

# Agenda for Development Management Committee Tuesday, 10 May 2016; 10am

## [Members of the Committee](#)

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

[View directions](#)

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

01395 517542, Issued 28 April 2016



East Devon District Council  
Knowle  
Sidmouth  
Devon  
EX10 8HL  
DX 48705 Sidmouth  
Tel: 01395 516551  
Fax: 01395 517507

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

## [Speaking on planning applications](#)

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

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

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

The day before the meeting a revised running order for the applications being considered by the Committee will be posted on the council's website (<http://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 3 May up until 12 noon on Friday 6 May by leaving a message on 01395 517525 or emailing [planningpublicspeaking@eastdevon.gov.uk](mailto:planningpublicspeaking@eastdevon.gov.uk).

### Speaking on non-planning application items

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

- 1 Minutes of the Development Management Committee meeting held on 5 April 2016 (page 5 - 9)
- 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 10 - 18)  
Development Manager
  
- 7 **Planning Appeals Status Report** (page 19 - 22)  
Development Manager
  
- 8 **Housing monitoring update to 30 September 2015 and latest five year land supply calculations** (page 23 - 70)  
Planning Policy Officer
  
- 9 **Response to technical consultation on starter homes regulations** (page 71 - 80)  
Development Manager
  
- 10 **Applications for determination**  
**Please note the following applications are all scheduled to be considered in the morning, however the order may change – please see the front of the agenda for when the revised order will be published.**  
  
**15/1187/FUL (Other)** (page 81 - 84)  
Newton Poppleford and Harpford  
Rushmer Lodge, High Street, Newton Poppleford EX10 0EF  
  
**15/2172/MRES (Major)** (page 85 - 133)  
Newton Poppleford and Harpford  
Land south of King Alfred Way, Newton Poppleford

**15/2866/FUL (Minor)** (page 134 - 147)

Newton Poppleford and Harpford

East Hill Pride Farm Shop, Four Elms Hill, Harpford EX10 0FE

### **Break**

(Lunch will be provided for Development Management Committee members)

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

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

**16/0472/VAR (Minor)** (page 148 - 157)

Axminster Town

Websters Garage, 9 Lyme Street, Axminster EX13 5AT

**14/2621/MOUT (Major)** (page 158 - 189)

Beer and Branscombe

Land at Short Furlong, Beer

**16/0019/FUL (Minor)** (page 190 - 200)

Beer and Branscombe

Oakdown Holiday Park, Weston, Sidmouth EX10 0PT

**16/0351/FUL (Minor)** (page 201 - 207)

Clyst Valley

Compound 3, Land rear of Dart Business Park, Clyst St George

**16/0018/FUL (Minor)** (page 208 - 220)

Exmouth Halsdon

2 Gipsy Lane, Exmouth EX8 3HW

**16/0507/FUL (Minor)** (page 221 - 226)

Exmouth Halsdon

25 Priddis Close, Exmouth EX8 5PG

**16/0328/FUL (Minor)** (page 227 - 235)

Honiton St Michaels

Stout Farm, Honiton EX14 9TS

**16/0694/FUL (Minor)** (page 236 - 239)

Honiton St Michaels

Kendall House, Mead View Road, Honiton EX14 2JQ

**15/2834/FUL (Minor)** (page 240 - 244)

Honiton St Pauls

Thelma Hulbert Gallery, Elmfield House, 33 Dowell Street, Honiton EX14 1LX

**16/0233/MFUL (Major)** (page 245 - 259)

Woodbury and Lympstone

Car boot site opposite Commando Training Centre, Exmouth Road, Exton

**16/0461/FUL (Minor)** (page 260 - 263)

Yarty

1 Hill House, Yarcombe EX14 9AA

**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](#)

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## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 5 April 2016**

#### **Attendance list at end of document**

The meeting started at 2pm and ended at 4.07pm.

#### **\*73 Minutes**

The minutes of the Development Management Committee meeting held on 8 March 2016 were confirmed and signed as a true record.

#### **\*74 Declarations of interest**

Cllr Alison Greenhalgh; 15/1987/FUL Personal interest; Attends Jurassic Coast Communities Forum meetings.

Cllr Paul Carter; 15/2897/FUL Personal interest; Ottery St Mary Town Councillor

#### **\*75 Planning appeal statistics**

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

The Development Manager drew Members' attention to the appeal dismissed on land south of King Alfred Way, Newton Poppleford. The Inspector had upheld the reason for refusal relating to the 'pepper-potting' of affordable housing.

#### **\*76 Response to Call for Evidence on Rural Planning Review**

The Committee considered the Development Manager's report which set out a recommended comprehensive response on behalf of the Council to 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.

Evidence was being sought on:

- How the planning system could better support rural life. Ideas were invited about how the planning system could further support sustainable rural life and businesses.
- The effectiveness of the current planning system for businesses in the rural context and what improvements could be made to the system to support rural businesses.
- Conversions of agricultural buildings to residential dwellings and how these could better support new homes.
- Where the planning system was working well and where it could be improved in the context of rural planning.

The evidence provided would inform further thinking on delivering the Government's commitment to support rural productivity; this could lead to further consultations on any proposed changes.

In response to a question about how the Council engaged with business sectors in rural areas on planning issues, the Development Manager referred to the response given to question 17.

**RESOLVED: that the report forms the Council's formal response to the Call for Evidence on the review of rural planning and be submitted to the Department for Communities and Local Government.**

**\*77 Response to technical consultation on implementation of planning changes**

The Committee considered the Development Manager's report which sets out a recommended comprehensive response on behalf of the Council to the technical consultation by the Department for Communities and Local Government on the implementation of planning changes. The consultation sought views on the proposed approach to implementing the planning provisions in the Housing and Planning Bill, as well as some other planning measures. Responses to the consultation would inform the detail of the secondary legislation, which would follow once the Housing and Planning Bill gained Royal Assent. The Development Manager advised that the consultation had raised a number of concerns and this was reflected in the responses to the questions.

Points raised during discussion included:

- The increasing number of consultations and proposed changes to the planning system were resulting in less certainty for the development industry;
- Concern about the impact of increasing number of consultations on valuable officer resource;
- Proposed changes would further complicate the planning system – focus should be on simplifying the system.
- Response in paragraph 14.4 of the report, which referred to the need to simplify the system, should be highlighted in a covering letter/email.
- Response and accompanying cover/letter email to be sent to the 3 MPs covering the district, highlighting the Committee's concerns about the number of consultations and proposed changes to the planning system and the implications of this.

The Committee thanked the Development Manager for his comprehensive response to the technical consultation.

**RESOLVED:**

- 1. that the report forms the Council's formal response to the consultation on the implementation of planning changes and be submitted to the Department for Communities and Local Government, with a covering letter highlighting the response in paragraph 14.4 and concerns about the implication of so many proposed changes to the system.**
- 2. that the report and covering letter be sent to the 3 MPs covering the district.**

**\*78 Applications for Planning Permission and matters for determination**

**RESOLVED:**

that the applications before the Committee be determined as set out in Schedule 13 – 2015/2016.

**Attendance list**

**Present:**

Committee Members

Councillors:

David Key (Chairman)

Mike Howe (Vice Chairman)

David Barratt  
Susie Bond  
Colin Brown  
Peter Burrows (arrived after consideration of application 15/2897/FUL)  
Paul Carter  
Alan Dent  
Steve Gazzard  
Alison Greenhalgh  
Simon Grundy  
Ben Ingham  
Chris Pepper

Officers

Chris Rose, Development Manager  
Shirley Shaw, Planning Barrister  
Hannah Whitfield, Democratic Services Officer

Also present

Councillors:  
Peter Faithfull  
Roger Giles  
Geoff Jung  
Andrew Moulding  
Geoff Pook  
Philip Skinner

**Apologies:**

Committee members:  
Councillors  
Mike Allen  
Matt Coppell  
Mark Williamson

Non-committee members

Councillors:  
Douglas Hull  
Phil Twiss

Chairman ..... Date.....

# **EAST DEVON DISTRICT COUNCIL**

## **Development Management Committee**

**Tuesday 5 April 2016; Schedule number 13 – 2015/2016**

### **Applications determined by the Committee**

Committee reports, including recommendations, can be viewed at:

<http://eastdevon.gov.uk/media/1620844/050416-combined-dmc-agenda-compressed.pdf>

Ottery St Mary Town  
(OTTERY ST MARY) 15/2897/FUL

Applicant: Mr And Mrs D North

Location: Eastleigh, Slade Road, Ottery St Mary

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

**RESOLVED:** INSPECT

Reason: To enable Members to assess the impact of the two storey design of the proposed dwellings on the street scene and to assess the impact on the amenity of neighbouring properties in Chineway Gardens.

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(Cllr Peter Burrows arrived)

Axminster Town  
(AXMINSTER) 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

**RESOLVED:** APPROVED with conditions as per recommendation.



Beer and  
Branscombe  
(BRANSCOMBE)

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)

**RESOLVED:** REFUSED as per recommendation.

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Tale Vale  
(PAYHEMBURY)

15/2774/FUL

Applicant: Lorimer Consulting

Location: Manor Farm, Payhembury

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

**RESOLVED:** APPROVED (contrary to officer recommendation) with delegated authority given to the Development Manager to impose appropriate conditions, which were to include tying the office to Manor Farm, in consultation with the Ward Member.

Members considered that the proposal was small in scale, complied with Policy E5 of the Local Plan, and would not cause harm to the amenity of the neighbouring occupiers.

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Honiton St Michaels  
(HONITON)

15/2237/FUL

Applicant: Mr Martin Street

Location: Barn Mews, King Street, Honiton

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

**RESOLVED:** APPROVED with conditions as per recommendation.

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

**Ref:** 15/1728/OUT                      **Date Received** 18.03.2016  
**Appellant:** Mr & Mrs Colin Barrow  
**Appeal Site:** Marylea Dunkeswell Honiton EX14 4RQ  
**Proposal:** Construction of agricultural workers dwelling (outline application with all matters reserved)  
**Planning Inspectorate Ref:** APP/U1105/W/16/3146859

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**Ref:** 15/1529/FUL                      **Date Received** 23.03.2016  
**Appellant:** Mr & Mrs A Brown  
**Appeal Site:** Keates Farm Broom Lane Tytherleigh Axminster EX13 7AZ  
**Proposal:** Erection of log cabin for ancillary residential/holiday let purposes  
**Planning Inspectorate Ref:** APP/U1105/W/16/3146088

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**Ref:** 15/2746/FUL                      **Date Received** 23.03.2016  
**Appellant:** Mr Tomlinson  
**Appeal Site:** 1 Bedford Place Station Road Sidmouth EX10 8PG  
**Proposal:** Retrospective application for new verandah at ground floor level  
**Planning Inspectorate Ref:**

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**Ref:** 15/2767/LBC                      **Date Received** 23.03.2016  
**Appellant:** Mr Tomlinson  
**Appeal Site:** 1 Bedford Place Station Road Sidmouth EX10 8PG  
**Proposal:** Construction of verandah and widening of doors at ground floor level on rear elevation, enlargement of rear window and installation of flue  
**Planning Inspectorate Ref:**

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**Ref:** 15/2020/OUT **Date Received** 04.04.2016  
**Appellant:** Mr Anthony Carthy  
**Appeal Site:** Land North Of Cat Aclew Station Road Colyton  
**Proposal:** Construction of 2 no. (equity share) houses (outline application with all matters reserved)  
**Planning Inspectorate Ref:** APP/U1105/W/16/3147609

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**Ref:** 15/2242/FUL **Date Received** 11.04.2016  
**Appellant:** Mrs Lindsey Talbott  
**Appeal Site:** Land At Bucknole Wood Offwell  
**Proposal:** Retention of wooden storage building for forestry, conservation and artistic/therapeutic uses  
**Planning Inspectorate Ref:** APP/U1105/W/16/3148089

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**Ref:** 15/2484/PDQ **Date Received** 11.04.2016  
**Appellant:** Mr & Mrs R Estcourt  
**Appeal Site:** Land East Of Longbrook Lane Longmeadow Road Lymestone  
**Proposal:** Prior approval of proposed change of use of agricultural building to a dwelling house and associated development  
**Planning Inspectorate Ref:** APP/U1105/W/16/3148091

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**Ref:** 15/F0395 **Date Received** 13.04.2016  
**Appellant:** Mrs Lindsey Talbott  
**Appeal Site:** Land At Bucknole Wood Offwell  
**Proposal:** Appeal against the serving of an Enforcement Notice in respect of the unauthorised construction of a wooden storage building.  
**Planning Inspectorate Ref:** APP/U1105/C/16/3148323

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**Ref:** 15/1278/OUT **Date Received** 15.04.2016  
**Appellant:** Rowan Homes  
**Appeal Site:** Woolbrook Reservoir Balfours Sidmouth EX10 9EF  
**Proposal:** Construction of log cabin with associated parking  
**Planning Inspectorate Ref:** APP/U1105/D/16/3148481

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**Ref:** 15/2311/PDQ                      **Date Received** 18.04.2016  
**Appellant:** F W S Carter  
**Appeal Site:** Milking Parlour Hogsbrook Farm Woodbury Salterton  
Exeter EX5 1PY  
**Proposal:** Prior approval of agricultural barn into dwelling (Class Q)  
**Planning** APP/U1105/W/16/3148615  
**Inspectorate**  
**Ref:**

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**Ref:** 15/2008/FUL                      **Date Received** 19.04.2016  
**Appellant:** Ms J Lambert  
**Appeal Site:** Meadow Lea Boughmore Road Sidmouth EX10 8SH  
**Proposal:** Demolition of garage and greenhouse and construction of  
dwelling house and garage and new garage for existing  
dwelling house.  
**Planning**  
**Inspectorate**  
**Ref:**

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East Devon District Council  
List of Planning Appeals Decided

**Ref:** 15/0836/FUL                      **Appeal Ref:** 16/00016/REF

**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

**Decision:** **Appeal Invalid**                      **Date:** 23.03.2016  
**Procedure:**  
**Remarks:**  
**BVPI 204:** **No**  
**Planning Inspectorate Ref:** APP/U1105/D/16/3146290

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**Ref:** 14/0912/MFUL                      **Appeal Ref:** 15/00028/REF

**Appellant:** Betterment Properties (Weymouth) Ltd  
**Appeal Site:** Land Off Of Dukes Way Axminster  
**Proposal:** Erection of 18 dwellings (4 of which would be affordable) and construction of new access

**Decision:** **Appeal Dismissed**                      **Date:** 29.03.2016  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, landscape reasons upheld (EDLP Policy EN1). Application for a full award of costs against the Council refused.

**BVPI 204:** **Yes**  
**Planning Inspectorate Ref:** APP/U1105/W/15/3067589

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**Ref:** 15/0132/COU                      **Appeal Ref:** 15/00065/REF  
**Appellant:** Mr M Keywood  
**Appeal Site:** Land To The East Of The Old Cider House Heathstock  
Stockland Honiton  
**Proposal:** Change of use of land for siting of a touring caravan  
**Decision:** **Appeal Dismissed**                      **Date:** 31.03.2016  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, countryside protection and landscape  
reasons upheld (EDLP Strategies 7 & 46).  
**BVPI 204:** **Yes**  
**Planning Inspectorate Ref:** APP/U1105/W/15/3138719

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**Ref:** 15/1353/PDQ                      **Appeal Ref:** 15/00055/REF  
**Appellant:** Mosaic (Exeter) Ltd  
**Appeal Site:** Cowley Barton Farm Cowley Exeter EX5 5EJ  
**Proposal:** Prior approval for conversion of agricultural buildings to 3 no.  
dwellings (use class C3)  
**Decision:** **Appeal Dismissed**                      **Date:** 04.04.2016  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, highway safety reasons upheld.  
Application for a full award of costs against the Council  
refused.  
**BVPI 204:** **No**  
**Planning Inspectorate Ref:** APP/U1105/W/15/3136549

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**Ref:** 14/1901/MFUL                      **Appeal Ref:** 15/00051/REF  
**Appellant:** Heritage Developments (SW) Ltd  
**Appeal Site:** Branscombe Farm Ebford Lane Ebford Exeter EX3 0QX  
**Proposal:** Construction of 9 dwellings, garaging and landscaping with  
access off Ebford Lane incorporating works to Ebford Lane.  
**Decision:** **Appeal Dismissed**                      **Date:** 05.04.2016  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, countryside protection and conservation  
reasons upheld (EDLP Strategies 7 & 27 and Policies D1,  
TC2 & EN9).  
**BVPI 204:** **Yes**  
**Planning Inspectorate Ref:** APP/U1105/W/15/3134459

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**Ref:** 14/1821/MOUT **Appeal Ref:** 15/00041/REF  
**Appellant:** Greendale Investments Ltd  
**Appeal Site:** Land At Sages Lea Woodbury Salterton  
**Proposal:** Outline application (discharging means of access only) for the construction of up to 60 dwellings and a single retail unit  
**Decision:** **Appeal Withdrawn** **Date:** 12.04.2016  
**Procedure:**  
**Remarks:**  
**BVPI 204:** **No**  
**Planning Inspectorate Ref:** APP/U1105/W/15/3131666

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**Ref:** 15/1013/FUL **Appeal Ref:** 16/00008/REF  
**Appellant:** Mr A Lethbridge  
**Appeal Site:** Pebbleoak Rockbeare Exeter EX5 2LU  
**Proposal:** Retrospective application for retention of chalet building, parking area and septic tank  
**Decision:** **Appeal Dismissed** **Date:** 12.04.2016  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, countryside protection reasons upheld. (EDLP Strategy 7 & Policy D1).  
**BVPI 204:** **Yes**  
**Planning Inspectorate Ref:** APP/U1105/W/16/3143093

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**Ref:** 15/0645/MFUL **Appeal Ref:** 16/00002/REF

**Appellant:** INGR Solar Parks Ltd

**Appeal Site:** Land East Of Wadbrook Farm (nr Axe View Farm) Wadbrook

**Proposal:** Installation of ground mounted photovoltaic solar arrays with transformer stations, internal access track, biodiversity enhancement, landscaping, fencing, security measures, access gate and ancillary infrastructure

**Decision:** **Appeal Allowed (with conditions)** **Date:** 15.04.2016

**Procedure:** Written representations

**Remarks:** Officer recommendation to approve, Committee refusal. Countryside protection and high quality agricultural land protection reasons overruled. (EDLP Strategy 7 and Policies D1 & EN13).

The Inspector considered that the loss of a comparatively small area of best and most versatile land was justified in this case and that the appellant's overall approach to the site assessment and provision of evidence was sufficiently reasonable, robust and proportionate. He was satisfied that the need for the development had been established and that there was no suitable available land of a lower quality within the search area. On that basis, he considered that the requirements of Policy EN13 have been met.

Having regard to the character and appearance of the area, whilst he acknowledged that there are some places where the site can be viewed from the wider landscape, he was satisfied that the proposed development could be assimilated into the wider panorama and that additional and strengthened planting would satisfactorily mitigate any harm caused.

The Inspector concluded that the need to deliver renewable energy is a significant national objective and although the proposal would result in a comparatively small loss of best and most versatile agricultural land during the life of the solar arrays, the benefits of the proposal significantly outweigh the harm.

**BVPI 204:** **Yes**

**Planning Inspectorate Ref:** APP/U1105/W/16/3141816

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**Ref:** 15/1778/FUL **Appeal Ref:** 15/00078/REF  
**Appellant:** Mr N Pereira  
**Appeal Site:** Otter Dene Venn Ottery Ottery St Mary EX11 1SG  
**Proposal:** Change of use and extension of outbuilding to create a holiday let.  
**Decision:** **Appeal Allowed (with conditions)** **Date:** 15.04.2016  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, countryside protection, habitat mitigation and tree protection reasons overruled (EDLP Strategies 7 & 47 and Policies D3 & D8).

The Inspector considered that the extension to the existing building would not be substantial and has a simple appearance that would not significantly alter the character or the appearance of the original building. With regard to the protected trees, he considered that with careful excavation, including hand dug footings, the health of the trees would be unlikely to be significantly affected.

Having regard to habitat mitigation, the Inspector considered that the financial contribution offered in the unilateral obligation was necessary to mitigate any increased use of the East Devon Pebblebed Heaths. In addition he imposed a condition that no cats shall be brought onto the site by holidaymakers, on account of the impact of domestic cats through bird predation as specifically referred to in Strategy 47.

The Inspector concluded that the proposal would not result in any material harm to the character or the appearance of the area and with appropriate mitigation would not have a significant adverse impact on the integrity of the SPA. Whilst the proposal would conflict with Strategy 47, with the preclusion of cats from the site and in the circumstances described, it would not conflict with its aims and this justifies a departure from it.

**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/15/3140667  
**Inspectorate**  
**Ref:**

**Ref:** 15/1141/FUL **Appeal Ref:** 16/00001/REF

**Appellant:** Mr & Mrs Jones

**Appeal Site:** Somerleigh Bramford Speke Exeter EX5 5DY

**Proposal:** Erection of garage/storage building.

**Decision:** **Appeal Allowed** **Date:** 25.04.2016  
**(with conditions)**

**Procedure:** Written representations

**Remarks:** Delegated refusal, Countryside protection reasons overruled (EDLP Strategy 7 & Policy D1).

The Inspector considered that the size of the proposed building was justified with regard to its intended function and, despite its generous size, would remain subservient in height and bulk to the host dwelling.

He concluded that by virtue of its location, form, relationship to Somerleigh and the limited degree of significance in the wider landscape, the proposal would have an appropriate effect on the character and appearance of the area and consequently comply with Strategy 7 and Policy D1 of the Local Plan together with relevant elements of the Framework.

**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/16/3141657  
**Inspectorate Ref:**

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

**Date:** 10 May 2016

**Public Document:** Yes

**Exemption:** None

**Review date for release** None



**Subject:** **Planning Appeals Status Report**

**Purpose of report:** The report is provided as an update on the current situation regarding planning appeal decisions and gives an overview of the results of planning appeals for the year from 1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2016.

**Recommendation:** **That Members note the report**

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

**Officer:** Chris Rose – Development Manager – Planning Tel; 01395 517419 email [chris.rose@eastdevon.gov.uk](mailto:chris.rose@eastdevon.gov.uk)

**Financial implications:** There were no appeal costs paid by the Council in the financial year 2015/16.

**Legal implications:** Comments as per report.

**Equalities impact:** Low Impact

**Risk** Low Risk

**Links to background information:** <https://www.gov.uk/government/statistics/planning-inspectorate-statistics>

## 1.0 Background

- 1.1 The performance indicator includes only those appeals against the Council's decision to refuse planning permission. It does not include planning appeals against conditions or non-determinations. The calculation also excludes all other types of appeal e.g. advertisement appeals, enforcement appeals, lawful development certificate appeals, appeals in respect of prior approval applications and works to protected trees. A partially allowed appeal or a split decision is counted as an appeal allowed.
- 1.2 The calculation includes those decisions where the date of decision falls within the year in question, regardless of when the appeal was lodged.
- 1.3 The Council has received 55 appeal decisions from 1 April 2015 to 31 March 2016 which are subject to the performance indicator. This is not the total number of appeal decisions received, which includes all other types of appeal as stated above.

**National appeal statistics** (Figures taken from the latest Planning Inspectorate Statistical Report updated March 2016)

**Planning appeals including Householder Appeals Service (HAS)**

Year	Decided	Allowed	% Allowed
2012 - 2013	13507	4785	35.4
2013 - 2014	13943	4912	35.2
2014 - 2015	13926	4848	34.8

**East Devon appeal statistics**

**Planning appeals including HAS appeals**

Year	Decided	Allowed	% Allowed
2012 - 2013	40	10	25.0
2013 - 2014	57	15	26.3
2014 - 2015	74	17	23.0
2015 - 2016	55	12	21.8

**2.0 Analysis**

2.1 The majority of the appeals were dealt with by means of written representations, with 51 having been determined on that basis. Informal Hearings were held for 3 of the appeals and 1 appeal was the subject of a Public Inquiry. Included within the written representation appeals were 5 householder appeals.

2.2 From the 55 decisions received, 12 of the appeals were allowed which equates to 21.8% of appeals against the Council's decision to refuse planning permission being dismissed. 81.8% of appeals against Major applications (9 out of 11) were dismissed.

2.3 The appeals which were allowed resulted from 11 applications which had delegated decisions and 1 application which was decided by the Development Management Committee. This reflects the fact that over 90% of decisions on approximately 2,500 planning applications are delegated.

2.4 Appeals allowed

*12 Decisions, including:-*

- 1 Public Inquiry
- 11 Written representations
- 2 Major residential developments
- 1 Residential development of 9 dwellings
- 1 Residential development of 5 dwellings

- 3 Residential developments of 2 dwellings
- 1 Single dwelling
- 2 Householder appeals
- 1 x 2 new holiday let units
- 1 Relocation of farm shop

## 2.5 Appeals Dismissed

### 43 Decisions, including:-

- 3 Informal hearings
- 40 Written representations
- 8 Major residential developments
- 12 Single dwellings
- 1 Residential development of 4 dwellings
- 2 Residential development of 3 dwellings
- 4 Residential developments of 2 dwellings
- 6 Conversion/change of use of existing buildings to residential
- 2 Variation of conditions to allow unrestricted residential use
- 3 Householder appeals
- 1 Solar farm (Major)
- 1 Retention of fence
- 1 Replacement windows
- 1 Siting of touring caravan
- 1 Creation of parking space

## 3.0 Costs Applications

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

## 4.0 Costs Decisions 2015 – 2016

- 4.1 There have been 9 decisions following applications for full awards of appeal costs against the Council and all of these were refused.

## **5.0 Conclusions**

- 5.1 The Council has continued to maintain an appeal success rate which is higher than the National average and this is considered to be an important indicator in achieving consistency in the decision making process.
- 5.2 It is important that appeal decisions are constantly analysed to ensure that any changes in accordance with National Planning Policy are implemented and decisions on planning applications are made in accordance with current Government Advice. The last twelve months has seen changing circumstances with interpretation of policy, prior to the adoption of the New Local Plan on 28 January 2016.
- 5.3 Although the number of appeal decisions received over the last twelve months is less than the previous year (57), the Council has exceeded the previous success rates which have been achieved over the last three years.

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



**Date of Meeting:** 10/05/2016

**Public Document:** Yes

**Exemption:** None

**Review date for release** None

**Agenda item:** 8

**Subject:** **Housing Monitoring Update to 30 September 2015 and latest five year land supply calculations**

**Purpose of report:** To update and inform Members on the latest known housing monitoring information and five year land supply position. The report shows that the Council can now demonstrate a five year land supply.

**Recommendation:** **That Members note the most up to date Housing Monitoring Update and five year land supply calculations and the impacts/consequences of these.**

**Reason for recommendation:** To keep Members of the Development Management Committee up to date on the latest monitored position and aware of the five year land supply to enable Local Plan policies to be applied appropriately.

**Officer:** Graeme Thompson, Planning Policy Officer, 01395 571736, [gthompson@eastdevon.gov.uk](mailto:gthompson@eastdevon.gov.uk)

**Financial implications:** The report is for information and there are no financial implications.

**Legal implications:** Comments as per report

**Equalities impact:** Low Impact

**Risk:** Low Risk

There is little or no risk associated with noting the appended Housing Monitoring Update, however there is an element of risk in the projections for individual housing sites. Projections are based on how and when sites may deliver housing based on the best available information. It cannot be guaranteed that sites will deliver to predicted timescales, some may be come forward sooner than predicted and some later. Five year land supply may be challenged on individual planning appeals and many of these assumptions may be questioned but the report is based on the best available information.

**Links to background information:** • Housing Monitoring Update to 30 September 2015 – [appendix 1](#) and [appendix 2](#)

**Link to Council Plan:** Encouraging communities to be outstanding; Developing an outstanding local economy; Delivering and promoting our outstanding environment; Continuously improving to be an outstanding council

## 1. Introduction

- 1.1 Officers monitor housing delivery every six months to base dates of 31 March (full year) and 30 September (half year). Appended to this report is the latest Housing Monitoring Update (HMU) to 30 September 2015. Ideally, such reports should be published as soon as possible after the base monitoring date. Unfortunately on this occasion due to limited staff resources and specifically priority work to adopt the new Local Plan this report has been published six months after its base date. It is hoped that future HMUs will be published in a more timely manner (work is ongoing to improve ICT systems), however, staffing resources remain an issue in that sense.
- 1.2 Housing monitoring is important to ensure that officers and Members are aware of and understanding how and where housing is being delivered in the district. In addition to this there is an inherent pressure from central government via the National Planning Policy Framework (paragraphs 47-49 in particular) to ensure that the district can demonstrate an up to date five year land supply or else Local Plan policies for the supply of housing and other issues may not be considered up to date.
- 1.3 Over the last few years, up until the adoption of the new Local Plan, the Council has not been able to demonstrate a five year land supply because the housing target identified in the plan had not at that stage been subject to examination so could not be treated as correct. Similarly, Local Plan allocations had not been subject to examination and so could not be relied upon. That is no longer the case and as a result of the plan being found sound and subsequently being adopted the Local Plan target of 17,100 homes and those sites allocated by the plan can both be used in calculating the five year supply of land for housing.

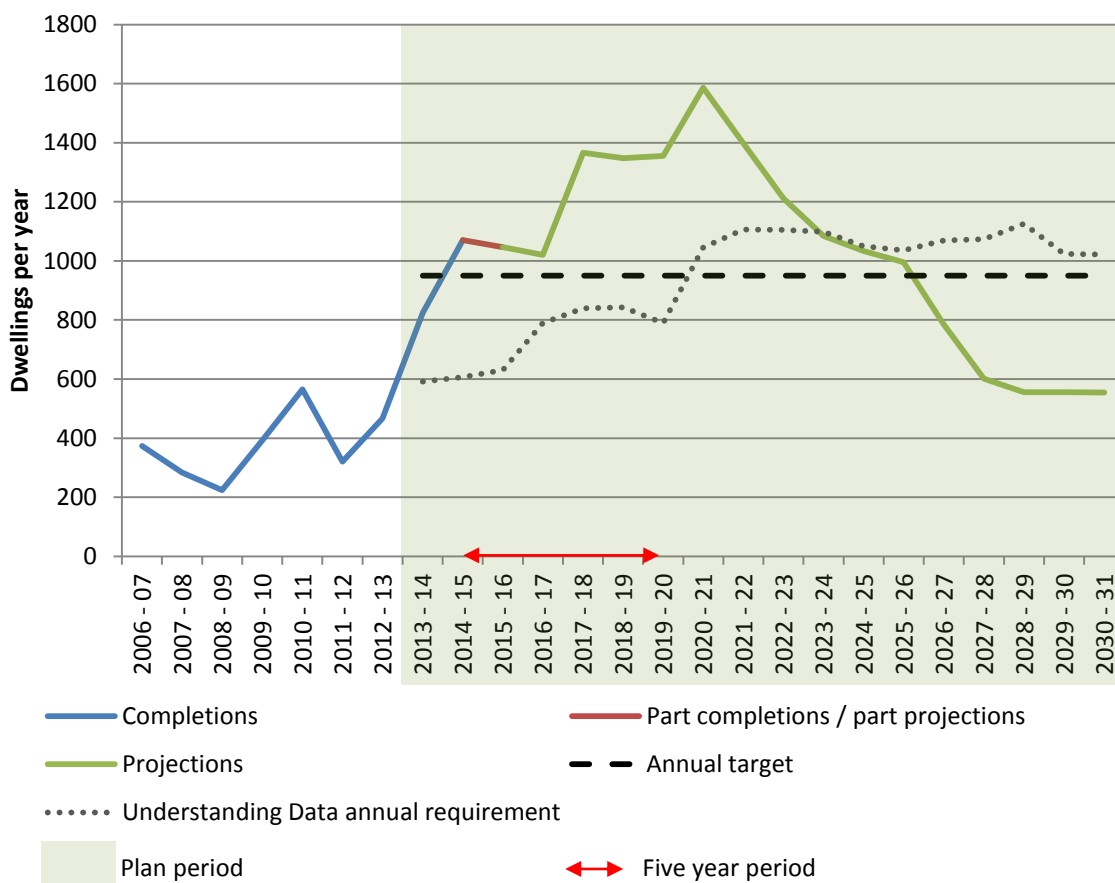
## 2. Headline monitoring figures

- 2.1 The latest HMU shows that over the six month period from 1 April 2015 – 30 September 2015 there were **500 net new dwellings completed** in East Devon. This is a decline from the 607 delivered in the six months before that, but it is up on the same period of the previous year (463) and up on all other six month periods on record and puts the district well on course to deliver 1,000 new homes in the full monitoring year which would be above the 950 per annum requirement of the new Local Plan.
- 2.2 Of these, 223 were at the “West End” (at Cranbrook and Old Park Farm, Pinhoe), and the remaining 277 were in the rest of the district. The West End figure has declined a little from the previous six month period and is the lowest six month figure since the September 2013 monitor. Members should keep this in mind and be aware of the need to ensure a continuous supply of land with permission (especially at Cranbrook) in years to come. It is important, however, to note the increased delivery rates in the rest of the district. The figure of 277 is down slightly on the previous six month period (301) but is otherwise the highest six month period since the start of the plan period.
- 2.1 83% of completions were on Greenfield sites (including fields and undeveloped greenspaces, barn conversions and garden sites). Members should keep this in mind and consider the need to increase the number of homes coming forward on brownfield sites (redevelopments, conversions and change of use). The new Local Plan has a monitoring target to deliver at least 50% of all windfall sites on brownfield land (i.e. not counting allocated sites). 187 dwellings were completed on non-allocated sites in the last six months, with 97 of these on Greenfield sites and 90 on brownfield. This means that 48.1% of windfall completions were on brownfield sites. This position will be monitored but it shows a need to increase brownfield delivery.



- 2.3 115 of the 500 completions were affordable, with 67 (41.7%) of these coming from the West End (Cranbrook and Old Park Farm).
- 2.4 The HMU projects that over the full monitoring year (1 April 2015 – 31 March 2016) there will have been 1,047 net completions. A further report on the annual monitor will be published in the summer.
- 2.5 A grand total of 18,391 net new dwellings are now projected to have been completed over the full plan period (2013-2031). This is above the 17,100 minimum figure of housing need outlined by the new Local Plan.
- 2.6 The graph below shows the annual completion trajectory. Whilst the graph shows a flattening out or slight reduction in projected completions for 2015/16 and 2016/17 in comparison to completions in 2014/15, this is purely a result of the application of the methodology and calculations. In reality completions will not follow this projection line exactly, some sites projected to be completed next year may be completed in 4 years time, and conversely some projected to be built out in 4 years time may be completed next year. The key point is that over the five year period if completions were annualised (averaged out over the period), the projected completions would be significantly above the 950 per annum target set by the Local Plan.

### Projected annual completion trajectory



- 2.7 In addition to this, the graph shows the annual requirement as set out by the Understanding Data report<sup>1</sup> if rather than averaging out the total plan requirement over the whole plan period, the annual requirement was based on the CLG 2012 sub-national household projections (February 2015). Annual projected completions clearly far exceed this secondary annual requirement right up until 2023-24 and only drop well below the household projections

from 2026-27 onwards. This is evidence of the fact that housing is being brought forward from later in the plan period as required by paragraph 47 of the NPPF.

### **3. Five year land supply**

- 3.1 The final page of the HMU sets out the five year land supply calculation based on the 30 September 2015 monitor. It shows that East Devon can demonstrate **5.54 years supply** of land for housing taking account of a 20% buffer as required by paragraph 47 of the NPPF for authorities that have persistently under-delivered in previous years.
- 3.2 Paragraph 47 of the NPPF sets out that in calculating the five year land supply authorities should apply a 5% buffer, or a 20% buffer where there has been a record of persistent under delivery. Application of the 20% buffer is a conservative approach to take. The Council could be more bullish and say that clearly it is now delivering above requirements and so the 5% buffer should apply in which case the Council could demonstrate a higher land supply figure, but it is recommended to apply the 20% figure for the time being.
- 3.3 This, along with the application of SHLAA methodology build-out rates and a robust but conservative assessment of future windfalls means that it is harder for an appellant to argue the five year supply figure down.
- 3.4 The calculation shows that over the five year period a surplus of 617 net new dwellings are projected to be built over the district as a whole. This is a healthy surplus that means that should certain sites not deliver or under-deliver there is an added buffer of supply.
- 3.5 The fact that the Council can demonstrate a healthy five year land supply means that Local Plan policies can be given full weight in assessing planning applications. Members should not, however, become complacent over the existence of a five year land supply and the projected surplus as such a buffer can quickly be reduced if appropriate future windfall sites or allocated sites are not developed.



## **East Devon District Council**

### **Housing monitoring update to 30 September 2015**

**April 2016**



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## VERSION CONTROL

Version Number	Reason for Update	Date
01	Internal draft	01/04/2016
02	Final draft for Development Management Committee agenda	26/04/2016

# 1. Introduction

- 1.1 This document provides a housing monitoring update for East Devon District Council to a base date of **30 September 2015**. The report considers the following:
- Housing completions over the last six months (1 April 2015 – 30 September 2015) including:
    - Total completions district wide, on a parish by parish and settlement by settlement basis;
    - Breakdown of completions on brownfield and greenfield sites; and
    - Breakdown of completions of affordable housing.
    - Analysis of windfall completions.
  - Housing projections and housing trajectory for the plan period;
  - Five year land supply calculations for the period 1 October 2015 – 30 September 2020.
- 1.2 Section 113 of the Localism Act (2011) removed the requirement of Councils to submit an Annual Monitoring Report (AMR) to the Secretary of State, but allowed monitoring reports to be produced covering individual indicators which must be published at least once a year. This housing monitoring update complies with that requirement.
- 1.3 The National Planning Policy Framework (NPPF) requires Councils to be able to demonstrate a five year supply of land for housing plus a 5% or 20% buffer requirement depending on past performance. Paragraph 47 of the NPPF states that local planning authorities should:
- “identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.*
- In addition to this, paragraph 49 of the NPPF states:
- “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.*
- 1.4 This report considers the extent to which extant permissions, sites with a resolution to grant permission or acknowledged development potential, proposed allocations and future windfalls contribute towards meeting the five year requirement.

## 2. Completions

### How do we know if a house has been completed?

2.1 Housing completions are monitored every six months through interrogation of Building Control and Council Tax records against a list of sites with planning permission.

Dwellings are considered to be complete if they fall into one of the following brackets:

- East Devon Building Control have recorded a dwelling as having completed; OR
- East Devon Council Tax have recorded a dwelling as being banded or awaiting banding (sent to the Valuation Office); OR
- A Building Control approved inspector has notified the Council that a dwelling has been completed; OR
- The developer of a site has provided the Council with a build return showing completions; OR
- Planning permission is retrospectively granted to legalise an existing use.

### How is a “dwelling” defined?

2.2 For the purposes of housing monitoring, generally, a dwelling is defined as being a separately Council Tax banded property. As an example, this would mean that if a house that had previously been a single Council Tax banded dwelling were split into four flats, each being separately Council Tax banded, then there would be an assumed three net new dwellings on the site upon completion.

2.3 The above definition means that annexes are not counted as a dwelling unless they become separately Council Tax banded. By becoming Council Tax banded, the annexe is recognised as a self contained dwelling. Despite the fact that it may still be tied conditionally to be used ancillary to the main dwelling, it is serving the purpose of a self contained dwelling and therefore should still be counted as such for the purposes of monitoring.

2.4 In addition to this the Strategic Housing Land Availability Assessment (SHLAA) methodology for the Exeter Housing Market Area (HMA) has recently been updated and now states that care and extra-care homes should contribute towards dwelling numbers despite units not being separately Council Tax banded. The reasoning for this is that as elderly people move into care / extra-care homes they “free up” open market dwellings for others to move into. The methodology conservatively assumes that one dwelling is freed up by every two nursing or care home beds created. This is based on primary research conducted within the HMA whereby existing care homes were contacted to find out numbers of residents, the proportion that were permanent and the proportion that had previously lived alone. This research suggested that on average 50% of residents were permanent and had previously lived alone which suggests that when they permanently moved to the care home they were leaving an empty house. This equates to the rate of two beds equalling one dwelling. Two bed spaces equalling one dwelling is the final confirmed ratio in the updated SHLAA methodology, however previous drafts of the updated methodology have included 1.4 bed spaces equalling one dwelling and 1.67 bed spaces equalling one dwelling. Completions of care/nursing homes in the October 2013-March 2014 monitoring period assumed 1.4:1 as a ratio, completions from April 2014 to September 2014 assumed 1.67:1 as a ratio, and completions/projections from 1 October 2014 onwards now assume 2:1 as the correct ratio. Extra-care homes/sheltered housing is assumed to be a new dwelling in its own right. Generally this type of housing is separately Council Tax banded anyway.



## Total completions

2.5 A full schedule of completions and projections with planning permission by site from the start of the plan period (April 2013) can be found at Appendix 1. As shown in the table below, over the last six months (1 April 2015 – 30 September 2015) a total of 500 dwellings have been completed in East Devon. This includes 223 at the district’s “West End” and 277 in the rest of East Devon.

	April 2013 - Sept 2013	Oct 2013 - Mar 2014	Apr 2014 - Sept 2014	Oct 2014 - Mar 2015	Apr 2015 - Sept 2015
<b>West End</b>	184	302	225	306	223
<b>RoED</b>	196	142	238	301*	277
<b>East Devon TOTAL</b>	<b>380</b>	<b>444</b>	<b>463</b>	<b>607*</b>	<b>500</b>
<b>Annual TOTAL</b>	<b>824</b>		<b>1,070*</b>		

\* Note the RoED completions figure for Oct 2014 – Mar 2015 has been revised downwards from 320 to 301 and the subsequent six month and annual totals for the district have also been amended accordingly. This is as a result of more accurate completion information now being available.

2.6 Whilst 500 dwellings is over 100 dwellings less than the previous six month period, it is nearly 40 dwellings higher than the same period of the previous year. West End completions have slowed more significantly than the figure for the Rest of East Devon which remains higher than in previous monitors other than the last six month period.

2.7 It is clear from both the six monthly and annual figures in the table above that housing delivery is significantly increasing both in terms of the West End and the Rest of East Devon. It is evidence of the fact that the upturn in housing delivery is not solely because of Cranbrook and other West End sites, though clearly they are a significant factor. This shows that the “step change” in housing delivery that the Government is promoting is starting to take effect in East Devon and in a more general sense reflects a market desire to build that was less pronounced in previous years.

## Completions by parish

2.8 The table below shows the last six months of completions by parish. Town councils are highlighted in yellow.

Parish	1 Apr 15 – 30 Sept 15
All Saints	1
Awliscombe	0
<b>Axminster</b>	<b>46</b>
Axmouth	0
Aylesbeare	0
Beer	1
Bicton	0
Brampford Speke	0
Branscombe	2
Broadclyst	49
Broadhembury	0
Buckerell	0
<b>Budleigh Salterton</b>	<b>15</b>
Chardstock	0

Parish	1 Apr 15 – 30 Sept 15
Clyst Honiton	0
Clyst Hydon	0
Clyst St George	1
Clyst St Lawrence	0
Clyst St Mary	1
Colaton Raleigh	0
Colyton	4
Combe Raleigh	0
Combpyne Rousdon	0
Cotleigh	0
<b>Cranbrook</b>	<b>176</b>
Dalwood	7
Dunkeswell	1
East Budleigh	0
<b>Exmouth</b>	<b>29</b>
Farringdon	0
Farway	0
Feniton	26
Gittisham	0
Hawkchurch	0
<b>Honiton</b>	<b>11</b>
Huxham	7
Kilmington	0
Luppitt	1
Lympstone	1
Membury	0
Monkton	1
Musbury	1
Newton Popleford	0
Northleigh	0
Offwell	1
Otterton	0
<b>Ottery St Mary</b>	<b>35</b>
Payhembury	2
Plymtree	2
Poltimore	0
Rewe	0
Rockbeare	0
<b>Seaton</b>	<b>10</b>
Sheldon	0
Shute	0
<b>Sidmouth</b>	<b>25</b>
Southleigh	1
Sowton	0
Stockland	1
Stoke Canon	0
Talaton	2
Uplyme	0
Upottery	1

Parish	1 Apr 15 – 30 Sept 15
Upton Pyne	1
Whimble	7
Widworthy	2
Woodbury	28
Yarcombe	1
<b>Totals</b>	<b>500</b>

### Completions by Built-up Area Boundary and Strategic Allocation

2.9 The table below shows completions over the last six months by Built-up Area Boundaries (BuABs) and Strategic Allocation. The BuABs for the towns of Axminster, Budleigh Salterton, Exmouth, Honiton, Ottery St Mary, Seaton and Sidmouth are defined by the New Local Plan. The New Local Plan identifies 15 settlements at which BuABs will be defined by the Villages Plan DPD. Until the Villages Plan has been produced the previous BuABs (as defined by the old Local Plan) are being used for this exercise. Lypstone BuAB is defined in the Lypstone Neighbourhood Plan. In addition to these, development within the Strategic Allocations at the West End are recorded. Development outside of the defined BuABs or Strategic Allocations is considered to be in open countryside by the Local Plan.

2.10 Sub-totals for each section (West End Strategic Allocations, towns and Strategy 27 villages) are highlighted in yellow.

