

Agenda for Development Management Committee Tuesday, 5 April 2016; 2pm

[Members of the Committee](#)

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

[View directions](#)

Contact: [Hannah Whitfield](#)

01395 517542, Issued 24 March 2016

Committee Members please note that Devon County Council will be providing a training session on education contributions between 1pm and 2pm, in the Council Chamber (non-committee members are welcome to attend the session). The session is not open to the public.



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[Speaking on planning applications](#)

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

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

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

The day before the meeting a revised running order for the applications being considered by the Committee will be posted on the council's website (<http://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 Tuesday 29 March up until 12 noon on Friday 1 April by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

Speaking on non-planning application items

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

- 1 Minutes of the Development Management Committee meeting held on 8 March 2016
(page 4 - 11)
- 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 12 - 18)
Development Manager

- 7 **Response to Call for Evidence on Rural Planning Review** (page 19 - 23)
Development Manager

- 8 **Response to technical consultation on implementation of planning changes**
(page 24 - 45)
Development Manager

- 9 **Applications for determination**

15/2682/FUL (Minor) (page 46 - 51)
Axminster Town
Land rear of Green Acres, Lyme Road, Axminster

15/1987/FUL (Minor) (page 52 - 77)
Beer and Branscombe
Branscombe Beach, Branscombe

15/2237/FUL (Minor) (page 78 - 90)
Honiton St Michaels
Barn Mews, King Street, Honiton EX14 1AB

15/2897/FUL (Minor) (page 91 - 104)
Ottery St Mary Town
Eastleigh, Slade Road, Ottery St Mary EX11 1JE

15/2774/FUL (Minor) (page 105 - 116)
Tale Vale
Manor Farm, Payhembury, Honiton EX14 3HL

Please note:

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

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

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

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

[Decision making and equalities](#)

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

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 8 March 2016

Attendance list at end of document

The meeting started at 10.00am and ended at 5.07pm (the Committee adjourned at 12.25 pm and reconvened at 2pm).

***68 Minutes**

The minutes of the Development Management Committee meeting held on 16 February 2016 were confirmed and signed as a true record.

***69 Declarations of interest**

Cllr Steve Gazzard; 15/1490/OUT, 15/2487/MRES, 15/2493/FUL, 15/2648/MFUL, 16/0144/FUL; Personal interest; Exmouth Town Councillor

Cllr Steve Williamson; 15/1490/OUT, 15/2487/MRES, 15/2493/FUL, 15/2648/MFUL, 16/0144/FUL; Personal interest; Exmouth Town Councillor

Cllr Paul Carter; 15/2059/MRES; Ottery St Mary Town Councillor

In the interests of transparency, Cllr Mike Howe declared that he had been in communication with the applicant for application 15/2756/FUL. Cllrs Steve Gazzard, Mark Williamson and David Key declared that they had received a large amount of correspondence in advance of the meeting regarding applications 15/2487/MRES and 15/2493/FUL.

***70 Planning appeal statistics**

The Committee received and noted the Development Manager's report setting out appeals recently lodged and ten appeal decisions notified – eight had been dismissed, one had been allowed and one had been withdrawn.

***71 East Devon Villages Plan**

The Committee considered the Planning Policy Manager's report which outlined the feedback received during the consultation on criteria for defining Built-up Area Boundaries (BUABs) and setting out the scope and the next steps to progress the Plan to publication stage, and a recommended criteria to guide the definition of BUABs. The Plan was currently scheduled to be submitted to the Planning Inspectorate in early 2017.

Work on the Villages Plan had commenced in 2012 and following adoption of the Local Plan, work on the Plan could now be progressed. The Villages Plan would define BUABs around a number of the larger East Devon villages and the town of Colyton. The Plan would also include inset maps for Greendale and Hill Barton Business Parks, however it was noted that they would not have BUABs and in planning policy terms would fall within the open countryside.

Members noted that as the Plan proceeded, careful consideration would need to be given to any overlapping issues with any neighbourhood plans in production.

The first round of consultation would be on proposed options for BUABs for the settlements listed in Strategy 27 of the adopted Local Plan. The Villages Plan boundary around Lympstone, where there is a Made Neighbourhood Plan, would be expected to be the same as that shown in the Neighbourhood Plan unless an alternative was requested by the Parish Council/the Neighbourhood Plan group.

Points raised during discussion included:

- The need to support rural communities;
- Guidance in the NPPF outlined that there should be no blanket policies preventing development, unless it could be avoided. In response, Members were advised that the Local Plan was in accordance with the NPPF having been found sound by the Planning Inspectorate.
- Neighbourhood Plans would allow Parishes to bring forward small-scale appropriate development. Neighbourhood Plans would need to comply with the adopted Local Plan.
- The need for communication and engagement with villages during the Plan Process – this was particularly important for those parishes that were undertaking Neighbourhood Plans. In response, Members were advised that the intention was to work closely with those Parishes establishing Neighbourhood Plans.
- Parishes undertaking Neighbourhood Plans should be supported and encouraged.
- The methodology was considered to be overly complicated and complex and should be reviewed by Overview before work on the Plan progressed further.
- Ward Members should be consulted on proposed BUABs.
- The methodology had already been consulted upon and only very minor changes were proposed as a result, therefore the Plan should be progressed without delay.

RESOLVED: that a decision on the item be deferred to allow the matter to be considered by Overview Committee.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 12 – 2015/2016.

Attendance list

Present:

Committee Members

Councillors:

David Key (Chairman)

Mike Howe (Vice Chairman)

Mike Allen

David Barratt

Colin Brown (AM only)

Peter Burrows

Paul Carter

Matt Coppel

Steve Gazzard

Simon Grundy

Ben Ingham

Chris Pepper (left before consideration of 15/1490/OUT & 16/0144/FUL)

Mark Williamson

Officers

Richard Cohen, Deputy Chief Executive (PM only)
Matt Dickins, Planning Policy Manager (AM only)
Ed Freeman, Service Lead – Strategic Planning and Development Management
Henry Gordon Lennox, Strategic Lead, Legal, Licensing and Democratic Services (PM only)
Alison Hayward, Senior Manager - Regeneration & Economic Development
Linda Perry, Regeneration Officer (PM only)
Linda Renshaw, Senior Planning Officer (AM only)
Chris Rose, Development Manager
Shirley Shaw, Planning Barrister
Hannah Whitfield, Democratic Services Officer

Also present

Councillors:

Megan Armstrong
Peter Bowden
Brian Bailey
Maddy Chapman
Roger Giles
Peter Faithfull
John Humphreys
Jim Knight
Andrew Moulding
Bill Nash
Cherry Nicholas
Pauline Stott
Tom Wright

Apologies:

Committee members:

Councillors

Susie Bond
Peter Burrows
Alan Dent
Alison Greenhalgh

Non-committee members

Councillors:

Steve Hall
Rob Longerhurst
Eileen Wragg

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL
Development Management Committee
Tuesday 8 March 2016; Schedule number 12 – 2015/2016

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:

<http://eastdevon.gov.uk/media/1563488/080316-combined-dmc-agenda-compressed.pdf>

Ottery St Mary Town
(OTTERY ST MARY) 15/2059/MRES

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.

RESOLVED: APPROVED with conditions as per recommendation subject to Ward Members being consulted on the discharge of the landscaping condition (condition 2).

Clyst Valley
(FARRINGDON) 15/2756/FUL

Applicant: Mr Nigel Dutt

Location: Land Adjacent Woodside, Farringdon

Proposal: Erection of 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 that the design was of an exceptional quality and innovative nature that satisfied Paragraph 55 of the NPPF.

Seaton
(SEATON) 15/2786/VAR

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)

RESOLVED: REFUSED (contrary to officer recommendation) as Members considered that the development would have a detrimental impact on the amenity of neighbouring properties. Delegated authority given to the Development Manager to draft reason for refusal.

Axminster Town
(AXMINSTER) 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

RESOLVED: REFUSED as per recommendation.

Budleigh Salterton
(BUDLEIGH
SALTERTON) 15/1118/MOUT

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)

RESOLVED: 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 for the reasons set out in the committee report.

(Cllr Colin Brown left the meeting)

Exmouth Littleham
(EXMOUTH)

15/2487/MRES

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.

RESOLVED: APPROVED with conditions as per recommendation subject to an additional condition to secure the submission and approval of details of the phasing and timing of the remainder of the site prior to the commencement of works. Ward Members and the Town Council to be consulted on the discharge of this condition

Exmouth Town
(EXMOUTH)

15/2648/MFUL

Applicant: Kilo Properties

Location: Bus Station, Royal Avenue

Proposal: Redevelopment of site to provide foodstore (A1), car parking and access

RESOLVED: APPROVED with conditions as per recommendation subject to:

- An additional condition to secure provision of a bin at the front of the store;
- Additional conditions relating to hours of opening and delivery, lighting and noise to reflect the comments from Environmental Health;
- Condition 9 being amended to remove reference to PPG23;
- Condition 4 being amended to replace 861sqm with 960sqm.

Exmouth Littleham
(EXMOUTH)

15/2493/FUL

Applicant: East Devon District Council

Location: Exmouth Fun Park, Queens Drive

Proposal: Infill of 2no ponds with site-won material from adjacent highway works.

RESOLVED: REFUSED (contrary to officer recommendation) due to the proposal resulting in the loss of a business and the subsequent detrimental impact on the amenity of local residents and resultant economic harm contrary to the NPPF.

(The application was withdrawn by the applicant prior to the Decision Notice being issued)

(Cllr Chris Pepper left the meeting)

Exmouth Brixington
(EXMOUTH)

15/1490/OUT

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)

RESOLVED: APPROVED subject to a legal agreement to secure the affordable housing contribution and conditions as per recommendation.

Exmouth Town
(EXMOUTH)

16/0144/FUL

Applicant: Housing And Social Inclusion, Mr J Burns

Location: 4 Albion Court, Exmouth

Proposal: Alterations to windows and doors to provide disabled access

RESOLVED: APPROVED with conditions as per recommendation.

WOODBURY &
LYMPSTONE

15/2808/FUL

Applicant:

Mr and Mrs A Douglas

Location:

Hills Venmore, Woodbury

Proposal:

Conversion, alteration and extension of outbuilding to form dwelling house.

RESOLVED:

WITHDRAWN.

East Devon District Council
List of Planning Appeals Lodged

Ref: 15/1220/FUL **Date Received** 02.03.2016
Appellant: Mr And Mrs L Hill
Appeal Site: 114 Malden Road (adjoining) Sidmouth EX10 9LY
Proposal: Construction of dwelling including formation of vehicular access.
Planning Inspectorate Ref: APP/U1105/W/16/3144367

Ref: 15/0909/OUT **Date Received** 07.03.2016
Appellant: Mrs L M & C L Sweetland & Pinnock
Appeal Site: Land At Rear Of Chestnut House Bunts Lane Seaton
Proposal: Outline application for proposed dwelling (all matters reserved except for access)
Planning Inspectorate Ref:

Ref: 15/2137/OUT **Date Received** 07.03.2016
Appellant: Mr & Mrs M Hellier
Appeal Site: Land At Withen House Withen Lane Aylesbeare Exeter EX5 2JQ
Proposal: Outline application for the erection of dwelling with all matters reserved
Planning Inspectorate Ref: APP/U1105/W/16/3145855

Ref: 15/2587/FUL **Date Received** 08.03.2016
Appellant: Mr D Ashworth
Appeal Site: 6 Esplanade Exmouth EX8 1BQ
Proposal: Demolition of existing garages and erection of detached two storey annexe, with first floor terrace on rear elevation
Planning Inspectorate Ref: APP/U1105/W/16/3146085

Ref: 15/0836/FUL **Date Received** 10.03.2016
Appellant: Mrs J Palmer
Appeal Site: 13 Ballard Grove Sidford Sidmouth EX10 9EP
Proposal: Extension over existing garage to include raising of pitched
roof and dormer windows to form annexe
Planning APP/U1105/D/16/3146290
Inspectorate
Ref:

East Devon District Council
List of Planning Appeals Decided

Ref: 15/0774/FUL **Appeal Ref:** 15/00059/REF

Appellant: Mr P German

Appeal Site: Land South Of Bridge Cottage Stony Lane Woodbury
Salterton Exeter EX5 1PP

Proposal: Construction of detached two storey dwelling with integral
garage and creation of new vehicular access

Decision: **Appeal Withdrawn** **Date:** 26.02.2016

Procedure:

Remarks:

BVPI 204: **No**

Planning Inspectorate Ref: APP/U1105/W/15/3137128

Ref: 14/2987/FUL **Appeal Ref:** 15/00044/REF

Appellant: Mr Graham Murphy

Appeal Site: Beechcroft House Toadpit Lane West Hill Ottery St Mary
EX11 1LQ

Proposal: Construction of dwelling

Decision: **Appeal Dismissed** **Date:** 29.02.2016

Procedure: Written representations

Remarks: Delegated refusal, sustainability reasons upheld (EDLP
Strategy 27).

BVPI 204: **Yes**

Planning Inspectorate Ref: APP/U1105/W/15/3035869

Ref: 15/2003/FUL **Appeal Ref:** 16/00006/HH

Appellant: Mr Philip Thomas
Appeal Site: Elmdene Withen Lane Aylesbeare Exeter EX5 2JQ
Proposal: Replacement garage and erection of annexe
Decision: **Appeal Allowed (with conditions)** **Date:** 01.03.2016

Procedure: Written representations
Remarks: Delegated refusal, countryside protection and amenity reasons overruled (EDLP Strategy 7 & Policy D1).
The Inspector considered that the proposed annexe would remain both subservient and visually closely related to Elmdene. On account of shared utilities and subject to a suitable condition ensuring the property is used for ancillary residential purposes, the proposal would similarly be functionally connected to Elmdene.
He concluded that the proposal would not be tantamount to the creation of an independent dwelling in the open countryside and would therefore comply with EDLP Strategy 7 & Policy D1 and relevant elements of the Framework.

BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/D/16/3142622

Ref: 15/0642/MRES **Appeal Ref:** 15/00052/REF

Appellant: Cavanna Homes (Devon) Ltd And Pencleave 2 - Mr Ed Brown
Appeal Site: Land South Of King Alfred Way Newton Poppleford
Proposal: Construction of 40 dwellings (including 16 affordable), doctors' surgery and associated works (approval of details reserved by outline planning permission 13/0316/MOUT).
Decision: **Appeal Dismissed** **Date:** 02.03.2016
Procedure: Written representations
Remarks: Officer recommendation to approve, Committee Refusal. Affordable Housing pepper-potting reason upheld. (EDLP Strategy 34).

BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/15/3134519

Ref: 15/1085/OUT **Appeal Ref:** 15/00054/REF

Appellant: Mr Dobson
Appeal Site: Hale Close Farm Honiton EX14 9TQ
Proposal: Outline application with some matters reserved (access to be considered) for the construction of 2 no. holiday let units, and associated gym, games room and biomass boiler and store; garage/workshop for use with existing dwelling on footprint of existing (redundant) farm buildings

Decision: **Appeal Allowed (with conditions)** **Date:** 03.03.2016

Procedure: Written representations
Remarks: Delegated refusal, countryside protection and sustainability reasons overruled. (EDLP Policies TC2 & E16 and Strategy7).
Whilst the Inspector acknowledged that the proposal does not accord with Policy E16 or Strategy 7, he considered that the site is in a readily accessible location on the edge of Honiton and the proposal does therefore accord with Policy TC2. He concluded that the proposal has the potential to bring significant enhancement to the AONB and economic benefits. Given the importance attached to the Framework to building a strong, competitive economy, those benefits were sufficiently weighty to justify a decision contrary to the development plan.

BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/15/3134811

Ref: 15/1102/FUL **Appeal Ref:** 15/00053/REF

Appellant: Mrs V Dennis
Appeal Site: Land West Of Solway Cottage Whitford
Proposal: Construction of dwelling

Decision: **Appeal Dismissed** **Date:** 07.03.2016

Procedure: Written representations
Remarks: Delegated refusal, sustainability, listed building conservation and landscape reasons upheld (EDLP Policies TC2, D1, EN8 & EN9 and Strategies 7 & 46).

BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/15/3135293

Ref: 14/2973/FUL **Appeal Ref:** 15/00033/REF
Appellant: R H Survey And Design
Appeal Site: 34 High Street Budleigh Salterton EX9 6LQ
Proposal: Replacement of all windows at first and second floor levels on front and rear elevations and installation of doors and balcony on rear elevation.
Decision: **Appeal Dismissed** **Date:** 08.03.2016
Procedure: Written representations
Remarks: Delegated refusal, conservation reasons upheld (EDLP Policies D1 & EN11). Application for a full award of costs against the Council refused.
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/15/3124725

Ref: 15/1719/FUL **Appeal Ref:** 15/00056/REF
Appellant: Mr Rick Elliott
Appeal Site: Hamble Barline Beer Seaton EX12 3LR
Proposal: Proposed dwelling
Decision: **Appeal Dismissed** **Date:** 11.03.2016
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policy D1).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/15/3136516

Ref: 15/0371/MOUT **Appeal Ref:** 15/00038/REF

Appellant: Waddeton Park Ltd
Appeal Site: Land South Of London Road Rockbeare
Proposal: Outline application (all matters except access reserved) for demolition of existing agricultural buildings and development of up to 250 dwellings, a local centre providing commercial floorspace of up to 600 sqm (use classes A1,A3,A4 & B1), community building/cafe (use class D1 & A3), public open space/green infrastructure and associated works.

Decision: **Appeal Withdrawn** **Date:** 18.03.2016

Procedure: Public Inquiry

Remarks:

BVPI 204: Yes

Planning APP/U1105/W/15/3130281

Inspectorate

Ref:

Ref: 15/0767/VAR **Appeal Ref:** 15/00058/REF

Appellant: Mr & Mrs R Kiernan
Appeal Site: Harcombe House Harcombe Lyme Regis DT7 3RN
Proposal: Removal of condition 2 of planning consent 99/P1711 (alteration and change of use to single dwelling and 8 no. units of holiday accommodation) to facilitate unrestricted dwellings

Decision: **Appeal Dismissed** **Date:** 21.03.2016

Procedure: Written representations

Remarks: Delegated refusal, sustainability reasons upheld (EDLP Strategy 7 and Policies D8 & TC2).

BVPI 204: Yes

Planning APP/U1105/W/15/3137366

Inspectorate

Ref:

Report to: Development Management Committee
Date: 5 April 2016
Public Document: Yes
Exemption: None
Review date for release: None



Subject: **Response to Call for Evidence on Rural Planning Review**

Purpose of report: To outline the call for evidence by the Department for Communities and Local Government and Department for Environment Food and Rural Affairs on a review of rural planning and provide a comprehensive response to the call for evidence on behalf of East Devon District Council.

Recommendation: **Members agree that the report be forwarded to the Department for Communities and Local Government to form East Devon District Council's formal response to the Call for Evidence.**

Reason for recommendation: To provide a formal response to the call for evidence and to highlight to Central Government the Council's views on the review of rural planning in relation to planning in East Devon.

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

Financial implications: There are no financial implications.

Legal implications: Comments as per report.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information:

- Consultation document:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/499246/Rural_panning_review_Call_for_Evidence.pdf

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

Report in full

1. Background
 - 1.1 The Department for Communities and Local Government and the Department for Environment, Food and Rural Affairs have published a Call for Evidence in relation to a Rural Planning Review. They are asking for responses to set questions by the 21st April 2016.
 - 1.2 The document seeks evidence on how the planning system can better support rural life and invites ideas about how the planning system could further support sustainable rural life and businesses. Contributions are invited from all interested parties with specific questions posed for Local Planning Authorities. The evidence provided will inform further thinking on delivering the Government's commitment to support rural productivity and may lead to a further consultation on proposed changes.
 - 1.3 The document seeks evidence on the effectiveness of the current planning system for businesses in the rural context asking what improvements could be made to the planning system to support rural businesses.
 - 1.4 The document advises that they are also reviewing the current thresholds for agricultural buildings to convert to residential buildings and would like to hear views on how these could better support the delivery of new homes. In addition, they would welcome evidence of where the planning system is working well and where it could be improved in the context of rural planning.
 - 1.3 This report provides recommended responses to the set questions posed in the document.

Question 1: Name, role, LPA address /contact details

- 1.4 Name - East Devon District Council.
Role - Local Planning Authority covering a considerable rural area.
Address - East Devon District Council, The Knowle, Sidmouth, EX10 8HL.
Contact – Mr C Rose (chris.rose@eastdevon.gov.uk)

Question 2: Is your response on behalf of an organisation or is it a personal response?

- 1.5 Organisation – East Devon District Council

Question 3: What type of local planning authority are you?

1.6 District

Question 4: What type of development comes forward in rural areas?

1.7 A full range of development including house extensions, new dwellings for rural workers, new business buildings, conversion of buildings to business use, solar farms, agricultural prior notifications and other prior approval applications.

Question 5: What type of planning applications do you receive from rural areas?

1.8 A full range of applications including house extensions, full applications, outline applications, changes of use, agricultural prior notifications and other prior approval applications.

Question 6: What development occurs under permitted development rights in rural areas?

1.9 House extensions, new farm buildings, new farm accesses.

Question 7: What types of permitted development take place under Part 6¹⁴ (agricultural and forestry) in your area?

1.10 Erection, extension and alteration of agricultural buildings on sites of less than 5 hectares and other excavation and engineering operations necessary for agriculture.

Question 8: Are you involved in the development of farm shops, polytunnels or on-farm reservoirs?

1.11 Yes. We occasionally receive planning applications for farm shops and polytunnels.

Question 9: What was your involvement in the development of farm shops, polytunnels and / or on-farm reservoirs?

1.12 We have processed planning applications for farm shops and polytunnels and provided pre-application advice to applicants.

Question 10: Is there other development which would benefit from permitted development rights? Y/N

1.13 No.

Question 11: Please detail what other development would benefit from permitted development rights.

1.14 N/A.

Question 12: Do planning applications in rural areas require any additional expertise consideration of rural and / or agricultural issues? Y/N

1.15 Yes.

Question 13: What additional expertise on rural or agricultural issues do you require?

1.16 Occasionally expert advice on whether the need for a rural workers dwelling has been justified.

Question 14: Where do you source your additional expertise on rural or agricultural issues?

1.17 Agricultural consultant or agent.

Question 15: What is your source of best practice in rural planning issues?

1.18 National Planning Policy Framework, National Planning Practice Guidance and the Adopted East Devon Local Plan.

Question 16: How does your local plan support rural productivity? Are there new rural issues emerging in your area which are not dealt with in your local plan?

1.19 Through specific policies dealing with the following and through Neighbourhood Plans:

Agricultural Buildings and Development

Re-use of Rural buildings Outside of Settlements

Dwellings for Persons Employed in Rural Businesses

Occupancy Conditions on Rural Workers Dwellings

Replacement of Existing Dwellings in the Countryside

Rural Diversification

Small Scale Economic Development in Rural Areas

Extensions to Existing Employment Sites

Neighbourhood Centres and Shops

Change of Use of Village Shops or Services

Retail Development in Rural Areas outside Built-up Area Boundaries

Proposals for Holiday or Overnight Accommodation and Associated Facilities

Provision of Visitor Attractions

Recreation Facilities in the Countryside and on the Coast

Question 17: How do you engage with and provide support for different business sectors in rural areas on planning issues?

1.20 Via our Economic Development Manager, Economy Portfolio Holder, Member Champions for Business, Employment and Rural areas and through pre-application discussions.

Question 18: Are the current thresholds and conditions allowing change of use from agricultural to residential appropriate?

- 1.21 Yes. Although the principle of the conversion of agricultural buildings in isolated rural locations is contrary to the presumption in favour of sustainable development at the heart of the NPPF and this is difficult to justify to rural communities and to understand from a planning context.

Question 19: What improvements could be made to the existing permitted development right allowing change of use from agricultural to residential?

- 1.22 Clarification on the extent of demolition allowed and for what purpose. Clarification is required on the type of buildings suitable for conversion under this permitted development right (e.g. whether buildings proposing a replacement roof or development around a portal frame fall under this right) and therefore under what circumstances a full planning application is required.

Question 20: Please let us know if you have any other comments on planning in rural areas.

- 1.23 No comments.

Report to: Development Management Committee
Date: 05 April 2016
Public Document: Yes
Exemption: None
Review date for release: None



Subject: **Response to Technical consultation on implementation of planning changes**

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

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

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

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

Financial implications: There are no financial implications in responding to consultation.

