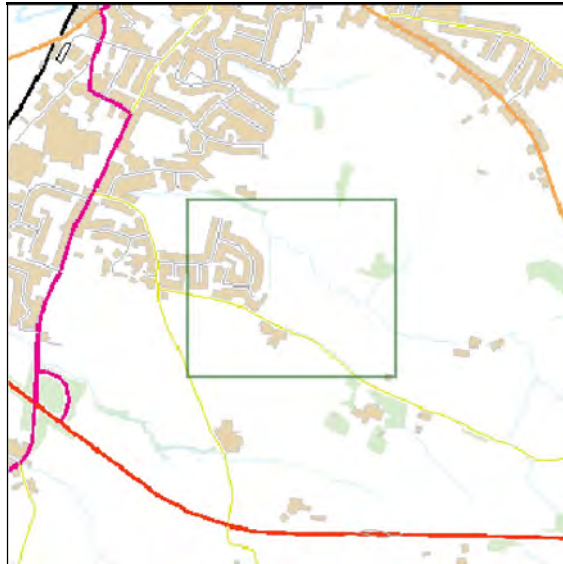
Ward Axminster Town

Reference 15/1221/OUT

Applicant Mr & Mrs D Churchill

Location Land At Woodbury Lane Axminster

Proposal Outline application with all matters reserved for the erection of 2 no. dwellings



RECOMMENDATION: Refusal



		Committee Date: 8th March 2016
Axminster Town (AXMINSTER)	15/1221/OUT	Target Date: 16.3.16
Applicant:	Mr & Mrs D Churchill	
Location:	Land At Woodbury Lane Axminster	
Proposal:	Outline application with all matters reserved for the erection of 2 no. dwellings	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before members as the officer recommendation is contrary to the view of a Ward Member.

The application seeks outline planning permission for the construction of 2 dwelling houses on agricultural land on the northern side of Woodbury Lane, outside of, but adjacent to, the Built up Area Boundary of Axminster. All matters comprising appearance, means of access, landscaping, layout and scale are reserved for future consideration, though an access point from the site onto Woodbury Lane is shown. A public footpath runs across the site leading north from Woodbury Lane and there is a hedge and a mature tree at the southern boundary of the site. A Scheduled Ancient Monument lies to the immediate south of the site and the site is visible from a Grade II Listed Building situated on higher ground to the east.

The principle of development is considered unacceptable given the location of the site outside of the Built-up Area Boundary of Axminster and the adverse impact it would have on the character and appearance of an otherwise undeveloped and attractive area of countryside.

No highway concerns are raised in connection with the indicative access point though when reserved matters are addressed, the layout would need to demonstrate compliance with highway standing advice. Whilst it is considered feasible that the development could be laid out so that the public footpath would not be obstructed, the proposal as part of the application to surface and install lighting on a length of this path leading north from the main application site area is considered unrealistic, given the lack of any proposed mechanism to secure the Highway Authority's adoption of that lighting and its surfacing, and would unacceptably urbanise this rural edge. In the absence of a surfaced/lit path it is

not considered that there would be a safe pedestrian route between the proposed houses and the services and facilities needed for everyday life and therefore it is not considered that the proposed development would be accessible via sustainable modes of transport to an acceptable level.

An archaeological survey has demonstrated that despite its proximity to the Scheduled Ancient Monument, the proposed development would be unlikely to adversely impact archaeological interests.

It is considered feasible the development could be laid out to avoid the loss of the mature tree, minimise loss an existing hedgerow and mitigate any impacts on wildlife.

In the absence of any specific policy support for the erection of 2 dwellings outside of the Built-up Area Boundary and in the light of the harm to the landscape and the attractiveness of the public footpath that would result, together with the lack of sustainable transport modes available to occupants of the site for reaching the nearest town it is considered that the development is unsustainable and it is recommended that the application be refused.

A second reason for refusal is proposed as the application would necessitate the provision of 50% affordable housing and no mechanism has been provided to secure this.

CONSULTATIONS

Local Consultations

Parish/Town Council

10/6/15

AXMINSTER TOWN COUNCIL OPPOSES THIS APPLICATION FOR THE FOLLOWING REASONS:

1. IT WOULD BE AN EXCEPTION SITE OUTSIDE THE BUILT UP AREA BOUNDARY.
2. IT IS IMMEDIATELY OPPOSITE A SITE OF ARCHAEOLOGICAL INTEREST AT WOODBURY FARM AND MAY CONTAIN REMAINS OF SIMILAR SIGNIFICANCE.
3. THE PROPOSED SITE IS TRAVERSED BY SEVERAL PUBLIC RIGHTS OF WAY.

13/1/16

AXMINSTER TOWN COUNCIL OPPOSES THIS APPLICATION ON THE GROUNDS THAT IT IS LIES OUTSIDE THE BUILT UP AREA BOUNDARY

9/2/16

AXMINSTER TOWN COUNCIL OBJECTS TO THIS APPLICATION ON THE GROUNDS THAT IT LIES OUTSIDE THE BUILT UP AREA BOUNDARY AND THE LACK OF SUFFICIENT DETAIL REGARDING CHANGES TO THE PUBLIC

FOOTPATH AND THE CIRCUITOUS ROUTE OF THE PROPOSED PEDESTRIAN ACCESS TO THE TOWN CENTRE

Axminster Town - Cllr A Moulding

I recommend that the application is approved, subject to clarification regarding the relationship of the site to any public rights of way.

I am aware that an archaeological survey may need to be obtained.

Technical Consultations

DC Footpath Officer

12/2/16

Unfortunately we cannot comment on the impact of the proposed development on the PROW without details of the layout and design.

Please remind the applicant that it is a criminal offence to obstruct or alter a PROW in any way, even temporarily, there is further information and advice on our website.

We would require further details of any proposed changes to the surface of the footpath, this would need to be agreed in writing prior to development and as part of the full planning application.

The map that you sent in your previous email shows the correct line of the footpath.

With regards to lighting, it is not our policy to light a PROW and we would not be prepared to take on any additional maintenance responsibility.

I would advise you to contact our street lighting team for our DCC policy on this, they should also be able to advise you on any legal agreements needed.

County Highway Authority

Highways Standing Advice

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 to comply with our requirements as detailed below.

Please find enclosed a plan showing the approximate location of a public water main in the vicinity. Please note that no development will be permitted within 3 metres of the water main. The water main must also be located within a public open space and ground cover should not be substantially altered.

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

If further assistance is required to establish the exact location of the water main, the applicant/agent should call our Services helpline on 0344 346 2020.

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 this 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 Developer Services Planning Team for further information.

Historic England

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

It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

(Following re-consultation)

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

Devon County Archaeologist

I refer to the above application. The proposed development lies in an area of high archaeological potential some 20m to the north of the Roman fort and later Romano-British settlement at Woodbury Farm, which is a designated heritage asset. This archaeological site is of national importance and is protected as a Scheduled Monument (ref: 1011921). The field in which the proposed development is located is known to contain evidence of prehistoric activity and, as such, it is highly likely that any development here will have an impact upon significant below-ground archaeological deposits associated with the Roman and earlier settlement here.

Due to proximity of the proposed development to the Scheduled Monument I would advise that Historic England (formerly English Heritage) was consulted with regard to any comments they may have on the scheme and the impact upon the setting of the Scheduled Monument.

The following comments are made without prejudice to any comments made by Historic England.

Given the proximity of the proposed development to a nationally important designated heritage asset and the absence of any information to enable a consideration of the impact of the proposed development upon the nearby designated heritage asset or any associated archaeological deposits that lay outside the Scheduled Monument the Historic Environment Team objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. This would be in accordance with East Devon Local Plan Policy EN8 and paragraph 128 of the National Planning Policy Framework (2012).

The additional information required to be provided by the applicant would be the results of:

- i) geophysical survey and
- ii) intrusive archaeological investigation of any anomalies identified by (i) above and of the areas affected by the proposed development.

The results of the above would enable the significance of any heritage assets within the application area to be understood along with the impact of the proposed

development upon them, and enable an informed and reasonable planning decision to be made.

I would recommend that the applicant or their agent contact this office to discuss the scope of works required and obtain contact details of professional archaeological consultants who would undertake these investigations. I would expect to provide the applicant with guidance on the scope of the works required.

(Following re-consultation:)

I refer to the above application and your recent consultation. The results of the geophysical survey and evaluative investigations have demonstrated that despite the proximity of the site to the Roman fort and Romano-British settlement the proposed development site has a low archaeological potential and its development will not have any impact upon any significant heritage assets.

In accordance with paragraph 141 of the National Planning Policy Framework an archive of the data collected during the course of these archaeological investigations needs to be deposited and be publicly accessible. In order to facilitate this I would advise that the following worded condition is applied to any consent that may be granted for this development.

'The applicant must ensure within three months of consent being granted that the digital archive derived from the archaeological geophysical survey and field evaluation undertaken in support of this planning application is deposited with an accredited digital archive repository.'

Reason

To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012), that an appropriate archive is deposited of the archaeological information gathered in support of this planning application.

Other Representations –

5 representations have been received in which the following planning issues are raised:

- The site is outside of the Axminster Built Up Area Boundary and therefore it is in countryside, and in accordance with policy S5 housing should not be permitted here
- The proposal would not accord with the existing settlement pattern of Axminster and would detract from the open character of the area, intrude into the countryside and alter the existing divide between urban and countryside areas
- The proposed development on the site would be in a prominent position on a ridge and would have a harmful intrusive visual impact on an Area of Great Landscape Value
- The proposal would detrimentally impact upon two public footpaths, would reduce their attractiveness and character and no alternative is proposed as is required by policy TC4
- The site is potentially grade 3a agricultural land and there is the potential for the best and most versatile agricultural land to be lost, where there is no

overriding need for the development, in conflict with the NPPF and policy in the emerging local plan.

- The Council has a 5 year land supply and therefore its housing restraint policies have weight, unless other material considerations justify the proposal should be resisted
- Woodbury Lane is narrow with hairpin bends and a difficult junctions to the west and it is unsuitable for construction traffic
- The building of houses here would set a precedent for building on agricultural land outside of the area designated for development
- The boundary of the site contains a mature native Oak with the root plate extending into the site such that this tree would be damaged by construction works
- The 4 bedroom dwellings would not meet the needs of local first time buyers
- The proposal to light and surface the public right of way which runs along the back of Woodbury Way is completely inappropriate as it would have the appearance of a suburban pavement and would exacerbate surface water flooding down the footpath and create light pollution

PLANNING HISTORY

None relevant

POLICIES

Adopted East Devon Local Plan 2013-2031

Strategy 7 (Development in the Countryside)

D3 (Trees and Development Sites)

TC2 (Accessibility of New Development)

TC4 (Footpaths Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

D2 (Landscape Requirements)

EN7 (Proposals affecting sites which may potentially be of archaeological importance)

EN8 (Significance or Heritage Assets and their setting)

EN9 (Development affecting a designated Heritage Asset)

EN14 (Control of Pollution)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 43 (Open Space Standards)

Government Planning Documents
NPPF (National Planning Policy Framework 2012)

Site Location and Description

The site is located approximately 1km to the south of the centre of Axminster, immediately to the north of Woodbury Lane, which is a C class road, and to the east of residences on Woodbury Way. The site is approximately 5395m² in area and L-shaped. It is currently used for agriculture and is classed as grade 3 agricultural land. The land surface within the site slopes gently down towards the north, forming part of the side of a stream valley which cuts into the side of a wider hill side, with higher ground lying east and south of the application site. To the south of the site lies Woodbury Lane with Woodbury Farm and agricultural land beyond this to the south. A Scheduled Roman Fort and Romano-British settlement (part of which Woodbury Farm overlays) also lies immediately south of the site.

To the east and north of the site lies agricultural land. 'Old Park', a Grade II Listed Building, is visible from the site on a higher ridge of land to the east approximately 1km from the site, appearing prominent. To the immediate west of the site lies a housing estate consisting of detached properties set within medium sized plots. The eastern boundary of these properties coincides with the easternmost edge of the Built Up Area Boundary of Axminster, with the application site lying outside of, but adjacent to, that Built Up Area Boundary.

A public footpath (Axminster footpath 28) leads off from Woodbury Lane, crossing the application site and running northwards. The application site includes approximately 23m of the length of this path. The definitive map shows a single line for this public footpath, however on the ground (within the site) the visible route of the footpath splits into two near its southern end, and there are two access points on Woodbury Lane consisting of two pedestrian gates.

There is a hedge and a large mature tree at the southern boundary of the site with the highway, though the tree is not covered by Tree Preservation Order. The site is not within any designated area.

The closest residential neighbours to the site are The Mill House (12 m away) and Woodbury Farm (both of which lie on the opposite side of Woodbury Lane to the application site) and a number of properties on the eastern side of Woodbury Way (numbers 11,13, 15, 17, 19, 21, 23, 25, 27, 29, 31 and 33) which immediately abut the site. However, the proposed houses are likely to be erected at the southern, wider end of the site which is adjacent to number 31 Woodbury Way, since the northern part of the application site, which is adjacent to the properties of Woodbury Way listed above) encloses the route of a public footpath which the applicant proposes to retain and surface to serve the development. There is also a residence (Little Acre) to the east of the site at a distance of approximately 256m.

Proposal

The application seeks outline planning permission for the construction of 2 no. 4 bedroom, open market dwellings on an area of land immediately to the north of Woodbury Lane. As part of the application it is proposed that the public footpath be

surfaced and lit to provide a pedestrian route which links with other existing pedestrian routes, to provide access to the town centre.

All matters relating to appearance, means of access, landscaping, layout and scale are reserved and therefore only the principle of the development is for consideration in this application. Indicative plans show that vehicular access to the site would be derived from Woodbury Lane at a point opposite Woodbury Farm. An archaeological survey accompanies the application.

ANALYSIS

Assessment

The main issues relevant to the determination of this application are the principle of the development, its impact upon the character and appearance of the area, affordable housing, accessibility and highway impacts including impact on public right of way, impact on archaeology and heritage and the impact on a mature tree and wildlife and open space.

Principle of the development

The Council currently has in excess of a 5 year land supply for housing and therefore, in accordance with paragraph 49 of the National Planning Policy Framework, the policies within the East Devon Local Plan (LP) relating to housing are considered up to date. The site does not lie within any Built-up Area Boundary and thus in accordance with LP Strategy 7 (Development in the Countryside) it is considered to be open countryside. Given the site's countryside location and that it does not fall within any area allocated for housing development, the proposed development conflicts with Strategy 7, which only permits development in the countryside where it would accord with a specific Local Plan Policy or Neighbourhood Plan policy explicitly supporting it. There are no policies in the LP which support open market housing in this location, therefore, the proposal is considered to be unacceptable in principle.

Impact upon character and appearance of the area

In addition to restricting development in the countryside in principle, Strategy 7 requires that development in the countryside does not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

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

Although it adjoins an existing housing development, at this particular site it is possible to visually distinguish where built development ends and open countryside begins. The site is currently undeveloped land with an agricultural character and is attractive in its own right, forming part of the southern side of a shallow stream valley. There are views of open countryside from the site towards the north, down to and across the stream valley and east up to ridge of land. The proposed development of two dwellings and associated vehicular and footpath access

(including the surfacing and lighting of a public right of way) beyond the existing settlement edge would not respect the existing pattern development and would significantly alter the existing countryside character of the site through introducing built development there. The proposal is therefore considered to be harmful to the landscape, amenity and environmental qualities of the countryside in conflict with Strategy 7 of the Local Plan.

The proposal would result in the loss of agricultural land but it is a relatively small area of land and as such would not represent a significant loss. This loss does however also weigh against the proposal.

Affordable housing

Lack of affordable housing is a critical issue in East Devon and in order to retain younger people in our neighbourhoods and communities, as well as housing others in need the council require more affordable homes. There is a preference for affordable housing to be provided on site, but where this is not possible an off-site affordable housing contribution calculator will be used as a starting point for negotiation.

Strategy 34 of the plan would require the provision of 50% affordable housing outside of the BUAB for Axminster. There is an expectation that affordable housing should be provided on-site and this should be through the provision of 1 of the 2 dwellings. This proposal fails to provide any affordable housing or a suitable mechanism to secure it and as such the proposal is contrary to Strategy 34 of the Adopted Local Plan and this forms a reason for refusal..

Accessibility, highway safety and impact on Public Right of Way

No objection has been raised in relation to the proposal by the Highway Authority and standing advice is to be applied. The proposed indicative access point onto Woodbury Lane is considered to be acceptable in principle. Whilst the layout of the development is a reserved matter, it is considered likely that there would be sufficient space within the site for parking and manoeuvring and for acceptable visibility splays to be provided, therefore no concerns in principle arise in connection with highway safety.

With regard to the public footpath crossing the site (which is actually one footpath, notwithstanding that there are two visible paths on the ground), it is considered possible that the proposed dwellings, their access and parking areas could be arranged in such a way that the right of way would not be obstructed, which could be ensured through the imposition of a condition.

It is noted that the applicant intends that the public footpath passing through the site would be surfaced and lit, including the section extending north from the wider, southern area of the site towards Axminster. As this is an outline application no details of the type or extent of that surfacing or lighting have been provided. The public footpath adjoins an existing surfaced footpath and thus if surfaced and lit, it would provide a convenient walking route into the town for occupants of the proposed dwellings, which they would not otherwise have due to the lack of a footway alongside Woodbury Lane in the vicinity of the site.

Axminster contains the services and facilities required for everyday living and is considered to be a sustainable settlement, thus the provision of a safe pedestrian route to reach the town could help the development comply with LP Policy (TC2 - Accessibility of New Development) by reducing reliance of the occupiers of the proposed houses upon the private motor vehicle. However, no mechanism has been proposed by the applicant for securing the Highway Authority's adoption of the proposed surfacing or lighting of the public footpath (e.g. a S106 legal agreement) and in the absence of any this, the provision of a surfaced and lit public footpath is not considered to be achievable. Consequently it cannot be considered that there would be a safe pedestrian route from the development into the nearby town and thus the proposed development fails to accord with policy TC2.

In addition, whilst a condition could ensure that the proposed residential development would not obstruct the footpath or affect the convenience of its use, the proposed development would alter the attractiveness of the path along part of its length, because the existing unobstructed open countryside views eastwards from the path would be blocked by dwellings and the path would have a more suburban character where it passes through the development. The proposal is therefore also considered to conflict with LP Policy TC4 (Footpaths Bridleways and Cycleways) which seeks to ensure that the attractiveness of footpaths is not reduced. If the path were to be surfaced and lit as is proposed, as an objector points out, this would make the path even more suburban in character and less attractive than it is currently.

Impact on archaeology and heritage

The site is within an area of high archaeological potential due to its proximity to a Scheduled Ancient Monument, therefore in accordance with a recommendation from the County Archaeologist, an archaeological survey was requested by the Council shortly after the application was received. This has been undertaken by the applicant and the survey indicates that the site has a low archaeological potential and that its development will not have any impact upon any significant heritage assets. Having considered the survey, the County Archaeologist recommends that a condition be imposed to ensure that the data gathered from it be made publicly available. If permission is granted, it is recommended that the condition which he recommends (as per his comments above) be imposed to ensure compliance with LP Policy EN7 (Proposals affecting sites which may potentially be of archaeological importance).

With regard to the listed building to the east, although the proposed housing development would be visible from it and although in some cases the view from a listed building is considered to contribute to its setting and significance, in this case there is no evidence that the view towards the site from the Listed Building forms part of its setting. In any case, the proposed development would be viewed against a backdrop of housing development immediately beyond it (to the west) and the wider spread of the settlement of Axminster would be dominant within that view. It is therefore not considered that the proposed development would cause substantial harm to the setting or the significance of the Listed Building.

Impact on Trees and wildlife

The site is a small part of a large agricultural field which is mostly laid to grass however on the southern side of the site there is a mature tree and a hedgerow, both of which are considered to be of amenity and nature conservation value. Given the site area it is considered that the proposed development could be designed to avoid damage to the tree and without requiring the removal of a significant length of hedgerow. On any permission, a condition could be imposed to require a tree survey/protection plan setting out how the tree will be retained and protected throughout the proposed works together with the protection of hedgerows.

Open Space

In accordance with Strategy 34 of the LP a contribution towards open space in the district is required to mitigate the impact of the development. No mechanism to secure such provision has been submitted with this application and as such this forms a reason for refusal.

Other matters

In relation to residential amenity, whilst a number of residential properties lie in close proximity to the site as this is an outline application, no details of the layout or design of the dwellings has been provided at this stage. However, given the space available within the site, its location relative to neighbouring dwellings and the nature of the proposed development, it is considered possible that the development could be laid out so that there would be no loss of privacy or significant loss of daylight to neighbouring dwellings.

The proposed lighting of the footpath would potentially have a harmful impact on neighbours on Woodbury Way in relation to light pollution. However, on any approval a condition could be imposed to safeguard residential amenity and the character of the rural area.

South West Water indicate that a public water main is present within the vicinity of the site and that surface water should not be disposed of into the public sewer. An informative note is recommended on any permission to draw the applicant's attention to South West Water's requirements.

Conclusion

The proposal is unacceptable in principle as it constitutes residential development outside of any Built-up Area Boundary and there is no specific LP Policy or Neighbourhood Plan policy which would specifically support this type of development at this location, therefore it is contrary to Strategy 7.

In addition, the proposed development would also fail to accord with the existing pattern of settlement in the area and would have a detrimental impact on the undeveloped character of the site and the semi-rural character and appearance of the surrounding area through the erosion of the existing transition from town to countryside, which is also contrary to Strategy 7.

Whilst the housing development could be laid out to avoid obstruction of the route of the public footpath, the attractiveness of part of this path would be diminished by the proposed development, in conflict with LP Policy TC4. In addition, in the absence of

any safe footway connecting the site to facilities in the nearest settlement of Axminster, it is considered that the proposal fails to accord with LP Policy TC2 as it would fail to encourage travel by sustainable transport modes.

The proposal also fails to provide a contribution towards open space or affordable housing on site. Even if affordable housing were provided it is not considered to outweigh the policy objection of development outside of BUABs. Whilst the other impacts of the proposal are considered acceptable or could be addressed through the imposition of planning conditions, there are no planning considerations sufficient to outweigh the conflicts with planning policy described above and on balance, the proposal is considered not to constitute sustainable development.

RECOMMENDATION

REFUSE for the following reasons:

1. The application site forms part of the countryside that surrounds Axminster and is outside of the Built-up Area Boundary of the settlement. The development of the site to provide 2 dwellings would fail to accord with the existing pattern of settlement in the area and would have a detrimental impact on the undeveloped character of the site and the semi-rural character and appearance of the surrounding area through the erosion of the existing transition from town to countryside. The proposal would therefore be contrary to the provisions of Strategy 7 (Development in the Countryside) and D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan and the guidance contained within the NPPF.
2. In the absence of a mechanism to secure the adoption of the surfacing or lighting of Axminster Footpath 28 the proposed residential development, due to its location on a part of Woodbury Lane without a lit or surfaced footpath which would enable safe pedestrian access into the nearby town of Axminster, would generate a need to travel by private motor vehicle by the occupants of the development in conflict with Policy TC2 (Accessibility of New Development) of the Adopted East Devon Local Plan and the National Planning Policy Framework.
3. The proposed residential development, due to its location immediately adjacent to the route of Axminster Footpath 28 and its introduction of built housing development into an undeveloped area of open countryside, would reduce the attractiveness of that footpath, in conflict with Policy TC4 (Footpaths, Bridleways and Cycleways) of the Adopted East Devon Local Plan.
4. The proposal does not provide a mechanism to secure the 50% affordable housing requirement or a contribution towards Open Space provision and therefore fails to adequately mitigate its impact. As such the proposal conflicts with the requirement of Strategy 34 (District Wide Affordable Housing Provision Targets) and Strategy 43 (Open Space Standards) of the East Devon Local Plan and the guidance in the National Planning Policy Framework.

Plans relating to this application:

04 A	Proposed Block Plan	28.05.15
S1 C	Location Plan	15.01.16

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.

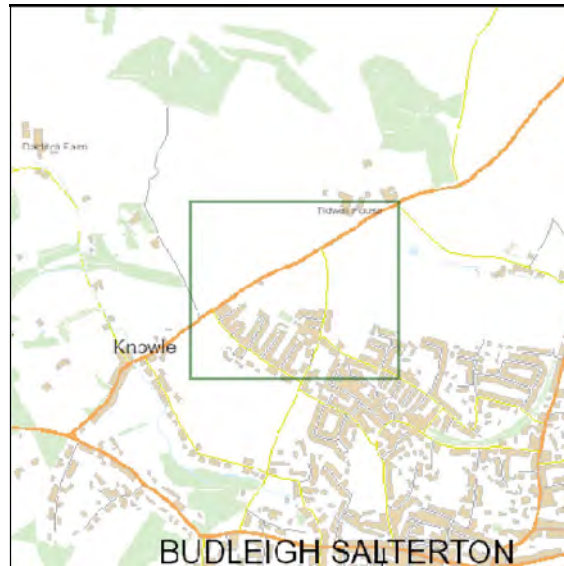
Ward Budleigh Salterton

Reference 15/1118/MOUT

Applicant Badger Homes Limited

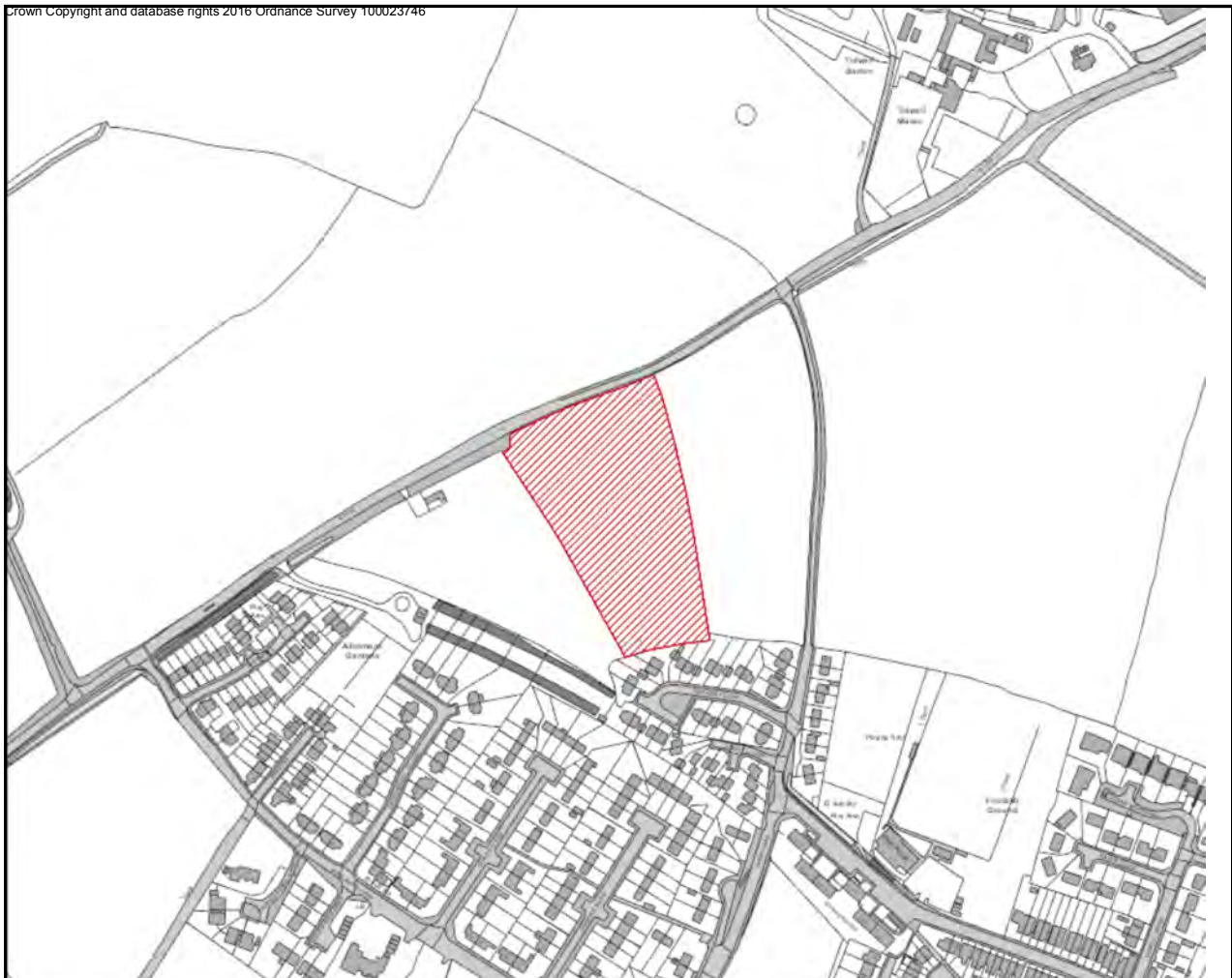
Location Land To The West Of Barn Lane
Budleigh Salterton

Proposal Erection of 60 bed care home, 30 no. houses (40% affordable), 7 no. bungalows, 12 no. affordable retirement apartments and 2 no. live/work units (outline application with all matters reserved)



RECOMMENDATION: Non-determination appeal lodged

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		Committee Date: 08.03.2016
Budleigh Salterton (BUDLEIGH SALTERTON)	15/1118/MOUT	Target Date: 20.08.2015
Applicant:	Badger Homes Limited	
Location:	Land To The West Of Barn Lane	
Proposal:	Erection of 60 bed care home, 30 no. houses (40% affordable), 7 no. bungalows, 12 no. affordable retirement apartments and 2 no. live/work units (outline application with all matters reserved)	

RECOMMENDATION: That the Planning Inspectorate be informed that had the Local Planning Authority retained the power to determine the application it would have REFUSED planning permission.

EXECUTIVE SUMMARY

This application is brought before the Committee as the officer recommendation differs from the view of the Ward Member. In addition, the applicants have appealed against the non-determination of the application and a resolution is sought as to the decision that would have been taken in respect of the proposal had the Authority retained the power to determine the application.

The appeal was lodged towards the end of November last year, with a start date still awaited from the Planning Inspectorate at the time of writing, since when the Local Plan Inspector's report has been received. This crucially confirmed, among other things, that the Council is able to demonstrate a five year supply of available housing land and that it could move forward towards adoption of the Plan. The Plan was subsequently adopted by resolution of the Full Council on 28th January this year.

The site is located adjacent to, but outside of, the built-up area boundary for Budleigh Salterton as defined in the Plan. It comprises an agricultural field of an area of approximately 1.58 hectares that forms part of a wider area of Grade 1 agricultural land. The entire area, including the whole of the built-up area of the town itself, is within the designated East Devon Area of Outstanding Natural Beauty (AONB).

The application, which is submitted in outline with all detailed matters reserved, proposes a further phase of development to that subject of a detailed planning permission (but not yet under construction) on adjacent land to the south west

for 59 dwellings and a care home. This current application seeks to provide a mix of general needs and age-restricted retirement residential accommodation (including a proportion of affordable housing in both cases) in addition to a 60 bedroom care home and two live-work units. The application is accompanied by an indicative layout.

The scheme is, or can be made, acceptable from many technical standpoints, including highway and transport impact, flood risk, ecology, drainage, neighbour amenity and impact on the setting of listed buildings, and would provide economic and social benefits in the form of construction employment and the provision of affordable housing for a variety of age groups that could contribute towards the creation of arguably a socially balanced and sustainable extension to the town.

However, it is considered that these factors are comprehensively outweighed in the planning balance by the location of the site outside of the defined built-up area boundary within the AONB contrary to Strategies 7 (Countryside Protection), 21 (Development at Budleigh Salterton) and 46 (Landscape Conservation and Enhancement and AONBs) of the local plan with a subsequent detrimental impact upon the rural landscape character and landscape and scenic beauty of this part of the AONB and the rural setting of this part of the town. Taking into account the highest status of protection in relation to landscape and scenic beauty that AONBs enjoy, the weight that should be given to their conservation and the resistance of major developments within such areas, except in exceptional circumstances, in line with the National Planning Policy Framework (NPPF) and local plan policies it is considered that the greatest weight should be given to its protection in this case. Whilst the stated need for more care accommodation and age restricted housing within the area is acknowledged, it is not thought that the case that has been made is especially robust or that this can be regarded as amounting to the exceptional circumstances that are required to justify a development of the scale proposed in this sensitive location.

The development would also result in the loss of a significant area of best and most versatile agricultural land contrary to the provisions of the NPPF and local plan policy. Furthermore, in the absence of an appropriate legal mechanism to secure the provision of affordable housing and the required financial contributions towards open space provision/enhancement, habitat mitigation and education infrastructure to offset the impact upon infrastructure arising from the development, the proposal is contrary to both local plan strategy and the Habitat Regulations.

As the Council is now able to demonstrate a five year housing land supply, and can therefore give full weight to the new Local Plan, there is no longer a need to expressly balance the adverse impacts against the benefits as required by paragraph 14 of the NPPF. However, for the reasons set out in the report, the harm is considered to outweigh the benefits and the proposed development would not constitute sustainable development and cannot therefore be supported.

CONSULTATIONS

Local Consultations

Budleigh - Cllr S Hall

I'm feeling very reticent about the above because as things stand this proposal exceeds that of BSTC submission to the Local Plan.

I'm not convinced there is a need for a Dementia Home.

Please keep me advised of any developments.

Further comments 19 February 2016:

My original comments were submitted some months ago.

Since then our Local Plan has been approved and in the light of this I wish submit the following additional comments.

EDDC has clearly demonstrated that there is a more than adequate 5 year land supply subsequently demonstrating that this proposal is not required. This is supported by the lack of a community expression showing a local or national need.

The proposal is lacking in detail with regard to the types of affordable housing and as it stands there is an insufficient number of affordable being offered.

Therefore I'm unable to support this application.

Budleigh - Cllr A Dent

Taking the three strands for sustainable development from the NPPF I feel they can be summarised as follows:

Economic: the additional jobs that will be created to run the Care Home will make a useful contribution to the local economy which itself needs stimulation. Additionally there will be 40 - 50 residents also contributing to the economy, many of whom will find local employment.

Social: both the Town Council and the Ward members have been advised that with people living longer there will be a need for care homes in the future like the one proposed. This against a background of council financed homes closing due the shortage of public funds.

Budleigh has a much higher proportion of elderly people than the national average and the argument for additional care facilities is strong.

Additionally there is proposed to be a further element of affordable homes which are in short supply both in the district and especially in Budleigh.

Environmental: this is the downside. If allowed this development will be on farmland of good quality in the AONB as well as being outside the BUAB.

Overall I believe the long term benefits outweigh the disadvantages and I feel this should be seen favourably as an exception site.

Should this come to committee I reserve my final opinion until I have heard all the arguments for and against.

Parish/Town Council

Amendment: Amended transport statement. Amended/updated landscape and visual impact assessment. Additional heritage assessment and site layout plan indicating affordable housing units

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

1. The proposal does nothing to conserve or enhance the Area of Outstanding Natural Beauty in which the site is located, and therefore is contrary to the National Planning Policy Framework, paragraph 115 and Policy EN1 of the emerging East Devon Local Plan.
2. The proposal is in conflict with Paragraph 116 of the National Planning Policy Framework which states that permission should only be granted if it is in the public interest - no such interest has been shown.
3. The site is outside the recently extended Built-Up Area Boundary and is contrary to Policy 6.22 of the emerging East Devon Local Plan.
4. The site is currently Grade I farmland.
5. The site is also adjacent to a Grade II Listed Building.
6. The proposal is unsustainable as there is poor access to the town's facilities.
7. There is no demonstrable need for such a development. There is already an over-supply of care beds in Budleigh Salterton but an under-supply in East Devon as a whole. Policy 6.25 of the emerging East Devon Local Plan states "no development outside the Built-Up Area Boundary unless there is a community need".
8. This is a 50% increase on the 110 homes already agreed as Budleigh Salterton's allocation for the emerging East Devon Local Plan.
9. The Council has concerns about the access on to the B3178 which is a very busy road and is covered by the national speed limit of 60mph.

Adjoining Parish (East Budleigh)

15/1118/MOUT Adjoining parish only. No plans or discussion.

Technical Consultations

County Highway Authority

Observations:

The application is made in outline with all matters including access reserved, therefore technical details presented in the accompanying Transport Statement (TS) should also be considered in outline.

Sustainability:

The site is located on the northern edge of Budleigh Salterton with an existing field gate access onto the B178 which connects Budleigh Salterton and Exmouth to the south and the A3052 Sidmouth Road and wider strategic highway network to the north. There are no existing footways on this part of the B3178.

The applicant claims that because the adjoining field has consented planning permission (11/2629) for 59 dwellings which includes the proposal of a new footway on the B3178 that would connect to the existing footway at Bedlands Lane, that this consent now makes this application site sustainable. I would question this assumption on two counts; firstly the proposed footway/cycleway to the adjoining

development (11/2629) does not appear to have conditioned within the LPA's Grant of Conditional Planning Permission (2nd November 2013); and secondly this sites location and closeness to amenities and public transport. The TS (2.4) states that bus route 357 is approximately 500m from the site, yet in its Summary & Conclusion (5.1) it says that the site is within 400m of this service.

Access:

There is also discrepancy in the TS (5.1) in that it proposes a change of the existing speed limit that fronts the site (national limit 60mph) to 40mph. Whilst the transport consultant did have discussions with the CHA regarding a change of speed limit, because there is not any proposed frontage development, houses that front the B3178, it would be against the CHA's policies to introduce a 40mph speed limit in the rural countryside. I have informed the originator of this error and I understand that an amended TS is imminent.