BUAB/Allocation	1 Apr 15 – 30 Sept 15
<b>West End Strategic Allocations - Totals</b>	<b>220</b>
Cranbrook	173
Pinhoe	47
North of Blackhorse	0
<b>Towns - Totals</b>	<b>129</b>
Axminster	43
Budleigh Salterton	15
Exmouth	29
Honiton	11
Ottery St Mary	0
Seaton	9
Sidmouth	22
<b>Strategy 27 Villages - Totals</b>	<b>9</b>
Beer	1
Broadclyst	1
Clyst St Mary	1
Colyton	0
East Budleigh	0
Feniton	0
Kilminster	0

<b>BUAB/Allocation</b>	<b>1 Apr 15 – 30 Sept 15</b>
Lympstone	1
Musbury	0
Newton Poppleford	0
Sidbury	1
Uplyme	0
West Hill	3
Whimble	1
Woodbury	0
<b>Open Countryside</b>	<b>142</b>
<b>Grand TOTAL</b>	<b>500</b>

2.11 The above table shows that of the 500 net completions in the last six months, 142 (28.4%) have been outside of BuABs and strategic allocations. This is likely to be a result of planning permissions either granted by the Council or allowed on appeal in recent years in response to a lack of five year land supply due to the absence of an adopted Local Plan housing target. The table appears to show very limited development at the Strategy 27 villages and at key towns such as Ottery St Mary, however this is because permissions granted and currently being built out are simply beyond the BuAB.

### **Completions by settlement**

2.12 The following table shows completions by the settlement which the site is effectively at. This is irrespective of policy boundaries (BuABs and allocations) and provides a more accurate picture of housing delivery by settlement without applying policy boundaries. Towns are highlighted in yellow, Strategy 27 villages are highlighted in green and West End settlements are highlighted in blue.

<b>Settlement (at which the development occurs whether within BuAB or not)</b>	<b>1 Apr 15 – 30 Sept 15</b>
Alfington	0
Awliscombe	0
<b>Axminster</b>	<b>43</b>
Axmouh	0
Aylesbeare	0
Beer	1
Blackhorse	0
Brampford Speke	0
Branscombe	0
Broadclyst	1
<b>Budleigh Salterton</b>	<b>15</b>

Settlement (at which the development occurs whether within BuAB or not)	1 Apr 15 – 30 Sept 15
Chardstock	0
Church Green	0
Clyst Honiton	0
Clyst Hydon	0
Clyst St George	0
Clyst St Lawrence	0
Clyst St Mary	1
Colaton Raleigh	0
Colestocks	0
Colyford	4
Colyton	0
Combe Raleigh	0
Combpyne	0
Cotleigh	0
Cowley	0
Cranbrook	176
Dalwood	6
Dulford	0
Dunkeswell	0
Dunkeswell (Highfield)	1
East Budleigh	0
Ebford	0
Exmouth	29
Exton	0
Farringdon	0
Farway	0
Feniton	26
Gittisham	0
Harpford	0
Hawkchurch	0
Honiton	11
Huxham	0
Jack in the Green	0
Kerswell	0
Kilmington	0
Luppitt	0
Lympstone	1
Marsh	0
Membury	0
Monkton	1
Musbury	0
Newton Poppleford	0

Settlement (at which the development occurs whether within BuAB or not)	1 Apr 15 – 30 Sept 15
Newtown	1
Northleigh	0
North of Blackhorse	0
Offwell	0
Old Feniton	0
Otterton	0
Ottery St Mary	29
Payhembury	2
Pinhoe	48
Plymtree	1
Poltimore	0
Rawridge	0
Raymond's Hill	2
Rewe	0
Rockbeare	0
Rousdon	0
Rousdon Estate	0
Salcombe Regis	1
Seaton	9
Seaton Junction	0
Sheldon	0
Shute	0
Sidbury	1
Sidmouth	22
Smallridge	1
Smeatharpe	0
Southleigh	1
Stockland	0
Stoke Canon	0
Talaton	1
Tipton St John	0
Tytherleigh	0
Uplyme	0
Upottery	0
Upton Pyne	1
West Hill	3
Weston, Honiton	0
Weston, Sidmouth	1
Whimple	5
Whitford	0
Wilmington	1
Woodbury	28

Settlement (at which the development occurs whether within BuAB or not)	1 Apr 15 – 30 Sept 15
Woodbury Salterton	0
Yarcombe	0
Yawl	0
Yettington	0
Other rural areas	26
<b>Grand TOTAL</b>	<b>500</b>

2.13 The table above shows that whilst a significant portion of completions have been outside of policy boundaries, the majority of completions have been “at” the towns, West End and more sustainable villages.

### Greenfield/brownfield split

2.14 The table below shows the breakdown of completions between greenfield and brownfield sites over the past year. Greenfield describes any site on land which has not previously been developed. Brownfield therefore describes sites of previously developed land, the definition of which can be found within the glossary of the NPPF but is reproduced below for ease of reference:

*“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”*

		April 2014 to Sept 2014	
		Dwgs	%
Greenfield	Greenfield	390	78%
	Barn Conversions	7	1%
	Garden Sites	18	4%
	<b>TOTAL</b>	<b>415</b>	<b>83%</b>
Brownfield	Redevelopment	54	11%
	Conversions/COU	31	6%
	<b>TOTAL</b>	<b>85</b>	<b>17%</b>
<b>TOTAL</b>		<b>500</b>	<b>100%</b>

2.15 The table above shows that over  $\frac{3}{4}$  of completions in the district over the last six months were on greenfield sites. This figure has crept up consistently over the last few years as a consequence of the lack of a five year land supply and NPPF requirement to permit greenfield developments that might otherwise have been resisted where this is the case.

2.16 The new Local Plan has a monitoring target to deliver at least 50% of all windfall sites on brownfield land (ie not counting allocated sites). 187 dwellings were completed on non-allocated sites in the last six months, with 97 of these on Greenfield sites and 90 on brownfield. This means that 48.1% of windfall completions were on brownfield sites. This position will be monitored but it shows a need to increase brownfield delivery.

### Affordable completions

2.17 The table below shows the number of affordable homes completed across East Devon over the last year. Affordable homes are those completed as “affordable rented”, “social rented”, “shared ownership”, “intermediate” or “affordable by design”.

	April 2015 to Sept 2015
RoED	48
West End	67
<b>East Devon TOTAL</b>	<b>115</b>

2.18 A significant proportion (41.7%) of affordable completions have come from the West End developments at Cranbrook and Old Park Farm, however clearly there has been a significant number of affordable completions in the rest of East Devon. This has been driven by completions on a number of sites providing purely or mainly affordable housing including Land North of Webbers Caravan Park in Woodbury, Land North of Carter’s Farm in Dalwood as well as large sites such as Land adjacent to and North of Greenway Lane in Budleigh Salterton, Land adjacent to Louvigny Close in Feniton and Land East of Butts Road in Ottery St Mary amongst others.

### Windfall completions

2.19 Windfalls refer to sites built out which are the result of speculative planning applications. They have not been allocated by either the current or emerging Local Plans.

2.20 The table below shows that over the past six months 187 of the 500 completions have been windfalls. This equates to 37% of all completions in the last six months. However, of these 187 windfall completions 3 were on the Wainhomes site at the West End and the remaining 185 were in the Rest of East Devon. This means that of the 223 completions in the Rest of East Devon, 83% were windfalls.

Gross site capacity	1-2 dwellings	3-5 dwellings	6-9 dwellings	10-20 dwellings	21+	TOTAL
RoED	62	17	13	15	77	<b>185</b>
West End	0	0	0	0	3	<b>3</b>
<b>TOTAL</b>	<b>62</b>	<b>17</b>	<b>13</b>	<b>15</b>	<b>80</b>	<b>187</b>
<b>Percentage</b>	<b>33%</b>	<b>9%</b>	<b>7%</b>	<b>8%</b>	<b>43%</b>	<b>100%</b>



2.21 In addition to the headline totals, the above table shows how many windfalls have been delivered on sites of different sizes. The gross site capacity refers to the gross number of dwellings due to be delivered on a site as a whole. As an example, if 2 windfall dwellings were completed in the last six months on a site due to take a total of 5 gross new dwellings they would be listed in the 3-5 dwellings column.

2.22 In terms of calculating five year land supply, paragraph 48 of the NPPF allows for future windfalls to be counted towards supply, however the figure should not include residential gardens. This being the case, the assessment below shows the number of net windfall completions in the last six months on sites other than back gardens. Further analysis of windfalls for the purposes of projections can be found in paragraphs 3.20-3.23 below.

Gross site capacity	1-2 dwellings	3-5 dwellings	6-9 dwellings	10-20 dwellings	21+	TOTAL
RoED	46	17	11	15	77	<b>166</b>
West End	0	0	0	0	3	<b>3</b>
<b>TOTAL</b>	<b>46</b>	<b>17</b>	<b>11</b>	<b>15</b>	<b>80</b>	<b>169</b>
<b>Percentage</b>	<b>27%</b>	<b>10%</b>	<b>7%</b>	<b>9%</b>	<b>47%</b>	<b>100%</b>

### 3. Projections

- 3.1 This section is an assessment of projected completions for the remainder of the plan period. The adopted New Local Plan runs from 2013 to 2031.
- 3.2 Projections are broken down into:
- Extant permissions;
    - These are sites that already have planning permission (either in full or outline and including sites that are already under construction) and are expected to be built out.
  - Acknowledged development potential;
    - These are sites which either have gained a resolution to grant planning permission subject to a S106 being signed, or sites which are known to be available and which are policy compliant but which do not yet have planning permission.
  - Strategic allocations;
    - These are sites allocated by the strategic policies of the new Local Plan which do not yet have planning permission.
  - Future windfalls.
    - These are an allowance for completions on windfall sites that do not yet have permission. Windfalls are calculated based on historic past windfall completions in line with the NPPF.
- 3.3 Projections are based on the status of sites and extant planning permissions at 30 September 2015.
- 3.4 Projected build out rates for sites generally follow the approach advocated by the Exeter Housing Market Area (HMA) Strategic Housing Land Availability Assessment (SHLAA) methodology market conditions model unless we are aware of an alternative build out rate. The market conditions model assumes currently reduced build out rates for the next five years indicating a lack of market confidence from the SHLAA panel which includes representatives of the development industry. This approach is set out over the page for ease of reference. This is a conservative assumption as seen by the clearly inflated delivery over the past six months and year in comparison to previous months and years. However, they are used to project the delivery of the majority of sites in the interest of consistency. Where an alternative build out rate is used this is because there is clear evidence that the site has and will continue to build at above or below methodology rates and the commentary column explains the reasoning behind this.
- 3.5 A full schedule of completions and projections with planning permission on a site by site basis can be found at Appendix 1.

**Excerpt from the Exeter HMA SHLAA Methodology: Market conditions model for calculating housing delivery rates**

Size of site (no of dwellings)	Commencement of sites			Build out rate	
	Sites where dwellings are under construction	Sites where dwellings have planning permission	Suitable sites without planning permission	Years 1-5	Years 6+
1-15 dwellings (assumes one developer)	Commence in Year 1	Commence in Year 1	Commence in Year 3	1 <sup>st</sup> year – 12 dwellings maximum 2 <sup>nd</sup> year onward – 25 dwellings per year maximum	1 <sup>st</sup> year 25 dwellings maximum 2 <sup>nd</sup> year onward – 50 dwellings per year maximum
16-500 dwellings (assumes one developer)	Commence in Year 1	Commence in Year 2	Commence in Year 3	1 <sup>st</sup> year – 12 dwellings maximum 2 <sup>nd</sup> year onward – 25 dwellings per year maximum	1 <sup>st</sup> year 25 dwellings maximum 2 <sup>nd</sup> year onward – 50 dwellings per year maximum
501-1000 dwellings (assumes two developers)	Commence in Year 1	Commence in Year 3	Commence in Year 4	1 <sup>st</sup> year – 12 dwellings maximum 2 <sup>nd</sup> year onward – 50 dwellings per year maximum	1 <sup>st</sup> year 25 dwellings maximum 2 <sup>nd</sup> year onward – 100 dwellings per year maximum
1001+ dwellings (assumes three developers)	Commence in Year 1	Commence in Year 3	Commence in Year 4	1 <sup>st</sup> year – 12 dwellings maximum 2 <sup>nd</sup> year onward – 75 dwellings per year maximum	1 <sup>st</sup> year 25 dwellings maximum 2 <sup>nd</sup> year onward – 150 dwellings per year maximum

N.B. These figures provide a general guideline. Different commencement dates or build out rates may be chosen for selected sites by the SHLAA panel if warranted due to site specific issues, or if landowners have identified sites as being available at a later date.

## Extant permissions

3.6 The tables below consider large sites (sites of 10 or more gross units) already with planning permission at 30 September 2015 which are expected to be built out. It discounts any sites which are acknowledged as unlikely to go ahead – these are set out at Appendix 2. Sites which have gained permission since 30 September 2015 and sites whose planning permission is deemed to have lapsed are not included.

### Large development sites with planning permission in the Rest of East Devon

Site	Permission	Parish	Settlement (at which the development occurs whether within BuAB or not)	Commentary on Site	Oct 2015 - Mar 2016	2016 - 17	2017 - 18	2018 - 19	2019 - 20	Apr 2020 - Sept 2020	Oct 2020 - Mar 2021	2021 - 22	2022 - 23	2023 - 24	2024 - 25	Apr 2025 - Sept 2025	Oct 2025 - Mar 2026	2026 - 27	2027 - 28	2028 - 29	2029 - 30	Apr 2030 - Sept 2030	Oct 2030 - Mar 2031	Five Year Supply - Oct 15 to Sept 20	Overall Projections	
Land At Rear Of West Close , West Street, Axminster, Devon	03/P2728 AND 07/1128/MRES AND 08/2300/RES AND 12/2257/FUL AND 13/2612/MFUL	Axminster	Axminster	Site containing multiple permissions and different parts of the site are at different stages. Building control records show 9 terraced cottages are approaching completion. 8 apartments have approved building control applications but have not yet commenced. 5 apartments and 6 townhouses do not yet have approved building control applications. Delivery projected to be spread out over a number of years rather than at SHLAA rate based on current status of building control applications but all within the five year period. 2 units completed.	9	8	11																	28	28	
Land At, Dukes Way, Axminster, Devon Phase 2	09/2350/MFUL	Axminster	Axminster	Second phase of Betterment Homes development. Variation to S106 agreed October 2014 to now only require 6 further affordables on this site. Site recommenced soon after this and now back on track.3 homes Council Tax banded at 30 Sept 2015. Assume remaining homes to be completed in line with SHLAA methodology.	12	25	25	8																	70	70
Land at Cloakham Lawns	10/0816/MOUT AND 13/1489/MRES AND 14/0774/MRES	Axminster	Axminster	Site well underway. Wider site (400 units total) now has reserved matters approval. Completions are significantly ahead of SHLAA rate and could argue for 30-40 per annum but a conservative approach of applying SHLAA rates has been used. 64 completed (24 of which affordable).	12	25	25	25	25	12	25	50	50	50	37										124	336
Land At Millbrook Valley Stoney Lane	92/P0998 AND 11/0509/VAR	Axminster	Axminster	Jessopp site adjacent to Wainhomes (Chard Road) site, part of the oldest permission for Chard Road developments, permission therefore remains extant. 2011 variation of condition to enable development without	0	0	0	0	0	0	12	6												0	18	

Site	Permission	Parish	Settlement (at which the development occurs whether within BuAB or not)	Commentary on Site	Oct 2015 - Mar 2016	2016 - 17	2017 - 18	2018 - 19	2019 - 20	Apr 2020 - Sept 2020	Oct 2020 - Mar 2021	2021 - 22	2022 - 23	2023 - 24	2024 - 25	Apr 2025 - Sept 2025	Oct 2025 - Mar 2026	2026 - 27	2027 - 28	2028 - 29	2029 - 30	Apr 2030 - Sept 2030	Oct 2030 - Mar 2031	Five Year Supply - Oct 15 to Sept 20	Overall Projections
Axminster				improvements to Stoney Lane. Site still expected to be built out but conservatively beyond the five year period.																					
Phillips Centre Leacombe House Lyme Close Axminster EX13 5BA	11/0718/MFUL AND 14/1500/VAR	Axminster	Axminster	All plots commenced. Assume completion in line with SHLAA methodology in 2015/16 and 2016/17.	6	7																		13	13
Chard Road - Phase 3 - south of brook (eastern portion)	10/0132/MFUL	Axminster	Axminster	Phase 3 of Wainhomes site off Chard Road. 54 dwellings completed by 30 Sept 2015, assume remainder will be built out over the next three and a half years in line with SHLAA methodology.	12	25	7																	44	44
Axminster Football Club	11/1660/MFUL	Axminster	Axminster	Development well advanced with nearly all plots commenced and over half now complete. 40 dwellings completed. Assume remaining dwellings to be completed in line with SHLAA methodology. Note new permission 15/0309/FUL subdivides 1 plot into 2 dwellings so there will be an additional completion on this site not counted here as permission granted after the monitoring date.	12	19																		31	31
Magnolia Rise Lyme Road Axminster EX13 5BH	12/2678/FUL	Axminster	Axminster	Conversion of 10 independent living units (all Council Tax banded) into 22 care bed spaces. Using the SHLAA methodology rate of 2 bed spaces = 1 dwelling this means in the future there will be 11 dwellings on site so a net increase of 1. Not yet implemented. Assume completion will be in 2017/18.	0	0	1																	1	1
Stoneleigh Holiday And Leisure Village Weston Sidmouth EX10 0PJ	08/2558/MFUL	Branscombe	Weston, Sidmouth	17 additional holiday lets on holiday park site. 1 of the new dwellings already completed and Council Tax banded. Assume others will not be so no projections shown, but will continue to be monitored and any that do become banded will be counted as completions.																				0	0
Kerswell Barton Farm Broadclyst Exeter EX5 3AF	12/1285/MFUL	Broadclyst	Rural areas	Not yet implemented. Assume completion will be in 2017/18	0	0	12																	12	12
Land South Of B3178 Budleigh Salterton	11/2629/MFUL	Budleigh Salterton	Budleigh Salterton	Site on North side of Budleigh Salterton allocated in the new Local Plan. Site not yet commenced so assume first completions will be in 2017/18.	0	0	12	25	22															59	59
Land West Of	14/0167/MFUL	Clyst St	Clyst St	Large site adjacent to Clyst St George	0	0	12	13																25	25

Site	Permission	Parish	Settlement (at which the development occurs whether within BuAB or not)	Commentary on Site	Oct 2015 - Mar 2016	2016 - 17	2017 - 18	2018 - 19	2019 - 20	Apr 2020 - Sept 2020	Oct 2020 - Mar 2021	2021 - 22	2022 - 23	2023 - 24	2024 - 25	Apr 2025 - Sept 2025	Oct 2025 - Mar 2026	2026 - 27	2027 - 28	2028 - 29	2029 - 30	Apr 2030 - Sept 2030	Oct 2030 - Mar 2031	Five Year Supply - Oct 15 to Sept 20	Overall Projections	
Woodbury Road Clyst St George		George	George	allowed at appeal. Not yet implemented. Assume completion will be in 2017/18 and 2018/19 in line with SHLAA methodology.																						
Land North Of Yaffles Coly Road Colyton	13/1401/MOUT	Colyton	Colyton	No reserved matters approval as yet. Assume completion will be in 2018/19	0	0	0	12	4															16	16	
Land At, Marcus Road, Exmouth	10/1392/MFUL	Exmouth	Exmouth	All plots underway but as yet none complete. Assume completion in remainder of 2015/16 and 2016/17 in line with SHLAA methodology.	6	8																		14	14	
11 Camperdown Terrace, Exmouth, EX8 1EJ	10/1686/MFUL	Exmouth	Exmouth	Building control plans submitted Feb 2014 for 3 of the apartments (plots 9,10 and 11). Excavations on plot 9 began March 2014. Letter on planning file states that this was considered to be a material operation and so planning consent remains extant. Previously assumed that this meant the site would build out now, however, no further information so now conservatively assumed to not deliver within the five year period.	0	0	0	0	0	0	9														0	9
Hillcrest School St Johns Road Exmouth EX8 4EB	09/2331/MFUL AND 11/2814/MFUL	Exmouth	Exmouth	C G Fry & Son Ltd site on former Hillcrest School, Exmouth. 60 units completed. All others close to completion. Assume completion in remainder of 2015/16.	7																				7	7
Dunsinane Maer Road Exmouth EX8 2DA	11/0721/MFUL	Exmouth	Exmouth	Former Rolle College halls of residence site on Maer Road. Commenced on site Summer 2013. Flatted development of two blocks so expected to deliver all flats in each block around the same time. 3 complete, with remaining 11 expected to be completed in the remainder of 2015/16 and 2016/17 in line with SHLAA methodology.	9	2																			11	11
Pier Head Mamhead View Exmouth	12/2163/MFUL	Exmouth	Exmouth	Site adjacent to Exmouth Docks commenced March 2015. Assume completion in line with SHLAA methodology in 2016/17 and 2017/18.	0	12	1																		13	13
34 Cranford Avenue Exmouth EX8 2QA	13/2647/MFUL	Exmouth	Exmouth	Not yet implemented. Assume completion will be in 2017/18	0	0	11																		11	11
Land Adjacent To Buckingham Close (Plumb Park)	13/0297/MOUT	Exmouth	Exmouth	Pre-app meeting regarding reserved matters held September 2014. Reserved matters expected soon. Assume completion will be from 2018/19 onwards in line with SHLAA methodology.	0	0	0	12	25	13	25	50	50	50	50	50	25								50	350

Site	Permission	Parish	Settlement (at which the development occurs whether within BuAB or not)	Commentary on Site	Oct 2015 - Mar 2016	2016 - 17	2017 - 18	2018 - 19	2019 - 20	Apr 2020 - Sept 2020	Oct 2020 - Mar 2021	2021 - 22	2022 - 23	2023 - 24	2024 - 25	Apr 2025 - Sept 2025	Oct 2025 - Mar 2026	2026 - 27	2027 - 28	2028 - 29	2029 - 30	Apr 2030 - Sept 2030	Oct 2030 - Mar 2031	Five Year Supply - Oct 15 to Sept 20	Overall Projections	
Buckingham Close Exmouth																										
6 Portland Avenue, Exmouth, Devon, EX8 2BS	11/0733/FUL AND 12/2171/FUL	Exmouth	Exmouth	Site commenced. Assume completion will be in 2016/17	0	6																		6	6	
34 Douglas Avenue Exmouth EX8 2HB	14/1542/MFUL	Exmouth	Exmouth	Redevelopment of former hotel site to provide 11 dwellings. Commenced 2015. Assume completion will be in 2016/17.	0	11																		11	11	
Land At Princes Cottage Farringdon Exeter EX5 2JZ	10/1591/MOUT	Farringdon	Rural areas	Site understood to be stalled and unlikely to go ahead now. Funding for affordable homes no longer available.																				0	0	
Land Adjacent To Louvigny Close Station Road Feniton	11/2481/MFUL	Feniton	Feniton	49 completed by end of Sept 2015. Built out well ahead of SHLAA with just 1 remaining to be completed in remainder of 2015/16.	1																			1	1	
Land North Of Acland Park Feniton	11/1021/MFUL	Feniton	Feniton	Site allowed at appeal. Not yet implemented but in the process of clearing pre-commencement conditions and expected to start on site in March 2016. Assume completion will be from 2017/18 onwards in accordance with SHLAA methodology.	0	0	12	20																	32	32
Land West Of Hayne Lane Honiton	13/2744/MOUT	Gittisham	Honiton	Site approved February 2015. No reserved matters application as yet so assume completions from 2018/19.	0	0	0	12	25	13	25	50	50	50	50	25									50	300
Heathfield House, Rosemount Lane, Honiton, EX14 1RN	14/0344/MOUT	Honiton	Honiton	Redevelopment sitewith outline permission for 11 (10 net new) dwellings at 30 September 2015. New full planning permission for 14 (13 net new) (15/0612/MFUL) granted December 2015 but not counted here so 3 units in addition to these. Expected to be completed in 2016/17.	0	10																			10	10
Land Off Of Clapper Lane (Previously Allotments) Honiton	13/2508/MOUT	Honiton	Honiton	No reserved matters approval as yet. Assume completion will be in 2018/19	0	0	0	10																	10	10
The Cedars	14/0405/VAR	Honiton	Honiton	No new completions to report. Assume	0	0	5																		5	5

Site	Permission	Parish	Settlement (at which the development occurs whether within BuAB or not)	Commentary on Site	Oct 2015 - Mar 2016	2016 - 17	2017 - 18	2018 - 19	2019 - 20	Apr 2020 - Sept 2020	Oct 2020 - Mar 2021	2021 - 22	2022 - 23	2023 - 24	2024 - 25	Apr 2025 - Sept 2025	Oct 2025 - Mar 2026	2026 - 27	2027 - 28	2028 - 29	2029 - 30	Apr 2030 - Sept 2030	Oct 2030 - Mar 2031	Five Year Supply - Oct 15 to Sept 20	Overall Projections	
Otter Valley Park Honiton EX14 4PA				completion will be within the five year period.																						
Lilac Haven Jerrard Close Honiton EX14 1DX	15/0895/MFUL	Honiton	Honiton	Site redeveloping existing plot for 10 dwelling. Not yet implemented so assume completion will be in 2017/18.	0	0	10																	10	10	
Land South Of The A35 (off George Lane) Gammons Hill Kilmington	14/1905/MFUL	Kilmington	Kilmington	Mainly affordable housing site. Commenced July 2015. Site at advanced stage so assume completion will be in remainder of 2015/16 and 2016/17 in line with SHLAA methodology.	6	7																		13	13	
Land To The West Of Strawberry Hill Lympstone	12/0506/MFUL	Lympstone	Lympstone	Mixed market and affordable site immediately adjacent to Lympstone. Appeal for alternative scheme on this site (13/0820/MFUL) recently dismissed and new application seeking alternative access currently pending consideration. Assume completion will be in 2017/18 and 2018/19 in accordance with SHLAA methodology.	0	0	12	3																	15	15
Land South Of Jackson Meadow Lympstone Exmouth	12/2625/MFUL	Lympstone	Lympstone	Commenced Feb 2015. Assume completion will be in remainder of 2015/16 and 2016/17 in line with SHLAA methodology.	6	7																			13	13
Land South Of King Alfred Way Newton Poppleford Sidmouth	13/0316/MOUT	Newton Poppleford	Newton Poppleford	Reserved matters (15/2172/MRES) currently pending consideration. Assume completion from 2018/19 onwards in line with SHLAA methodology.	0	0	0	12	25	3															40	40
Marist Convent 8 Broad Street Ottery St Mary Devon EX11 1BZ	12/1622/MFUL	Ottery St Mary	Ottery St Mary	Site well advanced but no completions at 30 September 2015. Site close to completion. Assume completion will be in remainder of 2015/16.	12																				12	12
Land East of Butts Road, Higher Ridgeway, Ottery St Mary	13/0577/MRES	Ottery St Mary	Ottery St Mary	59 completions to end of Sept 2015, building out ahead of projected SHLAA rate and could argue 30-40 per annum but conservatively projected SHLAA compliant rate for future years.	13	25	25	8																	71	71
Land At Barton	11/2172/MFUL	Ottery St Mary	Tipton St John	Mixed market and affordable site immediately adjacent to Tipton St John.	0	0	12	3																	15	15



Site	Permission	Parish	Settlement (at which the development occurs whether within BuAB or not)	Commentary on Site	Oct 2015 - Mar 2016	2016 - 17	2017 - 18	2018 - 19	2019 - 20	Apr 2020 - Sept 2020	Oct 2020 - Mar 2021	2021 - 22	2022 - 23	2023 - 24	2024 - 25	Apr 2025 - Sept 2025	Oct 2025 - Mar 2026	2026 - 27	2027 - 28	2028 - 29	2029 - 30	Apr 2030 - Sept 2030	Oct 2030 - Mar 2031	Five Year Supply - Oct 15 to Sept 20	Overall Projections
Orchard Tipton St John	AND 14/1745/VAR			Variation to permission (14/1745/VAR) approved December 2014 to increase size of open market units. Further variation (15/2753/VAR) has resolution to grant permission subject to S106. Not yet implemented. Assume completion will be in 2017/18 and 2018/19 in accordance with SHLAA methodology.																					
West Hayes West Hill Road West Hill Ottery St Mary EX11 1UZ	12/2672/MFUL AND 14/1127/VAR	Ottery St Mary	West Hill	Variation to permission (14/1127/VAR) approved October 2014 to reduce size of specific plots and reduce affordable housing provision from 60% to 40%. New permission (15/1258/MFUL) for 10 dwellings at 40% affordable approved November 2015. Not yet implemented but likely to be commenced soon. Assume completion will be in 2017/18.	0	0	10																	10	10
Land North Of Eastfield West Hill	14/2861/MRES	Ottery St Mary	West Hill	Site for 25 dwellings commenced. Assume completion from 2016/17 onwards in line with SHLAA methodology.	0	12	13																	25	25
Land Adjoining The Tumbling Weir Hotel Ottery St Mary	12/2770/MFUL AND 12/2771/MFUL AND 12/2772/MOUT AND 12/2773/OUT AND 15/0571/FUL	Ottery St Mary	Ottery St Mary	Local Plan allocation for the redevelopment of former mill site. Application to remove restrictive conditions approved in 2015. This has been hampering marketing of the site and should enable the site to now move forwards. Demolitions commenced July 2015. Reserved matters for factory site and opposite car park currently pending consideration. 3 different developers so could expect higher delivery rates once all up and running but for now assume completion will be from 2017/18 onwards in line with SHLAA methodology.	0	0	12	25	25	13	25													75	100
Former Gerway Nurseries Sidmouth Road Ottery St Mary EX11 1PN	14/1227/MOUT	Ottery St Mary	Ottery St Mary	Large site on the edge of Ottery St Mary with outline permission granted December 2014. Reserved matters application (16/0103/MRES) approved March 2016 (after monitor) but no pre-commencement conditions left to discharge and developer intends to commence on site in summer 2016. Assume completion will be from 2017/18 onwards in line with SHLAA methodology.	0	0	12	25	8															45	45
Land North Of Higher Ridgeway Ottery St	14/2419/MFUL	Ottery St Mary	Ottery St Mary	Site redeveloping existing allotments and replacing them on adjacent land. Essentially phase 2 to Redrow development off Butts Road so assume will carry on where that	0	0	0	17	14															31	31

Site	Permission	Parish	Settlement (at which the development occurs whether within BuAB or not)	Commentary on Site	Oct 2015 - Mar 2016	2016 - 17	2017 - 18	2018 - 19	2019 - 20	Apr 2020 - Sept 2020	Oct 2020 - Mar 2021	2021 - 22	2022 - 23	2023 - 24	2024 - 25	Apr 2025 - Sept 2025	Oct 2025 - Mar 2026	2026 - 27	2027 - 28	2028 - 29	2029 - 30	Apr 2030 - Sept 2030	Oct 2030 - Mar 2031	Five Year Supply - Oct 15 to Sept 20	Overall Projections	
Mary				development completes.																						
Land South Of Exeter Road Ottery St Mary	12/2341/MOUT AND 14/2553/MRES	Ottery St Mary	Ottery St Mary	This site is an allocation in the emerging Local Plan for 200 dwellings however permission is for 165 dwellings plus a 60 bed car home (which equates to 30 dwellings in SHLAA methodology). Reserved matters permission granted for 165 dwellings in March 2015. Care home reserved matters approval in March 2016. Commenced June 2015 so assume completions from 2015/16 in line with SHLAA methodology.	12	25	25	25	25	13	50	20												125	195	
Seaton Quay, (Former Racial Site), Riverside Way, Seaton, Devon, EX12 2UE	13/0304/MOUT	Seaton	Seaton	Seaton Quay development that has been stalled for recent years but has now been permitted with less obligations. New permission granted in 2013 with 0% affordable housing and recently granted variation (15/1107/VAR) to allow a more viable site layout to be considered through a subsequent reserved matters application which is now being considered (16/0503/MRES). This being the case expect the site to move forward now. No reserved matters permission as yet. Assume completion from 2018/19 in line with SHLAA methodology once approved.	0	0	0	12	25	13	25	15												50	90	
Land Adjacent Harbour Road Seaton	13/2392/MRES	Seaton	Seaton	Site within Seaton Regeneration Area adjacent to Tesco. NHBC return shows 8 completions by 30 September 2015. Site well under way. Bovis anticipate 30 dwellings per year in latest viability appraisal so just above SHLAA methodology rate.	12	30	30	30	30	15	15	30	22												147	214
Land Off Of Barnards Hill Lane Seaton	13/1168/MOUT	Seaton	Seaton	Resolution to grant permission on new outline application for 20 dwellings at lower 25% affordable housing approved subject to S106 Sept 2015 so assume this will now be built out. No reserved matters as yet so assume completion will be from 2018/19 onwards.	0	0	0	12	8															20	20	
Land To Rear Of, 39 Fore Street, Seaton, Devon, EX12 2AD	14/1960/MRES	Seaton	Seaton	Reserved matters (14/1960/MRES) approved November 2014. Building control plans approved June 2015. Site not yet commenced. Assume completion will be in 2017/18 and 2018/19 in line with SHLAA methodology.	0	0	12	1																13	13	
Fosse Way Court Seaton EX12 2LP	14/0187/MFUL	Seaton	Seaton	Refurbishment of existing apartments plus construction of new block linking existing buildings comprising total 30 additional open market apartments. Not yet implemented and understood to be stalled due to a freeholder/leaseholder issue so assume	0	0	0	0	0	0	6	24												0	30	

Site	Permission	Parish	Settlement (at which the development occurs whether within BuAB or not)	Commentary on Site	Oct 2015 - Mar 2016	2016 - 17	2017 - 18	2018 - 19	2019 - 20	Apr 2020 - Sept 2020	Oct 2020 - Mar 2021	2021 - 22	2022 - 23	2023 - 24	2024 - 25	Apr 2025 - Sept 2025	Oct 2025 - Mar 2026	2026 - 27	2027 - 28	2028 - 29	2029 - 30	Apr 2030 - Sept 2030	Oct 2030 - Mar 2031	Five Year Supply - Oct 15 to Sept 20	Overall Projections
				completion will be beyond the 5 year period.																					
Victoria Hotel, The Esplanade, Sidmouth, Devon, EX10 8RY	06/2382/MRES	Sidmouth	Sidmouth	Site commenced 2008 (08/1873/CPE certificate of lawfulness for foundations implementing this development). No further information and assume requires new building control application approval to recommence but expected to happen within the five year period.	0	0	12	2																14	14
Land West Of Combe Hayes Sidmouth	12/2452/MFUL	Sidmouth	Sidmouth	6 plots completed by the end of Sept 2015. Assume remaining 12 will be completed in remainder of 2015/16.	12																			12	12
Land At Fry's Lane Sidford	12/2222/MOUT	Sidmouth	Sidmouth	No reserved matters approval as yet. Assume completion will be in 2018/19	0	0	0	12																12	12
Land To The East Of The Village Hall Sidmouth Road Clyst St Mary	15/1269/MRES	Sowton	Clyst St Mary	Large site on the edge of Clyst St Mary. Not yet implemented. Assume completion will be in 2017/18.	0	0	12	25	25	13	5													75	80
Land South Of Glebe Close Upton Pyne	13/1617/MFUL	Upton Pyne	Upton Pyne	Mixed market and affordable site on the edge of Upton Pyne. None completed by the end of September 2015 but all completed November 2015 (next monitor).	10																			10	10
Land Adjacent To Trederwen Town Lane Woodbury	14/1380/MOUT	Woodbury	Woodbury	Large site immediately adjacent to Woodbury. No reserved matters permission as yet so assume completion will be in 2018/19.	0	0	0	11																11	11
Land North Of Webbers Caravan Park Castle Lane Woodbury Devon	12/2627/MFUL	Woodbury	Woodbury	Large mixed market/affordable site at Woodbury. 29 completed by end of September 2015, remainder completed in October (next monitor).	5																			5	5
Land To South Broadway	13/1231/MOUT	Woodbury	Woodbury	Site immediately adjacent to the BUAB. Reserved matters (15/1370/MRES) approved December 2015. Assume completion in line with SHLAA methodology from 2018/19 onwards.	0	0	0	12	8															20	20

Site	Permission	Parish	Settlement (at which the development occurs whether within BuAB or not)	Commentary on Site	Oct 2015 - Mar 2016	2016 - 17	2017 - 18	2018 - 19	2019 - 20	Apr 2020 - Sept 2020	Oct 2020 - Mar 2021	2021 - 22	2022 - 23	2023 - 24	2024 - 25	Apr 2025 - Sept 2025	Oct 2025 - Mar 2026	2026 - 27	2027 - 28	2028 - 29	2029 - 30	Apr 2030 - Sept 2030	Oct 2030 - Mar 2031	Five Year Supply - Oct 15 to Sept 20	Overall Projections	
Woodbury																										
REST OF EAST DEVON TOTAL					174	264	331	372	294	108	222	245	172	150	137	75	25	0	0	0	0	0	0	0	1,543	2,569
					1,543						1,001						25					0				

## Large development sites with planning permission at East Devon's West End

Site	Permission	Parish	Settlement (at which the development occurs whether within BuAB or not)	Commentary on Site	Oct 2015 - Mar 2016	2016 - 17	2017 - 18	2018 - 19	2019 - 20	Apr 2020 - Sept 2020	Oct 2020 - Mar 2021	2021 - 22	2022 - 23	2023 - 24	2024 - 25	Apr 2025 - Sept 2025	Oct 2025 - Mar 2026	2026 - 27	2027 - 28	2028 - 29	2029 - 30	Apr 2030 - Sept 2030	Oct 2030 - Mar 2031	Five Year Supply - Oct 15 to Sept 20	Overall Projections	
Land At Old Park Farm Pinn Hill Exeter EX1 3TH	12/0130/MRES	Broadclyst	Pinhoe	Developers have advised that expect to complete Old Park Farm 1 by Autumn 2017 depending on sales. 239 units CT banded or awaiting banding by end of Sept 2015. Remaining units awaiting completion. Site building out well ahead of SHLAA rate and even above projections so far. Projections for future years may be conservative.	50	100	52																	202	202	
Tithebarn Green, Land At Monkerton, Exeter And Redhayes/North Of Blackhorse, East Devon	12/1291/MOUT AND 15/1565/V106	Broadclyst	North of Blackhorse	Large site straddling the M5 between East Devon and Exeter. 580 of the proposed dwellings would be within the EDDC area. Site has outline permission and signed S106. Variation to S106 agreement reducing affordable housing on site from 28% to 25%. Reserved matters for northern end of the link road approved and implemented. Developer advises they expect to submit reserved matters for first residential parcel of 248 dwellings this year and recently submitted phasing plan discharging condition 22 of outline permission shows development of residential parcels 1 and 2 between 2016 and 2018. Linked application for Mosshayne development (14/2761/MOUT) has resolution to grant permission subject to S106 which is currently being negotiated. Both developments to be built out simultaneously to a total of 140 per annum as per email from developer.	0	35	140	105	70	35	35	70	70	20											385	580
Land South Of Moonhill Copse West Clyst Exeter	13/0215/MOUT	Broadclyst	Pinhoe	Site immediately to North of Pinn Court Farm allocation site. RES application currently pending consideration. Conservatively assume completion from 2018/19 in line with SHLAA methodology.	0	0	0	12	23															35	35	
Pinn Court Farm Pinn Court Lane Exeter EX1 3TG	12/0795/MOUT	Broadclyst	Pinhoe	Appeal allowed June 2015. Reserved matters for phase 1 currently being considered. Recently submitted phasing schedule suggests phase 1 (150 dwellings) to start March 2016 and built out over three years with phase 2 (150 dwellings) starting in June 2019 and phase 3 (130 dwellings) starting in June 2022 so reasonable to assume first completions in 2016/17 and a rate to allow 150 completions by June 2019. Assume SHLAA compliant 12 dwellings for year 1 then remaining 138 to be delivered over the	0	12	61	61	56	25	25	50	50	50	50	25	25								215	490

Site	Permission	Parish	Settlement (at which the development occurs whether within BuAB or not)	Commentary on Site	Oct 2015 - Mar 2016	2016 - 17	2017 - 18	2018 - 19	2019 - 20	Apr 2020 - Sept 2020	Oct 2020 - Mar 2021	2021 - 22	2022 - 23	2023 - 24	2024 - 25	Apr 2025 - Sept 2025	Oct 2025 - Mar 2026	2026 - 27	2027 - 28	2028 - 29	2029 - 30	Apr 2030 - Sept 2030	Oct 2030 - Mar 2031	Five Year Supply - Oct 15 to Sept 20	Overall Projections
				following 27 months to June 2019 = 5.11 per month = 61.33 per annum so assume 61 maximum build out per year. Future years (beyond June 2019) build out reduced to 50 per annum in line with submitted phasing schedule.																					
Site Of New Town Honiton Road Rockbeare Exeter Devon	03/P1900 AND 11/0053/MRES AND 13/1752/MFUL	Cranbrook	Cranbrook	New Community being developed by East Devon New Community Partners (EDNCPs) consortium of developers. Latest build returns shows 1,135 completions by the end of September 2015 so 173 completions since last monitored position. Updating further, there have been 1,222 completions to the end of December 2015. Local Plan Inspector suggested 400 projections per annum a reasonable figure to use for EDNCP sites. However, beyond the five year period delivery rate assumed to increase to 426 per annum on EDNCP sites.	200	400	400	400	400	200	213	139												2000	2352
Land Rear Of The Jack In The Green London Road Rockbeare	14/0300/MFUL	Cranbrook	Cranbrook	Windfall site immediately adjacent to main Cranbrook development. Commenced March 2015. Developer expects first completions in June 2016 and all to be completed by January 2017.	0	19																		19	19
				<b>WEST END TOTAL</b>	<b>250</b>	<b>566</b>	<b>653</b>	<b>578</b>	<b>549</b>	<b>260</b>	<b>273</b>	<b>259</b>	<b>120</b>	<b>70</b>	<b>50</b>	<b>25</b>	<b>25</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,856</b>	<b>3,678</b>
							<b>2,856</b>						<b>797</b>					<b>25</b>					<b>0</b>		

3.7 The tables above show that for the next five years, 1,543 dwellings are projected to be built on large sites with extant planning permissions in the rest of East Devon and 2,856 dwellings on large sites with extant planning permissions at the West End.

3.8 Small sites are shown as a combined total in the table below which shows they are projected to complete a total of 676 net new dwellings over the five year period. There are 477 small sites with extant planning permission (all within the rest of East Devon) expected to deliver between 0 and 9 gross units. 455 of these sites are expected to deliver the 676 net new dwellings in the next five years. 18 of the remaining 22 sites are considered to be currently stalled or otherwise not expected to deliver within the five year period or and so these sites have been projected to deliver beyond the five year period. The remaining 4 sites are understood to no longer be going ahead and so are not projected to be delivered – these are contained in Appendix 2 for information. All other small sites with planning permission can be found within the table of all completions and projections at Appendix 1. It is important to note that whilst these smaller sites are projected to deliver in specific years based on their status (under construction, not yet implemented or awaiting reserved matters etc), it is in fact perhaps more appropriate to consider them as being deliverable within the five year period as a whole. For instance, a site that is

under construction is generally projected to be completed within the next six to twelve months, however, in reality some sites take longer and may be delivered in the following year or even the one after that but critically they can reasonably be expected to deliver in the five year period. An implication is that future projected year on year predictions can show variation compared against actual delivery that will be recorded with a bias to higher first year development. But over the longer term, 5 years, peaks and troughs even out and so it is the five year total projection that is the relevant and critical consideration.

	Oct 2015 - Mar 2016	2016 - 17	2017 - 18	2018 - 19	2019 - 20	Apr 2020 - Sept 2020	Oct 2020 - Mar 2021	2021 - 22	2022 - 23	2023 - 24	2024 - 25	Apr 2025 - Sept 2025	Oct 2025 - Mar 2026	2026 - 27	2027 - 28	2028 - 29	2029 - 30	Apr 2030 - Sept 2030	Oct 2030 - Mar 2031	Five Year Supply Oct 2015 to Sept 2020	Total outstanding
All small sites with planning permission (all RoED)	123	190	291	72	0	0	25	0	0	0	0	0	0	0	0	0	0	0	0	676	701

3.9 The combined totals of large and small sites with planning permission are shown in the table below.

All sites with planning permission	Oct 2015 - Mar 2016	2016 - 17	2017 - 18	2018 - 19	2019 - 20	Apr 2020 - Sept 2020	Oct 2020 - Mar 2021	2021 - 22	2022 - 23	2023 - 24	2024 - 25	Apr 2025 - Sept 2025	Oct 2025 - Mar 2026	2026 - 27	2027 - 28	2028 - 29	2029 - 30	Apr 2030 - Sept 2030	Oct 2030 - Mar 2031	Five Year Supply Oct 2015 to Sept 2020	Total outstanding
Total Rest of East Devon	297	454	622	444	294	108	247	245	172	150	137	75	25	-	-	-	-	-	-	2,219	2,244
Total West End	250	566	653	578	549	260	273	259	120	70	50	25	25	-	-	-	-	-	-	2,856	3,678
<b>Combined Total</b>	<b>547</b>	<b>1,020</b>	<b>1,275</b>	<b>1,022</b>	<b>843</b>	<b>368</b>	<b>520</b>	<b>504</b>	<b>292</b>	<b>220</b>	<b>187</b>	<b>100</b>	<b>50</b>	-	-	-	-	-	-	<b>5,075</b>	<b>5,922</b>

3.10 The table above shows that 2,219 dwellings with permission in the rest of East Devon and 2,856 dwellings with permission at the West End are projected to be built out within the next five years.