Legal implications: Comments as per report.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information:

- Consultation document:
<https://www.gov.uk/government/consultations/implementation-of-planning-changes-technical-consultation>

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

Report in full

1. Background
 - 1.1 The Department for Communities and Local Government is consulting on changes to planning. The consultation period runs until the 15th April 2016.
 - 1.2 The consultation seeks views on the proposed approach to implementing the planning provisions in the Housing and Planning Bill, plus some other planning measures. The consultation document advises that responses will inform the detail of the secondary legislation which will follow once the Housing and Planning Bill gains Royal Assent.
 - 1.3 The consultation covers the following areas:
 1. Changes to planning fees;
 2. Permission in principle;
 3. Brownfield Register
 4. Small sites register
 5. Neighbourhood Planning
 6. Local Plans
 7. Expanding the planning performance regime
 8. Testing competition in the processing of planning applications
 9. Information about financial benefits
 10. Section 106 dispute resolution
 11. Permitted development rights for state-funded schools
 12. Changes to statutory consultation on planning applications.
 - 1.4 This report provides a summary of, and some of the text from, the consultation document and provides a recommended response to the questions posed in the document. The report deals with the above 12 areas in turn providing an introduction to each section and answers to the questions in the consultation document.

2.0 Changes to planning application fees

- 2.1 Planning fees are set nationally and have not been revised since 2012. The changes in 2012 reflected inflation but the consultation looks for better ways to link fees to the service being provided and seeks to ‘...enable radical reform where authorities identify the scope for significant improvements.’
- 2.2 The consultation proposes that national fees are increased by a proportionate amount, in a way which is linked to both inflation and performance. It is proposed to raise national fees in line with inflation since 2012 and if necessary to make future adjustments on an annual basis. However, in order to provide a link to performance, the document suggests that fee increases should only apply to those authorities that are performing well. One suggested approach is that the fee increase should not apply to authorities who are under-performing on major applications or that it only applies to authorities in the top 75% of performance with this reviewed annually. Other suggestions are encouraged along with suggestions on timescales for implementation, provide applicants with a fast-track service and/or the potential for opening up the processing of applications to competition.

Question 1.1: Do you agree with our proposal to adjust planning fees in line with inflation, but only in areas where the local planning authority is performing well? If not what alternatives would you suggest?

- 2.3 No. Punishing those that are ‘underperforming’ is counterproductive when funds may be needed to improve their performance. Fees should be increased across the board and the extra ring-fenced to be spent within planning departments.
- 2.4 Whilst increasing planning fees in line with inflation on an annual basis is the minimum that should happen to better fund the processing of applications, it is considered that local authorities should be able to set their own fees to reflect their own local circumstances and on a cost recovery basis similar to Building Control departments. This should enable applications to be processed quicker but without fees rising unreasonably in each area.

Question 1.2: Do you agree that national fee changes should not apply where a local planning authority is designated as under-performing, or would you propose an alternative means of linking fees to performance? And should there be a delay before any change of this type is applied.

- 2.5 Fee increases should be brought in immediately given that the last rise was 4 years ago and should not be related to performance.
- 2.6 There is no need to link fees to performance as there are other measures already in place to deal with poorer performing authorities. If fees are to be linked to performance they should be assessed against major applications only over the previous year against a benchmark (e.g. 50% in 13 weeks) and not against other local authorities who may receive substantially fewer planning applications or have fewer constraints to development such as AONB’s or European wildlife designations.

Question 1.3: Do you agree that additional flexibility over planning application fees should be allowed through deals, in return for higher standards of service or radical proposals for reform?

- 2.7 There should be flexibility for local authorities to set their own fees on a cost recovery basis. If this were the case then performance could improve as a result of more resources.

Question 1.4: Do you have a view on how fast-track services could best operate, or on other options for radical service improvement?

- 2.8 There is a major concern that a fast-track system would simply benefit those with most money rather than those proposals with the most planning gain or benefit to the community.

Question 1.5: Do you have any other comments on these proposals, including the impact on business and other users of the system?

- 2.9 There is a desperate need to increase fees as the majority of local authorities do not cover their costs and the principle of the applicant paying for the application is generally accepted. As no two authorities are the same with each having a different number of applications, opportunity and constraints, it would seem most sensible to either allow fees to be set locally on a cost recovery basis or for yearly increases in fees to reflect inflation.
- 2.10 It would be in everybody's interest for applications to be processed quicker and greater certainty and funding of planning departments would aid not only businesses and other applicants but other third parties consulted on applications. Relating fees to performance runs the risk of poorly funded planning departments not being able to improve. This would not be in the interest of local communities, applicants or businesses. Greater funding of planning departments through increased application fees should improve performance for all authorities.

3.0 Permission in Principle

- 3.1 The Housing and Planning Bill introduces 'permission in principle' (PiP) designed to separate decision making on 'in principle' issues from technical details. The Bill enables PiP to be granted on sites in plans and registers and for minor sites on application to the local planning authority.
- 3.2 The PiP route would enable applicants to secure the principle of the development once without technical details. The Bill allows PiP to be granted on allocation in a locally supported document (e.g. local plan, neighbourhood plan or brownfield registers) or on application to the local planning authority. It is not expected that this will apply retrospectively with any site allocation containing the 'prescribed particulars' that form the permission and cannot be re-opened on a future applications. Allocations would need to include all relevant details as PiP could not have conditions attached.
- 3.3 Any PiP would be followed by the technical details consent that can be subject to conditions with any refusal or conditions appealed.

Question 2.1: Do you agree that the following should be qualifying documents capable of granting permission in principle?

- a) Future local plans
- b) Future neighbourhood plans;

c) Brownfield registers

- 3.4 Future local plans and neighbourhood plans would appear (given that legislation is coming through) to be sensible means to establish 'permission in principle' status though it is not fully clear how this would fundamentally differ from the status given to a site through the simple reality of it being an allocation.
- 3.5 In respect of an adopted plan a site has to be subject to consultation and examination to get to this end status and these would appear logical tests to then afford a site this 'in principle' status. However, there are concerns that the 'in principle' status could complicate matters by 'encouraging' lots of detail to be specified at the outset that could reduce the flexibility for developers to devise high quality schemes in the future that would otherwise be acceptable (or desirable) but that fall foul of an 'in principle' considerations. The status could be counter productive and slow down good quality development. For a site to feature on the Brownfield Register would not require consultation and examination and as such the same 'tests' for sites would not exist and this is a good reason why they should not have or be able to get 'permission in principle' status. Furthermore owners might not want them to have this status; development may not be an owners aspiration or expectation for future use. This process would however put more work on local authorities and groups bringing forward Neighbourhood Plans to ensure that the Permission in Principle is adequately assessed and detailed at that stage. This is very onerous and may lead to further delays and costs in bringing local plans, neighbourhood plans and brownfield registers forward

Question 2.2: Do you agree that permission in principle on application should be available to minor development?

- 3.6 No. Sufficient information is available though adopted Local Plans and Neighborhood Plans to establish where development is and is not acceptable in principle. This can also be established through pre-application advice.

Question 2.3: Do you agree that location, uses and amount of residential development should constitute 'in principle matters' that must be included in a permission in principle? Do you think any other matters should be included?

- 3.7 Details of the location through a plan indicating the site and the range of uses are agreed. However, if the amount of residential development is included this will require an assessment of the site constraints and layout plans similar to an outline application. As such it is considered that matters should be restricted to the site and uses only.

Question 2.5: Do you have views on our suggested approach to a) Environmental Impact Assessment, b) Habitat Directive or c) other sensitive site?

- 3.8 Applying an EIA or Habitat Directive to these sites would be difficult as they would be lacking the relevant information to be able to make a sound decision. As such, sites requiring EIA, subject to the Habitat Directive or in sensitive locations such as an Area of Outstanding Natural Beauty should be exempt from the Permission in Principle process.

Question 2.6: Do you agree with our proposals for community and other involvement?

- 3.9 It is agreed that the local community should be consulted on Permissions in Principle either through local or neighbourhood plans with the technical details consulted on in the same way as current planning applications.

Information Requirements

- 3.10 The consultation outlines that for PiP for minor development an application should comprise a nationally prescribed form, a plan identifying the site and the fee. The technical consent application should include a nationally prescribed form, plans and drawings to describe the technical details and the fee. Additionally the technical consent application could require two further sets of further information: a design statement and an impact statement (including further details assessments such as flood risk) and mitigation schemes.

Question 2.7: Do you agree with our proposals for information requirements?

- 3.11 Yes, although the technical details will vary from site to site and as such could be related to a local validation list.

Question 2.8: Do you have any views about the fee that should be set for a) a permission in principle and b) a technical details consent application?

- 3.12 These should be set locally or related to the current outline and reserved matters application fees, increased to reflect inflation.

Duration of permission in principle on allocation

- 3.13 Through local and neighbourhood plans permission in principle is suggested to last a maximum duration of 5 years.

Expiry of permission in principle on applications

- 3.14 The consultation document suggests timescales for PiP for applications, 3 years from grant of the application or to set it at 1 year to encourage the technical details to be submitted quickly. Comments are also welcomed on local authorities being able to set the timescale in each case.

Expiry of permission of technical details consent

- 3.15 It is suggested that a 3 year duration be applied to the technical consent application in accordance with the current permission provisions.

Question 2.9: Do you agree with our proposals for the expiry of a permission in principle on allocation and application? Do you have any views about whether we should allow for local variation to the duration of permission in principle?

- 3.16 Yes the timescales of 5 and 3 years suggested appear reasonable. Local authorities should have the power to vary the timescale to reflect local or site specific circumstances as they can currently with other planning applications.

The maximum determination periods for permission in principle on application and technical details consent

- 3.17 The consultation document suggests determination periods of 5 weeks for PiP on minor applications; 5 weeks for technical details consent for minor sites and 10 weeks for major sites.

Question 2.10: Do you agree with our proposals for the maximum determination periods for a) permission in principle minor applications, and b) technical details for minor and major sites?

- 3.18 Whilst a shorter determination period for the PiP application could be achieved, this should be 6 weeks to enable meaningful consultation with the local community, interested parties and consultees. This would also allow a period for amendment if necessary. Technical consent should be retained at 8 and 13 weeks as a full assessment of the details will be required and will require consultation and possible amendment and re-consultation.

4.0 Brownfield Register

- 4.1 As covered in the previous section, Brownfield registers are seen as a qualifying document to grant permission in principle.
- 4.2 The consultation seeks views on proposals for preparing brownfield registers and keeping them up to date. The register will be a comprehensive list of brownfield sites that are suitable for housing, including housing led schemes where housing is the predominant use with a subsidiary element of mixed use.
- 4.3 The document proposes that local authorities should use their local plan evidence base to identify suitable sites for local brownfield registers alongside a call for sites process.

Question 3.1: Do you agree with our proposals for identifying potential sites? Are there other sources of information that we should highlight?

- 4.4 The focus on using the SHLAA process to gather information on sites is useful and appropriate. It is important, however, for it to be very clear that just because a site is Brownfield (previously developed land) it does not mean that it is suitable for development. Furthermore it maybe suitable for some forms of development but not others. Local plan production and policy should be the means for assessing suitability for development and indeed the means, through consultation, by which people can explicitly challenge suitability.

Identifying brownfield land that is suitable for housing

- 4.5 Brownfield land is defined in Annex 2 of the NPPF and the consultation document states that for a site to be on the list it should be suitable for housing in terms of being available (deliverable within 5 years or developable within 6 to 10 years), capable of supporting 5 or more dwellings or more than 0.25 hectares and capable of development.

Question 3.2: Do you agree with our proposed criteria for assessing suitable sites? Are there other factors which you think should be considered?

- 4.6 The criteria for assessing sites appears reasonable.

Question 3.3: Do you have any views on our suggested approach for addressing the requirements of EIA and Habitats Directives?

- 4.7 Whilst it is agreed that sites the subject of the Habitats Directive should be excluded from the register, the register should also exclude sites the subject of the EIA regulations. Otherwise the register will be complicated by details of the requirements of sites the subject to the EIA Regulations that may become dated.

Strategic Environmental Assessment

- 4.8 The Environmental Assessment of Plans and Programmes Regulations 2004 may require Brownfield Registers to be the subject of an environmental assessment. The report suggests that information from the environmental assessment of the local plan may be adequate to cover this.

Question 3.4: Do you agree with our views on the application of the Strategic Environmental Assessment Directive? Could the Department provide assistance in order to make any applicable requirements easier to meet?

- 4.9 The concerns highlighted in respect of possible need for SEA arising out of Brownfield Register considerations demonstrate why the Brownfield register should be a technical register to inform local plan production, rather than a means to grant 'permission in principle'.

Publicity and consultation requirements

- 4.10 The consultation documents states that the brownfield register should be available to view at the local authority. The document states that local authorities will be required to consult on the register.
- 4.11 Where a site is included in a register but is not suitable for a grant of permission in principle, the Secretary of State can give the local authority discretion to consult on the proposal.

Question 3.5: Do you agree with our proposals on publicity and consultation requirements?

- 4.12 Yes although this is yet another process placed on local government without sufficient additional funding.

Content of brownfield registers

- 4.13 The consultation document states that local authorities will be expected to include all sites on the register irrespective of their planning status including those sites with PIP, with planning permission and suitable for housing with no permission in place including the site reference, name and address, size, estimated number of homes, planning status and ownership. In addition other useful information should be provided.

Question 3.6: Do you agree with the specific information we are proposing to require for each site?

- 4.14 The basic information is reasonable but again places an additional burden on local authorities without additional funding. Details of ownership may not be up to date unless there is a requirement to advise the local authority on the sale of a site on the register.

Question 3.7: Do you have any suggestions about how the data could be standardised and published in a transparent manner?

- 4.15 We are unsure why the information needs to be standardised but any requirement should not place an unreasonable burden on the local authority.

Updating brownfield registers

- 4.16 The consultation document states that the register will need to be updated at least once a year.

Question 3.8: Do you agree with our proposed approach for keeping data up-to-date?

- 4.17 A yearly review appears reasonable.

Assessing Progress

- 4.18 The document states that it is the intention to assess data held in the brownfield registers annually from 2017 to track progress against the Governments wish for 90% of suitable brownfield sites to have planning permission for housing by 2020. The assessment will be rolling rather than set against a fixed point. The Government intend to introduce an incentive to ensure sufficient progress is made with one incentive being that local authorities could not claim a 5 year supply of housing land if sufficient progress is not being made. The measures would take effect from 2020 and apply if the 90% commitment has not been met.

Question 3.9: Do our proposals to drive progress provide a strong enough incentive to ensure the most effective use of local brownfield registers and permissions in principle?

- 4.19 The overarching concern is that such emphasis on Brownfield development could favour or allow for Brownfield sites to come forward for development when they may not be suited for such use and where they do not match up to or help deliver strategic objectives. Productive reuse of Brownfield land (in principle) can be a good thing but it must be weighed up against all relevant planning matters and not seen as a universal panacea or the only or biggest determinant of where development should go. As currently framed this could be a conclusion from the consultation with too much emphasis on brownfield land delivery and too harsh a punishment for failing to meet a target that is to a certain extent out of the control of the local authority to deliver. How will a local authority make land owners bring forward sites they do not want to? It is unreasonable to punish local authorities for things outside of their control.

Question 3.10: Are there further specific measures we should consider where local authorities fail to make sufficient progress, both in advance of 2020 and thereafter?

- 4.20 As it is in authorities' own interest to make progress further measures are inappropriate.

5.0 Small sites register

- 5.1 The consultation document recognises the important role that small scale housing development can make and as such the consultation suggests a published list of small sites to make it easier for developers and individuals interested in self-build and custom house building to identify sites. Sites on the register will not necessarily have been assessed as suitable and will require an application.

Question 4.1: Do you agree that for the small sites register, small sites should be between one and four plots in size?

- 5.2 The size threshold seems reasonable, but it should be stressed that small sites are and can be “part of the local plan process”. Local Plans will typically include criteria based policy and have development boundaries that cover and address small sites.

Question 4.2: Do you agree that sites should just be entered on the small sites register when a local authority is aware of them without any need for a suitability assessment?

- 5.3 The proposal runs the real danger of adding extra bureaucracy and confusion. It will place an extra burden on planning authorities whilst offering no obvious clear benefits and it might generate a perception that any site on the register might have some actual or quasi permission status. In some rural areas this could amount to a register containing many hundreds of sites that have little or no reasonable prospect of gaining permission. Furthermore such registers do pretty much already exist in the form of private sector estate agents. Anyone with land to sell can ask an estate agent to market the land for them and anyone wishing to purchase land can approach an estate agent with the intention of making a purchase.

Question 4.3: Are there any categories of land which we should automatically exclude from the register? If so what are they?

- 5.4 Whilst there is arguably no such thing as sites that are “completely unsuitable for development” (especially given that there are lots of different things that constitute development) there clearly should be means to screen out sites. The obvious starting point would be assessment against adopted Local plan policy and especially policy that is spatially defined.

Question 4.4: Do you agree that location, size and contact details will be sufficient to make the small sites register useful? If not what additional information should be required?

- 5.5 If the idea is that the register will be a ‘quasi estate agent’ style register of clients wanting to sell land then it would make sense to look at the types of details that agents hold. In respect to any register there should be flexibility for a local authority to set local standards for what should be held/required. However, we are a local planning authority and not estate agents and the process would simply see local authorities being a go between land owners and estate agents. As such this process would seem pointless.

6.0 Neighbourhood Planning

- 6.1 The consultation document proposes the setting of various time periods for local planning authority decisions on neighbourhood planning: to set procedure to follow where the SoS chooses to intervene in sending a plan or Order to referendum; and to introduce a new way for neighbourhood forums to better engage in local planning.

- 6.2 The consultation proposes that in certain circumstances a local planning authority must designate all of the neighbourhood area applied for, with no discretion to amend the boundary. The circumstances are where a parish council applies for the whole parish area, or applies to enlarge an existing area; or, a local planning authority has not designated the area within the current time periods. The current period for designation within 8 weeks will no longer apply.

Question 5.1: Do you support our proposals for the circumstances in which a local planning authority must designate all of the neighbourhood area applied for?

- 6.3 It would be wrong to establish that all areas applied for should automatically be designated as the Neighbourhood Area. There can be very good reasons why certain areas should not form part of a Neighbourhood Area. For example East Devon District Council contains large scale strategic development sites, for example a site for a rapidly developing new town (Cranbrook) of 8,000 homes and major employment sites. We have resisted designation of these areas from Neighbourhood Areas as we have taken the view that a Parish Council will lack the expertise and resources to plan effectively for delivery. Failure to plan for delivery could inhibit needed growth, result in the wrong type of growth and potentially lead to more conflict and 'planning by appeal'. Furthermore, there are issues over who should have control over the neighbourhood planning of an area, an existing Parish Council, or a new Town/Parish Council established for the new settlement being created.

Designation of neighbourhood forums

- 6.4 When a community wants to take up the opportunities offered by neighbourhood planning, a neighbourhood forum is taking local planning authorities on average 26 weeks to make a decision on the designation of the forum. The consultation document proposes a timescale of 13 weeks (or 20 weeks where more than one authority is applied to).

Question 5.2: Do you agree with the proposed time periods for a local planning authority to designate a neighbourhood forum?

- 6.5 No comment.

Consideration by a local planning authority of the recommendations made by an independent examiner

- 6.6 The document proposes a 5 week period for local authorities to decide whether to submit a neighbourhood plan or Order to referendum, unless the neighbourhood group agree a longer period or the decision differs from the examiners recommendation.

Question 5.3: Do you agree with the proposed time period for the local planning authority to decide whether to send a plan or Order to referendum?

- 6.7 The establishment of a five week limit may quite simply be impractical given Committee timetables and the wider need for assessment. Delays in decision taking should be avoided but decisions being required before all sensible assessment can be undertaken would be inappropriate and counter productive to good planning. As 8 week period would be more practical.

Question 5.4: Do you agree with the suggested persons to be notified and invited to make representations when a local planning authority's proposed decision differs from the recommendation of the examiner?

- 6.8 It seems reasonable for the Secretary of State to prescribe that the neighbourhood planning group and anyone who made representations during the plan period be notified. However, anybody should be able to comment whether invited or not.

Question 5.5: Do you agree with the proposed time periods (six weeks with decision within a further 5 weeks) where a local planning authority seeks further representations and makes a final decision?

- 6.9 Six weeks seems appropriate but in order to gather information and report to Committee the five week period should not be a rigid requirement.

Question 5.6: Do you agree with the proposed time period (10 weeks) within which a referendum must be held?

- 6.10 The time period should be determined by the time needed to arrange the appropriate referendum in association with interested parties and not set at a national 10 weeks.

Question 5.7 Do you agree with the time period (eight weeks) by which a neighbourhood plan or Order should be made following a successful referendum?

- 6.11 No comment.

Question 5.8: What other measures could speed up or simplify the neighbourhood planning process?

- 6.12 Generally we find the process works well and to get speedy plan production it is more about effective working and engagement practices rather than procedural matters and regulations and so we would not advocate regulatory changes but would encourage ongoing softer Government support and funding.

Requests for the Secretary of State to intervene

- 6.13 New powers in the Housing and Planning Bill enable the Secretary of State to intervene in the process of deciding if the plan meets the 'basis conditions' at the request of the neighbourhood planning group in certain circumstances. This provides an alternative route

to a decision where the local authority disagrees with the report of an examiner or where they take too long to make a decision. The Secretary of State can then direct a decision.

Question 5.9: Do you agree with the proposed procedure to be followed where the Secretary of State may intervene to decide whether a neighbourhood plan or Order should be put to a referendum?

- 6.14 No – it is an unacceptable intrusion into local democratic accountability. The local planning authority, members and the local residents are best placed to understand local issues.

Question 5.10: Do you agree that local planning authorities must notify and invite representations from designated neighbourhood forums where they consider they may have an interest in the preparation of a local plan?

- 6.15 Planning authorities already notify people and consult and engage widely.

7.0 Local Plans

- 7.1 Central Government have previously made clear their intention to require Local Plans to be in place and will be publishing league tables on progress, intervening where no local plan has been produced by 2017 and establishing a new delivery test to ensure delivery against the number of homes set out in local plans.

- 7.2 The consultation proposes to prioritise intervention where the least plan-making progress has been made; where policies in plans have not been kept up-to-date; there is high housing pressure; and, where intervention will have the greatest impact in accelerating plan production. The proposal is to use information from the Planning Inspectorate and local development schemes to monitor progress.

Question 6.1: Do you agree with our proposed criteria for prioritising intervention in local plans?

- 7.3 The incentives and reasons for an authority to produce local plans already exists (i.e. need for a 5 year housing land supply, to guide local development and provide certainty) and so the proposed measures are not needed.

Wider planning context

- 7.4 In reaching decisions on prioritising intervention in local plan-making, the document outlines the intention to take collaborative and strategic plan making (cross-boundary working and neighbourhood plans) into consideration.

Question 6.2: Do you agree that decisions on prioritising intervention to arrange for a local plan to be written should take into consideration a) collaborative and strategic plan-making and b) neighbourhood planning?

- 7.5 Full account should be taken of collaborative plan making process and the challenges that such joint work can result in. The relationship to emerging neighbourhood plans could also be taken into account.

Question 6.3: Are there any other factors that you think the government should take into consideration?

- 7.6 The other factors to take into account should include the resource and practical challenges of producing a plan, these include a frequently changing landscape of Government policy and regulation and the extra bureaucracy and confusion that this can and does lead to.

Question 6.4: Do you agree that the Secretary of State should take exceptional circumstances submitted by local planning authorities into account when considering intervention?

- 7.7 Yes.

Publishing local planning authorities' progress in plan-making

- 7.8 The consultation document states that the Government propose to publish information for each local authority covering publication and submission stages achieved and for each stage of plan making the stages that have not been achieved.

Question 6.5: Is there any other information you think we should publish alongside what is stated above?

- 7.9 No – the Government should note that a danger is that as proposed it could encourage authorities to produce and publish timetables for plan production that slow down rather than speed up plan making. Why would a local planning authority set itself a timetable that may not be met given the constantly changing planning landscape.

Question 6.6: Do you agree that the proposed information should be published on a six monthly basis?

- 7.10 The danger is that it generates far too much bureaucracy and does not aid people understanding of planning. Six months is too regular with a yearly update more realistic. Each authority should already have clear information on its website about progress in production of a local plan anyway so it is unclear what this additional work would achieve.

8.0 Expanding the approach to planning performance

- 8.1 The consultation document states that 'timely and well-considered decisions on planning applications are a key part of delivering an effective planning service. Applicants and local communities should be confident that a decision on development proposals will be reached within a reasonable time – whether that is within the statutory timescale or a longer period agreed transparently with the local planning authority. Equally, everyone should have confidence in the quality of the development decisions being made by local planning

authorities – that all relevant considerations are being taken into account, and that the weight being given to different considerations is reasonable in the context of national and local policies.’