Pedestrian & Cycle:

Although the proposed layout is in outline only and therefore is only indicative, I have concerns that there does not appear to be any desire for pedestrian or cycle routes to link either with the consented adjacent site internally, or with the existing Shortwood Close, Dukes Close or Queens Road. The proposed pedestrian and cycle routes to the development are all via the B3178 which will make connections to Budleigh Salterton and public transport truncated. This criticism was also made by the CHA for the adjoining site. Access to the nearby NCR 2 is available from the site via the low trafficked Bear Lane and Bedlands Lane.

Vehicular Access:

The proposed 'T' junction onto the B3178 is considered satisfactory type of junction for the size of development proposed by the CHA. Taking the above mentioned discrepancy (TS (5.1)) into account, the submitted drawing PHL-05 A, shows that adequate visibilities for the traffic speed data that has been supplied is achievable and acceptable by the CHA.

Traffic Flows:

From the information that has been put forward, for which I have no reason to dispute. The CHA does not think that the proposed traffic generation would have a severe impact on the local or surrounding highway network.

The CHA has concerns that the site is sustainable especially for pedestrians. It would appear that the proposed footway/cycleway connection on the B3178 put forward by the adjoining site's planning application has not been fully conditioned by the LPA. This application (although in outline) relies on this footway/cycleway as a means of pedestrian and cycle access to the site and if the adjoining site does not provide this or it is not constructed, then the site could be considered as unsustainable because it is likely that the use of private motor vehicles would prevail. Simply saying that because the adjoining site is sustainable because it has planning consent does not necessarily make this site sustainable.

27th October 2015

The applicant has submitted a revised Transport Statement which addresses the above concerns. The applicant has agreed that proposed footway/cycleway for the adjacent development, which is also required for access to this development, will be built despite whichever of the developments comes forward first. Therefore I propose that the construction of the footway/cycleway is conditioned with any planning approval.

Recommendation:

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

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

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

2. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in both directions.

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

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

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

4. No part of the development hereby approved shall be commenced until:

A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 10 metres back from its junction with the public highway

B) The ironwork has been set to base course level and the visibility splays required by this permission laid out

C) The footway on the public highway frontage required by this permission has been constructed up to base course level

D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

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

5. The proposed dwellings shall not be occupied until the footway/cycleway has been provided from the proposed site access along the site frontage of the adjacent development and connecting with the existing footway at Bedlands Lane.

REASON: To ensure that adequate facilities are available for the pedestrians attracted accessing the site.

Devon County Council Education Dept

PLANNING APPLICATION: 15/1118/MOUT

PROPOSED DEVELOPMENT: LAND TO THE WEST OF BARN LANE, BUDLEIGH SALTERTON

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

The proposed 51 family-type dwellings will generate an additional 12.75 primary pupils and 7.65 secondary pupils.

There is currently capacity at the nearest primary for the number of pupils likely to be generated by the proposed development. Devon County Council will however seek a contribution towards additional education infrastructure at the local secondary school that serves the address of the proposed development. The contribution sought is £139,544 (based on the current DfE extension rate for Devon) which will be used to provide education facilities for those living in the development.

In addition, DCC require a contribution towards secondary school transport costs due to the development site being further than 2.25 miles from Exmouth Community College. The costs required are as follows: -

8.00 secondary pupils

£18.40 per day x 190 academic days x 5 years = £17,480

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

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

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

Housing Strategy Officer Paul Lowe

The applicants have submitted an amended plan identifying the affordable units. The plan now shows a total of 25 affordable units which is 1 short of being policy compliant.

There is still insufficient information provided on the size and tenure of some of the proposed affordable units. The applicants are proposing that 6 of the 12 retirement apartments will be affordable and we will require information on how these will be managed.

There is a need in Budleigh for either part wheelchair accessible properties or properties which are either step free or have a maximum of 3 steps; this need should be taken into consideration with the retirement properties.

The other comments made in our previous response dated 27th May 2015 still apply.

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

On this basis we will be seeking 50% (26 units) affordable housing for this scheme. The percentage sought is based on the total number of proposed dwellings excluding the proposed care home. We note from the information within the planning application that the applicant intends to provide 12 (40% of the 30 no. houses) affordable homes which is not acceptable.

There are some inconsistencies with the information provided and clarity is sought on whether the 12 apartments are to be affordable units for the over 55's or open market units for the over 55's. The Design and Access Statement refers to them as open market housing whilst the proposal description claims they are to be affordable retirement apartments. If these apartments are intended to be affordable retirement apartments we would require further information on tenure split and how these would be managed.

Housing need evidence suggests that there is a reduced need for three bedroom properties, with this in mind we would like to see a reduction in three bedroom units and an increase in two bedroom properties.

We would expect to see a tenure mix of 70/30% in favour of rented accommodation, the remaining as shared ownership or similar affordable housing product as defined in the National Planning Policy Framework document or relevant policy at the time. The applicant is proposing a tenure mix of 50/50% which is not acceptable.

All the affordable homes on site are to be built to the relevant local and national standards at the time of construction of the units. The affordable units should be dispersed throughout the development and be tenure blind. Once completed the affordable homes should be transferred to and managed by a preferred Registered Provider. We would strongly recommend that you engage with a Registered Provider as soon as possible to ensure the affordable dwellings meet the relevant design standards.

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

It appears that the application site is located within a Designated Protected Area and therefore staircasing should be restricted to 80%.

It is important that the Care Home definition falls within the 'Use Classes' for C2 use and that if this application is successful it is captured within a Section 106 agreement. If this should change then the number of affordable homes provided will have to be adjusted.

Natural England

Dear Central Team,

Planning consultation: Amended LVIA for the erection of 60 bed care home, 30no houses (40% affordable), 7no bungalows, 12no affordable retirement apartments and 2no live/work units. Outline application with all matters reserved.

Location: Land to the West of Barn Lane, Budleigh Salterton.

Thank you for your consultation on the above proposal, which was received by Natural England on 15 October 2015.

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

COUNTRYSIDE AND RIGHTS OF WAY ACT 2000 S. 84 (AONBs)

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

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

Designated Landscapes

The proposed development site is located on the northern edge of Budleigh Salterton, outside the Built-Up Area Boundary and within the East Devon Area of Outstanding Natural Beauty (AONB). Natural England has assessed the information available.

We acknowledge the revised LVIA submitted on 29th September, but having carried out a site visit, Natural England remains unconvinced that that there would be no adverse impact upon the special qualities of the AONB from this proposal. Due to the

high sensitivity of the designated landscape, we consider that the moderate changes to the landscape (as set out in the LVIA), when viewed from the north-west to the proposed site (along the B3178), would be of major significance.

Currently, the urban fringe of Budleigh Salterton is well screened as approached along the B3178 however this development, together with the adjacent planning permission (11/2629/MOUT), will extend the built environment significantly into what is currently a relatively undeveloped rural landscape.

At the site level, we consider that the development will have a major impact on the landscape character, not a moderate impact as suggested in the LVIA. It also represents a significant urban extension into an otherwise rural landscape character (LCT 3B Lower Rolling Farmed and Settled Slopes), representing a moderate change to the overall local landscape character.

Natural England commented previously on the potential for the adjacent development (11/2829/MFUL) to impact upon the protected landscape and we note that this has since been granted planning permission without any further consideration of the impacts. It is therefore essential that the significance of the cumulative impact of both of these developments is considered in determining this application.

From the site visit, it appeared that despite the northern part of the site being lower lying, it is more prominent from the viewpoints along the B3178 (to the north west) and the public right of way to the north west (Bear Lane). It is on the northern boundary (along the B3178) that the residential care home is proposed. A substantial building of this size would be out of scale with its rural aspect on the edge of a small settlement and inside an AONB.

Chapter 9 and Strategy 21 of the Draft East Devon Local Plan states that high quality landscape setting of the town should be conserved by 'resisting development that would impinge upon the Area of Outstanding Natural Beauty and other designations in and around Budleigh Salterton'. With regards to new homes, the plan seeks to 'secure modest housing development' that ensures that the 'semi-natural rural character of those areas on the edge of the Built-up Area...are maintained in order to protect the character of the AONB'. The Plan previously included a figure of 110 new dwellings during the plan period rather than an undefined "modest" amount. This figure has already been met through 2 recent planning permissions (11/2629/MFUL and 11/1251/MOUT) suggesting that no further housing development is required in the current plan period.

Should the Council be minded to approve this application, Natural England recommends that a landscape mitigation plan be conditioned. This plan should effectively integrate the proposed development into the landscape, contributing to local distinctiveness of the settlement by the use of indigenous species, local building materials and the retention and strengthening of existing hedge lines to increase screening.

In addition, Natural England advises that the Council fully considers the AONB Partnership's expert advice regarding the potential significance of impacts on the purposes of designation for the East Devon AONB.

European wildlife sites- Objection (inadequate information)

Further information required: No Habitats Regulations Assessment

The application site is in close proximity to three European Wildlife Sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their ecological interest. European wildlife sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and East Devon Heaths Special Protection Area (SPA) and the Exe Estuary Special Protection Area (SPA) and Ramsar site¹, which are European wildlife sites. The sites are also notified at the national level as Sites of Special Scientific Interest (SSSIs).

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

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

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

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

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

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

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

proposal, you should undertake an Appropriate Assessment, in accordance with Regulation 61 of the Habitats Regulations, including consultation with Natural England.

On the basis of the information provided Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. Natural England is able to advise the following to assist you with your Habitats Regulations Assessment. Decisions at each step in the Habitats Regulations Assessment process should be recorded and justified:

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

The application site lies c. 1 km from the East Devon (Pebblebed) Heaths SAC/SPA and c. 4.8 km from the Exe Estuary SPA and Ramsar site. This is within the 10km zone within which impacts of residential development on the aforementioned sites could reasonably be expected to arise in the absence of appropriate mitigation.

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

A Draft Heads of Terms included in the Planning Support Statement has been submitted as part of this application. The Heads of Terms includes a 'Contribution to SANGS and for the mitigation of impacts on the Exe Estuary and the Pebblebed Heaths'. However, your Council must have certainty that these mitigation measures can and will be delivered prior to determination of the application.

We therefore recommend you secure confirmation of the following to assist you in reaching a positive conclusion to your Habitats Regulations Assessment:

1. Clarification from the applicant regarding any mitigation they propose to offer, whether financial contributions and/or provision of Suitable Alternative Natural Greenspace (SANGS) in line with the SEDESMS and the Joint Approach of your authority, Teignbridge and Exeter to implementing that strategy.
2. For any SANGS which is to be delivered as part of the mitigation package, whether by the applicant or your Authority, a site must be identified and confirmed as suitable and deliverable prior to granting of permission.
3. A condition must be included on the permission preventing occupancy of any dwellings until an appropriate quantum of SANGS has been provided.

Exe Estuary SSSI and East Devon Pebblebed Heaths SSSI

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

Protected Species

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

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

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

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

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

Soils and Land Quality

From the documents accompanying the consultation, we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 112 of the National Planning Policy Framework).

For this reason we do not propose to make any detailed comments in relation to agricultural land quality and soils, although more general guidance is available in Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend that this is followed. If, however, you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Other advice

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

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

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

more comprehensive list of local groups can be found at Wildlife and Countryside link.

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

Environment Agency

Thank you for consulting us on the above proposal.

Due to changes in the consultation guidance the Environment Agency no longer comments on surface water issues for developments in flood zone 1. For comments on this aspect you should consult Devon County Council as the Lead Local Flood Authority.

There are no other constraints within our remit we would wish to comment on.

Environmental Health

I have considered this application and in the light of the following conditions that were agreed and attached to permission granted for planning app 11/2629/MFUL on 2 December 2013. I recommend that the conditions are extended to this adjacent site which were:

- (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.

Reason: To protect the amenity of local residents from smoke, noise and dust and in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.

Historic England

We have received amended proposals for the above scheme. We do not wish to comment in detail, but offer the following general observations.

Historic England Advice

The proposed site is located on the outskirts of Budleigh Salterton along the B3178. The nearest asset is the grade II* listed Tidwell Manor. A large brick 18th century Flemish style Manor House, located within the bottom of a shallow valley, which has retained its rural context, even with the more recent expansion of Budleigh Salterton. The house is orientated east to west and is accessed off the B3178. The existing encroachment of modern development has stayed on the periphery of the surrounding valley context, allowing Tidwell Manor to retain its historic rural character as well as its independence from Budleigh Salterton on the approach along the B3178.

The current proposal sits on the edge of the valley and begins to venture over the brow of the hill into this more intimate rural setting of the grade II* listed Tidwell Manor. In our previous advice, we identified that mitigation through the retention of the existing hedge line and reinforcement with appropriate tree specimens would assist in providing screening to the new development and reinforce the existing rural context. We are pleased to see that this has been offered as mitigation as well as consideration over the layout of the development, utilising the change in height to further reduce the visual impact of the scheme from within the valley context.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

EDDC Trees

I presume this application would be subject to a principle objection as it is outside of the built up boundary and within the AONB.

Given that the proposed scheme is within the AONB the preservation and enhance of the sites field boundaries which are shown in the historic OS maps from 1888-1890 will be of importance. Any possible development will need to provide for the long term management and enhancement of these features. The north and east boundaries being most critical, their retention in open space and not as residential cartilage will avoid the inevitably urbanisation of these historical living site features. Their management on a longer cycle at a greater size will also reduce the impact of the development on the AONB and increase the ecological value of the hedges.

Should development be allowed any reserved matter scheme will also need to provide space for new planting to establish and grow on in to maturity. This will help to reduce the long term impact on the surrounding area.

The layout of any reserved matters scheme will need to be informed by the Arboricultural Impact Assessment (AIA), unlike the indicative plan that was produce prior to the AIA and consequently issues relating to above ground constraints have been raised in the Arboricultural Report.

Further to my earlier comments:

Should the outline application be approved the following points should for part of the reserved matters application / OUT approval:

- a) Combined underground service installations which result in reduced constraints on tree planting within the scheme.
- b) Use of water gardens, tree planting, green roofs and other above ground methods as part of the SUDS scheme.

c) As the site is within the AONB a comprehensive and detailed landscaping scheme should form part of the reserved matters application.

d) A condition requiring a Tree Survey and Report, Tree Protection Plan and Arboricultural Method Statement similar to:

Prior to the commencement of any works on site (including demolition and site clearance or tree works), a tree survey and report to include a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs on or adjacent to the site, shall be submitted to and approved in writing by the Planning Authority.

The layout and design of the development shall be informed by and take account of the constraints identified in the survey and report.

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

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

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

Reason: To ensure the continued well being of retained trees in the interests of the amenity of the locality.

Campaign to Protect Rural England

Dear Sir

15/1118/MOUT Erection of 60 bed care home, 30 no. houses (40% affordable), 7 no. bungalows, 12 no. affordable retirement apartments and 2 no. live/work units (outline application with all matters reserved)

Land to the West of Barn Lane Budleigh Salterton

1. CPRE objects to this application and consider it should be refused. It is a re-submission of 14/1520/MOUT with further information provided. Our concerns have not changed.

2. The application site is outside the BUAB for Budleigh Salterton. It is not an allocation site in the emerging Local Plan, and there is no policy justification for it in the Adopted Local Plan or the emerging Local Plan. Already around 110 dwellings have planning permission, which is more than the 100 allocated in the emerging Local Plan. Now that EDDC are confident they can show a five year supply of

housing land, the policies restricting the supply of housing can carry weight. This site is in the open countryside, also in the AONB and on Grade 1 agricultural land. All these are very significant factors against development.

3. Need.

The applicant has produced a "Demand Analysis for Care Homes and Extra Care Accommodation". The Planning Support Statement claims that this shows "undeniable need" for a Care home in Budleigh Salterton. This is far from the case. The analysis shows that there is over-supply of care homes in the catchment area, defined as being within 10 minutes travel time of the site. Looking at the whole of East Devon, there is a small under-supply of care homes, but this cannot be justification for providing a care home in this particularly sensitive site.

4. The Demand Analysis does show that there is a significant under-supply of extra care accommodation. This is not surprising as this is a relatively new category of housing. Usually extra care accommodation is provided beside a care home so that support facilities, and sometimes staff, can be shared.

5. The Planning Application and Design & Access Statement state that there will be 12 tenure-restricted apartments for those aged over 55 who are "not so active". These are not described as extra care accommodation, and there is no S106 Heads of Terms, so provision of extra care accommodation cannot at present be secured or guaranteed.

6. Affordable housing.

The emerging Local Plan Strategy 34 states that for Budleigh Salterton, 50% of housing should be affordable. It has been confirmed at a recent appeal in Pinhoe that this strategy should carry weight.

7. The application has contradictory statements regarding the amount of affordable housing to be provided. The planning application itself, and the Design & Access Statement, show that there will be 12 affordable homes, as part of the 30 non tenure-restricted dwellings. Of these 6 will be for rent and 6 shared equity. The Planning Support Statement says that 15 of the dwellings will be affordable.

8. The total number of non care home dwellings is 51. Therefore there should be 25 or 26 affordable units. Providing only 12 would equate to less than 25% affordable. It has been usual practice in other development sites for tenure-restricted homes to be included in the total number of dwellings before applying the affordable percentage, e.g. the Blue Cedar development at Eastfield, West Hill (13/1809/MOUT) has 25 dwellings: 10 tenure-restricted, 5 open market and 10 affordable, and the percentage of affordable is calculated as $10/25=40\%$, which was in accordance with policy at that time.

9. The Planning Support Statement says that there will be only 15 open market dwellings out of a total of 111 "homes". This is misleading, by classifying the tenure-restricted dwellings and care home places as not open market.

10. Transport

A Transport Statement has been provided. The application site is a considerable distance from the main facilities of Budleigh Salterton, mostly 1-2km. As many of the occupants of the site will be elderly or infirm, it is unrealistic to imagine they will be able to access facilities on foot or by cycling.

11. Policy TA1 (Accessibility of New Development) of the East Devon Local Plan indicates that new development should be located so as to be accessible by pedestrians, cyclists and public transport and well related to compatible land uses so as to minimise the need to travel by car. This policy is consistent with paragraph 17 of the NPPF which states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be sustainable. This proposal is contrary to these policies. The site is not a sustainable location.

12. The nearest bus stop is around 500m from the site. It is proposed to provide a footway along the B3178 from the site access to the bus stop. This is not shown on any of the plans provided. The B3178 is fairly narrow, and it would not seem possible to create a footway unless considerable lengths of the roadside hedge are removed, which would be unacceptable.

13. The visibility splays needed are calculated to be 101.8m and 107.2m, based on the speed survey carried out. These splays are said to be shown on Dwg No 3144-PHL-05-C, but this is not uploaded so it cannot be seen whether these distances are achievable.

14. In paragraphs 1.2 and 5.1 of the Transport Statement it states that the speed limit along the B3178 is to be reduced (currently national speed limit, i.e. 60mph). Elsewhere in the document it states that Devon County Council have refused to agree to a change in the speed limits because it would not comply with their policy.

15. AONB

The site is within the East Devon AONB. Policy EN1 (Developments Affecting Areas of Outstanding Natural Beauty) of the East Devon Local Plan states: "Development will only be permitted within or adjacent to the East Devon AONB...where the proposal conserves or enhances the landscape character of the area and respects traditional local built forms and complies with policies on development in the countryside and affordable housing, or it can be demonstrated that the development is in the national interest and that there are no alternative sites elsewhere."

16. Paragraph 116 of the NPPF states: "Planning permission should be refused for major developments in these designated areas [AONBs] except in exceptional circumstances and where it can be demonstrated they are in the public interest."

17. Therefore there are strong policy reasons to resist development on this site within AONB. It is acknowledged that the AONB washes over the whole of Budleigh Salterton, so any development will be inside the AONB, but the emphasis still remains that the justification for any development requires a higher level of proof.

18. Landscape

A full LVIA has now been produced. We agree with the description of the Landscape Character, and that the site is in LCT 3B Lower Rolling Farmland and Settled Slopes. As stated, the site has a sense of tranquillity and rurality, experienced in the context of both the agricultural/pastoral fields to the north and east as well as the residential development to the south and west. The site has low-medium sensitivity. The development would have permanent effects of a new larger access, and presence of buildings. There would be a adverse effect on the AONB and on the LCA's and LCT's.

19. The Visual Impact would be significant, and the effect adverse, for users of the B3178, pedestrians and cyclists, nearby residents and users of footpaths.

20. Heritage Assets

The Grade II* listed Tidwell Manor and Grade II listed Stables, Coach Houses and Gate piers are within a few hundred metres of the site. When considering applications that may affect a listed building or its setting, section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires "special regard to be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." The NPPF notes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This statutory requirement has been emphasised in recent judgements in the Barnwell Manor case.

21. In this case there would be significant adverse effects on the setting of the Grade II* listed Tidwell Manor and this should be given significant weight.

22. Agricultural Land

The land is acknowledged to be Grade 1. It is currently in agricultural use. Best and most versatile land (Grades 1, 2 & 3a) should be used for development only in exceptional circumstances and if there are no other alternatives such as brownfield land or low grade agricultural land. (Policy EN13 (Development on High Quality Agricultural Land) of the emerging East Devon Local Plan & paragraph 112 of NPPF).

23. CPRE objects strongly to this potential loss of very high quality agricultural land, which is a scarce resource. There is a Security of Supply problem for food, as we import 40% of our food.

24. Summary

No valid justification has been made for this application in terms of planning policy or need. The site is outside the BUAB, inside the AONB, on Grade 1 agricultural land, in an unsustainable location, and no exceptional circumstances have been shown to over-ride these considerations. Insufficient affordable housing has been provided. We recommend that this application should be refused.

East Devon AONB

Site/Reference Land to the west of Barn Lane

Application Reference 15/1118/MOUT

Nature of response Consultation

Background to comments, site description/context (a summary of the National, County and District character areas it falls within):

The site is located on the northern side of Budleigh Salterton on Grade 1 agricultural land and sits outside the proposed BUAB in the current draft local plan. The field is part of a wider area (C096) identified under the SHLAA 2012 process. The field rises around 5m and is bordered by hedgerows with mature standards on the, western and eastern boundaries. The southern boundary is domestic curtilage with a mature tree, the northern boundary is more open where it meets the road. Tidwell Manor grade 11* is within close proximity to the site which falls within the Devon Redlands NCA 148, and is on the southern edge of the Devon Character Area (DCA) Pebble Bed Heaths and Farmland where it meets the Sidmouth and Lyme Bay coastal plateau DCA. It falls within the LCT 3B Lower Rolling farmed and settled slopes.

Natural England - National Character Area Assessment

NCA No : 148

NCA Name: Devon Redlands

Key Statements of Environmental Opportunity relevant to this site:

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

For example [...] 'and to plan for and inspire new development which makes a positive contribution to local character'.

Devon Landscape Character Area Assessment

DCA Name: Pebble Bed Heaths and Farmland

Key management guidelines relevant to this site:

- Prevent the linear spread of development along river valleys and roads to maintain the settlements' characteristic form and peaceful character.
- Protect traditional building styles and materials utilising the same styles and materials in new development wherever possible (whilst seeking to incorporate sustainable design).
- Protect the landscape's network of quiet lanes enclosed by woodland and species-rich hedgebanks, resisting unsympathetic highways improvements or signage.

East Devon and Blackdown Hills AONBs and East Devon District Landscape Character Area Assessment

LCT No : 3B

LCT Name: Lower Rolling Farmed and Settled Slopes

Brief description of the special qualities, landscape and historic environment character:

This landscape type consists of gently rolling land with variable and irregular fields bordered by low boundaries. Mostly pastoral and often with a wooded appearance, there are many hedgerow trees, copses and streamside tree rows. Streams and ditches dissect the landscape and winding, often sunken lanes add to the tranquil

and intimate nature. The historic settlement is common and includes nucleated, dispersed and linear villages. With varying building ages, styles and settlement size, stone is much used in building materials.

Key Characteristics

- Gently rolling landform, sloping up from valley floor
- Variable sized fields with wide low boundaries and irregular pattern
- Pastoral land use often with wooded appearance
- Many hedgerow trees, copses and streamside tree rows
- Settled, with varied building ages, styles and settlement size
- Much use of stone as building material
- Winding, often sunken lanes
- Streams and ditches
- Tranquil and intimate

Key management guidelines relevant to this site [taken from LCA (2008) and HEAP(2015)]

LCA

- Ensuring that any development contributes to local distinctiveness and assist integration of settlements within the landscape by the use of indigenous species
- Resisting development that would contribute to the coalescence of settlements including ribbon development

HEAP

- Retain mixed pattern of historic settlement which includes nucleated, dispersed and linear villages, especially areas in which infilling has not yet occurred.

Comments

Sitting outside the built up boundary of the town this field currently acts as a buffer to the developed fringe of Budleigh Salterton. Whilst within a SHLAA site, the land here is of the highest agricultural quality. In broad terms, the character to the south of the site is built/urban, the character to the north and east open and rural. Extending the boundary of the built area here will erode the more natural character of the AONB, however small/localised and will not assist integration of the existing settlement or proposed nearby development into this wider more rural part of the AONB. We note that Natural England has assessed the information available in the submitted Landscape and Visual Impact Assessment (LVIA) and is not convinced that the report constitutes a thorough assessment.

Summation

This proposed new urban extension of Budleigh Salterton will be prominent in the landscape as you approach the town on the northern road. The National Planning Policy Framework (NPPF) calls for valued landscapes to be protected and enhanced (NPPF 109) with the greatest weight being given to conserving landscape and scenic beauty in National Parks and Areas of Outstanding Natural Beauty (AONBs) (NPPF 115). There is a presumption against major development in protected landscapes (NPPF 116) and consideration therefore should be directed towards alternative sites. This is a major development that will have a significant impact on the landscape character and scenic beauty of the AONB at this location.

East Devon AONB Management Strategy 2014-19 Policy Reference(s):
P2 - Provide advice and support on planning policy and development to enable the special qualities of the AONB to be protected, conserved and enhanced.

Further Information

1. East Devon and Blackdown Hills AONBs and East Devon District Landscape Character Assessment & Management Guidelines (2008)
2. Devon Landscape Character Assessment (www.devon.gov.uk/landscapecharacter)
3. Natural England NCA profiles (Devon Redlands and Blackdowns)
4. East Devon AONB Management Strategy (2014)
5. East Devon AONB HEAP Management Guidelines (2015)

DCC Flood Risk SUDS Consultation

Location: Land to the West of Barn Lane Budleigh Salterton

Thank you for referring the above application which was received on 27/5/2015.

Devon County Council Flood Risk Management Position.

The FRA is very basic (attached to this letter is the Environment Agency's guidance), although in Flood Zone 1, a Flood Risk Assessment is required to account for all sources of flooding including existing surface water flood risk. The flood map for surface water show that there is some area of localised surface water flooding/ponding within the site boundaries and historic records showing property flooding downhill from the site from surface water.

The surface water strategy is very basic and dependent upon the comments of the highway authority's position. Any SuDS system intended to be beneath the adoptable highway areas will require separate discussions and approvals with Devon County Council's Development Management Control.

Following a SuDS approach, this gives the opportunity to integrate biodiversity and amenity improvements within the site as well as dealing with surface water runoff and managing water quality. On this basis, underground storage is not truly sustainable as they are only normally designed to deal with flow and volume. Every site is different with varying characteristics and not all SuDS techniques will be suitable. A good early assessment of the site is essential to identify what may and may not be accommodated within this particular site; this will help when justifying the approach. Further consideration is needed on other SuDS features which can be incorporated into the surface water strategy.

The provision and approval of a detailed drainage design should be considered as condition in any granted planning permission, this should contain the information attached to this letter and should be designed in accordance with local standards.

Other Representations

A total of 19 representations of objection, including a representation from the Otter Valley Association, have been received raising the following grounds:

1. Site is in the AONB and therefore enjoys the highest protection and great weight should be given to conserve the landscape and scenic beauty.
2. No demonstration of local and national need for the development.
3. Open character of the site is important in the visual impact of this gateway to the town and green fields would be replaced by urban sprawl.
4. The site is outside the built-up area boundary and development would therefore be contrary to local plan policies.
5. There is no overriding community need or clear policy justification for the development.
6. Development is unsustainable and will encourage private car usage as the majority of occupants will be over 55, the site is over a kilometre from the town facilities and it is unrealistic to think that occupiers will walk, cycle or use public transport to access the town centre services and facilities.
7. Unsustainable private car movements will result from the operation of the dementia home as most will come from Exmouth and work day and night shifts.
8. Increased problems with delays at the junction with the Exmouth-Budleigh Salterton road, especially with the rise in private car numbers that will be generated by the adjacent development once built.
9. Care needs are already well met in the town which has the same ratio of care home beds to population as other towns; a dementia home has recently had change of use granted to apartments without any objection from medical practitioners in the town and there is no proven demand for either the housing or the care home.
10. Unsustainable and perverse to provide a care home within an AONB in this part of the district to support projected demand elsewhere.
11. The site is in the vicinity and setting of the Grade II* listed Tidwell House and the proposed care home is too large for such a sensitive site and would dominate views from all points, including this property.
12. EDDC has shown a five year land supply and there is therefore no need for additional development.
13. The strategic housing allocation for the town has already been exceeded with development in progress at Greenway Lane and approved on the site next to the application site; these will more than meet current housing demands.
14. Loss of more Grade 1 agricultural land on top of that lost to Cranbrook contrary to Ministers' emphasis on brownfield developments taking precedence and local plan policy.
15. Impact on badger setts in and around the site.
16. Precedent for further development on parcels of land outside the northern boundary of the town,
17. Bathing water quality may be further damaged by increased usage of outdated sewerage infrastructure.
18. The NPPF states that refusal is acceptable if the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits; this is the case here.
19. This proposal does not reflect the needs and priorities of the community in line with the framework provided by the NPPF.
20. No adequate justification has been made in the application for any exceptional circumstances to support development on this land.
21. Increase in pedestrians walking along the B3178 leading to danger of accidents.
22. The proposed exit from the site onto the B3178 is at a point where the speed limit is understood to be 60 mph. The B3178 is not a wide road at this location and

the situation seems potentially hazardous as regards traffic turning out of the site onto the B3178, and also in relation to traffic turning right from the B3178 into the site.

23. Site needs a Habitat Regulations assessment and mitigation strategy.

24. Impact on protected species, especially from likely increase in cat predation.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 2 (Scale and Distribution of Residential Development)

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5 (Environment)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 21 (Budleigh Salterton)

Strategy 29 (Promoting Opportunities for Young People)

Strategy 31 (Future Job and Employment Land Provision)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)

Strategy 37 (Community Safety)

Strategy 38 (Sustainable Design and Construction)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 49 (The Historic Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

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

EN8 (Significance of Heritage Assets and their setting)

EN9 (Development Affecting a Designated Heritage Asset)

EN13 (Development on High Quality Agricultural Land)

EN14 (Control of Pollution)

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

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Introduction

The applicant has appealed to the Planning Inspectorate against non-determination of the application. As such, this report is seeking a resolution from the Committee as to the decision it would have taken had the appeal not been submitted. The decision by Members can then inform how the Council responds to the appeal.

Relevant Planning History

14/1520/MOUT - Erection of 60 bed care home, 30 dwellings (including 40% as affordable) 7 bungalows, 12 retirement apartments and 2 live work units with associated works. (Outline proposal with all matters reserved). Withdrawn 20/1/15.

11/2629/MFUL - Residential development of 59no dwellings (including affordable housing provision). Approved 2/12/13. (Adjacent site to west)

Site Location and Description

The application site comprises a single agricultural field, approximately 1.58 hectares in area, which is located on the north western side of Budleigh Salterton within open countryside outside of, but adjacent to, the edge of the built-up area of the town to its south. It has mature hedgerows and banks around its perimeter and slopes from the highest point at its south western corner down to a highway frontage with the B3178 to the north, access from which is positioned at the north western corner via a field gateway. The southern boundary is also contiguous with the rear boundary of existing residential properties in Hooker Close.

To the immediate west is a slightly smaller field upon which detailed planning permission was granted towards the end of 2013 (under application ref. 11/2629/MFUL) for a development of 59 dwellings, including 50% affordable. Although this permission will remain extant until almost the end of this year no commencement of the development has taken place, or application made to discharge pre-commencement conditions to which it was subject, at the time of writing.

The site and surrounding area are within the designated East Devon Area of Outstanding Natural Beauty (AONB) which also washes over the entirety of the built-up area of the town. In addition, the site forms part of a larger area of Grade 1 agricultural land that extends around the north western part of the edge of the built-up area.

Proposed Development

Outline planning permission is sought for a development comprising the following:

- The construction of a 60-bed care home
- The construction of 30 dwellings, 15 (50%) of which would be affordable with the remaining being open market
- The construction of 7 tenure restricted retirement bungalows for occupation by 'active' over 55's
- The construction of 12 tenure restricted retirement apartments for occupation by 'less active' over 55's
- The construction of 2 live/work units

All detailed matters, consisting of the layout, scale and appearance of the development and the means of access to, and landscaping of, the site are reserved for future consideration in the event of a grant of outline planning permission. The submission does however include an indicative site layout plan. This shows a vehicular access within a broadly central position along the B3178 frontage. It also indicates a siting for the proposed care home and open market and affordable units close to this frontage to either side of a central spine road with the retirement apartments and bungalows and the live/work units set further back within the site.

Although submitted in outline, the submission also includes a design and access statement that states that the care home and retirement apartments would occupy two storey buildings (the latter with individual private gardens or balconies and shared landscaped grounds) whilst specifying floor areas of around 90-100 square metre for the retirement bungalows, which would be two bedroom.

The scheme has been modified from the original proposal to provide 12 affordable dwellings, in the form of two 2 bed, three 3 bed and one 4 bed units available for rent with the remaining six, comprising the same proportion of two, three and four bedroom dwellings, available on a shared equity basis. It is now agreed, in line with observations made by the Council's Housing Enabling Officer, that 15 affordable units would be accommodated with a tenure mix of 70% rented and 30% shared ownership.

In addition, it has been agreed that 50% of the proposed retirement dwellings and apartments would be affordable.

The submitted layout also indicates a site for a waste water treatment plant within the north eastern corner of the site. The application also states that surface water disposal would be achieved through a SUDS scheme.

Draft heads of terms for a legal agreement to secure the provision of affordable housing and payment of financial contributions towards open space provision/enhancement, education infrastructure and mitigation of the impacts of development upon the integrity of the European-designated Exe Estuary and Pebblebed Heaths Special Protection Area have also been submitted with the application.

It is envisaged that the scheme would represent a second phase of development following on from that approved on the site to the west as well as meet a specific objectively assessed and identified local need for care provision and over 55's development that would contribute to the delivery of a sustainable and socially balanced extension to the town, including associated employment benefits.

Considerations/Assessment

The proposal is required to be assessed having regard to the following material considerations that are discussed in turn below:

- Principle of Development/Policy Context
- Sustainable Development: Economic/Social/Environmental Dimensions incorporating:
 - Landscape and Visual Impact on AONB
 - Location/Accessibility
 - Loss of High Quality Agricultural Land
- Highways/Access
- Foul and Surface Water Drainage
- Ecology/Habitat Regulations
- Impact upon Neighbour Amenity
- Impact upon Setting of Listed Buildings
- Impact upon Trees/Hedges
- Section 106 Obligations/Contributions:
 - Affordable Housing
 - Open Space
 - Education
 - Exe Estuary and Pebblebed Heaths SPA

Principle of Development/Policy Context

In examining the acceptability, or otherwise, of the principle of the proposed development in this case it is necessary to consider the current policy position regarding the newly adopted local plan as well as that relating to the 5 year housing land supply before assessing in greater detail the extent to which it constitutes sustainable development having regard to the three dimensions - economic, social and environmental - set out within the National Planning Policy Framework (NPPF) and associated material considerations and balancing this against the policy position.

At the outset it is recognised that the application site is outside of the built-up area boundary of Budleigh Salterton as defined in the now adopted new local plan and, as such, at face value its development would be contrary to the approach set out within the strategy to that plan which, in respect of Budleigh Salterton, does not envisage any extension of the town beyond this boundary.

A resolution to adopt the new local plan was taken at the meeting of Full Council on 28th January following receipt earlier during the month of the examining Inspector's report that principally, and crucially, concluded that the plan could be made sound subject to a series of recommended main modifications.

This included an acknowledgement that the plan makes adequate provision to meet the full, objectively assessed needs for market and affordable housing in the district. Moreover, and especially importantly, the Inspector concluded that the Council had satisfactorily demonstrated that the district would have the required 5 year supply of available housing land upon adoption of the plan to which full weight can be given.

The effect of this is that full weight can therefore be given to the relevant housing supply strategies/policies within the plan in line with policy as set out in the NPPF. This in turn means that such weight can be given to the built-up area boundaries for settlements that are defined in the plan.

It is therefore considered that the fundamental principle of the proposed development is unacceptable in broad strategic terms. The new plan does not allocate any sites for further residential development outside of the defined, and well established, built-up area boundary of the town and therefore envisages no expansion of it into the surrounding open countryside designated as AONB.

Whilst there is a need to consider this against the stated need for the development, which is discussed later in the report, on a basic policy principle level the proposal must be regarded as being unacceptable.

Sustainable Development: Economic/Social/Environmental Dimensions

The NPPF contains at its heart a presumption in favour of sustainable development and its three dimensions referred to above. It requires, at paragraph 49, that housing applications be considered in the context of this presumption and, at paragraph 14, that approval be granted for development proposals that accord with the development plan unless material considerations indicate otherwise or where specific policies in the Framework indicate that development should be restricted. In the context of this proposal, this includes those relating to AONBs and designated

heritage assets and sites protected under the Habitats Directive. In addition, paragraph 119 states that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Habitats Directive is planned.

As already set out within the preceding section of the report, the proposal would not accord with the newly adopted local plan on account of its location beyond the defined built-up area boundary of the town.