### Sites with acknowledged development potential

3.11 Sites with acknowledged development potential are sites that did not have planning permission at 30 September 2015, however, they are expected to gain permission in the future. These are mainly sites that have been to Development Management Committee and gained a resolution to grant permission subject to signing a Section 106 Agreement, however there are also sites that are known to be available for development and which are considered to be policy compliant.

3.12 The table below lists the sites with acknowledged development potential in the rest of East Devon and their projected build out rates.

Site	Planning application number (if applicable)	Parish	Settlement (at which the development occurs whether within BuAB or not)	Commentary on Site	Oct 2015 - Mar 2016	2016 - 17	2017 - 18	2018 - 19	2019 - 20	Apr 2020 - Sept 2020	Oct 2020 - Mar 2021	2021 - 22	2022 - 23	2023 - 24	2024 - 25	Apr 2025 - Sept 2025	Oct 2025 - Mar 2026	2026 - 27	2027 - 28	2028 - 29	2029 - 30	Apr 2030 - Sept 2030	Oct 2030 - Mar 2031	Five Year Supply - Oct 15 to Sept 20	Overall Projections	
Webster Garage Site, Axminster	No applications	Axminster	Axminster	This site is identified as having development potential, was allocated in the old Local Plan and is fully policy compliant. The 25 dwelling figure is a lower end estimate and whilst development may happen in the five year period the site is conservatively projected to come forward outside of this time period.	0	0	0	0	0	0	12	13												0	25	
Land adjacent The Fountain Head, Branscombe	10/0921/MFUL	Branscombe	Street	Application (10/0921/MFUL) Delegated recommendation to approve made in May 2011 and awaiting S106 agreement. Unlikely to get S106 signed on this scheme as finances no longer available for affordables. New application (15/1291/MOUT) currently pending consideration for lower number of affordables. Assume development will happen but outside five year period.	0	0	0	0	0	0	10														0	10
Land Adjoining Withycombe Brook St Johns Road Exmouth	12/1016/MFUL	Exmouth	Exmouth	This scheme has been approved by DM Committee and is awaiting S106 agreement. Understood that issues holding up S106 have largely been resolved so now moving forward. Assume completion from 2017/18 in line with SHLAA methodology.	0	0	12	25	15																52	52
Pankhurst Close Trading Estate Pankhurst Close Exmouth	13/1230/MFUL	Exmouth	Exmouth	This scheme has been approved by DM Committee and is awaiting S106 agreement. Affordable percentage has been reduced from 40% to 25% so S106 expected to be signed sooner rather than later. Assume completion from 2017/18 in line with SHLAA methodology.	0	0	12	25	13																50	50
Former University of Plymouth, Rolle College Campus, Exmouth	15/2711/MOUT	Exmouth	Exmouth	Site has acknowledged development potential. Current planning application being considered for 85 dwellings plus other uses potentially including sheltered housing which could up the final number of dwelling equivalents. Assumed completion will be from 2019/20 onwards in line with SHLAA methodology.	0	0	0	0	12	13	25	35													25	85
Land At Ottery	14/0557/MOUT	Honiton	Honiton	Site allocated in the New Local Plan.	0	0	0	12	25	13	25	50	25											50	150	



Site	Planning application number (if applicable)	Parish	Settlement (at which the development occurs whether within BuAB or not)	Commentary on Site	Oct 2015 - Mar 2016	2016 - 17	2017 - 18	2018 - 19	2019 - 20	Apr 2020 - Sept 2020	Oct 2020 - Mar 2021	2021 - 22	2022 - 23	2023 - 24	2024 - 25	Apr 2025 - Sept 2025	Oct 2025 - Mar 2026	2026 - 27	2027 - 28	2028 - 29	2029 - 30	Apr 2030 - Sept 2030	Oct 2030 - Mar 2031	Five Year Supply - Oct 15 to Sept 20	Overall Projections	
					0	0	12	3																		
Moor Lane Honiton				Planning application (14/0557/MOUT) resolved to grant permission subject to S106 Agreement June 2015. Subject to gaining outline and subsequent reserved matters approval development might be expected to commence in 2018/19 at SHLAA methodology compliant rates.																						
Land Adjacent To North Star Ottery Street Otterton	11/1597/MFUL	Otterton	Otterton	Site approved pending S106 still at 30 September 2015. Permission granted November 2015 (after monitor). Assumed completion will be in 2017/18 and 2018/19 in line with SHLAA methodology	0	0	12	3																15	15	
Land North Of Rowan Drive Seaton	13/1091/MOUT	Seaton	Seaton	Site approved pending S106 still at 30 September 2015. Permission granted February 2016 (after monitor). Assumed completion will be in 2018/19 and 2019/20 in line with SHLAA methodology	0	0	0	12	24															36	36	
Land Adjacent Regis House (formerly Lydwell House) Lyme Road Uplyme	14/2801/FUL	Uplyme	Uplyme	Site approved pending S106 still at 30 September 2015. Assumed completion will be in 2017/18.	0	0	7																	7	7	
<b>REST OF EAST DEVON TOTAL</b>					<b>0</b>	<b>0</b>	<b>43</b>	<b>77</b>	<b>89</b>	<b>26</b>	<b>72</b>	<b>98</b>	<b>25</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>235</b>	<b>430</b>
					235					195					0					0						

3.13 The table below lists the sites with acknowledged development potential at the West End and their projected build out rates.

Site	Planning application number (if applicable)	Parish	Settlement (at which the development occurs whether within BuAB or not)	Commentary on Site	Oct 2015 - Mar 2016	2016 - 17	2017 - 18	2018 - 19	2019 - 20	Apr 2020 - Sept 2020	Oct 2020 - Mar 2021	2021 - 22	2022 - 23	2023 - 24	2024 - 25	Apr 2025 - Sept 2025	Oct 2025 - Mar 2026	2026 - 27	2027 - 28	2028 - 29	2029 - 30	Apr 2030 - Sept 2030	Oct 2030 - Mar 2031	Five Year Supply - Oct 15 to Sept 20	Overall Projections
					0	0	48	100	100	50	50	2													
Old Park Farm Two West Clyst Exeter	13/0001/MOUT	Broadclyst	Pinhoe	Phase 2 of Old Park Farm for 350 dwellings. Application approved by DM Committee 25/03/2014 but still pending decision as awaiting S106 Agreement at 30 September 2015. Finally approved with S106 in December 2015 (after monitor). Reserved matters (15/2902/MRES) currently pending consideration. Site due to be developed out by Redrow rather than David Wilson Homes. Agreement in place for them to be able to access their site ahead of	0	0	48	100	100	50	50	2												298	350

Site	Planning application number (if applicable)	Parish	Settlement (at which the development occurs whether within BuAB or not)	Commentary on Site	Oct 2015 - Mar 2016	2016 - 17	2017 - 18	2018 - 19	2019 - 20	Apr 2020 - Sept 2020	Oct 2020 - Mar 2021	2021 - 22	2022 - 23	2023 - 24	2024 - 25	Apr 2025 - Sept 2025	Oct 2025 - Mar 2026	2026 - 27	2027 - 28	2028 - 29	2029 - 30	Apr 2030 - Sept 2030	Oct 2030 - Mar 2031	Five Year Supply - Oct 15 to Sept 20	Overall Projections
				completion of phase 1. Assume completion from 2017/18 onwards continuing where phase 1 leaves off.																					
Mosshayne Land North Of Tithebarn Lane Clyst Honiton	14/2761/MOUT	Broadclyst	North of Blackhorse	Allocation site on further land North of Blackhorse and to the East of Tithebarn Green. Planning application (14/2761/MOUT) resolved to approve subject to S106 Agreement. Developer intention is to build out simultaneous to Tithebarn Green to a total of 140 per annum. Once Tithebarn Green complete (2023/24) assumed Mosshayne build out rate increases in response.	0	0	0	35	70	35	35	70	70	120	140	70	70	140	45					140	900
Site Of Cranbrook New Community Road Past Till House Farm London Road Broadclyst	No applications	Cranbrook	Cranbrook	Care/extra care home in Cranbrook town centre identified by S106. 50 beds @ 2 bed = 1 dwelling equivalent = 25 dwelling equivalent. Assume completion in 2020/21 and 2021/22 in line with SHLAA methodology.	0	0	0	0	0	6	19													6	25
<b>WEST END TOTAL</b>					<b>0</b>	<b>0</b>	<b>48</b>	<b>135</b>	<b>170</b>	<b>91</b>	<b>104</b>	<b>72</b>	<b>70</b>	<b>120</b>	<b>140</b>	<b>70</b>	<b>70</b>	<b>140</b>	<b>45</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>444</b>	<b>1,275</b>
					444						576						255								

3.14 The combined totals of sites with acknowledged development potential at the West End and in the rest of East Devon are shown below.

All sites with acknowledged development potential	Oct 2015 - Mar 2016	2016 - 17	2017 - 18	2018 - 19	2019 - 20	Apr 2020 - Sept 2020	Oct 2020 - Mar 2021	2021 - 22	2022 - 23	2023 - 24	2024 - 25	Apr 2025 - Sept 2025	Oct 2025 - Mar 2026	2026 - 27	2027 - 28	2028 - 29	2029 - 30	Apr 2030 - Sept 2030	Oct 2030 - Mar 2031	Five Year Supply Oct 2015 to Sept 2020	Total outstanding	
Total Rest of East Devon	0	0	43	77	89	26	72	98	25	-	-	-	-	-	-	-	-	-	-	-	235	430
Total West End	0	0	48	135	170	91	104	72	70	120	140	70	70	140	45	-	-	-	-	-	444	1,275
<b>Combined Total</b>	<b>0</b>	<b>0</b>	<b>91</b>	<b>212</b>	<b>259</b>	<b>117</b>	<b>176</b>	<b>170</b>	<b>95</b>	<b>120</b>	<b>140</b>	<b>70</b>	<b>70</b>	<b>140</b>	<b>45</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>679</b>	<b>1,705</b>

3.15 Of the above sites it can be seen that 235 dwellings in the rest of East Devon and 444 dwellings at the West End are projected to be built out within the next five years. It should be noted that all of the sites with acknowledged development potential that are projected to deliver within the five year period have a resolution to grant planning permission subject to S106 with the exception of the former Rolle College

site in Exmouth, however, this site is seen as generally policy compliant, acknowledged within the Local Plan and subject to a current planning application.

## Strategic allocations

3.16 The table below shows the strategic allocations in the rest of East Devon which have not yet gained planning permission or a resolution to grant permission.

Site	Planning application number (if applicable)	Parish	Settlement (at which the development occurs whether within BuAB or not)	Commentary on Site	Oct 2015 - Mar 2016	2016 - 17	2017 - 18	2018 - 19	2019 - 20	Apr 2020 - Sept 2020	Oct 2020 - Mar 2021	2021 - 22	2022 - 23	2023 - 24	2024 - 25	Apr 2025 - Sept 2025	Oct 2025 - Mar 2026	2026 - 27	2027 - 28	2028 - 29	2029 - 30	Apr 2030 - Sept 2030	Oct 2030 - Mar 2031	Five Year Supply - Oct 15 to Sept 20	Overall Projections	
Land North and East Of Axminster	15/0435/MOUT AND 15/0436/MOUT AND 15/0442/MOUT	Axminster	Axminster	Planning applications (15/0435/MOUT, 15/0436/MOUT and 15/0442/MOUT) pending consideration for a total of 430 dwellings but larger area than allocation. Additional site within allocation currently at pre-application stage. Total allocation of 650 homes. Assumed completions from 2019/20 onwards in line with SHLAA methodology.	0	0	0	0	12	25	50	100	100	100	100	50	50	63						37	650	
Winslade Park	14/2637/OUT AND 14/2640/MFUL AND 14/2642/FUL	Clyst St Mary	Clyst St Mary	Site allocated in the Local Plan. Applications are currently being considered for Winslade Park (Friends Life) covering a larger area than the allocation including greenfield land. Assume completion will be from 2019/20 onwards in line with the SHLAA methodology.	0	0	0	0	12	13	25	50	50											25	150	
Goodmores Farm, Exmouth	14/0330/MOUT	Exmouth & Lympstone	Exmouth	Site allocated in Local Plan. An application is currently being considered having been submitted in February 2014. Subject to gaining outline and subsequent reserved matters approval development might be expected to commence in 2018/19 in line with SHLAA methodology.	0	0	0	12	25	13	25	50	50	50	50	25	25	25						50	350	
Lympstone Nurseries	No applications	Lympstone	Lympstone	Allocated by the Lympstone Neighbourhood Plan. Assume completion will be in the latter part of the five year period.	0	0	0	0	0	6														6	6	
The Knowle, Station Road, Sidmouth, EX10 8HL	No applications	Sidmouth	Sidmouth	Local Plan allocates 50 dwellings at The Knowle. Pegasus Life have agreed to buy the site and latest plans suggest a total of 118 retirement apartments rather than houses for the site. Retirement apartments are likely to be separately Council Tax banded and as such count as separate dwellings. The Council has publicly stated its intention to relocate from The Knowle with relocation to be finalised in early 2018. Assumed first completions on this site to be in 2019/20.	0	0	0	0	12	13	25	50	18												25	118
Manstone Depot, Sidmouth	No applications	Sidmouth	Sidmouth	Site allocated in Local Plan and no applications as yet. Assume completion beyond the five year period.	0	0	0	0	0	0	12	8												0	20	
Port Royal,	No applications	Sidmouth	Sidmouth	Site allocated in Local Plan and no	0	0	0	0	12	13	5													25	30	

Site	Planning application number (if applicable)	Parish	Settlement (at which the development occurs whether within BuAB or not)	Commentary on Site	Oct 2015 - Mar 2016	2016 - 17	2017 - 18	2018 - 19	2019 - 20	Apr 2020 - Sept 2020	Oct 2020 - Mar 2021	2021 - 22	2022 - 23	2023 - 24	2024 - 25	Apr 2025 - Sept 2025	Oct 2025 - Mar 2026	2026 - 27	2027 - 28	2028 - 29	2029 - 30	Apr 2030 - Sept 2030	Oct 2030 - Mar 2031	Five Year Supply - Oct 15 to Sept 20	Overall Projections
Sidmouth				applications as yet. Assume completion will occur from the latter part of the five year period in line with SHLAA methodology.																					
<b>REST OF EAST DEVON TOTAL</b>					<b>0</b>	<b>0</b>	<b>0</b>	<b>12</b>	<b>73</b>	<b>83</b>	<b>142</b>	<b>258</b>	<b>218</b>	<b>150</b>	<b>150</b>	<b>75</b>	<b>75</b>	<b>88</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>168</b>	<b>1,324</b>
					168					993					163					0					

3.17 The table below shows the strategic allocations at the West End that have not yet gained planning permission or a resolution to grant permission and their projected build out rate.

Site	Planning application number (if applicable)	Parish	Settlement (at which the development occurs whether within BuAB or not)	Commentary on Site	Oct 2015 - Mar 2016	2016 - 17	2017 - 18	2018 - 19	2019 - 20	Apr 2020 - Sept 2020	Oct 2020 - Mar 2021	2021 - 22	2022 - 23	2023 - 24	2024 - 25	Apr 2025 - Sept 2025	Oct 2025 - Mar 2026	2026 - 27	2027 - 28	2028 - 29	2029 - 30	Apr 2030 - Sept 2030	Oct 2030 - Mar 2031	Five Year Supply - Oct 15 to Sept 20	Overall Projections
Cranbrook Expansion Areas (East, West and additional areas to be defined through the Cranbrook Plan DPD)	14/2945/MOUT  AND 15/0045/MOUT 15/0046/MOUT 15/0047/MOUT	Cranbrook	Cranbrook	This provision will form part of the longer term development at Cranbrook comprising of allocated East and West expansion areas (totalling 2,820 including 250 on Farlands site by separate developer) plus 1550 on additional land to be defined through the Cranbrook Plan DPD. Farlands site is a separate developer and anticipated to come forward earlier than other parts of expansion areas with first completions in 2018/19. Remainder of expansion areas assumed to be delivered by the EDNCPs following completion of extant permissions in 2021/22 at a rate of 426 per annum (beyond the five year period). Delivery in years 2021/22-2023/24 includes both EDNCP and Farlands sites. Inspector suggested 400 projections per annum a reasonable figure to use for EDNCP sites. Farlands site is in addition to this.	0	0	0	12	50	25	25	337	476	464	426	213	213	426	426	426	426	213	212	87	4,370
<b>WEST END TOTAL</b>					<b>0</b>	<b>0</b>	<b>0</b>	<b>12</b>	<b>50</b>	<b>25</b>	<b>25</b>	<b>337</b>	<b>476</b>	<b>464</b>	<b>426</b>	<b>213</b>	<b>213</b>	<b>426</b>	<b>426</b>	<b>426</b>	<b>426</b>	<b>213</b>	<b>212</b>	<b>87</b>	<b>4,370</b>
					87					1,941					2,130					212					

3.18 The combined projected build out rates for the remaining strategic allocations are shown in the table below.

All Strategic Allocations	Oct 2015 - Mar 2016	2016 - 17	2017 - 18	2018 - 19	2019 - 20	Apr 2020 - Sept 2020	Oct 2020 - Mar 2021	2021 - 22	2022 - 23	2023 - 24	2024 - 25	Apr 2025 - Sept 2025	Oct 2025 - Mar 2026	2026 - 27	2027 - 28	2028 - 29	2029 - 30	Apr 2030 - Sept 2030	Oct 2030 - Mar 2031	Five Year Supply Oct 2015 to Sept 2020	Total outstanding
	Total Rest of East Devon	0	0	0	12	73	83	142	258	218	150	150	75	75	88	-	-	-	-	-	168
Total West End	0	0	0	12	50	25	25	337	476	464	426	213	213	426	426	426	426	213	212	87	4,370
<b>Combined Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>24</b>	<b>123</b>	<b>108</b>	<b>167</b>	<b>595</b>	<b>694</b>	<b>614</b>	<b>576</b>	<b>288</b>	<b>288</b>	<b>514</b>	<b>426</b>	<b>426</b>	<b>426</b>	<b>213</b>	<b>212</b>	<b>255</b>	<b>5,694</b>

3.19 The above assessment shows that of the strategic allocations sites 168 dwellings in the rest of East Devon and 87 dwellings at the West End are projected to be built out in the next five years.

## Windfalls

3.20 Paragraph 48 of the NPPF allows for future windfall completions to be taken into account so long as historic windfall delivery is considered and sites on gardens are not counted. This being the case, the assessment below shows net windfall completions (excluding gardens) over the last four and a half years (1 April 2011 to 30 September 2015) – which is the period which the Council have the most accurate information on. Net completed windfall dwellings are split into the gross capacity of the site on which they came forward in order to be able to analyse the types of windfalls that might come through in the future.

Gross site capacity	Net windfall dwellings completed district-wide (excluding garden sites)					
	2011 to 2012	2012 to 2013	2013 to 2014	2014 to 2015	Apr 2015 - Sept 2015	Average per year
1 - 2 dwellings	32	41	45	37	46	<b>45</b>
3 - 5 dwellings	14	27	23	21	17	<b>23</b>
6 - 9 dwellings	22	12	11	16	11	<b>16</b>
10 - 20 dwellings	54	47	74	58	15	<b>55</b>
21 + dwellings	52	68	92	286	80	<b>128</b>
<b>TOTAL</b>	<b>174</b>	<b>195</b>	<b>245</b>	<b>418</b>	<b>169</b>	<b>267</b>
<b>Total on gross sites of 20 or less dwellings</b>	<b>122</b>	<b>127</b>	<b>153</b>	<b>132</b>	<b>89</b>	<b>138</b>

3.21 Taking the combined total windfalls and dividing by the number of years they were delivered in (4.5 years) gives an average number of dwellings completed on each size of site per annum.

3.22 If past trends were reproduced in the future with regards to windfall completions then it would be prudent to assume that 267 windfalls could be built each year in the future. However, the new Local Plan was adopted in January 2016 and as such the larger greenfield windfall sites which have significantly pushed up the average totals in recent years are likely to now be treated as a departure from the plan and are less likely to be granted planning permission. Taking a very conservative/cautious approach it is assumed that the only windfalls will be infill, redevelopment and conversion sites. This being the case it is assumed that average total windfall completions of the last four years on sites of 20 dwellings and under might be delivered in the future. This equates to an average of 138 dwellings per year.

3.23 In recent years and in support of the new Local Plan at Examination, a figure of 130 dwellings per year was used for projected future windfalls. The Local Plan Inspector was satisfied that this was a suitable projection for future windfalls and as such this same figure continues to be used in the projections below, however the assessment above shows that this is a slightly conservative estimate and in reality larger windfall sites will on occasion come forward for development as will garden sites.

3.24 The table below shows the projected windfalls for the remaining plan period as per the above assessment. It is expected that windfall completions will start to come through from 2018/19 onwards, however the figure for 2018/19 is reduced to take account of sites with permission that are already in the system. The table shows that 285 windfall completions are projected to occur within the next five years.

All Windfalls	Oct 2015 - Mar 2016	2016 - 17	2017 - 18	2018 - 19	2019 - 20	Apr 2020 - Sept 2020	Oct 2020 - Mar 2021	2021 - 22	2022 - 23	2023 - 24	2024 - 25	Apr 2025 - Sept 2025	Oct 2025 - Mar 2026	2026 - 27	2027 - 28	2028 - 29	2029 - 30	Apr 2030 - Sept 2030	Oct 2030 - Mar 2031	Five Year Supply Oct 2015 to Sept 2020	Total outstanding
<b>Windfall Total</b>	0	0	0	90	130	65	65	130	130	130	130	65	65	130	130	130	130	65	65	<b>285</b>	<b>1,650</b>

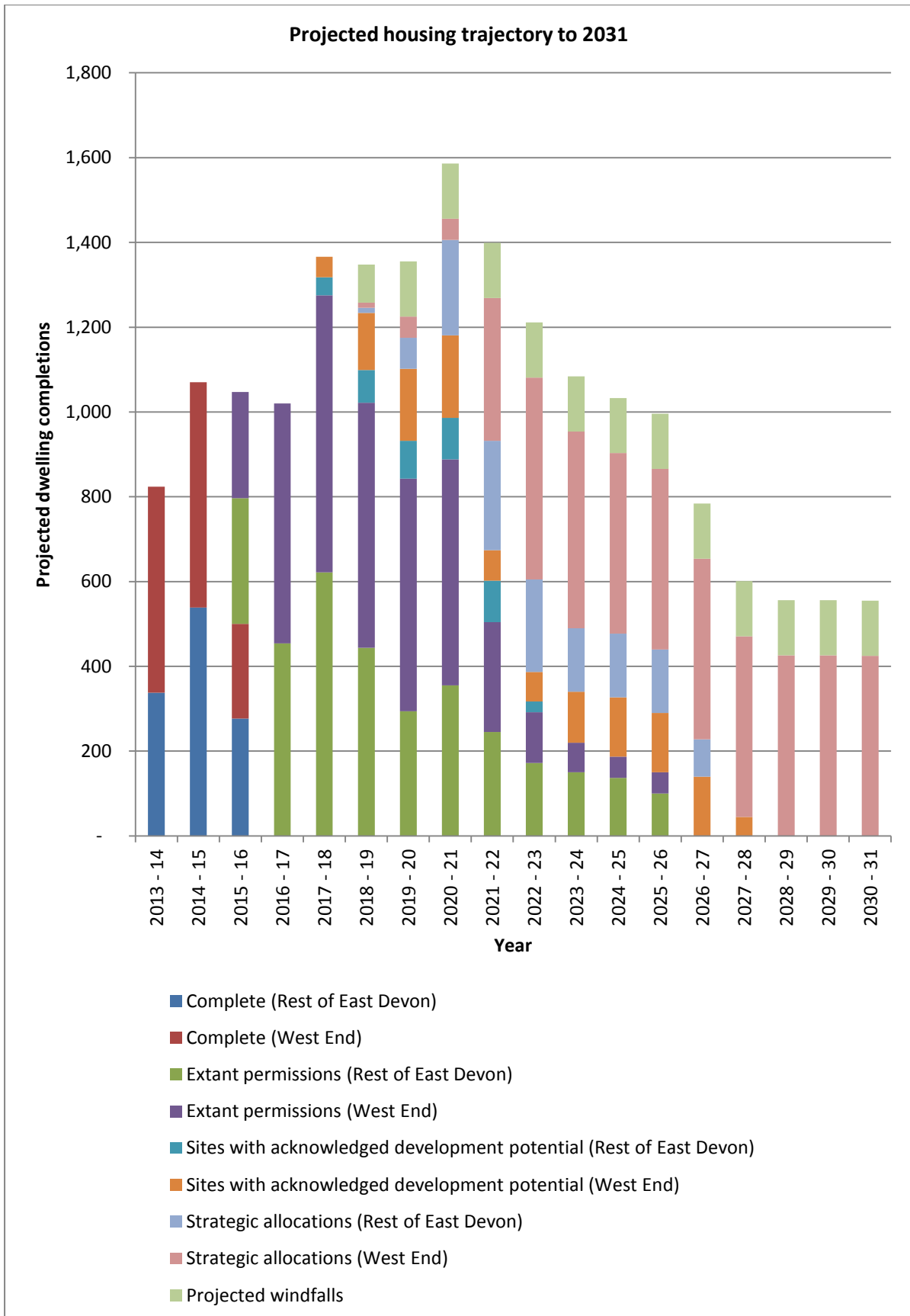


## Overall projections and trajectory

3.25 Having gone through the various elements of supply above, the below table and graph set out the projected development for the plan period to 31 March 2031.

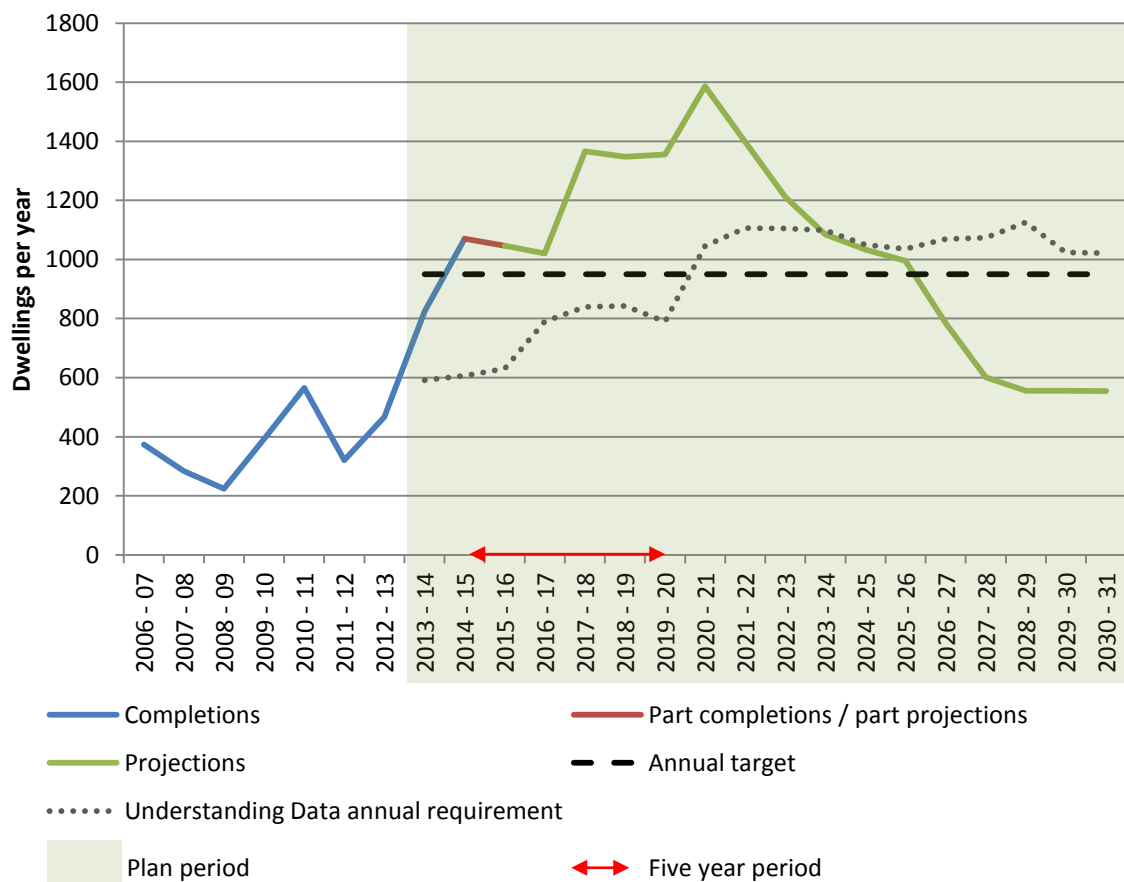
All Windfalls	2013 – 14	2014 – 15	Apr 2015 – Sept 2015	Oct 2015 - Mar 2016	2016 - 17	2017 - 18	2018 - 19	2019 - 20	Apr 2020 - Sept 2020	Oct 2020 - Mar 2021	2021 - 22	2022 - 23	2023 - 24	2024 - 25	Apr 2025 - Sept 2025	Oct 2025 - Mar 2026	2026 - 27	2027 - 28	2028 - 29	2029 - 30	Apr 2030 - Sept 2030	Oct 2030 - Mar 2031	TOTAL	
Complete (Rest of East Devon)	338	539	277	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,154	
Complete (West End)	486	531	223	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,240	
Extant permissions (Rest of East Devon)	-	-	-	297	454	622	444	294	108	247	245	172	150	137	75	25	-	-	-	-	-	-	-	3,270
Extant permissions (West End)	-	-	-	250	566	653	578	549	260	273	259	120	70	50	25	25	-	-	-	-	-	-	-	3,678
Sites with acknowledged development potential (Rest of East Devon)	-	-	-	-	-	43	77	89	26	72	98	25	-	-	-	-	-	-	-	-	-	-	-	430
Sites with acknowledged development potential (West End)	-	-	-	-	-	48	135	170	91	104	72	70	120	140	70	70	140	45	-	-	-	-	-	1,275
Strategic allocations (Rest of East Devon)	-	-	-	-	-	-	12	73	83	142	258	218	150	150	75	75	88	-	-	-	-	-	-	1,324
Strategic allocations (West End)	-	-	-	-	-	-	12	50	25	25	337	476	464	426	213	213	426	426	426	426	213	212	4,370	
Projected windfalls (Rest of East Devon)	-	-	-	-	-	-	90	130	65	65	130	130	130	130	65	65	130	130	130	130	65	65	1,650	
Projected windfalls (West End)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	
<b>Total (Rest of East Devon)</b>	338	539	277	297	454	665	623	586	282	526	731	545	430	417	215	165	218	130	130	130	65	65	7,828	
<b>Total (West End)</b>	486	531	223	250	566	701	725	769	376	402	668	666	654	616	308	308	566	471	426	426	213	212	10,563	
<b>TOTALS</b>	824	1,070	500	547	1,020	1,366	1,348	1,355	658	928	1,399	1,211	1,084	1,033	523	473	784	601	556	556	278	277	18,391	

3.26 The graph below shows the breakdown of different sites making up the housing trajectory projected to 2031.



- 3.27 It should be noted that projected completions are based on an assessment of available sites and a SHLAA panel/developer assessment of what can and is available to build on. Whether house builders choose to build at these levels will be informed by market demand and commercial attractiveness to build.
- 3.28 Whilst both the above and below graphs show a flattening out or slight reduction in projected completions for 2015/16 and 2016/17 in comparison to completions in 2014/15, this is purely a result of the application of the methodology and calculations. In reality completions will not follow this projection line exactly, some sites projected to be completed next year may be completed in 4 years time, and conversely some projected to be built out in 4 years time may be completed next year. The key point is that over the five year period if completions were annualised (averaged out over the period), the projected completions would be significantly above the 950 per annum target set by the Local Plan.
- 3.29 In addition to this, the graph below shows the annual requirement as set out by the Understanding Data report<sup>1</sup> if rather than averaging out the total plan requirement over the whole plan period, the annual requirement was based on the CLG 2012 sub-national household projections (February 2015). Annual projected completions clearly far exceed this secondary annual requirement right up until 2023-24 and only drop well below the household projections from 2026-27 onwards. This is evidence of the fact that housing is being brought forward from later in the plan period as required by paragraph 47 of the NPPF.

### Projected annual completion trajectory



<sup>1</sup> Demographic advice for East Devon Council (August 2015), Understanding Data, available at: <http://eastdevon.gov.uk/media/1287188/psd2015u-demograpicsunderstandingdataaug2015.pdf>

3.30 Looking back at previous completions and projected completions it is possible to see the significant increase in annual figures especially in the first ten years of the new plan period (2013 – 2023). The graph below shows that East Devon is providing the “step change” in housing delivery required by the Government.

## 4. Five Year Land Supply Calculations

- 4.1 Paragraph 47 of the NPPF requires Councils to *“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”*.
- 4.2 The point of demonstrating a five year land supply is to ensure that there is enough housing coming forward to meet requirements. On top of this, the current Government is seeking to increase housing delivery in the immediate future by requiring Councils to demonstrate a minimum of 5% extra provision but in places where delivery has been persistently below requirements 20% extra. Due to delays in Cranbrook getting started and low consumer demand coupled with reduced build rates over the recession, this meant that completions for the period 1 April 2006 to 31 March 2013 were significantly below what the draft RSS suggested as a target and the target of the new Local Plan. However, the draft RSS was never adopted and has consistently been stated to hold no weight since the revocation of regional plans in England by the Coalition Government and the new Local Plan target has no relevance to years preceding 2013 as it is inflated by job growth at the West End. It is, therefore, not clear exactly what delivery in the years preceding the current plan period should be assessed against. The Council has previously accepted that it has undersupplied in previous years and as such the 20% buffer continues to be conservatively applied, however, it may be arguable to say that a 5% buffer is relevant.
- 4.3 The NPPF explains that to be considered deliverable in the context of the requirement to demonstrate a five year land supply, *“sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans”*.
- 4.4 Now that the new Local Plan has been adopted the Council is able to rely on all deliverable sites for its five year land supply calculations. Prior to adoption it was accepted that until adoption of the new Local Plan potentially deliverable strategic allocations in the Local Plan that had not yet gained planning permission or a resolution to grant permission could not be relied upon. That is no longer the case as the Inspector has found the plan and the allocations within it to be sound.
- 4.5 The adopted new Local Plan has a housing requirement of 17,100 new homes for the 2013 -2031 plan period, equivalent to an average of 950 dwellings per annum.

## Five Year Land Supply calculation

	Item	Calculation	Combined
A	Requirement		17,100
B	Annual requirement (basic)	A/18	950
C	5 Year requirement (basic)	Bx5	4,750
D	Requirement to have been delivered by 30 September 2015	Bx2.5	2,375
E	Completions 1 April 2013 - 30 September 2015		2,394
F	Shortfall/Surplus	D-E	- 19
G	5 Year requirement (excluding buffer)	C+F	4,731
H	5 Year Target (including 5% buffer)	Gx1.05	4,968
I	<b>5 Year Target (including 20% buffer)</b>	<b>Gx1.20</b>	<b>5,677</b>

J	<b>Annual Target (assuming 20% buffer)</b>	<b>I/5</b>	<b>1,135</b>
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	Supply element at 30 Sept 2014 expected to deliver 1 April 2015 - 31 March 2020		
K	Extant permissions (including under construction)		5,075
L	Sites with resolution to grant permission		679
M	Strategic allocations		255
N	Future windfalls		285
O	<b>Total deliverable supply</b>	<b>K+L+M+N</b>	<b>6,294</b>
P	Total deliverable supply (excluding allocations without permission or windfalls)	K+L	5,754
Q	Total deliverable supply (excluding allocations without permission but including windfalls)	K+L+N	6,039

R	<b>Surplus/Deficit</b>	<b>I-O</b>	<b>- 617</b>
S	Surplus/Deficit (excluding allocations without permission or windfalls)	I-P	- 77
T	Surplus/Deficit (excluding allocations without permission but including windfalls)	I-Q	- 362

U	<b>Years of land supply</b>	<b>O/J</b>	<b>5.54</b>
V	Years of land supply (excluding allocations without permission or windfalls)	P/J	5.07
W	Years of land supply (excluding allocations without permission but including windfalls)	Q/J	5.32

- 4.6 Row U in the above assessment shows that taking account of all deliverable sites across the district as a whole, the Council is able to demonstrate **5.54 years** of land supply.
- 4.7 According to the above calculation, there is a surplus (number of dwellings above the required supply for the next five years) of 617 dwellings (row R) which is a significant buffer (in addition to the required 20% buffer) capable of allowing for non-implementation or reduced build out rates of a number of sites. This averages out at 123 dwellings per year surplus over the five year period.
- 4.8 The calculation also shows that the Council could still demonstrate a five year land supply (5.07 years) even if strategic allocations and windfalls were excluded.

**Report to:** Development Management Committee  
**Date:** 10 May 2016  
**Public Document:** Yes  
**Exemption:** None  
**Review date for release:** None



**Subject:** **Response to Technical consultation on Starter Homes Regulations**

**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](mailto:chrose@eastdevon.gov.uk))

**Financial implications:** There are no financial implications at this stage as the report is the proposed response to government 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/uploads/system/uploads/attachment\\_data/file/510478/Starter\\_homes\\_regulations\\_technical\\_consultation.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/510478/Starter_homes_regulations_technical_consultation.pdf)

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

## **Report in full**

### 1. Background

- 1.1 The Department for Communities and Local Government is consulting on details for the regulations to be made in relation to starter homes. The consultation period runs until the 18<sup>th</sup> May 2016.
- 1.2 The technical consultation sets out the Government's proposed approach to starter homes and seeks views from developers, local planning authorities and other parties regarding the proposals. The consultation document advises that responses will inform the preparation of the regulations following the Housing and Planning Bill's Royal Assent.
- 1.3 The consultation covers the following areas:
1. Introduction
  2. What is a starter home?
  3. The starter Home Requirement
  4. Monitoring and reporting
- 1.4 This report provides a summary of, and some of the text from, the consultation document and provides a recommended response to the 18 questions posed in the document under the above headings. The report deals with the above areas in turn providing an introduction to each section and answers to the questions in the consultation document.

### **2.0 Introduction**

- 2.1 The document reiterates the Government's commitment to increasing home ownership and the delivery of 200,000 quality starter homes during the Parliament. Starter homes will be for first-time buyers under 40 years of age and sold at a discount of 20% of the market price.
- 2.2 The Introduction to the consultation document states:

"To deliver this commitment, the Housing and Planning Bill (currently before Parliament) proposes a new statutory framework for starter homes, including:

- a statutory definition of a starter home;
- a general duty on local planning authorities to promote the supply of starter homes when carrying out their planning functions;
- the ability to set a starter homes requirement, meaning that local planning authorities may only grant planning permission for residential development if the starter homes requirement is met;



- reporting arrangements to ensure local communities, and especially first time buyers, are aware of what action local planning authorities are taking to support the delivery of starter homes; and
- powers for the Secretary of State to intervene if local planning authorities fail to carry out their functions related to starter homes.

The detailed implementation of key aspects for the statutory framework for starter homes will be set out in regulations made by the Secretary of State, including:

- elements of the definition of a starter home;
- the starter homes requirement (regulations specifying the number of starter homes to be delivered and the types of site on which the requirement should be imposed, such as those of a reasonable size) ; and
- the reporting arrangements for starter homes delivery.”

2.3 The document also provides an opportunity for any further comments regarding the definition of affordable housing.

### 3.0 What is a Starter Home?

3.1 The Housing and Planning Bill defines a starter home as a new dwelling only available for purchase by qualifying first-time buyers and which is made available at a price which is at least 20% less than its market value but which is below the price cap. A price cap of £250,000 outside Greater London and £450,000 in Greater London is specified in the Bill. The purchaser must be a first-time buyer and under the age of 40.

3.2 In a consultation document in early 2015 the Government set a 5 year restriction from the date of first sale of the starter home, during which time the purchaser could not sell the starter home for full market value. The document advises that the Government continue to believe that starter homes should be sold to those committed to living in an area but is seeking views on a tapered approach. This would enable the starter home to be sold at an increasing proportion of market value, stepping up to 100% over time. The Government is interested in views on the implementation challenges of a tapered approach but does not support extending the restricted period beyond the first 8 years of occupation, believing this would unreasonably limit people’s ability to move on.

3.3 If the buyer wanted to sell during the restricted period, they should do so to another first-time buyer at a discount. These properties would not be available as buy-to-let properties.

**Q1: Do you support restrictions on the sale and sub-letting of starter homes for 5 years following initial sale? Do you support allowing individuals to sell at a higher proportion of market value as the number of years they have lived in the home increases? If not, what other approaches can we adopt to meet our objectives?**

3.4 No. Starter Homes should be secured in perpetuity or for a minimum of 15 years. Rural starter homes and Community Land Trust homes should be secured in perpetuity. A timescale less than in perpetuity raises issues of monitoring and enforcement. As starter homes are explicitly designed as a means to encourage and facilitate greater home ownership, with subsidies being built into the approach, it makes clear sense for there to be restrictions on re-sale and letting in perpetuity. A concern around any graduated approach to selling, allowing owners to secure an increasing element of the property value as years progress, is that without very carefully defined rules in place it may work out that initial occupants will cash in and make money out of the subsidy. In this respect the principles

underlying the starter home initiative would be compromised and the whole process could be counterproductive in respect of stated objectives.

Who will monitor and check that occupants/buyers are eligible? There is a place for starter homes, but it shouldn't be at the total cost of more traditional forms of affordable housing for which a need has been identified through local evidence gathering. It should be for the local authority to gather evidence of the level of starter home needs in its area and to plan for this alongside the more traditional affordable housing.

#### Age 40 eligibility

- 3.5 Whilst Starter Homes are intended for the under 40's, the Government has introduced an amendment to the Housing and Planning Bill to allow the Secretary of State to make regulations allowing for some flexibility, particularly for circumstances where one buyer is over 40 but their partner is under 40 and are looking to buy together.
- 3.6 In addition, it is proposed that the regulations should allow for injured service personnel and those whose partner has died in service to be exempt from the under age 40 restriction. It is the Government's position that first-time buyers who have suffered particular hardship as a result of military service should be given the opportunity to access a starter home, irrespective of age.

**Q2: Do you agree that flexibility over the age 40 restriction should be given when joint purchasers are looking to buy a starter home, one purchaser being under 40 years old but the other older than 40?**

- 3.7 The justification for using 40 years of age as a cut-off does not appear to have been evidenced or justified. Assuming that 40 is logical in the first instance it would seem reasonable that where joint purchasers are involved then one party could be over 40. However the clear requirement should be for both the joint purchasers to live in the property. What if there are more than two joint purchasers?

**Q3: Do you agree that there should be an exemption from the age 40 restriction for injured military services personnel and those whose partner has died in service?**

- 3.8 Yes, but what about others with a disability that have been unable to access housing?

#### 4.0 The Starter Homes Requirement

##### Statutory provisions

- 4.1 The starter homes requirement is intended to ensure that starter homes become a common feature of new residential developments across England and that residential development should not be approved without it. Starter homes could take the form of the provision of a particular number or proportion of starter homes on a site or the payment of a commuted sum to the local planning authority for the provision of starter homes elsewhere. The Secretary of State will have flexibility to apply different requirements to different types of residential developments and to different areas.
- 4.2 The document states however that it is important that the starter homes requirement does not undermine wider housing supply by making development unviable, or increase the administrative burdens on developers or local planning authorities. The importance of local planning authorities' continuing to have the local flexibility to secure additional section 106 contributions beyond the starter homes requirement, for shared ownership and other forms of affordable housing is recognized.

### **a) Minimum threshold for residential developments subject to the starter home requirement**

- 4.3 The document proposes that the starter homes requirement applies to sites which have 10 units or more or are more than 0.5hectares. The document considers that a higher threshold will result in a lower number of starter home whilst a lower threshold could start to impact upon the viability of development for smaller builders.

#### **Q4: Would a site size of 10 units or more (or 0.5 ha) be an appropriate minimum threshold for the starter home requirement? If not, what threshold would be appropriate and why?**

- 4.4 This should be determined locally based on local circumstances and determined based upon local evidence. It would appear arbitrary and non-evidence based to apply a universal 10 dwelling threshold across England. In some localities small housing sites, per each dwelling built, are just as if not more financially viable for landowners/developers as bigger sites and there are no obvious other reasons why starter homes cannot typically form part of a development scheme regardless of size. Local circumstances should be taken into account to determine, at a local level, any threshold that should apply.

### **b) Percentage requirement for starter homes**

- 4.5 It is proposed that the regulations set a clear percentage for the number of starter homes to be secured through a S.106 Agreement. Exceptions should apply unless there are viability constraints and to some forms of residential development.
- 4.6 Having examined the percentage of affordable housing achieved across the country the government advise that 20% has been achieved as an average. Whilst higher or lower figures could be introduced, due to concerns regarding the need to balance viability against the need to secure a high number of starter homes, on balance 20% provision is proposed.