- 8.2 The Growth and Infrastructure Act 2013 introduced the existing performance approach for applications for major development based on speed of decisions with 13 weeks or any agreed extension of time with authorities that do not meet the criteria having to allow applicants to apply directly to the Secretary of State for a decision. Designation lasts a year when performance is reviewed.
- 8.3 The Housing and Planning bill extends this approach to include non-major development and to reduce the threshold for assessing the quality of local planning authorities’ decisions to 10 per cent of applications for major development overturned at appeal.
- 8.4 The Government are now consulting on revised thresholds as follows:
- speed of decisions: where authorities fail to determine at least 60-70 per cent of applications for non-major development on time over the two year assessment period, they would be at risk of designation
 - quality of decisions: where authorities have had more than 10-20 per cent of their decisions on applications for non-major development overturned at appeal;
- 8.5 The earliest this could come into force would be the final calendar quarter of 2016.

Question 7.1: Do you agree that the threshold for designations involving applications for non-major development should be set initially at between 60-70% of decisions made on time, and between 10-20% of decisions overturned at appeal? If so what specific thresholds would you suggest?

- 8.6 No. In our experience the planning process is about the applicant and local authority working together to achieve the best outcome for both parties and it is not as simple as applications being determined quickly. There needs to be continued flexibility for determining applications where the applicant agrees/wants an application determined over a longer period. As such, we would recommend that if thresholds are introduced, a starting point of 50% of decisions and 20% overturned at appeal rising to 60% and 15% over the following years.
- 8.7 It is very important that applicants be allowed to agree an extension of time to allow negotiation on applications and that these extensions in time be included within the performance figures.

Question 7.2: Do you agree that the threshold for designations based on the quality of decisions on applications for major development should be reduced to 10% of decisions overturned at appeal?

- 8.8 No. It should be about making the correct planning decision and not about meeting a target. The priority should be on speeding up the appeal process rather than assessing performance.

Approach to designation and de-designation

- 8.9 The document proposes that the general approach to designating and de-designating authorities for non-major development should mirror that which exists already for major development, as set out in the current criteria document i.e. taking into account performance data over a rolling two year period, allowing for data corrections and exceptional circumstances. This will include taking into account applications that are subject to Planning Performance Agreements and Extension of Time Agreements and setting the same thresholds for exempting authorities from designation in circumstances where very few applications have been submitted.
- 8.10 One change however is to take into account any situations where appeals have been allowed despite the authority considering that its initial decision was in line with an up-to-date plan. This is to ensure that this measure does not inadvertently discourage any authorities from making decisions that they believe to be in line with an up-to-date local plan or neighbourhood plan.

Question 7.3: Do you agree with our proposed approach to designation and de-designation, and in particular

(a) that the general approach should be the same for applications involving major and non-major development?

(b) performance in handling applications for major and non-major development should be assessed separately?

(c) in considering exceptional circumstances, we should take into account the extent to which any appeals involve decisions which authorities considered to be in line with an up-to-date plan, prior to confirming any designations based on the quality of decisions?

- 8.11 Yes.

Question 7.4: Do you agree that the option to apply directly to the Secretary of State should not apply to applications for householder developments?

- 8.12 Yes.

9.0 Testing competition in the processing of planning applications

- 9.1 The consultation advises that it is important that the planning process is resourced in a way that allows an efficient and effective service to be provided and one form of innovation the Government wish to explore is competition in the processing of applications. This will not include any changes to decision-making on planning applications which will remain with the local authority whose area the application falls within and it is stated that this is not about preventing local authorities from processing applications.
- 9.2 The Housing and Planning Bill enables the testing of competition and the document is proposing that in a number of locations, and for a limited time, '...a planning applicant would be able to apply to either the local planning authority for the area or an 'approved provider' (a person who is considered to have the expertise to manage the processing of a planning application) to have their planning application processed.' The document advises that local planning authorities would be able to determine their own applications and apply to process planning applications in other local authorities' areas.

- 9.3 The consultation advises that ‘The democratic determination of planning applications by local planning authorities is a fundamental pillar of the planning system. This will remain the case - decisions on applications would remain with the local planning authority. However, an approved provider would be able to process the application, having regard to the relevant statutory requirements for notification, consultation and decision making, and make a recommendation to the local planning authority giving their view on how the application should be decided. But, it would be for the local planning authority to consider the recommendation and make the final decision, ensuring no loss of democratic oversight of local planning decisions.’

Question 8.1: Who should be able to compete for the processing of planning applications and which applications could they compete for?

- 9.4 Decision making should be left with the relevant local authority and it’s locally elected Members as they are best placed to understand the planning issues in their area. If it is introduced then it should be restricted to Royal Town Planning Institute members only and to the processing of non-major applications.

Question 8.2: How should fee setting in competition test areas operate?

- 9.5 If the processing of the application is to be taken away from a local planning authority, a good percentage of any fee (at least 25%) would need to be retained by the authority to cover the costs of liaising with the third party and to cover the cost of checking the report and recommendation and to cover the costs of any associated appeal.
- 9.6 Fees should be set the same as the national fees to enable a true comparison on whether the test areas are workable and to see if applications can be processed cheaper and more efficiently with the same outcome for the applicant, neighbours, members etc.

Question 8.3: What should applicants, approved providers and local planning authorities in test areas be able to do?

- 9.7 All of the process other than making the final decision would seem sensible otherwise the process will become confusing and fragmented.

Question 8.4: Do you have a view on how we could maintain appropriate high standards and performance during the testing of competition?

- 9.8 No as it will be too difficult. The idea is flawed as the service provider will have no responsibility for a bad recommendation or procedural error (e.g. they miss a window and do not inform the local authority in their report/recommendation) and would not have to defend any appeal. The likelihood is that the provider will do the bare minimum to process the application rather than providing a good quality service to the applicant and consultees.

Question 8.5: What information would need to be shared between approved providers and local planning authorities, and what safeguards are needed to protect information?

- 9.9 The approved provider would need access to the planning history, local plan and any local constraints or relevant material considerations such as neighbourhood plans, SPD’s and access to local knowledge.
- 9.10 Sharing this information with the approved provider will place a cost burden on the local authority for which a fee will be required. And how can the process ensure that there is no other conflict of interest?

Question 8.6: Do you have any other comments on these proposals, including the impact on business and other users of the system?

- 9.11 If the aim of testing competition is to provide a more effective and efficient planning system, this could be better achieved through better funding of local authorities and through a more simplified and less complicated planning system with less frequent changes to the system and processes.
- 9.12 Processing applications should be about secure sustainable development and quality development in the right places and not about processing an application as cheaply and quickly as possible.

10.0 Information about financial benefits

- 10.1 The consultation document states that the potential financial benefits of planning applications (e.g. New Homes Bonus) are not always set out fully in public during the course of the decision making process and that this has a negative impact on local transparency and prevents local communities from both understanding the full benefits that development can bring and fully holding their authority to account for the decisions it makes.
- 10.2 The document states that: “The Housing and Planning Bill proposes to place a duty on local planning authorities to ensure that planning reports, setting out a recommendation on how an application should be decided, record details of financial benefits that are likely to accrue to the area as a result of the proposed development. It also explicitly requires that planning reports list those benefits that are “local finance considerations” (sums payable under Community Infrastructure Levy and grants from central government, such as the New Homes Bonus).” In addition, quoting CIL figures and New Homes Bonus amounts is not an exact science so could lead to some confusion.
- 10.3 The document therefore proposes that, alongside “local finance considerations”, Council tax revenue, business rate revenue and s.106 payments be listed in planning reports where it is considered likely they will be payable if development proceeds:

Question 9.1: Do you agree with these proposals for the range of benefits to be listed in planning reports?

- 10.4 No. Whilst listing S.106 Agreements should be contained within reports as they detail material planning consideration, receipts from council tax and business rates revenue are not material planning considerations so should not be included. This would add confusion to the system and is an example of another change that adds to the time to process applications.
- 10.5 Reports already detail the necessary considerations so there is no need to amend this further.

Question 9.2: Do you agree with these proposals for the information to be recorded, and are there any other matters that we should consider when preparing regulations to implement this measure?

- 10.6 No. See answer to previous question.

11.0 Section 106 dispute resolution

11.1 The document discusses the introduction of a new dispute resolution mechanism for section 106 agreements. This is to speed up negotiations and allow housing starts to proceed more quickly. The dispute resolution process would be provided by a body on behalf of the Secretary of State within prescribed timescales to provide a binding report setting out appropriate terms where these had not previously been agreed by the local planning authority and the developer.

Question 10.1: Do you agree that the dispute resolution procedure should be able to apply to any planning application?

11.2 No. There is no need for such a services as it is either resolved through viability or via the planning inspectorate on appeal.

11.3 The dispute resolution process can be initiated at the request of the applicant, the local planning authority or another person as set out in regulations, by making a request to the Secretary of State. The consultation suggests that requests should 'be made in writing, provide full details of the planning application in question (including plans and supporting documents), a draft section 106 agreement and a statement clearly setting out the matters which are the subject of dispute.' And that the Secretary of State would appoint somebody to deal with the dispute following a cooling off period.

Question 10.2: Do you agree with the proposals about when a request for dispute resolution can be made?

11.4 No. The process is unnecessary and just creates additional uncertainty into the system. This can be currently dealt with by the local planning authority, if necessary with a suitably qualified valuer, or at appeal if the applicant is unhappy with this outcome.

Question 10.3: Do you agree with the proposals about what should be contained in a request?

11.5 No. As the process is not necessary and very rarely occurs. A whole new process for this would therefore be wasted.

Question 10.4: Do you consider that another party to the section 106 agreement should be able to refer the matter for dispute resolution? If yes, should this be with the agreement of both the main parties?

11.6 No.

Question 10.5: Do you agree that two weeks would be sufficient for the cooling off period?

11.7 Yes.

Question 10.6: What qualifications and experience do you consider the appointed person should have to enable them to be credible?

11.8 Planning and viability related qualifications.

Running the dispute resolution process

11.9 It is proposed that the Secretary of State will have discretion, through regulations, to set the level of fees payable and if necessary any costs with the fee shared between both parties. The appointed person would have a set time for producing a report (possibly within 4 weeks) and set out the matters in dispute and steps and recommendations to resolve them with the report published by the local authority on its website with a mechanism to amend any errors in the report.

Question 10.7: Do you agree with the proposals for sharing fees? If not, what alternative arrangement would you support?

11.10 Fee should be paid by the applicant as currently happens for viability testing. Or this should be a free service offered by the Planning inspectorate to avoid lengthy appeals.

Question 10.8: Do you have any comments on how long the appointed person should have to produce their report?

11.11 The timescale should depend upon the complexity of the matter and agreed with both parties.

Question 10.9: What matters do you think should and should not be taken into account by the appointed person?

11.12 Only the matter in dispute e.g. the obligations.

Question 10.10: Do you agree that the appointed person's report should be published on the local authority's website? Do you agree that there should be a mechanism for errors in the appointed person's report to be corrected by request?

11.13 Yes.

Question 10.11: Do you have any comments about how long there should be following the dispute resolution process for a) completing any section 106 obligations and b) determining the planning application?

10.14 As soon as possible but it will vary depending upon the complexity of the case so set timescales should not be prescribed.

Question 10.12: Are there any cases or circumstances where the consequences of the report, as set out in the Bill, should not apply?

11.15 No.

Question 10.13: What limitations do you consider appropriate, following the publication of the appointed person's report, to restrict the use of other obligations?

11.16 None.

Question 10.14: Are there any other steps that you consider that parties should be required to take in connection with the appointed person's report and are there any other matters that we should consider when preparing regulations to implement the dispute resolution process?

11.17 No.

12.0 Permitted development rights for state-funded schools

- 12.1 The Government is proposing to increase permitted development rights for state funded schools. Existing permitted development rights allow certain buildings to change use to a state-funded school, allow for extensions to be added to existing schools, and allow the temporary use of buildings as state-funded schools for up to one academic year, without the need to apply for planning permission.
- 12.2 The consultation document seeks to ensure that where there is an identified need for school places, schools can open quickly on temporary sites and in temporary buildings while permanent sites are secured and developed. It is also the intention to allow larger extensions to be made to school buildings in certain cases without the need for a planning application. The proposals are to extend the temporary right to use a property as a state school from 1 to 2 years; increase the threshold for extensions from 100sqm to 250sqm (but not exceeding 25% of the gross floorspace of the original building); and, to allow temporary buildings to be erected for up to three years on cleared sites where, had a building not been demolished, the existing permitted development right for permanent change of use of a building to a state funded school would have applied.
- 12.3 Before changing use of a building or land to a state-funded school for a single year, approval must be sought from the relevant Minister to use the site as a school, who must notify the local authority of the approval. When permanently changing use of a building to a state-funded school, prior approval must be sought from the local planning authority as to highways, noise, and contamination impacts. The document also asks whether other changes should be made to the thresholds within which school buildings could be extended, such as reducing the limit on building extensions within 5 metres of a boundary of the curtilage of the premises.

Question 11.1: Do you have any views on our proposals to extend permitted development rights for state-funded schools, or whether other changes should be made? For example, should changes be made to the thresholds within which school buildings can be extended?

- 12.4 The existing permitted development rights appear to be working so there is no need to amend them again.

Question 11.2: Do you consider that the existing prior approval provisions are adequate? Do you consider that other local impacts arise which should be considered in designing the right?

- 12.5 The existing rights are adequate.

13.0 Changes to statutory consultation on planning applications

- 13.1 The document states that 'Statutory consultees are required to report their performance in terms of responding to consultation requests about planning applications each year. The most recent performance data, provided by statutory consultees that respond to the majority of planning application consultee requests, indicates that for between 5 and 12% of cases they requested and received additional time from the local planning authority to respond beyond the 21 day statutory period.'
- 13.2 As such the government is wanting views on the benefits and risks of setting a maximum statutory consultation period that a consultee can request beyond the initial 21 day period. A period of 14 days is suggested.

Question 12.1: What are the benefits and/or risks of setting a maximum period that a statutory consultee can request when seeking an extension of time to respond with comments to a planning application?

- 13.3 It depends upon the complexity of the application, level of detail submitted by the applicant and the resources of the consultee. What is proposed to happen if the response is not received within the further 14 day period?
- 13.4 There are benefits in this if all responses can be received within the timescale but this would require better resourcing of statutory consultees otherwise decisions will be made without comments that lead to a poor decision and leave the decision open to challenge.

Question 12.2: Where an extension of time to respond is requested by a statutory consultee, what do you consider should be the maximum additional time allowed? Please provide details.

- 13.5 14 days on a major application, 7 days for all minor and other applications.

14.0 Public Sector Equality Duty

- 14.1 The document states that the above changes have been assessed by reference to the public sector equality duty contained in the Equality Act 2010 and it is not envisaged that there would be any significant detrimental impact to any protected groups and do not raise any equalities issues.

Question 13.1: Do you have any views about the implications of our proposed changes on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter? Is there anything that could be done to mitigate any impact identified?

- 14.2 No.

Question 13.2 Do you have any other suggestions or comments on the proposals set out in this consultation document?

- 14.3 That the number of changes are unnecessary and creating uncertainty in the planning system.
- 14.4 If the aim of the changes is to speed up decision making and to achieve increased housing growth, this can be better achieved through better funding of local planning authorities (through fee increases if necessary) and by reducing the burden on local planning authorities. The focus should be on simplifying the system whereas the proposals in the consultation document just make the system more complicated, more confusing and create more uncertainty for all.
- 14.5 Finally, it is considered that the planning system should be based on the golden thread of sustainability and with engagement with the local community. These changes relate to the national planning system and there should be less direct government intervention in the planning system and more reliance upon local authorities to process planning applications in the interest of the local community and developers.

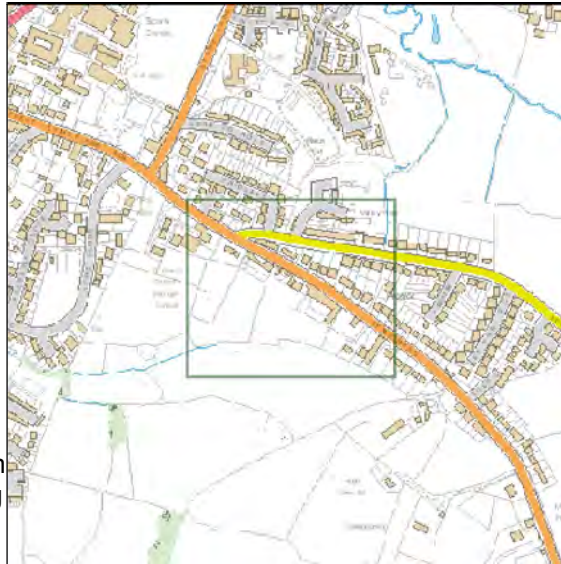
Ward Axminster Town

Reference 15/2682/FUL

Applicant Mr Peter Crosby

Location Land Rear Of Green Acres Lyme Road Axminster

Proposal Change of use of part of the field from agricultural to residential/smallholding



RECOMMENDATION: Approval with conditions



		Committee Date: 5th April 2016
Axminster Town (AXMINSTER)	15/2682/FUL	Target Date: 07.03.2016
Applicant:	Mr Peter Crosby	
Location:	Land Rear Of Green Acres Lyme Road	
Proposal:	Change of use of part of the field from agricultural to residential/smallholding	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application has been referred to Committee by the Chairman following consideration initially at a Chairman's Delegation meeting due to the size of the garden proposed and relationship with adjoining properties.

The application site relates to an area of land to the rear of properties fronting onto the southwest side of Lyme Road. At present the land forms part of a small agricultural field/paddock with a general fall from northeast to southwest. The proposal site occupies a more level area on the northern side of the field, to the immediate rear of the residential properties fronting Lyme Road. The properties to the north of the site that front Lyme Road and which include 'Green Acres' currently have very limited, if any, rear amenity space.

The site lies outside of any areas of special landscape designation. Visually the field is fairly well contained with the southern and western boundaries marked by mature tree belts and the northern/eastern boundaries by domestic/commercial property boundaries. Therefore, in terms of landscape, whilst the site is relatively large and occupies a position on the highest part of the field, any wider views that would be afforded would be filtered by the tree planting and would see the proposed garden area against the backdrop of residential properties and in the context of curtilages further to the east and west which extend as far, or further, to the south than that proposed. There are no public footpaths across or in the immediate vicinity of the site.

Whilst the proposal would involve some domestication, this could be limited through the removal of permitted development rights on this section of land and subject to suitable boundary planting to visually contain the use, the impact would not be materially different to other gardens further to the southeast or land to the rear and associated with the Public House or School to the northwest.

The extension of the garden area has the potential to have some impact on the amenity of properties to either side as it would introduce domestic curtilage immediately adjacent to these properties (and where in some circumstances these properties have windows immediately on the site boundary and overlooking the site). However, it is recognised that the proposal is for amenity space for one property, which is fairly generous in size and where any private amenity or outside dining areas are likely to remain immediately to the rear of the host dwelling. It is not considered that any change in use or intensity of use would have any significant amenity impact, particularly bearing in mind the need to retain a right of access to the immediate rear of these properties to Magnolia House.

CONSULTATIONS

Local Consultations

Parish/Town Council

Axminster Town Council objects to this application

Technical Consultations

County Highway Authority

Highways Standing Advice

Other Representations

1 letter of representation received

- Concern over potential for future additional (residential) development if approved.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D2 (Landscape Requirements)

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Site Location and Description

The application site relates to an area of land to the rear of properties fronting onto the southwest side of Lyme Road. At present the land forms part of a small agricultural field/paddock with a general fall from northeast to southwest. The proposal site occupies a more level area on the northern side of the field, to the

immediate rear of the residential properties fronting Lyme Road. The field is separately accessed from the dwellinghouse via a field gate in its northwest corner.

A narrow track leads from the field gate between a pair of residential cottages and the Lamb Inn Public House to access onto Lyme road some 70 metres to the northwest of Green Acres. The properties to the north of the site that front Lyme Road and which include 'Green Acres' currently have very limited, if any, rear amenity space.

ANALYSIS

Proposed development

Permission is sought for the change of use of land adjoining the defined residential curtilage from agricultural use to garden including an area for a smallholding.

An existing right of vehicular access to magnolia house to the east is shown to be retained with the site enclosed by a post and wire netting fence.

Considerations and Assessment

At present the land is in agricultural use as a paddock. The site immediately adjoins the applicant property on its northern side, as well as other residential properties on the south side of Lyme Road and which are located between the Lamb Inn and Magnolia Rise Residential Home. It is understood that there is a right of access from the Residential home over the site and running parallel to the rear boundaries of the residential properties.

Green Acres rear amenity space is currently limited to a narrow rear terrace at the back of the house, whilst this is not dissimilar to adjoining properties to the northwest, Nos. 5 and 6 Lyme Road, those properties are perpendicular to the road and appear to benefit from some amenity space to their rear.

Strategy 7 of the adopted East Devon Local Plan essentially seeks to restrict development in the countryside to that explicitly permitted by other policies of the Local Plan. The NPPF has no specific relevant policy criteria applicable to the proposal. When dealing with similar appeals, Inspectors have recently been assessing the acceptability of the extensions of gardens into the countryside on the basis of their size, visual impact and any relationship to existing boundary lines.

The site lies outside of any areas of special landscape designation. Visually the field is fairly well contained with the southern and western boundaries marked by mature tree belts and the northern/eastern by domestic/commercial property boundaries. Therefore, in terms of landscape, whilst the site is relatively large and occupies a position on the highest part of the field, any wider views that would be afforded would be filtered by the tree planting and would see the proposed garden area against the backdrop of residential properties and in the context of curtilages further to the east and west which extend as far, or further, to the south than that proposed. There are no public footpaths across or in the immediate vicinity of the site.

It is not considered that the proposal would cause any visual harm or conflict with the thrust of Strategy 7. Whilst the proposal would involve some domestication, this could be limited through the removal of permitted development rights on this section of land and subject to suitable boundary planting to visually contain the use, the impact would not be materially different to other gardens further to the southeast or land to the rear and associated with the Public House or School to the northwest. As residential gardens are excluded from the definition of 'brownfield' or previously developed land and future garden structures could be controlled by condition it is considered that any proposals for future development that might cause harm can be adequately controlled.

The extension of the garden area has the potential to have some impact on the amenity of properties to either side as it would introduce domestic curtilage immediately adjacent to these properties (and where in some circumstances these properties have windows immediately on the site boundary and overlooking the site). However, it is recognised that the proposal is for amenity space for one property, which is fairly generous in size and where any private amenity or outside dining areas are likely to remain immediately to the rear of the host dwelling. It is not considered that any change in use or intensity of use would have any significant amenity impact. Further protection, if required, is provided from the retained vehicular access to Magnolia House to the rear of these properties and it is material to the consideration of this application that at present the windows to number 6 look immediately over a field and therefore any associated activity.

In this instance the extent of garden being applied for is larger than needed to serve the dwelling and could be argued to be disproportionate and this need to be weighed into consideration of the application. However, in the absence of any visual harm from the proposal or harm to the amenity of adjoining residents, it is considered difficult to resist the application purely on the basis of the size of garden proposed.

One letter of representation has been received which whilst not objecting to the proposed use raises concerns over future proposals that may arise were the application to be approved, specifically the potential for future residential development. The proposal does not seek residential development nor would approval change the way in which any later application that might come forward for this might be viewed. Approval would not alter the designated built-up area boundary (and therefore whether the development of the site is acceptable in principle, or not) and the NPPF explicitly excludes garden land from the definition of previously developed land.

RECOMMENDATION

APPROVE subject to the following conditions:

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

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within Schedule 2, Part 1, Class E for the provision of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse shall be permitted within the extended area of domestic curtilage approved by virtue of this permission.
(Reason - To protect the character and appearance of the area in accordance with Strategy 7 (Development in the Countryside) of the Adopted East Devon Local Plan.)