Paragraph 115 of the NPPF confers upon AONBs (and other designated landscape areas) the highest status of protection in relation to landscape and scenic beauty and attaches great weight to the same in the control of development. Paragraph 116 goes further in stating that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated that they are in the public interest. It requires that consideration of such proposals should include an assessment of, among other things, the need for the development and the impact of permitting it upon the local economy, the cost of and scope for developing elsewhere outside of the designated area or meeting the need for it by other means and any detrimental effect on the environment and landscape.

These considerations are encapsulated within the discussion set out below regarding the three dimensions of sustainable development.

Economic Dimension

It is acknowledged that a development of the scale that is proposed would generate activity within the construction industry with attendant benefits in terms of the supply of materials and services alongside the requisite labour and level of employment that would be required. Furthermore, there would be a subsequent need for the furnishing of the proposed care home and residential properties which itself would generate positive economic activity. There are also likely benefits in terms of the creation of an additional population base to support present and future shops/businesses, services and facilities, both within the town and further afield.

Whilst these may be offset to some degree by the additional pressures that are placed upon such services and facilities, these are difficult to quantify. As such, overall it is recognised that there is likely to be a net benefit arising from the development in economic terms which weighs in its favour.

Social Dimension

The proposal would clearly result in a not insignificant contribution to the supply of both general needs open market and affordable housing as well as targeted and age restricted provision for the over 55s population and those in need of care. It would also accommodate a mix of types of housing and accommodation.

It is therefore thought that support can be offered to such provision in broad principle terms, more especially given policies contained within the local plan that recognise the need to provide accommodation for a wide range of social needs and, in particular, the growing elderly population. Indeed, the benefits offered by the proposed development would be particularly enhanced by the provision of age

restricted affordable units, a form of development where in recent years there has been an under delivery of affordable housing.

As such, the scheme would provide a social mix and social acceptability for the range of housing options that would be made available from the development and secure social gains that would weigh in its favour.

Environmental Dimension

There are a number of issues that require consideration in relation to the environmental dimension, namely the landscape visual impact of the development upon the rural character and landscape and scenic beauty of the designated AONB, its impact upon the Grade 1 agricultural classification of the land of which the site forms a part and the extent to which the location of the site and its level of accessibility by non-car means are sustainable.

Landscape and Visual Impact on AONB

The principal views of the site that are available are those from the B3178 immediately adjacent to the northern boundary and from various points along this road from the north east, including from junctions with both Bear Lane and Kersbrook Lane, for a distance of approximately 600 metres. The latter of these is just below a point at which the main road ascends through a cutting in a hillside. From this more elevated viewpoint, the site is particularly prominent. From these mainly open views the distinction between the edge of the built-up area of this part of the town and the adjacent open countryside, which is of largely open and undulating character, appearance and topography, appears especially sharp.

Views of the site are also available from a section of a public footpath (no. 4) that extends northwards from the B3178 to the west of Tidwell House and Tidwell Barton around 300 metres to the north east.

However, owing to a combination of existing built development, established tree and hedge screening and the manner in which the B3178 rises and then falls away to the south west beyond the junction with Bedlands Lane, the site is not readily visible in views upon approach from this direction.

The application is accompanied by a landscape visual impact assessment (LVIA), the principal conclusions of which are as follows:

1. The impact to the character and visual amenity of the site as a result of the proposed development would be slight-moderate adverse due to the presence of development where there is none at present preventing agricultural use which would itself have a moderate adverse effect.
2. The character of the landform would otherwise be apparent so any effects would be minimal with effects to landscape features of the site likely to be moderate beneficial as a result of an appropriate landscape strategy.
3. The impact to general landscape character would be slight-moderate adverse. As the site occupies a small area on the edge of the town, the proposal would have little effect on the edge of settlement character of the area. It would be mainly viewed in the context of, and as part of, existing residential development so would be in keeping with that character. Few characteristics of the area would be impacted.

4. Tree planting would contribute to the landscape character of the area having a well-wooded appearance with suburban housing set in woodland.
5. The effects to the public footpath would be moderate adverse due to the direct views of the site that would be experienced as there is currently no development; however, the character of these views would not change significantly as the proposals may be seen in the context of the approved development on the adjacent site, once it is constructed, which will already extend the settlement into the countryside towards this footpath.

In response, Natural England has advised that they remain unconvinced that there would be no adverse impact upon the special qualities of the AONB resulting from the proposal. Due to the high sensitivity of the designated landscape it is considered that the change to the landscape when viewed from the B3178 to the north east would be of major significance.

At present, the urban fringe of the town is well screened in views from approach along this road and there is concern that the proposed development, together with that granted detailed planning permission on the adjacent site, would significantly extend the built environment into what is currently a relatively undeveloped rural landscape. As such, it is considered that the development would have a major impact on the landscape character and not a moderate impact as suggested in the LVIA. It also represents a significant urban extension into an otherwise rural landscape character, itself representing a moderate change to the overall local landscape character.

Natural England also advises that the site is visually prominent from viewpoints along both the B3178 and the public footpath. They also highlight the position of the proposed care home close to the northern boundary of the site shown on the indicative site layout plan and express the view that a substantial building of the size indicated would be out of scale with the rural aspect on the edge of the town within the AONB.

Strategy 21 (Budleigh Salterton) of the adopted local plan, underpinned by its preamble, states that the high quality landscape setting and outstanding natural environment and rural character of areas on the edge of the built-up area of the town should be conserved by resisting development that would impinge upon the AONB. The strategy also seeks to secure only modest housing development that ensures that the semi-rural character of areas on the edge of the town is maintained in order to protect the character of the AONB.

Although the strategy also aspires to facilitate the improvement and provision of important medical and care facilities in view of the high proportion of elderly residents in the town, and it is duly acknowledged that there may be inherent difficulties in securing these anywhere either within or beyond its built-up area in view of the AONB designation that washes over the town, it is not considered in this case that these should be accommodated as part of a scheme of the scale envisaged which would represent a further significant extension to the town.

As stated above, paragraph 116 of the NPPF states that major development within the AONB should be refused except in exceptional circumstances. It is therefore

necessary to consider if any such circumstances exist in this case that should be considered to carry greater weight in the planning balance when set against both this strong presumption against such development and the major and significant impact upon the landscape character of this part of the AONB that it is thought would result from the proposal.

In this regard, the agents have supplied a demand analysis for care homes and extra care accommodation. The main conclusions that it sets out are as follows:

1. The local area, within a 10 minute drive time local catchment, has a large existing supply of care home beds which exceeds average demand levels. However, much of this accommodation is relatively old, of a lower specification than most new build accommodation and inefficient in terms of economies of scale. Furthermore, only five are registered to provide dementia care which is the fastest growing area of the care home industry.
2. The wider district has a significant under supply of care home beds and extra care and enhanced sheltered accommodation.

Whilst these general conclusions may reflect the current situation with regard to the care development sector locally, it is not considered that they robustly underpin any justification for the proposed scheme which in any event is clearly not restricted to the provision of accommodation to satisfy a care need alone given the inclusion of a significant level of general needs housing. There are likely to be opportunities for the development of new, or the redevelopment of existing, care facilities both within and without built-up areas that are likely to be preferable sequentially to the urban expansion of the town within the AONB that is proposed.

As such, given the level of level of protection that is afforded to the AONB in national planning policy terms together with the Council's ability to now be able to demonstrate the necessary five year supply of deliverable housing sites, the absence of the exceptional circumstances to justify such development required by the NPPF and the major and significant impact upon the landscape character of this part of the AONB that would result from the development, it is considered that the proposal would result in environmental harm and as such, from the perspective of impact upon the character and appearance of the landscape, not amount to sustainable development.

Location/Accessibility

The site at present does not have the benefit of any pedestrian or cycle facilities that provide a connection to existing footways/cycleways, the nearest of which are in Bedlands Lane to the south west. The closest bus stop to the site is also in Bedlands Lane, around 500 metres from the site.

Although the approved residential development of the site to the south west incorporates the provision of a footway along the B3178 frontage to improve the connectivity of that site with Bedlands Lane and provide for safer pedestrian access to other parts of the town, no condition was attached to the planning permission (ref. 11/2629/MFUL) expressly requiring its provision (albeit that it is detailed on the approved drawings).

In its initial consultation response to the present application therefore, the County Highway Authority (CHA) expressed concern that, in the absence of such a condition, it would be unable to condition the provision of this footway since it forms part of a separate scheme with a separate planning permission. The CHA are keen to secure the frontage footway for the adjacent site with planning permission so that there would be a proper and continuous connection between the application site and existing facilities in Bedlands Lane. However, in the absence of a condition, it could not be certain that the footway provision would be made.

In the circumstances therefore, the current application proposal was regarded as being non sustainable on account of its lack of connectivity to services and facilities by means other than private car.

However, in response to the objection raised on this ground the applicants, who also own the adjacent site with planning permission, have agreed that the proposed footway/cycleway for this site, which as stated is also required for access to the development subject of the current application, will be constructed whichever of the developments comes forward first.

The CHA is now satisfied with this arrangement and therefore that the site may be regarded as being sustainably located.

Whilst the application site is located on the edge of the town's built-up area it is considered that the provision of appropriate pedestrian and cycle facilities connecting to those to be provided in conjunction with the development of the adjacent site and existing facilities in Bedlands Lane would facilitate connectivity, within reasonable distances, to a range of services and facilities within the town itself as well as a regular bus service providing links to Exmouth (and onwards then to Exeter).

As such, and notwithstanding the lack of any indicative pedestrian or cycle connection to the approved development on the adjacent site, it is thought that it can be regarded as being reasonably sustainably located. No objections are therefore raised on this specific ground.

Loss of High Quality Agricultural Land

As stated previously, the site occupies part of a wider area of the best and most versatile agricultural land (BMV), classified as Grade 1. Paragraph 112 of the NPPF states that local planning authorities should take into account the economic and other benefits of such land and, where significant development of agricultural land is demonstrated to be necessary, seek to use areas of poorer quality land in preference to that of a higher quality.

Policy EN13 of the adopted local plan protects BMV from development not associated with agriculture or forestry and states that permission will only be granted for development affecting such land exceptionally if there is an overriding need for the development and either sufficient land of a lower grade is unavailable or has an environmental value recognised by a statutory wildlife, historic, landscape or archaeological designation and outweighs agricultural considerations or the benefits of development justify the loss of high quality agricultural land. If BMV needs to be

developed and there is a choice between sites in different grades, land of the lowest grade available must be used except where other sustainability considerations, including nature conservation value, outweigh land quality issues.

For the reasons set out in the preceding paragraphs, it is not considered that there are any factors that would weigh in favour of allowing development of the site as an exception to these policies of restraint. Indeed, when considered alongside the fundamental policy principle and AONB impact objections already discussed, it is thought that it adds more weight to the argument that the scheme would fail to constitute sustainable development having regard to the environmental dimension.

Highways/Access

Many of the relevant highway and access-related issues have already been addressed in the preceding part of the report. However, to reiterate, the CHA has no objection to the proposal subject to the provision of a connecting footway/cycleway to that to be provided in conjunction with the development permitted on the adjacent site to the south west.

Other conditions of a more standard nature are also recommended by the CHA requiring the submission for approval of a construction management plan, the provision of 43 metre x 2.4 metre visibility splays in both directions at the site access, the phasing of development during construction to ensure the timely provision of access (including drainage), parking and turning areas, loading/unloading areas and visibility splays and laying out and servicing of the access road and a site compound and car park.

These aside, the proposed development is not thought likely to give rise to any other significant highways or access issues.

Foul and Surface Water Drainage

Foul drainage from the scheme would be discharged to the public sewerage system with connection to a main that passes through the adjacent site that would be agreed with South West Water.

Surface water would be drained to a SUDS system, full details of which could be conditioned to be agreed at the reserved matters stage in the event that it is resolved to grant outline planning permission for the development.

Ecology/Habitat Regulations

The submission incorporates an ecological assessment report that identifies species present on the site and the likely effects of development upon them and their habitats.

Among its main conclusions are likely disturbance that would arise during the course of development upon three badger setts that are positioned adjacent to the eastern and western site boundaries. The report sets out a series of measures to mitigate this, including the establishment of exclusion zones, provision of green corridors both around the perimeter of, and through, the site to maintain suitable habitat corridors

between the setts and off site foraging and appropriate planting/landscaping within the scheme to create additional habitat areas.

The report also sets out a series of other mitigation measures to minimise potential impacts upon bats and other mammal species. These include the provision of bat roosting sites in new buildings, tree planting along the northern site boundary, avoidance of night-time working during construction to prevent disturbance from lighting and noise, avoidance of site lighting of boundary habitat corridors, timer-operated low level lighting along the access road and around buildings, provision of a hedgehog box along the western boundary and checking of hedgerows for dormice with relocation, as appropriate, where found.

Provided that the site boundaries are adequately managed and appropriate measures taken to ensure protection of the species found within them, both during and following development, it is not considered that the proposed development will have an adverse impact on any protected species. Appropriate conditions and the submission of additional protection and where appropriate, mitigation measures can ensure that any development can be undertaken avoiding any undue harm to ecological interests.

The site is located within the identified 10km zone in relation to the East Devon Pebblebed Heaths and the Exe Estuary. These are internationally recognised under their designation as, variously, a Special Area of Conservation (SAC), Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) and are therefore highly regarded. They are also subject to the Habitat Regulations (the Regulations). Work recently undertaken as part of the preparation of the new local plan and set out in the Footprint Ecology Report (FER) recognises that all new development within 10km is likely to place additional pressures on this resource as result of increased recreation (including dog walking).

To avoid the need for a bespoke appropriate assessment, the FER sets out a charging schedule to allow both on site and off site measures (including SANGS) to offset the likely impacts arising from these identified pressures. While the applicants have indicated a willingness to provide this financial contribution, there is currently no mechanism in place to secure it. Without such a mechanism at the time of the decision and with no evidence to assess or conclude in an appropriate assessment that such development would not have a likely significant effect of the designated environments, this represents a serious failing. On this basis alone the scheme would have to be refused.

The obligation placed on the competent authority by Regulation 61 (5) of the Regulations importantly considers that in the light of the conclusions of the assessment [Appropriate Assessment], and subject to regulation 62 (considerations of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

Impact upon Neighbour Amenity

As stated at the beginning of the report, the southern boundary of the site also forms the rear boundaries of a number of properties in Hooker Close. As the application is

submitted in outline only, it is not possible to properly assess in detail the likely impact of the proposed development upon the living conditions, principally privacy, of the occupiers of these properties.

However, the submitted indicative site layout plan shows the proposed retirement bungalows positioned nearest to the southern boundary. On the basis that these would take the form of single storey buildings as implied, subject to assessment as to their scale, massing and height and proximity to the neighbouring properties there is no apparent reason why this element of the scheme should result in any undue adverse impact upon the adjacent residents.

The presence, and intended retention, of the existing established hedgerow that defines the western site boundary with the adjacent site with planning permission for residential development would provide a reasonable screen between the two schemes that would go some way towards safeguarding mutual levels of privacy and amenity for occupiers of both. Coupled with the necessary assessment of the relationship with this adjacent development at the reserved matters stage, it is not anticipated that the scheme would cause any significant problems with regard to neighbour impact.

The site is bound by open countryside to the east and development would not give rise to any neighbour impact issues in this direction.

Impact upon Setting of Listed Buildings

The site is located within approximately 300 metres of Tidwell House, a large and locally prominent 18th century Grade II* listed manor house, to the north east. The adjacent stables, coach houses and gate piers are separately listed Grade II.

The submission includes a detailed Historic Environment Assessment that concludes that, due to the topography of the local landscape and the degree of natural screening, there is very little intervisibility between these buildings and the application site. As such, the direct impact of the proposed development upon the significance of these heritage assets as contributed by their setting would be restricted. The degree of any harm would therefore be less than substantial.

Care would however need to be taken at detailed stage to ensure that the scheme does not create an urban or suburban edge to the built-up area of the town in order to protect, as far as possible, the rural setting of Tidwell Manor. To this end, it is suggested that the care home element could be repositioned further away from the B3178 and more within the site. Furthermore, the offer of retention of the present hedge screening and reinforcement with further tree planting would be important in both assimilating the development into the rural landscape and reinforcing the existing rural setting of the listed buildings within the present shallow valley landform that it occupies.

Impact upon Trees/Hedges

An arboricultural impact assessment report has also been submitted with the application. Its main recommendations are that the detailed layout should be informed by the constraints represented by the perimeter hedges around the site. There are no trees within the site itself.

With this in mind, it recommends submission of a hedge/tree protection plan detailing the construction of barriers during construction to cover as much of the trees' root protection areas as possible in order to prevent damage to their rooting areas.

This is largely supported by the Council's Arboricultural Officers who also recommend that the layout should be informed by an arboricultural impact assessment that considers both above and below ground constraints alongside a tree protection plan and an arboricultural method statement to ensure the safeguarding of all retained trees and hedges along the site boundaries.

The submission of these can be secured through an appropriately worded condition attached to any grant of planning permission. It will also be possible to seek to include, as part of the detail of a SUDS drainage scheme for the development, particular forms of landscaping such as water gardens and green roofs in addition to tree planting.

Section 106 Obligations/Contributions

The applicants have submitted draft heads of terms for a prospective Section 106 agreement relating to the provision of a proportion of affordable housing among both the open market element as well as the age-restricted retirement apartments and dwelling. In addition, as alluded to previously, heads of terms have also been offered in respect of commuted payments towards open space provision/enhancement (in lieu of the apparent absence of any direct on site provision), education infrastructure and mitigation of the impacts of development upon the European-designated Exe Estuary and Pebblebed Heaths Special Protection Area/Special Area of Conservation in line with the Council's adopted approach towards offsetting the impacts arising from the scheme.

Devon County Council, as Local Education Authority, is seeking financial contributions towards both additional education infrastructure at Exmouth Community College and secondary school transport costs owing to the location of the application site being more than 2.25 miles from the school. In total, the contributions sought amount to £157,024.

Other Matters

As is the case with the adjacent site with planning permission, the application site is not within an area which is of any archaeological significance and no specific issues have been identified that would require any further exploration of the site.

RECOMMENDATION

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

1. The application site is located within open countryside designated as Area of Outstanding Natural Beauty outside of the built-up area boundary for Budleigh Salterton, as defined in the adopted New East Devon Local Plan 2013-2031, in an area that has the highest status of protection in landscape policy terms and

where great weight should be given to the control of development in order to protect its rural landscape character and landscape and scenic beauty. The proposed development would encroach beyond the existing limits of the built-up area of the town with consequent significant visual harm to its character and appearance. Furthermore, it is not considered that the exceptional circumstances necessary to justify development of the scale proposed in the public interest required by the National Planning Policy Framework have been adequately demonstrated such that they would outweigh these fundamental policy and landscape impact objections to the development or the social and economic benefits that would result from it. As a consequence, the proposal would not amount to sustainable development and would therefore be contrary to the provisions of Strategies 7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement and AONBs) and Policy D1 (Design and Local Distinctiveness) of the adopted New East Devon Local Plan and policy contained within the National Planning Policy Framework.

2. The proposed development would result in the loss of a significant area of best and most versatile agricultural land, classified Grade 1. In the absence of any demonstration that sufficient land of a lower grade is unavailable for the proposed development, available lower grade land has an environmental value that is recognised and constrained by statutory wildlife, landscape, historic or archaeological designations or that the benefits of the development justify the loss of high quality agricultural land, the proposal would be contrary to the provisions of Policy EN13 (Development on High Quality Agricultural Land) of the adopted New East Devon Local Plan 2013-2031 and policy contained within the National Planning Policy Framework.
3. The application fails to provide an appropriate mechanism to secure a contribution towards measures to mitigate the effects of recreational use of the East Devon Pebblebed Heaths Special Protection Area and Special Area of Conservation and the Exe Estuary Special Protection Area by prospective occupiers of the proposed development. Without such a mechanism and with no information submitted to facilitate the making of an Appropriate Assessment, the proposal is considered to conflict with the provisions of the Conservation of Habitats and Species Regulations 2010. As a consequence, the proposal would also be contrary to the provisions of Strategies 47 (Nature Conservation and Geology) and 50 (Infrastructure Delivery) of the adopted New East Devon Local Plan 2013-2031 and policy contained within the National Planning Policy Framework.
4. The application fails to provide an appropriate mechanism to secure necessary affordable housing and contributions towards public open space and education infrastructure needs to adequately mitigate the impact from the proposed development. In the absence of appropriate mitigation, it is considered that the proposed development would have an unacceptable impact on infrastructure. As a consequence, the proposal would be contrary to the provisions of Strategies 34 (District Wide Affordable Housing) and 50 (Infrastructure Delivery) of the adopted New East Devon Local Plan and policy contained within the National Planning Policy Framework.

Plans relating to this application:

SHOWING AFFORDABLE UNITS	Layout	29.09.15
	Location Plan	13.05.15

List of Background Papers

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

Ward Clyst Valley

Reference 15/2756/FUL

Applicant Mr Nigel Dutt

Location Land Adjacent Woodside
Farringdon Devon

Proposal Erection of dwelling



RECOMMENDATION: Refusal



		Committee Date: 8 th March 16
Clyst Valley (FARRINGDON)	15/2756/FUL	Target Date: 08.02.2016
Applicant:	Mr Nigel Dutt	
Location:	Land Adjacent Woodside Farringdon	
Proposal:	Erection of dwelling	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

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

The site refers to an area of land that sits to the north east of Woodside and to the south west of Brackenhill, within the settlement of Farringdon. A road known as Shute Hill runs to the front of the site. Along the north eastern edge of the site runs a 3.5 high metre 18th century brick wall which was once the kitchen garden to the local manor, Farringdon House. The site was formerly orchard, but has since been cleared leaving only trees to the north western corner. These are the subject of a group Tree Preservation Order.

The site slopes gently in a north easterly direction up to the wall. The nearest neighbour is "Woodside" which is around 23 metres from the boundary of the site. To the front is an access which leads onto Shute Road.

Under Local Plan Policy the site is outside of the built up area boundary and as such it is considered that there would be an in principle objection to the proposal under Strategy 7 of the New local Plan. However the application proposes the construction of a dwelling under the exceptions policy set out at paragraph 55 of the National Planning Policy Framework (NPPF). Para. 55 sets out the conditions where an exception to the usual policy of restraint on new dwellings in the countryside might be met. The exceptions policy set out that new isolated homes in the countryside should be avoided unless there are special circumstances, one of these being the exceptional quality or innovative nature of the design of the dwelling. This application has been promoted on this basis. It is only very rarely that a development of this nature is considered to be acceptable, and the bar set for the acceptance of a dwelling of this nature is considered to be extremely high.

The proposed dwelling would use the design idea of echoing the walled garden

by forming a single wall formed at a right angle to the kitchen garden wall. The living accommodation would be located behind, with a central glazed courtyard. A basement would also be created to house a studio /study and plant room. It would have a flat roof incorporating solar panels, and would be constructed to a code for sustainable homes level 5 (although Code for Sustainable Homes has now been replaced by Central Government by amended Building Regulations).

The application has been presented to the Design Review Panel who were supportive of the proposal stating that they strongly supported the concept of a new home which explored the form of a walled garden in its design, and enjoys the simple device of a brick wall, not only allowing it to define the historic context of the site, but the proposed new home as well.

However it is considered by Officers that whilst undoubtedly this is an interesting design with some unusual features Officers are not persuaded that the design would necessarily be outstanding let alone truly so. Although the form may be original, in the sense of being inventive, creative and not imitative, that is not the same as being innovative in bringing new methods or ideas to bear. One-off private houses frequently take unusual forms. Whilst the idea of using passivhaus principles, ground source heating solar power and storage and super insulation are not commonplace, they are not new. Officers are also concerned that the proposal would actually detract from its setting and full appreciation of the garden wall leading to consolidation of development which would consequently harm the appearance of the site and surrounding area.

The particulars of the scheme would therefore fail to override the harm to the character and appearance of the area and would represent unsustainable development in an isolated location encouraging the use of the private car.

It is therefore considered that the proposal would not fully pass the tests set by the NPPF for a new dwelling in the countryside and that overall the proposal would also be unacceptable under Strategy 7 of the New Local Plan and is unacceptable with regard to the relevant provisions of the Development Plan and the NPPF. The application is therefore recommended for refusal.

CONSULTATIONS

Local Consultations

Clyst Valley - Cllr M Howe

I think this house would be superb in this context and would fit in perfectly with its surroundings as such I recommend approval.

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

Parish Council

Farringdon Parish Council has no objections - the proposal is in line with the Parish Plan

Technical Consultations

County Highway Authority

Highways Standing Advice

Natural England

Planning consultation: Erection of a dwelling.

Location: Land adjacent Woodside, Farringdon, Devon.

Thank you for your consultation on the above application, which was received by Natural England on 14 December 2015.

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

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

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

COUNTRYSIDE AND RIGHTS OF WAY ACT 2000 S.84 (AONBs)

European wildlife sites

Further information required: No Habitats Regulations Assessment

The application site is in close proximity to three European Wildlife Sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their ecological interest. European wildlife sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and East Devon Heaths Special Protection Area (SPA) and the Exe Estuary Special Protection Area (SPA) and Ramsar site. The site is also notified at the national level as a Site of Special Scientific Interest (SSSI).

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

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

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

assessment and conclusions with regard to the various steps within a Habitats Regulations Assessment.

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

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

East Devon Pebblebed Heaths SAC and East Devon Heaths SPA

Exe Estuary SPA and Ramsar site

The application site lies approximately 2.9km from the East Devon Pebblebed Heaths SAC and East Devon Heaths SPA and 5.3km from the Exe Estuary Special Protection Area (SPA) and Ramsar Site. This is within the 10km zone within which impacts of residential development on the aforementioned sites could reasonably be expected to arise in the absence of appropriate mitigation.

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

We therefore recommend you secure confirmation of the following to assist you in reaching a positive conclusion to your Habitats Regulations Assessment:

1. Clarification from the applicant regarding any mitigation they propose to offer. For a single dwelling, this is likely to be in the form of a mitigation contribution in line with the South East Devon European Sites Mitigation Strategy (SEDESMS) and the Joint Approach of your authority, Teignbridge and Exeter to implementing that strategy.

East Devon Pebblebed Heaths SSSI

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

Protected Landscapes

The application site is approximately 2.9km outside the East Devon Area of Outstanding Natural Beauty (AONB). Having considered the application, Natural

England does not believe that it would impact significantly upon the purposes of designation of the AONB.

Protected Species

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

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

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

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

SSSI Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website.

If you have any queries or suggestions regarding the IRZs, please send an email to the NE IRZs Mailbox.

Landscape Architect

INTRODUCTION

This report forms the EDDC's landscape response to the full planning application for the erection of a dwelling - nr. 15/2756/FUL. The site consists of Grade 3 Agricultural Land located next to former Farringdon house walled kitchen garden, of which the large brick walls remain and form the north-eastern boundary of the site. The site itself formed part of the orchards associated with Farringdon House. The south-western site boundary consists of a garden hedge, the south-eastern boundary and frontage to Shute Hill consists of a low grassed bank, the north-western boundary is made up of fencing with trees and woodland. The applicant, Mr. Dutt, seeks approval for the erection of 1 dwelling in the countryside under paragraph 55 of the NPPF.

'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example,

where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- o the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- o where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- o where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- o the exceptional quality or innovative nature of the design of the dwelling.

Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.'

The report consists of a review of the submitted information in relation to the four tests set out under paragraph 55 of the NPPF (see bullet points above) and provides a recommendation.

REVIEW OF SUBMITTED INFORMATION

The proposed scheme does have architectural merit and takes appropriate cues from its historic setting. The use of the brick walled frontage blends the old and the new in a sensitive manner. However the design falls short in passing the four test set out by paragraph 55 of the NPPF:

1. be truly outstanding or innovative, helping to raise standards of design more generally in rural areas

- The design does not introduce any new approaches or technologies. The current proposal provides an environmentally sound building, but not an innovative building.

- Further detail needs to be provided on the passivhaus aspects of the building, to ensure the set-out objectives are achievable and implementable. The current provided information is inadequate to ensure the delivery of its sustainability credentials.

- The design of the landscape does not include any innovation. The scheme should consider the use of SuDS (it is noted that the scheme incorporates rainwater harvesting which addresses this issue partly) and methods of dealing with sewage on site to further enhance the eco-credentials of the proposed building and to create a modern day productive/working landscape, which ties in with the history of the site.

- The dissemination of knowledge gained is currently unenforceable.

2. reflect the highest standards in architecture

- As stated above the building does not incorporate new technologies or approaches.

3. significantly enhance its immediate setting;

- The DAS refers to the site as a gap in the urban form; this interpretation of the site is incorrect. The site was historically occupied by an orchard. The so-called gap refers more to the loss of an historic landscape feature than the need for infill architecture.

- The balance between house and restored garden/orchard leans too much towards the house. This house, although its approach to the building design is correct, should have been designed to be subordinate to the restored orchard in which it sits to ensure the history of the site can be read as clearly as possible and to ensure it complies with the following management guideline as set out in the East Devon and Blackdown Hills Areas of Outstanding Natural Beauty and the East Devon District Landscape Character Assessment & Management Guidelines - 2008: 'Farming and land use: conserve and restore by Promoting the maintenance and restoration of orchards'
- 4. be sensitive to the defining characteristics of the local area.
- The use of dark render is unusual for East Devon and would make the building more visually prominent. A wooden cladding would feel more appropriate.
- The current proposal blocks of the historic pathway through the orchard.

RECOMMENDATION

The current proposal fails to meet the four tests set out by paragraph 55 of the NPPF. Main reasons for failing the tests is the lack of innovation within the building and landscape and the building dominated relationship between restored orchard and proposed building. Due to the aforementioned reasons planning approval should be refused.

Design Review Panel Comments on the Pre-application submission

The Design Review Panel session was held on the 22nd October 2015 at Exeter Civic Centre, This is the first time this scheme has been presented to the Design Review Panel.

The Panel welcomed being given the opportunity to review the excellent documentation prepared in the advance of the panel. The panel would like to congratulate the architect for a clear considered and thorough presentation to panel. The quality of which made reviewing the proposals a pleasure

The panel was complimentary of the applicant for leading from the front by leading the first five minutes of the presentation. Mr Dutt set out their objectives for their new home and the brief they had developed with their architect. This demonstrated from the outset a clear understanding of the close collaborative relationship that had been formed between the client and their chosen team and bodes well for the creation of outstanding piece of architecture.

Following what was an excellent preparatory set of documents and well executed presentation The Panel was unanimous that the proposal would meet the aspiration of NPPF55. The panel were strongly of the belief that this was outstanding architecture which would enhance its setting and be defined by the local characteristics of the area.

The panel strongly supported the concept of a home which explores the form of a walled garden in its design and enjoys the simple device of a brick wall not only allowing it to define the historic context of the site but the proposed new home as well.

The Panel suggested that a methodology of the works to the historic wall should be formalized in the application. The panel also urged the production of sample panels to demonstrate how the new wall behind which the house sits would be constructed and the new bricks, coursing and mortar would be used. The Panel wanted the applicant demonstrate how these two strong and defining elements of the site would work together once the home was complete.

The Panel asked why the wall had become slender on the drawings at its extremities. It was agreed by the architect that the wall would be of a constant thickness along its entire length to reinforce the importance to the wall to the concept of the house.

The Panel strongly supported the use of Low carbon technologies. The panel also asked that more detail was provided to demonstrate how the intake and extract louvers from the MVHR would appear on the external envelope.

The Panel strongly supported the ecological features of the house including a pond which is left to naturally evolve will be a key ecological gain. The panel ask the applicant to explore the potential for bat boxes.

SUMMARY OF MAIN RECOMMENDATIONS

In summary the main recommendations of the Panel were:

- The Panel were strongly supportive all of the principle of the proposals presented.
- The Panel was strongly supportive of the considered and intelligent response to the existing wall garden by creating a beautiful contemporary house designed around the concept of wall garden. An outstanding response to this unique context.
- The strongly supported the proposed use of innovative low carbon technologies to deliver zero carbon home.
- The Panel supported the inclusion of Ecology in the scheme proposals.
- The Panel urged the architect to undertake further detailed studies of the proposed materials as well as methodology for repair to the existing kitchen garden wall.

Other Representations

Four letters of support on the grounds of:

- The piece of land where it is proposed to build a dwelling has been totally overgrown and a real eyesore for many years.
- It has had a severe negative impact on the locality.
- Only recently has the land been cleared and the full aspect of the stunning high brick wall adjoining the land become visible.
- The design of the proposed house is highly original and embraces this feature in a unique way.
- The vision of the home Mr and Mrs Dutt wish to build fully enhances and complements the location environment.

- The design details a low profile and construction details which ensures the property will sit quietly against the landscape and be very discreet in its setting.
- The proposed design submitted is in complete contrast to an extremely large house which was recently allowed permission to be built in Farringdon.
- This recently built house dwarfs the size of the proposed dwelling and dominates the landscape from far and wide.
- The proposed passive house technology will have a very green footprint and will be in many ways the perfect retirement home.
- Mr and Mrs Dutt have lived in the community for over 11 years and have contributed a great deal during this time including organising litter clean up days and running the Farringdon Ringmaster.
- The outstanding design of the dwelling will add a very positive visual aspect to a redundant piece of land (too compact to have alternative uses) and undoubtedly enhance Farringdon.
- Design Review Panel states meets criteria of paragraph 55.
- Will add to housing stock.

POLICIES

National Planning Policy Framework

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

TC2 (Accessibility of New Development)

NPPF (National Planning Policy Framework 2012)

D3 (Trees and Development Sites)

D2 (Landscape Requirements)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 47 (Nature Conservation and Geology)

Site Location and Description

The site refers to an area of land that sits to the north east of Woodside and to the south west of Brackenhill, within the settlement of Farringdon. A road known as Shute hill runs to the front of the site. Along the north eastern edge of the site runs a 3.5 high metre 18th century brick wall which was once the kitchen garden to the local manor, Farringdon House. The site was formerly orchard, but has since been cleared leaving only trees to the north western corner. These are the subject of a group Tree Preservation Order.

The site slopes gently in a north easterly direction up to the wall. The nearest neighbour is "Woodside" which is around 23 metres from the boundary of the site. To the front is an access which leads onto Shute Road.

There is no associated planning history with this site.

PROPOSED DEVELOPMENT

Planning permission is sought for the construction of a new dwelling and associated access and landscaping works. The application is proposed under the exceptions criteria for new homes in the country set out at paragraph 55 of the National Planning Policy Framework and aims to deliver a home of 'exceptional quality' and 'innovative nature'.

The dwelling itself is described by the architects as principally a single storey, flat roofed four bedroom house with a partial basement as illustrated in the site sections. It would sit behind a brick wall frontage, with a large cantilevered glass oriel window that emerges from the wall. It would have a glass roofed courtyard 'garden room' at its centre and a 'brick path' running through the house along the line of a former garden path.

The span of the wall would measure around 30 meters with a height of around 6.1 meters at its maximum where the level drops and minimum height of around 5 meters. Behind, the dwelling would measure around 4.4 meters at its centre point, with a width of around 22.3 meters.

It is proposed that the dwelling would be constructed to passivhaus standards, utilising ground source heat pumps, photovoltaics, air tightness, passive design (including thermal mass, passive ventilation and mechanical ventilation) and efficient water use.

It should also be noted that the Design and Access statement says that the proposed area of land edged in blue (meadow) to the north west of the proposed dwelling would be bought by the applicants if they were successful in obtaining planning permission and would be used as a an extension to the garden. This is not within the red line of the application site and would require a separate application for planning permission.

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 ecology and County Wildlife Site
- Impact on trees
- Impact on residential amenity
- Highway issues
- Sustainability credentials
- Other Issues

THE PRINCIPLE OF THE PROPOSED DEVELOPMENT

In planning terms, the site lies in open countryside where there is a presumption against development. This is set out in Strategy 7 (Countryside Protection) of the New Adopted east Devon Local Plan which states:

The countryside is defined as all those parts of the plan area that are outside the Built-up Area Boundaries and outside of site specific allocations shown on the Proposals Map. Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

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

It is not considered that there is a policy within the Plan which would allow a dwelling which is not for a rural worker outside of built up area boundaries. It is therefore considered that there is an in principle objection to the scheme as it is contrary to Local Plan Policy.

Nevertheless, National Planning Policy as set out in the National Planning Policy Framework does make provision at paragraph 55 for special circumstances whereby new isolated country homes might be acceptable. Given this the full text of paragraph. 55 is repeated below for members consideration:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area."

This proposal is submitted under the exceptional quality or innovative nature of the dwelling.

In this respect a number of additional criteria are imposed that must all be met for a proposal to meet the very high benchmark that this policy sets, these are considered below and expanded on as necessary elsewhere in the report, and, must meet all four criteria of paragraph 55:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas

The land itself was orchard abutting the walled garden of Farrington House. The dwelling itself takes inspiration from the garden walls in a scheme which seeks to highlight the story of the area. The walls inform the design taking a form of a series of walled spaces with a woodland garden to the north.

The policy is clear that a proposal can aim to meet either criteria and there is no requirement (as there was under the previous policy in PPS 7) for a proposal to meet both tests. Nevertheless, the application does aim to fulfil both criteria. In terms of being truly outstanding, this is necessarily a subjective judgement, however, in an aim to apply some measure of objectivity the scheme was presented to the local Design Review Panel, pursuant to paragraph 62 of the NPPF, which suggests that Local authorities should have regard to the recommendations from Design Review Panels. This scheme was presented at preapplication stage to the panel which consists of local architects and related professionals. The panels comments are set out in full in the consultation section of the report but in this regard were,

".... The Panel strongly supported the concept of a new home which explore the form of a walled garden in its design, and enjoys the simple device of a brick wall, not only allowing it to define the historic context of the site, but the proposed new home as well.."