#### **Q5: Should the minimum percentage requirement be applied uniformly on all sites over 10 units to provide a single requirement across the country?**

- 4.7 No, it doesn't best reflect what's needed or supported in the local area and the evidence used to justify 20% is flawed and too general to be applied nationally. Establishing local standards based on and around local evidence is the appropriate means to determine percentage requirements. Where is the evidence of the scale of need for Starter Homes? The need will vary from district to district hence the need for the threshold and percentage of starter homes to be set locally based on local circumstances and need.

#### **Q6: If so, do you agree that 20% represents a reasonable requirement for most areas?**

- 4.8 A 20% universal figure is unreasonable because it does not reflect local standards and also it is not a figure based on any evidence or assessment of local need, desire or ability to afford properties. Could the percentage not be set locally depending upon viability and local need.

### **c) Exemptions to the requirement**

- 4.9 Exemptions will apply where development is not viable with the provision of starter homes subject to evidence being submitted and tested by the local planning authority. A lower percentage than 20% could be agreed subject to viability.

**Q7: Do you support an exemption from the Starter Homes requirement for those developments which would be unviable if they had to deliver any affordable housing including Starter Homes? If so, how prescriptive should the viability test be in the regulations?**

- 4.10 As with all forms of affordable housing viability issues should be taken into account to determine exceptional cases where provision may not be appropriate (or a lower % is relevant). Viability should be tested at the local level and should be consistent with the current guidance in the NPPF and NPPG.

#### Other Exemptions

- 4.11 It is recognised that some types of specialist development (such as supported housing) may be incompatible with starter homes. It is also recognized that exemptions may be needed for affordable led development, student housing and custom build.

**Q8: Do you support the proposed exemptions from the starter homes requirement? If not, why not?**

- 4.12 Yes, if it includes Community Land Trust's and 100% Exception sites.

**Q9: Should group custom build developments and developments with a very high level of affordable housing such as estate regeneration schemes be exempt? If not, why not?**

- 4.13 Yes, for development with a high percentage of affordable housing is proposed. With regard to custom build schemes, these will rarely be 10 units or more with some custom build schemes generating financial returns that are in line with or greater than non-custom built developments and so in viability terms it would be perverse for there to be an automatic exemption. The correct approach should be viability testing of custom schemes at a local level.

**Q10: Are any further exemptions from the starter homes requirement warranted, and why?**

- 4.14 Exception sites and Community Land Trust schemes should be exempt. The reasons for this being that these developments are being built as exemptions to policy and to meet an identified need.

#### The starter homes requirement and off site commuted sums

- 4.15 In most cases, the starter homes should be on-site but the document states that some flexibility may be needed (particularly in high value areas and for elderly accommodation) to secure contributions towards provision elsewhere. The consultation seeks views on the contribution made to starter homes from purpose built private rented sector housing (for institutional investment). It is not proposed that this form of housing should be bound by an on-site starter homes requirement since purpose built private rented developments would, for a combination of design, property management and investment reasons, not easily

support a mixed tenure scheme. It is proposed that private rented sector developments could contribute to starter home provision and the requirement should be met through an offsite contribution for delivery of starter homes.

**Q11: Do you support the use of commuted sums to deliver starter homes where the local planning authority agrees?**

- 4.16 In principle, commuted sums can be a useful approach but they should be the rare exception rather than the norm. Most development schemes can reasonably accommodate a range of housing types and challenges can arise with commuted sums in respect of actually finding houses/proposals for the commuted sum to be spent on. It is typically better to ensure that delivery happens on site, in a timely manner, on the scheme that is being built.

**Q12: Do you support the proposal that private rented sector housing (for institutional investment) and specialist older people's housing should meet the requirement through off-site contributions?**

- 4.17 This depends on the types of dwellings proposed. Specialist older person housing schemes could be one (rare) case where on-site provision is not appropriate but even in this instance the onus should rest on the applicant demonstrating why an off-site provision is appropriate. With respect of private rented housing the arguments for making off-site provision are less clear cut and in many schemes an onsite provision could be an entirely reasonable part of a mixed use scheme. It seems, as well, strange to single out "institutional investment" schemes for special mention. It is the product that is being built that is relevant and not how it is funded or by whom.

## **5.0 Monitoring and reporting**

- 5.1 The Government intends to monitor the delivery of starter homes across the country from March 2016 in order to identify where permissions have been sought for starter homes. They will then follow these applications to determine when development has started. DCLG will also track starter home completions through Local Authority data returns, with the first data expected in 2017.
- 5.2 The consultation proposes to set out in regulations that local planning authorities should prepare a monitoring report (on an annual basis) on starter homes which should be published alongside the Authority Monitoring Report.
- 5.3 The consultation proposes that these reports include:
- number of planning applications received containing starter homes
  - number of planning applications containing starter homes approved
  - number of starter homes granted planning permission
  - number of starter homes completed
  - number of brownfield exception sites (as defined in national policy) identified
  - number of brownfield exception sites granted planning permission
  - starter homes granted permission as a result of the % requirement on housing sites over 10 units
  - actions taken to identify opportunity for starter homes, including engagement with development sector
  - number of exemptions granted from the starter home requirement.
  - publication of the first report by April 2017.

**Q13: Do you agree that Starter Homes monitoring reports should be an annex to the Authority Monitoring Report?**

- 5.4 Annexing starter home monitoring reports to an Authorities Monitoring Report would appear reasonable. But it is stressed that monitoring can be a resource and time hungry activity and resources should be made available, specifically government funding, to support such activity.

**Q14: Do you agree that these reports establish the key actions taken to support starter home delivery and the outcomes in terms of permissions granted and completions?**

- 5.5 These can be factors that are included in any monitoring report but far more relevant would be data on need and take up of starter homes and monitoring of the wider impacts that such provision may have.

**Q15: Do you agree that April 2017 is a reasonable date for the first report to be published? If not, do you have alternative suggestions and why?**

- 5.6 April 2017 would be a reasonable start date.

Transitional provisions

- 5.7 Unless there are strong reasons for a transitional period, the Government intend to bring the starter home regulation into force as soon as it has received approval from both the House of Commons and House of Lords.

**Q16: Do you support a transitional provision for the starter home regulations?**

- 5.8 Transitional arrangements are appropriate and necessary as policies in adopted local plans will need amending. The starter home regime is untested and there are many unknowns. A transitional period for any new rules to 'bed-in' is entirely appropriate, reasonable and desirable. It will allow time for applicants, developers and those providing finance (specifically including mortgage lenders to prospective purchasers) to understand the what's, where's and why's of what will be a new product and the unknowns associated with it.

Equalities considerations

- 5.9 The consultation document states that it is not considered that there are any negative equalities issues from the proposals and will shortly publish an equalities statement relating to the proposals.

**Q17: Is there further evidence we should be considering in our assessment of equalities implications?**

- 5.10 Evidence of how starter homes will help those most in need of housing and what impact it is likely to have on the provision of traditional affordable housing and securing housing for those most in need of housing. Has an assessment been done on the impact that this policy will have on obtaining a mortgage? Lenders have historically been cautious in lending on properties with sell-on restrictions.

## Assessment of impact

- 5.11 An impact assessment of these consultation proposals will be published shortly covering:

**Q 18 (i): How do you anticipate the open market value of Starter Homes would compare to other affordable housing products such as social rent, affordable rent and affordable home ownership?**

- 5.12 It's expected that a developer will want to maximize receipts so would be higher than affordable values. The expectation would be that to the consumer/purchaser a starter home would cost more than other forms of affordable housing. With starter homes being priced at up to £250,000 in East Devon (and everywhere else bar London), with a 20% reduction, it would price a starter home at up to £200,000. At this price level, or even quite substantially less, a starter home would be considerably more expensive than the housing costs and the ability to pay of the vast majority of residents living in affordable housing. This is however difficult to quantify and it is going to be difficult to value Starter Homes

**(ii): How do you envisage the market value of Starter Homes when compared to the market value of full priced new build homes bought by first time buyers?**

- 5.13 The clear danger of the starter home initiative is that it will not actually lead to cheaper housing for those in need; rather it could encourage developers to add extra costs to the gross price of starter houses knowing that a subsequent price reduction would bring them back down to a level that is the same as or similar to a 'proper market value'. This could though be the lesser of possible negatives in terms of outcomes, more significant is the potential for inflated price starter homes impacting on general house price inflation. It should also be recognised that many first time buyers will choose to buy second hand properties that will often be considerably cheaper than new homes and in many cases could be considerably cheaper than starter homes (even with a discount subsidy). It seems somewhat unreasonable that those choosing to buy a second hand home, or worse only able to afford a second hand home, despite what might be their preferred choice, are not eligible for a subsidy that others will receive.

**(iii): What is your view on the proportion of sites that would be able to deliver 20% Starter Homes without viability being affected? How would this affect other developer contributions?**

- 5.14 In East Devon strategic viability assessment work indicates that smaller sites will typically be as viable as larger sites. It is envisaged that the bulk of sites, large or small, should be able to support starter homes. It should be in comparatively few cases that viability concerns, for example because of exceptional development costs, will impact on sites not being commercially able to deliver.

**(iv): Do you agree that in most instances s106 negotiations occur on residential sites of 10 or more units, regardless of whether a s106 agreement is ultimately put in place? And do you agree that before the April 2015 pooling restrictions on Section 106, infrastructure contributions (as a proportion of development activity) tended to be higher in authorities that secured relatively low s106 affordable housing contributions?**

- 5.15 Yes negotiations occur on a number of schemes of more than 10 units – although not in most instances. Infrastructure contributions depend upon a case by case basis and we are

not aware that there is evidence to justify that generally contributions were higher where lower affordable housing is secured. Infrastructure contributions have been dictated by the infrastructure needs to support the development proposed and levels of affordable housing only become a factor where there are viability concerns.

**(v) To what extent do you think the starter home requirement and associated exemptions will affect site viability, if at all?**

- 5.16 Clearly any subsidy required from development could impact on site viability. The critical issue is that transparent viability assessment should be in place to ensure issues are properly and fairly assessed. What this will do is undermine efforts to deliver other types of affordable housing for people who are arguably in greater need of housing.

**(vi) We would welcome (a) any estimates of the costs incurred by developers in negotiating s106 agreements on sites of different sizes, for example time costs, consultants or legal fees, and (b) views on the extent these costs might change as a result of the 20% starter homes requirement.**

- 5.17 Information is not readily available to comment in detail. The costs and timescales vary from site to site depending upon the developer and circumstances. Costs can vary from a couple to many thousands of pounds.



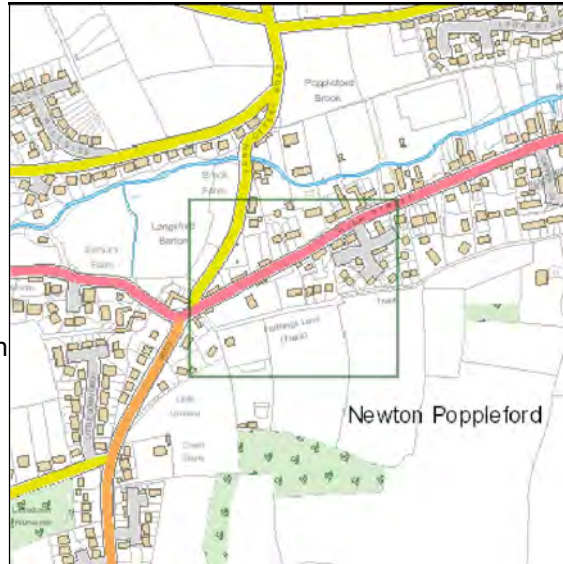
**Ward** Newton Popleford And Harpford

**Reference** 15/1187/FUL

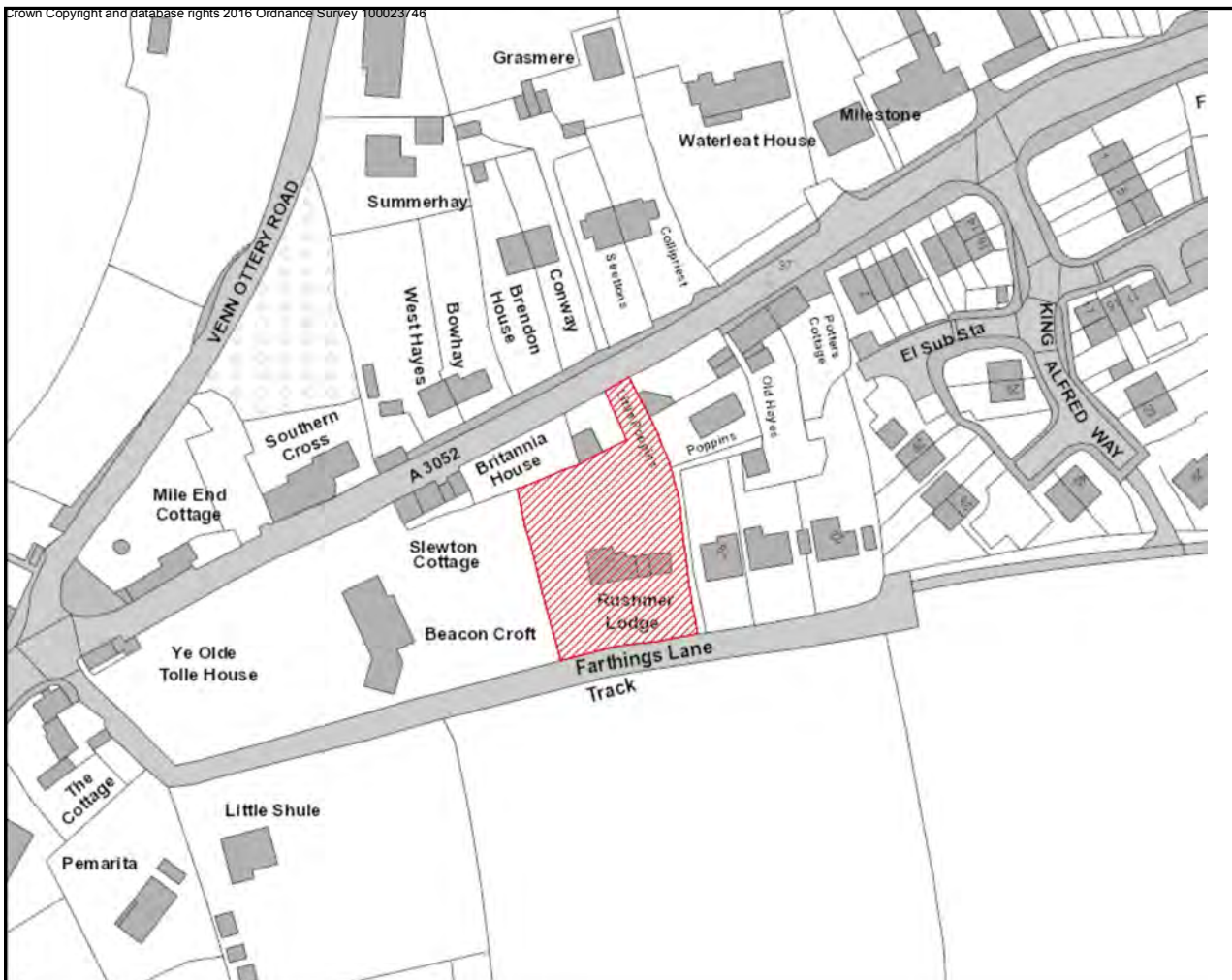
**Applicant** Mr P Grace

**Location** Rushmer Lodge High Street Newton Popleford Sidmouth EX10 0EF

**Proposal** Construction of two storey extension



**RECOMMENDATION: Non-Material Amendment Agreed**



		<b>Committee Date: 10<sup>th</sup> May 2016</b>
<b>Newton Poppleford And Harpford (NEWTON POPPLEFORD AND HARPFORD)</b>	<b>15/1187/FUL</b>	<b>Target Date: N/A</b>
<b>Applicant:</b>	<b>Mr Peter Grace</b>	
<b>Location:</b>	<b>Rushmer Lodge, High Street, Newton Poppleford</b>	
<b>Proposal:</b>	<b>Construction of two storey extension</b>	

**RECOMMENDATION: Non-material amendment is acceptable**

#### **EXECUTIVE SUMMARY**

The proposal is referred to the Committee as the applicant is a close relative of a Member of the Council.

Planning permission was granted for a two storey extension to Rushmoor Lodge, High Street, Newton Poppleford by the Development Management Committee on 14 July 2015. The non-material amendment application seeks to vary the existing planning permission to make minor changes to the internal layout of the dwelling at ground floor level. The changes would involve the reduction in size of the proposed utility window and the insertion of an additional window to provide a downstairs bathroom.

The proposed changes are considered to be in keeping with the character and appearance of the property and would not result in a detrimental loss of amenity or overlooking of neighbouring properties. The amendments sought are considered non-material and as such the proposal is recommended for approval.

#### **CONSULTATIONS**

None

#### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
15/1187/FUL	Construction of Two Storey Extension	Approved with conditions	16.07.2015

## **POLICIES**

### **New East Devon Local Plan Policies**

D1 (Design and Local Distinctiveness)

Strategy 6 (Development Within Built-up Area Boundaries)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

## **ANALYSIS**

### **Site Location and Description**

The application site comprises a detached two storey dwelling located on the southern side of High Street (A3052), and to the north of Farthings Lane. The property, which is within the Built-up Area Boundary is accessed via a long drive, and the building is set behind the main building line of the High Street, broadly in-line with dwellings to the east in King Alfred Way. From the High Street, the application dwelling is not visible (being screened by bushes in the grounds of neighbouring properties). The site lies within the East Devon AONB.

### **Proposed Development**

The non-material amendment application seeks to vary the existing planning permission to make minor changes to the internal layout of the dwelling at ground floor level. The changes would involve the reduction in size of the proposed utility window and the insertion of an additional window to provide a downstairs bathroom.

### **Consideration and Assessment**

In terms of appearance the proposed reduction of the utility window and insertion of the bathroom are minimal and would not materially alter the development, as approved. The proposed changes are considered to be in keeping with the character and appearance of the property and would not harm the AONB or result in a detrimental loss of amenity or overlooking of neighbouring properties.

## **RECOMMENDATION**

That the proposal is accepted as a non-material minor amendment to the consent granted under reference 15/1187/FUL.

### **Plans relating to this application:**

150405/6	Location Plan	13.04.16
150405/5	Proposed Site Plan	13.04.16
150405/1A	Combined Plans	13.04.16

150405/3A	Combined Plans	13.04.16
150405/2A	Combined Plans	13.04.16
150405/4	Combined Plans	13.04.16

List of Background Papers

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

**Ward** Newton Poppleford And Harpford

**Reference** 15/2172/MRES

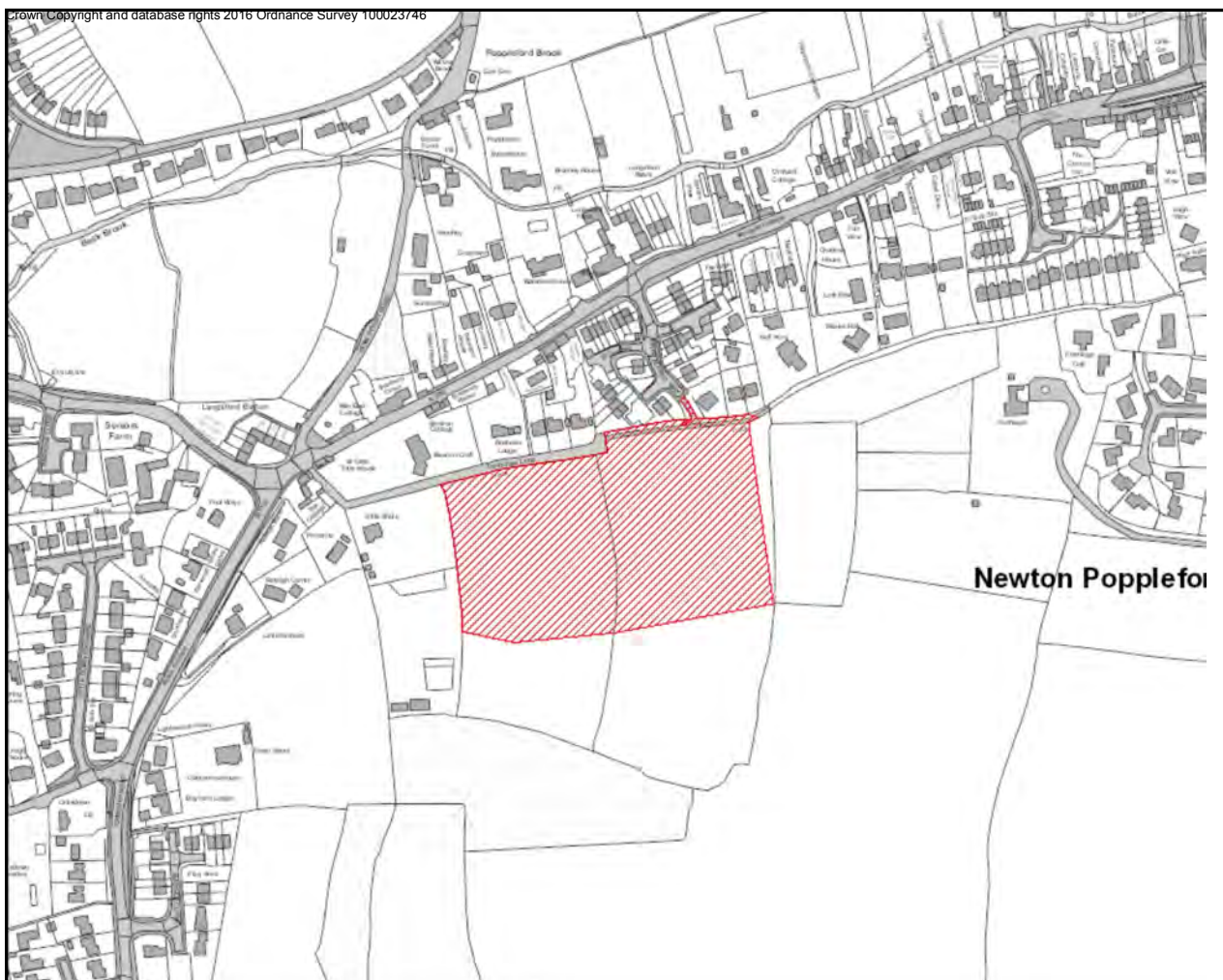
**Applicant** Cavanna Homes (Devon) Ltd And Pencleave 2

**Location** Land South Of King Alfred Way Newton Poppleford

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



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 10<sup>th</sup> May 2016</b>
<b>Newton Poppleford And Harpford (NEWTON POPPLEFORD AND HARPFORD)</b>	<b>15/2172/MRES</b>	<b>Target Date: 28.12.2015</b>
<b>Applicant:</b>	<b>Cavanna Homes (Devon) Ltd And Pencleave 2</b>	
<b>Location:</b>	<b>Land South Of King Alfred Way</b>	
<b>Proposal:</b>	<b>Construction of 40 dwellings (including 16 affordable), doctor's surgery and associated infrastructure, open space and landscaping (approval of details of appearance, landscaping, layout and scale reserved by outline planning permission 13/0316/MOUT)</b>	

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

**UPDATE REPORT**

This application was considered at the meeting of the Development Management Committee on 19<sup>th</sup> January 2016 at which it was resolved to defer a decision for negotiations to secure the submission of revised site layout details showing a greater level of dispersal, or 'pepper potting', of the proposed affordable units throughout the development.

This resolution followed the refusal of, and in March this year the dismissal of a subsequent appeal against, a previous application (ref. 15/0642/MRES) for approval of the matters reserved by the original outline planning permission (ref. 13/0316/MOUT).

In her findings, whilst not raising any issues regarding the proposed affordable housing mix or the impact of the landscaping scheme upon the AONB (which represented two other grounds for refusal imposed by the Committee), the Inspector did share the Council's concerns with regard to the lack of dispersal of the affordable housing element and the consequent failure of the layout to facilitate the creation of an inclusive and mixed community and achieve greater social integration in line with

one of the key principles embodied in both Strategy 34 of the adopted Local Plan and the relevant policies set out in the National Planning Policy Framework (NPPF) stating:

“15. The objective should be to achieve the creation of inclusive and mixed communities and the Planning Practice Guidance refers to the achievement of greater social integration. The layout would not achieve a high level of integration. Local Plan Strategy 34 states that ‘affordable housing should be pepper-potted or dispersed throughout the scheme’. I do not interpret ‘dispersed’ as meaning situated in only one location on the site and therefore the requirements of Local Plan Strategy 34 would not be met.

16. I note the appellant’s argument that Strategy 34 states ‘should’ rather than ‘*must*’, ‘*will*’ or ‘*shall*’ in terms of ‘pepper-potting’. However, the Local Plan has a clear expectation for affordable housing integration and I am not satisfied that material circumstances prevail in this case to indicate that this development, whose layout would be clearly contrary to the newly adopted development plan, should be permitted.

17. To conclude on this first main issue, I acknowledge that there is a need for affordable housing in the local area. However, among the principles of the Framework and the Local Plan is the creation of inclusive and mixed communities. This principle has not been satisfactorily embodied in the proposal before me. Therefore the development is contrary to Local Plan Strategy 34 and the Framework.”

In reaching these conclusions, the Inspector also highlighted the absence of any up-to-date evidence to establish that dispersal of the affordable housing would be financially unviable as claimed by the appellants.

Negotiations have since taken place with the applicants, involving the Council’s Housing Enabling Officer, to secure amended layout details. These details show the repositioning of two of the three pairs of semi-detached units..

One of these pairs, comprising a single shared ownership unit (plot 32) and a social rented dwelling (plot 33), is now shown occupying a location on the north side of the main estate road just to the west of the existing retained hedge that centrally bisects the site from north to south.

The other pair, both shared ownership units (plots 39 and 40), are shown further north and to the immediate east of this hedge; they would be accessed via the shared private driveway extending west from the estate road opposite the entrance to the proposed surgery car park.

The remaining pair, also both shared ownership dwellings (plots 14 and 15), would retain their position at the western end of the site. Similarly, the remaining 9 social rented units would be retained as two terraced blocks, one semi-detached pair and a

pair of flats facing north towards the end of the estate road. These would therefore remain unchanged.

The details of the open market units have also been modified accordingly to accommodate these revisions.

The Council's Housing Enabling Officer has once again been consulted in respect of these amended layout details and has commented as follows:

“Having considered the latest Reserved Matters application, and after meeting with the applicant's representatives, I can confirm that the proposed affordable housing element accords with what was discussed and agreed at our meeting; namely, that the applicant has managed to provide an improved dispersal of affordable dwellings within the development. This better reflects the requirements in Strategy 34 of the new Local Plan to 'pepper-pot' or disperse affordable housing throughout the scheme.

The percentage of affordable housing, tenure split and property types are all consistent with previous expectations and comments, and are now supported.

The potential Registered Provider for this development, should approval be given, has confirmed support for the amended layout.

In summary, this latest application has dealt with concerns raised in the past and is considered acceptable in affordable housing terms.”

In the light of both the appeal Inspector's findings in respect of the first reserved matters application and the resolution taken by the Committee in January in relation to this current amended submission, the dispersal of the affordable housing element represents the single remaining issue to be resolved in this matter. All other matters were considered acceptable by the Inspector, did not form a reason to dismiss the appeal and were not reasons for deferral of the application in January.

Given the improved dispersal of the units, in light of the support offered by the Housing Enabling Officer to the level of dispersal of the affordable units throughout the site, and despite the fact that further dispersal of the units would have been preferable given that a run of 9 units remain at the end of the cul-de-sac, it is considered that the proposal is acceptable.

Approval is therefore recommended, largely in line with the original report presented to the Committee in January.



**ORIGINAL COMMITTEE REPORT FROM 19<sup>TH</sup> JANUARY 2016**

		<b>Committee Date: 19 January 2016</b>	
<b>Newton Poppleford And Harpford (NEWTON POPPLEFORD AND HARPFORD)</b>	<b>15/2172/MRES</b>	<b>Target</b>	<b>Date:</b>
<b>Applicant:</b>	<b>Cavanna Homes (Devon) Ltd And Pencleave 2</b>		
<b>Location:</b>	<b>Land South Of King Alfred Way</b>		
<b>Proposal:</b>	<b>Construction of 40 dwellings (including 16 affordable), doctor's surgery and associated infrastructure, open space and landscaping (approval of details of appearance, landscaping, layout and scale reserved by outline planning permission 13/0316/MOUT)</b>		

**EXECUTIVE SUMMARY**

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

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

The outstanding details for which approval is sought remain the layout, scale and appearance of the development and the landscaping of the site, details of the means of access having previously been approved at the outline stage. However, the internal layout of the scheme has been modified to incorporate a footpath link connecting the end of the proposed cul de sac with the footpath through the area of public open space, together with the closure through hedge

planting of a stepped access to/from Farthings Lane to facilitate a better serviced and lit pedestrian route in place of part of Farthings Lane itself in line with the recommendations of the County Highway Authority.

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

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

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

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

## **CONSULTATIONS**

### **Local Consultations**

## Parish/Town Council

Newton Poppleford and Harpford Parish Council Comments on 15/2171/MRES | Construction of 40 dwellings (including 16 affordable), doctor's surgery and associated infrastructure, open space and landscaping (approval of details of appearance, landscaping, layout and scale reserved by outline planning permission 13/0316/MOUT) | Land South Of King Alfred Way Newton Poppleford

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

Key points:

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

### Detailed Comments

#### 1. Overall layout

The Parish Council:

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

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

## 2. Retaining walls

The Parish Council

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

## 3. Parking

The Parish Council:

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

- o Queries how parking will be prevented and controlled in the shared space? The Manual of Streets 2 considers that 'Control of parking needs to be considered in level surface schemes' to ensure that parking does not prevent pedestrian access.

#### 4. Traffic access

The Parish Council:

- o Query that there is no indication of how construction traffic will be managed during development and the how the impact on the existing homeowners will be monitored?

- o Requests that the developer provides a contact for existing residents.

- o Query what the impact will be on the existing KAW road due to increased traffic from visits to the surgery and an increase in cars from new properties? The A3052 through Newton Poppleford already experiences 12,000 vehicle movements each day (Police Radar study July 2014) which makes access onto the main road from KAW difficult. Due to lack of parking space on properties in the existing King Alfred Way, many vehicles are parked on the road.

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

#### 5. Flooding

The Parish Council:

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

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

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

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

- o both attenuation tanks are managed by South West Water with a clear, long term management plan for the lifetime of the development. The tanks should both be

the same design with a wash through system so that any silt can be washed through the tank;

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

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

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

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

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

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

The Parish Council:

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

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

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

- o Recommends the need to include tactile features in the paving for the partially sighted, especially when using shared space layout.
- o Queries the £25k earmarked for the upgrade of Footpath 1 and suggests this is insufficient for improving the whole path. A proper survey and estimate of costs to make Footpath 1 into a viable public pathway needs to be done.

## 7. Surgery

The Parish Council:

- o Recommends that a planning condition be inserted that the surgery be built and fitted out in the first phase of building.
- o Recommends that a signed contract to occupy the surgery is made a condition of the proposal prior to approval.
- o Would like an assurance that the surgery will not be increased in size other than that which is necessary to cater for the increased demands from the residents of Newton Poppleford itself.

### Newton Poppleford & Harpford - Cllr V Ranger

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

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

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

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

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

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

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

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

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

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

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

Any criticism of the housing estate results in allegations that this is counterproductive to the well-being of the whole community as it also delays plans for the new doctors surgery. I think it is important to remember that the well being of the whole community relies on more than just a doctors' surgery.

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



upgraded anytime soon. The CHA has already stated that housing numbers are at the upper level of acceptability on safety grounds.

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

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

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

Val Ranger

Ward Councillor

Newton Poppleford and Harpford

### **Technical Consultations**

#### County Highway Authority

PLANNING APPLICATION - HIGHWAY CONSULTATION REPLY

APPLICATION NO: ED-02172-2015

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

LOCATION: Land South Of King Alfred Way, Newton Poppleford

Observations:

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

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

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

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

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

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

What is presently offered is, I believe, ignoring the potential for improving of the footpath that would benefit both the new and the existing residents of Newton Poppleford. Also it would save on the costs of improving the footpath in its present location, as put forward by the Planning Inspector. The internal layout of the development, as it stands, does not fully or ideally cater for access to and from the

footpath at the point where the proposed access road to the development from the existing King Alfred Close and proposing stepped link (not suitable for pushchair's etc.) rather than taking the natural desire line through the site. The proposed steps to the footpath from the internal road are not acceptable to the CHA because of the above reason above and would require a ramped access for pushchair's and those with mobility problems.

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

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

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

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

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

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

Recommendation:

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

PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

1. The proposed development would result in an unacceptable increase in pedestrians along a designated Public Footpath with consequent loss of amenity and

risk of additional danger and inconvenience to all users of the designated right of way contrary to paragraph 32 of the National Planning Policy Framework.

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

Local Highway Authority's recommendation.

Further Comments received 05.01.16

Since the above observations and recommended refusal (submitted 03/11/2015), the applicant has submitted amended plans showing revised access to Farthings Lane, closure of the existing gated entrance, a new adoptable footway link through existing hedge and connection to the internal footway and an uncontrolled crossing to serve the public right of over the proposed access road from King Alfred Way. The CHA is very pleased to see these amendments as these arrangements will serve to improve pedestrian movement through the development for all pedestrians, accordingly I am pleased to be able to alter my recommendation to one of recommended conditions.

Recommendation:

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

1. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate

Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

REASON: To protect water quality and minimise flood risk.

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

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular

movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

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

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

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

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

5. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON: In the interest of public safety and to prevent damage to the highway

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

REASON: To ensure the proper development of the site.

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

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

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

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

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

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

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

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

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

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

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

REASON: To ensure that these highway provisions remain available

Environment Agency

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

Our earlier comments remain unaltered.

Environment Agency

Comment Date: Wed 30 Sep 2015

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

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

Steve Maddison

Sustainable Places - Planning Specialist Environment Agency

Environmental Health

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

South West Water

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

Environmental Health

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

Natural England

Ref: 15/2172/MRES

Our Ref: 166941

Thank you for your consultation.

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

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 29 April 2015.

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

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Yours faithfully

James Hughes

Technical Support Adviser

Consultations Team

Natural England

(Copy letter)

Date: 29 April 2015

Our ref: 150710

Your ref: 15/0642/MRES

Dear Central Team,

Planning consultation: Construction of 40 dwellings (including 16 affordable), doctors' surgery and associated works (approval of details reserved by outline planning permission 13/0316/MOUT).

Location: Land South of King Alfred Way, Newton Poppleford.

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



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

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

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

European wildlife sites:

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

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

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

East Devon Pebblebed Heaths SSSI

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

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

For any queries relating to the specific advice in this letter only please contact Darren Horn ([darren.horn@naturalengland.org.uk](mailto:darren.horn@naturalengland.org.uk)). For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours faithfully,

Darren Horn

Adviser - Devon Sustainable Development Team

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

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

Paul Lowe

Housing Development and Enabling Officer

15 December 2015

Housing Strategy Officer Paul Lowe (Original comments)

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

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

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

Devon County Archaeologist

Dear Sir/Madam,

Application No. 15/2172/MRES

Land South Of King Alfred Way, Newton Poppleford - Construction of 40 dwellings (including 16 affordable), doctor's surgery and associated infrastructure, open space and landscaping (approval of details of appearance, landscaping, layout and scale reserved by outline planning permission 13/0316/MOUT): Archaeology

My ref: Arch/DM/ED/20020c

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

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

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

### South West Water

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

### DCC Flood Risk SuDS Consultation

Dear Sir/Madam

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

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

Devon County Council Flood Risk Management Position.

We have concerns regarding the surface water management strategy for this site.

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

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

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

be given that this preferred method of managing surface water, at the top of the drainage hierarchy, is inappropriate.

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

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

Copy correspondence received via email 09/11/15

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

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

Further Comments received 23/12/15

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

### **Devon County Council Flood and Coastal Risk Management Position.**

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

The information received from Jamie Purdue (TWP Consulting Engineers), provides evidence that infiltration to dispose of surface water is not an option at this site. The BRE365 infiltration testing conducted by Ruddlesden Geotechnical in 2014 (ref: SR/JW/DT/14137/GICAR) indicated that 6 of the soakaway tests failed and that the ground conditions are insufficiently permeable for conventional soakaway drainage. It also confirms that steep gradients within the site would be unsuited to infiltration techniques. As such, on steep sites the use of infiltration needs careful consideration in that any infiltration will not cause raised groundwater levels and/or waterlogging of downstream areas, and that slopes are not made unstable. However infiltration has

shown not to be acceptable on this site, hence the removal of infiltration features from the strategy.

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

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

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

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

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

### Other Representations

20 representations of objection have been received.

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

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

## Summary of objections

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

19. King Alfred Way and the A3052 cannot handle the additional traffic that will be generated.

#### Summary of grounds for support

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

## **PLANNING HISTORY**

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

## **POLICIES**

### **New East Devon Local Plan Policies**

Strategy 7 (Development in the Countryside)

Strategy 38 (Sustainable Design and Construction)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 49 (The Historic Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN6 (Nationally and Locally Important Archaeological Sites)



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

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

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

RC5 (Community Buildings)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

#### Adopted East Devon Local Plan Policies

S7 (Infrastructure Related to New Development)

D1 (Design and Local Distinctiveness)

D2 (Sustainable Construction)

D4 (Landscape Requirements)

D5 (Trees on Development Sites)

EN1 (Developments Affecting Areas of Outstanding Natural Beauty)

EN6 (Wildlife Habitats and Features)

EN7 (Nationally and Locally Important Archaeological Sites)

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

H3 (Range and Mix of New Housing Development)

H4 (Affordable Housing)

C2 (Local Community Facilities)

RE3 (Open Space Provision in New Housing Developments)

TA4 (Footpaths, Bridleways and Cycleways)

TA7 (Adequacy of Road Network and Site Access)

TA9 (Parking Provision in New Development)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

## **ANALYSIS**

### **Relevant Planning History**

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

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

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

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

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

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

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

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

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

#### Site Location and Description

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

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

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

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

#### Proposed Development

The application represents a renewed attempt to seek approval of the outstanding details reserved by the outline planning permission granted under ref.

13/0316/MOUT referred to above relating to the layout, scale and appearance of the development together with the landscaping of the site.

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

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

2. The planting of two additional roadside Cherry trees to the front of plots 21 and 24.

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

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

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

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

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

### Considerations/Assessment

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

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

#### Mix and Distribution of Affordable Units

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

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

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

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

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

event of a further refusal and possible subsequent appeal that the Authority's position in defending its position would not be strong.

### Landscape Planting

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

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

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

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

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

### Other Matters

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

### Layout

As before, the general disposition of the scheme accords largely with that considered at the outline stage in the form of the illustrative masterplan as amended by the deed

of variation to the Section 106 agreement accompanying the permission to show the relocation of the public open space to the west of the estate road on a part of the site that is more level. It is intended that it will provide a buffer to the existing housing in King Alfred Way and create a flatter space that will have the benefit of more natural surveillance from the proposed units on plots 38-40 to the south. Similarly, there are also perceived to be modest benefits in the repositioning of the surgery and car park in that the latter would be moved further away from the proposed housing whilst retaining an accessible location within the development.

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

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

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

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

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

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

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

### Scale

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

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

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

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

### Appearance

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

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



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

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

## Landscaping

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

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

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

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

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

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

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

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

The landscaping proposals taken as a whole are considered to be largely acceptable. In particular it is thought that the soft landscaping proposals, and more especially the treatment around the southern perimeter of the site at the point of the transition between the edge of the development, as well as the built-up area of the village more widely, are appropriate. The importance of creating a 'soft' edge to the built-up area in this location, within the designated AONB, is of particular significance and in this regard it is maintained that the submitted landscaping proposals would largely achieve this objective.

## Drainage

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

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

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

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

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

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

It is stated by the applicants that the management and maintenance of the private attenuation tank can be achieved through a private maintenance company. Indeed, as stated above, there is a willingness on the part of the applicants to agree a deed of variation to the present Section 106 agreement attached to the outline planning permission to secure obligations to ensure the long term management and maintenance in perpetuity of the tank.

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

#### Maintenance of boundary and internal hedges

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

#### Provision of surgery building

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

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

#### Archaeology

Archaeological investigation of the site has been carried out (as per a requirement of one of the conditions of the outline planning permission) in the form of a trial trench

evaluation in accordance with a written scheme of investigation previously submitted to, and agreed with, the County Archaeology service.

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

### Ecology

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

The management incorporates retention and creation of wildlife habitats within the public areas within the development and deals with mitigation measures for protected fauna species, such as reptiles, bats, badgers, nesting birds and hazel dormice, as well as the protection of retained trees and hedgerows and new hedgerow, wildflower grassland, tree and woodland planting.

### Trees/Hedges

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

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

### Impact during Construction

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

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

### **RECOMMENDATION**

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

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

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

The following reserved matters have yet to be approved:

None

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

1, 2, 9

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

5, 6, 8, 10, 11, 12, 13

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

2. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area which is designated an Area of Outstanding Natural Beauty in accordance with Policies D1 (Design and Local Distinctiveness) and EN1 (Development Affecting Areas of Outstanding Natural Beauty) of the adopted East Devon Local Plan and Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policy D1 (Design and Local Distinctiveness) of the emerging New East Devon Local Plan.)

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order, with or without modification), no gates, fences, walls or other means of enclosure shall be constructed forward of any of the dwellings hereby permitted without a grant of express planning permission from the Local Planning Authority.

(Reason - To enable the Local Planning Authority to retain control over operations that would not ordinarily require a grant of planning permission in the interests of the character and appearance of the development and to comply with the provisions of Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan and Policy D1 (Design and Local Distinctiveness) of the emerging New East Devon Local Plan.)