4. Notwithstanding the boundary treatment details shown on drawing no. 02, no development shall take place until a landscaping scheme, to provide for the planting of a native hedge along the southern and western site boundaries, has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To ensure that the details are planned and considered at an early stage 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 Adopted New East Devon Local Plan 2016.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

	Location Plan	11.01.16
DRW:02	Block Plan	11.01.16

List of Background Papers

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

Ward Beer And Branscombe
Reference 15/1987/FUL

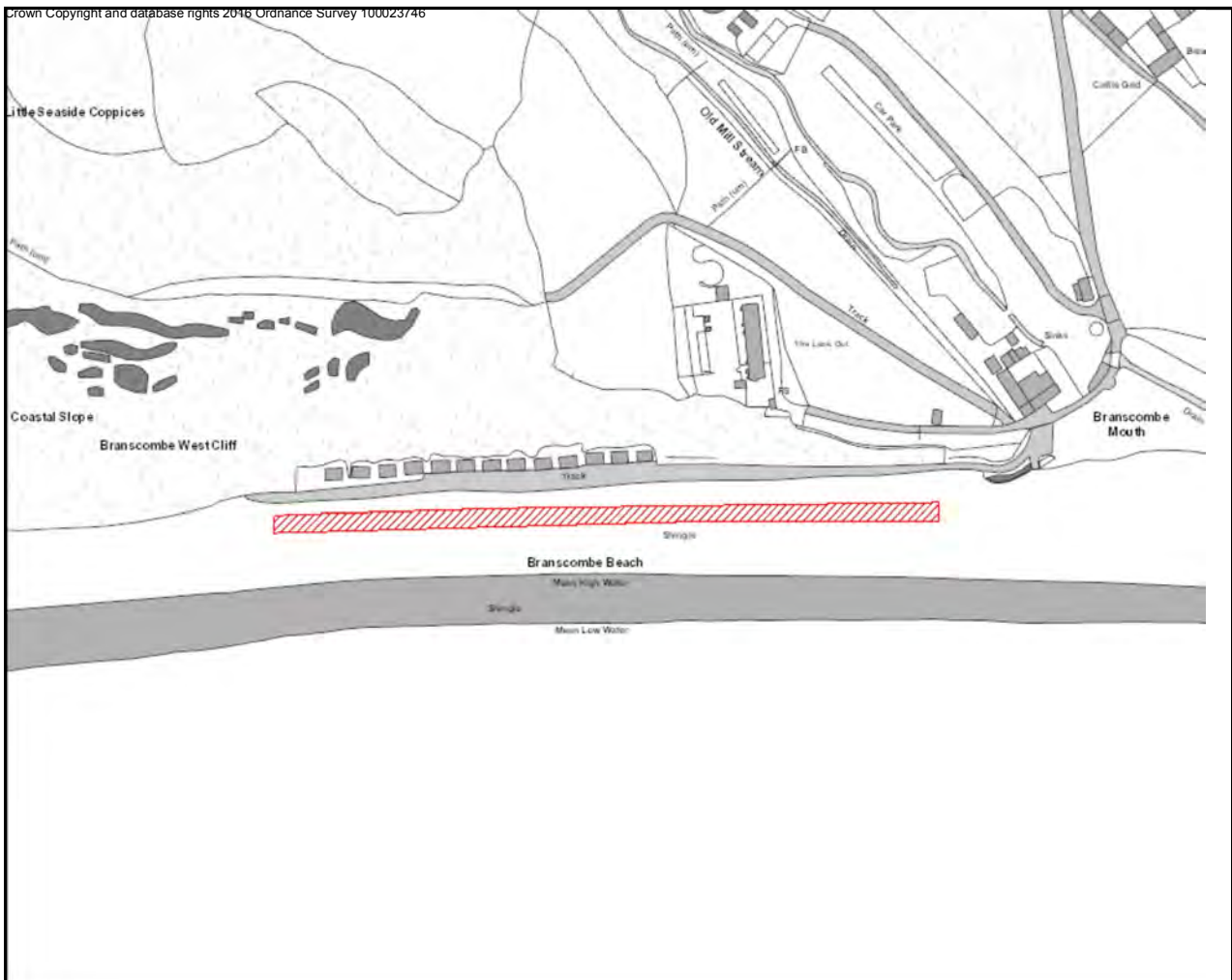
Applicant Mr Anthony Sellick (Sea Shanty Holiday Park)

Location Branscombe Beach Branscombe

Proposal The re-enforcement and continuation of existing rock armour to the east, approximately 200m along Branscombe beach, for the purposes of combating erosion, together with the re-enforcement and re-instatement of the adjacent storm-damaged roadway (temporary 25 year period sought)



RECOMMENDATION: Refusal



		Committee Date: 5th April 2016
Beer And Branscombe (BRANSCOMBE)	15/1987/FUL	Target Date: 03.12.2015
Applicant:	Mr Anthony Sellick (Sea Shanty Holiday Park)	
Location:	Branscombe Beach Branscombe	
Proposal:	The re-enforcement and continuation of existing rock armour to the east, approximately 200m along Branscombe beach, for the purposes of combating erosion, together with the re-enforcement and re-instatement of the adjacent storm-damaged roadway (temporary 25 year period sought)	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

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

The proposal seeks planning consent for the re-enforcement of existing rock armour and creation of additional rock armour approximately 200m along Branscombe beach. The applicant has sought this on a temporary basis of 25 years.

The proposal has been put forward in order to protect the land from on-going coastal erosion which is occurring from storm events and climate change. The area which the proposal seeks to protect includes beach huts, access tracks, the Look Out pub, a restaurant and car park and residential properties. According to the applicant the existing rock armour is no longer performing its function in the same capacity and so its enhancement and the provision of additional rock armour would improve defences. However, the proposal takes place within a heavily designated area which is restricted both in terms of planning policy and legislation. The site is within the designated Area of Outstanding Natural Beauty, World Heritage Site, Special Area of Conservation, Coastal Preservation Area and Site of Special Scientific Interest.

As such it is vital to know what the likely impact of the rock armour proposed would be on these designations. The planning authority has commissioned an independent geotechnical specialist to assess the details of the proposal. The geotechnical specialist considers that the information submitted is not robust

enough to account for the potential impact. Without knowing the likely impact on the designated landscape including in terms of coastal dynamics and geomorphology the proposal cannot be supported.

The proposal takes place within a Special Area of Conservation this is an ecological European designated site which requires the planning authority to conduct an appropriate assessment - in this instance there is not enough information to ascertain that a significant impact on the European site would not occur and this weighs heavily against the proposal.

As the proposal does not take into account the impact on coastal process on the World Heritage Site, Area of Outstanding Natural Beauty, Special Area of Protection and Coastal Preservation Area the proposal would not ensure its conservation. The proposal is therefore contrary to Strategy 45 and Policy EN25 of the Adopted East Devon Local Plan and the guidance contained in the South Devon and Dorset Shoreline Management Plan

For the reasons given above the proposal is recommended for refusal.

CONSULTATIONS

Local Consultations

Parish/Town Council

Branscombe Parish Council support this application and have no further comments to make.

29.01.2016 – ADDITIONAL INFORMATION - At the Parish Council meeting last night, the above application was discussed in full and the council were all in favour of supporting the application with no further comments to add.

Beer And Branscombe - Cllr G Pook

I have read the geomorphology report and my understanding is that although the introduction of rock armour will protect the road way, as it has for many decades, that in its self is contrary to World Heritage teams recognition of the need for natural erosion to preserve the site. This however contradicts the actual position in that the WH status was assigned after the existing rock armour was installed and therefore accepted the protected status of the site. To refuse additional or replacement armour at this stage would effectively allow the existing protected state to change.

Having read the report and all the proceeding correspondence and attended many meetings it is hard to accept the weight of objection is proportionate to the works and benefit/harm that may ensue. I think it is time to draw a line under all further studies. The cost, financially and in officer time is totally disproportionate to the effects and that the works may have and that it should be approved to ensure the security of the huts, road and beach area. The social and community benefits as well as the commercial issues must be given due consideration.

If the officer recommendation is not to recommend approval I ask for the application to go to committee.

Technical Consultations

County Highway Authority
Does not wish to comment

National Trust

The Trust wishes to comment on the above application, the location of which described on some pages of the EDDC website as: "From Great Seaside Farm to the Lookout". This locational description should be amended to one more accurate, indicating that the works are west of the sea shanty.

The Trust owns much of Branscombe Beach and land around Branscombe village. The Trust's principles and practice of coastal management advocate working with natural process whenever possible.

National planning policy only considers development in a 'Coastal Change Management Area' (CCMA) to be appropriate where it; "will not have an unacceptable impact on coastal change", (NPPF; para 107), and where it does not add to the impacts of physical changes to the coast (NPPF; para 106). It must also demonstrate that the character of the coast is not compromised (NPPF; para 107).

The revised draft New East Devon Local Plan (2015) Strategy 45, on Coastal Erosion, promotes coastal change management; "where compatible with the most up-to-date Shoreline Management Plan," (in this instance, SMP2, Halcrow, 09/2010) and provided it would not have an unacceptable impact, including any unacceptable visual impact on the protected landscape.

The application supporting statement indicates that the SMP2 policy for this stretch of coast (cell 6a34) is 'No active intervention'.

The application, as it stands, provides inadequate justification for the proposed significant active intervention contrary to the SMP2 policy, and it doesn't weigh the claimed "serious socio-economic harm" that would result from not granting permission, with the socio-economic benefits provided by the natural environment. It also fails to adequately demonstrate that there would be no unacceptable impacts in line with national and local policy. Furthermore, the Trust would also question the assertion in the supporting statement that Branscombe Beach is 'relatively stable'. There has been significant beach lowering in front of the existing rock armour and this is likely to only worsen with the development proposed.

The Trust notes the short two page statement on landscape and visual effects, dated 7 October 2015, but more visual information is needed to assess the effects of a greater mass and extent of rock armour, and assessment is required of the landscape and seascape impacts on the AONB and World Heritage Site (WHS). More details are needed on the source of the local stone and the quantity of material

to be deposited. Also, the cumulative effects of this development, together with the defence proposals for the chalets to the east, need to be considered.

The proposal for a 25 year period for this 'temporary' planning permission seems to be an unreasonably long time for an application of this nature. If permission were to be granted, it should align with the SMP2 epochs and this would give a review date of 2025.

Temporary permission should also only be granted if there is a clearly defined exit strategy (i.e. removal of the rock armour), which is agreed upon in advance. Equally, sufficient sums of money should be laid aside for that purpose at the outset to avoid defaulting at the termination of the planning permission. Experience has shown elsewhere that once rock armour is placed on a beach (lawfully or unlawfully) it is very difficult to enforce its removal.

In the absence of more complete information to justify the proposed 'active intervention', over the proposed timeframe, the Trust objects to the application. Before being able to support any scheme the Trust would wish to see a clear exit strategy, a containment strategy for sewage from the chalets in the event of a breach, and reassurances over the soundness of the construction of the structure. The Trust also wishes to make clear that it would not be able to grant permission for access over its land to implement the scheme unless WHS and Natural England concerns had been addressed.

27.01.2016 – ADITIONAL INFORMATION -_Thank you for the email of 19 January 2016 in relation to the additional information with respect to the above planning application.

The Trust notes the Geomorphological Assessment (Jan 2016). However, the Trust feels there is still inadequate justification for the proposed 'active intervention', over the proposed timeframe, and that any permission should be limited to a duration of not more than 10 years. The applicant also needs to provide a clear, and guaranteed, exit strategy.

The Trust therefore maintains its objection to the application in its current form.

East Devon AONB

(In summary)

The level of information provided with this application does not full address all of the above (*the tests to apply to major developments within the AONB under paragraph 116 of the NPPF*). It is not clear to me why this application cannot be considered as major and therefore require more detailed assessments and justification of exceptional circumstances. Given the significant landscape and environmental status and nature of the location, the principle of demonstrating an overriding public interest and assessing the above requirements in this matter should be addressed.

The existing chalet structure sand rock revetments have a significant visual and landscape character impact on the site and its setting. Extending or enlarging the

revetment will act to reinforce that impact and will take the revetments into a more direct point of contact with beach users at its easterly extension. Bearing in mind the existing revetments have no planning permission if one were to take a baseline of no revetments, the rock structure considerably alters the landscape character of the natural coastal environment in this location.

We are aware that there has been considerable local discussion and consultation with various agencies at this location and views are strongly held at both ends of the spectrum. We understand that the application is seeking to protect the existing chalet assets on the coastline and we recognised that there will be local economic benefits derived from this. Without a more detail assessment, it is not possible to confirm how direct a relationship to wider economic benefits these assets have or what the coast of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way might be.

In applying for a temporary permission the application implicitly recongnises that the continued reinforcement, sea defences, and associated infrastructure should not be seen as a long term sustainable solution. The application refers to the proposals as providing 'an effective and sustainable sea defence mechanism in the short to medium term'. Beyond applying for a 24 'temporary' permission however, there is no direction as to what the proposed long term solution on the beach beyond this 25 year period will be.

The above, and the fact that there is no indication of any proposed long-term proposals for the reduction of development in this application, leaves one unclear as to what would be proposed at the end of the temporary permission period , if granted. This is not a satisfactory position upon which to make a decision of this scale and nature.

...Given the cultural history and considerable investment and concern over potential local economic impact/loss should further storm condition threaten, it seems appropriate to consider a phased approach to adaptation at this site, but with clear conditions. Working with all parties, we would suggest that full consideration be given to defining details of any shore/medium term arrangements with a clear routemap/long-term strategy and as importantly, a business plan, for the gradual adaptation of the development at this site as part of any permission. This must be based on key milestones with binding and enforceable conditions that adequately address issues such as further damage. There is a logic in timing this with the Shoreline management Plan timescales. This adaptation should be working towards a situation in 25 years where there will n o longer be a requirement/demand for man-made coastal defences on the beach in the form that currently exist and for the return of a more natural environment on the beach and cliffs at this location.

For full comments see scanned letter/comments dated 18.12.2015 under "documents" on the following link;
http://planningapps.eastdevon.gov.uk/Planning/lq/dialog.page?Param=lq.Planning&org.apache.shale.dialog.DIALOG_NAME=gfplanningsearch&SDescription=15/1987/FUL&viewdocs=true

Contaminated Land Officer

I have considered the application and do not anticipate any contaminated land concerns.

Marine Management Organisation

Please be advised there may be a requirement to apply for a Marine Licence prior to these works commencing. A marine licence may be required for both public or privately owned land.

Please see link below to the Marine Management Organisation Marine Licence information page.

Planning and development: Marine licences - GOV.UK
<https://www.gov.uk/topic/planning-development/marine-licences>

Environment Agency

Thank you for consulting us on the above application.

There are no objections to the proposed development provided that it proceeds in accordance with the submitted Flood Risk Assessment (undated) and suitable pollution prevention measures are adopted during works.

I have sent a copy of this letter to the agent and trust this is satisfactory.

World Heritage Site/Jurassic Coast - Sam Rose

I have several significant concerns regarding the planning application referenced above.

First and foremost is that fact that the impacts the scheme may have on the World Heritage Site (WHS) and its setting are not considered anywhere in detail. In the planning application the answer given to question 13c states that features of geological conservation importance only exist adjacent or near to the development. The proposed development is in fact within the WHS, which is designated for its geological interests. The fact that the scheme sits within the boundaries of the WHS is acknowledged within the supporting documentation however. The most detailed description of the interests within the WHS is given in paragraphs 1.7 - 1.12 in the Historic Environment Assessment, but the impacts on them are not discussed. Para 1.12 even states that 'the impacts on the WHS will be considered elsewhere' but apparently this is not the case. None of the other documents discuss the likely impacts of the scheme with specific reference to the WHS. No reference is given to the WHS management plan or how its policies relate to this scheme.

A key piece of advice promoted within the Design and Access statement, found under the planning assessment section on page 5, relates to the nature of the beach and was apparently provided by an ecologist. It should have been a simple matter to consult a geomorphologist, who would have been able to provide more relevant expert comment. As it is the existing advice suggests that the beach system will not

be affected by the proposed scheme, a claim repeated in paragraph 3.2 of the flood risk assessment. I cannot find any evidence that this opinion is backed up by expert geomorphological advice. Erosion is a function of the natural coastal environment and attempting to prevent or slow it is a significant intervention into the geomorphological system. Part of the natural process is for the beach to naturally move inland as erosion takes place. The result of the proposed scheme will be that the beach will be squeezed between the sea and the defence and will suffer damage as a result because its capacity to naturally adapt to change will be reduced. If the predicted increased storminess does occur over the proposed 25 year period of the scheme, then any rock armour there, old and new, will become increasingly vulnerable to being undermined and damaged as the coastline attempts to naturally realign itself. Paragraph 2.5 in the Flood Risk Assessment seems to suggest that damage to the existing rock armour caused subsequent beach erosion, which is wrong. It is erosion of the beach by natural processes that allowed the sea to undermine the existing rock armour, which damaged it and made the properties and access road behind more vulnerable.

The discussion provided in the Design and Access (D&A) statement regarding the SMP highlights certain points from the SMP non-technical summary to argue in favour of coastal defences. However, the discussion neglects to include points from the same SMP document that argue in favour of maintaining natural processes, conserving the integrity of designated nature conservation sites and enhancing them where practical. The apparent justification for ignoring these points is on page 6 of the Design and Access statement where it states that natural processes in the development area are not creating 'interesting geological exposures'. No attempt to qualify this statement is made or specific reference given to the geological strata found there, the sensitivity of the exposures within the WHS designation and the role of those exposures in establishing the integrity of the WHS. The lack of detail is a concern but more so the basic lack of understanding of the nature of the WHS designation. This is only reinforced by the fact that on-going geomorphological processes and natural erosion are recognised by UNESCO as key to the long term preservation of the WHS's Outstanding Universal Value but apart from being referenced in the aforementioned historic environment assessment natural processes are not presented anywhere else in this planning application as relevant conservation interests in their own right.

Later on page six of the D&A statement a comparison is made to existing coastal defences at Seatown in Dorset. This is a smaller scheme which was refurbished and extended by 15m in 2008. I suggest that comparing a rock armour extension of 15m to the 120m proposed here is unreasonable.

In addition to these flaws in assessing the impacts of the scheme on the designated interests of the WHS there is no reference anywhere to the impacts on the setting of the WHS. Setting refers to the recognition that conservation of the WHS must take account of the way in which people experience the site. The special qualities of the AONB are important in helping to determine how people experience the WHS but these are not referenced either.

Within the landscape and Visual Amenity document it suggests that due to the presence of the existing rock armour an addition of 120m of new rock armour will

lead to 'little obvious change' and change of low magnitude. I would dispute this assessment and suggest that increasing the existing length of the rock armour coastal defence by 120m will indeed impact the way in which people visiting the beach view the coast and alter how they appreciate the WHS at Branscombe. Part of the supporting argument for the scheme in terms of visual impact is the planned use of 'local' materials for a nearby quarry. No specific information is given on the type of rock they intend to use so it is impossible to comment on how well it will help the development blend in with the environment of Branscombe beach.

The D&A statement includes a discussion about the socio-economic benefits of the scheme, particularly in relation to tourism. Whilst there may well be distinct and significant tourism benefits provided by the assets that the scheme seeks to defend there is no recognition given of the tourism benefits provided by the natural environment and the cultural ecosystem services it provides. I would suggest these are important aspects of the amenity and attraction of Branscombe beach and should not be ignored.

Finally, whilst the temporary nature of the proposal is made clear there is no suggestion of an exit strategy and no clear acknowledgement that in the long term the already vulnerable assets that the scheme seeks to defend will inevitably be lost to natural processes. What will happen when the scheme reaches the end of its period of planning permission? Who will be responsible for the decommissioning of the coastal defence?

Conclusion / summary

On behalf of the Jurassic Coast World Heritage Site I am objecting to this scheme for the following reasons

- The impact of this proposal to WHS designation or setting has been given little to no consideration. The application and supporting documents apparently indicate a seriously flawed understanding of the WHS designation
- A distinct lack of expert geomorphological advice undermines the validity of any analysis or comment made within the application in relation to geomorphology and the natural processes operating in the development area
- There is no clear exit strategy proposed for when the life of the temporary scheme comes to an end

Our support for a scheme would be contingent on the issues raised above being resolved. Any temporary permission should be accompanied by a clear exit plan that indicates responsibilities regarding the removal of the rock armour. Our preference would be for a 10 year temporary permission, to bring the scheme in line with the SMP short term period, which ends in 2025.

A properly designed scheme with a clear exit strategy has the potential to defend the existing assets in the short to medium term but incorporate a clear path towards adapting to inevitable coastal change. This would likely lead ultimately to an improvement in the long term to the natural environment of Branscombe for the benefit of both public amenity and landscape and nature conservation. It is a shame that the current proposal does not take full or appropriate use of this opportunity.

01.02.2016 – ADITIONAL INFORMATION - Thank you for notifying us of the additional information with respect to the above planning application. The Jurassic Coast Team note that a geomorphological assessment has now been provided.

However, the Jurassic Coast Team feel that the assessment only demonstrates further that the proposed development is unsustainable. It is understood that the new rock revetment should not interfere with coastal processes under normal conditions, but the beach profiles and particularly figure 18 of the assessment indicate that beach retreat has already placed the existing rock armour in a vulnerable position under storm conditions. Further, storm conditions constitute a part of the natural evolution of the coast, causing periodic erosion of the cliffs, and are integral to the SSSI and WHS designations. Therefore we feel there is inadequate justification for the current proposal and that any interventions of this kind should be over a time frame shorter than 25 years. There is also a need for clear and binding exit strategy that includes the dismantling and removal of proposed coast defence structures.

In addition, our grave concerns on the impacts on the setting of the WHS are unchanged and we would defer to the AONB as the buffer zone and protection for the WHS in this context.

Environment Agency

Thank you for consulting us on the amended plans.

Environment Agency position:

I am happy to advise that our earlier comments remain unaltered. That is, we have no objections to the proposed development provided that it proceeds in accordance with the submitted Flood Risk Assessment (undated) and suitable pollution prevention measures are adopted during works.

I have sent a copy of this letter to the agent and trust this is satisfactory.

Natural England

Thank you for your consultation on the above dated 08 October 2015 and the additional consultation on 19th January 2016 regarding the Geomorphological Assessment submitted by the applicant on that date.

Natural England recognises the problems posed by coastal erosion at Branscombe Beach for the chalet-owners and those accessing the beach, and understands how difficult it has been for those who were affected by the storms of 2013/14. We are committed to working with your authority, the local community and other

stakeholders to achieve a sustainable, long-term outcome. To that end we have engaged in discussions with all parties, including the site meeting of 23rd July 2015. It is disappointing that the resolutions reached at that meeting are not reflected in the current application.

Our role is to provide advice to your authority, as the decision maker, on the legally protected sites and features in this area, in particular the coastal habitats and species, the geology and landscape, and the coastal processes that support these, and how these might be affected by the proposal.

Natural England cannot support the proposal in its current form.

Our advice is that the proposal, as submitted:

- Is likely to have a significant effect upon the Sidmouth to West Bay Special Area of Conservation (SAC)
- Will not achieve protection of the Dorset and East Devon Coast World Heritage Site (WHS) or achieve the aims of its Management Plan
- Is contrary to the adopted Shoreline Management Plan policy and to Coastal Change Management policies in the NPPF.

Because of the likelihood of significant effects upon the Sidmouth to West Bay SAC occurring we advise that an Appropriate Assessment should be carried out by your authority, in accordance with the Habitat Regulations, to understand and address the environmental effects of the proposal on the SAC¹.

As previously discussed with your authority and the applicant, Natural England suggests that some of the likely significant effects of this proposal could be addressed through further consideration of:

- The timescale for the temporary permission, including justification for the proposed 25 year period
- The need for removal and restoration conditions to ensure that any on-going impacts upon the designated sites will cease at the end of the permission
- The need for adaptation opportunities to be built into the permission and associated legal agreements or conditions, recognising that maintaining the 'status quo' is unlikely to be achievable and acknowledging the necessity for change to a more sustainable situation
- An overall 'Monitoring and Management Plan' that addresses further impacts arising during the life of this temporary permission

Natural England is happy to continue to work with your authority and the applicant, in order to refine the proposal, to ensure we can achieve the required confidence that measures to avoid, mitigate or restore impacts on the features of Sidmouth to West Bay SAC, Sidmouth to Beer Site of Special Scientific Interest and Dorset and East Devon Coast World Heritage Site are incorporated and these Sites are restored to/maintained in favourable condition.

¹ Natural England is a statutory consultee on the Appropriate Assessment stage of a Habitat Regulations Assessment.

Further detailed advice is attached at **Annex 1**.

For any queries relating to the specific advice in this letter please contact me on the email or telephone number below. For any new consultations, or to provide further information on this consultation please send your correspondence to consultations@naturalengland.org.uk.

Other Representations

At the time of writing 11 letters of support have been received (in summary);

- The track has been eroded making access to chalet properties difficult.
- Access to the beach and chalets is frequently used by locals and visitor and so the proposal would protect its on going use.
- Defence would protect properties, and this is much need following recent severe storm events.
- The proposal would enhance visitor experience and help to preserve the economic benefits of tourism (including employment).
- The proposal would use locally sourced materials and produce an acceptable appearance.
- No noise issues are presented by the proposal.
- The coastline is very vulnerable to erosion.
- The need to take into account the associated heritage of generations using holiday chalets.
- Loss of visitor facilities would result without improved defences in place.

A petition of 2,255 comprising a mix of local people, visitors and tourists in support of the proposal has been submitted by the applicant. Signatories have shown support for the planning application and for Natural England to change their policy of 'no active intervention' and the following three points;

1. Tourism is a vital for the local economy (sic) and employment and must be maintained.
2. The project will improve the visual aspect of the site and have little or no environmental impact.
3. The project while protecting the access and utilities to the holiday chalets will also protect the beach huts which are exclusively used by local residents.