The panel comments on the day included 'beautiful' and one described the proposal as 'a poem'.

However it is considered by Officers that whilst undoubtedly this is an interesting design with some unusual features Officers are not persuaded that the design would necessarily be outstanding let alone truly so. Although the form may be original, in the sense of being inventive, creative and not imitative, that is not the same as being innovative in bringing new methods or ideas to bear. One-off private houses frequently take unusual forms. Whilst the idea of using paussivhaus principles, ground source heating solar power and storage and super insulation are not commonplace, they are not new.

The applicants have stated that in terms of disseminating information the applicant has stated that they would be happy to let professionals and trade journalists into the house. However it is not considered that this would be enforceable in any way so there is nothing to suggest that the scheme would help to raise standards of design more generally in rural areas.

- reflect the highest standards in architecture

Regardless of views on the visual impacts of the development or other considerations itself it is clear from the submitted details, that the panel were of the belief that this was outstanding architecture.

- significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area

This test is perhaps the most difficult to quantify. It could be argued that the addition of any new building, residential or not, to an undeveloped and sloping site and which would be visible within the wider designated landscape could not be considered to enhance and would necessarily detract from it and a reasoned argument could be put forward for this viewpoint. On the other hand in certain circumstances it could be argued that buildings which are sensitive to their settings can enhance them.

The view of the Design Review Panel was "*strongly of the belief that this was outstanding architecture and would enhance its setting and be defined by the local characteristics of the area*".

However the Officer view is that whilst it is noted that there are number of detached properties along this lane, an additional dwelling would add to existing sporadic development within the countryside and lead to a consolidation of development in the locality with a consequential harmful impact upon the rural character and appearance of the area.

It is considered that the infilling of this gap with a dwelling would actually detract from the full appreciation of the garden wall, which is visible from a number of viewpoints in the surroundings, not least when directly in front of it.

The DAS refers to the site as a gap in the urban form and that the application would allow for restoration of the site to its historic use. This is considered by officers to be an incorrect interpretation of the site. The site was historically occupied by an orchard and it is considered that the so-called gap refers more to the loss of an historic landscape (the orchard) feature rather than the need for infill architecture.

Furthermore, landscaping proposals for the scheme shows that the front boundary would be a planted hedge which it is argued within the D + A would partially hide the dwelling and the cars parked to the front. The Design and Access later says that the hedge would obscure the house but allowing glimpsed views from along the lane. It is considered that it is questionable how a dwelling such as this could realistically be appreciated, and it would follow that the views of the garden wall from which the dwelling takes its reference would be lost. Conversely if the landscaping were removed it is considered that this would cause visual harm referred to above. Further, the parking of vehicles to the front would again detract from the boundary wall which the design seeks to enhance and use as its architectural touch stone.

With regards to the wall it is argued within the Design and Access Statement that the proposed development would bring back the wall to its former glory and would allow

for its preservation. On this point, it should be noted that the applicant does not own the wall, but it is their intention that they would take over responsibility for it via a boundary change agreement should planning permission be granted. On this point it is considered therefore that there is no reasonable means of controlling that the wall is restored or that an agreement is reached between the applicant and the landowner. Securing the wall is not considered to outweigh the harm that has been identified.

Taking all these issues into account it is not considered that the proposal would meet all of these criteria and would fail to meet the full requirements of paragraph 55.

SUSTAINABILITY CREDENTIALS

The application aims to provide a passivhaus dwelling. Accompanying the application is a separate Sustainability report which sets out the specific technologies to be employed in the building to achieve this objective. The primary proposals to achieve this are:

- Ground source heat pump
 - good thermal fabric
 - Photovoltaic panels
 - Use of A+ rated appliances
- efficient water use and selection of materials

The use of the technologies proposed would lead to a development which would achieve code Level 5 for sustainable homes. The Energy and Sustainability Statement goes on to say that it is inarguable that the house is an "outstanding and innovative technical nature". In this regard it is again reiterated that the bar for paragraph 55 dwellings are considered to be an exceptionally high threshold - Code 6 of sustainability was the highest achievable and it is considered that to be an exceptional house it must be design to achieve code 6. It should be noted that the Code, has been scrapped under National Policy. This in itself does not prevent such delivery but does weaken the ability to condition the higher level Sustainable Construction that the Code provided for. There is nothing within the sustainability statement which specifically says why the development is innovative or why it would break new ground, as examples of these technologies can be found elsewhere. That being said, it is considered that this proposal would represent a more environmentally sound building than many new houses.

This also has to be weighed against the need for private vehicle in order to access day to day facilities. There is no school, paths are narrow and unlit and the opportunities for walking to any nearby facilities are particularly limited or unattractive. It is considered worth noting that Farringdon is not being carried forward in the list of sustainable settlements in strategy 27 of the New Local Plan.

IMPACT ON ECOLOGY AND COUNTY WILDLIFE SITE

The application is accompanied by an ecological statement which concludes that the development would have a negligible ecological impact.

The application site is in close proximity to three European Wildlife Sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their ecological interest. European wildlife sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and East Devon Heaths Special Protection Area (SPA) and the Exe Estuary Special Protection Area (SPA) and Ramsar site. The site is also notified at the national level as a Site of Special Scientific Interest (SSSI). The application site lies approximately 2.9km from the East Devon Pebblebed Heaths SAC and East Devon Heaths SPA and 5.3km from the Exe Estuary Special Protection Area (SPA) and Ramsar Site. This is within the 10km zone within which impacts of residential development on the aforementioned sites could reasonably be expected to arise in the absence of appropriate mitigation.

For a single dwelling, this mitigation is through financial contributions in line with the South East Devon European Sites Mitigation Strategy (SEDESMS) and the Joint Approach of East Devon District Council, Teignbridge and Exeter to implementing that strategy. This is secured through a unilateral undertaking which has been supplied and is considered to be acceptable.

East Devon Pebblebed Heaths SSSI

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

Protected Landscapes

The application site is approximately 2.9km outside the East Devon Area of Outstanding Natural Beauty (AONB). Having considered the application, Natural England does not believe that it would impact significantly upon the purposes of designation of the AONB.

IMPACT ON TREES

The group of trees to the north of the site are subject to a group Tree Preservation Order. The submitted tree report was primarily to check that the proposed siting of the house was clear of the tree roots in the adjoining woods.

To ensure that trees on development sites are not threatened by building works, the construction of drainage systems or other services and that they will not be removed in the long term, the Council requires that all development conforms with the recommendations laid out in BS5837:2012. The Council require that no building or works will be permitted within the construction exclusion zone of trees that have been identified for retention. Only in exceptional circumstances or where there is no other alternative, will construction, hard surfacing, drainage, underground services or sub soil works be permitted within this construction exclusion zone.

The arboricultural officer has been consulted on the details, and stated that as it stands there is insufficient details to state that there would not be harm to the TPO'd

trees. Notwithstanding that these details might have been requested during the application the trees which abut the boundary and are subject of the TPO are not part of the applicants ownership. The site survey states that trees 1-4 are categorised as good physiological and structural condition and the sweet chestnut as locally notable, ancient and veteran tree. Introducing a residential use in such close proximity to the trees is likely to lead to pressure for works to the trees themselves which could undermine the TPOs trees and their value. One argument could be that the residential use could lead to management of the trees – but there would be no way to enforce this as they are not in the applicants ownership.

Policy D3 (Trees and Development Sites) says that development should deliver a harmonious and sustainable relationship between structures and trees. The recommendations of British Standard 5837:2012 (or the current revision) will be taken fully into account in addressing development proposals.

It is considered that as it stands the application should also be refused on the grounds of the unknown impact. If Members are minded to accept the proposal in principle, it is considered that these details would need to be fully supplied before any approval is given.

It should also be added that the proposal involves significant digging out of the land to create the basement areas, and it should be added that there are no details as to what would happen to the soil or how its export or reuse would enhance the sustainability credentials of the site

IMPACT ON RESIDENTIAL AMENITY

The proposal is for a single dwelling, given the distances to the nearest neighbouring properties, and the presence of the garden wall it is not considered that there would be unacceptable overbearing or overlooking to neighbouring properties.

In relation to the construction phase of development this, as with all development to a greater or lesser degree, will inevitably cause some disruption in terms of traffic generation, construction noise etc. It is not possible to control this entirely however despite the application being only for a single dwelling given its scale and location it is considered reasonable to require the submission of a Construction and Environment Management Plan (CEMP) to secure proper consideration is given to minimising the effects of construction.

HIGHWAY ISSUES

The highways authority has recommended that standing advice is applied in relation to the proposal, this advice relates the standards to be applied in terms of access visibility and on-site turning. The proposed access utilises an existing field gate and is onto a narrow road. The existing/proposed access is set back from the road over which visibility is afforded in both directions. It is considered that once completed this would be adequate to safely serve the dwelling.

AFFORDABLE HOUSING

Strategy 34 of the Adopted New Local Plan requires all residential developments to contribute towards affordable housing. In this location a contribution equivalent to 50% affordable housing provision would be required. Using the adopted affordable housing calculator this proposal would require a financial contribution of £71,835 if planning permission were to be granted. The applicant has stated that if approval were forthcoming he would be willing to submit a viability appraisal. Currently, in the absence of a mechanism to secure this contribution, the application is contrary to Strategy 34 and this should be reflected in a further reason for refusal.

OTHER ISSUES

Drainage - Foul drainage would be linked to a klargester bio disc unit. The application has been submitted with a detailed drainage and water search. This details how foul drainage would be dealt with through the foul drainage assessment. Consent to discharge may be required from the Environment Agency, but the use application is considered acceptable in planning terms.

It is considered that the design of the landscape does not include any innovation. The Council Landscape Architect has stated that the scheme should consider the use of SuDs (it is noted that the scheme incorporates rainwater harvesting which addresses this issue partly) and methods of dealing with sewerage on site to enhance the eco credentials of the building and to create a modern day productive/working landscape.

The Parish Council have supported the proposal and stated that they consider it to be in accordance with the Parish Plan –it is unclear which element the Council considers the application to accord with within the Plan but there is reference to “plans for agricultural and eco housing should be supported at Parish Council meetings and with positive responses to such planning applications.

The applicants have in their supporting statement given examples of occasions where approvals for dwellings have been granted, but each case must be determined on its own merits. Neither is allowing a dwelling to keep the site tidy considered a reason to for permitted.

RECOMMENDATION

REFUSE for the following reasons:

1. The design of the proposed dwelling would not satisfy the tests of being innovative and of exceptional quality as set down in paragraph 55 of the National Planning Policy Framework. The design of the proposed dwelling is not of such exceptional quality that it would significantly enhance its immediate setting or be truly outstanding or innovative such that justifies granting planning permission as a departure from normal planning policy as provided for in paragraph 55 of the National Planning Policy Framework.

2. The planning application site falls outside of the built up area boundary of any defined settlement and is therefore within the open countryside where residential development is restricted. As no other policy of the Local Plan facilitates the proposal this would result in development outside of the built up area boundary in conflict with the spatial approach to accommodate residential development within defined settlements as identified within the Local Plan. It is not considered that there are material circumstances to outweigh the adverse impacts of a residential use within this location. Therefore the proposal is in conflict with Strategy 7 (Development in the Countryside) of the Adopted East Devon Local Plan 2013-2031 and the guidance in the National Planning Policy Framework.

3. The application fails to provide an appropriate mechanism to secure the necessary contribution towards affordable housing,
As such the proposal would be contrary to, Strategy 34 - District Wide Affordable Housing and Strategy 50 - Infrastructure Delivery of the Adopted New East Devon Local Plan.

4. Insufficient details have been submitted to demonstrate that there would not be harm to trees which are the subject of Tree Preservation Orders and the proposal is contrary to policy D3 (Trees and development Sites) of the New East Devon Local Plan.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

	Planning Support Statement	16.12.15
	Design and Access Statement	16.12.15
	Foul Drainage Assessment	14.12.15
	Design and Access Statement	07.12.15
SUSTAINABILIT	Planning Support	07.12.15

Y	Statement	
PRINCIPLES	General Correspondence	07.12.15
TREE SURVEY	Arboriculturist Report	07.12.15
NPPF PARA 55 HOUSE	General Correspondence	07.12.15
	Planning Support Statement	07.12.15
ENERGY AND SUSTAINABILITY	General Correspondence	07.12.15
PRELIMINARY	Ecological Assessment	07.12.15
DS1146P	Other Plans	07.12.15
BIODISC	Specifications/technical data	07.12.15
214.16.PL.PSI.01	Location Plan	07.12.15
TREE CONSTRAINTS	Other Plans	07.12.15
214.16.PLSEC.01	Sections	07.12.15
214.16.PL.SEC.02	Sections	07.12.15
214.16.PL.GA.01	Proposed Floor Plans	07.12.15
214.16.PL.GA.03	Proposed roof plans	07.12.15
	Landscaping	07.12.15
214.16.PL.EL.01	Proposed Elevation	07.12.15
214.16.PL.EL.02	Proposed Elevation	07.12.15
214.16.PL.PSI.02	Proposed Site Plan	07.12.15
1	Other Plans	07.12.15

2	Other Plans	07.12.15
3	Other Plans	07.12.15
4	Other Plans	07.12.15
5	Proposed Site Plan	07.12.15
6	Proposed roof plans	07.12.15
7	Proposed Floor Plans	07.12.15
8	Proposed Floor Plans	07.12.15
9	Proposed Elevation	07.12.15
10	Proposed Elevation	07.12.15
11	Sections	07.12.15
12	Sections	07.12.15
13	Other Plans	07.12.15
14	FRONT GARDEN PERSPECTIVE	Other Plans 07.12.15
15	NORTH WEST PERSPECTIVE	Other Plans 07.12.15
16	STREET SCENE	Other Plans 07.12.15
17	GARDEN	Other Plans 07.12.15
18	General Correspondence	07.12.15
19	General Correspondence	07.12.15
20	Ecological Assessment	07.12.15

List of Background Papers

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

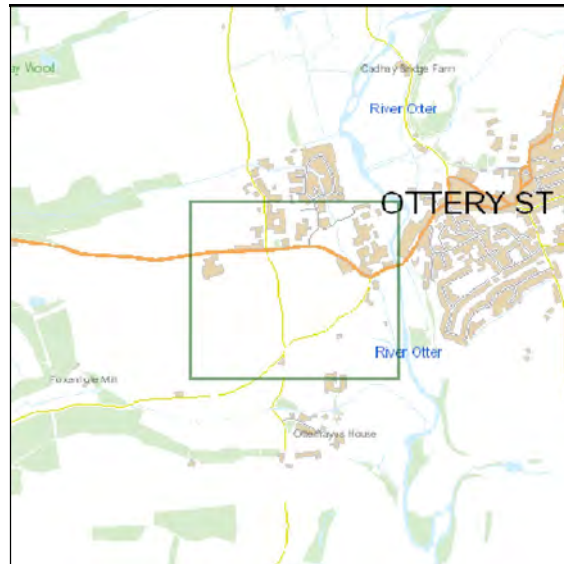
Ward Ottery St Mary Town

Reference 15/2059/MRES

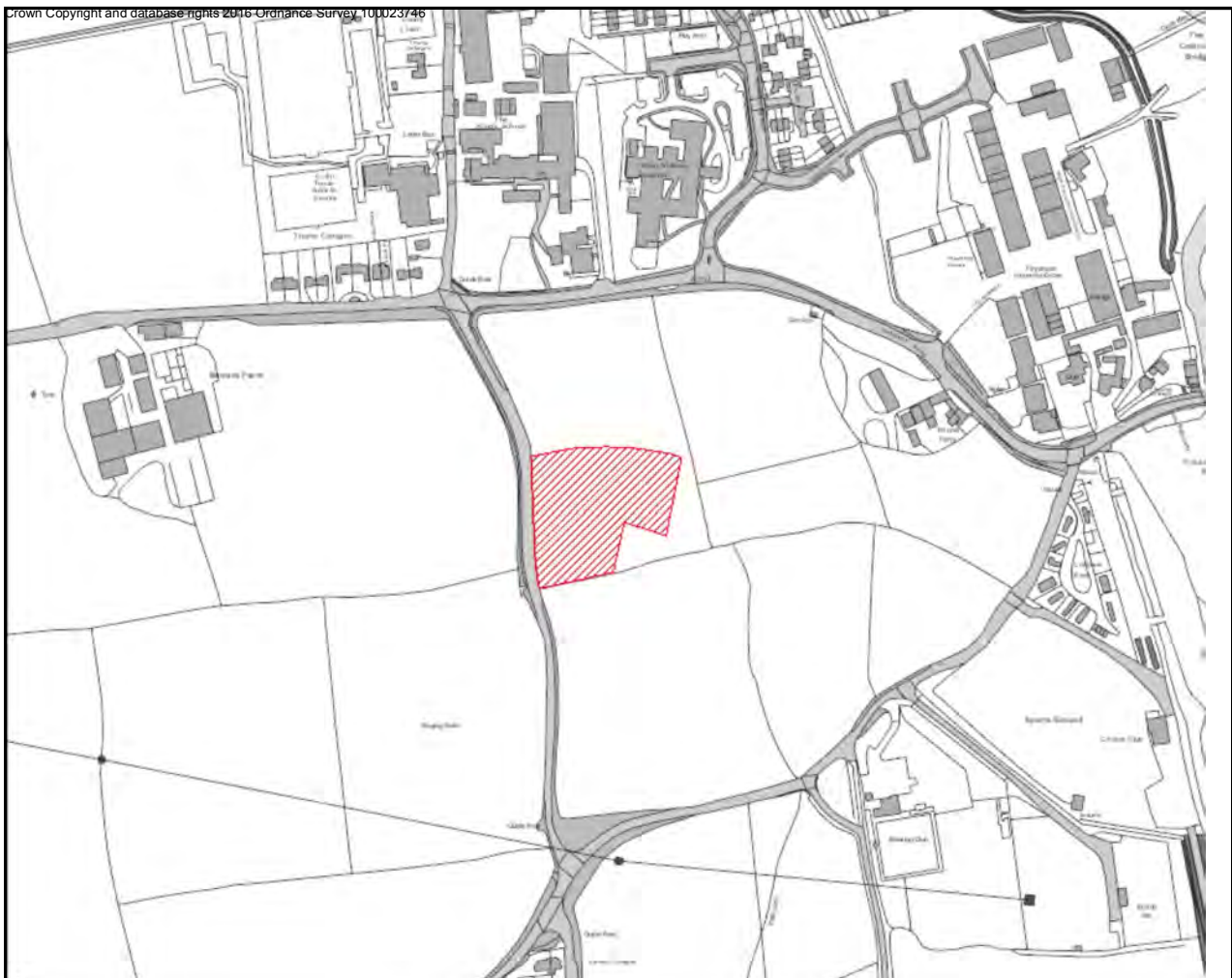
Applicant HCD Ottery Ltd

Location Land South Of Exeter Road Ottery St Mary

Proposal Construction of 66 bed care home pursuant to outline permission 12/2341/MOUT with details of appearance, landscaping, layout and scale.



RECOMMENDATION: Approval with conditions



		Committee Date: 8.3.2016
Ottery St Mary Town (OTTERY ST MARY)	15/2059/MRES	Target Date: 07.12.2015
Applicant:	HCD Ottery Ltd	
Location:	Land South Of Exeter Road	
Proposal:	Construction of 66 bed care home pursuant to outline permission 12/2341/MOUT with details of appearance, landscaping, layout and scale.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the officer recommendation differs from the view of the Town Council.

As a reserved matters application this proposal seeks to build on the outline that was granted planning permission in 2013. This element seeks to deliver the care home component of that application and as such sets out the plans and particulars for a 66 bed dementia care home with parking and landscaping to address the reserved matters of layout, scale appearance and landscaping.

Through significant negotiation the current proposal is for a flat roofed L shaped building with two stepped wings which fork from a central hub area. While at three storeys in height with small lower ground area the development is considered to be an appropriate scale and massing delivering the care home facility and building on the parameters which were recognised at the outline stage.

While the building is a contemporary design its stepped form helps to reduce the bulk and massing such that it would not dominate the landscape in near or wider views or harm neighbour amenity. The careful use of planning and associated hard landscaping further helps to set the building within an appropriate context. Overall Ottery St Mary has a number of large buildings which represent development of their time. While this is a modern and significant new addition it has the potential to similarly be assimilated into the landscape and more importantly meet an identified need for care home provision. With appropriate conditions additional control can be exercised over such issues as the materials and final landscape details to help ensure a high quality design and finish.

CONSULTATIONS

Local Consultations

Parish/Town Council

Town Council's Comments:

The Town Council is supportive of the principle of a care home facility but is not in favour of the current design as it is not in keeping with the landscape/environment.

Original Comments

The outline planning permission for the care home has previously been supported by the Committee and we feel that a Care Home could provide much needed employment and facilities in Ottery St Mary

Ottery St. Mary Town – Cllr R Giles

PLANNING APPLICATION 15/2059/MRES

CARE HOME SOUTH OF EXETER ROAD, OTTERY ST MARY

This application is in my ward and my preliminary view, based on the information presently available is that further discussions should take place with the applicants to overcome areas of concern.

I am not opposed to the principle of this development. However I do consider that certain design aspects of the proposal to be unacceptable.

I am very concerned about the parking proposals: two separate car parks are proposed - a 9-space car park for visitors, and a 22-space car park for staff. The two car parks are not connected. Doctors and other health professionals (and other visitors) visiting the care home who find the designated car park full, should have the facility to park elsewhere. This unsatisfactory and unacceptable arrangement should be changed.

I am concerned about the design of the building, which I consider will not be in accordance with the attractive Kings School original buildings in close proximity. I do wonder about an adverse impact of the proposed balconies on dwellings in the surrounding residential development area. I particularly do not like the flat roof, and feel that there is a good opportunity to provide renewable energy for the care home such as PV panels, which would accord with EDDC desire to see sustainable buildings provided

Technical Consultations

Landscape Architect

INTRODUCTION

This report forms EDDC's landscape response to the revised Reserved Matters application for the Construction of a 66 bed care home pursuant to outline permission 12/2341/MOUT with details of appearance, landscaping, layout and scale - nr. 15/2059/MRES. The site is located to the west of Ottery St. Mary and to the south of Barrack Road. The proposed development is set within the western edge of the approved residential development of 165 dwellings (app. Nr. 14/2553/MRES) with countryside beyond. The care home and residential development will form part of the new western edge to Ottery St. Mary. In response to EDDC's feedback on the

previously submitted information, the applicant, HCD Ottery Ltd, submitted a revised Landscape design including details, and a revised Design and Access Statement. This report reviews the submitted information in Landscape terms. The review should be read in conjunction with the submitted information. The review is followed by a recommendation outlining the reasons for the recommendation based on adopted policy, guidance and professional judgment.

REVIEW OF SUBMITTED INFORMATION

Comments on the Design and Access Statement

- o The revised building design integrates much better into its residential setting. The stepped built form responds well to the site's topography and addresses the visual concerns raised previously.

Comments on Site Plan/ Levels

- o What is meant by car protection? Please provide detailed specifications of boundary treatments on the hardworks layout plan or site plan.
- o Ensure that all retaining walls are accompanied with sufficient fall height safety barrier.
- o The various types of pavement shown on the site plan do not correlate with the information shown on the hardworks layout. Please provide a coordinate set of drawings.
- o There is a seat indicated centrally along the western edge, does the niche in which it sits not require a retaining wall along its back?

Comments on Hardworks Plan

- o Please provide detailed specifications of boundary treatments on the hardworks layout plan or site plan.
- o Please provide different finish to curved footpaths as bitmac is not in keeping with the residential character of the proposed garden. Alternatives could be resin bound or bonded gravel.
- o Ensure all steps have handrails and provide their specification.
- o Provide product specification for all materials and furniture.

Comments on Softworks Plan

- o Ensure species are suitable for a free draining slightly acid loamy soil, following species should be re-considered:
 - Astilbe 'Fanal'
 - Helleborus x hybridus 'Queen of the night'
 - Erysimum 'Bowles's Mauve'
 - Erysimum 'Walbertons fragrant star'
 - Knautia macedonica
 - Clematis armandii
- o Include some climber species in planting mix 1 to soften the appearance of the retaining walls especially where the width of the planting bed is minimal.
- o Western edge next to retained hedgerow currently shown as lawn would be better planted or seeded with wildflower meadow as it would be difficult to mow the sloping embankment.
- o Extend shrub and perennial planting at building entrance to create a more formal arrival space:

- o Change wildflower area in car park to a more ornamental planting to be more in keeping with the proposed surrounding planting.
- o Replace Juniperus scopulorum 'Skyrocket' with a fastigate broadleaf tree, which is more in keeping with the local landscape character.
- o Replace Pinus pinea with a smaller tree species as they grow into large trees and the space provided would be insufficient to accommodate it.
- o Native woodland planting mix should include 5% standard trees to provide instant screening and age variety across the planting.
- o Provide densities and species percentages for planting mixes.

Comments on Landscape Details

- o No further comments.

Missing Information

- o Boundary treatment details e.g.:
 - Retaining walls
 - Various types of fencing

RECOMMENDATION

The revised design addresses the previously raised concerns about landscape visual impacts and corresponds much better to the site's topography. Therefore the scheme should be considered acceptable in landscape terms.

If the scheme is granted planning permission the following landscape comments should be addressed through a landscape condition:

- Submit boundary treatment details
- Ensure all hardworks materials are appropriate
- Provide handrails to all steps
- Provide materials and furniture specifications
- Ensure selected species are appropriate for local ground conditions, fit in with the local landscape character and do not cause maintenance issues.
- Provide more formal planting to entrance and car park area.
- Incorporate climbers along retaining walls to soften their appearance.
- Include standard trees in woodland planting to provide instant screening and age variety across planting.

to ensure the scheme complies with the following policies:

- o Emerging EDDC's Local Plan Policy D1:

'In order to ensure that new development, including the refurbishment of existing buildings to include renewable energy, is of a high quality design and locally distinctive, a formal Design and Access Statement should accompany applications setting out the design principles to be adopted should accompany proposals for new development. Proposals should have regard to Village and Design Statements and other local policy proposals, including Neighbourhood Plans, whether adopted as Supplementary Planning Guidance or promoted through other means.

Proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.
3. Do not adversely affect:

- a) The distinctive historic or architectural character of the area.
 - b) The urban form, in terms of significant street patterns, groups of buildings and open spaces.
 - c) Important landscape characteristics, prominent topographical features and important ecological features.
 - d) Trees worthy of retention.
 - e) The amenity of occupiers of adjoining residential properties.
 - f) The amenity of occupants of proposed future residential properties, with respect to access to open space, storage space for bins and bicycles and prams and other uses; these considerations can be especially important in respect of proposals for conversions into flats.
4. Have due regard for important aspects of detail and quality and should incorporate:
- a) Secure and attractive layouts with safe and convenient access for the whole community, including disabled users.
 - b) Measures to create a safe environment for the community and reduce the potential for crime.
 - c) Use of appropriate building materials and techniques respecting local tradition and vernacular styles as well as, where possible, contributing to low embodied energy and CO2 reduction.
 - d) Necessary and appropriate street lighting and furniture and, subject to negotiation with developers, public art integral to the design.
 - e) Features that maintain good levels of daylight and sunlight into and between buildings to minimise the need for powered lighting.
 - f) Appropriate 'greening' measures relating to landscaping and planting, open space provision and permeability of hard surfaces.
5. Incorporate measures to reduce carbon emissions and minimise the risks associated with climate change. Existing buildings should also comply with this policy when energy reduction and generation measures are undertaken. Measures to secure management of waste in accordance with the waste hierarchy (reduce, reuse, recycle, recovery, disposal) should also feature in proposals during the construction and operational phases.
6. Green Infrastructure and open spaces should be designed and located in a way that will minimise any potential security concerns for users.
7. Mitigate potential adverse impacts, such as noise, smell, dust, arising from developments, both during and after construction.
- o Emerging EDDC's Local Plan Policy D2:
Landscape schemes should meet all of the following criteria:
- 1. Existing landscape features should be recorded in a detailed site survey, in accordance with the principles of BS 5837:2012 'Trees in Relation to Construction' (or current version)
 - 2. Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable provision for suitable replacement should be made elsewhere on the site. This should be in addition to the requirement for new landscaping proposals. Where appropriate, existing habitat should be improved and where possible new areas of nature conservation value should be created.
 - 3. Measures to ensure safe and convenient public access for all should be incorporated.

4. Measures to ensure routine maintenance and long term management should be included.
5. Provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting and other soft landscaping.
6. The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

Housing Strategy Officer Paul Lowe

As this application is for a 66 bed care home and doesn't appear to include any open market dwellings there is no requirement for affordable housing. However, if this is not the case then Strategy 34 of the Emerging Local Plan will apply. Namely 50% on site affordable housing provision, with a tenure split of 70 / 30% in favour of rented, the remainder as shared ownership.

The affordable homes should be tenure blind and meet Lifetime Homes Standards as well as other building standards relevant at that time. As well as this the affordable element should be transferred to a Registered Provider, with nominations sought from the Common Housing Registers. Staircasing to be restricted to 80%.

County Highway Authority

Observations:

The Planning Officer will be aware that following the granting of Outline Planning Application (12/2341/MOUT) the Highway Authority has been consulted on this application.

The application is showing 31 car parking spaces. 11 of these are for visitors the other 20 car parking space are for the employees. These have been split in two car parks, so neither can be used as an over flow. The number of parking spaces is a decision for the Local Planning Authority. Turning within the site has been provided for delivery and refuses vehicles. A stage 1&2 Safety Audit has been carried out and the designer has responded to the comments made by the safety auditor.

Recommendation:

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

1. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram 0117/310/S278-2 where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall

be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43metres in both directions.
 REASON: To provide adequate visibility from and of emerging vehicles.

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

3. A turning area and parking spaces and access drive shall be laid out and maintained for those purposes in accordance with the attached diagram 15039 L94.1D.
 REASON: To ensure the provision of adequate facilities within the site for the traffic generated by the development

4. No part of the development hereby approved shall be commenced until:
 The access road has been laid out, kerbed, drained and constructed up to base course level for the first 10 metres back from its junction with the public highway
 The ironwork has been set to base course level and the visibility splays required by this permission laid out. A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority
 REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

Other Representations
 None received

PLANNING HISTORY

Reference	Description	Decision	Date
12/2341/MOUT	Outline planning permission for 165 no. dwellings (C3) and a residential care home (C2) along with associated public open space, landscaping and infrastructure (with all matters reserved except for access)	Approval with conditions	17.10.2013

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

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

EN5 (Wildlife Habitats and Features)

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 3 (Sustainable Development)

Strategy 5 (Environment)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 24 (Development at Ottery St Mary)

Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)

Strategy 38 (Sustainable Design and Construction)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

TC2 (Accessibility of New Development)

TC3 (Traffic Management Schemes)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

ANALYSIS

Site Location and Description

The development affects an L shaped parcel of land fronting on Cadhay Lane in Ottery St Mary. This is undulating land that has a significant fall towards the east and as such back toward the River and the Town centre. The site is part of the land that previously received outline planning for the construction of housing and care home in 2013 of the which the housing has since received reserved matters approval and is now under construction.

Proposed Development

The scheme seeks to build on the outline planning permission that secured consent for 165 dwellings and a care home under reference 12/2341/MOUT. While the outline permission defined access only, matters of scale, layout appearance and landscaping were reserved for future consideration. This application considers only the care home element and excludes the housing which was previously permitted and now under construction under reference 14/2553/MRES.

The assessment that will be made for this application considers the remaining four reserved matters - namely layout, scale appearance and landscaping. It does not consider the principal or access arrangements which have previously been secured. In addition the application has included a number of other details which seek to address pre commencement conditions imposed on the grant of outline approval. To structure the report the four reserved matters will be considered in turn with outstanding conditions at the end.

Layout

The site area for the care home was fixed when the 165 houses was previously granted detailed permission. At that stage an L shaped area of land was set aside for the care home on the western side of the site by the main vehicle entrance. While this was set on the highest part of the site it was nonetheless considered an appropriate area to provide for the construction of a care home which was expected at outline to provide for around 60 bedrooms - this number derived from the critical number to make such a provision viable.

The detailed application that has now been submitted and itself been subject to significant pre application and post submission considerations and revisions, uses the L shaped configuration of the land to provide an L shaped building - essentially a layout that allows for two wings to branch off from a central hub on each floor. In addition to this there are series visitor car parking spaces which have been provided off the main estate road running broadly east west and a staff and service car park located on the western side of the building and on a level below that of the main building.

To manage the fall in ground which lies in a west to east direction the development seeks to use a cut and fill exercise resulting in a cut along Strawberry Lane and then fill towards the south west corner of the building with a second cut to the east of the building (to provide the car parking and access to the lower ground floor level that is provided) with a limited amount of fill beyond.

On this lower level, the development would accommodate a kitchen laundry plant and staff rooms. On the ground floor there would be 24 bedrooms across the two wings with a central bistro and lounge located by the entrance area in the main hub. At the end of both wings the layout provides for a small lounge dining area and on the end of the eastern projection there is an outside terrace. The first floor essentially operates on a similar floor plan layout but with an external terrace to the end of each wing. The second floor which only provides for a 9 and 10 bedroom unit in each wing respectively maintains an external terrace to the floor although the whole floor plan layout is stepped in from each end when compared with the floor below.

In addition to the built form and car parking already discussed the development would provide for a landscaped garden in the south east area of the site. This will be discussed in more detail within the landscaping assessment below.

As already alluded to, the layout now shows in detail the car parking provision. This sets out that there would be a total of 31 spaces (comprising 9 visitor and 22 staff) together with a dropping off area at the front of the building. The spaces are laid such that they are of an acceptable width and access and includes suitable on site turning provision. In terms of overall numbers it is noted that Policy TC9 of the adopted Plan no longer sets out any prescribed requirements for this type of development. The test within the policy merely requires that spaces will need to be provided. In this instance the scale of parking provided is considered reasonable and therefore no objections are raised on this basis.

This policy also requires that electric charging points for vehicles are included within all small scale and large scale major developments. Although this would technically be applicable here it is noted that this is a reserved matters application where the principle has already been established. In addition it is noted that the use is for a dementia care facility and therefore the vehicle movements to and from the site will primarily be for staff. In this instance therefore and recognising both the use of the building and the age of the outline permission which predates this policy it is not considered reasonable to seek such a requirement in this instance.

Overall the layout of the building both in terms of how the plot is set out externally and internally respects the configuration of the site and works reasonably well with the levels.

Scale

While the precise scale was not set out within the outline permission, the number of bedrooms that were anticipated was in the order of 60. In this instance the actual number of bedrooms that are now set out within the building is 66 which appropriately accords with the outline. Recognising the space that was indicated on the indicative outline and then fixed when the reserved matters application for the housing component was approved (both of which were relatively similar despite the change in anticipated location) it was always the case that such development could only be achieved if spread over three floors. In this instance the applicants have been very accommodating in trying to minimise the bulk and mass of the building, most significantly in the last iteration of the plans, stepping the ends of each wing at both first and more significantly second floor. This ensures that while the building is three storeys with the addition of a lower ground floor, the scale and mass of the building steps up from relatively low points on its extremities to a high point located at the hub area and its immediately surrounding accommodation.

The main floor plate of the building (ground floor) is set approximately a little under 2m below that of Cadhay Lane to the immediate west. While the building is essentially three stories in height the dominance on this lane is not considered significant given the set down that is achieved using the levels. In addition it would be seen within the context of the residential development that will be found to either side of the plot and as such is not considered out of scale. This assessment is further supported by the stepped nature of the southern wing where the mass steps in twice from the ground floor up to second floor giving a more graduated appearance to the built form.

While the north west corner of the development (the hub) is more dominating and as a full three storey structure would be prominent, this forms a corner/junction on the main estate road into the development and the housing that is under construction. As such it is considered that the site can accommodate a more imposing building at this point. In addition the building itself enjoys good articulation here with the oval tower feature helping to break up and add interest to the scale proposed.

In a similar manner to the south elevation already discussed the north elevation which would be the most legible maintains a three storey appearance before

stepping down at both first and ground floor. These steps allow the building to respect the fall in the natural ground and helps to ensure that the buildings scale does not overly dominate or compete with the topography.

Importantly the form of the building and the position within the plots respects the position and nature of the permitted housing that will be located both to the south and east. To the south and with a ground floor level approximately 1.5m higher than that of the proposed care home, there is a proposed distance of 11m from the joint boundary and 22m from the nearest dwelling. This distance increases to nearer 30m by the time the proposed building has stepped back to the rear of the second floor terrace. To the east the care home which would have floor levels approximately 4m higher is set away from the side gable of the houses and their rear garden by approximately 25m while from the furthest most extent of the eastern projecting wing to the nearest house (again a side gable and rear garden) the building is approximately 27m away. While to the ground floor of the proposed development there is a difference of 6.5m the stepped nature of the building in this location, together with the separation distance and intervening uses including landscaping is considered sufficient to offset and prevent any dominating impacts occurring. A similar conclusion can reasonably be reached on the distances and relationships identified previously.