4. The development hereby permitted shall be carried out in full accordance with the recommendations for the protection of trees and hedges during the course of construction set out in the Arboricultural Impact Assessment report (ref.: 04267 AIA 4.2.15) dated 4th February 2015 and as shown on the tree

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

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

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

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

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

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

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

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

#### NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this

application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

12706-L01-11			Proposed Site Plan	17.09.15
13133	L	04.01	Proposed Elevation P1	17.09.15
12706	H01	A	Proposed Floor Plans 02.01 P3	17.09.15
12706	H01	A	Proposed Elevation 04.00 P3	17.09.15
12706	H01	A	Proposed Elevation 04.01 P3	17.09.15
12706	H01	A	Proposed Elevation 04.02 P3	17.09.15
12706	H02	A	Proposed Floor Plans 02.00 P3	17.09.15
12706	H02	A	Proposed Floor Plans 02.01 P3	17.09.15
12706	H02	A	Proposed Elevation 04.00 P6	17.09.15
12706	H02	A	Proposed Elevation 04.01 P6	17.09.15



12706 02.00	H03 P3	A	Proposed Floor Plans		17.09.15
12706 02.01	H03 P3	A	Proposed Floor Plans		17.09.15
12706 02.02	H03 P2	A	Proposed Floor Plans		17.09.15
12706 02.03	H03 P2	A	Proposed Plans	Combined	17.09.15
14149-005F			Other Plans		02.10.15
14149-004H			Other Plans		02.10.15
12706 02.00	H01 P3	A	Proposed Floor Plans		17.09.15
12706 02.00	H04 P6	B	Proposed Floor Plans		28.09.15
12706 04.00	H04 P8	B	Proposed Elevation		28.09.15
12706 L01	103		Other Plans		28.09.15
12706 L06.10	P1		Sections		28.09.15
12706 L04	100		Street Scene		28.09.15
12706 04.00	H01 P3	A	Proposed Elevation		17.09.15

13133 L 02.01			Proposed Floor Plans	17.09.15
12706 02.00	H09	A	Proposed Floor Plans	17.09.15
12706-L01-14			Location Plan	17.09.15
12706 04.00 P3	H03	A	Proposed Elevation	17.09.15
12706 04.01 P2	H03	A	Proposed Elevation	17.09.15
12706 02.00 P5	H04	A	Proposed Floor Plans	17.09.15
12706 04.00 P5	H04	A	Proposed Elevation	17.09.15
12706 04.00	H05	A	Proposed Elevation	17.09.15
12706 02.00 P5	H05	A	Proposed Floor Plans	17.09.15
12706 02.01 P5	H05	A	Proposed Floor Plans	17.09.15
12706 02.00	H06	A	Proposed Floor Plans	17.09.15
12706 02.01 P4	H06	A	Proposed Floor Plans	17.09.15

12706 02.02 P2	H06	A	Proposed Floor Plans	17.09.15
12706 02.03 P1	H06	A	Proposed Floor Plans	17.09.15
12706 04.00 P10	H06	A	Proposed Elevation	17.09.15
12706 04.01 P6	H06	A	Proposed Elevation	17.09.15
12706 02.00	H07	A	Proposed Floor Plans	17.09.15
12706 02.01 P3	H07	A	Proposed Floor Plans	17.09.15
12706 04.00 P3	H07	A	Proposed Elevation	17.09.15
12706 02.00 P6	H08	A	Proposed Floor Plans	17.09.15
12706 02.01 P4	H08	A	Proposed Floor Plans	17.09.15
12706 04.00 P6	H08	A	Proposed Elevation	17.09.15
12706 02.00	H09	A	Proposed Floor Plans	17.09.15
12706 04.00	H09	A	Proposed Elevation	17.09.15

12706 93 04A	Landscaping	17.09.15
12706 93 03A	Other Plans	17.09.15
14149-010B	Other Plans	17.09.15
14149-011B	Sections	17.09.15
14149-012B	Sections	17.09.15
14149-013B	Sections	17.09.15
14149-014B	Sections	17.09.15
14149-015B	Sections	17.09.15
14149-016F	Other Plans	17.09.15
14149-017F	Other Plans	17.09.15
14149-018F	Other Plans	17.09.15
14149-007B	Other Plans	17.09.15
14149-008B	Sections	17.09.15
14149-009B	Sections	17.09.15
14149-019A	Other Plans	17.09.15

04267 TPP REV B	Other Plans	17.09.15
04267 26.07.2014	TCP Other Plans	17.09.15
12706-L01-101B	Proposed Site Plan	25.11.15
12706-L93-100B	Other Plans	25.11.15
12706-L93-101B	Other Plans	25.11.15
12706-L94-100B	Other Plans	25.11.15
12706-L94-101B	Other Plans	25.11.15
14149-001	Other Plans	25.11.15
14149-002N	Other Plans	25.11.15
14149-003N	Other Plans	25.11.15
14149-020A	Other Plans	25.11.15

List of Background Papers

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

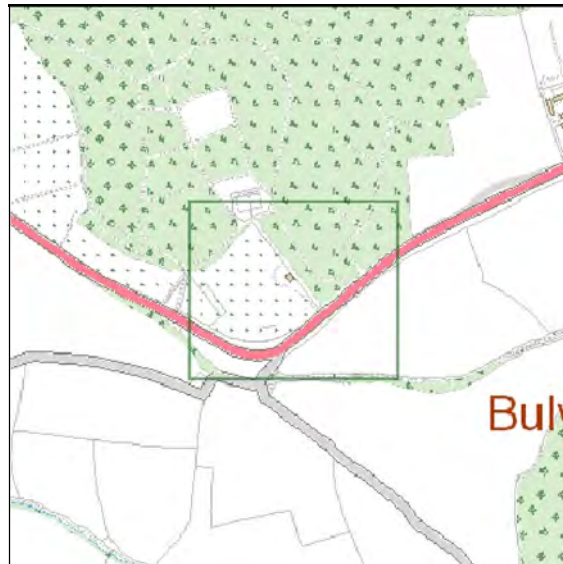
**Ward** Newton Popleford And Harpford

**Reference** 15/2866/FUL

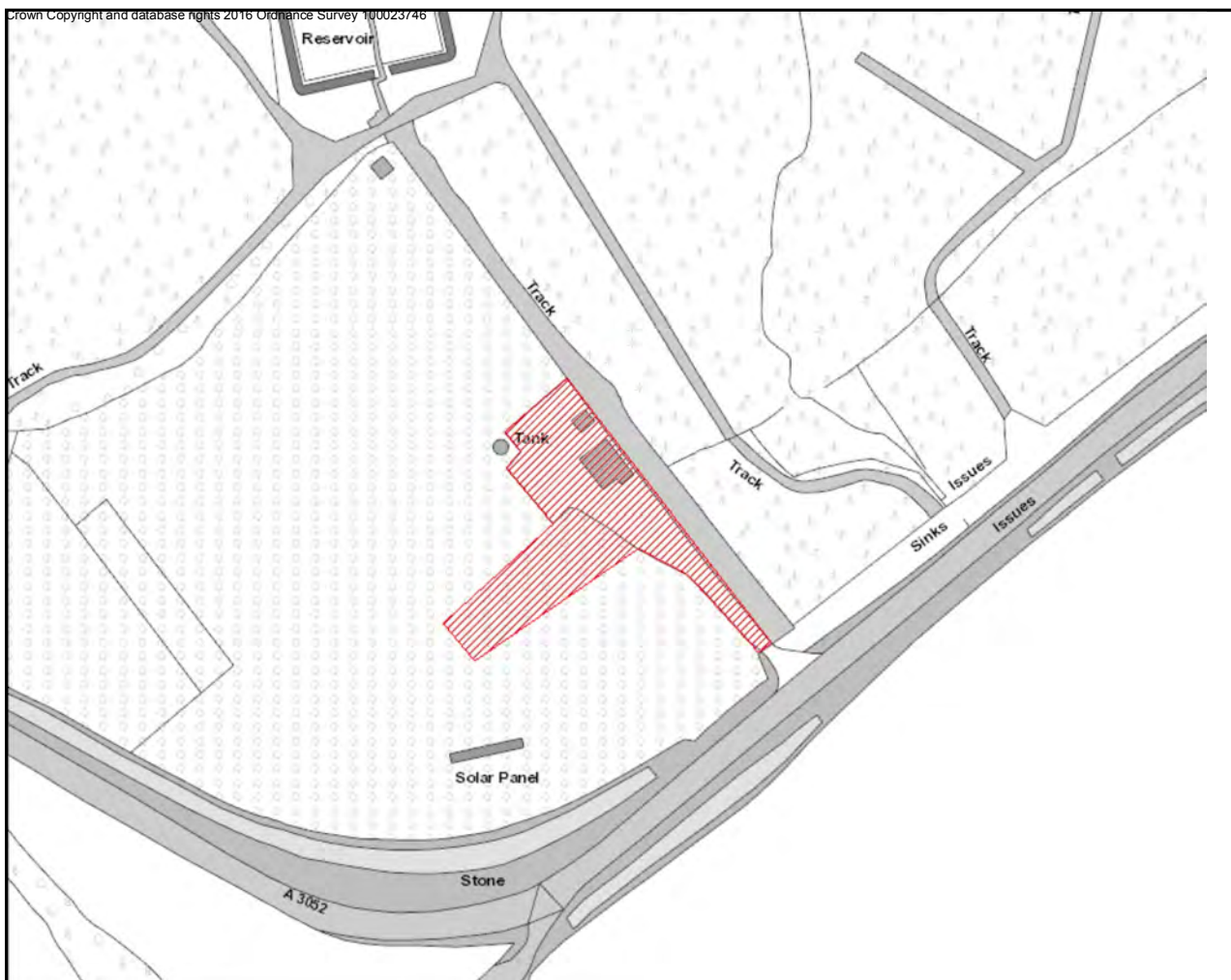
**Applicant** Mr & Mrs John Coles

**Location** East Hill Pride Farm Shop Four  
Elms Hill Harpford Sidmouth EX10  
0FE

**Proposal** Construction of a dwelling for a  
horticultural worker.



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 10<sup>th</sup> May 2016</b>
<b>Newton Poppleford And Harpford (NEWTON POPPLEFORD AND HARPFORD)</b>	<b>15/2866/FUL</b>	<b>Target Date: 07.03.2016</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs John Coles</b>	
<b>Location:</b>	<b>East Hill Pride Farm Shop Four Elms Hill</b>	
<b>Proposal:</b>	<b>Construction of a dwelling for a horticultural worker.</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

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

**This application seeks permission for the construction of a permanent dwelling to serve the needs of the unit currently known as East Hill Pride Farm. This currently operates as a pick your own for soft fruit as well as selling fruit by the punnet through a retail unit on site. The retail unit also provides an outlet for other farm produce mainly sourced from the same holding although found on a different farm.**

**A functional test for residential accommodation on this site has previously been recognised when this Authority gave temporary consent for a mobile home in 2013. Since that time the business has been expanded and continues to show a good level of annual receipts. While each of the tasks that are undertaken on the holding in themselves would fail to satisfy the functional test for someone to be readily available on site, these combined with the previous view of this Authority result in a balanced but favourable view being taken.**

**In addition while the accounts cannot be separated out for the different produce sold through the shop, they demonstrate that the business is financially viable with a realistic prospect of remaining as such.**

**The applicant has achieved a design and siting which allows for a dwelling of appropriate scale and appearance to reflect the nature of need as well as ensuring that there is very limited impact on the local area which is designated as an Area of Outstanding Natural Beauty. As such the application is recommended for approval.**

## **CONSULTATIONS**

### **Local Consultations**

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

Herewith the Parish Councils observations on the repositioning within the site. Fully support this amendment to the original which was also supported. Members wish to see that it has an appropriate tie.

#### Original comments

The Parish Council support the above application with conditions as it provides jobs and the business is viable with increased income. It is considered it will not have an impact on the AONB.

#### Further original comments

Members noted the Agricultural appraisal clearly setting out the total production turnover & therefore again support the proposal, as essential to the needs of the operation

#### **Newton Poppleford & Harpford - Cllr V Ranger**

I object to this application.

I have read the A W Brown Report - I am not convinced that running the shop and restaurant (which is particularly quiet between Christmas and Easter) and tending plants, (the most popular being 60 day strawberry plants, for 6 months of the year, in 7 polytunnels) requires horticultural workers to live on site and meets the functional test.

I have read the financial statements provided by Bush and Co Ltd, showing the investment and takings at the premises. However, the East Devon Local Plan states: 23.5 past years financial figures really only relate to the historical situation. I believe Paragraph 55 of the NPPF has been misquoted in the Design and Access statement:

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

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

The adopted East Devon Local Plan is clear:

23.4 Rural workers Homes: occupancy of farming and rural business association dwellings should be restricted to cases of essential need (as opposed to personal



preferences) in the interests of limiting sporadic development in the countryside. Essential need means a specific management activity or combination of activities which require the presence of a worker at most times if the proper functioning of an enterprise is not to be compromised and which cannot be achieved by any other practical means such as electronic surveillance, mechanical watering etc....concerns relating to security will not, on their own, be sufficient to justify a new dwelling.

#### Other points

Failure of the water supply overnight is unlikely to be prevented by workers sleeping on the premises overnight. Automatic watering systems could be installed, automatic waters do need to be checked but this could be done in normal working hours. Security should be improved rather than building a permanent house on site - There was a theft at the premises before Xmas 2015 despite the owners living on site. Spraying outside of normal working hours is easily achievable without living on site. This would also be seasonal.

Weather forecasting allows horticultural workers to take proactive action eg in relation to frosts that would not require emergency action to be taken overnight. The site is not currently on a pressure mains system but takes its water from the reservoir.

The size of the accommodation suggested exceeds the number of horticultural workers.

The family home of Higher Rill Farm main house and additional agricultural accommodation is less than 5 miles away. This is near to their place of work. I completely understand why Mr and Mrs Coles would prefer to live on this beautiful and peaceful site in the AONB but do not agree a functional need has been proved which requires them to live permanently on site and which creates sporadic development in the countryside.

#### Original Comments

Whilst on the one hand I am supportive of a local rural business, and I recognise how hard Mr and Mrs Coles work, I do have some reservations about this application and recommend that a site visit is undertaken by all members of DMC before debating this application.

Site History - I note that Planning application 14/2806/FUL was granted for education and training purposes but having visited the site it is clearly a restaurant extension, albeit a very attractive one inside with restaurant seating and a wood burning stove. The applicant has told me that no schools have visited the site as they are too busy running the shop and restaurant. Having supported this application (as a member of the parish council) for an educational/training room for the purposes of training in butchery, and soft fruit production and running an abattoir, with a secondary use as a restaurant overflow I am disappointed that the extension is not being used principally for the purpose sought only a year or so ago. The Officers Report thus proved to be true that as an educational site, sustainability has not been proved (officers delegated report p3) despite there being primary schools in particular in the area that

might have been involved in this project. This experience has taught me the value of looking at all aspects of a planning application very carefully and not taking them at face value.

I have read in detail the Officers Report of 12/2414/FUL and agree with many of the sentiments - I am not sure if the necessity of someone living on site in order to continue the business of growing soft fruit and running a shop and restaurant has been proved. There is a clear need for facilities on site for staff to wash and so on but I am not convinced the functional test has been proved.

I have read the financial statements provided by Bush and Co Ltd, showing the investment and takings at the premises, the applicant is clearly committed to the site and has made significant investment. Christmas takings in particular are very healthy though this indicates some reliance on meat from the separate farm premises Higher Rill Farm, and shop sales, as it is out of the soft fruit season.

I believe Paragraph 55 of the NPPF has been misquoted in the Design and Access statement:

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

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

Should DMC members choose to approve this site I would like them to consider the following given it is in the AONB (NPPF, Policies EN1 and D1):

Site of the building - I asked the applicant why the replacement building was to be set away from the rest of the buildings and out in the open site given that the purpose of living on site is for security purposes. The applicant said they have to live somewhere whilst the new building is being constructed. I would have thought that the current site of the temporary building is preferable and it would be better if all buildings were clustered together. I suggest that construction of the new build log cabin style house would take a relatively short time compared to a standard construction property and thus temporary living arrangements could be made either on or off site.

Purpose of the building - the purpose of the building is said to be for a horticultural worker to live on site. If DMC members agree there is a proven need for this, I think it needs to be made clear that should the applicant retire, and wish to employ other staff to live on site (as the applicant has indicated to me), under current planning regulations they would need to vacate the horticultural workers house (their home) rather than apply for further housing on site.

Size of the building - I note the current building is 14 m x 6.1m x 4.1 meters high. The applicant stated at the parish council meeting on 25th January 2016 that the new building will be bigger than the existing one, in case a family needs to live there

in the future should the applicant retire. I cannot see clearly on the online plans exactly what size the proposed new building would be which is important as full planning permission is sought.

If approval is given by DMC, I welcome the suggested build of a log cabin style dwelling to fit in with the surrounding countryside using locally sourced wood and ask that they consider site placement and agricultural tie conditions very carefully.

#### Further Original comments

I object to this application. The following are updates to my previous comments: I have read the A W Brown Report - I am not convinced that running the shop and restaurant (which is particularly quiet between Christmas and Easter) and tending plants, (the most popular being 60 day strawberry plants, for 6 months of the year, in 7 polytunnels) requires horticultural workers to live on site and meets the functional test.

I have read the financial statements provided by Bush and Co Ltd, showing the investment and takings at the premises. However, the East Devon Local Plan states: 23.5 past years financial figures really only relate to the historical situation. I believe Paragraph 55 of the NPPF has been misquoted in the Design and Access statement:

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

The adopted East Devon Local Plan is clear:

23.4 Rural workers Homes: occupancy of farming and rural business association dwellings should be restricted to cases of essential need (as opposed to personal preferences) in the interests of limiting sporadic development in the countryside. Essential need means a specific management activity or combination of activities which require the presence of a worker at most times if the proper functioning of an enterprise is not to be compromised and which cannot be achieved by any other practical means such as electronic surveillance, mechanical watering etc....concerns relating to security will not, on their own, be sufficient to justify a new dwelling.

#### Other points

Failure of the water supply overnight is unlikely to be prevented by workers sleeping on the premises overnight. Automatic watering systems could be installed, automatic waters do need to be checked but this could be done in normal working hours. Security could be improved - I believe there have been breaches of security overnight which were not detected until the morning despite living on site.

Spraying, where that is necessary, does need to take place outside of normal working hours but working outside of normal hours is commonplace now in our 24/7 society whatever the area of employment. This would also be seasonal.

Weather forecasting allows horticultural workers to take proactive action eg in relation to frosts that would not require emergency action to be taken overnight.

The site is not currently on a pressure mains system but takes its water from the reservoir.

The size of the accommodation suggested exceeds the number of horticultural workers.

The family home of Higher Rill Farm main house and additional agricultural accommodation is less than 5 miles away. This is near to their place of work.

I appreciate there is a need for facilities on site for staff to wash and take breaks and the nature of this business is labour intensive. I can completely understand why Mr and Mrs Coles would prefer to live on this beautiful and peaceful site in the AONB but do not agree a functional need has been proved which requires them to live permanently on site.

Policies that relate to my comments.

H4 - Dwellings for persons employed in Rural Businesses

NPPF - para 55

### **Technical Consultations**

#### **County Highway Authority**

The local Highway Authority has no objection to the application. The dwelling is replacing an existing temporary dwelling. The on site turning facilities are unaffected by the development. On site turning is required due to the access being out on to an A road (A3052)

Recommendation:

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

1. A turning area and access drive shall be laid out and maintained for those purposes in accordance with the attached diagram 15.569/01 .

REASON: To ensure the provision of adequate facilities within the site for the traffic generated by the development

#### **Other Representations**

1 letter of support raising the following considerations

- site forms the last link in an agricultural production and supply chain business is highly valued by local customers and contributes to the vitality of the area
- development would have minimal impact on the AONB

- Log cabin is a sensitive and green solution to the need
- This site is for retailing and horticultural production while the livestock are housed up at East Hill
- Need for onsite presence for security and to manage crops in adverse weather
- Current business is viable recognising the link between all its components as well as a standalone soft fruit enterprise

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
14/2806/FUL	Construction of single storey side extension to existing farmshop to provide meeting/education room.	Approval with conditions	24.03.2015
12/2414/FUL	Siting of mobile home for horticultural worker	Approval with conditions	20.03.2013
12/0894/FUL	Siting of mobile home for agricultural worker (re-submission of refused planning application 11/2519/FUL)	Refusal	14.06.2012
11/2519/FUL	Siting of mobile home for agricultural worker	Refusal	11.01.2012

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)  
 D2 (Landscape Requirements)  
 EN5 (Wildlife Habitats and Features)  
 EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)  
 H4 (Dwellings for Persons Employed in Rural Businesses)

Strategy 5 (Environment)  
 Strategy 7 (Development in the Countryside)  
 Strategy 46 (Landscape Conservation and Enhancement and AONBs)  
 Strategy 47 (Nature Conservation and Geology)  
 Strategy 50 (Infrastructure Delivery)

### Government Planning Documents

## **ANALYSIS**

### **Proposed Development**

The application seeks planning permission for the construction of a permanent residential dwelling on land at East Hill Pride Farm outside the village of Newton Popleford.

The details of the proposal have been amended during its period of consideration to reduce the size of the proposed dwelling and revise its siting. The application now under consideration takes the form of a permanent log cabin style of dwelling which would provide a two bedroom unit. The dwelling would be situated close to the north east boundary of the site between the existing cafe and retail facility on site and the existing poly tunnels. Formed from logs with a slate roof, the building would have a distinctive shape and appearance and would be positioned with a single ridge running north-east/south west. This would measure 6.4m in height. The reinforcing of the existing hedge which lies to the immediate north east of the site is also proposed.

### **Consideration**

The main issues with the application concern the principle of providing permanent residential accommodation within a rural environment that is set away from the majority of the shops services and other facilities and the visual impact of the dwelling on the character and appearance of the area which is designated as an Area of Outstanding Natural Beauty.

By way of background it is important to recognise that the fruit farm has been in operation for many years and was originally run under the operation from Four Elms Fruit Farm. While there has been an intervening ownership, the current applicant took control of the farm which extends to 7 acres in 2008. At that stage it is understood that the business was solely a Pick Your Own and while still operational much of the fruiting stock was aging and required replacement. Since that time the current applicant has expanded the business and invested significantly in both the stock and the running of the enterprise - the latter including the provision of a bore hole and new irrigation system and new grow bag stands for the strawberry plants.

In addition the applicant sought planning permission for the siting of a temporary mobile home in 2012/13 and was granted a temporary permission for a three year period. This was given in recognition of the functional need that the business demonstrated and in order to allow the business to continue to grow.

The principles at the heart of the current application are set out in Policy H4 of the recently adopted Local Plan. This provides a framework for the consideration of dwellings for persons employed in rural business and establishes the tests that must be considered. In a large part these reflect those that were previously found within

Annex A of PPS7 and which have been addressed within the supporting information submitted by the applicant to accompany the current application.

Notwithstanding the previous grant of a temporary permission, this application for a permanent dwelling now permits a fresh review of both the functional needs and financial strength of the business. Although the proven and essential need for onsite accommodation can be revisited as part of this application, it is a material consideration that onsite accommodation has been previously found to meet the essential need for a rural business.

Policy H4 requires there to be a:

- proven and essential agricultural or forestry or rural business need for the occupier of the proposed dwelling to be housed permanently on the unit ...for functional reasons and that the size of the dwelling is commensurate with the scale of the functional need
- the rural business has been operational for a minimum of three years, it is demonstrable that it is commercially viable and has clear prospects for remaining so

The applicant has set out within the supporting information a range of functions that are undertaken and which in his opinion demonstrate the functional need for them or an appropriate manager to be on site. Part of this claimed functional need arises from the labour intensive requirement of replanting up to 18000 strawberry plants on a rolling 2 year programme with planting times occurring in January, March, April and May each year. In addition

- there is a requirement to undertake duties associated with pest and disease control which can involve spraying in the early morning or late evening when conditions are appropriate and there are no visiting members of the public;
- management of irrigation and feeding of the entire stock which is a daily requirement;
- weather related maintenance and management (strong winds, rain damage and potential for scorching) and
- the picking, packing and processing of the fruit.

The latter component in particular varies in intensity and time requirements during the season but is most time consuming during the peak growing season. At such times over ripe and bruised fruit needs to be removed from the bushes, and the surplus used within the on-site kitchen to make jams jellies and preserves or packed and sold wholesale.

The applicant has also raised the issue of onsite security as justification for accommodation. The Policy is clear that such a component will rarely in itself result in a functional need although does add to the overall suite of needs that start to build a case in support of the application.

The assessment made previously by the Local Planning Authority when a temporary mobile home was sought was that the above activities and demands of the enterprise identified at that time amounted to a functional need for onsite accommodation. In light of that decision, and despite that decision being contrary to

the officer recommendation, circumstances on site remain unchanged and as such it is difficult to now argue that there is no longer a functional need for onsite accommodation.

While significant caution is expressed that in themselves no one activity would meet the functional test set out within policy, it was previously determined that the combined result of all of the components resulted in a functional need. In light of a lack of any changes to the way the businesses operates from when the temporary consent was granted, it is difficult to now come to a different conclusion and agree that there is no longer a functional need.

It is fair to recognise that the business and associated activities have grown in the intervening three year period and this weighs in favour of the proposal.

Recognising the growth of the business feeds into the second component of the policy - that of a viable business which has "clear prospects for remaining so". On this front, the accounts and evidence presented by the applicant clearly demonstrate a high level of investment into the business both before but also during the last three years. In terms of the functioning of the agricultural business this identifies investment in polytunnels as well as equipment associated with the running of the shop and with new fruiting stock comprising raspberry canes, gooseberry and currant bushes and plum trees. In addition to this investment there has continued to be the regular investment in the running of the business including new grow bags for the strawberries.

The applicant has strongly argued that the single holding for which the full set of accounts are prepared comprises not only the fruit farm and shop/cafe but also a farm at Higher Rill and the abattoir that is also found at that site. While such diversification is strongly encouraged it makes analysing the accounts for this site in particular, that much more difficult. Ultimately in planning terms, any permission would run with the land and therefore the test for both the functional and financial need must be assessed against the land and activity at East Hill Pride.

In this regard the Farm shop takings give a good indication of the success of the business. While these are gross turnover figures and a bulge in sales in December should be cautioned (these are mostly derived from sales of turkeys) a reasonable income is regularly achieved substantially rising in the months of May through to October. While there will inevitably be an underlying sale of meat and other produce which is also sold through the shop, the substantial rise in turnover between May and October gives a good indication as to how reliant the farm is on the sale of the fruit. It is not unreasonable that an income is supplemented as long as this is only to a limited extent. While the figures cannot be accurately broken down it is considered that even if an allowance is made for underlying non-fruit related sales and separately for the Turkeys at Christmas, the site still generates a reasonable income.

While this clearly takes no account of expenses and therefore it is impossible to consider a net profit it nonetheless indicates that the business is viable and has prospects for remaining so. In the event of approval it is possible to secure such a permission for use by the holding as required by policy which further strengthens the link between the accommodation and the business.



## Landscape Impact

In terms of landscape impact the site is located within an AONB where great weight must be given to the landscape protection. In this instance the site is elevated and therefore greater care must be taken in terms of positioning scale and materials. During the assessment of the application the position of the proposed dwelling has changed. In so doing it has moved the dwelling away from a prominent position which would also have resulted in the loss of some gooseberry bushes. The revised siting is on lower ground adjacent to one boundary of the site. Such a position would now ensure that the development related well with the existing cafe/meeting room facility and the adjacent poly tunnels which are already on site.

Depending on the period of time within the cyclical management of the adjacent woodland, limited views of the proposed development would be obtainable from high land to the north east (Fire Beacon Hill). However formed from timber with a slate roof and with a ridge of similar height to that of the adjacent building, it is not considered that the views would be substantially harmed. To further assist with mitigation it is also considered reasonable and necessary that in the event of approval a further landscaping condition is applied. This would have the ability to further strengthen the existing hedgerow boundary immediately behind the proposed building and further reduce the potential impact.

The other significant change that was made during the consideration of the application relates to the reduction in its scale. While still of the same style of building which is considered to work well with the character of the area, the reduced massing of the building associated with the change in position, is considered a significant improvement. In this regard the building would have a limited impact on the character of the area.

## Other Issues

The building is so positioned such that it would not prejudice the functioning of the business, maintaining the existing parking and turning areas and full crop growing area (overcoming the need for additional highway conditions). While two small sheds currently on site would need resiting as a result of this development, these are modest in size and could, subject to planning permission, be accommodated elsewhere. With no immediate neighbours the development would not cause any harm to neighbour amenity, nor affect the existing vehicle access.

The siting of the dwelling would result in an additional and permanent unit of accommodation within proximity to the Pebblebed Heaths. In accordance with the South East Devon European Mitigation Strategy it is recognised that such development increases recreational pressures on the designated heathland and therefore without suitable mitigation being provided the development would breach the Habitat Regulations. In this instance the applicant has agreed a financial contribution towards mitigation which is considered necessary and appropriate.

## Conclusions

Drawing together the strands explored above, it is considered that a case can be made for a permanent dwelling – that there is a need to have at least one full time person employed at the holding on a permanent basis to manage the crop development and associated tasks which is underlined by the material consideration of a previous permission granted by this Authority. In addition, the business, even making an allowance for non-fruit related sales, appears to generate an appropriate income and therefore is a viable business with good prospects for remaining so.

Overall and as the proposed dwelling is a modest two bedroom property which is commensurate with the size of the holding and has now been positioned to ensure that it does not have an adverse impact on the character and appearance of the AONB, it is recommended for approval.

### **RECOMMENDATION**

APPROVE subject to a Section 106 legal agreement linking the proposed dwelling to the productive land and to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in agriculture, forestry, or horticulture, or a widow or widower of such a person, and to any resident dependants.  
(Reason - The dwelling is justified only by agricultural need and should remain available for this purpose in accordance with Policy H4 - Dwellings for Persons Employed in Rural Businesses of the Adopted East Devon Local Plan 2013-2031.)
4. Unless otherwise agreed in writing with the Local Planning Authority, the dwelling hereby permitted shall be finished externally using larch/Douglas fir logs (scribed) and a natural blue/black slate roof - for the avoidance of doubt this does not include the pale grey or grey green slates.  
Reason: To ensure that the materials are appropriate for the character of the building and the wider landscape which is designated as an Area of Outstanding Natural Beauty, in accordance with Policy D1 (Design and Local Distinctiveness of the adopted East Devon Local Plan 2013-2031).
5. The dwelling hereby permitted shall not be occupied until a landscaping scheme has been submitted to and approved in writing by the Local Planning

Authority; such a scheme to provide details of the hedges/boundary planting that shall be provided to the immediate north east of the dwelling. 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 East Devon Local Plan 2013-2031.)

#### NOTE FOR APPLICANT

The permission hereby granted shall be read in conjunction with the signed Unilateral Undertaking in respect of Habitat Mitigation

#### Informative:

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

#### Plans relating to this application:

15.569/06	Proposed Combined Plans	15.03.16
15.569/07	Proposed Site Plan	15.03.16

#### List of Background Papers

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

**Ward** Axminster Town

**Reference** 16/0472/VAR

**Applicant** Hallmark Estates (Devon) Ltd

**Location** Websters Garage 9 Lyme Street  
Axminster EX13 5AT

**Proposal** Variation of conditions 4, 5 and 7 of  
planning application 13/2590/COU  
to allow amendments to  
landscaping, seating, lighting,  
walling and railings



**RECOMMENDATION: Refusal**



		<b>Committee Date: 10<sup>th</sup> May 2016</b>
<b>Axminster Town (AXMINSTER)</b>	<b>16/0472/VAR</b>	<b>Target Date:</b>
<b>Applicant:</b>	<b>Hallmark Estates (Devon) Ltd</b>	
<b>Location:</b>	<b>Websters Garage 9 Lyme Street, Axminster</b>	
<b>Proposal:</b>	<b>Variation of conditions 4, 5 and 7 of planning application 13/2590/COU to allow amendments to landscaping, seating, lighting, walling and railings</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

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

**Planning permission was granted in April 2014 for the demolition of the existing buildings and the redevelopment of the site to provide a temporary car park for a period of 5 years. The original application was seen as a means to kick-start the longer term redevelopment of the site by removing existing buildings and securing the site de-contamination. The buildings have now all been demolished, archaeological work completed and the site is now ready for re-use, subject to clearance of remaining planning conditions.**

**The current application looks to vary a number of those conditions in order to allow amendments to certain aspects of the scheme, including the retention of an enclosed walled area (minus any railings) already constructed on the site frontage. Whilst it is acknowledged that the proposed use is for a temporary period only, there is still no scheme brought forward for the comprehensive development of the site and wider area and until such time there is the potential that the applicant will seek to extend the period of temporary car park use on the site. The site lies in a prominent position in the centre of the town and within a designated conservation area and as such it is necessary to ensure all development (even temporary) is appropriate for its context. The concerns with the current proposal are that unlike the approved scheme they would fail to provide an appropriate means of addressing the site frontage and as a result would have a harmful impact on the surrounding conservation area.**

**The applicant has already secured a permission which can (subject to compliance with conditions) be implemented and bring about the scheme benefits without causing the degree of harm identified. Officers have sought to**

**secure amendments to the scheme to retain the approved walling/railings across the site frontage but the applicant is unwilling to change these aspects. As such, the application as submitted, is considered to be unacceptable and is recommended for refusal for the reason set out at the end of the report.**

## **CONSULTATIONS**

### **Local Consultations**

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

Axminster town Council opposes this application and would make the following observations:

- a) The proposed seating does not reflect in an appropriate way the fact that the town centre is a conservation area. a traditional style in recycled plastic that resembles wood is that used by the town council for its seats where possible.
- b) The walls constructed in error should be removed and a wall with railings constructed as in the approved plans.
- c) The soft landscaping should be provided as in the approved plans
- d) In the interests of safety the parking spaces should be marked out and the approved disabled parking spaces provided.

#### **Axminster Town - Cllr A Moulding**

**Original Comments** - There are some elements of this application which need refining. I have seen a plan showing line marking for the parking spaces - but they do not appear to accompany the on line application. I am far from happy with the seating arrangement at the front entrance, although I see no need for railings. In my opinion this whole seating arrangement is unnecessary, it will cause an obstruction, will limit visibility and could be eliminated. However, I do not wish to hold up this worthwhile project and suggest that the application could be deferred for clarity regarding the detail, between applicant and officers, following which it could be approved. I therefore recommend that this should go to a DM committee for further consideration

**Further Comments** - I am aware that many applications come before committee and can be deferred for minor variations to be agreed.

Therefore on this application, which has been long-awaited in the town, I would prefer it to go before committee for consideration.

On that basis, I recommend that the application is approved.

#### **Other Representations**

None

## **Technical Consultations**

### **Environmental Health**

I have no concerns regarding the proposed changes on the understanding that any lighting scheme complies with the Institute of Lighting Engineers guidance on the avoidance of obtrusive light and light pollution.

### **Contaminated Land Officer**

No contaminated land concerns.

### **Historic England**

Thank you for your letter of 29 February 2016 notifying Historic England of the scheme for planning permission relating to the above site.

Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

### **Recommendation**

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

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

### **Devon County Archaeologist**

I refer to the above application and your recent consultation. A programme of archaeological work has already been undertaken on this site under condition 3 on the consent granted for 13/2590/COU and the current proposals do not require any further archaeological mitigation.

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

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
03/P0188	Demolition of all buildings and change of use to Temporary Public Car Park	Temporary Approval	23.06.2013
13/0282/CAC	Demolition of buildings	Withdrawn	02.05.2013

13/0283/COU	Change of use to temporary car park (5 years) (demolition of all buildings).	Withdrawn	02.05.2013
13/2590/COU	Proposed demolition of all buildings and change of use to temporary public car park (5 years)	Temporary Approval	11.04.2014

## **POLICIES**

### New East Devon Local Plan Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 20 (Development at Axminster)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

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

EN10 (Conservation Areas)

E9 (Town Centre Vitality and Shopping Areas)

RC6 (Local Community Facilities)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

### Government Planning Documents

National Planning Practice Guidance

## **SITE LOCATION AND DESCRIPTION**

The application site relates to the former Webster's garage site and the adjoining property to the north No. 9 Lyme Street, as well as the area to the rear of these former buildings. All of the buildings on the site have been demolished under the earlier consent and the site is now cleared and surfaced with a mix of concrete and scalping. The site boundaries are formed predominantly by a mixture of stone and brick walling of various heights but there are also sections of fencing.



The site is located in the centre of the town and in the heart of the town's conservation area. The site frontage is mainly open but there is a short section of low rendered walling, featuring reconstituted stone capping in the northwest corner of the site. This walling wraps around to the side and rear to form a small enclosed area finished in tarmac. To the northwest side of the site is Natwest Bank and beyond this other commercial properties. To the southeast of the site frontage is a further 2 storey modern commercial building and beyond this a public car park at the junction of Lyme Street and Silver Street.

The site extends some 90 metres back from the frontage and covers an area of approximately 0.25 hectares.

There is an existing access via a covered way to the north of the Law Chambers which currently provides an access into the site from Silver Street. To the west side the site adjoins the rear gardens/yard areas of the properties which front onto Silver Street/Trinity Square whilst to the south and southeast the site adjoins large commercial buildings and associated external yard areas fronting onto South Street. To the east side the site adjoins a public car park (run by EDDC) accessed from South Street.

## **BACKGROUND**

Prior to the 2014 planning approval for the site it had been largely vacant for a number of years and over that time had deteriorated in its condition including fire damage.

In 2003 planning permission was granted for the same form of development as now proposed, namely the demolition of all of the buildings and the use of the site as a car park, for a temporary period of 3 years. That permission was however conditioned to retain the facade of building 1 until such time as a contract had been set for the redevelopment of the remainder of the site. This earlier permission also did not include the proposal to demolish the adjoining building (No. 9 Lyme Street) indeed that building did not form part of the site at the time.

More recently applications for planning permission (13/0283/COU) and conservation area consent (13/0282/CAC) were submitted for the same development as now proposed, except the site area was restricted to the footprint of the existing buildings and did not include the undeveloped area to the west. Those applications were withdrawn prior to determination.

Finally in 2014 planning permission was granted for the demolition of the remaining buildings on the site and temporary change of use of the site as a car park for a five year period (13/2590/COU). This permission has been commenced with the demolition of the buildings and repair/surfacing works.

## **PROPOSED DEVELOPMENT**

The current application seeks permission to vary certain elements of the 2014 planning permission through the variation of conditions 4, 5 and 7. Those conditions read as follows:

4. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include:

- details of the planting of 'Landscaped Areas' as indicated on drawing no. 1 of 2 (including plant sizes, numbers, species and layout)
- details of all boundary treatment to the site (including areas of existing wall to be retained) and to include where requested elevation/section details of new boundary walls/fences
- details of the finished surfacing treatment of the 'Landscaped Seating and Public Art Area' as indicated on drawing no. 1 of 2

The boundary treatment and hardsurfacing details agreed shall be carried out prior to the initial use of the site as a car park and shall be retained and maintained for such purposes for the lifespan of the permission. The soft landscape planting shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority. (Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy CO6 (Quality of New Development) of the Devon Structure Plan and Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)

5. The public seating bench and street lamp indicated on approved drawings date stamped, 10th January 2014, shall be erected and made available for use prior to the initial use of the site as a public car park, on the cessation of this use they shall be permanently removed from the site.

(Reason - To ensure that the public benefits of the proposal are provided and in the interests of the preservation and enhancement of the conservation area in accordance with Policy D4 (Landscape Requirements) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)

7. The walling and railings proposed to the Lyme Street frontage shall match in all respects including finished colour and detailing the existing section of wall and railings to the existing public car park to the east of the site, unless any variation to this has previously been submitted to and approved in writing by the Local Planning Authority.

(Reason - In the interests of the preservation and enhancement of the conservation area and the amenities of the area in accordance with Policies D1 (Design and Local Distinctiveness) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)

The principal changes sought through the current application are:

- Changes to the landscaping of the site through removal of landscape planting;
- Changes to the approved landscaped and public seating area;

- Changes to the approved walling and railings across the site frontage and retention of alternative walled seating area.

As a variation of condition application, if approval were to be granted this could extend the temporary period of consent previously granted and which is due to expire on 11<sup>th</sup> April 2019. Alternatively a time period of the April 2019 could be imposed if adequately justified.

## **ANALYSIS**

It is considered that the main issues in the determination of the application relate to the impact of the proposed changes on the character and appearance of the conservation area.

The site lies within the town centre conservation area in the heart of the town, albeit that public views of the site are largely restricted to the Lyme St. frontage and some views from the public car park to the east of the site.

Permission has already been granted for the removal of the buildings on site and for the temporary use proposed. The issue to consider therefore is whether the proposed changes are in themselves acceptable in relation to their impact on the surrounding conservation area, taking into account what has previously been approved and bearing in mind its temporary nature.

A landscaping scheme has previously been submitted and approved under a discharge of condition application. This landscaping scheme removed the landscape planting areas and was considered acceptable largely on the basis of the temporary nature of the scheme and that any planting would have had limited impact being partially screened by the frontage walling and having little time to establish. The approved scheme otherwise showed the originally proposed boundary wall and railings, the originally proposed seating/lighting proposals and also gave details of the proposed parking layout.

Insofar as the landscape planting (or lack thereof), the changes are considered acceptable, although the submitted plan is confusing as it does not show any marked car parking spaces. These are shown on plans accompanying the discharge of conditions however.

In terms of condition 5 and the lighting and seating proposals the application looks to remove the circular bench and traditional lamp stand and instead looks to provide a more modern form of seating in the Axminster Town Council colours. The submitted information with the application does not propose any specific lighting to replace the lamp standard but additional lighting details have been provided under separate cover to discharge other conditions (condition 6) on the original application. These details indicate modern floodlamps on standard lamp stands in several locations through out the car park, these will be separately considered. The proposed amendments to the scheme relating to the loss of the lamp standard and circular bench are somewhat disappointing and the concerns of the Ward Member and Town Council are noted in relation to these aspects, however, subject to appropriate

treatment of the site frontage these aspects are not in themselves considered to be essential to make the scheme acceptable.

In terms of boundary treatment the current proposals are considered to be inappropriate. They provide limited enclosure to the front boundary and of a type which fails to relate to its context. As a result, the frontage appears weak and unfinished with the seating area appearing as something of an afterthought with no connection to/from the car park. It is also considered to fail to provide an attractive or inviting rest area for members of the public passing the site.

The original approval showed rendered walling with railings atop on both sides of the site access with return splays into the site. This was designed to replicate the walling to the east around EDDC's public car park. An alternative high rendered wall on the west side of the entrance had previously been proposed but this was rejected by Members in favour of the lower rendered wall with railings atop.

The approved scheme whilst it contained a gap at the site access had a greater sense of enclosure to the streetscene, with walling to both sides of the entrance. Whilst not necessarily a traditional approach it had a greater sense of context by replicating the existing walling to the east of the site around the existing car park. It is recognised that the approved scheme was not ideal, there was for example no separate access to the seating area, although this would have provided a rest area for shoppers using the car park or passing through it and the frontage was generally enclosed, giving an appropriate treatment to the road and filtering some of the views into the site.

It is further recognised that there would be some benefits arising from the scheme; not least in allowing the approved use to be delivered swiftly, but these would be no different from those on the approved scheme which could, subject to the amendments to the works carried out on site to revert to the approved scheme and clearance of outstanding conditions, be implemented.

Officers have tried to negotiate the retention of the boundary wall and railings with the applicant but they have stated that they feel that the current proposals are of an acceptable design, will increase highway and pedestrian safety and as such have stated that they will not amend the plans.

## **RECOMMENDATION**

REFUSE for the following reason:

1. The proposed amendments to the approved scheme would result in an inadequate and inappropriate treatment of the site frontage with a resulting detrimental impact on the character and appearance of the surrounding conservation area contrary to the provisions of D1 (Design and Local Distinctiveness) and EN10 (Conservation Areas) of the New East Devon Local Plan 2006 - 2026 (Proposed Submission (Publication) November 2012).

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 in determining this application, East Devon District Council has worked 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:

TW14/59/1A	Landscaping	24.02.16
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List of Background Papers

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

**Ward** Beer And Branscombe

**Reference** 14/2621/MOUT

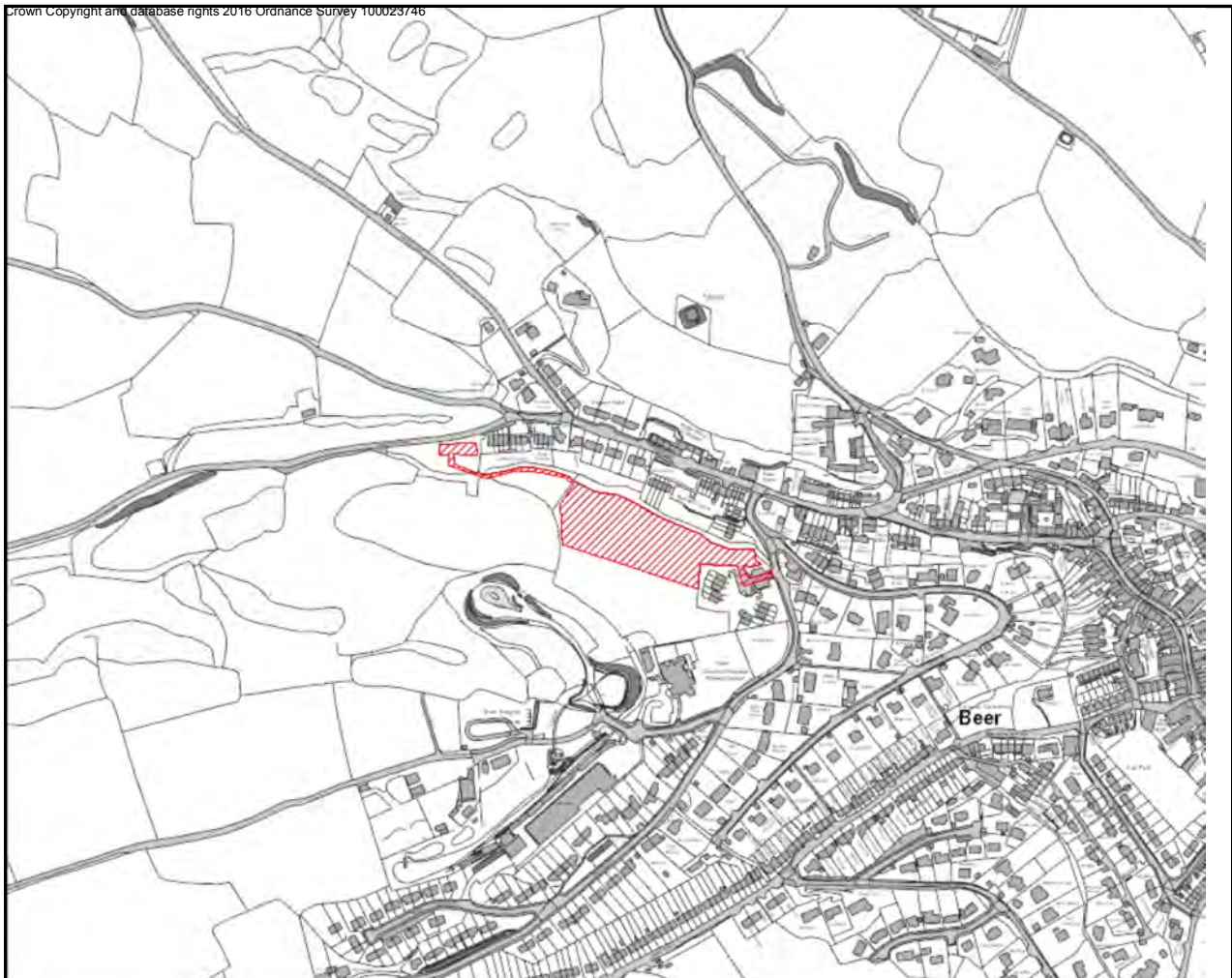
**Applicant** Clinton Devon Estates

**Location** Land At Short Furlong Beer

**Proposal** Construction of up to 30 no. dwellings (including up to 40% affordable housing provision) outline application with all matters apart from access reserved



**RECOMMENDATION: Refusal**



		<b>Committee Date: 10<sup>th</sup> May 2016</b>
<b>Beer And Branscombe (BEER)</b>	<b>14/2621/MOUT</b>	<b>Target Date: 11.02.2015</b>
<b>Applicant:</b>	<b>Clinton Devon Estates</b>	
<b>Location:</b>	<b>Land at Short Furlong, Beer</b>	
<b>Proposal:</b>	<b>Construction of up to 30 no. dwellings (including up to 43.3% affordable housing provision) outline application with all matters apart from access reserved</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

The application is brought before committee as the officer recommendation differs from the views of the Parish Council and Ward Member.