PLANNING HISTORY

Reference	Description	Decision	Date
15/0008/EIA	Request for scoping opinion, Rock Armour and Associated Works	Details to be included within an EIA	22.04.2015
14/0029/EIA	Request for screening opinion request, Rock Armour and Associated Works	Environmental Statement required	17.11.2014

03/P1765	Removal Of Condition On 83/p0276 Which States No Occupancy Between 15 November To 15 January	Approved	01.09.2003
02/P1716	Variation Of Condition Restricting Occupancy On Approval 83/p0276	Approved	17.09.2002
83/P0276	Replacement Of Existing Chalets With New Chalets.	Temporary approval	11.10.1983

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5 (Environment)
 Strategy 7 (Development in the Countryside)
 Strategy 33 (Promotion of Tourism in East Devon)
 Strategy 44 (Undeveloped Coast and Coastal Preservation Area)
 Strategy 45 (Coastal Erosion)
 Strategy 46 (Landscape Conservation and Enhancement and AONBs)
 Strategy 47 (Nature Conservation and Geology)
 Strategy 49 (The Historic Environment)
 D1 (Design and Local Distinctiveness)
 EN8 (Significance of Heritage Assets and their setting)
 EN7 (Proposals Affecting Sites which may potentially be of Archaeological importance)
 EN9 (Development Affecting a Designated heritage Asset)
 EN21 (River and Coastal Flooding)
 EN25 (Development Affected by Coastal Change)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

Bransombe beach is a shingle and sand beach backed by beach huts and access way (in the form of a sand/gravel berm). On the landward side of the development there is the 'Lookout' a public house and Sea Shanty Beach Cafe with associated car park for patrons and general visitors to the coast. To the east and west of the shingle beach the coast rises to steep cliffs which are owned by the National Trust.

There is some rock armour already in situ in front of the existing beach huts and these are likely to have been constructed between 2002 and 2005, however there is no record of planning consent for its creation.

The application site is within the designated World Heritage Site (WHS), Special Area of Conservation (SAC), a Site of Special Scientific Interest (SSSI), an Area of Outstanding Natural Beauty (AONB) and a Coastal Preservation Area (CPA).

Proposed Development

The proposal seeks temporary planning consent for repair and replenishment of existing rock armour defences and the eastward expansion of rock armour defence for a stretch of approximately 200 metres. The total combined length would be approximately 360 metres and would be undertaken in phases of a maximum of 110 at any one time. This development would take place in front of the existing beach hut and access track. The development would take place above mean high tide level.

The aim of the proposed upgrade and extend the rock armour is to protect the beach huts and local infrastructure by reducing wave energy to stop the current recession of the upper beach/berm. It is understood that specifically the storm events during the winter of 2013/14 have caused damage to the existing armour. It is put forward that without the revetment the eastern section of the berm would continue to recede during significant storms. Accordingly storms events would undermine the existing revetment, access way and the beach huts.

The applicant has submitted to the proposal on the basis that it would be temporary period of 25 years.

The combination of statements accompanying the planning application is considered to produce an Environmental Statement (ES).

ANALYSIS

Strategy 45 – Coastal Erosion, of the adopted East Devon Local Plan states that the Council will promote proposals for improvements to coastal defences where compatible with the most up-to-date Shoreline Management Plan, provided that the defences do not have an unacceptable adverse economic, social or environmental impact.

Strategy 45 then goes on to deal with the impacts on the World Heritage Site. The Strategy provides a clear policy remit for the impact on the WHS to be fully taken into account in planning decisions.

The Shoreline Management Plan (SMP2) is a non statutory policy document which sets out how this precious resource is to be managed and advises in the medium term that no active intervention is required. The broad approach of SMP2 is to defend the centres of main settlements and allow natural process to continue in rural areas. The SMP2 document aims to 'protect the outstanding universal value of the WHS by allowing natural process to continue'. Within this document the estimated erosion rate is between 3 and 10m by 2020 (short term), 14 to 18m by 2050 (medium term and 30 to 50m by 2100 (long term) for the cliffs. The document acknowledges that 'This may result in the loss of some recreational facilities at Branscombe beach and the loss of some Grade 3 agricultural land in the medium to long term as the cliffs along this stretch continue to erode.'

The local plan also includes commitments (within appendix 3) to undertake additional work including a Coastal Change Management Area assessment, but to date no such assessment has been adopted. The East Devon Local Plan seeks to balance

the aims of the SMP2 with the social and economic needs of the coastal communities.

To that end Strategy 45 of East Devon Local Plan maintains a presumption to follow SMP2 unless there would be unacceptable adverse economic/social/environmental impacts, or that the 'economic well being of any coastal community would be undermined, provided the implications of the World Heritage Sites (WHS) have been fully considered. Where there is a conflict between allowing coastal erosion and protecting coastal communities from that erosion both interests will be recognised and wherever possible impacts will be mitigated where they arise.'

The argument is made by the applicant that the blanket application of the SMP2 policy would not always be appropriate as the beach at Branscombe is fairly stable and therefore a small defence structure at the top of the beach would be highly unlikely to adversely affect coastal processes. Although these facilities were in place prior to the land designations being imposed these does not detract from the necessity of applying the current development plan policies.

Taking the above into account the main issues concerning this proposal are;

- The economic impact of not allowing the proposal;
- The impact on the World Heritage Site;
- The ecological impact;
- The impact on the Area of Outstanding Natural Beauty and Coastal Preservation Area;
- Whether it would be reasonable to allow a temporary permission; and
- Flood Risk.

The economic impact of not allowing the proposal

Branscombe's principal industries are agriculture and tourism. The applicant submits the Branscombe and its beach is a popular tourist spot and has been since the 1950s. There is no reason to disagree with this statement and the number of signatories within the petition is evidence of its popularity. It is recognised that the vitality and viability of the village, its shops, services and pubs are intrinsically linked to a tourist function.

The coastal community that would be directly affected by the proposal has not been clarified by the applicant in terms of population numbers or community facilities. The main centre of Branscombe is relatively far from the coast and is not under threat of coastal erosion and therefore the coastal community, in this instance, is more likely to be more focused around the site of the development proposed.

The applicant submits that without the improved beach armour in place this would lead to the loss of the beach chalets, an access track, the Lookout Pub (and car park). Accordingly, it is argued, the loss of these facilities would harm the community.

No economic data in the form of employment numbers, revenue stream deriving from businesses affected or local expenditure from tourism also affected by the

coastal erosion or loss of potential visitor numbers etc. have been submitted to establish, with any degree of certainty, what that economic loss to the coastal community would be beyond the loss of the chalets and business in the control of the applicant. Even if the proposal is granted this would not afford long term (in excess of a 25 year period) protection to these economic and social facilities or ultimately prevent coastal encroachment. The applicant has been invited to submit evidence of the economic impact on the community that would occur as a result of not allowing the development but to date no further information has been submitted. In light of the limited information submitted by the applicant this restricts the weight that can be given to this aspect.

In addition, Policy EN25 of the local plan accounts for community facilities, commercial or businesses which are affected by coastal change. Such uses that are considered important to coastal communities that are likely to be affected by coastal erosion within 20 years of the dates of the proposal, proposal for relocation/replacement may be considered favourably subject to criteria. Within this policy there is a clear preference for relocation/replacement of such facilities where coastal erosion is an issue. There is no evidence that the applicant has sought to address the issues of coastal erosion in any other way by considering alternative relocation for tourist facilities such as the beach huts. This weighs against the economic benefits argued by through the application.

As any coastal erosion would be gradual there is no immediate threat to the safety of the wider community.

Impact on the World Heritage Site.

The National Planning Policy Framework (NPPF) provides guidance on how the historic environment should be conserved and enhanced. Paragraph 131 of the NPPF states that in determining planning application Local Planning Authorities (LPAs) should (in summary) take account of putting heritage assets to viable uses consistent with conservation, account for the contribution of assets to economic vitality and allow development to make a positive contribution to local character and distinctiveness.

Under paragraph 132 of the NPPF it states that the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to loss of designated heritage assets of the highest significance, notably World Heritage Sites, should be wholly exceptional. Where development would lead to less than substantial harm this has to be weighed against the public benefits. The determination on the level of harm (or no harm whatsoever) is a balanced judgement taking into account the relative significance of elements affected. Paragraph 138 of the NPPF states that not all elements of a WHS will necessarily contribute to its significance.

The proposal takes place within a UNESCO World Heritage Site of international recognition and importance. The coastal exposures along the Dorset and East Devon coast provide an almost continuous sequence of Triassic, Jurassic and

Cretaceous rock formations spanning the Mesozoic Era and document approximately 185 million years of Earth's history. It contains textbook exemplars of coastal geomorphological features, landforms and processes. It is renowned for its contribution to Earth science investigations for over 300 years, the Dorset and East Devon coast has helped foster major contributions to many aspects of geology, palaeontology and geomorphology and has continuing significance as a high quality teaching, training and research resource for the Earth sciences. In addition to its geological, paleontological and geomorphological significance, the property includes areas of European importance for their habitats and species which are an additional priority for protection and management. The geological interest provided by this WHS is the only natural site in England and the elements mentioned above qualify its significance. Taking the above elements into account the WHS is considered to be a heritage asset of the highest significance.

Paragraph 128 of the NPPF states that the applicant should describe the significance of any heritage assets affected, including any contribution made by their setting. The submitted Historic Environmental Desk Based Assessment looks in depth at nearby listed buildings, historic structures and the archaeological potential of the site, but crucially not the main designated heritage asset - the WHS. At paragraph 1:12 this desk based report it states 'the impacts on the World Heritage Sites will be considered elsewhere' - but no other report covers the impact of proposal on the WHS in sufficient detail proportionate its importance.

At the request of the local planning authority the applicant submitted a geotechnical assessment, with the aim to addressing the original issues raised by consultees, in order to meet the requirements of the NPPF with regard to heritage assets and to fully account for the impact on the WHS. Analysis derived from LiDAR data illustrates a pattern of cliff erosion to the undefended coast to the west and along the undefended areas to the east of the existing rock armour. Short term storm events expose the base of the cliffs to wave action promoting further erosion. The submitted geotechnical report concludes that the existing flood defence only protects in times of these short term storm events and does not influence morphology during normal conditions. The report contest that removal of the existing revetment would result in recession rates increasing to those at the adjacent sections, increasing initially as the feature aligns to a more natural level and position. Without intervention this could result in the berm retreating to the cliff toe – dependant on magnitude and frequency of storm events. The proposed rock revetment would extend protection along the existing alignment at approximately the 5 metre contour and would not therefore influence coastal geomorphology under normal conditions. It is contested within the applicants geotechnical report that (in summary);

- Wave regime is the primary process for influence beach profile, recession of upper beach and exposure of cliff toe.
- The proposal does not contain any along shire sediment retaining structure or effect transportation.
- Beach profile analysis shows that the lower beach is lowering at a consistent rate across both defended and undefended frontages.
- Would limit potential for down drift as littoral drift is unaffected.
- The temporary period for 25 years so flanking revetments would not have retreaded sufficiently to cause problems.

- The revetment can be easily removed after its temporary duration.

The LPA have commissioned an independent geotechnical specialist to assess the submitted report in order to assess whether the data set was comprehensive, the methodology was robust and the conclusions sound. The independent geotechnical specialist considered that the applicants report fell short of providing a comprehensive and robust assessment which clearly demonstrated that any adverse impacts of the scheme would be acceptable. It has not been proven that the proposed construction work is feasible and that the rock armour would be effective in future severe storm conditions.

Without modelling to predict beach levels, profiles and material deposits along this stretch of the coast the proposal directly threatens the definitive elements of the WHS i.e. geology, palaeontology and geomorphology of the designated coastline. The key storm events during winter 2013/14 have not been accounted for and there are no construction details submitted to illustrate the methodology for construction and so it has not been ascertained that this process would not harm the designation in place. Whilst the applicants report considers the impact on the existing revetment, access way and beach huts as opposed to the assets of the WHS. Upon re-consultation of the applicant's submitted geotechnical report the WHS organisation and National Trust maintain their objection pointing out that storms are all part of the natural process and there is still no evidence to justify intervention. Storm activity shapes morphology and is responsible for coastal character. It is this coastal character which, in part, brings in visitors which boost local tourism and so this needs to be taken in the planning balance.

As natural processes have led directly to its WHS designation any alterations or resulting harm that could occur would strike at the core of the significance of this asset. Therefore whilst the area that the development would affect, within the overall scale of the WHS, is a relatively restricted area the impact on the significance of this asset nevertheless has the potential to be substantial. In accordance with paragraph 132 of the NPPF such harm should be wholly exceptional. Without robust evidence to ascertain what the likely impact of the proposal would be on coastal process, which has directly led to its designation, wholly exceptional circumstances have not been presented to date and so this weighs heavily against the proposal. Special regard has, and needs, to be given to the impact upon the heritage asset and the harm identified.

Ecological Impact

An ecological survey report was conducted in August 2015 by SLR which covers the species on site and also the impact on the ecological designations.

In terms of the ecological presence of species on the site the submitted report concludes (in summary) that there are no mammals or birds would be affected by the proposal. It was considered that the lower cliff bank, where it meets the access track provides suitable habitat for reptiles, but that it is unlikely that such reptiles would utilise the area of the proposed rock armour. There were no scaly crickets found within any of the pit fall traps that were laid as part of the survey and it is concluded that as the beach experiences high levels of disturbance the substrate is deemed an

unsuitable habitat. The data from local environmental records did not suggest that there are any protected or notable species within or immediately adjacent to the site.

Impact on European designated site – Special Area of Conservation (SAC).

As the proposal takes place within a European designated site (the SAC) it is necessary to determine whether there would be significant effects on the European site.

The submitted ecology report states that due to management the vegetated sea cliffs are highly modified and can only be considered semi-natural at best. However, this modification has allowed for the development of biodiversity interest which differs from elsewhere along this stretch of coastline. According to the submitted ecology report that there is no mixed woodland within the vicinity of the *Tilio-Acerion* forest of slopes screes and ravines. In summary the ecological report states that sediment movement is unlikely to be of a magnitude that will result in a significant effect on; any habitat associated with the international designated site, the scaly cricket, or any other rare, notable or protected species. However, without the full extent of the impact resulting from the proposal upon the coast known at this stage, in terms of the magnitude of the change and extent of impact along the coast, it cannot be ascertained whether there would likely be a significant effect on the European designated site. Accordingly it is necessary to conduct an Appropriate Assessment where significant effects cannot be ruled out. Natural England has agreed that in this circumstance an Appropriate Assessment is required.

Covering the habitats/environments which have received such European designations is a set of Regulations, enshrined in law and which must be observed. The Conservation of Species and Habitats Regulations 2010 (as amended) (more commonly known as the Habitats Regulations) clearly set out the step by step process for considering projects that are likely to have a significant effect on the SAC. Regulation 61(1) of the Habitats Regulations requires this Authority (as the competent authority) to make an appropriate assessment of the implications for the SAC in view of their conservation objectives. Regulations 61(5) and (6) further require the Authority to consider whether it can be ascertained that the project will not, alone or in combination with other plans or projects, adversely affect the integrity of the SAC, having regard to the manner in which it is proposed to be carried out, and any conditions or restrictions subject to which that authorisation might be given. The net result of the Regulations is that the Authority must only agree to the proposals when satisfied that they will not adversely affect the integrity of the SAC, alone or in combination with other plans or projects.

The Marine Management Organisation (MMO) in their role as consultee states that a marine license may be required. Generally the jurisdiction of the MMO is from the sea up to the high water mark – which the planning application takes place above. The Habitat Regulations (2010) state at section 61 that ‘a competent authority before deciding to undertake or give consent... or other authorisation for a plan/project which is likely to have a significant effect on a European site must make an appropriate assessment’. Government guidance suggests the LPA and MMO should work together to produce an appropriate assessment and the consultation process is evidence of this.

Sidmouth to West Bay SAC (SAC ref; UK0019864) is an example of a highly unstable soft cliff coastline subject to mudslides and landslips. The principal rock types are soft mudstones, clays and silty limestones, with a small chalk outlier in the west. The central part comprises the extensive Axmouth to Lyme Regis landslip, where chalk overlies the unstable rocks mentioned, resulting in slips ranging from frequent minor events to occasional mass movement events when entire blocks of the chalk scarp move seawards. The eastern part has no chalk capping and is subject to frequent mudslides in the waterlogged soft limestones and clays. Vegetation is very varied and includes pioneer communities on recent slips, calcareous grassland and scrub on detached chalk blocks and extensive self-sown woodland dominated by ash *Fraxinus excelsior* or sycamore *Acer pseudoplatanus*.

The opinion of the general public and other consultees was taken under Regulation 61(4) by way of public advertisement of the planning application and direct consultation with stakeholders.

The SAC description seeks to ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats
- The structure and function (including typical species) of qualifying natural habitats, and
- The supporting processes on which qualifying natural habitats rely.

Qualifying features of the SAC;

- Annual vegetation of drift lines.
- Vegetated sea cliffs of the Atlantic and Baltic coasts
- *Tilio-Acerion* forests of slopes, screes and ravines; Mixed woodland on base-rich soils associated with rocky slopes - this natural habitat is selected as special provision and as priority natural habitats.

Without evidence of the full impact on the coastline significant effects on the qualifying features of the SAC cannot be ruled out. Specifically Natural England has raised concern with regard to the following;

- The time scale for the temporary permission, including justification for the proposed 25 year period.
- The need for removal and restoration conditions to ensure that any on-going impacts upon the designated sites will cease at the end of the permission.
- The need for adaptation opportunities to be built into the permission and associated legal agreement or condition, recognising that maintain the 'status quo' is unlikely to be achievable and acknowledging the necessity for change to a more sustainable situation.
- An overall 'Monitoring and Management Plan' that addresses further impacts arising during the life of this temporary permission.

As there is no reason to disagree with the points above the LPA, in its role as the competent authority, considers that the proposal does not meet the European legislation and so this weighs heavily against the scheme. The above paragraphs form the Councils Appropriate Assessment.

Site of Special Scientific Interest (SSSI)

Paragraph 118 of the NPPF states that where development is on land within a SSSI which is likely to have an adverse effect should not be permitted. An exception should only be made where the benefits clearly outweigh both the impacts that it is likely to have on the features of the site that make it a SSSI and broader impacts on the national network of SSSI. Strategy 5 of the local plan allows the conservation and enhancement of SSSI in accordance with the Wildlife and Countryside and other statutory and non-statutory nature conservation and wildlife sites and areas of value.

Extending for approximately 12KM the site consists mainly of south-facing cliffs with occasional coastal valleys. The grassland of the cliff tops and ledges is characteristically species-rich with many plants typical of calcareous soils present. Additionally in coastal valley woodland occurs and in wet valley bottoms with rich scrub community forms dense thickets. The wide variety of aspects and habitats support an equally varied invertebrate fauna, including the nationally scarce Rufous Grasshopper, Grey Bush-Cricket and Bog Bush-Cricket.

The cliff section provides the finest exposures of Foxmould Sands and Chert beds in the south west. The quality of exposures also provides particularly good opportunities to study sedimentology of Upper Greensand Chert and hardground formation. The site also contains some of the most westerly major Upper Cretaceous exposures in England, which are of great stereographic importance.

Although the submitted ecology report discusses the likelihood of crickets and species within the site it does not assess the cliff exposures and the stereographic importance of the site. This lack of detail also weighs against the proposal.

Impact on the Area of Outstanding Natural Beauty (AONB) and Coastal Preservation Area (CPA)

One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in AONB's, which have the highest status of protection in relation to landscape and scenic beauty. The proposal straddles two landscape characters defined as (in summary);

Steeply sloping cliffs, narrow shingle beaches at foot of cliffs and extensively vegetated slumped landslips on lower half of the cliffs. The geological features are clearly represented with exposed with dominant marine influence. Development should seek to ensure adjoining Land Description Units avoids any negative impact on the wildness and tranquillity of this type and resisting any further development within.

and

Coastal slopes and combes with narrow, steep valleys, coastal influence in exposure, vegetation and extensive views, older settlements in combes, with stone as dominant building material, high, open and exhilarating on top slopes, grading to intimate and enclosed in lower valley. Development should conserve the area by ensuring recreation and leisure-related infrastructure along the coast and at the mouth of combes are of a scale, size and type that contribute to the unspoilt character and tranquillity of the cliff landscapes in the adjacent Landscape.

A Landscape Visual Impact Assessment (LVIA) has been conducted on behalf of the applicant, although this does not include assessment of specifically labelled viewpoints or include any photographs. Further, it does not account for the impact from different varying distances and, without any predicted modelling to account for the impact on the coast, able to take changes to coastal process into account. Additionally it does not fully account for the Seascape, despite this being suggested within the EIA scoping opinion. As the existing rock armour does not appear to benefit from planning consent this should not set any precedent for allowing such development in this location.

The LVIA states that 'whilst the landscape and visual receptors can be considered as highly sensitive the actual magnitude of change to this section of the beach will be low'. Some weight is given to the fact that the proposed stone could be locally sourced (as stated by the applicant). The creation of the additional rock armour would visually change the interpretation of the beach from immediate, medium and long range public vantage points which are easily obtainable. As the influences that the proposal would have on coastal process have not been fully accounted for any impact cannot be ascertained and so the conclusion that 'the actual magnitude of change ... will be low' cannot be upheld. The coastal influence is evident along this stretch of the coastline and geological features are clearly represented, exposed by the dominant marine influences. Whilst the rock armour may not visually obscure these elements any alteration to coastal processes would affect both the established character and visual appearance of the AONB. Accordingly, and without any evidence to suggest otherwise, these factors would amount to adverse impacts which threaten the conservation of the AONB in the short and medium term.

The National Planning Policy Guidance (NPPG) states that whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the NPPF applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. Due to the overall size and scale of the proposal and the resultant character and visual impact, which is likely to be limited to this stretch of coastline the proposal is not considered to constitute as 'major development' for the purposes of paragraph 116 of the NPPF.

The proposal also takes place within the designated Coastal Preservation Area. The development due to its size and scale would not damage the open status of this area. However, the proposal would damage the undeveloped status with a prominent built form from the sea and immediate viewpoints. Whilst it is recognised that there

are other built forms such as the beach huts and pub the location of the development on the actual beach means that it would not always be read in the same context.

Whether it would be reasonable to allow a temporary permission.

Although the applicant has sought a 25 year temporary period for the development it is for the LPA to limit any consent in this manner and any such limitation is subject to the usual six test of a planning condition (found within the NPPG). Due consideration should be given whether in light of the potential harm to the WHS and SAC would this be acceptable based on any such harm only being for a temporary period. It is considered that the evidence within the SMP2 which forecast the change to the coastline within a 25 year period means that any changes to coastal processes is likely to be felt over this period – as indeed this is the intention of the enhanced rock armour to protect against future events. Additionally, the harm to the SAC continuing throughout this period is also considered unacceptable as this provides a period which could result in unacceptable harm to ecology. It should also be taken into account that even at 25 years this only seeks to temporarily protect the economic assets and it remains unclear what exactly the ‘exit strategy’ would entail or what would happen at the end of the period. Taking into account the above the proposal would remain unacceptable even on this temporary period with harm in the interim period unacceptable. Any short term limitation would be likely to nullify the benefits of any consent and would therefore be unreasonable to impose.

Flood Risk

The proposal takes place within a coastal Flood Zone (3). A Flood Risk Assessment has been conducted which concludes that the works would reduce coastal flooding and impact access to the existing beach huts. Such development is classified as ‘water compatible development’ where such development is appropriate within flood zone 3. As there is no other suitable place for the proposal to be sited the proposal complies with the sequential test. As the Environment Agency has no objection to the proposal it is considered that the proposal would be likely to be safe for its lifetime. In terms of flood risk the proposed sustainability benefits to the community (if the application were to be approved) would enable the proposal to pass the exemption test. Therefore the potential flood risk issues would not preclude the development if all other matters were found to be acceptable.

Conclusion

Paragraph 119 of the NPPF states that the presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined. Further with a recently adopted local plan the relevant policies therein are considered up to date.

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

The NPPF states that the social role of sustainable development should aim to support strong vibrant and healthy communities, to create a high quality environment that reflects the community's needs as well as social and cultural well-being. The tourist facilities, parking and the pub arguably contribute to meeting a social role in this context. Whilst the proposal would not offer the permanent preservation of these facilities some weight is accorded to the social benefits through their retention.

In terms of the economic role the increase in coastal erosion and on-going sea encroachment, as a result of climate change and storm events, could threaten the existing facilities which contribute to the tourist industry. However, it is not clear due to the lack of information submitted, that the economic well being of the coastal community would be undermined as a result of not allowing the proposal, particularly given the lack of consideration of alternative locations under Policy EN25 of the adopted Local Plan. Therefore, on balance, whilst the economic benefits of retaining these facilities are recognised this has only be given limited weight.