The remaining assessment in terms of scale that needs to be considered relates to the wider landscape and the impact that such a building would have recognising its mass and location on the on the highest part of the site. In this regard the key views that have been identified primarily relate to those from St Saviours Bridge and the length of road immediately to the east where rising views across the permitted housing would be attainable. In this regard the applicants were asked to model this view. The original result represented a serious concern in that the unbroken mass of a large three storey building caused a significant intrusion on the line of built form within the view and appeared overly stark. In amending the scheme to its current form the applicants have significantly softened this impact by introducing a stepped form. Thus while the main central column of the building will still stand proud and be clearly legible the transition to this high point is more gradual and now considered acceptable. Even at its highest point the development would still have land and a tree belt behind it which further helps to set the context for the development and ensures that this does not harm the landscape. Ottery St Mary has a number of large buildings which represent development of their time and over time these have integrated well into their surroundings. While this is a modern and significant new addition it has the potential to similarly be assimilated into the landscape and importantly meet an identified need for care home provision.

Appearance

While the proposed development takes the form of an L shaped block of flats the external treatment has tried to follow a design concept of a series of modern terraced town houses where there is string vertical emphasis given to most elevations. This helps to give the building some character and more importantly to bring relief and articulation to the building without making it too fussy. The vertical emphasis has been achieved by the use of a mix of materials (render and brick) as well as physical steps in the building's facade. While in general these are not of significant depth

they are sufficient to introduce reasonable shadow lines and as such provide the interest which is so important for such a large building.

The other key feature of the building is the fact that it is designed with a flat roof with parapet edge. This is a relatively wide span building and therefore to introduce any form of pitch over the building is likely to appear awkward and cumbersome. Either the pitch would need to be very shallow in which case it would have limited visual interest, appear at odds with the surrounding development which has reasonably steep pitched roofs and would appear awkward and out of proportion within the building itself or it would be more steeply pitched which would result in a substantially taller building that would dominate the wider area. In this instance a flat roof with a carefully detailed parapet is considered a more honest approach limiting the height while maintaining a reasonably crisp and clean form of architecture.

The single feature that projects above this is the oval glazed atrium feature. This is a significant feature and adds further interest to the scale and massing that results from the building. However it introduces a curved feature which effectively contrasts with the very angular and more bulky nature of the main building. As such it is considered an appropriate feature that works well for the building.

Some elements of the buildings form and detail have been simplified during the iterations including the large glazed panel adjacent to the building's main entrance and the entrance porch itself. Both of these changes are important in providing more natural legibility to the building and its entrance without the need for confusing signage, additional design features and general clutter all of which can cause confusion in a building design. The three storey glazed panel is at odds with the main suite of materials used on the building but providing light interest and a focus to the hub of the building this is considered an acceptable design treatment that now works well for the building that is proposed. Other minor design changes have also been detailed including the grounding of the vertical material panels rather than having a low level plinth. This change helps to ensure that the building appears to respect the contours rather than having a horizontal component that jarred with the change in levels.

Included within this section of consideration is the introduction of external balconies at both first and second floor. In design terms these work very well but the more important consideration is whether they are likely to cause any adverse amenity impact on the future occupiers of the houses currently under construction. In this instance the separation distances from the southern wing to the houses to the south are 11m to the boundary and 22.5m to the house itself and 26m to the east, while from the eastern wing they measure 27m to the south (front elevation) and 25m to the garden boundaries to the east. It is considered that all these distances represent sufficient separation to ensure that harmful overlooking is avoided.

In the main, fenestration for the building takes the form of regularly sized windows which comprise a series of glazed panels and a vertical infill panel. The regularly proportioned window panels help to bring a rhythm and coherence to the building which helps to knit together the vertical panels already described. This is considered an acceptable elevational treatment which overall represents an appearance that accords with Policy D1 of the adopted Plan.

Landscaping

Detailed soft and hard landscaping plans have been submitted in respect of the relevant reserved matter. In terms of hard landscaping the scheme reflects the nature of the development and importantly seeks to provide suitable walkways around the building and access to the parking areas. Situated on falling ground there is a need for a number of retaining walls and care has been taken to ensure that in general these are not excessive in height or dominance and where possible use gabion baskets rather than over engineered walling. However the detailing for the boundary treatment can be improved and included on a single plan such that in this instance it is considered reasonable to secure this by condition in the event of approval. It is of note that with the consultation response from the Landscape Architect an alternative surface treatment is also sought to the pedestrian path that sweeps through the main garden. This is considered a reasonable and appropriate request and can again be secured by condition.

The extent of tarmac surfacing for the service yard and staff parking is unfortunate as with a wider splayed entrance this has the potential to appear a little harsh. However soft landscaping comprising woodland planting is proposed to the east and south of this area which in time would provide a soft back drop to it. Further enhancements of this could be secured by condition to strengthen the context which is provided from the outset. The remaining soft landscaping is generally considered appropriate although as recognised within the consultee comments minor revisions to species and detail would further improve this component of the development. Given the prominence of the site and the scale of the building the right landscaping is critical. It is therefore considerable appropriate and necessary to further control some of these details by condition and further “polish” the submitted scheme.

In respect of the change the more significant change relates to the front entrance corner of the site where there is a currently proposed to be a feature Acre tree with wildflower meadow beneath. Given this would act as a focal point on the corner stronger planting to accompany the tree should be sought.

Overall the landscaping details submitted (subject to minor revision and update) are considered acceptable and accords with Policy D2 of the adopted Local Plan.

Conditions/106 discussion

On the outline permission a series of conditions were imposed. While some of these have been agreed already and some can be discharged through this application (in the event of approval) others require additional information still to be submitted. A brief summary is set out below:

1. Time period for submission
2. Approval of Reserved Matters – dealt with by this application
3. Ecological statement of compliance - still required for this site area
4. Tree protection details - submitted with the current application and considered acceptable
5. Programme of archaeological work - already completed and agreed

6. Requires compliance with the previously submitted Flood Risk Assessment
7. Provision of cycle way - this is not relevant to this site area and has been secured under 14/2553/MRES
8. Public lighting - details still required for this proposal
9. Construction Management Plan requirements – this still requires detail to be submitted
10. Land contamination - compliance requirements
11. Details of road layout and construction - site is a private site access from the estate road already agreed. On this basis no further information is required in respect of this proposal although the Highway Authority have requested internal detailing which can be secured by revised conditions
12. Phasing programme - this is a single component of the wider site and therefore specific additional details are not required
13. Construction of access and details of site compound - details are still required
14. Delivery of parking and turning provision - compliance condition
15. Travel Plan - Requires submission of details
16. Site management and highway protection - details still required
17. Care Home shall only be operated as a C2 use - an ongoing compliance requirement.

In terms of the Section 106 agreement this covered issues of open space, affordable housing and significantly an attempt to secure extra care apartments including affordable extra care apartments as part of the care home development. However based on the legal advice received the agreement is premised on the basis of extra care apartments being provided which then triggers the requirement for a number of these to be affordable.

In this instance the applicant has indicated that it is not possible or appropriate to have mixed use apartments within a single development block where the care and management requirements of dementia care and extra care are entirely different. As a result the applicant is not seeking to provide any extra care apartments but instead concentrate entirely on the provision of a dementia care facility with the number of bedrooms just achieving the critical number to make a viable development. Legal advice received confirmed the applicants assertion that there was no obligation to force the delivery of extra care apartments which, as set out by the developer, would then have resulted in the whole proposal falling away in any event as being unviable and unmanageable. While it is disappointing that the developer has not proposed any extra care units and as a result there are no affordable extra care units secured, the delivery of a dementia care home would nonetheless be an important asset for the community both in delivering the care facility that it constitutes but also the employment that is derived from it.

RECOMMENDATION

APPROVE subject to the following conditions:

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

plans and drawings attached thereto, copies of which are attached to this notice relating to:-

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

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. No. 12/2341/MOUT) granted on 17th October 2013

The following reserved matters have yet to be approved:

None

The following Conditions attached to the Outline Planning Permission (ref 12/2341/MOUT) referred to above and which relate to the part of the site covered by this reserved matters application are hereby discharged or remain to be complied on site without the need for the submission of details or separate agreement:

4, 5, 6, 7, 10, 11, 12, 14, 17

The following Conditions attached to the Outline Planning Permission ref. referred to above remain to be complied with where details are required to be submitted prior to the commencement of development in so far as they relate to the site covered by application 15/2059/MRES:

3, 8, 9, 13, 15, 16,

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

2. Notwithstanding the plans hereby approved and prior to development occurring above the ground floor slab level, a final set of hard and soft landscaping plans including maintenance schedule, planting densities and species percentage mix, planting layout plan and revised planting specification shall be submitted to and agreed in writing by the Local Planning Authority. The revised plans shall be based on the details hereby approved but updated in respect of the following aspects:

Details of all boundary treatment

Details of the "car protection" indicated

Detail and positioning of all safety barriers/rails where required in association with retaining walls

Revised surface finish to the curved footpath through the formal garden

Specification of all garden furniture and associated structures

Revised specification to the identified planting mix 1

Revised planting layout to the western and north western planting areas (located outside of the internal footpath)
Revised tree planting schedule in respect of the Juniperus Scopulorum and Pinus Pinea
Revised native woodland planting mix to include 5% standard trees

Planting shall take place no later than the first planting season following agreement of the final scheme and be maintained for a period of 5 years following its first implementation. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)

3. For the avoidance of doubt the hardscaping layout and surface treatment shall be implemented in accordance with the revised hard landscaping plan required by the above condition and not the site plan/levels drawing with reference 14-008-111 Rev L which is also hereby approved but only in respect of levels and site layout details.

Reason to clarify the terms of the permission and avoid confusion over current and potential discrepancies between drawings in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon local Plan 2013-2031).

4. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

5. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram 0117/310/S278-2 where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43metres in both directions.

REASON: To provide adequate visibility from and of emerging vehicles in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan

6. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway
 REASON: In the interest of public safety and to prevent damage to the highway in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan

7. A turning area and parking spaces and access drive shall be laid out and maintained for those purposes in accordance with the attached diagram 15039 L94.1D.
 REASON: To ensure the provision of adequate facilities within the site for the traffic generated by the development in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan

8. No part of the development hereby approved shall be commenced until:
 The access road has been laid out, kerbed, drained and constructed up to base course level for the first 10 metres back from its junction with the public highway
 The ironwork has been set to base course level and the visibility splays required by this permission laid out. A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority
 REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan

Plans relating to this application:

	Location Plan	03.09.15
14-008-111L	Proposed Site Plan	11.01.16
14-008-120K	Proposed Floor Plans	11.01.16
14-008-121M	Proposed Floor Plans	11.01.16
14-008-122N	Proposed Floor Plans	11.01.16
14-008-123M	Proposed Floor Plans	11.01.16
14-008-135E	Proposed roof plans	11.01.16
14-008-150U	Proposed Elevation	11.01.16
14-008-151Q	Proposed Elevation	11.01.16

14-008-152F	Proposed Elevation	11.01.16
14-008-160B	Sections	11.01.16
10013-500A	Other Plans	11.01.16
15039 L93.01B	Landscaping	11.01.16
15039 L94.01D	Landscaping	11.01.16
15039 L94.02A	Landscaping	11.01.16

List of Background Papers

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

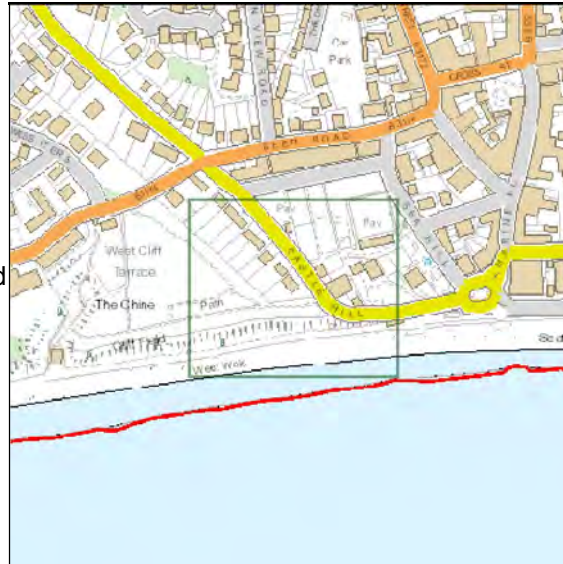
Ward Seaton

Reference 15/2786/VAR

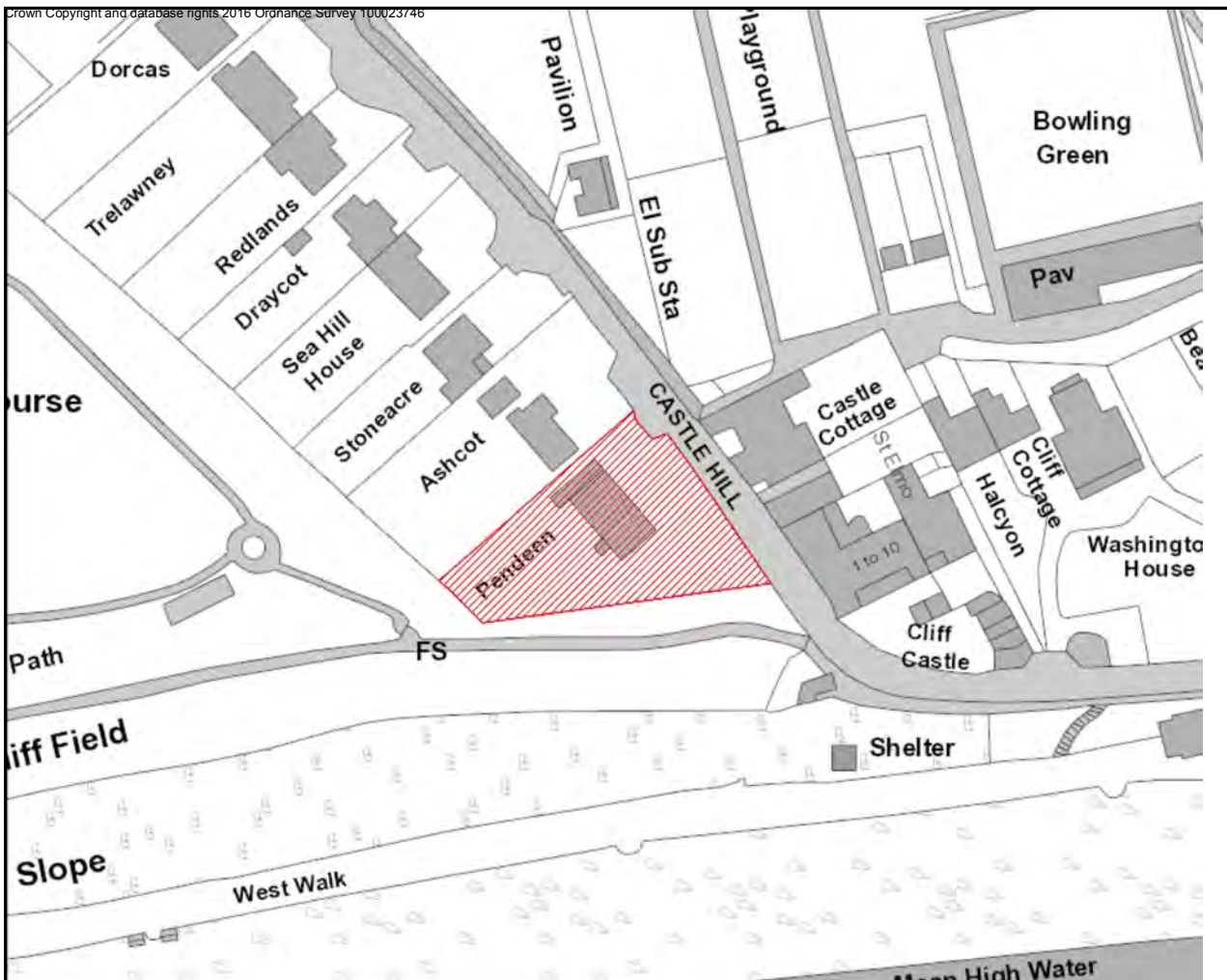
Applicant Mr & Mrs S Absalom

Location Pendeen Castle Hill Seaton EX12 2QP

Proposal Demolition of existing bungalow and construction of 3 no. flats (variation of condition 2 of planning application 15/1393/FUL for repositioning of flats to facilitate space for provision of potential public footpath on road frontage which would require a further application)



RECOMMENDATION: Approval with conditions



		Committee Date: 8th March 2016
Seaton (SEATON)	15/2786/VAR	Target Date: 09.02.2016
Applicant:	Mr & Mrs S Absalom	
Location:	Pendeen Castle Hill	
Proposal:	Demolition of existing bungalow and construction of 3 no. flats (variation of condition 2 of planning application 15/1393/FUL for repositioning of flats to facilitate space for provision of potential public footpath on road frontage which would require a further application)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

The application follows an application approved last year for the redevelopment of the site for the same form of development (15/1393/FUL).

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

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

This revised proposal seeks to provide a gravelled area behind the existing boundary wall that fronts the site to provide an area for a potential future footpath. To facilitate this, the building (of the same footprint and design as previously approved) would need to be moved 1.5 metres to the southwest and 0.5 metres to the northwest bringing it closer to the nearest neighbour.

There is no planning requirement for the footpath and it is not considered to

make an unacceptable development acceptable given the previous approval, furthermore the footpath would not link to the existing public footpaths surrounding the sites and application does not seek to actually provide a footpath. Therefore the application must be considered on the basis of the amended position of the building and parking area only and provision of a gravelled area.

It remains the case though that in officer view the proposal is acceptable in terms of its position and relationship with the neighbouring properties. It also remains the case that it is considered that the site can accommodate such a design without adverse affect on the setting of the conservation area/listed building, residential amenity or wider landscape. The proposal is considered to be acceptable and is therefore recommended for approval subject to the conditions set out at the end of the report.

CONSULTATIONS

Local Consultations

Parish/Town Council

No objection

Seaton - Cllr J Knight

I wish to object to the above planning application. The variation in this application appears to have made very little difference from the original application my main objections to the previous application still stand. The bulk and mass of this development is totally wrong for this plot which is very close to the cliffs edge moving it back does not solve my original reasons for refusal.

1. The proposed development by reason of the size of the site and the dwelling would be out of keeping with the spacious character of development in the locality, causing harm to the environment.

2. The proposed access would be likely to lead to conditions of danger and inconvenience to other road users because of the restricted visibility from the left and of the drivers approaching this blind bend, there is also no point in moving the already agreed planning permission as no footpath is included for public safety it appears the application is solely to suit the applicant needs.

Technical Consultations

County Highway Authority

Observations:

The Planning Officer will be aware that the CHA commented on 15/1393 thus:- "This application, from a highway point of view, is a resubmission of 14/2695/FUL with some amendments to widen the access width and lowering of a section of the existing wall. The proposed widening of the access to 5 metres will provide adequate access to the highway for pedestrians and vehicles. The proposed lowering of the frontage boundary wall to 600 mm returning to its existing height, as shown on the

attached Proposed Site Plan SP 3c, will improve visibility of and for emerging vehicles for pedestrians and vehicles. Both these measures will have a betterment in road safety over that which currently exists.

The proposed vehicle turning area and the vehicle parking spaces are adequate for the traffic that will be attracted to the development. The proposal that the parking and turning area will be formed at an early stage of the construction works, with temporary surfacing, for use by workmen and for on-site storage of construction materials to keep the highway clear, meets with the CHA's approval."

This proposed variation is to allow for the position of the flats and the car parking spaces to be moved so that a possible future public footpath could be constructed. Whilst the CHA is keen to promote a safe footway on Castle Hill, it has maintained that such a footpath should be contiguous and adjacent to the carriageway and that such a footway should continue on one side of the road only as far as possible to the north. This would prevent the need for pedestrians having to cross the road to gain access to the existing virtual footway on the western side of Castle Hill or vice versa. The CHA does not think that an "internal footway" within Pendeen would be conducive to pedestrian safety, however if this variation is made purely to secure land for a possible future footway similar to that described above, then the CHA does not oppose this variation. It should be made clear the land set aside for a future footway should not connect to either the carriageway of Castle Hill or the existing public footway to the south of Pendeen until a future footway scheme has been agreed with the CHA and the LPA.

Whilst the CHA is keen to promote a safe footway on Castle Hill, it has maintained that such a footpath should be contiguous and adjacent to the carriageway and that such a footway should continue on one side of the road only as far as possible to the north. This would prevent the need for pedestrians having to cross the road to gain access to the existing virtual footway on the western side of Castle Hill or vice versa. The CHA does not think that an "internal footway" within Pendeen would be conducive to pedestrian safety, however if this variation is made purely to secure land for a possible future footway similar to that described above, then the CHA does not oppose this variation. It should be made clear the land set aside for a future footway should not connect to either the carriageway of Castle Hill or the existing public footway to the south of Pendeen until a future footway scheme has been agreed with the CHA and the LPA.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF ANY FUTURE PLANNING PERMISSIONS

Historic England

Thank you for your letter of 15 December 2015 notifying Historic England of the scheme for planning permission relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

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

It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

Other Representations

Five representations have been received as a result of this application raising the following concerns:

- Footpath proposed will never be provided;
- Previous decisions indicate that the position of the building as unacceptable in a similar position to that now proposed;
- Planning decision should be consistent with each other, as a previous application was refused with a similar impact this application should be refused;
- The proposal remains out of keeping with the area;
- Increased traffic;
- Further sign of coastal erosion meaning that Castle Hill would be closed to vehicular traffic anyway.

Some of the representations also request that comments on the previous application (15/1393/FUL) are taken into account on this application. However, as this application seeks to amend only some of the details of that application the two applications must be read concurrently.

PLANNING HISTORY

Reference	Description	Decision	Date
15/1393/FUL	Demolition of existing bungalow and construction of 3no flats	Approval with conditions	09.09.2015
14/2695/FUL	Demolition of bungalow and construction of 3 no. flats	Refusal due to impact upon neighbouring property, scale and massing of the building and impact upon heritage assets.	30.04.2015

POLICIES

New East Devon Local Plan Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

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

EN10 (Demolition of Listed Building)

EN5 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

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

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Government Planning Documents

National Planning Practice Guidance

OFFICER REPORT

SITE DESCRIPTION

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

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

PROPOSED DEVELOPMENT

Planning permission has recently been granted for development of the site in a similar form to the current proposal (15/1393/FUL). That application similarly sought the demolition of the existing bungalow and the construction of a replacement building on the site housing 3 no. flats in a broadly L shaped 2 storey block (with some single storey elements). However, this current application seeks to amend the position of the flats on the site moving them 1.5 metres to the south west and 0.5 metres to the North West to enable space to be provided at the front of the site for a potential future footpath. However, the footpath does not form part of the planning application.

The main part of the building would sit adjacent to the footprint of the existing property on a northwest to southeast axis and running in line with the adjoining properties to the northwest side. A separate two storey element would run parallel to the rear garden boundary with the neighbouring property to the northwest, known as 'Ashcot'. At ground floor level there is a further extension between the two main parts of the building and extending deeper into the plot.

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

The location of the access remains as existing, in the northeast corner of the plot but would be widened with the existing boundary retaining wall indicated to be partially re-built to create a wider entrance splay and to improve visibility. The front garden area would be re-landscaped to provide parking/turning areas with a gravelled area behind the existing boundary wall retained to enable a future public footpath to be installed (this would be subject to a further planning application).

ANALYSIS

The principle of the proposed development, the design of the proposed development, the impact of the development on its surroundings and highway safety have all been considered under the previous application and remain unchanged as a result of this application.

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

- Policy position since the adoption of the New East Devon Local Plan (2016-2031)
- Impact on residential amenity
- Access and Highway safety (including footpath provision)
- Other Issues

Change in policy position since adoption of new local plan

The site remains in the Built up Area Boundary of Seaton and therefore the principle of residential development remains acceptable in accordance with Strategy 6 of the New East Devon Local Plan. However, on adoption of the New Local Plan the thresholds for provision of affordable housing have changed (Strategy 34) in so far as any new residential development must contribute towards affordable housing either by way of an off site contribution or on site provision. In Seaton the provision would need to be 25% of total provision in this instance 0.75 dwellings by way of an off site contribution.

However, as there is an extant permission for 3 dwellings on site (15/1393/FUL) and this application seeks to vary a condition of that consent, it is considered unreasonable to request a contribution towards affordable housing as the impact on housing need has already been assessed under the previous application.

Impact on residential amenity

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

To the east the proposal would view towards the properties known as 'Cliff Castle' and 'Castle Cottage' (a distance of approximately 19.5 metres increased from the consented application to allow for the gravelled area at the front of the site) these properties are at a lower level, such that their first floor level is more in line with the proposed ground floor of the building. At present there is a low hedge along the roadside boundary of Pendeen which grows above the retaining wall, it is proposed to supplement this with a new hedge (with the gravelled area introduced between the hedge and the road) which would reduce views into the site and also from the site. There are existing windows in Pendeen, including at first floor level which view towards the Cliff Castle and Castle Cottage and there are also public views towards these buildings from the cliff path, as a result it is not considered that the proposal would have any significant additional impact on the amenity of residents opposite.

Clearly the property that has the greatest potential to be affected by the proposal is Ashcot to the immediate northwest. This property is of two storey form and sits in line with Pendeen (and other properties on Castle Hill) on a northwest-southeast axis. The side boundary between the site and this neighbour is currently formed by a mature evergreen hedge to a height of approximately 3 metres. Indeed the impact on this property by virtue of the building's overall bulk and massing and in particular its external terrace formed one of the three reasons for refusal on application 14/2695/FUL. This decision was contrary to the officer recommendation but did result in submission of application 15/1393/FUL.

Whilst the approved scheme (15/1393/FUL) slightly amended the position of the building by pulling it back at the rear by up to a metre, it also removed the perceived overlooking from the balcony by the provision of an obscure glazed privacy screen to this side. In addition the potential impact from other windows on the side elevation was addressed through either their removal or having them obscure glazed and fixed shut.

This current application seeks to amend the position of the flats by positioning them 0.5 metres closer to 'Ashcot' and 1.5 metres further into the site which would mean that the massing of the building would be more apparent from the aforementioned dwelling and more akin to the position refused under application 14/2695/FUL. However, a drawing has been provided which attempts to demonstrate that views from the oriel window at first floor level on the southeast side elevation of 'Aschot' would be maintained. The impact on the occupiers would be increased, however, it does not necessarily follow that it would be an impact harmful enough to justify refusal. Given the separation distance, the relative height of the building and the maintained views from the oriel window it is considered that the impact on the living conditions of the aforementioned dwelling would be altered but not to a detrimental extent.

Despite the refusal of permission under reference 14/2695/FUL and this current application moving the building closer to Ashcot and further down the plot, the officer view therefore remains that the proposed development would not detrimentally impact on residential amenity in accordance with Policy D1 of the East Devon Local Plan.

ACCESS AND HIGHWAY SAFETY

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

In terms of pedestrian traffic on the previous application Devon County Highways Engineer suggested that although there is not any existing footway provisions in Castle Hill they do not consider that new pedestrian provisions are required as these would not link to any existing footway. However, the applicant is aware that there is local concern over pedestrian safety and wishes to provide an area at the front of the site to enable a future footpath to be provided. Whilst there is presently insufficient funding available to complete the works, the applicant acknowledges that if space is not provided at this stage before works commence the opportunity of providing a path would be lost forever. This footpath would require submission of a further application.

There is no planning requirement for the footpath, it would not link to the existing public footpaths surrounding the site and the application does not seek to actually

propose the footpath, just ensure that there would be space for it in the future. Therefore the application must be considered on the basis of the amended position of the building and parking area only and provision of a gravelled area. Issues regarding whether a footpath is necessary, in the right place or has the necessary links through to existing paths would need to be considered at the time of any formal application for the footpath.

Finally, the proposal looks to provide 4 no. parking spaces as previously approved and given the proximity to the town centre this is considered to be adequate alongside the proposed improvements to the site access that will offset the likely intensification in its use.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
4. No development shall commence until the following details and specification have been submitted to and approved in writing by the Local Planning Authority.

-New rainwater goods including profiles, materials and finishes.

-New windows/doors including materials, sections, profiles and finished colour.
Sections through casements should be at a scale of 1:2 or 1:5.

-Eaves and verge details including construction and finishes.

-Balustrade and balcony details including typical elevation and section details at a scale of 1:2 or 1:5

-Position, design and finish of all external vents, flues and meter boxes.

Development shall be carried out in accordance with the approved details.

(Reason - In the interests of good design and to ensure the detailing of the design is appropriate given the location of the site in relation to listed buildings and the designated conservation area in accordance with Policies D1 (Design

and Local Distinctiveness) and Policy EN9 (Development affecting a Designated Heritage Asset or Loss of a Building or Structure that makes a positive contribution to a Conservation Area) of the East Devon Local Plan.)

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

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

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan.)

6. Notwithstanding the requirements of condition 5 above or the details shown on drawing no. SP 3c no development shall commence until further details of the works to the wall to the south side of the site access to be rebuilt has been submitted to and approved in writing by the Local Planning Authority, such details to include:
- the, layout, length and finished height
 - the materials and finish to be used.

Development shall proceed in accordance with details as agreed.

(Reason - In the interests of the character and appearance of the area and highway safety in accordance with Policies D1 (Design and Local Distinctiveness) and Policy EN9 (Development affecting a Designated Heritage Asset or Loss of a Building or Structure that makes a positive contribution to a Conservation Area) of the East Devon Local Plan.)

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

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

(Reason: To ensure the continued well being of retained trees/hedges in the interests of the amenity of the locality and that of adjoining residents in

accordance with Policies D1 (Design and Local Distinctiveness) and D3 (Trees on Development Sites) of the East Devon Local Plan.

8. In accordance with the submitted details as shown on drawing no. P E 3c the first floor windows and the privacy screen to the external first floor terrace shown on the northwest elevation shall be fitted with obscure glazing prior to the initial occupation of the residential unit to which they relate and shall be retained as such thereafter.
(Reason - To protect the privacy of adjoining occupiers in accordance with policy Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
9. Notwithstanding the details indicated on drawing no. SP 3c, no development shall commence until details of the parking and turning facilities for construction traffic, including a timetable for their provision, have been submitted to and approved in writing by the Local Planning Authority in consultation with the highways authority. These facilities shall be provided and retained for use in accordance with the agreed timetable.
(Reason: To ensure that adequate facilities are available for construction traffic prior to development commencing in accordance with policies TA7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan and policy TC7 (Adequacy of Road Network and Site Access) of the Emerging East Devon Local Plan.)
10. The site access and visibility splay to the southeast shall be constructed, laid out and maintained for that purpose in accordance with the attached Diagram SP 3c.
(Reason: To provide a satisfactory access to the site with adequate facilities for short term parking and to provide adequate visibility from and of emerging vehicles in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the Emerging East Devon Local Plan.)
11. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, visibility splays, turning area and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.
(Reason: To ensure that adequate facilities are available for the traffic attracted to the site in accordance with Policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the East Devon Local Plan.)
12. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.
(Reason: In the interest of public safety and to prevent damage to the highway in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

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:

SP3 E	Proposed Site Plan	14.12.15
LP1 B	Location Plan	10.12.15
PE3 D	Proposed Elevation	10.12.15
S3 C	Sections	10.12.15
GF3 C	Proposed Floor Plans	10.12.15

List of Background Papers

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

Ward Woodbury And Lypstone

Reference 15/2808/FUL

Applicant Mr & Mrs A Douglas

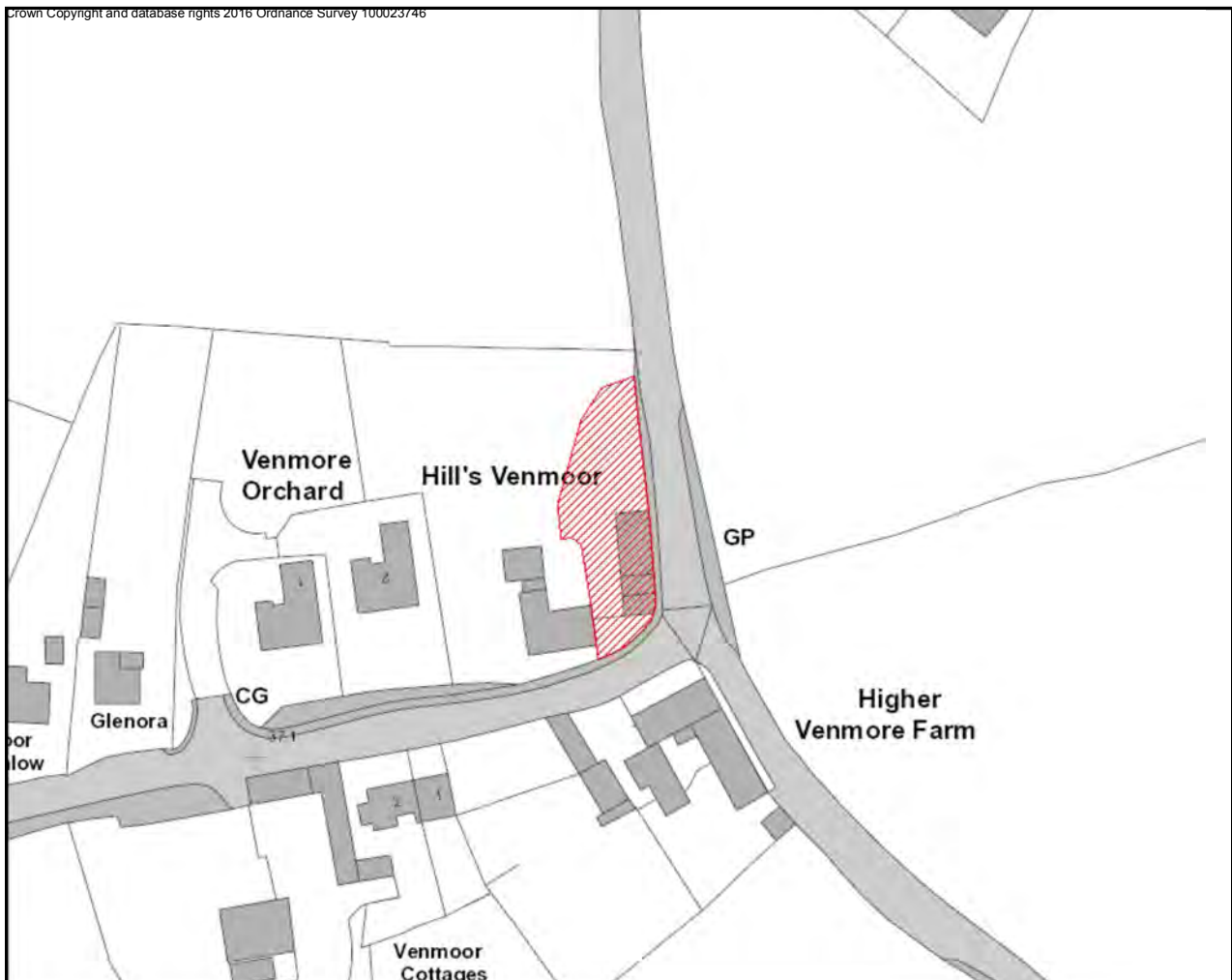
Location Hills Venmore Woodbury Exeter
EX5 1LD

Proposal Conversion, alteration and
extension of outbuilding to form
dwellinghouse



RECOMMENDATION: Refusal

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		Committee Date: 8th March 2016
Woodbury And Lympstone (WOODBURY)	15/2808/FUL	Target Date: 09.02.2016
Applicant:	Mr & Mrs A Douglas	
Location:	Hills Venmore Woodbury	
Proposal:	Conversion, alteration and extension of outbuilding to form dwelling house	

RECOMMENDATION: REFUSE

EXECUTIVE SUMMARY

The application is before Members as the officer recommendation differs from the view of the Ward Members.

The application proposes the extension, alteration and conversion of an existing building to a 4-bed dwelling.

The proposed development would entail substantial extension and alteration to the existing building, resulting in a building which is not sympathetic to the simple rural character of the original building and which would detract from the character and appearance of the site and the surrounding environment contrary to Policy D8 of the Adopted Local Plan.

By reason of the addition of a first floor and extent of alterations proposed to the building, the proposal would also have a harmful impact upon the setting of the nearby Grade II Listed Venmore Farm contrary to local Plan Policy EN9 and guidance in the NPPF.

Finally, the application necessitates the provision of a financial contribution towards affordable housing under Strategy 34 of the Local Plan that has not been secured as part of the application. This result in the recommendation for a third reason for refusal.

CONSULTATIONS

Local Consultations

Parish/Town Council

Support subject to the question of access to the newly approved site being resolved

Woodbury & Lympstone - Cllr B Ingham

Recommend approval.

Woodbury & Lympstone - Cllr R Longhurst

15/2808/FUL - Hills Venmore

I support this development. Whilst outside the village BuAB it is only just so and short walk to the centre of the village along a semi-paved road and if desperate on a bus route. In my opinion the development is sustainable. The development is within the existing footprint and but for the increase in height could be considered as a PDQ. Certainly the modifications to bring it to a habitable building are relatively minor. These considerations outweigh any adverse effects under Strategy 7 of the new plan or S5 of the old plan. SUPPORTED

Technical Consultations

County Highway Authority

Highways Standing Advice

Conservation

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

Hills Venmore is an extended early C19 house facing Higher Venmore Farm (grade II listed) on the other side of the road. Its associated barn abuts the roadside and is a prominent vernacular building in the foreground when approaching Higher Venmore from the centre of Woodbury. While being offered no statutory protection the existing barn retains traditional proportions with a rusted corrugated iron roof, a common material in the countryside. I would certainly advocate that as a vernacular building group Hills Venmore contributes positively to the setting of the listed building.

The application does not include an assessment of heritage assets and how the proposed development will impact upon their significance as contributed by their setting.

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

The proposed conversion of the barn into a dwelling would involve a significant increase in the building mass resulting in a change to its proportions and character. It would become more conspicuous and prominent within principal views of the listed farmhouse opposite to an extent that I would consider harmful. Not only would the eaves height of the section closest to the listed building be raised, but a significant perpendicular extension is proposed adjacent to the house. The addition of modern-style roof lights across the eaves line and adjacent to the roadside would have a detrimental impact in my view and the large area of glazing in the north elevation would be prominent. This would suburbanise the barn unnecessarily.