The application seeks outline consent for the development of up to 30 no. dwellings on an undeveloped and steeply sloping agricultural field. The site is located to the west side of the village, within the East Devon Area of Outstanding Natural Beauty. It adjoins but is outside of the current Built-up Area Boundary of the village. All matters apart from access are reserved, however indicative details of layout and section details showing how the site might be developed have been provided. These details indicate 2 to 3 storey properties arranged either side of a central spine road accessed from Mare Lane through the existing Short Furlong development to the southeast.

In terms of policy the site lies in an area where the only exception to the usual constraint on housing in the countryside is for exceptions housing designed to meet a specific local housing need providing 66% affordable housing. The application proposes delivery of affordable housing at a level of 43.3% and therefore has the potential to provide up to 13 affordable housing units. This has the potential to meet part of Beer's recorded outstanding need of 20 units.

However, the development is too large to be considered under the recently adopted Strategy 35 as an exceptions site and falls below the 50% target required under Strategy 34 (only applicable were the site to be within the built-up area boundary of the village). Viability information has been provided by the applicant which suggests that 40% is the maximum affordable provision that the development could support but an independent assessment carried out by the District Valuer on the Council's behalf suggests provision at 43.3% level would

remain viable. The applicant has agreed to the 43.3% provision. Whilst the provision of affordable housing in a village with a relatively high level of need weighs in favour of the proposal, this would be considerably below a policy compliant level.

In the absence of an overriding justification to depart from adopted policy the application would represent development in the countryside outside the existing settlement boundary of the village and where there are no current Local Plan or proposed neighbourhood plan policies which would support such development.

In addition, the site lies within the Area of Outstanding Natural Beauty where development would have a relatively localised but nonetheless very harmful impact on the landscape and the setting of the town that weighs heavily against the proposal. Given the harm to the character of Beer and harm to the AONB from further development, and given the difficulty in finding suitable development sites to meet the housing need, consideration has to be given to whether the affordable housing needs for Beer need to be met elsewhere, for example within Seaton that is in close proximity.

Whilst concerns in relation to the ability to appropriately deal with surface water drainage relating to the site have been an ongoing issue, Devon County Council in their capacity as highways authority and Lead Local Flood Authority have recently advised that they are now satisfied with the proposals subject to a number of conditions. These drainage works as proposed though would impact on a mature tree group on site. Finally, whilst the applicant has acknowledged the requirement for S.106 contributions towards education and open space infrastructure the lack of a mechanism to secure these contributions represents a further reason for refusal.

In conclusion, whilst the site might offer one of the few opportunities to deliver housing for the village, some of which would be affordable, this benefit must be balanced against the lack of policy support for the proposal and landscape harm within the AONB. In carrying out such a balancing exercise it is considered that the identified harm would outweigh the benefits.

## **CONSULTATIONS**

### **Local Consultations**

Ward Member, Cllr G Pook

I am responding to this application as the EDDC ward Councillor and as a member of the two Beer based organisations.

The potential for additional development in Beer has been considered many times over the past decade. The one common issue has been the need to secure affordable housing for people with connections to Beer. This has effectively been a condition to the support of any additional development and is felt to be an acceptable price to pay, weighed against any potential visual harm to the landscape.



Over the years the percentage of holiday homes in Beer has increased to the current level which is approximately 22%. Whilst holiday makers are encouraged the increase in holiday homes has two detrimental effects on the village. It reduces the full time occupation, especially children, all of whom are needed to sustain the village as a vibrant community throughout the year. The second effect is the inflation of house prices beyond the means of locals, and especially young locals wanting to move back to the village.

Consultation over the allocation of potential development sites has taken place under various initiatives over the recent past, SHLA, BUAB and recently the Neighbourhood Plan work. The extension of the Short Furlong site has been identified as the favoured location each time. The benefits being; proximity to the school, relatively level walk to the village (only half a hill), contained within the general mass of the village rather than finger development extending the boundary, contiguous with existing housing and on the entrance side of the village meaning additional traffic during construction and in the long term will not have to transit the village.

In 2013 the Beer Community Land Trust was set up to deliver affordable housing. The CLT with Beer PC commissioned a Housing Needs Survey in connection with a smaller scheme the CLT was promoting. This survey identified a demand for 27 affordable homes. The initial CLT project managed to deliver 7 affordable homes, 4 rental and 3 shared equity. There remains a substantial unfulfilled demand for around 20 affordable homes based on the 2013 figures which in reality is more likely to have grown than reduced over the period.

This application from Clinton Devon Estates has the potential substantially satisfy the demand enabling 12 local families to move back into their home village or move within the village thereby releasing an underutilised family home to the family home market. Enabling local families to move back or stay within the community has enormous benefits. The social value of keeping extended families together can directly impact on health and happiness of the families and reduce costs and dependence on the NHS or county care budgets. More local children going to the school, less than 100m from the houses, will eliminate the "school drop off" car use required for children out of the local area. Beer has a good community spirit and the increase in full time residents contributing to the shops, clubs and general village life can only be positive.

The CLT involvement in the scheme will bring many benefits. Beer CLT is already a Registered Provider and therefore able to own and manage social and affordable housing designated in any S106 agreements. The benefit of Beer CLT over other Housing Associations is that the management and decisions on house type and tenure are set locally to best address the local conditions and demands. Furthermore, the capital value of the housing will remain in Beer for the benefit of the community in perpetuity.

Clinton Devon Estates as the primary developer has offered to work in partnership with Beer CLT in the development. This will give the community an input into the number and type of houses developed thus ensuring the mix best fulfils the known

demands. Beer CLT is very happy to be working with Clinton Devon Estates, who are respected as a committed and responsible developers. As future owner of some of the houses, and representing the local community, Beer CLT will have a strong vested interest in ensuring the principles of quality development and sympathetic treatment of the countryside environment are upheld.

The application has been considered by Beer PC and by Beer CLT Board and on the basis that the development will deliver a minimum of 40% affordable houses, both are full supportive of the application.

As EDDC ward member and Chair of Beer CLT, I fully support the application. I accept there could be a perceived conflict of interests in my support as Chair of Beer CLT. This interest however is on behalf of the community, as I represent the community wish to provide more affordable housing in Beer.

### Parish/Town Council

Original comments - The Committee supported the application but had concerns about the access to the site. Members of the public raised concerns about subsidence which they have experienced and they were worried about the close proximity to the existing dwellings of the proposed access road. Also the car park for Short Furlong was already busy and extra traffic would only add to this problem. There have already been repairs to soak aways close to the new access and they felt access could be changed to allow a larger splay at the entrance onto Mare Lane thereby lessening the impact on Short Furlong. Also they would like to see if access for the new site could come from Quarry Lane which would address all their concerns. The committee would also push for 40% 'affordable' housing, not up to 40%.

Additional comments - The Committee supported the application but recommended that the sump be taken as far West as the site will allow in order to maximise the distance from the existing properties in Little Hemphay.

### Other Representations

7 representations have been directly received in respect of the proposed development, these raise the following concerns:

- Access to the site through the existing cul-de-sac/parking area
- Safety concerns relating to increased traffic using the access
- Potential for development to affect existing retaining structures and cause subsidence to properties
- Proposed access would be dangerous, particularly for children resident in Short Furlong
- The proposed development will cause overlooking of and loss of privacy to existing properties due to site gradients
- Increased noise from traffic using the proposed estate road and parking areas
- Surface water run-off and flooding issues
- Over-development of the site
- All of the housing should be affordable to meet the needs of local residents

In addition the applicant has provided a letter of support from the Chairman of Beer Community Land Trust (CLT). This letter advises that Beer CLT would be happy to enter into partner with the applicant to deliver and manage the affordable housing.

### **Technical Consultations**

#### **Devon County Archaeologist**

I refer to the above application and your recent consultation. The proposed development lies in an area of archaeological potential with regard to the known concentration of prehistoric activity in and around Beer itself. While the County Historic Environment Record does not indicate any known archaeological sites within the actual development site there is the potential for groundworks associated with the construction of the new dwellings to exposed archaeological and artefactual deposits associated with the known prehistoric activity in the vicinity.

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

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

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

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

I would envisage a suitable programme of work as taking the form of the archaeological supervision and monitoring of the topsoil strip and initial ground reduction across the site to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

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

**Devon County Council Education Dept**

Regarding the above planning application, Devon County Council would need to request an education contribution to mitigate its impact.

The proposed 30 family-type dwellings will generate an additional 7.5 primary pupils and 4.5 secondary pupils.

Devon County Council will seek a contribution towards additional education infrastructure at the local primary school that serves the address of the proposed development.

The primary contribution sought is £85,211. This is based on the current DfE extension rate for Devon at £11,361.50 per primary pupil generated. The contribution will be used to provide primary education facilities in the area of the development.

In addition, DCC require a contribution towards secondary school transport costs due to the development site being further than 2.25 miles from Sidmouth College.

The costs required are as follows: -

5.00 secondary pupils

£14.75 per day x 190 academic days x 5 years = £14,012

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

#### Housing Strategy Officer Paul Lowe

Original comments - We welcome this opportunity to provide much needed affordable homes in Beer. A Housing Needs Report for the parish of Beer was completed in July 2013. The survey identified a need for a total of 27 homes (24 rented and 3 shared ownership) within the next 5 years.

If this application is supported then we would expect a minimum of 40% (12 units) of the proposed development to be affordable homes. We would seek a tenure mix of 70 / 30% in favour of rented accommodation, the remaining as intermediate housing; however the identified housing need should also be taken in consideration. The principle need is for 1 or 2 bedroom properties to accommodate single people/couples, a low proportion of 3 bedroom properties are required.

Once completed the affordable homes should be transferred to and managed by a preferred registered provider. We expect that a nomination agreement is in place that enables the Local Authority or a Preferred Registered Provider to nominate individuals from the Common Housing Register with preference being given to individuals who have a local connection with Beer, then cascading to named adjoining parishes and finally the District. All the affordable homes should be available in perpetuity and staircasing is to be restricted to 80%.

We expect that all affordable housing will be constructed in line with the Registered Providers own design standards and to the Homes and Communities Agency Design and Quality Standards, be tenure blind and meet the relevant Code Level for Sustainable Homes. The affordable homes should be dispersed throughout the development.

Additional comments - Comments previously made on application 14/2621/MOUT still in the main apply to this application. However, since the previous application was submitted the new East Devon Local Plan 2013 -31 has been adopted. In accordance with this we will now be seeking a 50% on-site affordable housing provision.

County Highway Authority

Original comments - Highway as described in the attached Transport Statement. Whilst it was the intention for Short Furlong to become an adopted highway by way of a Section 38 agreement with the developer, English Rural, and Devon County Council. Unfortunately agreement for suitable highway drainage could not be reached and a satisfactory solution to provide adequate highway drainage for Short Furlong could not be found. Devon County Council was informed of English Rural's intention to keep Short Furlong as a private road by the email below, dated 08/04/2014 :

From: Ian Gillespie  
Sent: 08 April 2014 08:51  
To: Stephen Terelinck  
Subject: RE: Mare lane (Short Furlong) Beer

Stephen

I can confirm that English Rural are not proceeding with the adoption of Short Furlong, however as the street light mentioned in your report is not in land under our ownership and was erected by our contractor at the request of DCC. I believe DCC hold a bond or APC funds from the contractor AH Gadd ltd for such purposes. Can you please advise under what regulations you feel that English Rural are responsible for its repair as the damaged caused was not of our making .

Kind Regards Ian.

It would logically follow that English Rural or their successors remain as the 'Road Manager' for this length of private road.

It would appear from information contained in this application that the applicant does not know that Short Furlong is a private road and that it has not been adopted by the County Highway Authority. Therefore it would be improper for me to make any recommendations or further comment regarding the proposed access emanating from Short Furlong until the applicant is made aware of the situation, as negotiations with the 'Road Manager' of the private road may be required or appropriate.

The County Highway Authority reserves the right to comment on any subsequent amended planning application for this site.

Recommendation:

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

Additional Comments – The planning officer will be aware that there has been considerable discussions between the developers highway and drainage consultants and DCC Highway Development Management regarding this site and also the existing un-adopted highway of Short Furlong. Also at the same time there has been communications with DCC as Flood Risk Authority.

The application plans now include the access road of Short Furlong within the red line boundary of the site, therefore as noted above, the present road manager is effectively the applicant of this application.

There are problems with the existing highway drainage in Short Furlong that as yet have not been resolved to the satisfaction of the County Highway Authority (CHA) and for this reason the road and drainage have not been adopted by the CHA, but remain private and operated by the developer.

With regards to the existing geometry and layout of Short Furlong the CHA does not have a problem in principle with it nor does it have an issue with the proposed geometry or layout of the access road to the development site as proposed within this application. It is DCC's policy to adopt housing development roads where there are more than 3 dwellings, this is to give dwelling occupiers assurances that the roads fronting their properties and roads leading to their road are built and maintained to a suitable standard. This also applies to the highway surface drainage even if the proposed drainage regime or regimes are not proposed to be fully adopted by the CHA. The CHA has an obligation to ensure that adopted road drainage does not impact unduly on the environment either upstream or downstream from the development.

In order to safeguard the environment and to ensure that the proposed development does not make any drainage issues worse the CHA recommends the following conditions if the Local Planning Authority are minded to grant outline planning permission.

**Recommendation:**

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

1. No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan is submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority and the Local Highway Authority. This detailed permanent surface water drainage management plan will be in accordance with the principles of sustainable drainage systems, and those set out in the Proposed Drainage Strategy (Little Hemphay) (Drawing No. LH01, Rev. D, dated 23rd March 2016) and the Proposed Drainage Strategy (Little Hemphay) (Drawing No. LH02, Rev. D, dated 23rd March 2016).

REASON: To ensure that surface water from the development is managed in accordance with the principles of sustainable drainage systems.

2. No development shall take place until details of the layout and construction of the access have been submitted to and approved in writing by the County Planning Authority. The approved details shall be implemented before the development is brought into use.

REASON: To ensure the layout and construction of the access is safe in accordance paragraph 32 of the NPPF.

3. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

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

A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway

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

5. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON: In the interest of public safety and to prevent damage to the highway

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

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park

- on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

7. A) Any existing accesses shall be effectively and permanently closed in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the new access is capable of use  
 REASON: To prevent the use of a substandard access and to minimise the number of accesses on to the public highway.

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

- C) access
- D) parking facilities
- E) commercial vehicle loading/unloading area
- F) visibility splays
- G) turning area
- H) parking space and garage/hardstanding
- I) access drive
- J) and access drainage

have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times  
 REASON: To ensure that adequate facilities are available for the traffic attracted to the site.

Landscape Architect

Summary:

The submitted LVA does not provide a sufficient level assessment. The intervisibility between the site and the West (Paizen Lane) has been underestimated. The visibility of the site from Townsend Road is greater than described in the LVA. Views from Pecorama, especially from the Beer Heights Light Railway, have been undervalued within the LVA.

The delivery of the proposed development on the site is in direct conflict with the following management guidelines as set out in the East Devon and Blackdown Hills Areas of Outstanding Natural Beauty and East Devon District Landscape Character Assessment and Management guidelines:

- Farming and land use: conserve and restore by encouraging retention and restoration of permanent pasture throughout, especially on the plateau boundary.
- Settlement and development: conserve by maintaining the inherent pattern of sparse settlement

And with the following EDDC policies:



- Strategy 7 - Development in the Countryside:

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

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

Strategy 44 - Undeveloped Coast and Coastal Preservation Area: 6.196

Land around the coast and estuaries of East Devon, as identified on the Proposals Map, is designated as a Coastal Preservation Area. Development or any change of use will not be allowed if it would damage the undeveloped/open status of the designated area or where visually connected to any adjoining areas. The coastal Preservation Area is defined on the basis of visual openness and views to and from the sea.

Strategy 46 - Landscape Conservation and Enhancement and AONBs: 6.202

Development will need to be undertaken in a manner that is sympathetic to and helps conserve and enhance the quality and local distinctiveness of the natural and historic landscape character of East Devon, in particular in Areas of Outstanding Natural Beauty.

Development will only be permitted where it:

1. conserves and enhances the landscape character of the area;
2. does not undermine landscape quality; and
3. is appropriate to the economic, social and well being of the area.

When considering development in or affecting AONBs, great weight will be given to conserving and enhancing their natural beauty and major development will only be permitted where it can be shown that it cannot be reasonably accommodated elsewhere outside of the AONB.

The current Area of Outstanding Natural Beauty Management Plans, the East Devon and Blackdown Hills Areas of Outstanding Natural Beauty and East Devon District Landscape Character Assessment & Management Guidelines 2008 and the Devon County Council Landscape Character Areas Assessment should be used in design and management considerations.

The proposed mitigation measures are appropriate, however no mitigation measures addressing the views from Pecorama have been included; the proposed development would still constitute a loss of countryside setting for Beer, which would be perceived from its conservation areas.

The illustrative layout and drainage strategy fail to properly incorporate the SuDS train as set out in DCC's Draft SuDS Manual and CIRIA's SuDS Manual C753. Tree planting and SuDS concerns in landscape terms could be addressed through the submission of Green Infrastructure framework as in accordance with:

Natural Environment NPPG Paragraph 028:

Why is green infrastructure important to delivering sustainable development?

Green infrastructure is important to the delivery of high quality sustainable development, alongside other forms of infrastructure such as transport, energy, waste and water. Green infrastructure provides multiple benefits, notably ecosystem services, at a range of scales, derived from natural systems and processes, for the individual, for society, the economy and the environment. To ensure that these benefits are delivered, green infrastructure must be well planned, designed and maintained. Green infrastructure should, therefore, be a key consideration in both local plans and planning decisions where relevant.

Natural Environment NPPG Paragraph 030:

How can green infrastructure help to deliver wider planning policy?

Green infrastructure can help to deliver a variety of planning policies including:

Building a strong, competitive economy

Green infrastructure can drive economic growth and regeneration, helping to create high quality environments which are attractive to businesses and investors.

Delivering a wide choice of high quality homes

Green infrastructure can help deliver quality of life and provide opportunities for recreation, social interaction and play in new and existing neighbourhoods.

More broadly, green infrastructure exists within a wider landscape context and can reinforce and enhance local landscape character, contributing to a sense of place. Green infrastructure is also an important approach to delivering ecosystem services and ecological networks.

Requiring good design

Well-designed green infrastructure helps create a sense of place by responding to, and enhancing, local landscape character. Green infrastructure can also help create safe and accessible environments in new development and the regeneration of brownfield sites in existing built up areas.

Promoting healthy communities

Green infrastructure can improve public health and community wellbeing by improving environmental quality, providing opportunities for recreation and exercise and delivering mental and physical health benefits. Green infrastructure also helps reduce air pollution, noise and the impacts of extreme heat and extreme rainfall events.

Meeting the challenge of climate change, flooding and coastal change

Green infrastructure can help urban, rural and coastal communities mitigate the risks associated with climate change and adapt to its impacts by storing carbon; improving drainage (including the use of sustainable drainage systems) and managing flooding and water resources; improving water quality; reducing the urban heat-island effect and; where appropriate, supporting adaptive management in coastal areas. Green infrastructure networks also help species adapt to climate change by providing opportunities for movement.

Conserving and enhancing the natural environment

The components of green infrastructure exist within the wider landscape context and should enhance local landscape character and contribute to place-making. High

quality networks of multifunctional green infrastructure provide a range of ecosystem services and can make a significant contribution to halting the decline in biodiversity. Due to the aforementioned reasons the proposed development does not comply with the following EDDC policy and should be considered unacceptable in landscape terms:

EDDC's Policy D1 - Design and Local Distinctiveness:

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

Proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.
3. Do not adversely affect:
  - a) The distinctive historic or architectural character of the area.
  - b) The urban form, in terms of significant street patterns, groups of buildings and open spaces.
  - c) Important landscape characteristics, prominent topographical features and important ecological features.
  - d) Trees worthy of retention.
  - e) The amenity of occupiers of adjoining residential properties.
  - f) The amenity of occupants of proposed future residential properties, with respect to access to open space, storage space for bins and bicycles and prams and other uses; these considerations can be especially important in respect of proposals for conversions into flats.
4. Have due regard for important aspects of detail and quality and should incorporate:
  - a) Secure and attractive layouts with safe and convenient access for the whole community, including disabled users.
  - b) Measures to create a safe environment for the community and reduce the potential for crime.
  - c) Use of appropriate building materials and techniques respecting local tradition and vernacular styles as well as, where possible, contributing to low embodied energy and CO2 reduction.
  - d) Necessary and appropriate street lighting and furniture and, subject to negotiation with developers, public art integral to the design.
  - e) Features that maintain good levels of daylight and sunlight into and between buildings to minimise the need for powered lighting.
  - f) Appropriate greening measures relating to landscaping and planting, open space provision and permeability of hard surfaces.
5. Incorporate measures to reduce carbon emissions and minimise the risks associated with climate change. Existing buildings should also comply with this policy when energy reduction and generation measures are undertaken. Measures to secure management of waste in accordance with the waste hierarchy (reduce,

reuse, recycle, recovery, disposal) should also feature in proposals during the construction and operational phases.

6. Green Infrastructure and open spaces should be designed and located in a way that will minimise any potential security concerns for users.

7. Mitigate potential adverse impacts, such as noise, smell, dust, arising from developments, both during and after construction.

If the development were to be approved the following items should be conditioned or requested as part of a Reserved Matters application:

- Design and access statement
- Detailed landscape proposals including hard and softworks layout and site wide sections; all incorporating levels,
- Planting specifications and key planting details (tree pits, hedgebank detail, planting matrices, etc.)
- Hardworks specification
- Detailed drainage Strategy
- Boundary treatment details
- tree and hedgerow protection details and
- a landscape management plan

to ensure the scheme's longevity and its compliance with the following policies & guidance:

- Policy D1 (Design and Local Distinctiveness):

'In order to ensure that new development is of a high quality design and locally distinctive, a design statement setting out the design principles to be adopted should accompany proposals for new development. Proposals should have regard to Village and Design Statements adopted as Supplementary Planning Guidance. Proposals will only be permitted where they:

1. Reinforce the key characteristics and special qualities of the area in which the development is proposed;
2. Ensure that the scale, massing, height, fenestration and materials of buildings relate well to their context
3. Do not Adversely affect:
  - I. The distinctive historic or architectural character of the area
  - II. The urban form, in terms of significant street patterns, groups of buildings and open spaces;
  - III. Important landscape characteristics and prominent topographical features;
  - IV. Trees worthy of retention
  - V. The amenity of occupiers of adjoining residential properties.
4. Have due regard for important aspects of detail and quality and should incorporate:
  - I. Secure and attractive layouts with safe and convenient access for the whole community, including disabled users;
  - II. Measures to create a safe environment for the community and reduce the potential for crime;
  - III. Use of appropriate building materials and techniques respecting local tradition and vernacular styles as well as, where possible, contributing to low embodied energy and CO<sub>2</sub> reduction;
  - IV. Necessary and appropriate street lighting and furniture and, subject to negotiation with developers, public art integral to the design;

- V. Features that maintain good levels of daylight and sunlight into and between buildings to minimize the need for powered lighting;
- VI. Appropriate 'greening' measures relating to landscaping and planting, open space provision and permeability of hard surfaces.

- EDDC's Policy D4 (Landscape Requirements)

'Planning permission will not be granted for development proposals unless they include a landscape scheme, covering the design and layout of external space  
The landscape scheme should meet all of the following criteria:

1. Landscape features should be recorded in accordance with the requirements of 'trees in relation to construction' BS 5837/1991 in a detailed site survey, to be submitted as part of the full or detailed planning application.
2. Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable commensurate provision should be made elsewhere in the site, in addition to the requirement for new landscaping proposals.
3. Measures to ensure public safety should be incorporated.
4. Measures to ensure routine maintenance and long term management should be included.
5. Provision for the planting of trees and hedgerows (including the replacement of those of amenity value which have to be removed for safety reasons) and other planting and improvements to existing habitat, and/or creation of new areas of wildlife value should be made.
6. Roads, parking and footpaths and the continuity of fencing or walling with existing boundary treatments where this contributes to the street scene should be integrated with the development and landscape framework.

- EDDC's Policy D5 (Trees on Development Sites)

Permission will not be granted for developments that would result in the net loss of trees or significant lengths of hedges/hedgebanks of amenity, historic or conservation value. British Standard 5837 will be taken fully into account in addressing development proposals. The District Council will require details as to how trees and hedges/hedgebanks will be protected both during and after construction, as a condition of any planning permission granted. No building, hard surfacing, drainage or underground works will be permitted within 5 m of the edge of the mature crown spread of essential trees identified for retention unless, exceptionally, the Council is satisfied that such works can be accommodated without harm to the trees concerned.

### DCC Flood Risk SuDS Consultation

Original comments –

The Exploratory Hole Location Plan (Drawing No. Fig 02, Rev. dated 5th November 2015) shows the locations of the three trial pits excavated for the percolation testing. Pits TP1 and TP2 appear to be the most representative in terms of the location of the proposed soakaway, but the applicant has not provided any test results for TP1. There is therefore insufficient evidence to demonstrate that the tests have been carried out in accordance with the BRE Digest 365 Soakaway Design (2007) standard, but at this outline stage I am happy to secure these additional tests by means of a precommencement planning condition.

Section 3.5 of the Drainage Strategy (Report No. WE03569/DS, Rev. 5, dated December 2015) states that the site topography is such that the potential for re-emergence of water downslope of the soakaway is sufficiently reduced. However, it is not clear how the land falls at this location and the applicant must clarify whether there is a risk of slope stability issues or the re-emergence of water onto the highway or proximate to the dwellings on Quarry Lane.

The applicant will also be required to provide evidence that the proposed soakaway has been designed to accommodate the 1 in 100 (+30% allowance for climate change) rainfall event. Additionally, they must submit details of the exceedance pathways and overland flow routes across the site in the event of a rainfall event in excess of this design standard.

Section 3.5 of the Drainage Strategy also states that an infiltration trench/filter drain will be provided along the site's southern boundary to mitigate against overland flow from the higher ground. However, the applicant must provide further detail of this feature because the Proposed Drainage Strategy (Little Hemphay) (Drawing No.LH01, Rev. B, dated December 2015) appears to show it running across the rear gardens (and therefore fence lines) of the properties. Specifically, the applicant must clarify to what standard this feature has been designed, and the proposed maintenance arrangements of this feature given its location.

I would be happy to provide a further substantive response when the applicant has provided the information requested above. Once this has been done, and if the Planning Case Officer is minded to grant planning permission, I request that the following pre-commencement planning condition is imposed:

No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2007) and the results approved in writing by the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the location of the proposed soakaway.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

Additional comments -

I would note that the applicant has not yet provided the additional information requested in my aforementioned letter. I will therefore be liaising with the Planning Case Officer to review my 'no in-principle objection at this stage' stance if this information is not provided before the application is determined.

I would be happy to provide a further substantive response when the applicant has provided the information previously requested.

Further Additional comments -

The applicant has submitted the following additional documents:

MicroDrainage Model Outputs (dated December 2015);

Soakaway Cross Section (dated 30th March 2016);

Proposed Drainage Strategy (Little Hemphay) (Drawing No. LH01, Rev. D, dated 23rd March 2016);

Proposed Drainage Strategy (Little Hemphay) (Drawing No. LH02, Rev. D, dated 23rd March 2016).

The Consulting Engineer for this application has also directly responded to the comments made in my previous correspondence via an e-mail dated 23rd March 2016.

I would be grateful if these comments could be formalised into a document and formally submitted as part of this planning application to demonstrate that my concerns have been addressed. I would also be grateful if the applicant can ensure that the aforementioned additional documents have also been submitted to the Planning Case Officer.

If the Planning Case Officer is minded to grant planning permission in this instance, I request that the following pre-commencement planning condition is imposed. The request for this condition supersedes that made in my previous correspondence:

No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan is submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. This detailed permanent surface water drainage management plan will be in accordance with the principles of sustainable drainage systems, and those set out in the Proposed Drainage Strategy (Little Hemphay) (Drawing No. LH01, Rev. D, dated 23rd March 2016) and the Proposed Drainage Strategy (Little Hemphay) (Drawing No. LH02, Rev. D, dated 23rd March 2016).

Reason: To ensure that surface water from the development is managed in accordance with the principles of sustainable drainage systems.

Although we have no in-principle objection to the above planning application at this stage, the applicant will be required to provide additional information, as outlined below, to demonstrate that all aspects of the surface water drainage management plan have been considered.

## **POLICIES**

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

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

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

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

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

## **SITE LOCATION AND DESCRIPTION**

The application site relates to the lower, northern section of a steeply sloping agricultural field located to the northwest of the village centre. The site extends to approximately 0.97 ha. The field is bounded by hedge planting on the western and eastern boundaries and is undemarcated from the remainder of the field to the south. The north-eastern boundary is formed by a post and wire fence. A permissive footpath runs parallel to this boundary and beyond this is a hedge line before the land drops more steeply away to the rear of properties fronting Townsend. These properties are set significantly below site level. There is an existing field gate access in the south-eastern corner of the field just to the northeast of the car park area that serves the properties of Short Furlong and from where it is intended to take access. The properties in Short Furlong are of relatively recent construction and are elevated above the level of the car park that serves them and are subject of significant retaining works. Beyond the southern field boundary on higher land is the village primary school.

An additional area of site lies to the northwest of the main site on lower land and to the west of recent residential development fronting Quarry Lane. This part of the site is relatively level and is separated from the road to the north by hedgerow.

The site abuts the built-up area boundary of Beer to the north and east and there is open countryside to the west. The site lies within the East Devon Area of Outstanding Natural Beauty.

## **PROPOSED DEVELOPMENT**

The application seeks consent for the erection of up to 30 dwellings. It is in outline form with all matters reserved save for means of access. The application proposes 43.3% of the houses (13) as affordable.

A detailed indicative layout and site sections have been submitted to enable consideration of the potential landscape impacts of the proposal, bearing in mind the location of the site within the East Devon Area of Outstanding Natural Beauty. This shows development running parallel with the contours of the land, in two rows of built form either side of the spine road and with a visitor car parking area at the eastern end of the site. The indicative section details indicate split level housing to work with the natural slope of the site. Incidental amenity/open space is shown at the eastern



end of the site, either side of the access road but no formal provision is indicated or proposed.

Access to the site is proposed off the existing car parking area serving the development at Short Furlong, this itself accesses onto the west side of Mare Lane just to the east.

At the western end of the site a narrow strip of land connects the site with a satellite area to the northwest (west of the 'Little Hemphay development), which would serve as a surface water drainage area for the proposed development.

Although in outline, the indicative section details indicate a maximum ridgeline height of 76.5 metres above ordnance datum which would provide for 2/3 storey properties, with the upper floor within the roofs of the buildings.

## **ANALYSIS**

The main issues to consider in determining this application are in terms of the principle of the development; landscape and AONB impact; access and highway safety; impact upon ecology; impact upon local amenity; flood risk and drainage; and archaeology. The provision of affordable housing and the weight to be attached to this also requires detailed consideration.

### **Principle of Development**

An assessment as to the acceptability (or otherwise) of the principle of development in this case turns on consideration of the current planning policy context at both national and local levels and the weight that may be attributed to this in the overall balance of considerations that are material to determination of the proposal. As it stands the application site lies outside of the Built-Up Area Boundary of Beer as designated in the Adopted East Devon Local Plan.

Through the recent adoption of the (New) East Devon Local Plan the Council has established that it has a supply of specific deliverable sites sufficient to provide for five years worth of housing against their housing requirements with an additional buffer to account for persistent under delivery of housing. This being the case proposals that seek development outside of areas where it is specifically permitted by the Local Plan would fail to accord with its provisions. As such the advice at para. 12 of the National Planning Policy Framework (NPPF) is that, '...development that conflicts (with an up-to date Local Plan) should be refused unless other material considerations indicate otherwise.'

The site lies outside the Built-up area boundary of Beer (as defined under the earlier version of the Local Plan) and therefore falls to be considered as development in the countryside. Strategy 7 of the Local Plan is clear that in the countryside (defined as all areas outside built up area boundaries or specific allocations) development, '...will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive, landscape, amenity and environmental qualities within which it is located...'

Beer is listed as one of the settlements, which under Strategy 27 of the Local Plan are considered to have a range of accessible services and facilities to meet many of the everyday needs of local residents and to have reasonable public transport. The settlements under Strategy 27 are proposed to retain their built-up area boundaries which will be designated under a separate 'East Devon Village Development Plan Document'. Strategy 27 is explicit though that this process will not specifically allocate land for development. However, where communities wish to promote development other than that supported through the strategy (or other strategies in the Plan) this will need to be developed through a Neighbourhood Plan, or other community led development.

Public consultation was undertaken in August and September 2015 on the Proposed Criteria for Defining Built-up Area Boundaries for those settlements listed under Strategy 27. More recently a report has been taken to Development Management Committee proposing some changes to the methodology to allow public consultation on proposed built-up area boundaries, with a view to moving to the next stage of the Villages Plan. Whilst this consultation has been postponed for further consideration, it is understood that the fundamental premise for determining the future BUABs will not alter. The criteria proposed in the consultation document included the following:

A1 - Boundaries should reflect the existing scale and core built form of the settlement and should not seek expansion to facilitate additional development.

A2 - Where practical, boundaries should follow clearly defined physical features such as walls, fences, hedgerows, roads and water courses.

C2 - Recreational or amenity space at the edge of settlements which has a predominantly open visual character (should be excluded).

It is clear that the process is not about increasing levels of development in rural settlements and that additional sites for housing are not being sought.

The parish of Beer was designated as a Neighbourhood Area on 2nd October 2013, it is understood that work is ongoing and a draft plan has been produced, however, a final plan needs to be submitted, examined and a referendum undertaken on this, there are currently no dates for this process. It is noted that the draft plan looks to support community led developments and exceptions housing to meet local affordable housing need where such proposals meet the requirements of the East Devon Local Plan, however, to date the plan does not appear to specifically allocate land to meet any such identified needs. The draft plan includes a policy that states that proposals on exception sites are supported where it meets a local need and satisfies the requirements of the adopted East Devon Local Plan. The proposal would meet an identified local need but is not in accordance with the requirements of the adopted Local Plan.

Whilst the proposed development appears to have attracted qualified support from the Parish Council and Ward Member it has not been submitted, nor is it being promoted, as 'community led' development, as such it has not been demonstrated to accord with Strategy 27 of the Local Plan. If a Neighbourhood Plan does come

forward and this looks to support additional housing then the application site could be considered under this process. At that time its benefits and impacts could be considered and taken into account alongside those of any other options that might come forward. Permitting development ahead of this process would prejudice its outcome and would be likely to undermine public confidence in the planning system.

The only other policy of the Local Plan that permits development outside of built-up area boundaries, in certain circumstances, is Strategy 35, which deals with exception schemes for mixed affordable and open market housing. Under Strategy 35, development of sites outside of but well related to the existing built-up area boundaries of villages or small towns may be permitted for such purposes subject to a number of criteria including: the scale of the development (around 15 dwellings); a minimum provision of 66% of the dwellings to be affordable; evidence of a specific affordable housing need (that would not otherwise be met) has been demonstrated. The application scheme is for up to 30 dwellings and therefore is too large to be considered under this strategy. In addition the proposed development would only look to provide 43.3% rather than 66% of the dwellings as affordable and given that the development is for up to 30 dwellings, there is no guarantee that 30 dwellings will come forward at the Reserve Matters stage and as such the development could end up provide less than the 13 affordable dwellings.

In summary in terms of principle the scheme lies outside the existing built-up area boundary of the village and would therefore represent development in the countryside. Whilst it is intended to review the Built-up area boundary for this and other settlements, the criteria to review these is explicit that it is not looking to allocate land for development. The proposal does not form part of an adopted neighbourhood plan and is not a 'community led' development, albeit it is acknowledged there is some community support for it. The scheme would help to meet some of the affordable housing need of the parish but is too large to be considered under Strategy 35 as an exceptions scheme and would not in any case provide a high enough percentage of affordable housing to meet this strategy's requirement.

The proposal is therefore contrary to Local Plan policy. Those policies are up to date in accordance with para. 12 of the NPPF and therefore unless there are any material considerations that indicates an alternative decision should be taken they are clear that an application for development such as that proposed should be refused. Other material considerations are discussed below.

#### Landscape And AONB Impact

The site lies within the East Devon Area of Outstanding Natural Beauty where Strategy 46 of the New East Devon Local Plan states that development will only be permitted where it:

- o Conserves and enhances the landscape character of the area;
- o Does not undermine the landscape quality; and
- o Is appropriate to the economic, social and well being of the area

In relation to major development it states that it will only be permitted where it can be shown that it cannot be reasonably accommodated elsewhere outside of the AONB. This reflects the guidance at paras. 115 and 116 of the NPPF which states that planning permission for major developments in AONBs should be refused other than in 'exceptional circumstances'.

Setting aside the principle issues in this case it needs to be considered what the specific impacts on the AONB might be and whether it might meet the criteria of Strategy 46.

The site is located within the East Devon Area of Outstanding Natural Beauty, the protection of which is recognised as a key consideration.

Beer falls within a single landscape character area - coastal slopes and combes, as defined by East Devon Landscape Area Character Assessment (2008). The particular characteristics identified and which can be seen in relation to the site include: Narrow, steep valleys; small to medium irregular sized fields of mainly pasture; old settlements in combes with stone as dominant building material.

A visual appraisal has identified a number of viewpoints from which the site would be visible from short, medium and long (more than 400m) distance viewpoints. The proposal would be particularly apparent on approach from the northeast (the main entrance to the town from Seaton) where it would be viewed above existing development along Townsend, which winds its way along the narrow valley bottom between hillsides. However, in terms of areas from which the development could potentially be viewed the potential zone of visual influence identifies that the development would not be visible from the majority of the village or surrounding landscape. The LVIA has informed the location of the development within the field with this being restricted to the lower half of the field. In addition mitigation proposals include structural tree planting to boundaries and within the development to break up its massing and reduce its visual impact. The report concludes that the site is, "suitable for development of up to 30 houses without material harm to the character of Beer and its landscape setting."

The report also includes mitigation proposals in the form of structural tree planting and the design of dwellings. At this stage design and scale are matters reserved for future consideration but indicative details show buildings cut into the hillside and asymmetrical roofs designed to lower the eaves level on the lower side of each unit in order to reduce their apparent height.

The Council's Landscape Architect has considered the proposals and the submitted LVIA and considers it to be incomplete in a number of areas. In terms of the assessed short, medium and long distance viewpoints it is advised that not all potential viewpoints have been considered and that the document contains no assessment of the sensitivity of visual receptors. In addition the zone of visual influence should have been extended further to the west and as such in general it is considered that the submitted LVIA underestimates the visual influence of the site, although it is accepted that overall the visual influence of the site is limited to localised views.

The proposed mitigation measures are considered to be appropriate in principle; although there are no mitigation measures addressing the views from Pecorama. The appraisal of the submitted LVIA highlights in particular; the loss of countryside setting for Beer (particularly from the east); severe impact on views from Paizen Lane, and; the impact on the setting of Pecorama and especially the setting of the Beer Heights Light Railway. Some concerns are also expressed in terms of the drainage proposals and whether these could better incorporate SUDs (Sustainable Urban Drainage) principles.

Overall, it is advised that the development is considered to be unacceptable in landscape terms due to the harmful localised visual impacts, particularly from the north and east. If it were considered acceptable in other respects then its impact could be lessened through restricting dwelling height to two storeys and requiring detailed hard and soft landscaping plans and landscape management details as part of any reserved matters submission. This would however be likely to impact further upon viability and the percentage of affordable housing.

In response to the Landscape Architect's comments the applicants own consultants have suggested that the proposed hedge bank to the southern boundary would filter views, and the proposed housing would be seen in the context of the existing housing to the north (which can currently be seen from Pecorama).

Physically the site is itself largely free of any material constraints, although there is some mature hedge planting along the northeast field boundary and a mature tree of amenity value in the northeast corner of the site. The application is accompanied by an Arboricultural report which considers the potential impact on trees on and adjoining the site and concludes that the proposal would retain all significant specimens and have an acceptable impact. The only trees that may require removal to accommodate the new road are immature trees adjacent to existing development in the southeast corner of the site which it is suggested could be replaced with similar specimens in any new landscaping scheme.

However, the revised drainage proposals indicate a drainage run through the RPA of a mature Ash group in the northeast corner of the main site and as such would be likely to result in loss of or damage to this group with resulting harm to the landscape. In the event that the application were otherwise considered to be acceptable it would be possible to deal with this matter by means of a Grampian style condition requiring the submission of amended drainage details prior to commencement of development.

### Other Potential Sites

In order to assess whether (if the principle were accepted or material considerations were to outweigh any principle objection) the development could be provided elsewhere, outside of the Area of Outstanding Natural Beauty it is necessary to consider what housing the development is looking to deliver. The site is not being promoted as an exceptions site designed to meet a demonstrated local affordable housing need, there is therefore no strategic need or policy support for general housing schemes to be delivered in Beer. It is though recognised that Beer has a high affordable housing need and that the development would meet some of this

need, a consideration of alternative sites that might help meet some, or all, of this need is therefore relevant.

The majority of the land on the western side of the village is subject to the AONB designation. There is however, land to the east of the town which falls outside of this designation. The applicants have argued that the SHLAA (Strategic Housing Land Availability Assessment) 2012 identified only 3 sites for housing in Beer, all of them under the ownership of the applicants and two of them within the AONB. It is reported that the third site (off New Road), which lies outside the AONB was subsequently withdrawn following discussions with the Parish Council and although not within a designated landscape was considered to be much more prominent in landscape terms.

Beer is grouped with Branscombe in terms of the provision of affordable housing and there is a current application before the Council for 10 dwellings including 6 affordable houses in Branscombe. This may provide some of the affordable housing requirement for the area.

In addition, as part of the charm and character of Beer is its tightly constrained nature surrounded by open fields, any new development is likely to have a detrimental visual impact upon the setting of the town and countryside and/or harmful visual impact upon the AONB. Given this, it may be that consideration needs to be given to the fact that there are no suitable sites at the edge of the settlement upon which development can expand and that as a result the affordable housing needs for Beer may need to be met elsewhere, possibly within Seaton that does not have the same landscape constraints as it is not so tightly constrained by the AONB.

There are no significant brownfield, or other sites, within the built-up area boundary of the village and therefore it is accepted that in terms of alternative sites available to deliver affordable housing for Beer the options are limited. Nonetheless, as previously stated the proposal is not specifically designed to deliver affordable housing and is significantly larger than that permitted under Strategy 35 of the Local Plan to do so. The development would also deliver a significantly lower percentage of affordable housing than required by that strategy.

The development would result in specific, albeit relatively localised, landscape harm both in visual and character terms. Whilst there would be some economic and social benefits arising from the delivery of affordable housing these would not be sufficient to outweigh the principle policy tests or landscape harm.

#### Access And Highway Safety

The application proposes the construction of a new access to Mare Lane via an existing unadopted short section of road that serves the Short Furlong development. It is understood that the Short Furlong section of road has not been previously adopted due to drainage issues and therefore has remained in private ownership.

The proposed estate road would link onto Short Furlong in its northeast corner via an existing turning head, it would initially run north before turning through 90 degrees to

run more generally from west to east, with another slight kink to the northeast. A turning head is proposed towards the northeast end of the road.

Due to the site levels there would be a requirement for cut and fill across the site as well as specific retaining works at the western end of the site, although no details of this are submitted at this stage.

The Highways Authority considered the application when originally submitted and advised that the existing access road (Short Furlong) was not adopted as at the time of the adjoining residential development a satisfactory solution to provide adequate highway drainage for Short Furlong could not be found. Short Furlong therefore remains as a private road.

A large part of the delay in determining the current application has been to allow the developer an opportunity to consider the drainage options for the site which would allow surface water to be appropriately managed in order to allow the adoption of the road and ensure that this is appropriately managed.

A surface water drainage strategy has subsequently been submitted which subject to conditions the highways authority consider to be acceptable. They have also advised that they are satisfied that the existing geometry and layout of the Short Furlong access is satisfactory. It is therefore considered that subject to a number of conditions that appropriate access arrangements could be provided.

#### Impact Upon Ecology

An ecological impact assessment was submitted with the application, this included the findings of a preliminary ecological appraisal and manual and automatic bat surveys, given the proximity to Beer Caves Special Area of Conservations (SAC). The findings of the assessment were that the site supports a low population of slow worms and that the boundary hedgerows are an important habitat feature for both bats and dormice. However, the report concludes that subject to a programme of translocation for reptiles and suitable compensatory habitat creation either on or off site the impact on reptiles would be acceptable. In addition gapping up of existing hedgerows and provision of new hedgerow planting would be sufficient to ensure that the proposed development would have a negligible ecological impact. The proposed drainage works on the extended area of the site to the west of Little Hemphay has in itself the potential to cause further ecological impact, particularly given its proximity to the existing 'bat house' on adjoining land. The applicant has provided an update from their ecological consultant that confirms that subject to precautionary measures during construction this additional element would also be acceptable in terms of ecological impact. These matters could be dealt with by means of a suitably worded condition.

#### Impact Upon Local Amenity

The main impacts of the proposed development on residential amenity are considered to be from the additional traffic, increased noise and potential disturbance, and the potential loss of amenity arising from overlooking, loss of privacy or outlook.