Whilst there is a planning balance to be reached the environmental, historic and ecological policies within the NPPF and European legislation clearly indicate a high threshold of acceptability, with an in depth level of detail required to fully account for such proposals. As pointed out by the statutory consultees the proposal does not meet these requirements and the limited information regarding the economic harm that would result in not allowing the development limits the weight that can be attributed to the economic impact. Therefore the application provides no suitable justification for departing with SMP2. With identified harm to the WHO to which Special Regard needs to be had, given the likely significant harm to the SAC and unjustified impact upon the AONB, the proposal would not fulfil the environmental role and so the proposal would not constitute sustainable development and is not supported.

RECOMMENDATION

To endorse the Appropriate Assessment contained within the body of this report and to REFUSE the planning application for the following reasons:

1. The proposal, due to the lack of robust evidence demonstrating that economic or social harm to a coastal community would occur if the proposed development were not to be allowed and without the implications on the World Heritage Site being fully considered there is no justification to depart from the Shoreline Management Plan, which states that no coastal intervention is required and that the natural processes should be allowed to continue. Further, there are no wholly exceptional circumstances presented to outweigh the potential substantial harm to the World Heritage Site. The proposal therefore conflicts with Strategy 45 (Coastal Erosion) and policy EN9 (Development affecting a Designated Heritage Asset) of the East Devon Local Plan and the National Planning Policy Framework.
2. The proposed development, by virtue of its position within the open countryside and adjacent to a Site of Special Scientific Interest and a European Site Special Area of Conservation requires an Appropriate Assessment and is therefore located in a position where development should be restricted with no

presumption of sustainable development in its favour. In conducting the Appropriate Assessment the competent authority considers that the ecological information that has been submitted fails to demonstrate that significant harm resulting from the development would not occur to the site. The proposed development is therefore contrary to the Conservation of Habitats and Species Regulations 2010, guidance contained in the National Planning Policy Framework and strategies 5 (Environment) and 47 (Nature Conservation and Geology) of the East Devon Local Plan.

3. The proposed development introduces a built form which could harm the identified coastline and geological features of the Area of Outstanding Natural Beauty, Coastal Preservation Area and World Heritage Site - a landscape which has the highest status of protection. Any changes to coastal processes could affect both the established character and visual appearance of this designated landscape. Accordingly without any evidence to suggest a low magnitude of change the proposal could amount to substantial adverse impacts in conflict with policy requirement to conserve the landscape. As such the proposal conflicts with Strategies 44 (Undeveloped Coast and Coastal Preservation Area), 45 (Coastal Erosion) and 46 (Landscape Conservation and Enhancement and AONBs) and guidance contained within the National Planning Policy Framework.

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 proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

RP6206-002	Block Plan	06.10.15
RP6206-001	Location Plan	06.10.15
RP5941-002	Sections	06.10.15
RP5941-003	Other Plans	06.10.15
TRACK WORKS		

List of Background Papers

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

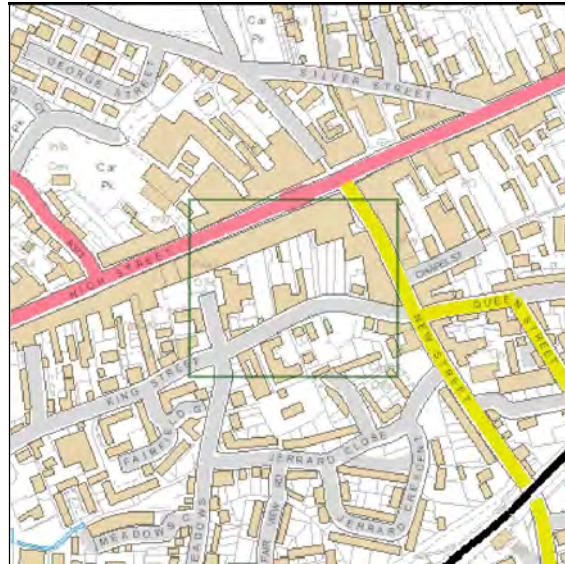
Ward Honiton St Michaels

Reference 15/2237/FUL

Applicant Mr Martin Street

Location Barn Mews King Street Honiton EX14 1AB

Proposal Conversion of existing house into 4 no. flats and re-building of existing barn in the back garden to create 3 no. flats



RECOMMENDATION: Approval with conditions



		Committee Date: 5th April 2016
Honiton St Michaels (HONITON)	15/2237/FUL	Target Date: 25.01.2016
Applicant:	Mr Martin Street	
Location:	Barn Mews King Street	
Proposal:	Conversion of existing house into 4 no. flats and re-building of existing barn in the back garden to create 3 no. flats	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

The application seeks to provide 7 no. modest flats in a sustainable location within the town centre and close to a wide range of shops and services, as well as access to public transport. The site lies within the Town Centre conservation area but the building is not listed. The main building which fronts onto King street formerly housed a small photographic studio at ground floor level and this use would be lost, however the site is not within the town centre shopping area and there is no policy objection to this loss. The upper floors of the main building are currently in residential use as a single unit.

The proposal involves the conversion of the main building to provide 4 no. flats with the rebuilding of an attached barn at the rear to provide an additional 3 no. units. The remainder of the garden to the rear would provide communal garden areas for future occupiers. The conversion of the main building involves minimal exterior alteration but the existing 'barn' to the rear would be likely to require substantial rebuilding. An earlier scheme for the redevelopment of the site (15/0376/FUL) was refused last year on the basis of the impact of the development, proposed at that time, on adjoining occupiers through overbearing impact of and overlooking. It is considered that the current application has overcome these concerns by firstly; looking to replicate the form of the existing barn, such that the physical impact of the building would be the same as that of the present building, and secondly; by giving careful consideration to the type and position of fenestration within 'the barn'.

The proposal would provide a number of smaller, and therefore likely to be more affordable. units in a sustainable town centre location with contributions to be

provided towards open space enhancement and off-site affordable housing provision. Whilst the concerns of neighbours are noted in relation to likely disruption during building works it is anticipated that this could be appropriately managed through the preparation of a carefully considered Construction and Environment Management Plan (CEMP). Subject to conditions requiring a CEMP and others set out at the end of the report and suitable legal agreement(s) to secure the necessary contributions the application is considered to be acceptable and is recommended for approval.

CONSULTATIONS

Local Consultations

Honiton St Michael - Cllr P Twiss

While I support re-development of the main part of this currently redundant site fronting on to King Street in what is a highly sustainable location within the centre of Honiton I am concerned that the three units proposed to the rear of the site allied with the restricted overall amount of amenity space will result by scale and massing in over development of the entire site and cannot support the application as it is proposed.

In the event there is a contra view from Planning officers or fellow ward members I would like this to go to the EDDC Development Management committee for consideration on the issues of concern above.

Honiton St Michaels - Cllr M Allen

I am very concerned that this intensification and density of housing is inappropriate and ask that this is sent to DMC if Planning Officers are minded to recommend acceptance.

Parish/Town Council

The Town Council unanimously supports this application

Other Representations

6 representations have been received to the application, 5 raise objections to the proposal and 1 is in support. The comments are summarised below:

Objections

- Concerns over overlooking of existing properties
- Lack of parking in an area where there is already pressure for parking
- Impact on privacy of adjoining occupiers
- Noise from building operations and future occupiers
- Ability to access site to carry out development

Reasons for Support

- Development will provide 'affordable' units
- Redevelopment of brownfield sites should be encouraged

- The proposal avoids overlooking of neighbours

Technical Consultations

Conservation

This unlisted building appears on historical maps dating back to at least the late 19th century and is a large distinctive building within the designated Honiton Conservation Area with evidence of original features remaining. The building is mainly stone with timber frame and boarding covered by corrugated sheeting to the sides and a slate roof. See photos under Honiton Conservation on I Drive.

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

A previous application for conversion of the main house and replacement of the barn at the rear with 3no. new dwellings was refused earlier this year. This application relates to the conversion of the main house and the barn:

Main building: there is no objection in principle to the conversion of the main dwelling to 4no.flats. The previously proposed side facing dormers have now been omitted and replaced with rooflights. No further comments;

The Barn: the application implies that the barn to the rear is to be converted into 3no. flats. The external appearance will remain very much as existing with the insertion of conservation style rooflights and sunpipes. The latter would be better if they were either reduced in number or replaced with a 'rooflight' or rooflight style sunpipe. The windows are to be upvc and timber would be more appropriate. The scale of the plans makes it very difficult to read the annotation, but it appears that the existing roof trusses are to be re-used. This needs to be confirmed or conditioned.

**PROVISIONAL RECOMMENDATION - PROPOSAL
ACCEPTABLE in principle**

SUGGESTED CONDITIONS: materials (slate, timber cladding etc): joinery details (windows and doors); details of rooflights/sunpipes; retention and re-use of roof trusses; photographic record of building KBH

County Highway Authority
Does not wish to comment

RELEVANT PLANNING HISTORY

15/0376/FUL - Conversion of dwelling to 4no apartments, demolition of barn in rear garden and replace with 3no dwellings. Refused 5th June 2015 for the following reasons:

1. The proposed development, in the form of the rear extension, would due to its scale, height, proximity to existing properties and window openings at first floor level and above on the east and west side elevations result in an overbearing

impact on neighbouring occupiers and facilitate an unacceptable level of overlooking of neighbouring properties and their private rear garden areas resulting in a harmful impact upon the living conditions of the adjacent occupiers through loss of privacy. As a consequence, the proposal would be contrary to the provisions of Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan, Policy D1 (Design and Local Distinctiveness) of the emerging New East Devon Local Plan and one of the core planning principles set out in the National Planning Policy Framework.

2. The proposed dormers to the east and west roof slopes of the main roof would result in incongruous additions to the roof that would appear discordant within the existing roofscape and at odds with the simple form of the existing roofline, as such the proposal would be contrary to Policies D1 (Design and Local Distinctiveness) and EN11 (Preservation and Enhancement of Conservation Areas) of the adopted East Devon Local Plan; Policies D1 (Design and Local Distinctiveness) and EN10 (Preservation and Enhancement of Conservation Areas) of the emerging New East Devon Local Plan and guidance in the National Planning Policy Framework.

Prior to the application last year there have been two historical applications relating to the barn at the rear of the site. The first in 1974 (74/C1260) proposed the conversion of the building to additional living accommodation and was refused on the basis that the barn was incapable of conversion to residential use and the proposal would therefore constitute demolition and replacement. The second, subsequent application the following year (75/C0619) and which was for demolition and erection of a new building for use as additional accommodation was approved.

POLICIES

The Adopted East Devon Local Plan 2013-2031 Policies
Strategy 6 (Development within Built-up Area Boundaries)

EN14 (Control of Pollution)

TC2 (Accessibility of New Development)

D1 (Design and Local Distinctiveness)

Strategy 43 (Open Space Standards)

Strategy 34 (District Wide Affordable Housing Provision Targets)

EN10 (Conservation Areas)

H3 (Conversion of Existing Dwellings and Other Buildings to Flats)

Government Planning Documents
NPPF (National Planning Policy Framework 2012)
National Planning Practice Guidance

SITE LOCATION AND DESCRIPTION

The application site is located within the centre of Honiton and fronts onto King St. which runs to the south of and largely parallel with the High Street. The site also falls within the designated Honiton Conservation Area.

The main building is a wide truncated gable fronted building of 3 storey height and with a half hipped slate roof. The building features a small shop front to the left hand side of the ground floor and a gated entrance to a covered way on the right hand side with a central access door between. At first and second floor level are distinctive shutters to the windows.

At the rear of the site, accessed via the covered way from the front of the building is an attached large 3 storey barn, this has a slightly lower ridge and eaves height and is approximately half the width of the main building. This building has stone to the lower elevations and is clad in corrugated sheeting/timber cladding to the upper elevations, it extends into the site along the western boundary at full height for approximately 10 metres with a further single storey lean-to extension off the northern end. The garden continues to the north to a length of approximately 30 metres from the main rear elevation with the boundaries largely formed by high level stone/rendered boundary walls.

There is a detached, single storey, stone built outbuilding extending off the western boundary perpendicular to the site, approximately half way between the main building and the rear boundary. The surrounding area is predominantly residential in character with a short terrace of 3 no. two storey properties to the west of the barn and a further 2 storey residential block to the east. There are further residential properties to the north to the rear of properties fronting the High Street.

PROPOSED DEVELOPMENT

The current application proposes two related but distinct parts. Firstly, similar to the previous application it is proposed to convert the existing main building (including the change of use of the former ground floor photography studio) to create 4 no. residential apartments. The second part of the application involves the conversion of the existing barn to the rear of the main building to form an additional 3 no. dwellings. The remainder of the rear of the site would provide a garden area for the ground floor flat in the converted barn and beyond this communal gardens to serve the remaining units including use of the outbuilding as a shed.

ANALYSIS

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

- The principle of the proposed development
- Design and impact on the character and appearance of the area and wider Landscape
- Impact on residential amenity
- Ecology
- S.106 Matters
- Other Issues

BACKGROUND

Planning permission was sought last year (15/0376/FUL) to convert the existing main building (including the change of use of the former ground floor photography studio) to create 4 no. residential apartments and to demolish the existing detached barn to the rear of the main building and to construct a replacement extension to form 3 no. dwellings. The remainder of the rear of the site was to provide communal gardens for the new units.

THE PRINCIPLE OF THE PROPOSED DEVELOPMENT

The conversion of the main part of the building to form 4 no. apartments is considered to be acceptable in principle. The site lies close to the town centre and is within level walking distance of the shops and services available therein and public transport opportunities including bus services and mainline train station. Whilst the site is close to the town centre it does not fall within the designated Town Centre Shopping Area and it is accepted that the loss of the existing commercial unit at ground floor level would not harm the vitality or viability of the town centre. The principle of the conversion of this building was accepted as part of the 2015 application.

To the rear of the main building there is a large barn attached to it. This barn and indeed the whole of the site fall within the Honiton Town Conservation Area. The significance of the barn is found mainly in its size and simple linear form which reflects the burgage plots layout to the rear of High Street properties. There is evidence of a building on this site on historical maps dating back to the late 19th Century and the barn itself shows original timber beams and sections of external cladding.

Whilst the application proposes the conversion of the building the Design and Access Statement advises that the upper floors of the barn are in poor condition and are to be removed to allow for the installation of a new modern timber frame construction with the existing main roof trusses and beams re-used where possible. The ground floor elevations off which the upper floors are constructed are proposed for retention. The applicant's agent maintains that the development proposed reasonably falls within the definition of a conversion, however, given the extent of re-build likely to be required officer's have taken a different view and have re-advertised the application on this basis and with the description now shown.

At the time of the earlier refused application it was considered that the conversion of the barn might provide a more acceptable impact in terms of residential amenity but there were concerns whether the building would be structurally capable of conversion. At that time it was accepted that the loss of the barn whilst regrettable would not cause sufficient harm to warrant refusal. There are very limited public views of the building and its loss was considered to lead to less than substantial harm to the significance of a designated heritage asset. This being the case the benefits of bringing forward new residential development in this sustainable location would outweigh any limited harm to the wider conservation area. It was also noted that permission had previously been granted for the demolition of this barn and the

redevelopment of the site for residential purposes dating back to the mid 1970's (75/C0619). An earlier application sought permission to convert the barn to additional residential accommodation (74/C1260) was refused on the basis that it was not considered at the time that the building was capable of conversion. Given that 40 further years have passed since that time, without any obvious structural works having been undertaken to the barn, it is considered that it remains the case that it would not be capable of conversion without substantial rebuilding of at least the upper floors of the building.

Taking into account the matters discussed above, it is considered that the principle of converting the main building to 4 no. residential units is acceptable and that the substantial rebuilding of the upper parts of the barn to the rear, to allow conversion to residential use scale would be acceptable in principle.

Concerns have been raised by local councillors and the town council with regards to the density of development that would result from the proposal and that it would represent an overdevelopment of the site. The area between King St. and the High St. has been subject of a number of developments in recent years and it is accepted that this area has in places been developed to a high density level, including development of sites either side of the application site. However, this is a sustainable town centre location and the scale of development in terms of building footprint would remain unchanged. It is considered that the size of the units proposed within the main building are small but not overly so (average 44m²) and certainly comparable with others found in this and other town centres and may represent an opportunity to provide smaller units at the more affordable end of the market. The proposed units to the rear are would not result in any extension to the footprint of the existing barn and as such it would be difficult to argue that they represent an overdevelopment of the site, or given the context that the density of development would be too high.

DESIGN AND IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA AND WIDER LANDSCAPE IMPACT

The proposed conversion of the main building looks to largely work within the shell of the existing building with the only external alterations being the removal of the shop window to the left hand side of the front elevation and the central doorway and the provision of open gates to the covered passageway in place of the timber double doors. In addition to these changes to the front elevation, 5 no. rooflights are proposed in the main roof to light the upper floor of the building.

The previously proposed dormers (under the earlier application) have been removed and as such the simple form of the roof would be maintained and the previous reason for refusal on this ground is overcome.

The loss of the barn to the rear is discussed above. This part of the site is much less visible and as a result there would be less public impact resulting from the loss of the barn and the redevelopment of this part of the site. Nonetheless, the existing barn has some interesting original features and its scale, form and layout would be largely reflected in the proposed development. The only change to the form of the building being the addition of a small first floor extension at the junction of the east elevation

of 'the barn' and the rear elevation of the main building. Other than this small addition the height, scale and materials of 'the barn' would be maintained.

AMENITY IMPACT

The site is enclosed by high level boundary walls to the east and west sides and neighbouring properties are located in close proximity to both sides. To the east side is a short terrace of 3 no. 2 storey properties that run parallel to the existing barn and to the west is another terrace of properties extending further to the north, again parallel with the barn with windows viewing towards the site. Whilst it is recognised that the site lies within an area of fairly high density and where residential units are likely to experience higher levels of overlooking and closer inter-relationships the impact of the development in this respect still needs to be carefully considered.

The proposal provides for communal access to the properties at the rear via the covered way to the west side of the property, this leads under the main building to the proposed terrace and from where 2 no. separate accesses would serve the ground floor flat and the first and second floor flats above.

The previous application sought to re-build 'the barn' on a new footprint, more central to the rear elevation of the main building and extending deeper into the site. This resulted in a different relationship with adjoining properties and which was compounded by proposed fenestration resulting in overlooking and privacy issues. By looking to work within the form of the existing barn any impact in terms of the positioning, height or massing of 'the barn' are unaltered and as the relationship with existing properties in this respect are not changed there would be no additional impact.

Where additional amenity impact could occur is through the introduction of new windows/openings to serve the residential use and any impact through a more intensive residential use of the site. In the first regard, the fenestration has been carefully considered to minimise the potential for overlooking whilst providing adequate natural daylight to serve the proposed units. The majority of openings are focussed on the rear (north) elevation of the barn where views would primarily be down the communal garden area associated with the site. On the west elevation, where adjoining properties windows are close to the boundary and view over the site, openings above ground level, are limited to high level windows, rooflights or recessed into the building such that they afford only restricted angled views. On the east elevation only one window is indicated, this is in the position of an existing window and is indicated to be obscure glazed and fixed shut.

In terms of general impact of movements associated with the proposed units and use of the rear communal gardens this is not considered to be significant, the development would be 'car free' and therefore there would be no noise associated with traffic movements and given the town centre location the human noise/activity associated with the use of the site would not be out of character.

ECOLOGY

The application is accompanied by a protected species survey consisting of bat and bird surveys. The results of the survey were that there was no evidence of the use of the barn by bats and that the proposal as such would be unlikely to have any impact on bats. The report does however recommend precautionary measures be undertaken during demolition and if development were otherwise considered to be acceptable the mitigation measures set out in the report could be the subject of a suitably worded condition.

S.106 MATTERS

The application was accompanied by a draft heads of terms for a legal agreement this acknowledged that education contributions may be required and that a contribution of £10,161.60 towards Honiton Water Gardens would be payable. However, as no contributions have been sought from Devon County Council towards education infrastructure it would be possible to deal with the open space matter alone through a unilateral undertaking. In addition since the submission of the application the new local plan has been adopted and where Strategy 34 of the plan requires affordable housing provision on all scales of development. In this case a financial contribution of £36,068 towards off-site affordable housing and this has been secured through a further legal agreement.

OTHER ISSUES

The northern area of the site, beyond the stone outbuilding, would be retained as garden space and used as communal garden to serve the proposed units access to this would be via a continuation of the pedestrian route passed 'the barn'. The area between 'the barn' and the outbuilding being separated for the use of the ground floor flat within 'the barn'. Subdivision of this space could have some impact on the character of the land to the rear of the site but there is evidence of such division elsewhere in the area and the details of how this would be managed could be conditioned.

The site is located within the town centre and where parking is available both on-street and in nearby public car parks, whilst it is accepted that there may be pressure for existing parking spaces there is no minimum parking requirement to conform to and 'car free' development in this location is considered to be acceptable. A communal storage area is indicated at ground floor level within the main building and additional bin/cycle storage indicated within the covered way.

Concerns have been raised in relation to the impact of building works on adjoining occupiers. The site lies within a relatively densely developed area and as such any building works will inevitably cause some disruption, however, this is the case for most developments particularly those on brownfield sites in urban areas and where planning policy seeks to encourage redevelopment. Access to the rear of the site will need to be carefully considered, as will storage and deliveries of materials but again this is not an issue singular to this proposal. However, this is a situation where it is considered that a site specific Construction and Environment Management Plan

should be required by condition to ensure proper consideration is given to potential impacts from the outset.

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 considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and EN10 – Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)
4. The rooflights indicated on the approved plans shall be of a conservation design flush with the roof, the model specification of which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. Development shall be carried out in accordance with details as agreed.
(Reason - In the interests of the preservation and enhancement of the conservation area in accordance with policy EN10 – Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)
5. No development shall commence until the following details and specification have been submitted to and approved in writing by the Local Planning Authority.
 - New windows/doors including materials, sections, mouldings, profiles and finished colour. Sections through casements should be at a scale of 1:2 or 1:5.
 - Entrance gates to covered way including materials, finished colour and elevation and section details at a scale of 1:5 or 1:10
 - Details of the model and specification of the proposed sunpipes
 - A detailed photographic record of the building
 - Details of how and where existing materials and features i.e. main roof trusses and beams will be re-used in the development

(Reason - In the interests of the architectural and historic character of the building and the preservation and enhancement of the surrounding conservation area in accordance with in accordance with policy EN10 – Conservation Areas of the Adopted East Devon Local Plan 2013-2031.)

6. 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 in accordance with policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031).

7. Prior to the initial occupation of any of the units hereby approved details of the method of any proposed subdivision of the rear garden area shall be submitted to and approved in writing by the Local Planning Authority. Development shall then proceed in accordance with details as agreed.

(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 EN10 (Conservation Areas) of the Adopted East Devon Local Plan 2013-2031)

8. No part of the development hereby approved shall be brought into its intended use until the cycle parking and bin storage facilities indicated on drawing no. pp/ 2 of 3 have been provided and made available for use. These facilities shall thereafter be permanently retained and maintained for those purposes.

(REASON - To ensure that adequate facilities are available for future occupiers in accordance with policy H3 (Conversion of Existing Dwellings and Other Buildings to Flats) of the Adopted East Devon Local Plan 2013-203.)

9. The windows proposed on the east elevation of the building, indicated on drawing number pp/2 of 3 to serve a ground floor communal storage area and living space to flat 7, shall be fitted as obscure glazed and non-opening and shall thereafter be permanently retained as such.

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

This planning permission shall be read in conjunction with the Unilateral Undertaking/S.106 agreement securing financial contributions towards open Space and Affordable Housing.