I would advocate a more sensitive conversion using the existing building envelope and utilising openings and creating new ones on non-prominent aspects of the barn. There may be an opportunity to include a more modest extension as long as it does not dominate the building group. As it stands the proposed conversion would have an incongruous and noticeable impact upon the setting of Higher Venmore.

**PROVISIONAL RECOMMENDATION - PROPOSAL
UNACCEPTABLE**

Other Representations

One objection received, raising concern that the development would increase the traffic attracted to the site and pose a danger to pedestrians.

PLANNING HISTORY

Reference	Description	Decision	Date
14/2927/OUT	Outline application with all matters reserved for the construction of a detached dwelling and garage off the existing access	Approval with conditions	11.02.2015
14/1271/OUT	Outline application with all matters reserved for the construction of a 4 bedroom house with double garage off the existing access	Refused	27.08.2014

POLICIES

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

D8 (Re-use of Rural Buildings Outside of Settlements)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Site Location and Description

The site for the application relates to a section of garden of a property known as Hills Venmore which is located within a small grouping of other dwellings at the western side of Woodbury approximately 350m from the cross roads by the village shop and 100m from the edge of the built-up area boundary. The application site lies to the east of the main dwelling and occupies a corner location with the road running along the east and south sides of the site. The application relates to an existing outbuilding and an area of land directly to the north of the building.

The wider group of buildings surrounding the site has a mixed style and format, the site is not subject to any specific landscape or heritage designations; Higher Venmore Farm to the south on the other side of the road is Grade II Listed. Hills Venmore faces to the south but has windows on its east side elevation facing the application site.

Proposed Development

The application seeks planning permission for the extension and conversion of an outbuilding, to form a separate dwelling, together with hard and soft landscaping and the parking arrangements.

Planning History

There have been numerous applications for residential development of the surrounding land although no previous applications relate directly to the development currently proposed.

Issues and Assessment

The main issues to consider are the principle of development, the visual impacts on the existing building and its surroundings, including the setting of nearby listed buildings, impacts on the privacy and amenities of nearby residents, highway safety impacts, required financial contributions and any other matters arising.

Principle

The application relates to the conversion of an existing disused rural outbuilding to create a dwelling; this type of development is provided for in the Local Plan under Policy D8 and is also provided for under Paragraph 55 of the NPPF. The NPPF requires that such proposals lead to an enhancement of the immediate setting and Local Plan Policy D8 has a number of criteria relating to the impacts of development on the existing building and its surroundings.

Policy D8 requires that such proposals are capable of conversion without substantial alteration, extension or reconstruction, and that any alterations protect or enhance the character of the building and its setting. In this case, the proposed development would entail a significant extension and alteration of the existing building, including adding a second floor to around half of the footprint. The proposed development would introduce many new openings to the original building to provide additional windows and doors. It is considered that the proposed design of the scheme (as reflected in the comments from the Conservation officer) would fail to meet the

requirements of Policy D8 and paragraph 55 of the NPPF in terms of enhancing its appearance or setting.

Policy D8 also requires that where a residential use is proposed, the site is located close to a range of accessible services and facilities to meet the everyday needs of residents. In this case, the application site is located around 100 metres to the south of the village boundary of Woodbury. Woodbury is a defined settlement within the local plan and is considered to have a range of services and facilities to meet the everyday needs of residents. The site is connected to the village by a road and despite the road not having a pavement to the application site it is considered that the location of this rural building in the countryside is sufficiently close to local services and facilities to meet the needs of future occupants.

Design and Visual Impact and impact upon Heritage Assets

As mentioned above, planning policy in respect of the conversion and re-use of rural buildings to provide additional dwellings requires that such proposals are sympathetic to the character and built form of the existing building and its setting, and require that such proposals would not entail significant extension, alteration or reconstruction of the existing building. In this case the proposed development would not respect the built form or simple character of this rural outbuilding and goes far beyond a conversion of the existing building. The proposal would include a significant extension to the existing building, raising the walls to create a second floor over the existing single storey to the main building, and reconstructing an open-fronted lean-to as a two storey wing of the building.

The proposal would not respect the existing form of the building and would introduce new openings for windows and doors on every elevation. The proposal would feature a mix of roof lights, windows and door styles that do not complement or relate to the original character of the building.

The unsympathetic design of the proposed conversion would fail to preserve the setting of the Grade II listed Venmore farmhouse, which lies opposite the site to the south. The Conservation Officer has reviewed the proposal and provided comments setting out in detail how the development would detract from the setting of the built form of the building and the setting of the nearby listed Higher Venmore. In light of the above points it is considered that the proposed development would fail to meet the requirements of Local Plan Policy D8, Paragraph 55 of the NPPF of Policy EN9 and the duty that the Council has to give special regard to the need to protect the setting of listed buildings.

A more simple and sympathetic conversion of the existing building could be acceptable and could comply with the relevant policies and considerations.

Amenity Impacts

The application site is located in the countryside and lies on the fringe of a cluster of rural dwellings. Therefore the only nearby properties that would be affected by the proposed development would be the host dwelling known as Hills Venmore and the Grade II listed building opposite to the south, known as Higher Venmore Farm.

The distance between the south elevation of the application site and the north elevation of Higher Venmore is approximately 17 metres and there is a boundary hedge to the application site of around 2 metres in height. It is considered therefore that the introduction of ground floor windows and a roof light on the south elevation of the application site would not impact significantly on the privacy or amenities of nearby residents. The introduction of roof lights on the west elevation is not considered to impact significantly on the privacy or amenities of residents at Hills Venmore adjacent.

Highways Issues

The application site already has a vehicular access located at the north east corner of the site. This access has good visibility from and of road users and is not considered hazardous. There is sufficient space within the site to allow vehicles to turn around and leave in forward gear, with space remaining for parking of four vehicles. The concerns raised through public representation regarding the increased traffic and resulting danger to pedestrians and the lack of infrastructure is noted; however it is considered that the addition of a single dwelling would not have a significant impact in terms of traffic attracted to the site and would not pose a significant danger to pedestrians. The Highways Authority has reviewed the proposed development and does not wish to raise any objection to the scheme.

Financial

Due to the location of the application site, the development triggers a required contribution towards the mitigation of development on habitats within the Exe Estuary and Pebble bed Heaths Special Protection Area. The proposed development also triggers a required contribution to the provision of Public Open Space. The applicant has submitted a Unilateral Undertaking to make these contributions.

However since the application was first received, the Local Planning Authority has adopted the new Local Plan which identifies under Strategy 34 a need to secure a contribution from the development towards affordable housing. In this instance the contribution would be £71,835 due to the proposal creating a 4 bedroom detached property in a rural area. A more simple conversion of the property that was policy compliant with a smaller number of bedrooms would generate a smaller contribution. Given that the applicants have supplied a Unilateral Undertaking to meet the other required contributions it is considered likely that this issue could be overcome, however at this time it has not been met and should form an additional reason for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development by virtue of the extent of alteration and extension, its form, bulk and design, would result in a scheme that would fail to enhance the rural setting and character of the building, its setting and the surrounding area. As such the proposal is contrary to Policies D1 (Design and Local

Distinctiveness) and D8 - Re-use of Rural Buildings Outside of Settlements of the Adopted East Devon Local Plan 2013-2031 and the guidance contained in the NPPF.

2. The proposed development by virtue of the extent of alteration and extension, its form, bulk and design, would result in a scheme that would be more prominent within the principal views of the listed building at Higher Venmore with subsequent harm to the setting of the listed building. As such the proposal is contrary to Policy EN9 – Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031 and the guidance contained in the NPPF.
3. The application fails to provide an appropriate mechanism to secure the necessary contribution towards affordable housing to adequately mitigate the impact from the development. As such the proposal would be contrary to Strategy 34 – District Wide Affordable Housing of the Adopted East Devon Local Plan 2013-2031.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council 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:

15.29SP01
15.29P01
15.29P02
15.29P03

List of Background Papers

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

Ward Exmouth Brixington

Reference 15/1490/OUT

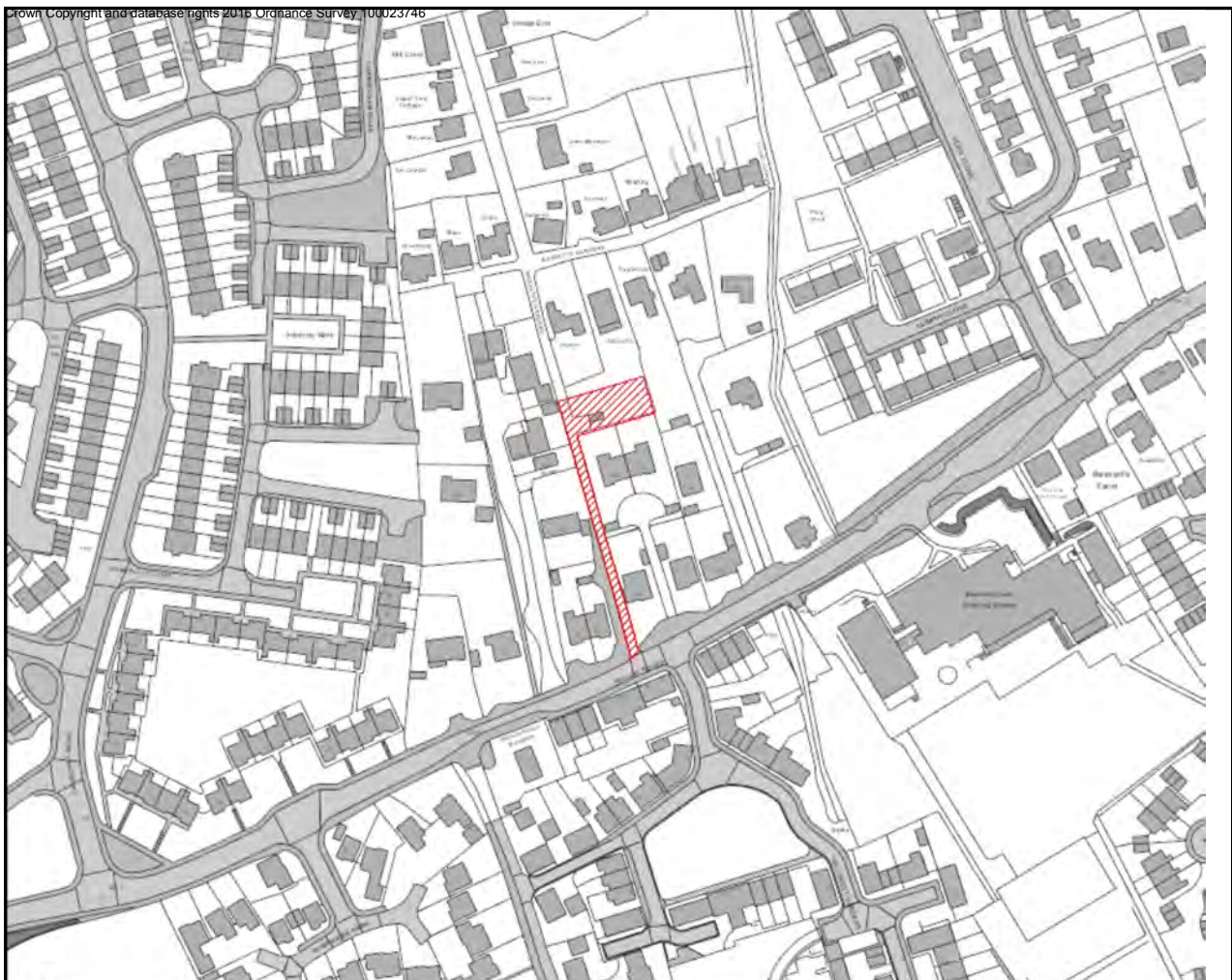
Applicant Mrs Jenifer Riach

Location Land South Of Ashcroft Bassetts Gardens Exmouth

Proposal Outline application for the construction of single storey dwelling seeking approval for access only (matters of appearance, landscaping, layout and scale reserved)



RECOMMENDATION: Approval with conditions



		Committee Date: 8th March 2016
Exmouth Brixington (EXMOUTH)	15/1490/OUT	Target Date: 10.12.2015
Applicant:	Mrs Jenifer Riach	
Location:	Land South Of Ashcroft Bassetts Gardens	
Proposal:	Outline application for the construction of single storey dwelling seeking approval for access only (matters of appearance, landscaping, layout and scale reserved)	

RECOMMENDATION: Approval subject to a legal agreement and conditions

EXECUTIVE SUMMARY

This application is brought before the Committee as the comments from the Ward Members differ from the officer recommendation.

Outline planning permission is sought for the erection of a single storey dwelling within the curtilage of Ashcroft, Bassetts Gardens, Exmouth. Officers consider that the site is located in a sustainable location. In terms of size and shape of the plot and its position in relation to existing dwellings, it is considered that the plot could reasonably accommodate a single storey building that would be in keeping with the character and appearance of the locality and have an acceptable neighbour relationship.

Concerns have been raised to the development through third party representations. A number of these concerns focus on the suitability of Bassetts Gardens to accommodate additional traffic. Highway safety concerns have been raised about the increased use of the junction between Bassetts Gardens and St John's Road.

Devon County Highways have not raised any objection to the proposed development. Officers consider that the proposal will be acceptable in terms of highway safety. The proposed small scale development will not result in a significant increase in vehicular traffic using Bassetts Gardens.

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

CONSULTATIONS

Local Consultations

Parish/Town Council

Meeting 02.11.15

No Objection

Meeting 14.12.15

In view of information received since the original application members no longer wished to support the application

Exmouth Brixington - Cllr M Chapman

I am unhappy with this application ,and request that it goes to Committee and in addition a site visit is arranged.

Access to the site is dangerous ,not wide enough in places for two vehicles to pass each other, also with the overload in this area of raw sewage and surface water the application has to be looked at in the wider context .

In addition we have the problem of an unadopted road junction opposite Bassetts School and parents parking together with traffic calming measures which in this situation makes the problem greater.

For these reasons I would be most grateful for your assistance.

I would like the above to be called in and that a site visit be arranged to understand the wider implications of the request.

Exmouth Brixington - Cllr C Nicholas

I am writing to object to the outline planning application to build a further house on Bassetts Gardens. I had requested that SWW be consulted re whether the sewerage system has capacity to take on another building but it would seem that there were no comments appended to the Town Council's response. The water runoff could also be a source of problems.

Ashcroft is on an unadopted road and there are already problems accessing and exiting the road. In fact when exiting there is a decidedly left hand blind spot necessitating driving the car onto the pavement before there is a clear view. On the opposite side of the exit onto St Johns Rd. is the Hillcrest new build and also the school. The road is also quite narrow here. When school is in session and parents parking plus road calming measures it is quite dangerous.

Would it be possible to request a site visit please? I would also respectfully request that this case is forwarded to the Committee.

Technical Consultations

County Highway Authority

Highways Standing Advice

Other Representations

6 letters/emails of representation have been received to date which object to the application. A further letter/email has been received which comments on the application.

In summary the concerns raised are:

- Bassetts Gardens is an unadopted road with all maintenance being the responsibility of residents. The Residents Association should be asked whether payment to the private road maintenance fund has been regularly forthcoming.
- Concern about noise of more vehicles and petrol fumes
- All the trees have been cut down on the site
- Overlooking and loss of privacy
- Concern building will be chalet style with windows at first floor level
- Possible damage to boundary fence during construction
- Increased wear and tear on the private road.
- Difficult access, hazardous and causes vehicles to have to reverse out of the lane into often busy traffic and school traffic and pedestrians to allow a vehicle to complete its transit down the lane.
- Already a congested area
- Adverse impact on character of the area
- Standing advice from Highways should be carefully considered
- Previous approved application for a dwelling in the locality has already resulted in added congestion and highway safety issues
- Proposed site will need adequate surface water drainage
- Queries over Certificate of Ownership

PLANNING HISTORY

There is no planning history on this application site that is of direct relevance to this current application.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 38 (Sustainable Design and Construction)

Strategy 43 (Open Space Standards)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

ANALYSIS

Site Location and Description

The application site comprises part of a garden associated with a property known as Ashcroft, Bassetts Gardens, Exmouth. The property of Ashcroft lies to the north of the site. Immediately to the south lie a pair of semi-detached bungalows, 89 and 91 St John's Road. To the east of the site lies the garden area of Eaglehurst.

The site is accessed by a private lane known as Bassetts Gardens from St John's Road. The private lane runs approximately north-south and lies to the west of the application site. The private lane provides access to in the region of 30 dwellings.

The site is relatively level and is occupied largely by a gravelled parking area, a shed, and a concrete hardstanding.

The application site is bounded on the north, east and south sides with fencing, approximately 2.0m in height. The western boundary with the private lane is open.

Proposed Development

Outline planning permission is sought for the erection of a single storey detached dwelling (with all matters other than access reserved) on land adjacent to Ashcroft, Bassetts Gardens, Exmouth. The application site comprises part of the garden land associated with Ashcroft which is located within the Built Up Area boundary.

A parking area to serve the existing dwelling of Ashcroft is proposed to be retained to the north west of the application site. A parking area to serve the proposed new dwelling would be sited adjacent to the private lane of Bassetts Gardens.

Detailed matters, comprising the site layout, the scale and appearance of the development and landscaping of the plot, remain to be submitted for later approval in the event of a grant of outline permission.

Assessment

The main considerations in the determination of this application are:

- The principle of the proposed development (including sustainability);
- Suitability of the site for the erection of a dwelling
- Access and highway safety
- Impact on residential amenity

The principle of the proposed development

The application site lies in an established residential area to the north of St Johns Road within the Built Up Area Boundary for Exmouth where new development is acceptable in principle. The application site is considered to be located within a sustainable location with good access to shops and services. The erection of a new dwelling in this location is considered to be acceptable in principle.

Suitability of the site for the erection of a dwelling

The application is accompanied by indicative details of a potential layout for the proposed development. This shows that the site is of a size that is capable of accommodating a dwelling that is similar in terms of plot size and dwelling size to a number of other existing dwellings in the locality.

The indicative layout demonstrates that the plot size is compact and the footprint of even a modest building would be close to the boundaries on the north and south with limited parking provided to the west and the potential for a small garden area to the east. There are other similar sized compact plots within the locality which have been developed. In terms of size and shape of the plot and its position in relation to existing dwellings, it is considered that the plot could reasonably accommodate a single storey building that would be in keeping with the character and appearance of the locality.

The indicative layout shows that there is potential space for a private area for outdoor amenity to be provided in the form of a rear garden to the east of the site. The location plan demonstrates that Ashcroft would retain an adequate rear garden area.

Access and Highway Safety

In the region of 30 dwellings are currently accessed from the private road of Bassetts Gardens. The southern end of Bassetts Gardens links into a classified road (C class) known as St Johns Road.

Vehicular access to the new dwelling would be via the existing private road of Bassetts Gardens. Concerns have been raised by third parties about the suitability of this road to accommodate additional traffic movements, particular highway safety concerns have been raised in relation to increased use of the junction between Bassetts Gardens and St Johns Road.

The County Highways Authority has advised the Local Planning Authority to refer to the standing advice published by Devon County Council (August 2008), Highways Development Management Advice for the Determination of Planning Applications.

In considering the concerns about highway safety, appropriate weight needs to be attributed to the fact that the increase in vehicular movements using Bassetts Gardens as a result of the development will be a low percentage when compared to existing traffic movements on the private road which serves approximately 30 dwellings. The increase in traffic movements for one additional dwelling will not lead to such a significant increase in congestion on the local highway network that a reason for refusal on adverse impact on the local highway network could be substantiated.

In terms of Bassetts Gardens, it is acknowledged that the proposed development may lead to some further congestion on the private road given its single lane nature with limited passing places. However, the additional use of the lane by vehicles and pedestrians associated with this small scale development will not be so great as to warrant a refusal of the scheme.

The potential off road parking provision on the indicative layout shows that the site could reasonably accommodate spaces for two vehicles. Given the residential and narrow nature of the private road of Bassetts Gardens, traffic speeds of vehicles using the road will be low due to the awareness of drivers of the potential for other vehicles to be accessing the lane from their driveways or other parts of the local highway network. In these circumstances it is considered that off road turning provision is not necessary.

Impact on residential amenity

Should this outline planning application be approved, the detailed layout, scale and design of the proposed dwelling would be considered at reserved matters stage. Issues to be considered in terms of impact on neighbour amenity include whether or not the resulting building would be overly dominant/overbearing, result in significant loss of privacy etc. It is considered that, subject to detailed siting in relation to the boundaries/scale/height/position of windows a dwelling could be designed for the site in such a way that an acceptable neighbour relationship could be produced.

Given the existing use of the site as residential garden area with associated parking, and given the residential nature of the locality, the proposed creation of one dwelling is not likely to result in any substantive increase in noise emanating from the site, nor increase in pollution due to vehicles accessing the property.

Other Matters

Potential damage to private property during construction is not a material planning consideration. This is a private matter to be resolved by the neighbours.

Maintenance costs of the private road is a private matter to be resolved by the existing owners of the road. The issue of payment towards private road

maintenance and increased wear and tear on the road is not a material planning consideration.

South West Water, the Environment Agency and Devon Flood Risk Management Team have chosen not to comment on the application. On this basis it is considered that an objection on grounds of surface water or foul water drainage could not be justified.

The felling of trees on the site prior to the planning application being made would not have required any form of consent from the Local Planning Authority.

When the application was originally validated the red line of the application site did not include the access to the public highway. A revised location plan, including access to St John's Road, was received on 10th December 2015). Subsequently an updated Certificate of Ownership was received (Certificate D dated 15th January 2016 with advertisement in the local newspaper providing third parties with 21 days to comment). Officers are satisfied that the Ownership Certificate forming part of the application is procedurally correct.

Contributions

The submission is accompanied by a Unilateral Undertaking relating to the payment of a financial contribution of £749 towards mitigation of the impacts from recreational use of the development upon the ecologically sensitive habitats of the European designated Exe Estuary Special Protection Area in line with the Council's adopted approach. Any grant of planning permission will therefore need to be read in conjunction with this obligation.

However, since submission of the application the New Local Plan has been adopted. Strategy 34 of the New Local Plan requires a contribution towards affordable housing from developments of 1 dwelling or more and using the adopted affordable housing calculator this proposal would generate the need to provide a financial contribution of £11,403 towards affordable housing. The applicant has agreed to this contribution and it is hoped that the relevant legal agreement will be received before Committee. The agreement will need to be received and agreed before any planning permission could be issued.

CONCLUSION

The site is located in a sustainable location within the Built Up Area boundary for Exmouth where the principle of a new dwelling can be supported. The proposed access arrangements are considered to be acceptable. The site is considered to be capable of accommodating a single dwelling without detriment to the character and appearance of the area or residential amenity, although these are issues to be further considered under the submission of a reserved matters application. No technical objections to the development have been raised by consultees. In the overall planning balance of all material planning considerations, the application is recommended for approval.

Conditions are recommended including removal of permitted development rights for any future extensions to the property and/or outbuildings within its curtilage in the interests of preventing overdevelopment of the plot.

RECOMMENDATION

APPROVE subject to a legal agreement and subject to the following conditions:

1. Approval of the details of the layout, scale and appearance of the building 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.)
2. 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.)
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
(Reason - In accordance with the requirements of Section 92 of the Town & Country Planning Act 1990.)
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule 2 Part 1 Classes A, B, or E for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool.
(Reason - The space available would not permit such additions without detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the New East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

15-2639-01A	Location Plan	10.12.15
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List of Background Papers

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

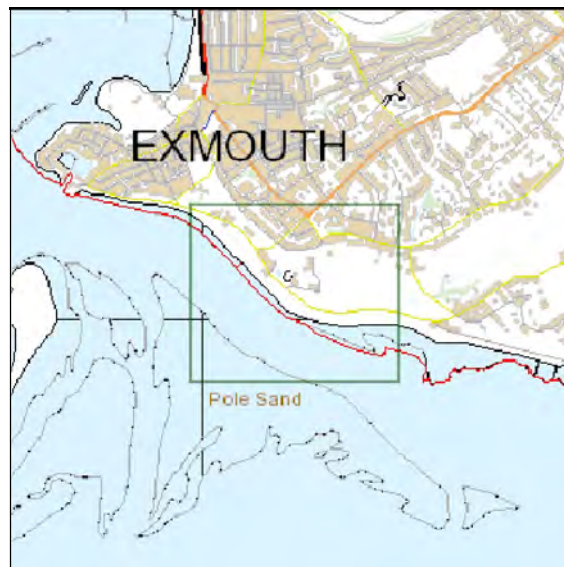
Ward Exmouth Littleham

Reference 15/2487/MRES

Applicant East Devon District Council

Location Land Off Queens Drive Exmouth
EX8 2AY

Proposal Approval of access, appearance, landscaping and scale for the highway re-alignment and parking areas, demolition of cafe, selected beach huts and shelter as part of the reserved matters of outline application 13/1819/MOUT.



RECOMMENDATION: Approval with conditions



		Committee Date: 8 March 2016
Exmouth Littleham (EXMOUTH)	15/2487/MRES	Target Date: 28.01.2016
Applicant:	East Devon District Council	
Location:	Land Off Queens Drive Exmouth	
Proposal:	Approval of access, appearance, landscaping and scale for the highway re-alignment and parking areas, demolition of cafe, selected beach huts and shelter as part of the reserved matters of outline application 13/1819/MOUT.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the applicant is East Devon District Council.

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

The application seeks Reserved Matters consent for the realignment of Queens Drive, the creation of a new 122 space car park, demolition of a cafe, selected beach huts and a shelter. The site forms part, but not all, of the site granted outline permission in 2014 for a range of uses as part of a comprehensive redevelopment of the site.

The principle of the redevelopment of the site for a range of leisure uses is considered to be acceptable and in accordance with the outline approval. The indicative layout for the Outline application indicated a new road and car park as proposed through this application.

No objections to the realignment of the road have been raised by County Highways.

The car park would be landscaped and accessible. The number of car parking spaces is considered to be acceptable as part of this phase of the development.

The proposal would not have a detrimental impact upon the setting of the adjoining Conservation Area as the site is set down at a lower level. For similar reasons there would be no detrimental impact upon the amenity of nearby

residents.

As the proposal is in accordance with the outline planning permission and will facilitate the wider re-development of the site with suitable details of access, appearance, scale and landscaping submitted, the application is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

Meeting 16.11.15

No Objection but were concerned about the lack of EDDC consultation, supporting information and habitat report.

Exmouth Littleham - Cllr M Williamson

I support this application which follows from the already agreed Outline Planning Permission. However, my support is subject to a thorough assessment by Environmental Health regarding working hour restrictions and noise/dust mitigation and also a Construction Environment Management Plan being approved which covers access to site of heavy machinery, location of the works compound and the imposed regime for mud clearance off access roads.

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

Further Comments 17.02.16:

I support these amendments which follow from an Approved Outline Permission. These will help to deliver the Watersports Centre which will greatly enhance Exmouth's facilities for water-based sport and recreation, pursuant of the Masterplan. In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

Exmouth Littleham - Cllr A Greenhalgh

I have no objection to this planning application: the access, appearance, landscaping and scale for the highway re-alignment and parking areas, demolition of cafe, selected beach huts and shelter as part of the reserved matters of outline application 13/1819/MOUT

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

Further Comments 16.02.16:

I fully support this amended application. The Exmouth Masterplan, based on a wide range of different consultation techniques, included the development of the Queen's Drive area and the outline planning application was based on the approved Masterplan. The outline planning permission was granted January 2014. An important component of the development is the watersports hub, adjacent to the beach, requiring the moving of the road and carpark. This is an important first step and one I fully support.

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

Technical Consultations

County Highway Authority

The LPA will be aware that the County Highway Authority has been consulted during the detailed design phase for this proposal for Phase 1 of the wider outline application 13/1819/MOUT. This has involved detailed discussions on the new road alignment, highway drainage, street lighting, pedestrian crossings, pedestrian desire lines, access to car parking facilities, junctions, road construction design and public transport drop-off points.

The proposed attractions for Exmouth Sea Front will intensify visitor numbers to this location and to Exmouth as a whole. Access to and from the car parking elements has been considered for safe and suitable access and egress for vehicles and pedestrians and all road users. On the advice of the County Highway Authority (CHA) the new road layout has been designed to 20 mph road speed criteria with traffic speed calming measures and suitable visibilities distances at junctions and crossings for drivers and pedestrians to safely interact, even though it is proposed that the existing 30 mph speed limit will remain. This will offer a safe environment for all visitors whether on foot or in motorised vehicles.

Once constructed the realignment of the road will offer access to the new development proposals and the new 123 space (ultimately expanding to 250 spaces) public car park.

The existing sea front cycle and promenade provisions will remain and these benefits will not be diminished by the proposal.

Access to the existing Bowling Club, Amusements Building, Cricket Club and the Maer for vehicles and pedestrians will be maintained during and after construction.

Temporary access for the construction of the Future Phase 2 will be achieved by modifying the kerb alignment of the "old road".

The Outline Construction Environment Management Plan submitted as part of the application is acceptable to the CHA in highway terms; however a Construction Management Plan giving details of site working hours, construction delivery proposals, on-site compounds and material storage proposals, construction

operative parking etc. will be required prior to commencement of works will be required to augment the CEMP.

Recommendation:

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

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

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays

to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and

waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has

been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

2. The existing accesses shall be effectively and permanently closed except for the use by construction vehicles or personnel in accordance with details which shall previously

have been submitted to and approved by the Local Planning Authority as soon as the new access is capable of use.

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

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

REASON: To ensure the proper development of the site.

Conservation

We do not wish to comment on this aspect of the reserved matters relating to the wider development.

Further comments 9.02.16

We do not wish to comment on the amended plans.

Contaminated Land Officer

I have considered the application and do not anticipate any contaminated land concerns.

Environmental Health

I have considered this application and do not wish to make comment other than that this application shall be carried out in conjunction and compliance with the CEMP and appropriate method statements submitted with application 15/2493/FUL.

Devon County Archaeologist

The consent granted for the outline application is conditional upon a programme of archaeological work being undertaken. To date the Historic Environment Team is unaware that the agreed works have been implemented. I would therefore advise that the applicant was made aware of the outstanding requirement to implement the agreed Written Scheme of Investigation submitted to discharge Condition 12 on the consent granted for application 13/1819/MOUT.

South West Water

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

Other Representations

71 comments have been received from residents and individuals that can be summarised as follows:

- The proposal results in the loss of an existing long-standing visitor attraction
- Area floods and suffers from windblown sand
- Other developments on the seafront have resulted in white elephants
- Harbour View is trading successfully and an asset to the town
- Insufficient publicity and consultation for such a major application
- No clear plan for future phases
- Waste of taxpayers money

- People should be able to drive along the seafront
- Council has a statutory duty to offer access to all income groups
- Plans are not imaginative
- Water sports centre is located in a dangerous area; it is not needed
- Large buildings will be built in place of an open green area
- No need for another cinema in Exmouth
- No need for residential accommodation
- Environmental and ecological Impact
- No reference to the Masterplan in the Local Plan
- Impact on the cricket and bowling clubs
- Loss of long established businesses
- Traffic calming should be pursued rather than re-routing of the road
- Developers are not credible

PLANNING HISTORY

13/1819/OUT - Construction of new buildings on 3.6 hectare site for : watersports centre with storage (1450m²): holiday accommodation with parking and gardens (3000m²); indoor leisure activity buildings (1165m²) with external attractions and staff parking; new cafe, restaurant and retail use (1200m²); a minimum 250 space car park: landscaping; realignment of Queens Drive and continuation of pedestrian promenade; improved connectivity to the Maer and beach; and the selected demolition of existing buildings. Outline planning application with all matters reserved except layout. Approved with conditions 24/01/2014

15/2493/FUL - Infill of 2 no ponds with site-won material from adjacent highway works. This is a current application that proposes to use the material from the construction of the new road to infill two existing ponds to create a temporary construction compound on the Phase 3 development site.

POLICIES

New East Devon Local Plan Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 33 (Promotion of Tourism in East Devon)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN21 (River and Coastal Flooding)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

ANALYSIS

Site Location

The application site is located just off the seafront and Queens Drive in Exmouth.

The site comprises part of the existing car parks and access road off Queens Drive

The site is relatively flat and mainly hardsurfaced adjoining the Bowling Club and Cricket Clubs in close proximity to the Louisa Terrace/The Beacon Conservation Area to the north, The Maer recreation area and Local Nature Reserve (County Wildlife Site) to the east and the Exe Estuary Special Protection Area (SPA) and SSSI to the south.

Proposal

This is a 'reserved matters' application which seeks approval for the route of the re-aligned Queens Drive and the first 122 car parking spaces. The remainder of the works and uses secured as part of the outline planning permission for the site are intended to come forward as separate future phases. This application seeks to secure permission for the new road and first car park to open up the remainder of the site for development.

The main thrust of the proposal is the re-alignment of Queens Drive, utilising and improving the existing access road which serves the car park, bowling and cricket clubs and amusement arcade. A new section of road will be added to connect this road back to Queens Drive. A 180 metre section of Queens Drive (excluding the beachside foot and cycle path, will thus be removed and redeveloped as part of future phases. There will be a number of raised crossing points, the relocation of a bus stop a new coach loading bay.

In addition to the road realignment, a new car park will be constructed. This will provide 122 car parking spaces (including 7 disabled spaces) for visitors to the beach and future proposals at the remainder of the site.

It is also proposed to remove the café building and a number of beach huts which currently front Queens Drive to make way for the road, and reinstate paving beneath the buildings. A number of beach huts will be retained with the ends of the existing road closed, the hardsurfacing of the site retained and the site of the existing road and car park (the Phase 2 site) left open.

The proposal is referred to as 'Phase 1' of the wider development approved in outline in January 2014. Details submitted with the application refer to future phases of the

development. Phase 2 is the proposed watersports centre, with phase 3 being the remainder of the site.

The proposal is submitted because of the need to realign the road as part of the overall proposal to create a watersports centre on the Phase 2 site which will allow users of the watersports centre direct access onto the beach, without the need to cross the existing road.

Policy Principle

The site is within the Built-up Area Boundary (BUAB) of Exmouth and benefits from outline planning permission for a watersports centre, holiday accommodation, leisure uses, car park, cafe and restaurants and the realignment of Queens Drive. The proposal followed on the back of the Exmouth Masterplan in 2011 which sought to redevelop the site as part of the wider regeneration of Exmouth.

The current reserve matters application shows the road realignment in the same position as proposed as part of the outline planning permission. The outline application shows a larger car parking area with removal of the amusement centre. The current application shows the retention of the amusement centre with a new car park for 122 spaces. It is understood that future applications for the site will provide more car parking.

The draft new East Devon Local Plan 2006-2026 included Strategy 22 for Development at Exmouth that included 4 strategic land allocations including the 'Waterfront Redevelopment Sites' where "Land is shown for mixed use developments, to include provision of employment, retail and commercial uses as well as open space, recreation, tourism and cultural, community uses and potentially residential and other allied uses."

However, due to concerns raised by Natural England in respect of the content of the Plan and impact upon the Exe Estuary, the Council recommended that the waterfront element of the policy be removed. The Local Plan Inspector accepted this and the Adopted Local Plan now simply refers to the production of a future new Masterplan in the preamble to the Strategy.

Matters regarding ecological impact were addressed at the outline stage and are adequately covered by conditions on the outline planning permission and include the need to translocate some rare grassland. Further information and updated ecological survey and information has been provided with this application to discharge the relevant conditions.

With regard to flood risk, the site is within Flood Zones 2 and 3 and this was considered as part of the outline application. The site is mainly hardsurfaced at present and will remain so and therefore the proposal should not add to flooding. A drainage strategy and plan has been submitted with the application detailing how surface water run-off will be dealt with on the road and car park.

On the basis that the proposal is in general accordance with the outline application, and it is acceptable in planning terms for development to come forward in phases, it is considered that the application is acceptable in principle.

Highways

The proposal has been the subject of detailed discussions with the County Highway Authority who are supportive of the proposal and creation of a new 20mph realigned road.

The proposal is to introduce a traffic calmed route by the creation of raised crossings and directional changes. The Highway Authority is fully supportive of this approach which will result in a reduction in traffic speeds and increased safety.

In addition there will be a benefit to pedestrians and cyclists from the retention of the existing paths along the beach and their segregation from the road.

The imposition of planning conditions in respect of construction management, closure of existing accesses and phasing will ensure a positive highway impact.

Parking

The proposal is for 122 spaces accessed from the north side of the new road. This would include 7 larger spaces. The access will contain a height restricting barrier preventing commercial and large vehicles from entering the car park.

Concern is raised that the amount of spaces is less than the current number (195) and that there is no provision for coach parking.

It is anticipated that further parking will be provided in the area currently occupied by the amusement centre, or elsewhere on the wider site, in advance of the remainder of the development being completed.

With regard to bus and coach parking, it is stated that the Maer Road and Foxholes Car Parks will provide sufficient bus and coach parking. There will however be a coach stopping off point on the new road.

As the application proposes an acceptable number of spaces to serve this phase of the development the amount of car parking is considered to be acceptable and it is noted that County Highway Authority have raised no objection to the parking provision.

Landscaping

The proposed car park would be flanked on two sides by planting. This would include new oak and willow trees. Generally these are trees which will grow 10-12 metres in height. There will also be herbaceous planting and turf translocated from the adjoining golf course. Within the car park there are numerous hawthorns to be planted in the verges.

The Phase 2 site will remain hardsurfaced and open with the existing road to be closed left hardsurfaced but with landscaping features are either end to delineate the closure of the road.