There are concerns that the additional traffic generated by the development would give rise to highway safety danger both through the access to Short Furlong with Mare Lane and through the intensification of traffic through Short Furlong. Whilst there is no highway safety objection there would be an increase in traffic levels and potentially noise and disturbance for the existing residents of Short Furlong, Townsend and Ash Hill Court, particularly those residents whose properties immediately adjoin the site. Obviously the development will create some additional disturbance for existing residents, particularly during the construction stage, however the extent of this is not considered to be such that living conditions will be substantially or unreasonably affected to the extent that planning permission could reasonably be withheld on this basis.

Although submitted in outline, the suggested indicative layout demonstrates how 30 houses could be accommodated on the site. The layout provides reasonable separation distances between existing dwellings and the proposed housing (in excess of 25 metres to the northeast and 20 metres to the southeast), and whilst the layout may be subject to change, and will need to be further considered in detail by a reserved matters application, there is no reason to believe that the proposal would cause unacceptable harm to the amenity of existing residents. To the north any new dwellings would also be significantly elevated above the level of existing properties such that they would view out over the roof tops of these dwellings.

#### Flood Risk And Drainage

The site lies wholly within Flood Zone 1 and is not in an area of historic surface water flooding, however the land to the north (along Quarry Lane and Townsend) to which the site naturally drains is within flood zone 3 and susceptible to surface water flooding.

The applicant has submitted a site specific drainage strategy which includes for infiltration and attenuation measures to reduce flows to no greater than and potentially lower than existing greenfield run-off rates. These measures will also include exceedance proposals to manage any extreme weather events.

The specific attenuation measures would look to drain the lower (western) section of the road to a new below ground attenuation tank which would also accept surface water drainage from the existing Short Furlong section of road. The surface water drainage for the upper section of road and that associated with all of the residential properties would drain to a separate attenuation area to the northwest of the site (west of Little Hemphay).

Foul drainage would be connected to the existing mains sewer in Mare Lane.

Devon County Council (DCC) have considered the proposals in their capacity as the Lead Local Flood Authority. They have raised no in principle objections to the scheme but consider that further information is required to demonstrate that all aspects of the surface water drainage management plan have been considered. The applicant has provided some additional information in response and DCC has confirmed that they have no in principle objection but in the event of an approval



have suggested a condition is imposed to require approval of a permanent surface water drainage management plan.

### Archaeology

The application has been considered by Devon County Council's Historic Environment Service and assessed in terms of its potential archaeological impact. The archaeologist has advised that the area under consideration lies in an area of archaeological potential. Groundworks for the construction of this development have the potential to expose and destroy any archaeological deposits or features that may be present here.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) the archaeologist has requested that any consent should carry a condition requiring the applicant to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which would be submitted by the applicant and approved by the Planning Authority.

### The Provision Of Affordable Housing

A Housing Needs Report for the parish was completed in July 2013 which identified a need for a total of 27 homes (24 rented and 3 shared ownership) within the next 5 years. The principle need identified was for 1 or 2 bedroom properties to accommodate single people/couples with only a low proportion of 3 bedroom properties required.

The heads of terms submitted with the application states that up to 40% of the units proposed would be delivered as affordable, however the applicant has subsequently confirmed that the offer is for 43.3% which would equate to 13 of the units if the overall delivery was 30 houses. Provision at this level would fall below the policy expectation in the Adopted Local Plan and there is a risk that the development comes forward with less than 30 dwellings therefore resulting in less than 13 affordable units.

As discussed in the policy section of the report this scheme is not promoted as an affordable housing exceptions site and indeed is too large to be considered under Strategy 35, as such the relevant strategy in terms of affordable housing is strategy 34. Strategy 34 sets a target provision of affordable housing on sites (other than in areas specifically listed) at a level of 50%. The Strategy states that where a proposal does not meet the above targets it should be supported by viability evidence to demonstrate why provision is not viable and that in such circumstances an overage clause would be imposed.

The applicants have submitted a viability report the conclusions of which are that the development could not support the provision of affordable housing at 50% and that even at 40% provision, the scheme would not in normal circumstances be considered viable. It is advised that it is only the willingness of the applicant to accept a lower than normal profit level (around 15%, as opposed to 18%) that makes

the application feasible to deliver with the proposed level of affordable housing (43.3%) and meet the other s.106 costs (see below).

The District Valuer (DV) has been asked to review the applicant's viability information and advise accordingly. The DV has responded that having undertaken his own assessment of this scheme and reviewing all the values and costs set out in the applicant's own viability report that it is considered that the proposed scheme could viably deliver (43.3%) affordable housing (split as 9 for affordable rent, and 4 shared ownership) as well as providing the other s106 contributions required (see below). The applicant has accepted the findings of the DV.

Setting aside the location of the site outside the built-up area boundary of the village there is an acknowledgement that the proposal has the potential to contribute towards affordable housing provision for the village. It is further acknowledged that development outside the built-up area boundary of the village and within the AONB might be required if the identified need is to be addressed.

Whilst it is recognised that there are significant barriers to delivering affordable housing to meet the identified needs of the village, the indicative details submitted do not appear to be focussed on meeting the specific needs of the village (in terms of size). The proposal is for a residential scheme which would provide a, below target level, percentage of units as affordable. These factors therefore limit the weight that can be given to the provision of affordable housing.

#### S.106 And Other Matters

The indicative details submitted with the application show some open space areas at the western end of the site, however this appears to be incidental as opposed to specific amenity space. However, it is recognised that opportunities for on-site provision are limited due to the site's topography and that in the event of an approval opportunities for on-site provision could be further explored. In terms of off-site provision there is a requirement for contributions towards open space provision and enhancement amounting to £45,970.80.

Devon County Council as the education authority has advised that the development would generate an additional 7.5 primary pupils and 4.5 secondary pupils as such contributions towards additional education infrastructure at the local primary school and a contribution towards secondary school transport costs would be sought. The total contributions sought for education would amount to £99,223 (+ £500 towards legal costs).

The applicant has acknowledged these requirements which could be secured through a S.106 agreement in the event of an approval.

**LOSS OF AGRICULTURAL LAND** - The site is located on grade 3 agricultural land but this is not further defined as being 3a or 3b and where land classified as 3a falls into that considered to be (the best and most versatile quality farmland (BMV)). Paragraph 112 of 'the National Planning Policy Framework' states that local planning authorities should take into account the economic and other benefits of BMV. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to

that of higher quality. However the proposal would represent a small area of farm land and would not isolate the remaining part of the field, access to which would remain from adjoining land to the west. It is also the case that all of the land surrounding Beer is of the same value and as such if the principle of further development to meet the village's need was accepted, any proposal would have a similar affect in this regard.

**ENVIRONMENTAL HEALTH** - It is not considered that there would be any environmental health concerns relating to the development of this site, but in view of the scale of the development it is expected that a Construction and Environment Management Plan would need to be submitted and this could be secured by an appropriately worded condition in the event of an approval.

**ECONOMIC BENEFITS** - The Framework focuses attention towards the delivery of housing, both to aid the local and national economy in the form of residential construction jobs. This development has the potential to create jobs in the local economy through the construction works involved but also in the longer term through the increased residents in Beer and there support and use of local services and facilities within the village and the wider local economy.

### **RECOMMENDATION**

REFUSE for the following reasons:

1. The application site forms part of the countryside that surrounds Beer and is outside of the established Built-up Area Boundary of the settlement. The residential development of the site would have a detrimental impact on: the undeveloped character of the site; its open rural appearance within a designated Area of Outstanding Natural Beauty; the landscape setting of the town, and; where such development would erode the transition from town to countryside. The proposal would therefore be contrary to the provisions of Strategy 7 (Development in the Countryside) D1 (Design and Local Distinctiveness); Strategy 27 (Development at the Small Towns and Larger Villages) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the New East Devon Local Plan 2013-2031 and the guidance contained within the National Planning Policy Framework.
2. The application site lies outside the established settlement boundary of Beer, in an area where new development is strictly controlled to safeguard encroachment into open countryside and where special justification is required for new housing, without such special justification the proposal would be contrary to the provisions of D1 (Design and Local Distinctiveness) and Strategy 7 (Development in the Countryside) of the New East Devon Local Plan 2013 - 2031.
3. The application lacks an appropriate mechanism to secure contributions towards Open Space and education infrastructure necessary to mitigate its impact, as such the application is contrary to Strategies 43 (Open Space Standards) and 50 (Infrastructure Delivery) of the New East Devon Local Plan 2013 - 2031.

4. The proposed development makes insufficient provision of and lacks a suitable mechanism for securing affordable housing. As such the proposal would be contrary to Policy 34 (District Wide Affordable Housing Provision Targets) of the New East Devon Local Plan 2013-2031.
5. The proposed development indicates drainage works within the Root Protection Area (RPA) of a tree group of recognised amenity value and where such works would have a harmful impact on the trees, likely to lead to their loss or damage and with a resulting detrimental impact on character and appearance of the area and landscape setting of the site, as such the proposal would be contrary to policies D1 (Design and Local Distinctiveness), D3 (Trees on Development Sites) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the New East Devon Local Plan 2013 - 2031.

#### NOTE FOR APPLICANT

##### Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked 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:

A-A, B-B	Sections	26.11.14
MASTERPLAN 13707_L01_10	Additional Information	26.11.14
13707_L01_09B	Sections	26.11.14
13707_L01_01 REV D	Location Plan	09.03.16
04272TPPDRAI NAGE040316	Other Plans	09.03.16
WE03569C LH02REV C	Other Plans	09.03.16
WE03569C LH01REV C	Other Plans	09.03.16
GA-002A	Other Plans	04.11.14

GA-001A	Other Plans	04.11.14
RP-002A	Sections	04.11.14
C-C, D-D	Sections	26.11.14

List of Background Papers

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

**Ward** Beer And Branscombe

**Reference** 16/0019/FUL

**Applicant** Mr Alastair Franks

**Location** Oakdown Holiday Park Weston  
Sidmouth EX10 0PT

**Proposal** Convert pitches from grass to hard standing; residential accommodation for security staff/warden; extension to existing children's play area and installation of two pieces of equipment



**RECOMMENDATION: Refusal**



		<b>Committee Date: 10<sup>th</sup> May 2016</b>
<b>Beer And Branscombe (BRANSCOMBE)</b>	<b>16/0019/FUL</b>	<b>Target Date: 05.04.2016</b>
<b>Applicant:</b>	<b>Mr Alastair Franks</b>	
<b>Location:</b>	<b>Oakdown Holiday Park Weston</b>	
<b>Proposal:</b>	<b>Convert pitches from grass to hard standing; residential accommodation for security staff/warden; extension to existing children's play area and installation of two pieces of equipment</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

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

**Oakdown Holiday Park is a well established and award winning holiday park located to the immediate south of the A3052 between Sidmouth and Branscombe. The main site is located to the east side of Gatedown Lane, which runs south from the A3052. To the west of this lane there is a pitch and putt golf course with associated reception building/shop and touring field 'Beechgrove', both of which form part of the main site.**

**The application seeks permission for the construction of hardstanding gravel pitches in place of existing grass pitches parallel to the north site boundary; the installation of additional play equipment, and; the siting of a static caravan for permanent occupation by a member of staff, to provide on-site warden accommodation.**

**There are no objections to the provision of the hardstanding pitches or the play equipment.**

**In relation to the proposed static caravan for warden accommodation the applicants make the case this is required for security purposes and visitor benefits. Whilst the proposal may provide some benefits to guests in terms of having a recognised initial point of contact for any issues and providing some on-site supervision, the main reception for the park is close to hand (as is the shop/golf reception) and it has not been demonstrated that alternative security measures would not meet any requirements. It is therefore officer view that no**

**'proven and essential' business need has been demonstrated and as such the application is contrary to policies of the Local Plan and national planning guidance in relation to residential development in the countryside and should therefore be refused for the reasons set out at the end of the report.**

## **CONSULTATIONS**

### **Local Consultations**

#### Beer And Branscombe - Cllr G Pook

Based on my understanding to date I support the application in all aspects and particularly in the need to have permanent accommodation for a full time warden/security person on site.

Any permission must be linked to its use on the park and the continued operation of the park.

#### Parish/Town Council

This application was fully discussed and it was resolved that all were in favour of supporting the application with no further comments to add.

#### Adjoining Parish

Support

Note: Members advised that they would prefer the use of grass Crete or other such material if possible in respect of the pitches to be converted.

#### Other Representations

1 representation in support of the application has been received from the Donkey Sanctuary Trustee Ltd. The benefits of the scheme in providing on-site security are referred to as justification.

### **Technical Consultations**

#### County Highway Authority

Does not wish to comment



## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
09/0351/FUL	Use of the land as a touring caravan and camping site and development comprising a toilet/shower block, water storage tanks, access road, lighting bollards, play area, Klargestor sewerage treatment plant, electric hook-up points, gas tank, fire points, water points and bin storage areas, and associated works and landscaping.	Approval with conditions	29.04.2009
13/0285/FUL	Removal of condition 4 of planning permission 09/0351/FUL to allow use of area for touring caravans and camping site for 12 months of the year	Approval - standard time limit	08.05.2013

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 5 (Environment)

Strategy 7 (Development in the Countryside)

Strategy 47 (Nature Conservation and Geology)

H4 (Dwellings for Persons Employed in Rural Businesses)

E19 (Holiday Accommodation Parks)

Strategy 50 (Infrastructure Delivery)

### Government Planning Documents

National Planning Practice Guidance

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

## **SITE LOCATION AND DESCRIPTION**

Oakdown Holiday Park is located to the south of the A3052 between Sidmouth and Branscombe. The main site is located to the east of Gatedown Lane and includes the reception block and touring/static caravan fields, on the opposite side of Gatedown Lane is the 'Beechgrove' field which has at present 50 no. grass pitches for touring units, a children's play area and an amenity block. The boundaries of the site are marked by tree/hedge planting (which is denser to the roadside boundaries). Inside the roadside tree line to the north a permissive footpath runs linking the park with the donkey sanctuary to the west.

The Beechgrove area is accessed through a parking area which is associated with the shop and cafe, which itself is linked to the pitch and putt golf course to the south and the larger site.

The site forms part of an open coastal plateau and is surrounded by open countryside which forms part of the East Devon Area of Outstanding Natural Beauty.

## **BACKGROUND**

The Beechgrove touring field was granted permission in 2009 under application reference 09/0351/FUL. At the time the application was conditioned to restrict its use by touring caravans, motor homes and tents and for a maximum of 50 no. pitches. Further conditions also required that the management be in conjunction with the wider park and restricting its use between Maundy Thursday and 30th September in any year.

A subsequent application in 2013 (13/0285/FUL) granted approval for the variation of a condition imposed on the original consent to allow the site to be used all year round.

## **PROPOSED DEVELOPMENT**

Planning permission is sought for:

- The conversion of 18 no. grass pitches (along the northern side of the site) from grass to gravel pitches
- The construction of an extension to the existing children's play area and installation of 2 no. additional pieces of play equipment
- The siting of a static caravan on site for permanent occupation by a staff member for security/warden purposes.

## **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

- Economic Impact

## THE PRINCIPLE OF THE PROPOSED DEVELOPMENT

There are three elements to the proposal, as outlined above. The first two elements relate to the provision of additional/upgrade of existing facilities on the site. Policy E19 of the New East Devon Local Plan permits such development where it meets a number of criteria set out under that policy. Those criteria are targeted principally to new, or extension of existing sites, as opposed to small scale development within the recognised boundaries of sites. Nevertheless, in terms of additional facilities within the boundaries of existing sites in designated landscape areas, there is a resistance to new permanent structures.

The proposed additional play equipment would be positioned adjacent to the existing children's play area and would be designed to cater for younger children. Whilst its addition, as a permanent structure, would strictly speaking be contrary to policy E19, it would in reality have a very limited impact situated adjacent to the existing play area, within the existing confines of the site and screened by boundary beech hedge planting.

The conversion of existing grass to gravel pitches would result in permanent development on the site, albeit at ground level and therefore with very limited impact from outside the site. The construction would involve the removal of the top 100mm of turf and soil and the laying of loose stone chippings within the excavated area which would then be rolled to compact them. Again this development would represent a permanent form of development but as with the play equipment would have a very limited impact.

The final element of the application is to site a mobile residential unit (static caravan) in the southeast corner of the site and adjacent to the access in order to provide a permanent on-site presence. Permission has not been sought on a temporary basis and therefore whilst the nature of the accommodation itself might be temporary the principle to be considered is the same as that for a permanent dwelling in the countryside.

Policy H4 of the New East Devon Local Plan deals with dwellings for persons employed in rural businesses and follows guidance in the National Planning Policy Framework (para. 55) which refers to 'essential need'. In order to be acceptable applications need to satisfy a number of specified criteria in full. Those criteria are considered below with consideration given to each in relation to the proposed development.

**Proven and essential rural business need** - The need to be demonstrated is for a permanent worker. Policy allows for consideration of a temporary dwelling, where the need is unproven, or to allow the business to establish. However, in this instance the business is well established and the need is not such that a temporary use is likely to help to prove a need, On the other hand allowing a temporary dwelling in the first instance is considered likely to reduce efforts to find alternative means of dealing with the issues raised.

Supporting information provided by the applicants looks to provide justification for a permanent on-site presence for a number of reasons. Firstly, in terms of site security it is suggested that it is difficult to successfully cover all of the site (including the adjoining shop/cafe and golf course) with the existing CCTV system. Secondly, in terms of visitor experience and expectation it is suggested that it is not ideal for guests to have to cross the lane to the main site in search of a member of staff. In addition it is also suggested that an on-site presence would allow a quicker response time in the case of a medical emergency and that the site could be better 'policed'. The applicants have provided letters/e-mails of support from their insurance company and from their Park Quality Adviser the latter of which details the duties required of a site warden and offering the view that these would be best met by an on-site presence.

The benefits to the business from the proposal are recognised, in that it would enable the business to keep a closer watch on this part of the site and may provide some comfort to guests. However, it is not considered that an on-site presence would be required to successfully carry out all the tasks suggested. The site whilst separated by a local road from the main park is very close to it and to the main reception building (that serves the wider site with 24 hour warden presence), indeed the pitches on the Beechgrove site are no further from the main reception building than some of those on the main park. The applicant explains that CCTV is already in operation and the insurance company has not advised of any significant break-ins nor has any evidence to this end been provided. At present the entrance to the site is via a five bar gate which it is understood is left permanently open to allow visitors to arrive and leave. It appears it would be possible to operate a system whereby the gate is closed at night and re-opened in the morning or a coded barrier system installed to only allow entrance and exit via a keycode, this would appear to provide the same policing of traffic without the requirement for an on-site presence and is quite common on campsites.

In terms of a staff presence on site there appears to be no reason why guests could not call on the staff in the shop/cafe building in an emergency during opening hours or the staff in the main reception building/resident wardens at other times, both buildings are closely located, although it is accepted that in the case of the main reception building not visually well related. It would also appear that alternatives in terms of regular warden patrol (both day and night) and/or the stationing of a touring unit for warden accommodation during the high season might provide suitable alternatives to a full-time residential presence. In this regard it is not considered that there is a proven and essential business need for the proposal.

**Viability** - The business is clearly established and appears to be well run and successful, however no commercial viability information has been sought or provided. The primary purpose of this is to ensure that businesses are financially sound and able to support a permanent dwelling. In this case the permission sought is permanent but the accommodation type is not, as such in the event that the application were approved it would be necessary to condition its occupation only in conjunction with the business therefore ensuring that should the business cease to exist the permission for the siting of the unit would also cease.

**Occupancy** - To qualify in this respect the need must relate to at least one person employed full time in the business or, two occupants in partnership where they work the equivalent of a full working week. No information has been provided in terms of the hours of employment of the proposed occupant. Some information has been provided in terms of the list of duties of the site warden but this has not been broken down into man hours and it is expected that hours of work (as a warden) would vary significantly depending on the time of year.

**Other buildings** - This requirement seeks to ensure that there are no existing (or recently sold) buildings that could be converted to meet the stated need or, other existing dwellings in a nearby settlement that might otherwise meet the need. It is not considered that there are any such alternatives should the need be accepted.

Occupancy condition - This requires any dwelling which is permitted to be tied to the relevant rural business by condition.

In conclusion on this matter it is considered that the hardsurfacing of a number of the existing grass pitches and the provision of additional play equipment are acceptable but that there is no proven essential need for a permanent residential presence on the site and therefore the proposal is considered unacceptable in principle.

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

The three elements of the scheme would have varying degrees of visual impact albeit all of which would be permanent but also all would be viewed in the context of the holiday park and existing facilities.

The proposed hardstanding pitches would have the least impact outside of the site as they would be at ground level only. The hardsurfacing of the pitches would result in some character impact giving a greater sense of permanence than grass pitches but overall the impact would be limited.

The proposed additional play equipment would be located adjacent to the existing play area and as such would be viewed in context with this. The additional equipment is also generally in scale with the existing equipment and is predominantly indicated to be of a muted colour which would reduce any visual impact outside the site. Furthermore, the equipment would be located close to the hedgeline that forms the south-eastern boundary of the Beechgrove site which would screen views from this direction.

The proposed static caravan would be the most visually prominent part of the application being a large and permanent addition to the site. It is recognised that it would be located inside the hedgeline along the eastern boundary of the site but glimpsed views of it would be possible through this. This would particularly be the case in the winter where, despite the all year round use of the site, other caravans on the site are likely to be very limited. There are existing permanent structures on/adjacent the site in the form of the amenity block and the cafe/reception building to the south (serving the pitch and putt course) and therefore the overall impact would be lessened. Nevertheless, the addition of a permanent structure on this part

of the park would have an impact on its open and largely undeveloped character of this part of the site.

## ECONOMIC IMPACT

The proposed hardstanding pitches have the potential to provide economic benefits as they are likely to make some pitches, understood to be the most boggy, utilisable throughout the year. This could therefore increase occupancy levels against existing provision where, particularly after periods of heavy rain, these may become unusable.

The applicants have set out a case in support of the need for a permanent on-site presence and have suggested that this will aid security and provide greater reassurance to visiting guests. It is accepted that there is potential for increased occupancy levels if the lack of an on-site warden is currently putting off people from staying on site or affecting occupancy levels as a result. However, the applicant has not provided any details of existing occupancy levels, or predicted changes in occupancy were the residential unit to be permitted, as such there is no evidence to suggest that the lack of an on-site presence is hampering the business.

It has been further suggested that the residential presence is required for security purposes and that this would reduce the security risks on this part of the site (and associated costs). The applicants have provided correspondence from their insurance company in support of an on-site presence, although this acknowledges that there have been, '...no previous events of major concern at Beech Grove.' although acknowledging that the location close to the A3052 leaves the site exposed to 'petty' criminals.

In conclusion in this respect it is acknowledged that the proposal could aid the business if there was an existing issue with security that was hampering the business. However this has not been demonstrated that this is the case, nor if it were to be so has it been demonstrated that alternative measures (not requiring an on-site presence) could not adequately address any specific issues. Given the above only limited weight can be given to any potential economic benefits.

## OTHER ISSUES

The application site lies within the 10 km buffer zone for the East Devon Pebblebed Heaths Special Protection Area (SPA). In partnership with Natural England, the council and neighbouring authorities have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Pebblebed Heaths through recreational use. This being the case new applications for residential use are required to mitigate their impact. In many instances a financial contribution is provided to allow applicants to 'deliver' such mitigation, through projects brought forward by the relevant authorities. Alternatively, a developer may choose to provide their own mitigation measures rather than pay the contribution. In this case the applicant has been made aware of the requirement but has not, to date provided a unilateral undertaking to cover the requested amount or set out how they would otherwise provide mitigation this being the case the

application fails to accord with Strategy 47 (Nature Conservation and Geology) of the New East Devon Local Plan.

The applicant has provided a unilateral undertaking to provide contributions towards the provision of off-site open space in accordance with Strategy 43 - Open Space Standards of the New East Devon Local Plan.

The application would result in a new dwelling but where the 'need' for this is related to the running of the Holiday Park, as such any approval granted would need to be subject of a condition restricting its occupation in association with the business. This being the case this is not a situation where an off-site affordable housing contribution would be sought.

## **RECOMMENDATION**

REFUSE for the following reasons:

1. The application site lies in a rural location remote from the services and facilities required to support day to day living and where, in the absence of sufficient justification for a residential unit to support the existing business, the proposal would represent an unsustainable and unnecessary form of development resulting in visual harm through the addition of a permanent structure on an otherwise open and largely undeveloped site within the East Devon Area of Outstanding Natural Beauty. The proposal is therefore contrary to the provisions of Strategies 7 (Development in the Countryside); Strategy 46 (Landscape Conservation and Enhancement and AONBs), and; H4 (Dwellings for Persons Employed in Rural Businesses) of the East Devon Local Plan 2013 - 2031 and guidance contained in the National Planning Policy Framework.
2. No mechanism to secure a contribution towards measures to mitigate the effects of recreational use of the Pebblebed Heaths by residents of the proposed dwelling has been submitted. As such the proposal would be contrary to guidance in the National Planning Policy Framework, Strategy 50 (Infrastructure Delivery) and Strategy 47 (Nature Conservation and Geology) of the New East Devon Local Plan 2013- 2031.

## **NOTE FOR APPLICANT**

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked 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:

	Location Plan	06.01.16
	Photos	09.02.16
3A	Proposed Site Plan	03.03.16
	Block Plan	09.02.16
TOR322BLT : STATIC FLOOR PLA	Proposed Floor Plans	06.01.16
PLAY AREA EXTENSION	Layout	09.02.16
DRAWING 1	Existing Site Plan	06.01.16

List of Background Papers

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





		<b>Committee Date: 10<sup>th</sup> May 2016</b>
<b>Clyst Valley (CLYST ST GEORGE)</b>	<b>16/0351/FUL</b>	<b>Target Date: 14.04.2016</b>
<b>Applicant:</b>	<b>Mr M Trout</b>	
<b>Location:</b>	<b>Compound 3 Land Rear Of Dart Business Park</b>	
<b>Proposal:</b>	<b>Erection of building (10m x 12m) for use as workshop</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

**This application is brought before the Committee as the applicant is related to an Elected Member of the Council.**

**The application seeks permission for the construction of a marine engineering workshop around 10m by 12m at a maximum height of 5m to carry out repairs to boats on trailers.**

**Despite the location of the site within the Green Wedge and Coastal Preservation Area, the building would be sited within an existing boat storage yard and would be well screened by surrounding trees. Permission is also sought for the installation of a pre-fabricated site toilet within the boat yard for use by staff. The proposed development would serve the needs of a growing local business and would not harm the character or appearance of the local landscape, the Coastal Preservation Area or Green Wedge, whilst the privacy and amenities of any nearby occupants and the safe operation of the local highway network would not be harmed. The proposed development is found in accordance with the policies of the East Devon Local Plan 2013-2031.**

### **CONSULTATIONS**

#### **Local Consultations**

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

The PC has no comments and supports the application as it does not include any proposal to increase traffic in Odhams Lane.

Clyst Valley - Cllr M Howe

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

This Application is from my wife's family and as such will not be commenting.

Other Representations

No third party representations have been received.

**Technical Consultations**

County Highway Authority  
Highways Standing Advice

**PLANNING HISTORY**

Reference	Description	Decision	Date
05/0153/COU	Change of use of land to boat storage	Approved	24.03.2005

**POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 8 (Development in Green Wedges)

Strategy 44 (Undeveloped Coast and Coastal Preservation Area)

D1 (Design and Local Distinctiveness)

E5 (Small Scale Economic Development in Rural Areas)

E7 (Extensions to Existing Employment Sites)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The application site is an open compound close on the west side of the A376, near Ebford. The site is currently used for storage of boats and trailers. There is a dense copse of tall mature trees to the north of the site which screens the site from views to the north. Wrapping around the east, south and west boundaries are more trees, lower than those to the north, but still offering a good amount of screening of the boatyard compound such that it is not visible from the A376 or from the private road/footpath/cycleway to the south.

### Relevant Planning History

Permission was granted in 2005 (ref.05/0153/COU) for the change of use of the compound to boat storage.

## **ANALYSIS**

### Proposed Development

The application seeks permission for the construction of a steel framed building, clad in box-profiled sheeting, to be used as a marine workshop for boat repairs. The building would measure approximately 10m x 12m x 5m max height and would be coloured in a dark grey or dark green. The building would be constructed after first laying a concrete pad foundation. Permission is also sought for the installation of a pre-fabricated site toilet, for use by staff.

### Considerations and Assessment

The main considerations in this case relate to the visual impact of development on the Green Wedge and Coastal Preservation Area, the amenity impacts for upon neighbours, together with highway safety implications.

### Principle

Policy E5 of the Adopted Local Plan supports small scale economic development and expansion of existing businesses on previously developed land subject to a number of criteria including an acceptable landscape impact, acceptable impact upon neighbouring properties, and suitable access and traffic impact.

The site is located within the Green Wedge adjoining the Exe Estuary and within the Coastal Preservation Area under Strategies 8 and 44 of the Adopted Local Plan.

Strategy 8 (Development in Green Wedges) states that development will not be permitted if it would add to existing sporadic or isolated development, damage the identity of a settlement or lead to or encourage settlement coalescence.

Strategy 44 (Undeveloped Coast and Coastal Preservation Area) states that development in these areas will not be allowed if it would damage the undeveloped/open status of the area, visual openness of the Coastal preservation Area of views to and from the sea.

Given that the site benefits from permission for boat storage, and is classified as previously developed land, the principle of the construction of a building for the storage of boats and as a workshop accords with Policy E5 subject to no detrimental visual impact, no detrimental amenity impacts and no harm to highway safety. With regard to Strategies 8 and 44, the proposal would be acceptable subject to an acceptable visual impact and protection of the Green Wedge and Coastal Preservation Area. These impacts are assessed below.

## Visual Impact

The proposed building would be of a scale and design that is appropriate to the intended use and sympathetic to the landscape character of the surrounding area. The steel portal frame under box-profile cladding is a common design in utilitarian or commercial buildings locally and the proposed dark green or dark grey would both be acceptable colour choices, helping the building to blend into the background foliage and minimising the visual impact of the development. The proposed building would be situated at the south west corner of the site and would be screened by the surrounding trees. There have been no objections received in this respect.

The proposed toilet would take the form of a typical pre-fabricated "portaloo", as seen on building sites and at outdoor events throughout the country. The toilet and sink are housed within a polyethylene plastic cabin, measuring 1.2m x 1.2m x 2.3m height approx. and would be a dark grey colour. The toilet would be situated at the south east corner of the boatyard compound and would be screened by the trees. It is considered that the toilet would not have any significant harmful impact on the character or appearance of the site or the surrounding area and as with the workshop building, and there have been no objections received in this respect.

Although the application proposes a building at a maximum height of 5m, the site is very well screened by many mature trees and given the lawful use of the site for the storage of boats, it is not considered that the proposal would harmfully add to sporadic or isolated development, damage the identity of any settlement or lead to or encourage settlement coalescence contrary to Strategy 8 (Development in Green Wedges).

Given the very heavily screening of the site by mature tree planting, and again given the lawful use for the storage of boats, it is not considered that the proposal would damage the area visually or harm any visual openness of views to and from the sea contrary to Strategy 44 (undeveloped Coast and Coastal Preservation Area).

In light of the above the visual impact of the buildings are considered to be acceptable.

## Amenity Impacts

The impacts on amenity are considered to be minimal. There are no dwellings or other protected buildings within a close proximity to the site that are likely to be affected by the proposed development with the workshop element of the use contained to within the building. In addition, the surrounding woodland would help to mitigate any noise or other disturbance arising from the use of the proposed boat workshop. There have been no objections received in relation to the impacts of the proposed development on amenity and given the lawful use of the storage of boats, the proposal is considered to be acceptable.

## Highways

The proposed building would be accessed via the existing site access, through the Dart's Farm Business Park to the north. The proposed building would be used for boat restoration and maintenance and is not considered to generate a significant volume of traffic above existing levels. There have been no objections received

through public representation and the county highways authority does not wish to raise any objection to the proposal. The development is considered acceptable in this regard.

**RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
  
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
  
3. The premises shall be used for a boat service and repair workshop and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).  
(Reason - In order to ensure that land is retained for the benefit of the local economy, in accordance with the requirements of Policy E5 - (Small Scale Economic Development in Rural Areas) of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

For the avoidance of doubt this permission grants boat servicing and repairs from within the approved building only. All external areas should be used for the storage of boats only.

Plans relating to this application:

	Location Plan	10.02.16
SHOWING SEWAGE PIPE	Proposed Site Plan	10.02.16
7	Layout	10.02.16
1	Proposed Elevation	10.02.16

2	Sections	10.02.16
3	Sections	10.02.16
4	Proposed Elevation	10.02.16
5	Proposed roof plans	10.02.16
6	Proposed Floor Plans	10.02.16

List of Background Papers

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

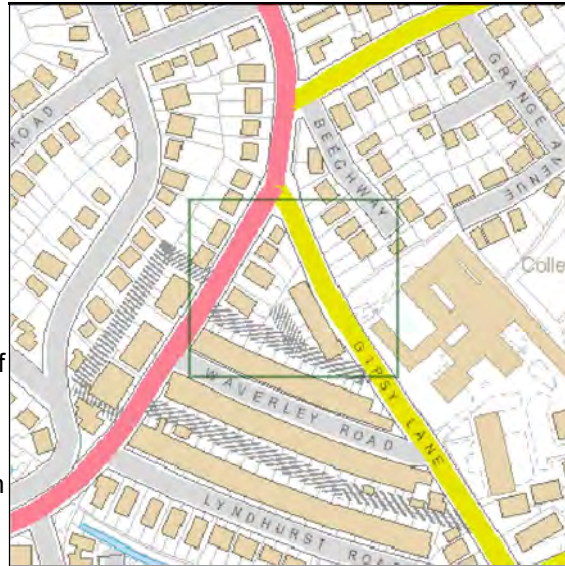
**Ward** Exmouth Halsdon

**Reference** 16/0018/FUL

**Applicant** Mr N Hayman

**Location** 2 Gipsy Lane Exmouth EX8 3HW

**Proposal** Proposed construction of an end of terrace dwelling (amendment to approved planning application 14/2912/FUL) to include retention of ground floor window, installation of rooflights to front and rear elevation and solar PV and use of land previously approved as front garden for vehicular parking.



**RECOMMENDATION: Approval with conditions**





		<b>Committee Date: 10 May 2016</b>
<b>Exmouth Halsdon (EXMOUTH)</b>	<b>16/0018/FUL</b>	<b>Target Date: 28.03.2016</b>
<b>Applicant:</b>	<b>Mr N Hayman</b>	
<b>Location:</b>	<b>2 Gipsy Lane Exmouth</b>	
<b>Proposal:</b>	<b>Proposed construction of an end of terrace dwelling (amendment to approved planning application 14/2912/FUL) to include retention of ground floor window, installation of rooflights to front and rear elevation and solar PV and use of land previously approved as front garden for vehicular parking.</b>	

**RECOMMENDATION: Approval with conditions.**

#### **EXECUTIVE SUMMARY**

**This application is before the Development Management Committee as the views of the Ward Members are contrary to the Officers recommendation.**

**This application relates to a newly constructed property adjacent to 2 Gipsy Lane in Exmouth. The property in question was constructed by virtue of planning approval 14/2914/FUL. There have been no significant changes to the site surrounds since the 2014 application.**

**Planning permission is sought for alterations to the dwelling approved under application 14/2912/FUL. The alterations in question are:**

- The installation of an obscure glazed ground floor window on the side elevation.**
- The installation of rooflights on the front and rear elevations.**
- The installation of solar panels on the rear elevation.**
- The use of the land previously shown as front garden for vehicle parking.**

**These works have already been carried out and, therefore, this is a retrospective application.**

**When determining this application, it should be noted that the dwelling in question has been granted planning permission (application 14/2912/FUL refers) and, therefore, the only considerations can be those relating to the above-mentioned works. As such, it is considered that:**

- The proposals would not be detrimental to the amenity of the occupiers of other properties. This is primarily on the basis that the rear rooflight is sited at a high level serving a bathroom and does not allow views of other properties; the front rooflights give views over the street; and the window on the side elevation is fitted with obscure glass and faces a wall. The solar panels and car parking are not considered to give rise to any amenity issues.
- The proposals are not considered to be out of character with the area. Especially so as the site does not fall within a conservation area and there are no listed buildings close to the property. Furthermore, the works are modest in nature.
- The works are not harmful to the street scene as they are modest in nature.
- The County Highway Authority has not raised any objections to the use of the area to the front and side of the property for vehicle parking.

Given these comments, is it considered that the works under consideration in this application are acceptable. Therefore, it is recommended that this application is approved.

## **CONSULTATIONS**

Exmouth Halsdon - Cllr J Elson

I object to this application.

As Ward Councillor I visited the properties situated on Exeter Road that back onto this development. The rear gardens of the dwellings on Exeter Road are in fact above the ground level of the development in Gipsy Lane. This development was agreed on a site inspection.

These amendments have already taken place and in breach of the original permission. The upper bow window on the first floor looks directly into the dwellings on Exeter Road as do the roof lights. The vehicular parking is in a very difficult place to access and egress due to the short distance from a set of very busy traffic lights at the junction. The ground floor window is no problem.

Further comments:

I am not happy about any retrospective planning application as it should have been in the original application or in an amendment before anything is built. I am still concerned about the bay window on the upper floor which does look into the rear gardens of Exeter Road properties.

Exmouth Halsdon - Cllr P Stott

This has already been built is he applying for permission after it has been built?

Thanks

Pauline

## Exmouth Halsdon – Cllr M Armstrong

As Ward Member I would like to make the following points:

1.Windows North West Elevation. Please note the following condition of the Original Planning Permission 14/2912/FUL approved in April 2015

"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no windows, doors, roof lights or other openings other than those shown on the plans hereby permitted shall be formed in the side (north-west) elevation of the building."

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

The planning application 16/0018/FUL is now applying for a window on this elevation, and the new plans show a roof light on this same elevation.

The reason for this condition was to protect the privacy of adjoining occupiers. The side downstairs toilet window is opaque and I do not have serious concern on this window but I do have a concern for the roof light, which could seriously impact on neighbouring properties.

2. Car Park Provision. I am also concerned that the applicant has provided parking for a vehicle at the side of the property.

Officers report from 14/2912/FUL

"Highways Issues

Whilst there are no parking spaces associated with this development, and the proposed dwelling would result in the loss of parking, the site is located within walking distance of the town centre, easily accessible to education, leisure, shopping and other community facilities. The inspector noted in the decision notice."

I note that the inspector regarding the planning appeal in 2007 raised a concern regarding the very small area of amenity space for the dwelling and resultant poor living conditions for occupiers.

As a substantial part of the "small" amenity space is now being taken up with a car parking space I therefore suggest that a condition is attached to this application if approved to ensure the amenity space is retained and no provision of car parking should be provided.

3. Solar Panels. This planning application with a history of refusals and Inspectors hearings was always contentious. I understand the introduction of Solar Panels can be added without any contravention to planning, but I am disappointed that this addition was not included in the original proposal so it could have been a consideration within the planning application 14/2912/FUL

Conclusion. I am disappointed that the applicant has disregarded the conditions of the planning application, and also introduced a car parking space when the original planning application clearly showed that there would be no provision for car parking. If these two elements had been included in 14/2912/FUL I wonder if this application would have been approved?

I therefore do not support this retrospective application.

Please note that these views are my preliminary views taking account of the information presently made available to me, and I reserve my final views until I am in full possession of all the relevant arguments for and against.

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As Ward Member I would like to add some further comments about the original permission for this property to be built (14/2912/FUL), as approved in April 2015.

Please treat this as a call in request for planning application 14/2912/FUL.

The proposals for the applicant to build this property have been ongoing since 2006, when two earlier applications were refused, one of which was also turned down at Appeal in 2007. All three of the applications have been opposed by nearby affected residents and by Exmouth Town Council, not least because of the overlooking and overbearing issues.

The neighbouring properties of 156 and 154 Exeter Road were explicit in their concerns about these issues, especially by the proposed rear-facing upstairs windows, which directly overlook their properties and in the case of 156, have a clear view into the bedroom window of their four year old daughter.

When a DMC site visit was arranged last year, just before the approval, the residents of no. 156 had asked specifically for members to view the proposal from their garden, to enable a clearer perspective of the close proximity of the proposed building and upstairs windows.

The Chairperson of the site visit at the time refused this invitation.

Whilst investigating their concerns, I now understand that local planning guidance states that where windows are directly overlooking neighbouring windows, these should be, as a 'rule of thumb', a minimum of 21 metres apart.

The distance between the rear-facing windows of the newly built property and nos. 156 and 154 is no more than 12/13 metres, thereby contravening this planning guidance.

I would suggest therefore that serious questions must be raised about whether this property should ever have been granted approval, and certainly not with such close proximity to, and negative effects on neighbouring properties.

The residents of numbers 156 and 154 Exeter Road are extremely unhappy about this whole situation and I am very much in sympathy with their concerns and propose

that this approval is re-visited, in order to attempt to mitigate this deeply unsatisfactory situation.

I would propose that one possible solution to this overlooking issue would be to add a condition to the original approval, whereby the clear glass in the rear bedroom window and the roof light, if this gains approval, be replaced with opaque glass as a minimum.

This would then go some way towards alleviating the overlooking issue for both numbers 156 and 154 Exeter Road and indeed it could be argued that this should have been a planning condition when the approval was given last April.

I trust that this call in, including the above recommendation will be discussed and approved by the DMC at the earliest possible opportunity along with any other proposals which would address the deep concerns of the residents of numbers 156 and 154 Exeter Road. Thank you.

For your information, Mrs. Hammond (156 Exeter Road) has written directly to the Head of Planning, Mr. Freeman (17 Feb. 2016) and to date (10 March 2016) has received no response, therefore she has now submitted a formal complaint.

Cllr. Megan Armstrong  
Exmouth Halsdon Ward

Many thanks for this draft report, but I disagree with the recommendation for approval, for all the reasons given in my earlier letter.

I would re-emphasise my concerns about the reduction in amenity space caused by the newly-proposed parking space and I am convinced that DMC would not have been minded to give approval for the original application had a car parking space been included in the plans. So my question would be, what has changed between the original approval and now to make this acceptable?

I would also emphasise my general concern that all four 'amendments' should have been included in the original plans and therefore should not be accepted as 'retrospective'.

Kind regards

Councillor Megan Armstrong  
Exmouth Halsdon Ward

Clerk To Exmouth Town Council  
Meeting 22.02.16

Objection to the amended plans on the grounds of the loss of privacy and out of keeping with the streetscene.

Members requested Ward Councillors to support the objections in order for the application to be brought to Development Management Committee.

### County Highway Authority

04/03/16 - The county highway authority did not comment on the original application (14/2912/FUL) because there was not any parking proposed and it was assumed that the development would be car-free for which at this location would be acceptable.

This application 16/0018/FUL includes provision for vehicle parking at the side of the new property.

There is existing dropped kerbs fronting the site and a break in the double yellow lines that indicate that the land on which the new development is proposed was used for vehicle parking in the past.

There is no requirement in Gipsy Lane for vehicle accesses to include on-site space for vehicle turning, so that a vehicles have to enter and leave in a forward gear. Therefore reversing in or out would be acceptable at this location, and is no doubt what has occurred in the past.

Whilst the proposed new parking area will not be perpendicular to the carriageway, because of the street signage, lamp post and telegraph pole, and access will be required at an angle to the road. I do not feel that this is necessarily a safety hazard. There will be adequate visibility in both directions.

Therefore the county highway authority would not raise an objection to this development.

### Other Representations

Six letters of representation have been received. Of these, four are in support of the application, one is an objection to the proposal, and one comment is neutral.

The authors of the comments in support state:

- The rooflights do not overlook any of the neighbouring properties.
- The car parking does not cause any highway safety issues.
- The building looks good.

The author of the objection raises the following concerns:

- The application is retrospective.
- The solar panels are not in keeping with other properties along the terrace.
- The rooflights may result in a loss of privacy.

The author of the neutral comment points highlights that the windows referred to in the application are already in place and, consequently, questions why the application has been submitted.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
87/P0640	Access	Approval with conditions	11.05.1987
06/1863/FUL	Dwelling	Refusal	25.08.2006
06/2745/FUL	Erection of new dwelling	Refusal dismissed at Appeal.	03.11.2006
14/2912/FUL	Construction of attached two storey dwelling	Approval with conditions	21.04.2015

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Strategy 43 (Open Space Standards)

Strategy 47 (Nature Conservation and Geology)

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

### Site Location and Description

This application relates to a property on Gypsy Lane in Exmouth, where the property referred to in application 14/2912/FUL has been constructed. There have been no significant changes to the site surrounds since the 2014 application. Recently, a New East Devon Local Plan has been adopted. Under this, the site remains within the built-up area of Exmouth. The property fronts onto Gypsy Lane, and has adjoining properties on all other sides.

## ANALYSIS

### Proposed Development

Planning permission is sought for alterations to the dwelling approved under application 14/2912/FUL. The alterations in question are:

- The installation of a ground floor obscure glazed window on the side elevation.
- The installation of rooflights on the front and rear elevations.
- The installation of solar panels on the rear elevation.
- The use of the land previously shown as front garden for vehicle parking.

These works have already been carried out and, therefore, this is a retrospective application.