Plans relating to this application:

PP/2 OF 3	Combined Plans	28.09.15
PP/3 OF 3	Combined Plans	28.09.15
PP/1 OF 3 + D&A	Location Plan	30.09.15

List of Background Papers

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

Ward Ottery St Mary Town

Reference 15/2897/FUL

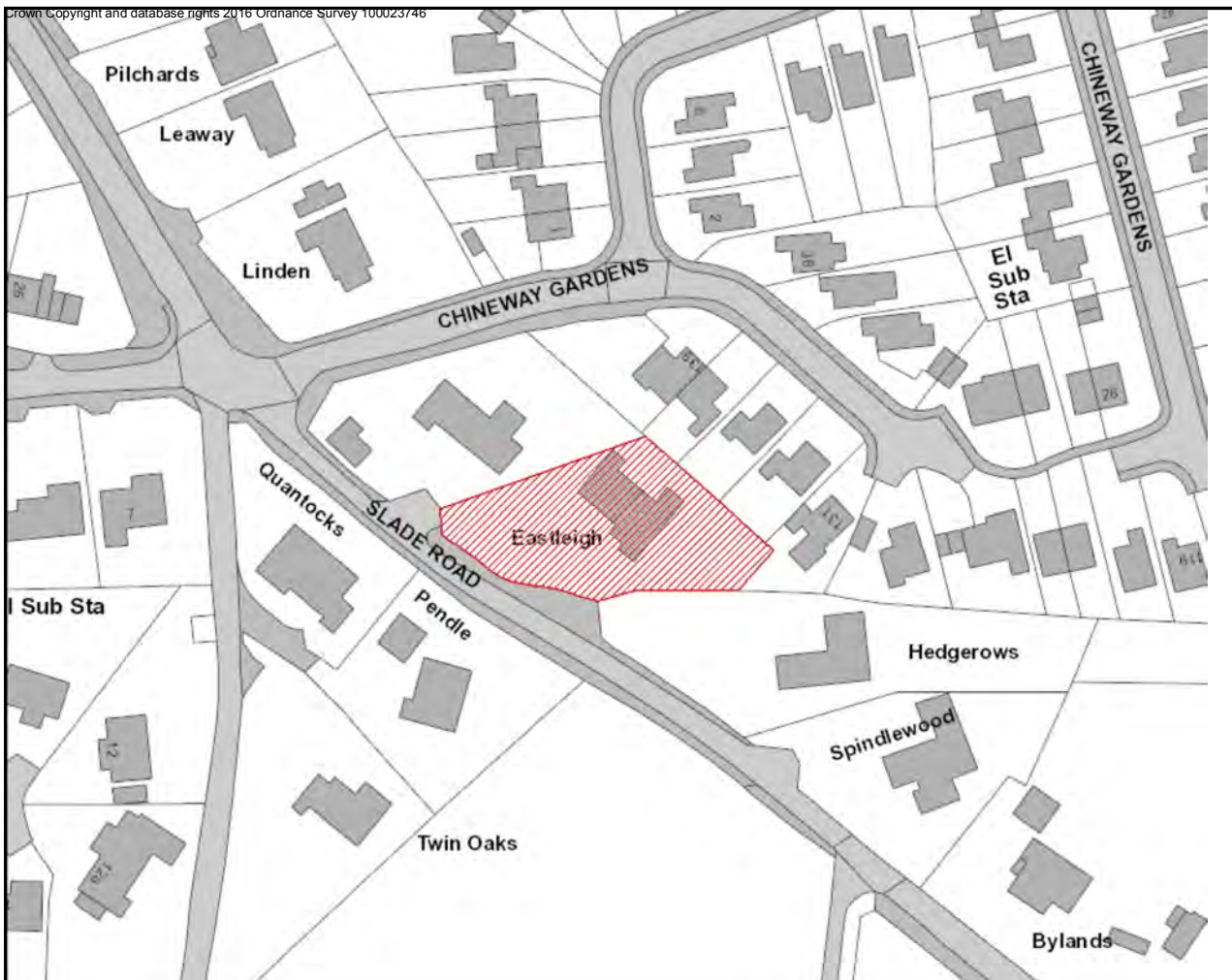
Applicant Mr And Mrs D North

Location Eastleigh Slade Road Ottery St Mary EX11 1JE

Proposal Demolition of bungalow and construction of 2no detached two storey dwellings with integral garages



RECOMMENDATION: Approval with conditions



		Committee Date: 5th April 2016
Ottery St Mary Town (OTTERY ST MARY)	15/2897/FUL	Target Date: 16.02.2016
Applicant:	Mr And Mrs D North	
Location:	Eastleigh Slade Road	
Proposal:	Demolition of bungalow and construction of 2no detached two storey dwellings with integral garages	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

The proposal involves the demolition of an existing bungalow and redevelopment of the site with two detached four bedroom dwellings on a plot around 0.14 hectares in area located within, but close to the south eastern edge of, the built-up area of Ottery St. Mary.

The details show a pair of dwellings of mainly hipped roof form with two storey front gable projections and attached front double garages. Materials would comprise a mix of brick, render and horizontal boarding with concrete tiled roofs. The massing, roof form and height of plot 2 and the layout of both plots have been amended as a result of officer negotiation to address concerns regarding overdevelopment of the site and the amenity impact on the occupiers of neighbouring properties in Chineway Gardens.

The present access arrangement, which is shared with the neighbouring property Khadine, would be retained with parking and turning facilities provided for each plot.

The location of the site within the built-up area boundary weighs in favour of acceptance of the proposal in principle in strategic policy terms.

However, the principal concerns expressed by the town council, ward member and third parties relate to the visual impact arising from the introduction of two storey development in place of the existing bungalow within a part of the street scene of Slade Road that is presently characterised by lower density and mainly single storey detached properties as well as the effect on the occupiers of the

Chineway Gardens dwellings to the rear of the site.

It is considered that the latter has been satisfactorily addressed through the negotiated revisions to the position of the proposed units within both plots which would achieve what are thought to be adequate separation distances from these properties. Furthermore, there are no objections in relation to the impact upon either of the neighbouring Slade Road properties to either side of the site or on the opposite side of the road from it.

In terms of the impact upon the character and appearance of the street scene, whilst it is acknowledged that the development would clearly appear more visually prominent it is not thought that this would have an unduly detrimental effect upon the street scene. The loose knit pattern created by the existing and adjacent properties along Slade Road, taken together with the screening provided by hedges along the road frontages of the plots as well as between them, is such that the single storey scale of development in this part of Slade Road is not thought to form an especially strong element of its character such that the introduction of two storey development would be unduly harmful to it. The site is not located within a conservation area or otherwise constrained to the extent that it should be treated especially sensitively and it is considered that two dwellings of the form and scale proposed can be accommodated without appearing ill-fitting or out of keeping.

There are no technical or other issues of concern. A unilateral undertaking has been supplied in relation to commuted payments towards open space and habitat mitigation; however, the applicants have demonstrated that the scheme could not viably provide for a further contribution towards affordable housing in line with Strategy 34 of the adopted local plan and it has not therefore been possible to secure this. Notwithstanding this position, it is considered that support can be offered to the proposal subject to conditions, among others, relating to materials, levels and protection of trees and hedges.

CONSULTATIONS

Local Consultations

Parish/Town Council (Original plans)

Town Council's Comments:

The Town Council does not support this application as it is over-bearing, over looks adjoining property and is not in keeping with the character of the area

Further comments (Amended plans):

TOWN COUNCILS COMMENTS: The Town Council still does not support this application. Two houses on this site would have too much impact and would completely change the street scene. The amendments to the application do not make any difference to the fact that the proposal is for two storey dwellings.

Ottery St Mary Town - Cllr R Giles
PLANNING APPLICATION 15/2897
EASTLEIGH, SLADE ROAD, OTTERY ST MARY

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

The application is for two two-storey dwellings. All the other dwellings on the north side of this part of Slade Road are single storey. The development as proposed would be out of keeping with the existing street scene.

The dwellings proposed are too large and too close to properties in Chineway Gardens to the north east, particularly plot 2. There would be overlooking of, and loss of light to, properties in Chineway Gardens.

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

Technical Consultations

South West Water

Proposal: Demolition of bungalow and construction of 2 detached two storey dwellings with integral garages

Location: Eastleigh, Slade Road, Ottery St Mary, Devon, EX11 1JE

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

Should the development encroach on the 3 metre easement, the sewer 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.

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.

If further assistance is required to establish the exact location of the sewer or should you require any further information please contact the Developer Services Planning Team by email developerservicesplanning@southwestwater.co.uk or direct line: 01392 443616.

County Highway Authority
Highways Standing Advice

Other Representations

A total of 15 representations of objection have been received in respect of the original and amended plans, including 14 from 7 persons that have commented on both. The grounds for objection are summarised as follows:

1. Overdevelopment of the site.
2. Two storey development out of character with existing properties along Slade Road which are either bungalows or chalet bungalows; development should be single storey only.
3. Overlooking/loss of privacy from first floor rear windows and bay window of plot 1.
4. Existing shared entrance has restricted visibility in both directions.
5. Unsustainable location because of the distance to access shops or services.
6. Loss of light.
7. Property has suffered from flooding in the past and no provision made for surface water runoff from hard surfaces.
8. Demolition of perfectly decent dwelling to be replaced by house already in numerous supply elsewhere.
9. Dominating presence on the site and street scene.
10. Retention of Leylandii boundary at its present height would have an adverse impact on the enjoyment of neighbouring properties in Chineway Gardens.
11. Would contribute to over-provision of housing and overdevelopment within the town.
12. Removal of Laurel hedge from boundary.
13. Development would compromise approved plans for neighbouring property to meet the requirements of a disabled person.
14. Overbearing and intrusive to neighbouring properties.

ANALYSIS

Relevant Planning History

There is no previous history relating to the application site that is material to consideration of the current application proposal.

Site Location and Description

Eastleigh is a detached bungalow of brick and tile construction that occupies a broadly triangular-shaped plot approximately 0.14 hectares in area. It is located on the north eastern side of Slade Road towards the south eastern edge of the built-up area around 1 km. from the town centre.

It is one of a loosely knit ribbon of five primarily single storey detached properties that stand within plots of generous size that extend to the south east of the junctions of Slade Road with Chineway Gardens and Longdogs Lane. In common with these, the principal road frontage is defined by an established hedge that, combined with the absence of footways and the immediate lower density character of this pocket of development, contributes towards the semi-rural character of this part of Slade Road.

The character of the surrounding area is almost entirely residential and comprises a mix of two storey, single storey and chalet style detached and semi-detached properties of mainly brick and tile construction. Two storey units occupy a more elevated siting within Chineway Gardens to the north east of the site also incorporate areas of plain tile hanging. A high evergreen hedge defines the rear site boundary with nos. 131, 133, 135 and 137 Chineway Gardens as well as part of the return boundary with no. 131.

The vehicular access serving the property, which is shared with Khadine, the neighbouring property to the north, is positioned at the western corner of the site with a driveway extending alongside the northern boundary of the plot and serving a garage and parking/turning area at the front of the dwelling.

There are no designations or other constraints that are material to consideration of the application proposal applicable to either the site or the immediate area.

Proposed Development

Detailed planning permission is sought for the demolition of the existing bungalow and redevelopment of the site through the construction of two detached two storey four bedroom dwellings with attached front double garages.

Both units would be oriented with principal elevations facing the Slade Road frontage and flank walls parallel with the northern boundary of the site. As such, they would be rotated slightly clockwise from the existing bungalow and positioned where they would be afforded a more westerly aspect. Owing to the configuration of the site and the stated objective of bringing it both in line with Khadine and further away from the rear boundary with the neighbouring properties in Chineway Gardens, the northern of the two units (plot 1) would be positioned slightly forward of the southern unit (plot 2).

The present vehicular access arrangements would be retained with the intended shared driveway and turning area to be laid out at the front of plot 1 providing access to those for plot 2 immediately to the rear of the present hedge along the Slade Road frontage, which would be retained.

Although the two units have been individually designed, both would be of similar form and design exhibiting a main fully hipped roof form with two storey front gable projections positioned off centre. A two storey gable projection would also feature on the rear of plot 2. The double garages would be designed with pyramid roofs and connected to the principal elevation of the main body by single storey link elements.

Plot 2 would however be of slight greater scale, bulk and massing than plot 1 and incorporate a 0.5 metre higher finished floor level and slightly greater roof ridge height (8.3 metres as opposed to 8 metres). This is designed to reflect a gentle fall across the site from south to north that largely mirrors the gradient of Slade Road itself as well as a transition from Khadine, which is a bungalow, to plot 2.

The main body of Plot 1, excluding the double garage and single storey connecting elements, shallow front and rear single storey bay windows and chimneys, would incorporate maximum width and depth dimensions of 9.5 metres and 7.4 metres

respectively while the corresponding dimensions of plot 2 would measure 10.1 metres and 9.8 metres (inclusive of the additional depth created by the two storey front and rear gabled elements). The attached garages in both cases would measure 5.7 metres square with roof ridge heights of 4.3 metres. All stated dimensions are external.

External wall finishes for plot 1 would comprise face brick with Marley horizontal boarding between the ground and first floor windows and in the gable of the two storey front gable projection. Those for plot 2 are to consist of painted render over a face brick plinth with Marley horizontal boarding applied at first floor level around the front and rear gable projections and on the south east elevation of the main body of the building. Concrete interlocking roof tiles would be used on both units.

The details have been amended through officer negotiation to secure modifications to the form and a reduction in the height and width of plot 2 to seek to reduce its overall scale and massing. Originally designed to feature a fully pitched main roof with gables, the roof form has been revised to show a less bulky hipped roof and the width and roof ridge height have been reduced by 1.2 metres and 0.6 metres respectively. In addition, the footprint area has been reduced by more than 15 square metres.

The effect of reducing the width of plot 2 has been to facilitate additional modifications to the site layout to increase the maximum width of the space between the 'internal' flank walls of both units from 3 metres to 3.6 metres, reposition the main body of plot 1 so that it is 1.9 metres off of the site boundary with Khadine (instead of 1.6 metres) and pull the southern front corner of plot 2 further from the site boundary with the neighbouring property to the south, Hedgerows, by 1 metre.

In addition, both units have been repositioned forward within each of their respective plots so as to pull them further from the rear site boundary with the Chineway Gardens properties, plot 1 by 2.2 metres and plot 2 by 1.2 metres.

Both the original and amended plans have been the subject of consultation with the town council, ward members and third parties.

Considerations/Assessment

The proposal falls to be considered having regard to the following material considerations that are discussed in turn as follows.

Principle of Development

The site is located within the built-up area boundary for Ottery St. Mary defined within the adopted local plan within which the principle of additional residential development is acceptable in strategic policy terms subject to assessment of the scheme against the more detailed issues set out below.

The site occupies a reasonably sustainable location in relation to the services and facilities that are available within the town and benefits from a good level of pedestrian connectivity to the wider footway network and public transport routes.

There is therefore no objection to the principle of the proposed development in this case.

Impact upon Character and Appearance of Area

This represents the principal issue of concern to the town council, ward member and third parties, more especially with regard to the harmful impact that it is thought would result from the introduction of two storey houses within a part of the street scene of Slade Road that is essentially characterised by single storey properties at present.

It is acknowledged that at present the lower height and profile of the run of five detached properties of which Eastleigh forms part, coupled with the established presence and height of the roadside hedges along their plot frontages, is such that they do not readily impose upon views along this part of the street scene in both directions, even during the winter months when there is reduced vegetative cover. These factors, taken together with the lower density character of this group more generally and the extent to which each individual property is set back within its plot, contribute towards the identified semi-rural character of this part of Slade Road which appears rather less intensively developed and 'urban' than other parts beyond its junctions with Chineway Gardens and Longdogs Lane.

Furthermore, it is accepted that the introduction of a two storey form of development would be likely to appear more visible within these views and, moreover, that there would be an obvious difference of height in relation to both Khadine and Hedgerows to either side of the site.

However, in order to underpin a sustainable objection to the scheme, this impact needs to equate to demonstrable harm to the character and appearance of the street scene and area more generally. In this regard, it is not thought that the development would be so substantially out of character with the area such that its impact would be so harmful as to be able to justify such an objection.

The scheme would result in the creation of two plots of comparable, if not greater, size and area than those of the properties in Chineway Gardens to the rear of the site. Furthermore, although clearly increasing the density and height of development within this part of Slade Road to which it would more closely relate in townscape terms, with some attendant effect upon its character, it is not considered that its current lower density character is so integral to that of the wider area that it is essential that it should be safeguarded from the introduction of two storey development or that it cannot accommodate such a scheme satisfactorily. Indeed, the pattern of development that is created by the existing group of single storey dwellings is considered to be sufficiently loosely knit and less visually strong an element of the area's local character that, when taken together with the extent to which the development would remain set back from the highway frontage and screened in part from the public domain by the hedges referred to previously, the proposed development would not appear harmfully intrusive or detrimental to the street scene.

In addition, the area is not constrained by any landscape or townscape designations that might otherwise add weight to a case against a two storey development in this location.

In terms of individual plot coverage, on the basis of the negotiated revisions to the layout and scale of plot 2 it is not considered that the scheme would result in overdevelopment of the site as a whole or that each individual unit would appear cramped or ill-fitting within its own plot. Furthermore, in terms of the spaces between the two buildings themselves and those between the flank walls and the site boundaries with the adjacent properties, the layout would again compare with that of the development in Chineway Gardens.

Subject to consideration of details of the palette of materials that it is intended to use for the development, the submission of which can be secured by condition, the form, design and external appearance of the two dwellings is thought to be largely acceptable. There is a relative variety of dwelling forms, appearances and external wall and roof finishes throughout the Slade Road/Chineway Gardens/Longdogs Lane area to which the scheme would provide its own contribution. The incorporation of fully hipped roofs within the design would help in reducing the apparent and real bulk of both dwellings relative to the alternative of a gabled building form and it is thought that this, taken together with their comparatively typical heights for two storey development, would result in a development that would appear comfortable within the street scene.

Overall, it is considered that the scheme would represent an efficient use of the land available within the site and an appropriate development that duly responds to the constraints imposed by the shape of the plot and the general grain and orientation of neighbouring and nearby development along Slade Road and would not adversely undermine the character or appearance of this part of the built-up area of the town.

Impact upon Neighbour Amenity

As amended, and taking into account the alignment of the rear site boundary in relation to both units and the neighbouring properties in Chineway Gardens, the proposal would allow for minimum distances of 10.6 metres and 9.6 metres from the nearest parts of the dwellings on plots 1 and 2 respectively to this boundary. In addition, the minimum total distances between these points and the nearest parts of the relevant properties in Chineway Gardens (allowing therefore for the additional separation provide by their own rear gardens) would be 18.4 metres and 20.6 metres. More generally, the distances would be typically greater than these.

As such, they are considered to be relatively typical of the 'rear to rear' separation distances achieved between residential properties in urban areas such as this. It is not considered therefore that an objection to the proposal on the grounds of any detrimental impact upon the privacy and amenity of the occupiers of Chineway Gardens properties could reasonably be sustained. Indeed, even without the stated intention to retain the existing high evergreen hedge adjacent to the rear site boundary with these, which would help to provide for a greater level of screening, it is doubtful that such an objection could be supported.

These separation distances are also thought to be sufficient to ensure that there would be no materially harmful impact upon existing levels of light, aspect and outlook that are available from the rear of these neighbouring properties, particularly given that they also occupy a higher ground level than the application site and would arguably be less affected than if they were at the same level or indeed slightly lower.

In terms of the impact of the development upon the immediate neighbouring properties in Slade Road, although it is acknowledged that plot 1 would be considerably closer to the boundary with Khadine than the present bungalow on the site, this is a relatively long boundary, particularly as the depth, and indeed overall size, of the plot that it occupies is essentially identical to that of Eastleigh itself. The two storey main body of the proposed unit, at the previously stated depth of 7.4 metres, would not therefore extend along a significant length of this boundary such that it would be unduly physically overbearing, dominating or intrusive to the neighbouring occupiers to the extent that this could form the basis for a sustainable objection on neighbour impact grounds. As stated, Khadine itself occupies a plot of comparable area to Eastleigh and it is not considered therefore that the living conditions of the occupiers would be adversely compromised by the proximity of plot 1 to the site boundary with this property.

Equally, in relation to Hedgerows to the south east of the site, the size of the plot that it occupies and the distance between plot 2 and this property owing to the intervening presence of a significant part of its front garden, as well as boundary hedging, is sufficient to ensure that there would be adequate separation to avoid any significant harm arising in terms of overlooking/loss of privacy or loss of outlook, aspect or light to or from this property resulting from any overbearing or dominating impact from the development.

Finally, the separation created by Slade Road combined with the screening effect of roadside hedges and the distances between the proposed dwellings and Pendle and Quantocks on the opposite side of the highway from the site, at around 40 metres is sufficient to ensure that any amenity or privacy impact from the proposal upon the occupiers of these properties would be not significant, again to the extent that refusal would be justified on these grounds.

Highways/ Access

The County Highway Authority (CHA) has advised that its standing advice should be applied in this case owing to the scheme comprising less than three units.

Although present levels of visibility from, and of, vehicles emerging from the existing shared access are not necessarily at the optimum standard owing to the close presence of the roadside boundary hedges and the absence of any footways along this section of Slade Road, it is not considered that the additional vehicular movements that would be generated by one extra dwelling (net) would represent a significant increase in potential danger or risk to either motorists or pedestrians. This part of Slade Road is subject to a 30mph speed limit and general traffic speeds are not excessive due to its alignment, narrow width and limited forward visibility.

In addition, any loss of part of the frontage hedge to facilitate the creation of splays to improve visibility could be detrimental to the semi-rural character of the area.

The scheme would provide for satisfactory arrangements for the parking and turning of vehicles within each plot in line with the appropriate standards and there are no objections in this regard.

In the circumstances, and being mindful of the foregoing factors, it is not considered that there are any significant highways or access-related issues prompted by the development.

Landscaping

It is considered important for the character and appearance of both the development itself and the wider area that appropriate measures are put in place during the course of the development to ensure that boundary hedges, and especially the road frontage hedge and an adjacent tree where it connects with the site boundary with Hedgerows, are protected.

A condition is therefore recommended to secure the submission of such measures for the Authority's approval.

Drainage

A mains sewer connection is available for the discharge of foul drainage from the development. Surface water would be disposed of by way of soakaways, thereby maintaining separation between foul and surface water drainage. There are no known technical constraints within the site that would preclude the use of soakaways. There are therefore no particular concerns with regard to the proposed means of drainage in either case.

Ecology

Although the submitted design and access statement alludes to some structural defects, the existing bungalow on the site is essentially weather and water tight. It is also occupied by the applicants. Furthermore, the garden is well maintained. It has been accepted therefore that the building and site offer limited potential for disturbance of protected species and an ecological appraisal report has not been requested.

Contributions

The application is accompanied by a unilateral undertaking that secures a commuted payment of £2,408.85 towards open space provision/maintenance, more specifically the Authority's costs of maintaining the children's' play area at Winters Lane in the town. It also secures a further financial contribution of £626.00 towards mitigation of the additional recreational impacts arising from further residential development upon the integrity of the East Devon Pebblebed Heaths Special Protection Area in line with the Council's approach towards compliance with its obligations for the protection of this and other European-designated wildlife sites under the Habitat Regulations.

Strategy 34 of the adopted local plan requires all residential developments to contribute towards affordable housing. In this location, a contribution equivalent to 25% affordable housing provision would be required. Using the adopted affordable housing calculator, this proposal would require a financial contribution of £29,124. The applicants and their agent have been advised of this and the need for

appropriate obligations to secure its provision, either through submission of a unilateral undertaking or agreed heads of terms for a Section 106 agreement with the Council.

In response, the applicants have submitted open-book viability appraisals to support their application. The information provided reflects that sought in Viability Guidance Note 1 on the Council's website as it takes the form of a residual land valuation (RLV) with clear supporting information.

The costs and values in the appraisals have been scrutinised, and discussions have occurred with the applicant with a view to improve the viability of the scheme, in line with Viability Guidance Note 2.

The RLVs provided are clearly evidenced and, on balance, seem reasonable. The information that they contain indicates that at present the scheme could not afford to make any affordable housing contribution. This is in large part due to the high current use value of the land as residential.

It is accepted therefore that the scheme can only provide financial contributions towards open space and habitat mitigation in line with the provisions set out above.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Notwithstanding the submitted details, before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are 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.)
4. Notwithstanding the submitted details, before any development commences details of final finished floor levels and finished ground levels in relation to a fixed datum shall be submitted to and approved in writing by the Local Planning

Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that adequate details of levels are available and considered at an early stage in the interests of the character and appearance of the locality in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031.)

5. Prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

In any event, the following restrictions shall be strictly observed:

(a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - To ensure retention and protection of trees on the site prior to and during construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the Adopted East Devon Local Plan 2013-2031.)

6. The dwellings hereby permitted shall not be occupied until the access, turning and parking areas and garaging shown on the approved plan have been provided in accordance with the approved details. These shall thereafter be retained and kept available for those purposes at all times.

(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with the requirements of Policy TC7 (Adequacy of Road Network and Site Access) of the Adopted New East Devon Local Plan 2016.)

7. Provision shall be made for the disposal of surface water so that none drains on to the adjacent County highway.

(Reason - In the interests of highway safety in accordance with the requirements of Policy TC7 (Adequacy of Road Network and Site Access) of the Adopted New East Devon Local Plan 2016.)

NOTE FOR APPLICANT

Informative:

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

This planning permission is accompanied by, and should be read in conjunction with, the submitted unilateral undertaking relating to the payment of financial contributions towards open space provision/maintenance and mitigation of the recreational impacts of additional residential development upon the European-designated East Devon Pebblebed Heaths Special Protection Area in accordance with the Council's obligations under the Conservation of Habitats and Species Regulations.