It is therefore considered that the landscaping to the car park and wider site is acceptable.

Appearance and Scale

The appearance of the development and its scale are as envisaged at the outline planning application stage. There are no buildings proposed as part of this phase of the development (although it is proposed to demolish the existing cafe and some of the beach huts where they are positioned over the route of the realigned road) and the road and car park will have an acceptable visual impact in the area and will not harm the character or appearance of the nearby Conservation Area.

It is not considered that the car park or realigned road would have any detrimental impact upon the cricket or bowling clubs once construction is complete.

Demolition and Restoration

The existing highway (south of the existing car park) abandoned after the new works are implemented will sit under the footprint of the phase 2 development. The phase 2 boundary roughly follows the existing road southern kerblines adjacent the 4.5m wide foot/cycleway adjacent to the sea wall. It is proposed to retain this existing kerb.

As part of the Phase 1 works the proposals are to remove the vacant DJ's café, and some beach huts.

The surface finish to the existing road will be retained with the land left open and hardsurfaced.

Other Matters

A number of objections to the application raise concerns regarding the loss of the Harbour View Cafe, inclusion of residential apartments and cinema and concerns regarding the cost of the road. However, the Harbour View Cafe is not proposed to be demolished as part of this application, it does not include any residential accommodation or cinema (these would need to be the subject of a separate planning application(s)) and the cost or value for money of the road are not planning matters.

Comments have been received stating that no alternatives have been considered but the planning application has to be considered on its merits and not whether there are any alternatives.

Comments have also been received regarding the location of the proposed Watersports Centre but that is not for consideration as part of this application that is dealing with the road and car park only.

Some comments have been received regarding the level of public consultation carried out on the outline application. The outline application and this Reserve Matters application have been subject to the same consultation via letters, site notices and press notices from the Local Planning Authority.

There is a condition in the outline application which refers to archaeological works at the Harbour View Café and Tower. Whilst this is not part of this application the County Archaeologist reiterates that this will need to be undertaken as part of the outstanding condition on the outline application. The applicant is aware of this.

A number of representations raise concerns regarding the loss of the existing businesses and attractions. However this application relates to the road and car park only. The principle of the redevelopment of the site has been accepted and whilst it is regrettable that some businesses may not be able to continue on the site in their current form, it should be recognised that the redevelopment is expected to improve the leisure and business offer on the site overall in the future and as such there should be long-term economic gains that will outweigh any short-term loss whilst the redevelopment is being carried out.

Conclusion

The principle of redeveloping the land has been established under outline planning consent 13/1819/MOUT that indicated a car parking and road realignment as proposed as part of this reserve matters application. This current application is for detailed permission for part of that scheme, notably the re-routing of the access road and some of the car parking.

This planning application has generated significant objection from the local community. Many of the objections refer to proposals on the remainder of the site. The development of this part of the scheme, which accords with the outline planning permission will be a step towards redevelopment of the wider site which will bring considerable social and economic benefits for the area.

Therefore whilst the objections are noted it is considered that this scheme as proposed is acceptable, providing there are controls over construction management and phasing.

RECOMMENDATION

APPROVE subject to the following conditions:

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

plans and drawings attached thereto, copies of which are attached to this notice relating to:-

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

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. no. 13/1819/MOUT) granted on 24th January 2104.

The following reserved matters have yet to be approved:

None

The following conditions attached to the Outline Planning Permission (ref: 13/1819/MOUT) referred to above are discharged in relation to the part of the site covered by this reserved matters application:

1, 2, 4, 5, 7, 9

The following Conditions attached to the Outline Planning Permission (ref. 13/1819/MOUT) referred to above remain to be complied with where details are required to be submitted prior to the commencement of development in so far as they relate to the site covered by application 15/2487/MRES:

3, 6, 8, 10, 11, 12

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

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work

(Reason – In the interests of highway safety and residential amenity in accordance with Policy D1 – Design and local Distinctiveness and EN14 – Control of Pollution of the New East Devon Local Plan.)

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

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

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

(Reason- To ensure the proper development of the site and timing delivery of the new road and closure of the existing road in accordance with Policy TC7 – Adequacy of Road Network and Site Access of the New East Devon Local Plan.)

Plans relating to this application:

CO1	Layout	26.10.15
FIGURE 2	Other Plans	26.10.15
FIGURE 3	Other Plans	26.10.15

FIGURE 1	Combined Plans	26.10.15
FIGURE 2	Other Plans	26.10.15
FIGURE 5	Other Plans	26.10.15
AW/L/279/2	Layout	26.10.15
FIGURE 7	Other Plans	26.10.15
CO9 A	Other Plans	26.10.15
SK01 A	Other Plans	26.10.15
SK02 A	Location Plan	26.10.15
	Design and Access Statement	26.10.15
FIGURE 4	Location Plan	26.10.15
CO2 B	Proposed Site Plan	26.10.15
CO3 B	Sections	26.10.15
CO4 A	Sections	26.10.15
CO5 C	Other Plans	26.10.15
CO6 B	Sections	26.10.15
CO8 A	Other Plans	26.10.15

List of Background Papers

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

Ward Exmouth Littleham

Reference 15/2493/FUL

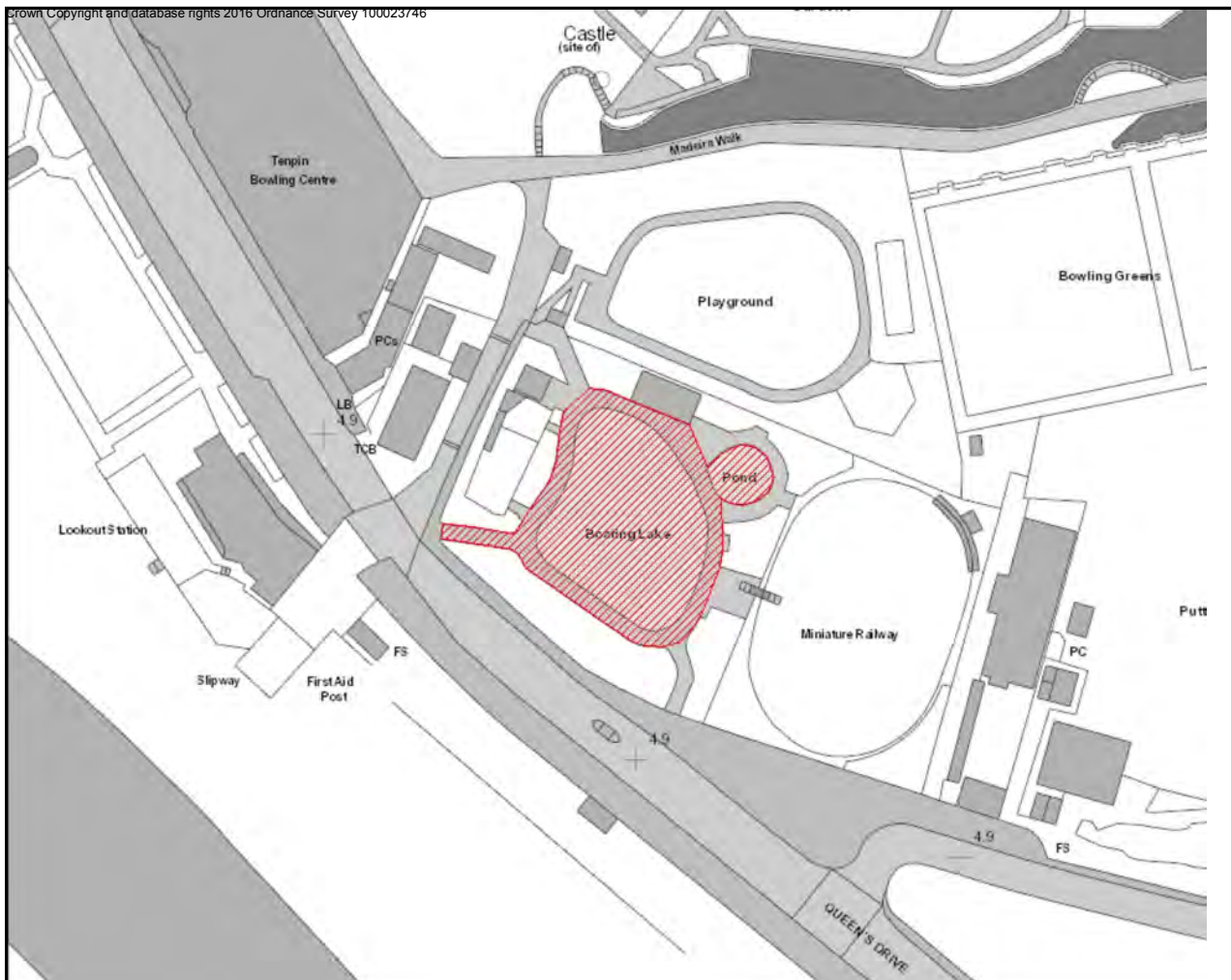
Applicant East Devon District Council

Location Exmouth Fun Park Queens Drive
Exmouth EX8 2AY

Proposal Infill of 2 no ponds with site-won
material from adjacent highway
works



RECOMMENDATION: Approval with conditions



		Committee Date: 8 March 2016
Exmouth Littleham (EXMOUTH)	15/2493/FUL	Target Date: 25.12.2015
Applicant:	East Devon District Council	
Location:	Exmouth Fun Park Queens Drive	
Proposal:	Infill of 2no ponds with site-won material from adjacent highway works.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is brought before the Committee because East Devon District Council are the owners of the land and the applicant.

The application site lies to the north of Queens Drive, immediately adjacent to Exmouth Seafront and forms part of the overall 3.6ha site that benefits from outline planning permission for leisure redevelopment.

The development proposal is for the infill of two ponds which have been used for Swan Boats. It is proposed to infill the ponds with site-won material from adjacent highway works that are proposed under a separate planning application.

This planning application has generated significant objection from the local community. The timing of the application in advance of any public consultation on detailed plans for the wider redevelopment of the area has been criticized. Furthermore the comments state that the development will result in social harm in terms of loss of a nostalgic part of Exmouth, loss of a play facility, and potentially loss of tourists.

However, the development will be a step towards redevelopment of the wider site which will result in a number of social and economic benefits for the area. Added to this is the environmental benefit in reducing landfill and reducing vehicles movements.

Officers are of the opinion that the benefits of the proposal outweigh any harm and as such the application is supported.

CONSULTATIONS

Local Consultations

Exmouth Littleham - Cllr M Williamson

I can support this application because I would prefer that the spoil from the road realignment is used on site in conformity with The Waste Management Plan for England (2013) and The Devon Waste Plan 2011-2031. In view of the need for heavy machinery and the transportation even over a short distance of bulky material I would insist that a CEMP be agreed and a report from Environmental Health is sought. On balance this will mitigate the movement of heavy lorries through the roads giving access to the site and therefore will be of some benefit to my residents. In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments both for and against.

Additional comments 27.01.16:

Having now had the opportunity to study the officer's assessment of this application I should like to add the following points to my initial Ward Comment:

1. I remain of the view that the spoil from the road realignment should, wherever possible, be utilised on site in conformity with both national and county guidance and industrial best practice. I recognise that some spoil may need to be transported off site but only in accordance with a CEMP to protect the well-being of our residents.
2. I regret that this application is not in tandem with the application for the Watersports Centre pursuant on Outline Permission 13/1819/MOUT. This would make the need for the road realignment more explicit. However I can quite understand that the benefactors of the centre wish some certainty about the realignment so that users can access the water directly.
3. The use of the spoil for pond in-filling has understandably attracted much opposition. Although the ponds nowhere appear in the Outline Permission many assume that the in-filling presages something along the lines of a commercial/retail/residential development whereas the Masterplan's objectives relate to an active recreation/leisure zone for all ages.

Conclusion.

The envisaged Watersports Centre is widely welcomed. It will enhance Exmouth's reputation for training and proficiency in off-shore recreation and competition. The road realignment is a necessary prerequisite for this. However the use of the spoil for the infilling of the ponds is not strictly necessary and some may well be needed for the new road. I therefore support the application with the amendment that the pond in-filling is omitted.

I reserve my position until I am in full possession of all the relevant facts and arguments both for and against.

Exmouth Littleham – Councillor A Greenhalgh

The previous granting of Outline Planning Permission, 24. 02.2014, for the development of the Queen's Drive site included specifically "the realignment of Queen's Drive and continuation of pedestrian/promenade."

I recommend approval of this planning application with the adherence to the detailed conditions outlined in the officer's report. The various statutory bodies have no objections. Natural England has no objections subject to the strict accordance of the details submitted in the application. I accept the reasons given for filling in the leisure ponds to provide disposal of materials within the site in connection with the realignment of the road. Using the ponds will have the advantage of reducing the need for off-site disposal of material. The area will also be needed for a future site compound.

Many of the arguments made against this planning application are not areas that the Development Management Committee can comment on.

At the DM Committee I will reserve my position until I am in full possession of all the relevant facts and arguments for and against.

Parish/Town Council

Request deferral until the outcome of current litigation is decided and until there was full public consultation in respect of the proposed phase 2 & 3 development of the site as the pond were part of the process.

Technical Consultations

County Highway Authority

Recommendation:

No objection

Natural England

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

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

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

Statutory nature conservation sites - no objection

Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Exe Estuary SPA has been classified. Natural England therefore advises that your Authority is not required to undertake an

Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.¹

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Exe Estuary SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

This reply comprises our statutory consultation response under provisions of Article 20 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, Regulation 61 (3) of the Conservation of Habitats and Species Regulations 2010 (as amended), (The Habitat Regulations) and Section 28(1) of the Wildlife and Countryside Act 1981 (as amended).

Protected species

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

Natural England has published Standing Advice on protected species.

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

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

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

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.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015, which came into force on 15 April 2015, has removed the requirement to consult Natural England on notified consultation zones within 2 km of a Site of Special Scientific Interest (Schedule 5, v (ii) of the 2010 DMPO). The requirement to consult Natural England on "Development in or likely to affect a Site of Special

Scientific Interest" remains in place (Schedule 4, w). Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website.

Contaminated Land Officer

I have considered the application and do not anticipate any contaminated land concerns. The contractor has a responsibility to ensure that any material used for back fill is suitable for purpose and complies with any Environment Agency requirements.

Environmental Health

I have considered this application and I am satisfied with the CEMP produced by Parsons Brinckerhoff in particular section 4 Control of Dust Management Plan (CDMP) Section 9 Noise & Vibration which states that a Noise Method Statement shall be forwarded and agreed by the EHO at least three weeks before work commences.

Section 10 Lighting: I have one comment to make on this section : this section states that lighting shall be controlled particularly when night work is taking place. I would recommend a condition stating that prior notification requesting permission to work at night would be submitted to the Local Planning Authority and Environmental Health which would agree any night work at least 7 days before any works are carried out.

Environment Agency

Thank you for consulting us on the above application.

We have no objections to the proposal provided levels are not raised above surrounding the area. It may be necessary for a permit to be obtained for using the highways works won material. The agent should contact Catriona Bogan on telephone 03708 506506.

Other Representations

At the time of writing this report 114 letters/emails of representation (including an objection from Councillor Longhurst as Ward Member for Woodbury and Lympstone) have been received which raise objection to the proposed development. In summary the concerns raised are:

General objections to redevelopment of this site

- Object to plans for redevelopment of the site
- Negative impact on community
- Loss of amenity
- Loss of community facility
- Healthy outdoor fun for locals and holiday makers
- Loss of much loved amenities in a traditional seaside resort
- Loss of entertainment that is not too commercialised
- Part of a wider ill considered plan
- Little support from the town
- Loss of open aspect of the fun park

- Concern that residential accommodation will form part of the redevelopment
- Non-conformity with the Exmouth Masterplan

Prematurity of the application

- Phase 3 plans have not yet been agreed
- Development is premature - fun park should continue to operate until detailed planning permission is in place with appropriate funding for redevelopment of the site.
- Area should not become a building site before plans for redevelopment are finalised
- Will create an eyesore in heart of the area
- Precursor to a future development that does not benefit from planning permission.
- Development presumes approval of phases 2 and 3 before plans are approved for phase 1.
- No certainty that the development will go ahead
- Will offer developer empty site

Loss of swan boats

- Loss of character of sea front, loss of traditional charm
- The Swan Boats are an iconic feature of the seafront
- Inappropriate development
- Wish to see area in question upgraded not demolished
- Safe environment for children to play near the sea front
- Loss of affordable water attraction that provides fun for all ages

Lack of public consultation

- Plans published in summer 2015 so different from original outline application 13/1819/MOUT, needs to be independent survey of residents, business owners and visitors
- New consultation should be required as drawings for phases 2 and 3 have substantially changed to those shown at the time of the outline planning application.

Impact on wildlife

- Impact on local wildlife including badger setts

Court Case

- Decision should not be taken whilst a court case related to the proposed redevelopment of the site is pending

Adverse impact on tourism

- Loss of tourists in short and long term
- Will prevent business trading, loss of livelihood

Flooding

- High risk of flooding, hard landscaping is inappropriate
- Archaeological survey has not been done

- Natural England has stated that EDDC has failed to carry out a full environmental assessment of the site

Exmouth Civic Society objects to the development for the following summarised reasons:

- The two boating lakes are utilised at present and are situated in phase three of a possible development which only has outline planning permission.
- Planning application is premature.
- Approval of this application will prejudice the public consultation as the boating lake ponds will have been filled in during phase 1.
- This application should be made only when results of public consultation are known and the required planning permissions for phase 3 are being applied for.

PLANNING HISTORY

Reference	Description	Decision	Date
13/1819/MOUT	Construction of new buildings on 3.6 hectare site for: watersports centre with storage (1450m ²); holiday accommodation with parking and gardens (3000m ²); indoor leisure activity buildings (1165m ²) with external attractions and staff parking; new cafe, restaurant and retail use (1200m ²); a minimum 250 space car park; landscaping; realignment of Queens Drive and continuation of pedestrian promenade; improved connectivity to the Maer and beach; and the selected demolition of existing buildings. Outline planning application with all matters reserved except layout.	Approval with conditions	24.01.2014

POLICIES

New East Devon Local Plan Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

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

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 47 (Nature Conservation and Geology)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

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

EN5 (Wildlife Habitats and Features)

EN6 (Nationally and Locally Important Archaeological Sites)

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

EN9 (Development Affecting a Designated Heritage Asset)

EN21 (River and Coastal Flooding)

E2 (Employment Generating Development in Built-Up Areas)

E9 (Town Centre Vitality and Shopping Areas)

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

E20 (Provision of Visitor Attractions)

RC1 (Retention of Land for Sport and Recreation)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

ANALYSIS

Site Location and Description

The application site lies to the north of Queens Drive, immediately adjacent to Exmouth Seafront.

The existing use of the site is for recreation including two ponds. The site lies within 25m of the Exe Estuary Site of Special Scientific Interest (SSSI) and Special Protection Area.

The whole site lies within Flood Zone 3.

Relevant Planning History

Outline planning permission (13/1819/MOUT with all matters reserved except layout) for the following redevelopment of the site was granted by East Devon District Council on 24th January 2014:

'Construction of new buildings on 3.6 hectare site for: watersports centre with storage (1450m²): holiday accommodation with parking and gardens (3000m²); indoor leisure activity buildings (1165m²) with external attractions and staff parking; new cafe, restaurant and retail use (1200m²); a minimum 250 space car park; landscaping; realignment of Queens Drive and continuation of pedestrian promenade; improved connectivity to the Maer and beach; and the selected demolition of existing buildings.'

The application was accompanied by an Environmental Impact Assessment.

Planning application 15/2487/MRES is currently under consideration by the Local Planning Authority. That application is for: Approval of access, appearance, landscaping and scale for the highway re-alignment and parking areas, demolition of cafe, selected beach huts and shelter as part of the reserved matters of outline application 13/1819/MOUT.

Proposed Development

The planning application seeks planning permission for the infill of two ponds with site-won material from adjacent highway works.

The 1.3ha application site lies within the site boundary of planning permission 13/1819/MOUT. The current planning application relates to land shown on the Phasing Programme for 13/1819/MOUT (plan number SK01 A) as Future Phase 3 Development (July 2016 to July 2018).

The design and access statement accompanying the current application states that the proposal will facilitate advance works for future development and will provide opportunities for movement and storage of materials within the wider site area, which will reduce off-site disposal.

The proposed development includes emptying the two leisure ponds (approximate areas of 900m² and 100m² at depths of approximately 0.6m), breaking up their linings and filling with suitable material to match the surrounding area. The proposal is to use the filled areas as a future site compound for the phase 1 and 2 works and to help prepare the site for future development.

The planning application is accompanied by a draft Construction and Environmental Management Plan (CEMP) for the wider scheme and a specific addendum for the current proposal. It includes mitigation measures to minimise the impacts on surrounding receptors during the works.

Assessment

The main considerations in the determination of this application are:

- The principle of the proposed development
- Impacts on the environment (including vehicular movements, drainage, wildlife)
- Social and economic impacts relating to loss of the play facility
- Other matters raised through representations, including lack of public consultation

The principle of the proposed development

The site lies within the Built-up Area Boundary for Exmouth. A Masterplan for redevelopment of the area was carried out in December 2011, following consultation between interested stakeholders, community groups, residents, Devon County Council and the Town Council. The Masterplan refers to this part of Queens Drive as 'Exmouth Splash'. This is described as an area focused around play, leisure, recreation and having fun and led to the approval of outline planning permission in January 2014.

The Adopted New East Devon Local Plan 2006-2026 includes Strategy 22 for Development at Exmouth. The supporting text to the Policy states:

'The implementation of some projects in the Masterplan is underway but the Council also recognises that it is time to re-evaluate the Masterplan. The future intention is that a new or refreshed Masterplan will be produced with this becoming a Supplementary Planning Document.'

The current application needs to be assessed in light of the above and the outline planning permission that was granted for the site. Outline planning permission (all matters reserved except layout) was granted on 24th January 2014 for redevelopment of a 3.6ha area which includes the current application site. The principle of the redevelopment of the site for a range of leisure uses has already been accepted through the approval of the outline planning application.

The approved outline planning permission shows an indicative layout for redevelopment occurring in 5 zones (Watersports Centre at 1450sqm, 250 space Car Park, Fun Park including indoor and outdoor activities, Harbour View Cafe and

former Lifeboat Station, and 3,000sqm Holiday Accommodation) alongside the realignment of Queens Drive.

The proposal under this current application seeks to use the land described as Phase 3 development under planning permission 13/1819/MOUT for storage and movement of materials during construction works for Phase 1 (construction of the access road and car park). The area could also be used as a construction compound for Phase 2 (the Watersports Centre).

The principle of redevelopment of the site has been established albeit in outline form. This application seeks to use an area of land within the original application site to enable works to be carried out on the wider site. Given the planning history on the site there is no objection in terms of the principle of the development.

Environmental considerations

Disposal of material and reduced vehicular movements

The application states that the proposal development, if allowed, will reduce the amount of material that needs to be moved off-site. The reduction in vehicular movements associated with taking material off-site and also reducing the amount of surplus material itself is a positive consideration that is attributed weight in favour of the development being allowed.

Drainage

The land lies within Flood Zone 3. In terms of drainage, and as the application states, the existing water features essentially serve as impermeable areas and the infill of the ponds will not increase runoff. The Environment Agency has not raised any objection to the development having been consulted as part of the outline planning application. The development will not result in harm to flooding of the area.

Wildlife

Concern has been expressed that the development may have an adverse impact on wildlife and in particular badgers. With respect to impact of the development on protected species, Natural England has advised the Local Planning Authority to refer to standing advice.

The application is accompanied by an Environmental Management Plan Addendum (prepared by Parsons Brinckerhoff) which is specific to the development proposed under this current planning application. An updated Outline Construction Environmental Management Plan (CEMP) for development of the wider site has also been provided.

In relation to the impact of the development on badgers the addendum states at Para 2.2.1 "Under no circumstances will any work (tracking of vehicles/dumpertrucks) take place within 30m of the badger sett entrances. This is considered achievable as the setts are at least 30m from any works."

Having had regard to the Standing Advice issued by Natural England for protected species, it is considered that a condition is necessary to be attached to any planning approval for the development to ensure that works are carried out in accordance with

the Construction Environmental Management Plan (CEMP) for the wider site and specific mitigation detailed in the CEMP Addendum (October 2015). Provided development takes place in accordance with the mitigation measures it is considered that the proposed development will not have any significant adverse impact on wildlife.

Residential Amenity

The development has the potential to have an adverse impact on residential amenity due to noise and dust associated with infilling the ponds with material from the highway works. An Outline Construction Environmental Management Plan (CEMP) for the wider site and an addendum for the site preparation specific to the current proposal have been submitted with the application.

The Council's Environmental Health officer is satisfied with the CEMP produced by Parsons Brinckerhoff in particular section 4 Control of Dust Management Plan (CDMP) and Section 9 Noise & Vibration which states that a Noise Method Statement shall be forwarded and agreed by the EHO at least three weeks before work commences.

Environmental Health has recommended a condition be attached to any approval requiring prior notification for night working to be agreed with the Local Planning Authority at least 7 days before any night works are carried out.

Subject to the above it is considered that the proposal would not have a significantly detrimental impact upon residential amenity.

Economic and Social Considerations

Loss of traditional character of the seafront

This application has attracted a significant level of objection from third parties.

Some representations are concerned with the loss of the Swan Boats and consequent loss of character of this part of the sea front. The Swan Boats are seen by some to be an iconic feature of the seafront. Some wish to see the area in question upgraded rather than removed. The proposed redevelopment of the site, and specifically the loss of the Swan Boats has raised significant nostalgia amongst members of the community. It is acknowledged that by this reason, the development would have some adverse social impact to some people. However, this impact needs to be balanced against the social benefits that will be gained from redevelopment of the wider site that already benefits from outline planning permission.

In addition, the works themselves will not prevent the ponds and swans from being re-provided as part of any future development of the site if this is considered appropriate as part of the wider redevelopment of the area.

Loss of affordable open air play facility

Many of the representations received are general objections to the wider redevelopment of the site and the loss of the fun park rather than the specific

development proposed under the current application. The fun park itself is considered by many to be a valuable community facility that is used by all ages, both locals and tourists.

Specific to the current application, representations have been made that the Swan Boats are considered to be a safe environment for children to play near the sea front and there is concern about the loss of an affordable attraction that provides outdoor fun for all ages. In terms of the planning balance, some small weight must be given to these concerns. Consideration needs to be given to the fact that a detailed planning permission for redevelopment of the site is not in place and therefore it is difficult to balance the loss of the facility in the short-term with the provision of any proposed play facilities in the future. However, these works will help to facilitate the re-alignment of the access road and new car parking area that in themselves should help to facilitate the redevelopment of the whole site and provide wider benefits to Exmouth in the long-term in line with the aims of the Masterplan to regenerate Exmouth as a destination.

Timing of the planning application

Objection has been made that the proposed development is premature in that there is no detailed planning permission for redevelopment of the site. However, the proposal can be viewed as works progressing on bringing forward a site that benefits from outline planning permission for redevelopment. The application has been submitted at the same time as a separate planning application (15/2487/MRES) which seeks reserved matters approval for Phase 1 of the site (access, appearance, landscaping and scale for the highway re-alignment and parking areas, demolition of cafe, selected beach huts and shelter).

Concern has been raised that the development proposal is premature in that a future public consultation for redevelopment of the site might for instance find that the retention of the Swan Boats is of great importance to the local community. There is concern that the development, if allowed, will prejudice the determination of future applications to redevelop the site. Whilst these comments are understood the application itself does not prevent the boats from being relocated as part of the future development.

One of the concerns raised is that the area should not become a building site before plans for redevelopment are finalised. Furthermore the view has been expressed in representations that the fun park should continue to operate until detailed planning permission is in place with appropriate funding for redevelopment of the site. There is concern that the wider redevelopment of the site may be stalled due to lack of funding.

It is not for the planning system to dictate the speed of redevelopment or matters of land ownership. These matters are outside of planning and it is for the land owner to make a non-planning decision regarding when they wish to implement these works (if they gain planning permission) and how they wish to manage the site in the short-term.

Loss of trade

Little weight against the proposal is attributed to the site becoming part of the wider building site sooner rather than later instead of continuing to provide a local attraction whilst Phases 1 and 2 are developed. This is on the basis that it is not for the planning system to dictate timescales for redevelopment and as approval of permission does not mean that the work will commence immediately.

Other matters raised through representations

Lack of Public Consultation

Much concern has been generated within the community as a result of indicative plans released by a potential developer for the site. Although these plans were placed within the public domain in summer 2015, they were not subject to a planning application and do not benefit from planning permission. The adopted Masterplan for the site dates to December 2011 and there has been no update since December 2011. Any proposed changes to the Masterplan would be subject to public consultation. Any detailed planning application for redevelopment of the site would also be subject to public consultation through a further planning application.

Archaeology

The development will not result in any adverse impact on archaeology. The proposed development will result in infilling of ponds rather than excavation works or reduction in ground levels

Court Case

The current planning application needs to be considered on the basis of its planning merits and is a separate process to any court case associated with the site and rights of land owners and lessees etc. The planning system sits outside of separate land ownership and lease rights and as such there is no planning reason to delay determination of this planning application in light of any other legal matters affecting the site.

Balance of sustainability

The principle of redeveloping the land has been established under planning consent 13/1819/MOUT. This current application is for development on a small area of the overall site that benefits from planning permission for redevelopment.

The thrust of the Masterplan for redevelopment of the site is to provide play, leisure, and recreation facilities. This proposal results in the loss of the ponds which are used for Swan Boats. However, the outline planning permission is for redevelopment of the site which makes provision for external attractions. Given the planning permission is in outline form, the nature of the external attractions has yet to be decided.

The negative consequences of the proposal includes the loss of trade to a local business, the loss of an open air play facility and consequent negative impact on the local community and facilities on offer to tourists in advance of any new facilities opening. The proposal will result in the direct loss of a tourist facility and will also, to some degree, change the character of the sea front in the short-term. The impact on tourism caused by the loss of the Swan Boats (and wider fun park) is difficult to

quantify and will depend on a number of factors including the length of time redevelopment of the wider site takes. This is a non-planning matter. During construction works, whilst the site is used for movement and storage of material there will undoubtedly be a small negative impact on tourists using this particular site. However, it is not possible to foresee what number of tourists would be displaced to other attractions within Exmouth or numbers of tourists that would be lost from Exmouth to other towns and villages. In order to redevelop the site and provide new facilities there will inevitably have to be a period when the site is under construction and decisions on this are for the applicant and market forces and not for the planning system to dictate. It will obviously be in the applicant/land owners interest to bring development forward as quickly as possible and to avoid the site remaining vacant, not least as this will potentially result in the loss of revenue.

In the planning balance, weighing against the proposal is:

- Some degree of social harm with respect to a facility that holds nostalgic value for a section of the community;
- Some degree of social harm in the loss of an affordable open air play facility that is popular amongst a section of the local community;
- Loss of a long standing tourist attraction which may result in reduced tourist numbers to the area during redevelopment although difficult to quantify;
- Some very limited weight is given to the fact that the detailed redevelopment plans for the whole site have yet to be consulted upon and considered at planning application stage.

Weighing in favour of the development being allowed is:

- A considerable degree of weight in terms of the social and economic benefits in progressing the overall aims to redevelop the wider site and in the longer term enabling the increase in overall visitor numbers and spend in Exmouth;
- Moderate weight to the environmental benefit in the reduced amount of material being sent to landfill and the reduced vehicular traffic associated with removal of that material from the site;
- Lack of harm with respect to flooding issues;
- Lack of harm to wildlife provided the development is undertaken in accordance with the proposed mitigation;
- Lack of harm to archaeology;
- Lack of harm to highway safety;
- Lack of harm to residential amenity.

This planning application has generated significant objection from the local community. As detailed above there are a number of social, economic and environmental factors that weigh both in favour and against the proposed development.

The matters weighing against the proposal are considered to carry little weight as they relate to the timing and nature of the redevelopment. It is not for the planning system to dictate the timing of any redevelopment and it will be for a future application to consider the suitability, or otherwise, of future uses for the site.

In favour of the proposal is the fact that the development will be a step towards redevelopment of the wider site which carries considerable social and economic benefits for the area. Added to this is the environmental benefit in reducing material that needs to leave the wider redevelopment site and reducing vehicles movements.

In light of the above it is considered that the wider benefits from the application and enabling the future regeneration of the site outweigh any harm and as such the application is recommended for approval subject to 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. No works shall be undertaken at night unless previously agreed in writing by the Local Planning Authority at least 7 days before any night works are proposed to be carried out.
(Reason - To protect the amenity of local residents from noise in accordance with Policy EN14 - Control of Pollution of the Adopted New East Devon Local Plan.)
4. No development shall take place until a Construction Environmental Management Plan that is in accordance with the approach outlined in the documents titled "Outline Construction Environmental Management Plan" (October 2015) and "Site Preparation Outline Construction Environmental Management Plan Addendum" (October 2015) has been submitted to and approved in writing by the local planning authority. This shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. Such a scheme shall include details of the following:
 - The timing of the works
 - The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution)
 - The ecological enhancements as mitigation for the loss of habitat resulting from the development
 - A map or plan showing habitat areas to be specifically protected (identified in the Environmental Statement the Ecological Report that accompanies this application) during the works.

- Any necessary mitigation for protected species
- Construction methods
- Any necessary pollution protection methods
- Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrate they are qualified for the activity they are undertaking.

The works shall be carried out in accordance with the approved method statement.

(Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with the National Planning Policy Framework and in accordance with Strategy 47 – Nature Conservation and Geology and Policy EN5 - Wildlife Habitats and Features of the Adopted New East Devon Local Plan.)

NOTE FOR APPLICANT

Informatives:

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.

It may be necessary for a permit to be obtained from the Environment Agency for using the highways works won material. The applicant/agent should contact Catriona Bogan on telephone 03708 506506.

Plans relating to this application:

	Design and Access Statement	30.10.15
SITE PREPARATION OUTLINE	General Correspondence	30.10.15
OUTLINE ENVIRONMENTAL MGMT	General Correspondence	30.10.15
P3-SK01	Location Plan	30.10.15
SK01-A	Other Plans	30.10.15
P3-SK02	Combined Plans	30.10.15

List of Background Papers

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

Ward Exmouth Town

Reference 15/2648/MFUL

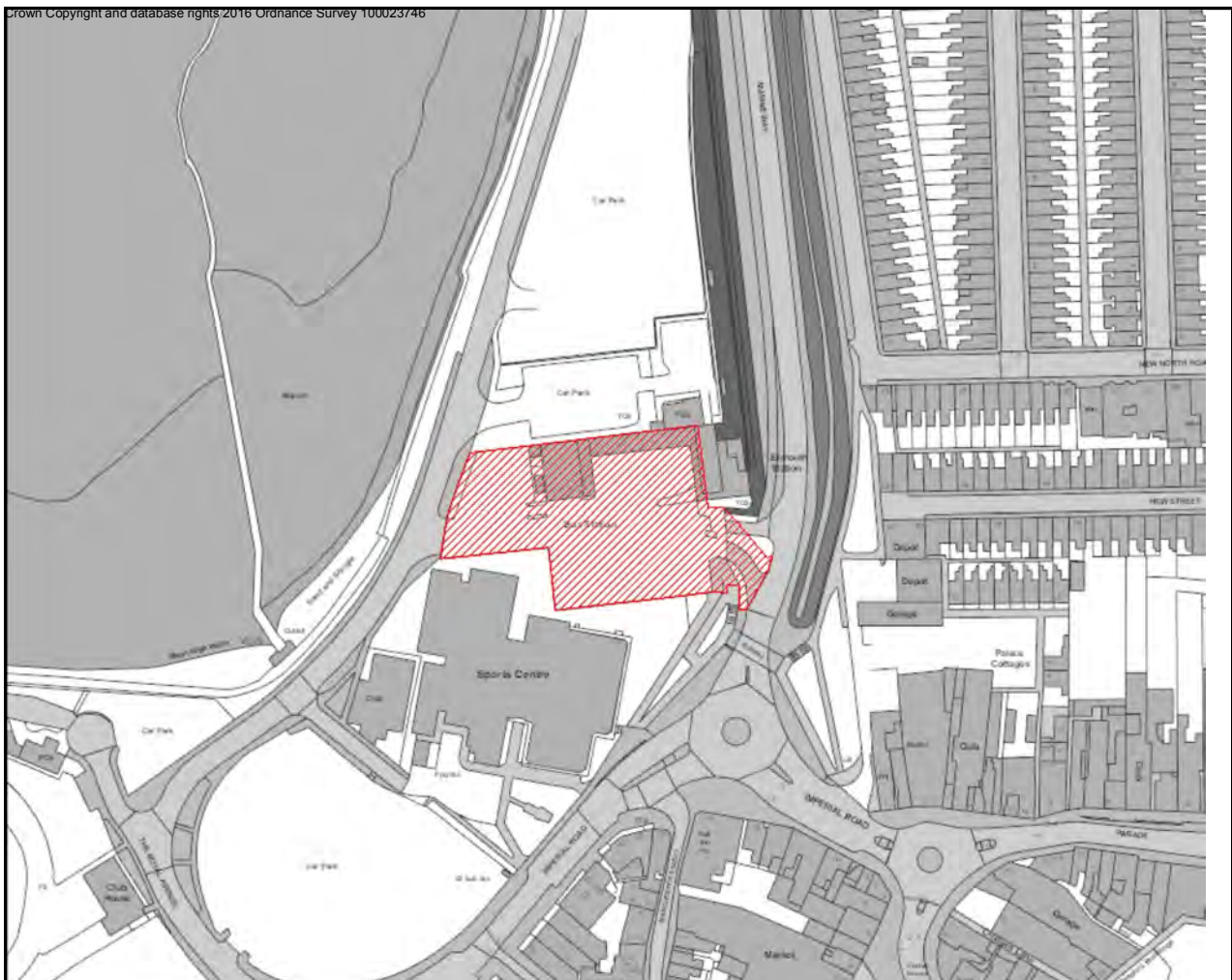
Applicant Kilo Properties

Location Bus Station Royal Avenue Exmouth
EX8 1EN

Proposal Redevelopment of site to provide
foodstore (A1), car parking and
access



RECOMMENDATION: Approval with conditions



		Committee Date: 8th March 2016
Exmouth Town (EXMOUTH)	15/2648/MFUL	Target Date: 19.02.2016
Applicant:	Kilo Properties	
Location:	Bus Station Royal Avenue	
Proposal:	Redevelopment of site to provide foodstore (A1), car parking and access	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

Although the officers and ward member are in agreement on this application the matter is referred to committee by the Service Lead to ensure that the implications for the long term regeneration of the town are understood and balanced against the economic benefits of the scheme in a public debate.

The application proposes the demolition of the existing bus station, depot and associated buildings within Exmouth and its replacement with a new supermarket. The supermarket would include a new car park for customers. It is proposed that the existing buses which use the bus station would be relocated to an area outside of the proposal site, in front of Exmouth Leisure Centre.

The site is located within the Built-up Area Boundary for Exmouth but is situated outside of the identified town centre. The applicant submitted details with the application in order to demonstrate that sites within the town centre have been considered and are not available, and that the scheme will not impact on the existing town centre shops. It has therefore been demonstrated that there are no reasonably available sequentially preferable sites.

Existing bus services would be served by a proposal to widen Imperial Road to provide a bus layby which is supported by the highway authority and bus operator.

When considered against Strategy 22 of the Local Plan and the Exmouth Masterplan, the scheme could be viewed as compromising the upgrading of public transport provision through the provision of an integrated transport interchange. There are also concerns that the proposal does not respect the long term aims of the Exmouth Masterplan for a comprehensive redevelopment of the site and the adjoining land and the proposed creation of a linear park alongside the estuary side. It is also questionable as to whether the scheme

integrates with the adjoining land both in terms of the current leisure centre and railway station and whether it would do so in the future with the proposals in the masterplan. However, it is considered that in broad terms the proposal adds to the retail provision within Exmouth and maintains the level of current public transport access within the town. The scheme would also have significant economic benefits of the town that need to be considered.

Officers assessment is therefore that the benefits of the scheme are quite balanced when assessed against the concerns for the wider strategy for Exmouth, however the scheme is recommended for approval subject to appropriate conditions which secure a public transport interchange and general requirements on parking and design.

CONSULTATIONS

Local Consultations

Exmouth Town - Cllr B Nash

Following the public consultation at Exmouth Town Hall on 16th October 2015 which was visited by 350 people, 95% of the 236 respondents stated they were in favour to open an M & S foodhall in Exmouth.

Some concerns were raised over the square shape of the building and roof height with the comment "the whole design needs softening". The final plans in this application have met those concerns with a revised style to height and roof.

All the necessary boxes have been ticked concerning The Environment Agency and other bodies. From a planning aspect and need for this in Exmouth I have no hesitation in suggesting approval of 15/2648/MFUL.

Parish/Town Council

Meeting 30.11.15

No Objection but would like developers to give consideration towards integration with the Transport Interchange in the future.

Parish/Town Council

No Objection to the amended plans subject to DCC Flood Risk SuDs recommendations and consideration was given to the zebra crossing on Marine Way being changed to a pelican crossing to control traffic flow.

Technical Consultations

Natural England

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

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

Internationally designated sites - No objection

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Exe Estuary Special Protection Area (SPA) which is a European site. The site is also listed as a Ramsar site¹ and also notified at a national level as a Site of Special Scientific Interest (SSSI).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have². The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

1. 1 Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.
2. 2 Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.

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

Please send consultations via email to: consultations@naturalengland.org.uk

Natural England notes that a Habitat Regulations Assessment has not been produced by your authority. However the applicant has submitted "Information to Inform a Habitat Regulations Assessment (HRA)" (Aspect Ecology 2015). As competent authority, it is your responsibility to produce the HRA. We provide the advice below on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

The "Information to Inform a Habitat Regulations Assessment" concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential impacts. On the basis of information provided, Natural England concurs with this view.

To enable you to reach this conclusion you must ensure that clear conditions attached to the granting of permission which secure the avoidance and mitigation measures set out in chapter 5 of that report and summarised at 6.5.

Further detail will be required on the proposed parking controls to demonstrate that these can effectively avoid an increase in visit rates to the SPA. This is because, although the report notes that there are a large number of existing parking spaces in proximity to the application site, these are all charged spaces. This proposal would result in 63 additional, potentially free spaces which has the potential to attract new visitors to the SPA travelling by car who would not otherwise visit if they were required to pay to park. Evidence from the 'Exe Estuary Visitor Survey', (Footprint Ecology, 2010) indicates that 92% of visits by dog walkers at the Duck Pond were less than 2 hours duration so measures such as a time limit on parking would not address this. Providing these measures can be secured a likely significant effect should be avoided.

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.

Network Rail

Whilst there is no objection in principle to this proposal, I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

ACCESS TO RAILWAY

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

DRAINAGE

Soakaways, as a means of storm/surface water disposal must not be constructed near/within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. Storm/surface water must not be discharged into Network Rail's property or into Network Rail's culverts or drains. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway.

Any surface water run-off from the site must drain away from the railway boundary and must NOT drain in the direction of the railway as this could import a risk of flooding and / or pollution onto Network Rail land.

SAFETY

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Richard Selwood at Network Rail on: AssetProtectionWestern@networkrail.co.uk before works begin.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried

out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

ENVIRONMENTAL ISSUES

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

SAFETY BARRIER

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

Contaminated Land Officer

I have considered the proposals for a food store and car parking on this site which comprises made land. As identified in the Desk Top Study a full contaminated land assessment will be required and therefore I recommend that standard condition CT3 is included in any approval.

Environmental Health

I have considered this application and recommend that the following conditions are attached to any permission granted:

A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring

Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

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

Operational times - including trading hours, deliveries etc
Store servicing, deliveries & associated activities
Monday to Saturday 07:00 to 22:00 and Sunday 09:00 to 22:00

Store trading & car park
Monday to Sunday 07:00 to 24:00

Lights to be dimmed & turned off elsewhere
Turn off at 00:30

Recycling facilities, waste & other collections
Monday to Saturday 07:00 to 18:00

Reason: To protect the amenities of local residents from noise.

Electromechanical Plant and any other Plant
Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Service Engineers Environmental Design Guide. Details of the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises.

Reason: To protect the amenity of local residents from noise.

Lighting

A lighting scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable.

Reason: To comply with Policy EN15 for the avoidance of light pollution.

Environment Agency

Environment Agency position:

I am happy to advise that we have no objections to the proposed development provided that it proceeds in accordance with the submitted Flood Risk Assessment (FRA) dated October 2015 and the following conditions are placed on any planning permission that your Council grants:

Condition

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority (LPA), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the LPA:

(1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

(2) A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the LPA. The scheme shall be implemented as approved.

Reason:

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Without inclusion of the above suggested condition, the proposed development on this site poses an unacceptable risk to the environment

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.

Reasons

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

It should be stressed that the disposal of surface water is a matter for the Lead Local Flood Authority (Devon County Council) to consider and we have not considered this element of the FRA (paragraph 9.0).

South West Water

I refer to the above application and would advise that South West Water has no objection subject to surface water drainage being in accordance with the submitted flood risk assessment.

DCC Flood Risk SuDS Consultation

At this stage, we object to this application because we believe it does not satisfactorily conform to Policy EN21A of the Draft New East Devon Local Plan (2006-2026), which relates to the consideration of SuDS when designing developments to manage surface water runoff.

The applicant has not provided sufficient information in relation to the disposal of surface water from the site to enable me to make detailed observations on the proposal. The applicant should provide a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. The applicant is therefore advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found here: <https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/>.

Section 8.2 of the Flood Risk Assessment states that a surface water sewer runs alongside the eastern boundary of the site which receives runoff before being discharged directly into the Exe Estuary. The applicant is required to provide a detailed design of the current and proposed drainage network, and obtain written confirmation from South West Water that disposing of this surface water via their sewer network is acceptable. This section also states that the site, both pre- and post-redevelopment, is covered by the same area of impermeable surfaces, but I cannot find any numerical detail of this comparison, which should be provided for review.

Section 9.2 states that the outfall of the surface water sewer into the Exe Estuary can become tide-locked, and that the proposed on-site surface water sewers will be designed to have a tide-locked capacity. However, I am unable to find any detail of

the calculations undertaken to design this system, nor, as mentioned above, a design of the system itself. The applicant will therefore need to provide this information, alongside evidence to demonstrate that the site will not flood in the 1 in 100 year (+30% allowance for climate change) rainfall event.

Section 9.3 states that the surface water runoff from the vehicle access and parking areas will drain via oil interceptors. However, the applicant must first explore the possibility of using an above-ground SuDS feature to manage the quality of the surface water runoff from these areas. If this is found to be unfeasible, the applicant should provide a robust explanation to justify the use of oil interceptors as opposed to a SuDS feature.

I would be happy to provide a further substantive response when the applicant has provided the information requested above.

DCC Flood Risk SuDS Consultation

Re: Amendments relating to an update on the flood risk assessment - redevelopment of site to provide foodstore, car parking and access.

Thank you for referring the above application which was received on 18/01/2016.

Devon County Council Flood and Coastal Risk Management Position.

Further to my recent correspondence (FRM/2015/260, dated 14th December 2015), I have been in contact with Chris Dartnell, the Drainage Engineer for this planning application, to discuss the proposed surface water drainage management plan. He has also provided additional information, dated 21st December 2015, to address each of the concerns raised in my aforementioned correspondence.

Following the provision of this additional information, I am satisfied that the detailed design of this development's surface water drainage management plan can be addressed by a suitably worded condition if planning permission is granted. This condition should state that prior to any works being undertaken on-site, a detailed surface water drainage management plan shall be submitted to, and approved in writing by, the Local Planning Authority, after consultation with Lead Local Flood Authority.

In this instance, I am happy for the surface water drainage aspects of this development to be conditioned because the intention is to discharge directly into the Exe Estuary (effectively the sea), with tide-locked storage capacity on-site, which is sufficiently large enough to accommodate the required storage. I also acknowledge that South West Water has raised no objection to the proposed surface water sewer discharge arrangement in their consultation response dated 24th November 2015, which confirms that this site has an agreed point of discharge.

However, referring to the additional information provided by the Drainage Engineer, I do not believe that it is possible at this stage to discount an above-ground SuDS feature to manage the quality of the surface water runoff from the vehicle access and parking areas; permeable paving (which could be underdrained) or filter drain features could be viable here. However, as this forms part of the surface water drainage management plan, I am satisfied that this will be addressed by the condition outlined above.

Assuming the aforementioned condition is imposed on any granted planning permission, I am happy to confirm that our objection can be withdrawn.

County Highway Authority

The proposed development is located close to the town centre and also existing parking and transport facilities for Exmouth. Also the site is served well by existing pedestrian and cycle network and is next to the National Cycle Network Route 2.

Two bus stops are proposed to be relocated approximately 80 metres south from the development and the county highway authority (CHA) would expect a Unilateral Undertaking or similar from the developer for the provision of these bus stops. The existing vehicular arrangements to the adjacent Railway Station would be unchanged.

The CHA recommended that the accompanying TA takes particular note of any traffic impacts at the nearby Marine Way/Imperial Road and Imperial Road/ The Royal Avenue roundabout junctions especially regarding the existing and future pedestrian and cycle movements at these junctions and also at the existing Marine Way and Imperial Road zebra crossings. All findings were assessed for the 2016 to 2031 Friday and Saturday peak hours and results show that there would not be any significant impact on capacity or safety of the local road network.

The CHA has examined the proposed layout of the foodstore, car park and delivery arrangements and considers that these are adequate considering the size of the retail area and the confines of the development site.

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. Off-Site Highway Works

No development shall take place on site until the off-site highway works for the provision of the bus stops have been agreed by the Local Planning Authority in conjunction with the Local Highway Authority.

REASON: To provide adequate access to public transport facilities.

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

- a) the timetable of the works;
- b) daily hours of construction;
- c) any road closure;

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

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

- a) access
- b) parking facilities
- c) commercial vehicle loading/unloading area
- d) visibility splays
- e) turning area
- f) parking space and garage/hardstanding
- g) access drive
- h) and access drainage

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

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

Teignbridge District Council

Thank you for sending details of the new application at the Bus Station, Exmouth.

I can confirm that we have no comments to make following a perusal of the submitted material.

Other Representations

A total of 56 representations have been made, including 45 support and 9 in objection to the development

Comments in support state:

- Would improve a site which detracts from the entrance into Exmouth
- Would give more choice to shoppers in Exmouth, Brixington, Budleigh etc
- Would stop shoppers having to travel to Exeter
- M&S are a good retailer for Exmouth to have
- Would boost local economy
- A better site than the rugby club

Reasons for objection refer to the following:

- Number and size of foodhall signs
- No details on public realm improvements
- Impact on public transport improvements
- Design is standard and not exceptional
- Fails to plan comprehensively
- Poor environmental credentials
- New position of bus stops would cause conflict with pedestrians and cyclists

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 3 (Sustainable Development)

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 38 (Sustainable Design and Construction)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

E9 (Town Centre Vitality and Shopping Areas)

E11 (Large Stores and Retail Related Uses in Town Centre Areas)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

TC10 (Rear Servicing of Shopping/Commercial Development)

Other Policy Documents

Exmouth Town Centre and Seafront Masterplan - December 2011

ANALYSIS

Site Location and Proposal

The proposal site is the existing bus and coach station in Exmouth, which is adjacent to the town's railway station and Exmouth Leisure Centre. The site consists of bus stands and shelters, buildings which have been used for the maintenance and repair of buses, offices and areas of hardstanding.

It is proposed to demolish all existing buildings and construct a new foodstore on the site, which would be a two storey building offering 1,486 sqm of gross floorspace, incorporating a food sales area, small café, toilets and ancillary accommodation. The store would be supported by a 63 space car park with 3 dedicated disabled bays, cycle stands and service areas.

Principle of development

The proposal site is within the built-up area boundary for Exmouth where development is acceptable in principle subject to compliance with other policies of the Local Plan. Strategy 22 of the Local Plan states that within Exmouth it is proposed to promote significant new employment provision and significant investment in new retail and commercial facilities in the town centre.

Transport Interchange and Bus Depot

The Local Plan in Strategy 22 states that the Council will specifically plan for and promote proposals that are consistent with the strategy to promote the upgrading of public transport provision between Exmouth and Exeter, primarily through the provision of an integrated transport interchange and other enhancements to public transport improvements.

The application proposes the removal of the existing bus station, situated adjacent to the train station and therefore ideally located for interchange purposes. It refers to the relocation of buses to an area outside of the leisure centre. A transport assessment has been submitted with the application which details the buses which stop at the bus station at present, and how these will be accommodated in the new proposal. Briefly this states that there are three main bus routes which use the bus station at present - these are the buses to Exeter via Woodbury and Exeter Airport, the Summer service to Sandy Bay, and the service to Sidmouth via Budleigh Salterton. Many other services, notably the main Brixington-Exmouth-Topsham-Exeter service and the majority of the town services, do not use the bus station and are served by bus stops in the Parade, Rolle Street and Exeter Road.

The number of buses using the bus station is approximately 3 or 4 every hour. It is proposed that these buses would be able to use the new area outside of the leisure

centre without conflict and the layout plan suggests a proposed shelter for passengers to use.

It is clear that the proposal does not therefore deliver an upgrading in the interchange between bus and rail passengers indeed it could be argued that the proposed scheme would downgrade these facilities. Passengers would need to walk some 100 metres between the rail station entrance and the bus stop. There is therefore an inconvenience to those who use the bus to get to the train station, and vice versa. It is unclear what proportion of passengers use this method, and how many use the existing bus stops in the town centre. It is however clear that in order to encourage public transport users to make journeys involving changing between buses or between bus and train it is important that services are both aligned in terms of arrival and departure times and that the process of changing is as easy and hassle free as possible.

The need for an efficient transport interchange was identified in the Exmouth Masterplan 2011 which identified the opportunity to:

- “develop a fully integrated multi-modal transport interchange focused at the southern end of Marine Way, incorporating train, bus, taxi and cycle facilities (including cycle hire) and shop mobility alongside a long stay car park. This will support the objectives to promote use of public transport, allow people to undertake well connected journeys and improve links to and from Exeter and to surrounding neighbourhoods;
- Ensure the improved operational effectiveness of the interchange in partnership with bus and train operators and other stakeholders. The existing interchange is not used due to the fact that it does not sit on the majority of the town bus network routes;
- Improve connectivity between the transport interchange and town centre by creating a new high quality town square at the end of the Parade with removal of the underpass, narrowing of the road and public realm works to create a pedestrian priority environment.”

Despite the fact that the Exmouth Masterplan was not ever formally adopted as a Supplementary Planning Document and the new Local Plan acknowledges that it is in need of a refresh before it should be adopted; the masterplan was endorsed by Development Management Committee for decision making purposes and is still a material consideration. It is difficult to see how the opportunities highlighted by the Masterplan could be realised if the proposed development were to go ahead. These issues also informed the new Local Plan with text included in Strategy 22 – Development at Exmouth stating that “ Key elements of infrastructure provision will need to include : upgrading of public transport provision to and from Exeter, primarily through the provision of an integrated transport interchange and other enhancements to public transport improvements”.

A letter from Stagecoach has been submitted with the application. This states that their preference is for the use of bus stops rather than a bus station because of customer preference and they believe it would lead to a safer operation. A letter from the Avocet Line Rail Users Group has raised no objection on the proviso that there

will be no compromise to station improvements planned this year, and details of the public realm shall be submitted.

Furthermore, Stagecoach state that the overnight parking and washing of the buses are likely to be undertaken elsewhere in the near future. It is understood that this will be at a site in Exmouth, however if a site is not found in the short term buses will be stored at the existing bus depot in Exeter and arrangements for this made in conjunction with the drivers.

Devon County Council and Stagecoach both have interests in the site with DCC being the land owner and Stagecoach are understood to have a long tenancy. They are also the bodies primarily responsible for provision of bus services in the town and neither has raised concerns with these proposals which would not result in the loss of any bus services and therefore jobs. While there is some concern that the opportunities identified by the Masterplan would not be secured and would subsequently be difficult to achieve and it is questionable as to whether the scheme achieves the aims of Strategy 22 with regard to a transport interchange it is difficult to substantiate a reason for refusal on this basis without the support and assistance of either the County Council or Stagecoach. Therefore provided new bus shelters and signage to enable the new bus stops to function efficiently it is considered that the proposed development is acceptable in this regard.

Retail Assessment and Economic Impact

In 2011 the Council commissioned a retail needs study as supporting evidence to the Exmouth Masterplan. This study which was an update to a previous report highlighted a need for additional food retailing space within the town and how food retailing in Exmouth is dominated by the out of town Tesco store which is overtrading compared with the Tesco brand standards. The dominance of the Tesco store combined with the out of town Lidl store has pulled much of the food retail market out of town. The report therefore identifies a need for further in town food retail space ideally suited for large weekly and family shops rather than the top up shopping market that is already served by the town centre food retailers which include Tesco, Co-op and Iceland. Although this study is now out of date given the recent down turn in the food retail sector it is a useful context and indicates how and why the master plan sought to identify a much larger site for a supermarket than that currently proposed.

The application site is outside of the Town Centre Area as indicated on the local plan proposals map. Policy E9 of the Local Plan states that new shops outside of the defined town centres will not be permitted if they would harm the diversity, viability and vitality of the town centre. The NPPF states a threshold of 2,500 sq m for when significant adverse impacts on town centres may be anticipated, and whilst the proposed floor area is below this threshold, it exceeds the local threshold of 500 sq m as detailed in Policy E11 of the Local Plan, and therefore it is required to demonstrate that any retail development would not have an unacceptable impact on centres within the catchment of the proposed development.

The applicant has therefore submitted a retail statement, this has considered the impact of the store on the existing town centre, and the availability of other sites

within the town, notably the 'New London Inn Quarter' (NLIQ) and Exmouth Rugby Club. The NLIQ site would not be able to accommodate the proposed floorspace and car parking requirements of the user of the site without compromising the Masterplan aim for a mixed use development with some comparison retail shopping space. The applicants also highlight that the Post Office Depot and Jewson's currently occupy part of the site while the split in land ownership means that land assembly is difficult. They therefore argue that the site is not currently available. The Exmouth Masterplan identifies the Rugby Club site as the preferred location for a food store, however in absence of firm plans to relocate the rugby club then the site is not available.

It is also worth noting that the Masterplan identifies a number of issues that would need to be addressed to bring forward a supermarket on the Rugby Club site including ground contamination and stability as well as flooding. In the event that the food store cannot be located there it identifies the leisure centre/bus depot site as an alternative. It does however say that this would "...need to ensure that the food store is well integrated as part of a mixed use development, reinforces the vision for the estuary side, respects and makes the most of the estuary setting, does not compromise the ability to create a high quality entrance to the town centre and reinforces the links between the town centre and estuary". These aspects of the scheme will be considered later with the design considerations.

In terms of scale, the food store is similar to the existing Co-op store in the town centre and is intended to primarily act as a top-up destination attracting commuters and a limited number of shoppers from further afield. The applicant's retail study suggests that some shoppers will be driven to the store rather than visiting supermarkets outside of Exmouth, with the possibility of 'linked trips' to the town centre. The store will also be focused around the sale of premium M&S own brand products rather than branded goods sold by existing town centre food retailers. While the store would not provide the large scale food store suited to large weekly and family shops as envisaged by the masterplan and the retail needs study it would provide greater choice of destinations for top-up shopping. It is not considered that the food store will significantly affect the existing food stores in the town centre, namely Co-op, Tesco Express and Iceland.

The store would create 50 – 55 new jobs which would be a major economic benefit for the town. The store would also enable Exmouth to retain more of its food retailing retaining sales that currently go to M&S stores in Exeter and other premium food retailers outside of the town. Equally it provides an opportunity to bring shoppers into the town and create linked trips with other retail shops in the town. This would strengthen the attractiveness of the town.

Design and Appearance

The building is proposed to be a two storey building, with a curved roof. The maximum height would be 12.5 metres high, which is comparable to the leisure centre building. A lower height is proposed closer to the train station. Materials are proposed to be a mixture of white and grey smooth cladding, red brick and timber louvres.

The design has been amended during the application to ensure that the focus is towards the entrance, which is accessed by a ramp from the town centre and by level access from the car park. The elevations are shown to include an area of public realm in front of this entrance, although details have not been submitted on this so it is deemed appropriate to impose a suitable condition in order to ensure this area is attractive given its key location between the station and the town centre.

The design would meet the requirements of Policy D1 of the Local Plan which requires new development to be of a high quality and locally distinctive. However turning back to the design requirements of the masterplan for a scheme on this site it is considered questionable as to whether the proposal "...reinforces the vision for the estuary side" which is of a mixed use development, leisure based retail and cafe space and a linear park alongside the estuary. It is also questionable whether it respects the estuary setting and would compromise the ability to create a high quality entrance to the town. Certainly officers would favour a comprehensive redevelopment of the bus depot, leisure centre and car parks which this scheme would preclude. Furthermore the linear estuary side park envisaged by the masterplan would not be achievable as the proposed store relies on the retention of the Royal Avenue which under the masterplan would be removed to make way for the park.

Through the pre-application discussions, Members Advisory Panel and through this application, Officers have sought to address these concerns by requesting that the developers develop a better relationship between their proposals and the existing leisure centre and railway station perhaps through enhancements to the elevations of these existing buildings to provide a more comprehensive regeneration of the site. It has not proved possible to achieve these amendments although the design and layout of the scheme within the applicants own site has seen some improvements and enhancements through negotiations.

Flood Risk Assessment

The site lies within an identified area at risk from coastal flooding, and the proposal is therefore accompanied by a Flood Risk Assessment. Retail development is classified as 'less vulnerable' by the Environment Agency, which means that such development is appropriate. However the sequential test needs to be applied. In this instance the FRA compares the site to the adjacent Rugby Club site, which it shows to have a higher risk of flooding due its lower levels.

Whilst this is acknowledged, it is suggested that a sequential test of sites should include alternatives available within the town centre, in areas not at risk of flooding. However, given that the retail assessment detailed above has shown that there is no appropriate site available, it is accepted that the sequential test has been met, and flood protection standards will be met by the design of the building. The Environment Agency accept the findings of the FRA.

Habitats

The site is in a sensitive location, adjacent to the Exe Estuary SPA and Ramsar site, close to the Dawlish Warren SAC and East Devon Pebblebed Heaths SAC/SPA.

There is evidence of some oystercatchers and dunlin, and to some extent brent geese, near to the site, but no evidence that the site itself (which comprises hardstanding and buildings) contains protected species. There is some concern by Natural England that the two hour free parking shown will encourage dog walkers to the estuary which may have an impact on birds. Provided measures are put in place to minimise the effects of construction and future users of the building and car park it is not considered that an unacceptable impact on species will occur.

Transport

A travel plan has been submitted with the application which proposes measures such as a car sharing scheme, cycle user group and information to staff and customers on local public transport. The proposal includes cycle stands for both staff and visitors.

The service yard would be located at the rear and would provide sufficient space for deliveries and turning. The highway authority is satisfied that there would be satisfactory arrangements for all vehicles visiting the site.

Conclusion

The proposal results in the loss of the existing bus service facility and concerns are raised in respect of the future of a transport interchange in the town as well as the Masterplan's aspirations for a comprehensive redevelopment of the leisure centre/bus depot and car parks. Unfortunately the masterplan is in need of a refresh and it could be argued whether there is a reasonable prospect of delivery of the masterplan's aims for this site. Nevertheless the long term aims for the regeneration of the town remain and the conflict with the masterplan must be balanced against the benefits of this scheme which include a significant visual improvement to part of the regeneration site, 50 – 55 new jobs, potential economic benefits for the wider town centre and a more attractive bus facility than is currently available. The proposed building is designed to fit in with the surrounding buildings and, providing public realm improvements are in place would enhance the immediate area and be seen as a positive extension to the town centre. It is not considered that the addition of a food store of this size and in this location would have a negative impact on the town centre. It is therefore considered that on balance the proposal should be supported.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Prior to the commencement of the development hereby permitted, details of materials to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
4. The building shall be occupied as an A1 retail store, for the sale of food only, with a net sales area of 861m², and a customer cafe comprising no more than 50 m². Any sales other than food shall be restricted to a maximum area of 10 m².
(Reason: In order to maintain the vitality and viability of Exmouth Town Centre and to accord with Policies E9 and E11 of the East Devon Local Plan)
5. The store shall not be occupied until a Car Park Management Plan has been submitted and approved by the LPA. This shall include a period for review and measures to discourage users to the store accessing the Exe Estuary SPA

(Reason: In the interests of the protection of the internationally important Exe Estuary SPA for overwintering birds and to comply with Strategy 47 of the Local Plan)
6. No development or demolition shall take place on site until the off-site highway works for the provision of the bus stops, shelters and information on services at the store and signage towards the bus stops have been agreed by the Local Planning Authority in conjunction with the Local Highway Authority. The existing bus station shall continue to be used until such time as the bus stops are available for use and appropriate signposting is in place. The store shall not be occupied until the shelters have been constructed and made available for use.

REASON: To provide adequate access to public transport facilities
7. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

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

(Reasons: In the interests of residential amenity and traffic management)

8. No part of the development hereby approved shall be brought into its intended use until the
 - a) access
 - b) parking facilities
 - c) commercial vehicle loading/unloading area
 - d) visibility splays
 - e) turning area
 - f) parking space and garage/hardstanding
 - g) 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)

9. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (add as appropriate i.e. 1, 2, 3 and/or 4) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme

to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the requirements of Policy EN16 (Contaminated Land) of the East Devon Local Plan.)

10. No development shall take place until details of the surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before the building on the site is occupied. (Reason - To avoid pollution of the environment and/or flooding in accordance with the requirements Policy EN15 (Control of Pollution) of the East Devon Local Plan.)

11. No construction shall take place between September and March inclusive unless a suitable noise barrier within the site boundaries is in place. Details of such a barrier shall be submitted to and approved in writing with the local planning authority in conjunction with Natural England.

(Reason- To minimise the impact on overwintering birds in this sensitive location and to comply with Strategy 47 of the Local Plan).

12. No piling shall take place within the site between the months of September and March

(Reason - In the interests of overwintering birds in this sensitive location and to comply with Strategy 47 of the Local Plan).

13. The building shall achieve a minimum level of 'Very Good' in accordance with the requirements of a BREEAM Assessment (or such national measure of sustainability for building design that replaces that scheme). The store shall be occupied until a BREEAM certificate has been issued for it certifying that at least a level of 'Very Good' has been achieved

(Reason: In there interests of sustainable development and to comply with Strategy 38 of the East Devon Local Plan)

14. Further details showing the improvements to the public realm in front of the entrance to the proposed building shall be submitted to and approved in writing by the LPA prior to commencement of development. The details on adoption shall be implemented prior to the occupation of the foodstore.

(Reason: In order to successfully integrate the development into the street scene and to comply with Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan.

Plans relating to this application:

APPRAISAL	Ecological Assessment	20.11.15
LS22582/5	Other Plans	20.11.15
EO1 REV P1	Other Plans	20.11.15
AP00A	Location Plan	20.11.15
AP02	Other Plans	20.11.15
AP03	Existing Combined Plans	20.11.15
AP06C	Combined Plans	20.11.15
AP07D	Sections	20.11.15
AP08B	Proposed roof plans	20.11.15
AP05Q	Proposed Site Plan	20.01.16
AP09K	Proposed Elevation	20.01.16
AP10J	Proposed Elevation	20.01.16

List of Background Papers

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

Ward Exmouth Town

Reference 16/0144/FUL

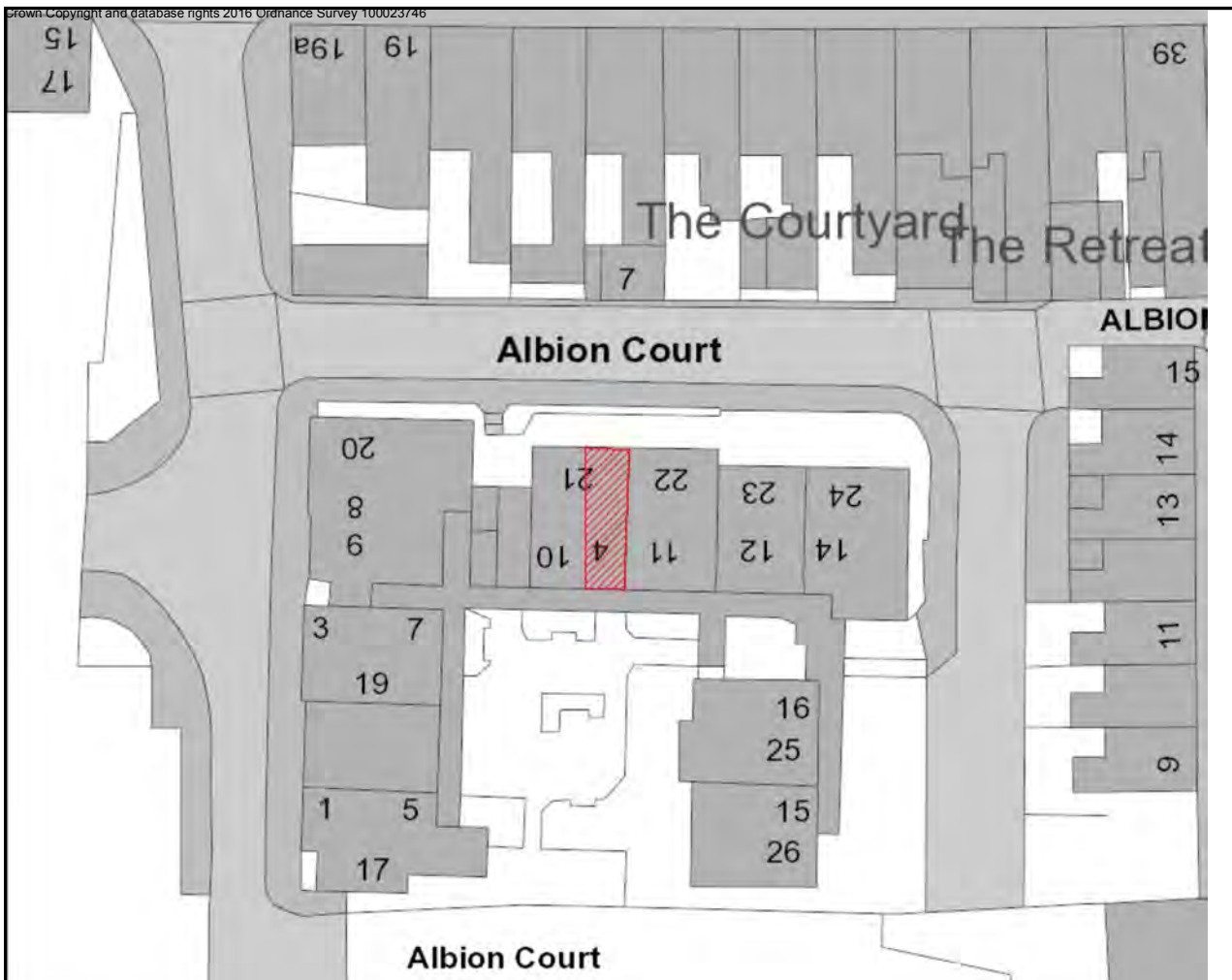
Applicant Housing And Social Inclusion, Mr J Burns

Location 4 Albion Court Exmouth EX8 1UD

Proposal Alterations to windows and doors to provide disabled access



RECOMMENDATION: Approval with conditions



		Committee Date: 8th March 2016
Exmouth Town (EXMOUTH)	16/0144/FUL	Target Date: 11.03.2016
Applicant:	Housing And Social Inclusion, Mr J Burns	
Location:	4 Albion Court Exmouth	
Proposal:	Alterations to windows and doors to provide disabled access	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is brought before the committee as the applicant is East Devon District Council Housing Department.

The application proposes alterations to the property including the replacement of two windows with doors and replacement of a door with a window to the front and rear of the property. These works will also involve a new access ramps to the property and a small patio area.

The works will have an acceptable impact upon the appearance of the building to which this unit forms a part and will provide improved disabled access to the dwelling.

The works will not harm the amenity of surrounding residents and as such the application is recommended for approval.

CONSULTATIONS

Local Consultations

Parish Council
No objection.

Technical Consultations

County Highway Authority
Does not wish to comment

Other Representations

No third party representations received.

PLANNING HISTORY

There is no planning history relevant to the current proposal.

POLICIES

New East Devon Local Plan Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

Government Planning Documents

NPPF (National Planning Policy Documents)

Site Location and Description

The application site is located in the town centre of Exmouth, outside but close to the Exmouth Conservation Area. The land within and around the site is fairly level, with no major changes in elevation. There is a large open car park opposite to the west and the site is largely surrounded by existing residential properties.

The application site itself forms part of a large building arranged as a block of apartments. The site is on the ground floor, located centrally on the north side of the building. The building itself is of modern design and finished in brickwork with brown upvc windows and timber doors.

ANALYSIS

The application proposes various alterations to improve accessibility for a disabled resident. Proposed works include replacement of a window with a door and to replace a door with a window to the courtyard internal elevation; to replace a window with a door and window to the Albion Place elevation; provide new access ramps to the courtyard elevation; and a small patio area to the Albion Place elevation.

The principle of small alterations to a building as proposed is generally considered acceptable, subject to a consideration of the visual and amenity impacts to the appearance of the site and its surroundings and the amenities of nearby residents.

Visual Impact

The proposed development would alter the appearance of the north elevation which fronts Albion Place. The existing window would be replaced with a door and smaller window to make up the difference in width. The proposed replacement door and window would be of similar materials, brown upvc, and would blend with the appearance of the other windows on the building. The ground floor window is set back from the boundary with the adjacent road by around 2 metres and is around 0.6 metres below the ground level of the adjacent street. A screen hedge/shrubs along the boundary offer some additional screening to the site and the proposed patio.

The alterations to the internal courtyard elevation comprise the relocation of the existing front entrance to the apartment, to allow for shallow ramps to be constructed offering ease of access to the property. The existing door and an existing window on this elevation would switch positions. Again the application proposes to use brown upvc to match the other windows on the building. This elevation is set back from the leading edge of the building, beneath the external walkways for the above floors. This makes the south elevation of the apartment less prominent in views from the south.

In view of the above points it is considered that the proposed alterations would not detract significantly from the character or appearance of the site or the surrounding area.

Amenity Impact

The application proposes the reconfiguration of window and door arrangements on two sides of the property. The application does not propose to increase the total number of windows and would not result in a loss of privacy or amenity for any nearby residents. There have been no objections received in respect of the impacts to residential amenity or privacy. It is therefore considered that the development would be acceptable in this regard.

Conclusion

The proposed development would improve the accessibility of the apartment for residents and visitors. The proposed alterations are sympathetic to the character and appearance of the existing building and would not harm the visual amenity of the site or its surroundings. The proposed alterations would not detract from the privacy or amenities of any nearby residents. It is considered therefore that the proposal complies with the policies of the Local Plan.

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.)

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:

P010-16-100

P010-16-102

List of Background Papers

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