Plans relating to this application:

2815.7.A	Proposed Site Plan	09.02.16
2815.6.A	Proposed Combined Plans	09.02.16
2815.5	Proposed Elevation	22.12.15

List of Background Papers

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

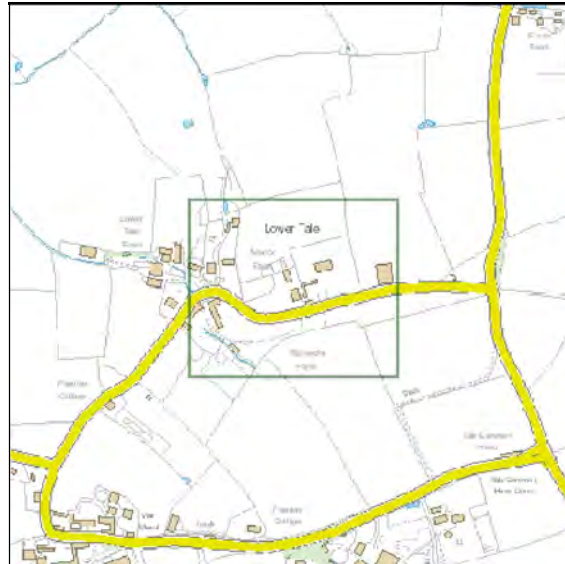
Ward Tale Vale

Reference 15/2774/FUL

Applicant Lorimer Consulting

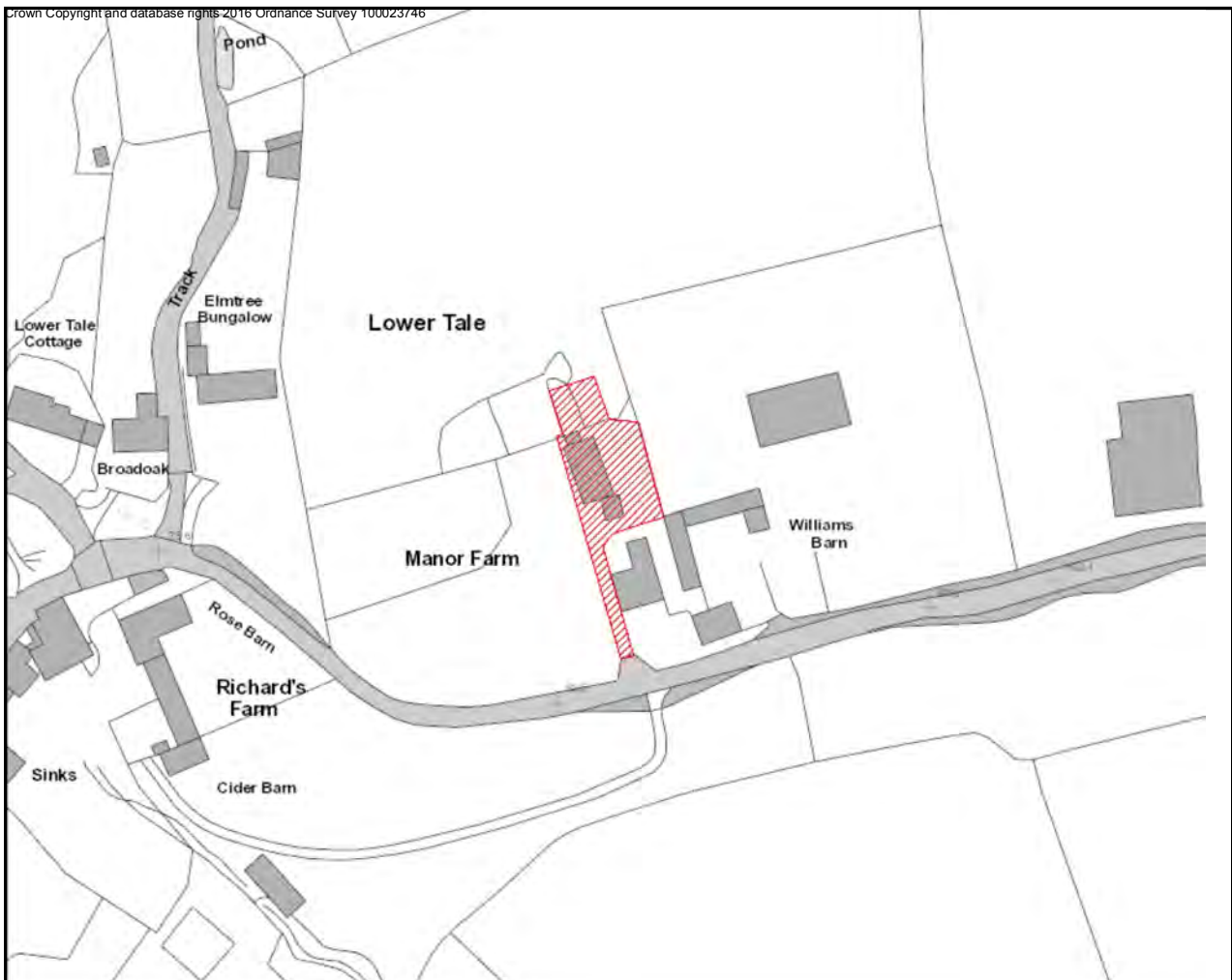
Location Manor Farm Payhembury Honiton
EX14 3HL

Proposal Demolition of existing barn and
construction of office building (B1
use class)



RECOMMENDATION: Refusal

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		Committee Date: 5th April 2016
Tale Vale (PAYHEMBURY)	15/2774/FUL	Target Date: 15.02.2016
Applicant:	Lorimer Consulting	
Location:	Manor Farm Payhembury	
Proposal:	Demolition of existing barn and construction of office building (B1 use class)	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is presented to the Committee because the recommendation is contrary to the Ward Member view.

The proposal is to construct an office building within the curtilage of Manor Farm for use by the occupants of Manor farm and their business clients and partners. The building would have four offices, a meeting room and associated facilities. Parking for six cars would be provided between the building and the boundary with the neighbour's garden.

The site is located in a rural hamlet which is not within walking distance of any village and not accessible by public transport. Although the principle users of the building would be the occupants of Manor Farm, a number of other people would make journeys to the site by car in the course of a working day. These would include business partners and clients of the tutoring business and business consultancy.

The building would be situated adjacent to the rear garden of the neighbouring property and therefore activity associated with vehicles arriving and departing would disrupt the tranquillity of the neighbour's garden. The proposal would also have an unsatisfactory relationship with the host dwelling owing to the access being adjacent to the house and through its curtilage. For these reasons the building would be unsuitable for alternative business uses in future.

Owing to the lack of flexibility for future uses and the poor location of the development in relation to the nearest villages and the neighbouring properties, the proposal would not be environmentally or socially sustainable. While it may bring economic benefits, these would not outweigh the harm and could not be secured in perpetuity owing to the unsuitable location of the development.

CONSULTATIONS

Local Consultations

Tale Vale – Cllr P Skinner

As I have previously stated I would like to give my full SUPPORT to this application.

I feel it is the sort of application which is difficult to quantify in a planning policy document to overcome some of the policy reasons for an officer recommendation of refusal in a general sense.

On the other hand we must weigh up the pros and cons with each application on it's own merit and this application is exactly the sort of rural business I intend to support, not just as a ward member but also as the economy portfolio holder.

It absolutely 'ticks all the boxes' of a rural business being in a rural environment, we must look carefully at these types of businesses and understand how rural businesses will evolve rather than we as a local authority thinking we can dictate through a planning policy process this type of application.

I fully concur with our very own business development officer Rob Murray with his conclusive SUPPORT and reasons for supporting this application which you can see in the report.

It is neither lost on me and I hope you as members that the parish council are also in SUPPORT.

So on that note I do very much as ward member and as the economy portfolio holder look for your support.

As a supplementary may I please add that if this application is not approved at delegated authority could I ask for it to be held at DMC where all parties would be given the opportunity to 'put their case'.

Parish/Town Council

Payhembury Parish Council undertook a site visit on January 9th. Those attending unanimously support the application because it will improve the appearance of the existing barn, the proposed design is sympathetic with the environment and the low-carbon nature of the design offers sustainability. The conversion to office space will allow the owner to continue his business on the existing site. Being on the edge of Tale, the relatively small number of clients attending the premises will not need to drive through the main residential area.

Technical Consultations

County Highway Authority

Does not wish to comment

Economic Development Officer - Rob Murray

I am familiar with the applicant's business Lorimer Consulting (incorporated 11.08.14), which to my knowledge and experience provides a valuable support service to businesses in the region across a spectrum of growth, relocation, development and change areas. The management consultancy is a limited company, registered at Manor Farm and the applicant, the company's Director, is also currently a Director of Exeter Chamber of Commerce (since 2005) and the South West Growth Service. His engagement and experience in the fields of business support and provision associated with this application are thus clearly evidenced.

Geographically, this site sits between two major East Devon employment areas for which we have strong evidence of B1 & B2 demand (EHOD Commercial Premises Enquiry Database), being Dunkeswell and our Growth Point employment areas at the Science Park, Cranbrook and Airport Business Park. The latter, along with the SkyPark have recently been awarded Enterprise Zone Status which, subject to governance and final submission detail agreement, will be operational from 2017. The enormous fiscal incentive (up to 5 yrs NNDR relief), simplified planning, infrastructure improvement and prestige associated with this Zone will see a further surge in demand for serviced office and workshop employment premises in, but also around the existing Growth Point and West of the district as supply chains and associated economic activity increases following major inward investment. This is anticipated to be well in excess of the already high level of demand reported by the Serviced Workspace Demand & Delivery Appraisal (Carter Jonas; Sept, 2014).

For clarity, given his particular areas of engagement and expertise, the applicant will be aware of this same data around both current and anticipated high levels of workspace demand, specifically in the western area of our District. As a service, Economic Development strongly support such private sector led delivery of commercial workspace, especially in response to proven market demand. Moreover, with the delivery of jobs in the district falling behind the provision of new housing, coupled with longer term increases in the cost of personal travel/commuting, the delivery of premises to promote local employment in our rural economy an especially welcome component of sustainable community development.

Members should be aware that as a comparatively strong performing economy (compared to the 19 authority areas comprising the Heart of the South West Local Enterprise Partnership (HoTSW LEP), East Devon is not currently a priority for publicly/European funded site specific workspace provision, where not part of an LEP wide initiative. In the absence of alternative workspace delivery models, it is proposed that this application is strongly supported, though secured through condition (if possible) to remain in employment use.

In reference to policy TC2, dependence on the private car as a means of accessing this proposed site is a reality for all proposed users, bar the applicant and his wife living adjacent to the development. From an economic perspective, this is simply a reality of employment space provision in rural centres and we must be pragmatic in our application of this policy in serving our rural economies. It would be a mistake to abandon the promotion of rural employment as a core element of sustainable communities which must not be curtailed for the lack of viable public transport

provision to these remote settlements. As Planning Officer, I would ask that greater weight is given over to the economic aspect of your sustainability consideration than our traditional social and environmental emphasis which, with an ever widening productivity gap has hampered our ability to serve the needs of future generations - a defining pillar of 'sustainability' in its original guise.

I do have a concern in relation to the detail of this application in the limited degree of direct parking provision. From experience of both the Yeovil Innovation Centre and East Devon Business Centre, the supply of just 6 associated car parking spaces will not be sufficient to serve the proposed buildings users at peak times.

I would be compelled to query any assessment of this application as being inconsistent with policy E5 (Small Scale Economic Development in Rural Areas) within the newly adopted Local Plan. The site may not be located within or adjacent to a town or village, but sits within the rural settlement of Lower Tale, C.1km from Payhembury, C.3.5km from Feniton train station and is surrounded by active rural businesses and farms. Elsewhere, EDDC Planning Officers have rightly highlighted the need to realise that planning policy in relation to economic development in rural areas has changed with the NPPF placing more significant emphasis on promoting a strong rural economy and supporting economic growth - stating that "planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development". To promote a strong rural economy, local and neighbourhood plans should: 'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings'.

The current application seeks to achieve this and is supported in principle by Economic Development.

Other Representations

The neighbour to the site initially raised the following concerns:

- The design is commercial in a rural, residential setting
- Cars would turn adjacent to a window serving Williams Barn
- A number of bedrooms would be affected by noise and security lighting
- The line of the new building on the NW elevation would move towards the boundary wall by a number of metres
- The proposed roof line looks considerably higher and steeper than the agricultural shed
- The proposed rendered finish and concrete parking area will increase the noise which will bounce off these concrete finishes.
- The sedum roof, though attractive initially, may cause maintenance concerns, given the pitch.
- Security lighting - this is a rural, residential area. The site is overlooked by bedrooms which would be affected by lights triggered by nocturnal visitors.
- Nine parking spaces will increase noise levels (doors slamming and cars maneuvering etc.)
- Three of the spaces seem to be in the field.

- Is there a need for 10 cycle spaces?
- If the land drains are disturbed and not re-instated during any building work this could impact on both properties.
- A much less imposing design taking into account our concerns would be much more acceptable.

Following amendments to omit the parking in the field, lower the building and move it about 2 metres to the south, the neighbour made the following comments:

The amended drawings they showed us reduced the height of the proposed offices to the height of the original agricultural building as they had previously discussed with us. The drawings also show reduced parking and they took on board our concerns about the security lighting and shared problems with rain water.

Tale is a small rural community that does its best to support one another. We have never been against the principle of the Lorimers' office to enable them to work from home and now that most of our concerns have been addressed we are a lot happier with the amended proposal.

PLANNING HISTORY

None relevant.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 7 (Development in the Countryside)

Strategy 38 (Sustainable Design and Construction)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN22 (Surface Run-Off Implications of New Development)

E5 (Small Scale Economic Development in Rural Areas)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Site Location and Description

Manor Farm is located at Tale, which is a small cluster of farms and dwellings about 2 kilometres west of Payhembury. The property is no longer a working farm and the former farm buildings to the east are now a dwelling following conversion in the early nineties. Within the garden of Manor Farm a modest former farm building remains and is used for storage ancillary to the house. The house and outbuildings are both situated at a similar level on the eastern side of the site and the garden falls gently to the west. Access is via a driveway which enters the site and passes alongside the west elevation of the house before leading to a parking area alongside and between the house and the outbuildings. The only neighbouring property is the converted barn which shares a boundary with the site.

ANALYSIS

Planning permission is sought for a single storey office building which would be situated on the north side of the dwelling, roughly in the same position as the largest of the outbuildings. It would have a footprint measuring 9.5 metres by 17.9 metres, which is about 57 square metres larger than the barn it would replace. To keep the height of the building at the same level as the current barn, it would be dug into the ground by about 0.7m on its eastern side but on its western side, where the land is lower, a raised patio would be constructed overlooking the garden pond.

Within the building there would be four offices of varying size but averaging 20 square metres each. In addition there would be a meeting room of about 26 square metres, a WC/shower, a kitchenette and foyer. Outside, on the eastern side of the building, there would be parking spaces for six cars and, to facilitate access, two small outbuildings would be demolished.

It is proposed that the building would have a B1a (office) use rather than be regarded as ancillary to the dwelling.

The building would principally be used by the occupiers of Manor Farm, Chris Lorimer, a management consultant, and Mary Lorimer, a literacy and English tutor. Both currently work from home where space is limited and there is not a satisfactory separation between business and family use.

This building would give both users separate offices as well as a shared meeting space and further offices for other individuals to work in. Chris Lorimer currently has visitors about 2-3 times a week but this would increase with the availability of improved office accommodation and it is likely that the extra offices would be occupied at most times. In addition, he hosts strategy events monthly for 2-6 people and would host monthly meetings of local business networking groups. It is anticipated that the maximum number of people visiting at one time would be 12-14 people bi-monthly. The additional offices would be used by business partners or clients.

Mary Lorimer sees students individually or in groups every week day. This is a growing business and may take advantage of the opportunities to work with tutors

offering teaching in complementary subjects. During school holidays there would be a holiday club attracting about 10 people.

Policy

The site is located in the countryside where Strategy 7 (Countryside Protection) only permits development if there is a permissive policy in the plan. In this case the relevant policy is policy E5 (Small Scale Economic Development in Rural Areas). This policy permits small scale economic development, subject to a number of criteria which are addressed below.

Location

Firstly, the policy deals with the nature of the development in relation to the existing land use. Subject to other criteria, conversion of existing buildings and construction of new buildings on previously developed land is permitted. However, because the definition of previously developed land in Appendix 1 of the Local Plan (Glossary of Terms) specifically excludes land that has been occupied by agricultural buildings and land used for private residential gardens, the proposal must be regarded as development on a 'green field' site. In this situation the policy requires that the development is 'well related in scale and form and in sustainability terms to the village and surrounding areas'.

The objective of this policy is to ensure that where a development does not make use of existing buildings or previously developed land, the adverse effect of developing a green field site is mitigated by other benefits, such as a sustainable location. This is consistent with the spatial strategy for the plan as a whole, which seeks to provide jobs close to where people live in order to reduce commuting. Policy TC2 (Accessibility of New Development) also requires new development to be accessible by pedestrians, cyclists and public transport.

The four nearest villages to Manor Farm are: Payhembury, which is 2.8km away by road; Talaton, 3.1km away; Plymtree, 3.5km away; and Clyst Hydon, 3.7km away. The nearest village with a built-up area boundary is Feniton, which is about 5km away by road. Public transport in the area is limited to one bus a week between Awliscombe and Exeter which stops at Higher Tale at 09:44 on a Wednesday and returns at 13:53 the same day.

Owing to the distances and the lack of public transport, anyone travelling to the site for work or for a meeting would be very likely to make the journey by car. For this reason, the proposal would not comply with policy TC2 and the site cannot be regarded as 'well related in sustainability terms to the village and surrounding areas', which is a requirement of policy E5. In reaching this conclusion it is recognised that many rural areas are not well served by public transport but there are still considered to be rural locations where public transport (by bus or train), or pedestrian access would be realistic options.

Highway Access and Traffic

The lane serving the site is lightly used and although visibility at the entrance is likely to be below standard, it is considered adequate for the proposal in these circumstances. Furthermore, the highway network is capable of accommodating the additional traffic attracted to the site without detriment to highway safety.

Within the site six parking spaces are proposed on the eastern side of the building, adjacent to the boundary with the neighbour. Excluding the applicant's cars, this is likely to be sufficient for the day-to-day requirements of the office. At times when groups of people meet in the building, six spaces may not be adequate but there is sufficient hard surfacing around the dwelling which could accommodate any overspill. At these times, however, manoeuvring within the site might be difficult owing to the limited turning space available. This is unlikely to affect highway safety but would have an adverse effect on the amenity space around the dwelling.

Neighbour amenity

Williams Barn is the neighbouring property and would experience increased levels of activity adjacent to their back garden. Vehicles manoeuvring, car doors shutting and conversations taking place would be disruptive to the neighbour's enjoyment of their back garden. Levels of activity would vary but at times there could be a dozen cars. The activity associated with this building would be uncharacteristic of a garden setting in a rural area and therefore the impact on the neighbours is not regarded as a reasonable in this case. Limits on working hours could be put in place to ensure that evenings and weekends were not disrupted but this would not be sufficient to avoid all impacts arising from the development.

The host dwelling, Manor Farm, would be more directly affected owing to the access to the office building passing very close to and around the house. All the while the applicants occupy the building they would have control over its use and would not perceive any loss of amenity. It is also likely that Manor Farm and the office building would remain in the same ownership in future and therefore any adverse impacts would be in the control of the new owner. Although being in the same ownership would be necessary to make the relationship with Manor Farm acceptable, it would be not be reasonable to impose a condition tying the office to Manor Farm (thereby preventing their sale or occupation separately) because it would place an unreasonable burden on the future occupiers of the dwelling to use the office. As a consequence, the potential for harm to the amenities of future occupiers of Manor Farm cannot be ruled out.

The applicant has been requested to consider provision of a smaller building to reduce the impact upon the neighbouring property but was not willing to amended the plans as a smaller office would not meet their needs.

For these reasons, the proposal would not provide a satisfactory level of amenity for occupiers of the neighbouring property or future occupiers of Manor Farm.

Future Use

It is unlikely that any future owner of Manor Farm would have the same need for an office building of this size. Consequently, either another use for the building or another business user would have to be found. Any other use would need to be compatible with the rural location and the proximity of the building to neighbouring dwellings. Other business uses would only be more disruptive in this situation so the range of options would be severely restricted. This lack of flexibility weighs heavily against the proposal because it would be unsustainable to construct a building which might become redundant in future because it is in a location where alternative uses are not appropriate. Furthermore, as the location is such that only the current applicants are likely to have a business use for the building, the proposal would not be likely to bring benefits to the economy in future.

Wildlife, Landscape and Historic Interests

The buildings to be removed have not been formally assessed for their wildlife interest but they are not thought to be suitable for use as a bat roost. If permission were forthcoming, there would be opportunities to incorporate features suitable for use by bats and birds.

The impact on the landscape would be similar to the existing building in terms of the bulk and scale of the new building. However, it would not be traditional in form or appearance. In this instance the impact on public viewpoints would be extremely limited and given the quality of the building proposed, the effect on the landscape is not considered to be adverse.

There are no heritage assets at or near the site.

Conclusion

The applicant's objective to be able to work from home is one which is compatible with the Local Plan's objective to promote employment opportunities in rural areas, particularly for skilled and higher paid jobs (paragraph 15.9). However, this must be considered in the context of the overarching requirement to deliver sustainable development which underpins the spatial strategy of the plan.

This proposal is for a large building which exceeds what could reasonably be regarded as ancillary to the primary residential use of Manor Farm. It would provide a work space not just for the applicants, but also for clients, business partners and students. In addition, it would act as a meeting space for various groups.

The Local Plan seeks to provide such buildings in locations close to where people live and where they can make the most of opportunities for walking, cycling and using public transport (where it is available). It is agreed that a pragmatic approach needs to be taken in rural areas but the objective of the plan is still to provide jobs in locations that will help to sustain, enhance and make our villages self-supporting places in which to live and work. New development in or adjacent to towns and villages brings benefits to existing businesses and residents by reducing commuting and providing an environment in which businesses can support each other. The

isolated location of this proposal means that other businesses and communities in established settlements would not benefit from opportunities to reduce commuting and support community cohesion that this proposal could provide in a different location.

Clearly, this building would provide a better working environment for the applicant compared to the current arrangement. If an ancillary home office was all that was being sought, the limited scale of such a building would be unlikely to conflict with the objectives of the Local Plan. In this case, however, the proposal is for a larger scale building which is intended to provide a work, meeting and tutoring space for people travelling from other locations. Given the relative isolation of Manor Farm in relation to nearby villages, all of those journeys would be likely to be made by car. While it may be argued that some of those journeys would be short if clients live or work in the local area, the development would not help to make any of the nearby villages self-supporting places in which to live and work.

As well as being incompatible with the spatial strategy for employment development in the district, this proposal raises further concern regarding its location in relation to existing residential properties. Because of its close proximity to dwellings and because the access to the building is through a residential curtilage, this is not a location which is suitable for an office building in the long term. The comments from the Economic Development officer suggest that a condition should be imposed to secure the continued use of the building as an employment site but for reasons of amenity it would not be appropriate or reasonable to do so in this case.

Consideration has been given to whether or not other conditions could be imposed to make the development acceptable. Working hours could be restricted, a travel plan could be sought and permitted development rights could be removed for other uses. Ultimately, however, these conditions would not make the impacts on the neighbouring properties acceptable, would not mitigate for the lack of alternatives to travelling to the site by car and would not justify building a commercial building in a location where it cannot reasonably be retained in commercial use in perpetuity.

In conclusion, the proposal would provide a high quality office space which would bring benefits to the applicant but this would not outweigh the harm to the amenities of the occupiers of adjacent properties (including future occupiers) and would not comply with the spatial strategy in the Local Plan which seeks to promote such development in locations where it would enhance rural communities.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed office building would be in a rural location divorced from the nearest villages which would result in increased car use owing to the lack of sustainable alternative means of transport. It would also be situated alongside dwellings, the occupants of which would be adversely affected by noise and activity associated with the proposed or future uses. Furthermore, owing to the location in the countryside and the proximity to neighbouring dwellings, the building is not suitably located for conversion to other business uses in future.

Because of this lack of flexibility and the poor location of the development, the proposal would be contrary to Strategy 7 (Countryside Protection), Policies D1 (Design and Local Distinctiveness), E5 (Small Scale Economic Development in Rural Areas) and TC2 (Accessibility of New Development) of the East Devon Local Plan 2013 to 2031 and guidance in the National Planning Policy Framework.

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 proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

15026-02 A	Block Plan	26.01.16
15026-01 B	Location Plan	26.01.16
15026-04 D	Proposed Combined Plans	26.01.16
15026-03	Existing Combined Plans	08.12.15

List of Background Papers

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