### Consideration and Assessment

When determining this application, it should be noted that the dwelling in question has been granted planning permission (application 14/2912/FUL refers) and, therefore, the only considerations should be those relating to the changes from the original permission. With this in mind, the key considerations in the determination of this application are as follows:

#### 1. The impact of the proposals on the amenity of the occupiers of other dwellings.

The location of the rear rooflight is such that it is high above the floor level in the room which it serves. The height of the rooflight ensures that a person of approximately 1.9 metres in height cannot see any other building from this window when standing on the floor within the room in which the window is installed; only the sky is visible from the rooflight. The rooflight is modest in size and serves a bathroom. It is considered that these factors result in a window which would not cause any loss of amenity to the occupiers of other properties, particularly given the presence of other windows in the rear elevation. It is relevant to note that the Inspector in dismissing the appeal in 2006 considered that matters of loss of amenity from windows in the rear elevation were not harmful enough in themselves to justify refusal on that ground alone.

The roof lights on the front elevation of the property face onto the highway and, as the road is fairly wide, and properties on the opposite side are at a higher level with long front gardens, it is considered that no loss of amenity would arise from these.

The ground floor window on the side elevation faces towards a wall and, as it serves a toilet, is fitted with obscure glazing. No amenity issues arise from this window.

The other windows were granted as part of the previous application with windows in the rear elevation being found to be acceptable by the Inspector as part of the dismissed appeal in 2006 due to existing levels of overlooking from surrounding windows.



The solar panels and car parking are not considered to give rise to any loss of amenity.

## 2. The visual impact of the proposals

The ground floor window is screened from any long distance views by the wall and hedge directly opposite to it. It is visible from the street scene. However, views from there are oblique and not considered to be harmful.

The rooflights on the front elevation are also visible in the street scene. However, their location is such that many people using Gipsy Lane would not notice them. Consequently, it is considered that the rooflights are not visually harmful matching similar rooflights to the adjoining property and others on the terrace.

The works at the rear of the dwelling are not visible from the street scene. However, they are visible from other dwellings in the vicinity. A neighbour has commented that the solar panels are 'not in keeping' and, whilst it is noted that there are no other panels in the area, it is considered that this does not necessarily make the panels in question harmful. Whilst solar panels are fairly new additions to dwellings they are generally accept and it would be difficult to refuse planning permission bearing in mind such panels could be permitted development on dwellings.

For much the same reasons, it is also considered that the rooflight on the rear elevation is not visually harmful.

The majority of the site of the dwelling was previously hardsurfaced with a small raised grass area to the side. As such, and given the context of the area is dominated by hard surfacing, it is considered that the car parking is not visually harmful.

In light of these comments and the nature of the works, it is considered that the proposal is not visually harmful, out of character, or detrimental to the street scene.

## 3. Highway safety.

The Devon County Highway Authority have assessed the application and have stated that they have no concerns regarding the use of the area to the front and side of the property for vehicle parking. This is on the basis that there are existing dropped kerbs in front of the property and also because;

*"There is no requirement in Gipsy Lane for vehicle accesses to include on-site space for vehicle turning, so that a vehicles have to enter and leave in a forward gear. Therefore reversing in or out would be acceptable at this location, and is no doubt what has occurred in the past."*

Furthermore, the County Highway Authority also observed that;

*"Whilst the proposed new parking area will not be perpendicular to the carriageway, because of the street signage, lamp post and telegraph pole,*

*and access will be required at an angle to the road. I do not feel that this is necessarily a safety hazard. There will be adequate visibility in both directions."*

On this basis, it is considered that the use of the land to the front and side of the property for vehicle parking is acceptable and it is relevant to note that prior to the construction of the dwelling the area was used for car parking (hence the dropped kerb) that could accommodate approximately 4 vehicles.

#### 4. Comments received.

A number of comments have been received regarding this application from consultees, as well as from the occupiers of other properties in the vicinity of the site. Some of these comments are in support of the proposal, and others raise concerns or objections. Many of the comments raised are addressed above. However, those that aren't, are discussed below:

- Permitted development rights for additional windows were withdrawn under planning permission 14/2912/FUL.

This condition was imposed to ensure that, should any of the works described in the condition be considered by the owners of the property, an application would be required by the Local Planning Authority to enable the impact of the works to be considered. The withdrawal of permitted development rights does not prevent the Local Planning Authority from granting planning permission for such works at a later date. In this instance, this application is required because the property is not yet complete and, therefore, any permitted development rights do not yet apply.

- Disappointment that the works under consideration by this application were not included in the original application (14/2912/FUL).

It is not uncommon for additions or changes to buildings to take place during the construction process. When these changes are too significant to be considered as a 'non-material' alteration, a planning application will be sought. It is also not uncommon that such applications are received and amendments made as the construction process takes place. The works are considered in the same way by the Local Planning Authority regardless of whether the application is submitted in advance of the works taking place, or as a retrospective application.

#### Conclusion

Given the comments raised above, it is considered that the works in question do not give rise to any loss of amenity to the occupiers of other properties, are not visually harmful to the street scene or the surrounding area and do not cause any highway safety implications that could justify refusal of permission. Therefore, subject to conditions withdrawing the same permitted development rights as those withdrawn under application 14/2912/FUL, it is recommended that this application is approved.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. Notwithstanding the time limit to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission being retrospective as prescribed by Section 63 of the Act shall have been deemed to have been implemented on the 1st February 2016.  
(Reason - To comply with Section 63 of the Act.)
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no windows, doors, rooflights or other openings other than those shown on the plans hereby permitted shall be formed in the side (north-west) elevation of the building.  
(Reason - To protect the privacy of adjoining occupiers of adjoining properties in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031, as well as guidance contained within the National Planning Policy Framework.)
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule Part 1 Classes A or E for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool.  
(Reason - The space available would not permit such additions without detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031, as well as 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 positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

06021.20 REVB	Proposed Combined Plans	18.02.16
06021.LP	Location Plan	05.01.16

List of Background Papers

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

**Ward** Exmouth Halsdon

**Reference** 16/0507/FUL

**Applicant** Mr Colin Tanton

**Location** 25 Priddis Close Exmouth EX8 5PG

**Proposal** Retention of shed in front garden.



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 10<sup>th</sup> May 2016</b>
<b>Exmouth Halsdon (EXMOUTH)</b>	<b>16/0507/FUL</b>	<b>Target Date: 02.05.2016</b>
<b>Applicant:</b>	<b>Mr Colin Tanton</b>	
<b>Location:</b>	<b>25 Priddis Close Exmouth</b>	
<b>Proposal:</b>	<b>Retention of shed in front garden.</b>	

**RECOMMENDATION: APPROVE**

### **EXECUTIVE SUMMARY**

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

**The application seeks retrospective permission for the siting of a timber shed in the front garden of an apartment in a residential area on the north side of Exmouth. Objections have been made by the Ward Member, Town Council and public representations regarding the visual impact and loss of amenity.**

**The applicant suffers multiple disabilities and requires the shed for storage of mobility equipment to aid access to his first floor flat and to aid mobility away from the property. Whilst the concerns raised are noted, it is considered that any visual harm is outweighed by the applicant's circumstances and lack of alternative location to securely store the mobility equipment. It is considered that a limited permission relating to the mobility needs of the occupant would be acceptable and would not result in lasting harm to the site or the street scene.**

### **CONSULTATIONS**

#### **Local Consultations**

Parish/Town Council  
Meeting 21.03.16

Objection on the grounds of out of keeping with the street scene, loss of light to neighbours lounge and would set a precedent for the future.

Exmouth Halsdon - Cllr J Elson  
Objection - recommend refusal  
Object

Planning dept wished me to clarify my objection. This is very obvious shed in front of this home in a row of narrow/small terraced homes and is detrimental to the street scene and would set a precedent. The person who lives next door can only see the shed from her lounge window and blocks any other view from her window.

Further comments:

I note your comments and although I accept the person is disabled. This shed is actually preventing a great deal of light into the ground floor flat and making it very dark and gives a very limited view from the shed to the right only. I believe we have to consider the resident in the ground floor flat.

### **Technical Consultations**

County Highway Authority  
Does not wish to comment

### **Other Representations**

5 representations have been received, raising objections on grounds of loss of light to adjacent properties, detriment to the visual amenity of the site and surrounding street scene, obstruction to buried utilities infrastructure beneath site.

### **PLANNING HISTORY**

There is no planning history that relates directly to the development currently proposed.

### **POLICIES**

#### **Government Guidance**

National Planning Policy Framework  
National Planning Policy Guidance

#### **Adopted East Devon Local Plan (2013 – 2031)**

Strategy 6 – Development within Built up Area Boundaries

Policy D1 – Design and Local Distinctiveness

### **Site Location and Description**

The application site comprises an area of garden land to the front of a two storey terraced building which is arranged as two apartments. The site relates to the first floor apartment and front garden area. The site is located at the end of a cul-de-sac which leads off the lower end of Jubilee Drive, on the north side of Exmouth.

The site is within an established residential suburb and surrounded by properties of a similar age and design. The site is located centrally within a terrace of properties at the northern end of the Priddis Close and the terrace is oriented perpendicular to the road. The site is screened from Jubilee Drive to the east by existing mature trees.

The site is visible in oblique views from the end of Priddis Close. The land within and surrounding the site slopes down towards the south.

## **ANALYSIS**

### **Proposed Development**

The application seeks retrospective permission for the siting of a timber shed within the garden area to the front of the building. The shed measures 1.8m by 1.2m by 2.25m max height and is finished in treated timber cladding.

The shed is required to store the applicant's mobility equipment. The applicant is in very poor health with multiple disabilities and the shed provides secure storage for the mobility equipment that aids access to his first floor flat and aids mobility outside of his property.

### **Issues and Assessment**

The main issues in this case relate to the visual impact of the proposed development on the site and surroundings, impacts on the amenities of nearby residents and any other issues arising. The application relates to the siting of an outbuilding within the curtilage of a residential apartment unit within a defined settlement. This is considered an acceptable form of development in principle, subject to a consideration of the issues described above and assessed below.

### **Visual Impact**

As described above, mature trees and surrounding buildings provide a decent level of visual screening from the wider public realm. However, the terrace of properties to either side of the site have open plan front gardens which are prominent in views from the public footpath to the front of the terrace, and to a lesser extent from the end of Priddis Close. The concerns raised regarding the visual detriment to the character and appearance of the site and immediate vicinity are noted; the shed is a prominent feature in the immediate vicinity of the site, and appears a somewhat incongruous feature that would normally be expected to be sited in the rear garden.

In this case however, the applicant suffers from multiple disabilities and relies on several pieces of equipment to enable mobility. The constraints of the site and the layout of the apartment (at first floor benefitting from the front garden area only) are such that there is no suitable alternative facility on site for the secure storage of this equipment which the applicant relies upon in order to enjoy a degree of mobility that many people take for granted. The application site is not within the Exmouth Conservation Area, the Area of Outstanding Natural Beauty or any other designated landscape and there are no nearby Listed Buildings that would be affected by the development. As described above, the site is prominent within the immediate environment but not visually prominent in the wider landscape.

On the basis of the above points, and given that a condition can be imposed on any permission to ensure that the shed is removed once it is no longer required for the storage of mobility equipment, it is considered that on balance that the visual impact



of the shed as it stands would not cause sufficient harm to outweigh the special needs of the applicant.

### Amenity Impact

There have been concerns raised by nearby residents that the shed detracts from their residential amenity due to a loss of natural light and loss of outlook. These concerns are duly noted however given the size of the shed and proximity to the front of the building at 25 Priddis Close, it is not considered that the effects on nearby residents would be severe. The terrace of properties is oriented with the front elevations facing south and the terrace stands on a hillside. There will be a high degree of natural light to the front aspect of properties on this terrace throughout the day. It is considered that this shed at 1.8m by 1.2m by 2.25m would not restrict a significant amount of natural light to any of the nearby properties. Further, the size of the shed and distance to neighbours windows are such that while it may obscure a portion of the view from neighbours' windows, the right to a view is not a planning matter that could be used to justify refusal of permission and the shed would not result in any detrimental levels of overshadowing or oppressive impact.

The impacts of the proposed development on the privacy and residential amenity of near neighbours are therefore considered acceptable in this case.

### Other Issues

Concern has been raised that the shed is sited over a manhole access to utilities infrastructure running beneath the site and that the shed could obstruct access by utilities companies in the event of an emergency. It is considered however that the shed could be lifted or dragged out of the way in the event of an emergency and this does not warrant a reason for refusal.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. Notwithstanding the time limit to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission being retrospective as prescribed by Section 63 of the Act shall have been deemed to have been implemented on the 7th March 2016.  
(Reason - To comply with Section 63 of the Act.)
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. The shed hereby approved shall not be painted, stained or otherwise decorated except in accordance with details which shall have been previously submitted to and approved in writing by the local planning authority.

(REASON: In the interests of preserving the character and appearance of the site and its surroundings in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)

4. The shed hereby permitted shall only be used for the storage of mobility equipment in association with occupants of the site. Once no longer needed for this purpose the shed shall be removed and the land restored to its former condition within 3 months.

(REASON: The development is only considered acceptable to facilitate the requirements of the applicant, in acknowledgement that there is no other space available for this purpose.)

#### 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	07.03.16
DRAWING 1	Photos	07.03.16
DRAWING 2	Photos	07.03.16
DRAWING 3	Photos	07.03.16
DRAWING 4	Photos	07.03.16
DRAWING 5	Additional Information	07.03.16

##### List of Background Papers

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

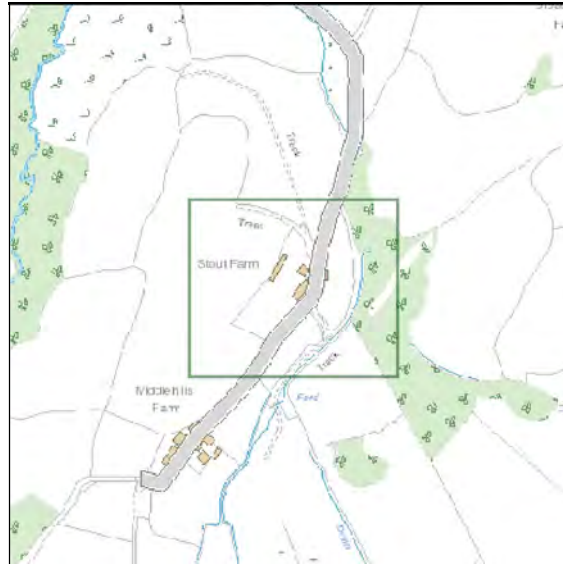
**Ward** Honiton St Michaels

**Reference** 16/0328/FUL

**Applicant** Mrs Helen Hunt

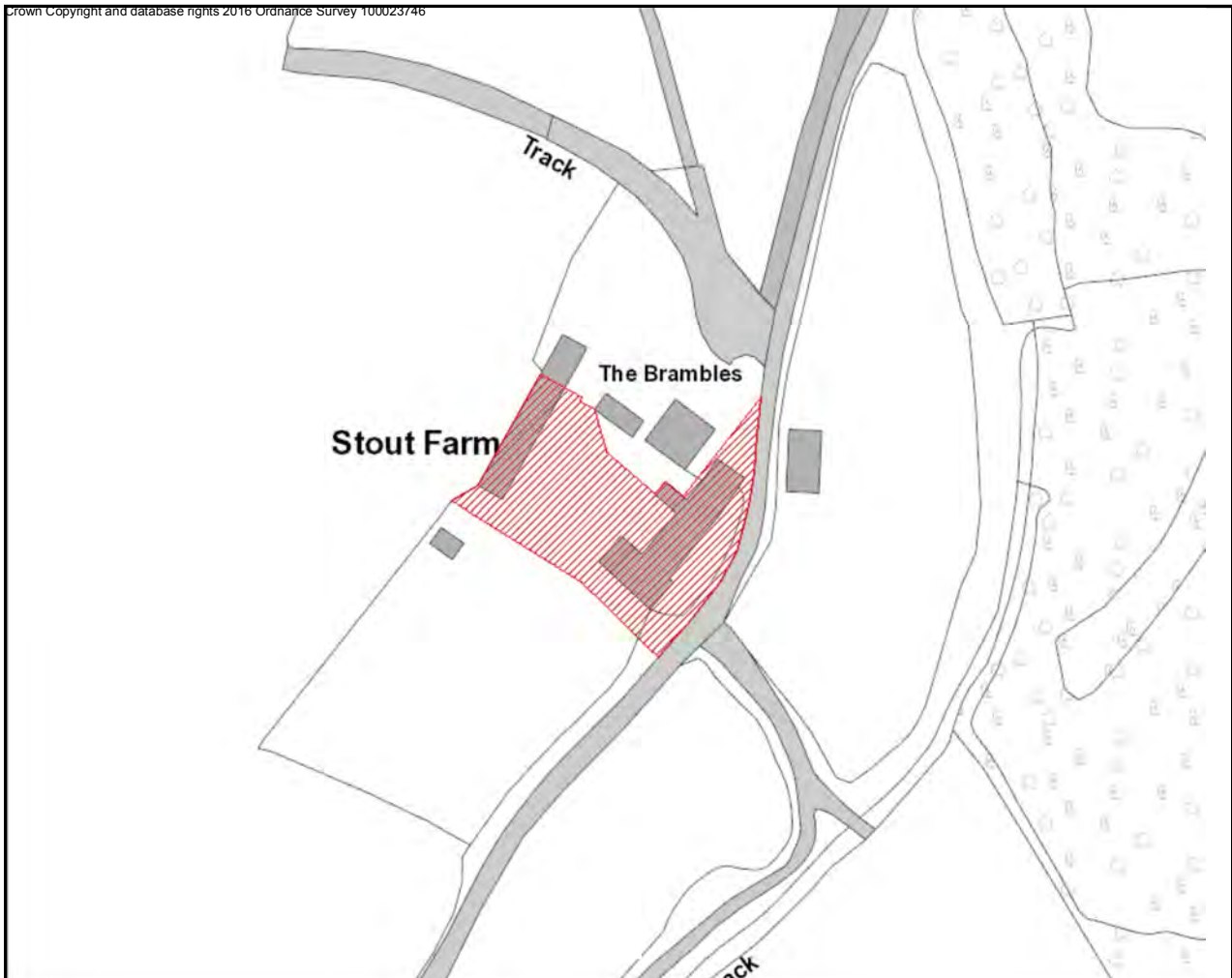
**Location** Stout Farm Honiton EX14 9TS

**Proposal** Replacement of existing outbuilding to form residential annexe



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 10<sup>th</sup> May 2016</b>
<b>Honiton St Michaels (HONITON)</b>	<b>16/0328/FUL</b>	<b>Target Date: 08.04.2016</b>
<b>Applicant:</b>	<b>Mrs Helen Hunt</b>	
<b>Location:</b>	<b>Stout Farm Honiton</b>	
<b>Proposal:</b>	<b>Replacement of existing outbuilding to form residential annexe</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

This application has been referred to the Development Management Committee by the Chairman.

The application following a previous consent (14/2898/FUL) for the conversion of an outbuilding to form an annexe ancillary to the main dwelling. Since this consent the building has been demolished and as such this application proposes the construction of a replacement outbuilding of a similar design and scale to be used as an annexe ancillary to the main dwelling. The application also proposes the creation of a raised terrace to the front of the annexe.

The provision of an ancillary annexe to the dwelling (as opposed to an independent dwelling), albeit detached, is acceptable in principle and it is not considered that the design of the building or terrace would have a detrimental visual impact.

Subject to conditions to control boundary treatment and planting, and given the previous application in 2014, the proposal is considered to have an acceptable impact upon the amenity of the adjoining property.

Concerns have been raised regarding the annexe benefitting from all of the facilities to enable independent occupation but the application is for an annexe and its occupation as an annexe can be conditioned to ensure it cannot be occupied as an independent dwelling house.

In light of the above the application is therefore recommended for approval subject to conditions.

## **CONSULTATIONS**

### **Local Consultations**

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

The Town Council notes the amended plans and unanimously objects to this application. The proposed amendments do not address the Town Council's reasons for its objection to the application, namely that this would be a new development in the East Devon AONB and is not a renovation and that this would amount to overdevelopment in an unsustainable location with difficult access.

The Town Council notes the condition under the previous grant of permission (14/2898/FUL) whereby the development shall not be occupied at any other time other than for single family purposes as part of the main residential use of the dwelling known as Stout Farm.

#### **Honiton St Michaels - Cllr M Allen**

This application appears to extend a large rural building and should go to DMC.

Further comment received 23.3.16:

I ask that this goes to DMC in view of the several issues onsite and I welcome a concise report from Planning to inform the discussion

#### **Honiton St Michael - Cllr P Twiss**

This application has been made due to non-compliance with planning consent for application 14/2898/FUL as indicated below where an existing farm outbuilding would be converted for ancillary use only to the main property and therefore acceptable in planning terms, as distinct from a new development as detailed in this application 16/0328/FUL.

Please see my comments on revised plans for 16/0328/FUL below.

"In noting the amended plans in respect of application 16/0328/FUL including the lowering of the terraced area to the front of the proposed new development this does not alter that it remains as new development in the open countryside, inside the East Devon AONB with no justification for the development.

In the event of a disagreement of view between ward members and planning officers at report stage I request that all the facts are presented to the Development Management committee for them to determine the application".

I am disappointed that case law in Uttlesford DC v SoSE and White [1992] (Uttlesford) is largely being offered as the justification for what in reality is new development in the open countryside within the East Devon AONB.

Given the change of use to ancillary residential from agricultural use outside of the Honiton BUAB is a S106 contribution being requested in respect of an off site affordable homes contribution and at what level?

## **Technical Consultations**

County Highway Authority  
Does not wish to comment

## **Other Representations**

No third party representation have been received at the time of writing the report.

## **RELEVANT PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
<a href="#">14/2898/FUL</a> Application	Full Conversion and extension of outbuilding to form ancillary annexe accommodation	Approval conditions 05/03/2015	with
<a href="#">06/2565/FUL</a> Application	Full Proposed conversion of barn to bedroom & study. Extension to form utility, roof with dormer above <a href="#">View Documents</a>	Approval conditions 20/12/2006	with

## **POLICIES**

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

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

Government Planning Documents  
NPPF (National Planning Policy Framework 2012)

## **OFFICER REPORT**

### **Site Location**

The site is located to the south west of Honiton with access taken from Stoney Lane via a lane to the farm. The farm consists of a farmhouse facing onto the lane with a courtyard behind. There was previously a linear outbuilding to the north west of land and a neighbouring property of The Brambles to the north. The outbuilding has since

been demolished with a new building being constructed that is the subject of this application.

### Proposed Development

The proposal is for the replacement of an outbuilding (now demolished) that was used for storage and a gym ancillary to dwelling house and measured approximately 80 sq.m and was granted consent under application 142898/FUL to be extended (by approximately 12 sq.m) and used as an ancillary annexe to the main dwelling.

The proposed outbuilding would contain living/dining area, kitchen, bathroom and bedroom with an extension to the south west elevation to form a garden room with an overall floor area of 92 sq.m as per the last consent.

The new building would be built with horizontal timber cladding and red brick and stone, hardwood windows and aluminium sliding doors and interlocking roof tiles and be of a similar design to the conversion approved under the 2014 permission.

The land levels to the east and south east of the outbuilding have been built up to create a raised terrace area directly outside the building with steps down and a sloped access to the southeast to a sunken lower terrace with stone faced walls and laurel bush planter on the eastern boundary. The sunken terrace would have a 0.6m high stone wall with laurel bush grown to a height of 1.2m to provide some privacy to the neighbouring property. These works did not form part of the 2014 application.

A boundary fence would be constructed on the north eastern boundary of the site with the neighbouring property of The Brambles at a height of 1.8m from upper terrace level sloping down to the existing Lalandia hedge.

### ANALYSIS

#### Principle

The application proposes a building to be used as an annexe to the main dwelling and it is not proposed to be used as an independent dwelling.

Whilst the Adopted Local Plan would not support the creation of a new dwelling in this location, there is no objection in principle to the extension of an existing dwelling or the construction of outbuildings to be used ancillary to the main dwelling.

Concern has been raised to the fact that this application is for a new build development as opposed to the conversion of an existing building that formed the 2014 application. However, as the application is in effect for an extension to the dwelling, albeit detached, there is no planning policy that would prevent the principle of a new build extension in this location. In this instance it is also material to the consideration of the application that there was a previous consent for conversion of the building and as such a building of a similar size occupied the site historically.

It is recognised that the level of accommodation proposed would be capable of independent occupation. The proposals represent a well appointed unit comprising

of: 1 no. bedroom, a living/dining room and kitchen, as well as a separate garden room. In addition the proposal would be physically detached from the main dwelling albeit served by the same vehicular access and sharing the parking/hard standing area to the rear of the main dwelling.

Supporting information with the application explains that the accommodation is to enable one of the applicant's elderly parents to live close at hand and to allow care/supervision to be provided to them, one of which it is understood is suffering from advanced Parkinson's disease. Such relationships are not unusual and allow elderly relatives to retain a degree of independence with the reassurance of help/support from relatives from the main dwelling. In physical terms, whilst there would be a separate entrance to the annexe, it is physically in close proximity to the main house and would be served by the same access, there are also no proposals to subdivide or separate the area between the two buildings.

Case Law in relation to when an annexe can be considered to constitute a separate dwelling house is not particularly definitive, perhaps the most widely used interpretation is the Uttlesford DC v SoSE and White [1992] (Uttlesford) case. This case considered whether a garage attached to a dwelling which had been converted to a 'granny annexe', had resulted in the creation of a separate planning unit. The court ruled that the fact that in that case the elderly occupier of the annexe had living facilities that enabled her to live independently from the rest of the family did not amount to the creation of a separate planning unit that required permission. The current application has similarities with that case albeit the accommodation consists of the conversion of a larger building and includes a new build extension to it. The applicants have applied for an annexe use and the red line indicates that the residential planning unit would remain as existing i.e. one unit.

Whilst there remain some concerns over the potential for future separation of this unit, as this is not a sustainable location where independent accommodation would normally be permitted, any such application would be likely to be refused. However, any permission for the annexe the subject of this current application should be conditioned to ensure that the building was not used independently of the main dwelling.

As the application proposes a residential annexe and not an independent dwelling, contributions towards open space and affordable housing are not required.

In light of the above, it is considered that the proposal is acceptable in principle.

### Visual Impact

Despite the building being new build and it involving a lower terrace, it is not considered that the proposal would cause any harm in terms of its visual impact on the character and appearance of the area, nor would it be intrusive upon the surrounding properties. The building and terrace would be built in materials (re-used stone, cladding and brick) that are sympathetic with character and appearance of the rural area and viewed within the context of the dwellings. It is recommended that samples of material and their finishes be placed on any permission granted.



## The Wider Landscape Impact

The proposal would retain the original form of the building and would not seek to extend the curtilage or in any other way propose works which might have an impact on the wider designated landscape. Any views of the building or terrace in the wider landscape would continue to be read in relation to the existing group of buildings around Stout Farm.

## Amenity Impact

There is only one neighbouring property that could be impacted by the development and this lies at right angles to the application building at a lower level and to the immediate northeast. Amended plans have been submitted that remove the previously proposed openings closest to the boundary with the neighbouring property. With these windows removed the nearest window is now over 7 metres from the boundary with the nearest opening serving primary living accommodation (the kitchen) is approximately 13 metres from the boundary.

The relationship between Stout Farm and 'The Brambles' is already very intimate with windows in the rear elevation of Stout Farm already viewing over the rear amenity area of The Brambles at close quarters. The proposed conversion of the outbuilding has the potential to increase activity on the site and close to the neighbouring boundary but the relationship is not considered to alter the existing relationship between the properties to such an extent that any additional impact would warrant refusal of the application and the relationship would be almost identical to that approved under the 2014 permission.

The revised drawings detail that a 1.8m high fence would be constructed on the north east boundary, and with the proposed laurel hedge to the lower terraced area that would be grown to a height of 1.8m, would provide sufficient screening to the neighbouring property. It is recommended that a condition be placed on any planning permission granted that the fence be constructed on the boundary to a height of 1.8m prior to the occupation of the ancillary accommodation and thereafter be retained and maintained

Whilst there would be an element of overlooking from the upper terraced area directly outside the annex this was previously approved and it is acknowledged that a mature Lalandia hedge is maintained by the neighbouring property along the northern boundary between the properties that ensures the privacy of neighbour's private garden.

## Conclusion

The proposed amendments to the previous approval are not considered to be overdevelopment and ensure that no further overlooking would occur to the neighbouring property. There have been no objections were received during the consultation period, the application is considered to be acceptable and is therefore recommended for approval.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. The building hereby approved shall not be occupied at any time other than for purposes ancillary to the main residential use of the dwelling known as Stout Farm. For the avoidance of doubt this permission does not grant planning permission for the use of the annexe as a separate residential unit.  
(Reason: The site lies in a rural area where the provision of an independent dwelling would be contrary to countryside protection policies in accordance with Strategy 7 (Development in the Countryside) of the Adopted East Devon Local Plan 2013 - 2031 and sustainable development principles set out in the National Planning Policy Framework. In addition the proposed relationship with Stout Farm would not result in an acceptable relationship for independent occupation with subsequent loss of amenity contrary to Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no window or door openings shall be inserted within the east elevation of the building, the subject of this application, other than those indicated on the approved drawings.  
(Reason - In the interests of the privacy and amenity of neighbouring occupiers in accordance with policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013 - 2031.)
5. A fence on the north eastern boundary of the site as shown on drawing number 236\_Lo2.10 P2 shall be installed prior to the occupation of the annexe and constructed to a height of 1.8m and shall thereafter be retained and maintained at that height.  
(Reason - In the interests of the privacy and amenity of neighbouring occupiers in accordance with policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013 - 2031.)
6. The proposed laurel hedge on the lowered terraced area shall be planted within the first available planting season and grown to a minimum height of 1.2m and thereafter retained and maintained. If any section of the hedge that dies shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interests of the privacy and amenity of neighbouring 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.

##### Plans relating to this application:

236_L03.10 P2	Sections	22.03.16
236_L04.10 P2	Proposed Floor Plans	22.03.16
236_L02.10 P2	Layout	22.03.16
236_L01.01 P1	Location Plan	09.02.16

##### List of Background Papers

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

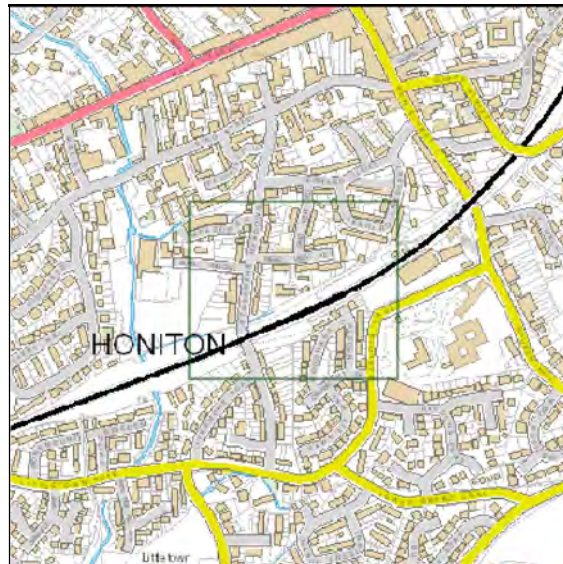
**Ward** Honiton St Michaels

**Reference** 16/0694/FUL

**Applicant** East Devon District Council  
(Jonathan Burns)

**Location** Kendall House Mead View Road  
Honiton EX14 2JQ

**Proposal** Replacement of timber panelling to  
ground floor bin store with painted  
metal handrail



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 10<sup>th</sup> May 2016</b>
<b>Honiton St Michaels (HONITON)</b>	<b>16/0694/FUL</b>	<b>Target Date: 18.05.2016</b>
<b>Applicant:</b>	<b>East Devon District Council (Jonathan Burns)</b>	
<b>Location:</b>	<b>Kendall House Mead View Road</b>	
<b>Proposal:</b>	<b>Replacement of timber panelling to ground floor bin store with painted metal handrail</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

The application is brought forward for determination by the Development Management Committee as East Devon District Council is the applicant.

The development is minor in nature and involves a proposal to replace a timber screen to the entrance lobby of a small apartment block with a lower balustrade and hand rail. The timber screen has previously been removed following fire damage and there is currently a temporary hoarding in place. The proposal is not readily visible and the change would have no detrimental impact on the character and appearance of the building, amenity of residents or the surrounding area and as such approval is recommended.

#### **CONSULTATIONS**

##### **Local Consultations**

Parish/Town Council  
Unanimous support

##### **Technical Consultations**

County Highway Authority  
Does not wish to comment

##### **Other Representations**

None received

## **POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies  
D1 (Design and Local Distinctiveness)

Strategy 6 (Development within Built-up Area Boundaries)

Government Planning Documents  
NPPF (National Planning Policy Framework 2012)

Government Planning Documents  
National Planning Practice Guidance

## **SITE LOCATION AND DESCRIPTION**

Kendall House is a 3 storey apartment block set to the rear of housing fronting onto Mead View Road and Streamers Meadow and to the north of the railway line embankment. It is accessed off Mead View Road and lies within the built-up area boundary of the town to the south of the town centre.

## **PROPOSED DEVELOPMENT**

Permission is sought to replace the former timber screen which enclosed the entrance lobby to the flats with a lower balustrade and handrail.

## **ANALYSIS**

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

- Design and impact on the character and appearance of the building and wider area;
- Impact upon amenity of the occupiers of the flats.

Planning permission is sought to replace the louvered timber screen which was formerly in place with a lower balustrade and handrail. Although the proposals appear fairly innocuous, as flats do not benefit from permitted development rights planning permission is required in this instance.

It is understood that the former timber panel was removed following fire damage. The proposal now looks to remove this to lessen the potential for a reoccurrence of fire damage, proposing a more open elevation.

The site is located at ground floor level on the front elevation. The existing screened area is not visible other than from immediately adjacent to the entrance as the integral bin store, which forms part of the entrance lobby, partly screens views of it. The entrance lobby/porch itself, and indeed the building it serves, are set to the rear of properties in Mead View Road and therefore wider views of the building are limited. Public views of the entrance lobby are restricted to the access road serving Kendall House.

In addition to a lack of visual harm, the proposal should not have a detrimental impact upon the amenity of the occupiers of the flats and may also have further benefits in opening up views through the entrance lobby and therefore reducing the potential for crime.

### **RECOMMENDATION**

APPROVE subject to the following conditions:

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

### NOTE FOR APPLICANT

Informative:

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

### Plans relating to this application:

P017-16-107 :	Proposed Floor Plans	23.03.16
GROUND		
P017-16-108 :	Proposed Elevation	23.03.16
FRONT+REAR		
P017-16-109 :	Proposed Elevation	23.03.16
SIDE		
P017-16-100	Location Plan	23.03.16

### List of Background Papers

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



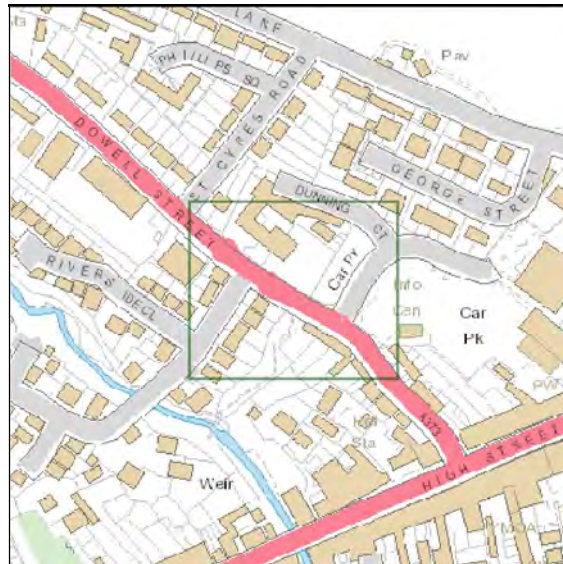
**Ward** Honiton St Pauls

**Reference** 15/2834/FUL

**Applicant** East Devon District Council (Emma Molony)

**Location** Thelma Hulbert Gallery Elmfield House 33 Dowell Street Honiton EX14 1LX

**Proposal** Creation of 2 no. gates across driveway



**RECOMMENDATION: Approval with conditions**





		<b>Committee Date: 10<sup>th</sup> May 2016</b>
<b>Honiton St Pauls (HONITON)</b>	<b>15/2834/FUL</b>	<b>Target Date: 18.03.2016</b>
<b>Applicant:</b>	<b>East Devon District Council (Emma Molony)</b>	
<b>Location:</b>	<b>Thelma Hulbert Gallery Elmfield House</b>	
<b>Proposal:</b>	<b>Creation of 2 no. gates across driveway</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

**This application is before Members of the Development Management Committee as the applicant is East Devon District Council. The proposal seeks planning consent for the creation of two access gates to the Thelma Hulbert Gallery.**

**These proposed access gates require planning permission as they would be installed within the grounds of a listed building. The conservation officer has been consulted on the proposal and considers that the impact on the setting of the listed building would be acceptable. As there is no adverse impact on the street scene and the proposal would preserve the conservation area and setting of the listed building the proposal is recommended for approval.**

### **CONSULTATIONS**

#### **Local Consultations**

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

The Town Council unanimously supports this application

Amended plans – 23.03.2016 - unanimous support

#### **Technical Consultations**

##### **County Highway Authority**

The Local Highway Authority does not wish to comment on this application.

Recommendation:

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

Conservation

This application has now been amended and is for 2 no. gates across the driveway. There have certainly been gates across the driveway in the past and there is photographic evidence of this. It is also likely that due to the age and status of the House that there were always gates to this entrance on to Dowell Street. However, there are no details supplied of any such gates nor can I find any historic record of the original gates.

The proposal is for metal 'Estate' style gates, one vehicular and one pedestrian and there is no objection in principle to the provision of new gates. In the absence of a detailed historic record and bearing in mind that the gates would most likely to have been metal, there is no objection to this informal style to complement the new landscaping and the setting of the listed building.

NB. It was also noted on site that the outcome under Condition 3 of 09/1910/LBC to re-use the cobbled floor in the external hard landscaping scheme in Phase 2 has now finally been undertaken in the form of gabions in the north corner of the gardens  
**PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE**

Other Representations

None received to date.

**PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
13/0381/LBC	Replacement cast iron rainwater goods	Approved	08.04.2013
09/1927/COU	Change of use of ground floor from B1 to D1 for use as art gallery and installation of new french doors and basement window	Approved	23.09.2009
13/0381/LBC	Replacement cast iron rainwater goods	Approved	08.04.2013

**POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

### Site Location and Description

The Thelma Hulbert Gallery is a grade II listed building which currently operates as an art gallery run by East Devon District Council. The listing states that this building is probably circa 1840 and is a stucco house situated within its own grounds. There is an existing access which punctuates a stone wall perimeter which provides access to and from the A373. The proposal takes place within the designated Honiton conservation area.

### Proposed Development

This planning application has been amended since its submission. The proposal to be now considered is for 2 no. gates across the existing driveway. The larger gate would allow for vehicular access and be 2.4 metres in length and the smaller pedestrian access would be approximately 0.9 metres in length. The gates would be positioned within the existing gap in the boundary wall on the south access point which provides access to the A373.

### **ANALYSIS**

The main issues concerning this proposal are the impact on the setting of the listed building, impact upon the character and appearance of the Conservation Area and the impact on the street scene.

The proposal is for metal 'Estate' style gates, one vehicular and one pedestrian. There is no objection from the Conservation Officer to the principle of new gates. In the absence of a detailed historic record and bearing in mind that the gates would most likely to have been metal, there is no objection to this informal style to complement the new landscaping and the setting of the listed building. The installation of gates on the access drive would not affect the historic interpretation of the listed building or affect its setting or features and special regard has been given to this impact upon the listed building.

Due to the intended position of these gates they would be directly viewable within the public realm. The design would not produce an overly prominent impact on the street scene due to its use of metal bars, offering permeability through the structure. The use of traditional materials would also preserve the historic character of the Honiton conservation area.

### **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 plan '6A' which is hereby approved, the exact length of the larger gate hereby approved is 2438mmm, as confirmed by the applicant in their email dated 11<sup>th</sup> March 2016. (Reason – To clarify the terms of the consent).

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

LOCATION PLAN	Amended Plans	10.03.16
5A : GATE DETAILS	Amended Plans	10.03.16
6A : GATE DETAILS	Amended Plans	10.03.16

##### List of Background Papers

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

**Ward** Woodbury And Lymstone

**Reference** 16/0233/MFUL

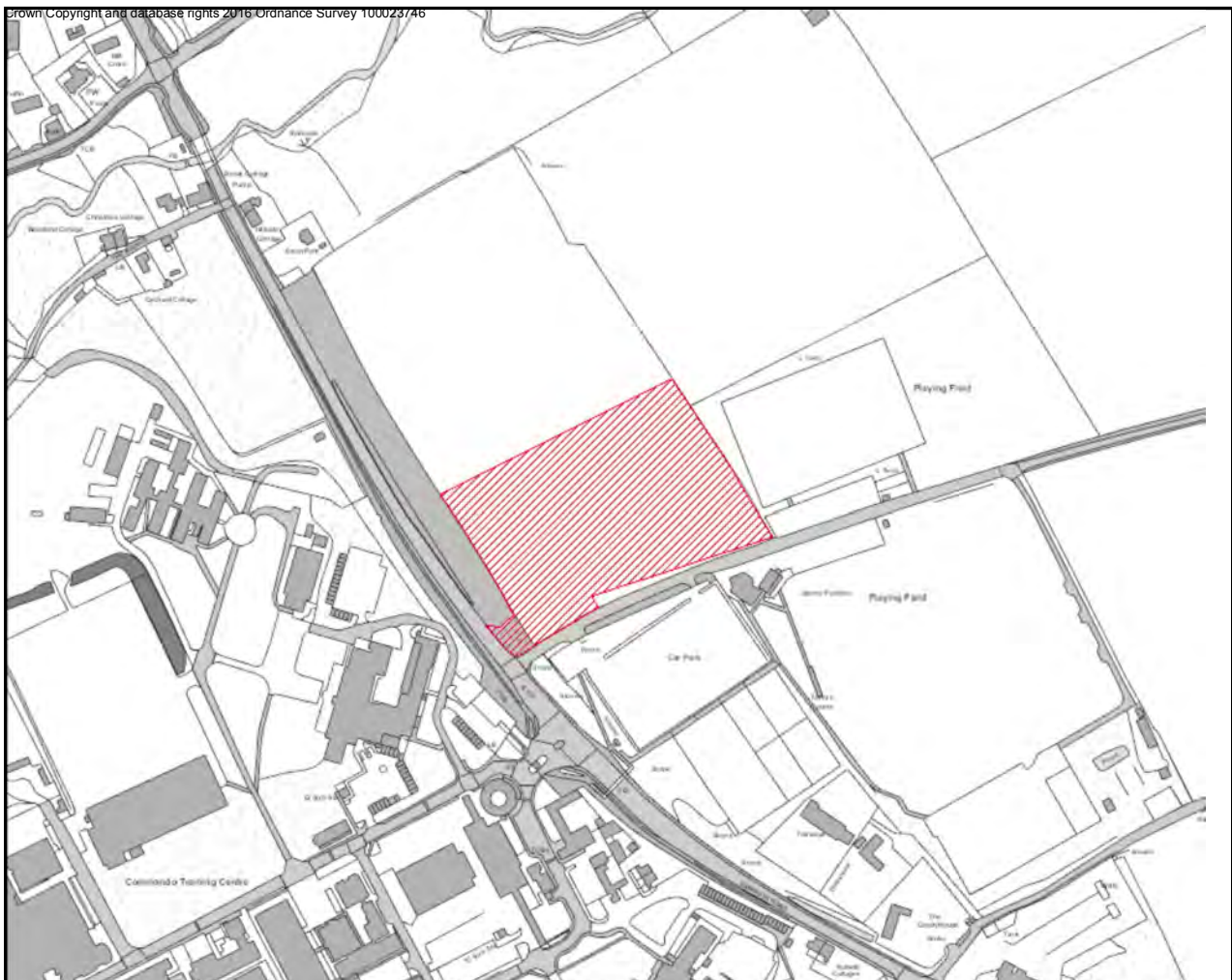
**Applicant** Mr Paul Collinson

**Location** Car Boot Site Opposite Commando Training Centre Exmouth Road Exton

**Proposal** Change of use of land to provide foot golf course, parking area, storage container and administration cabin



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date:</b> 10 <sup>th</sup> May 16
<b>Woodbury And Lympstone (WOODBURY)</b>	16/0233/MFUL	<b>Target Date:</b> 03.05.2016
<b>Applicant:</b>	Mr Paul Collinson	
<b>Location:</b>	Car Boot Site Opposite Commando Training Centre Exmouth Road	
<b>Proposal:</b>	Change of use of land to provide foot golf course, parking area, storage container and administration cabin	

**RECOMMENDATION:** Approval with conditions

#### **EXECUTIVE SUMMARY**

This application is before Committee as the officer recommendation differs from the view of the Parish Council.

The proposal is for a 'FootGolf' course on land that is located opposite the Marine Training camp in Lympstone. The proposal would incorporate the creation of the holes and mowing of fairways, but no other work would be carried out to create any obstacles (such as bunkers).

The proposal would be on grade 1 agricultural land, and would not be located within or adjoining a built up area boundary and as such the application has been advertised as a departure from the Local Plan.

Notwithstanding this, it is considered that there are other factors in the balance when assessing the merits of the planning application. The applicant has contacted local golf courses to provide such a facility within a ten mile radius but no interest has been shown. For what would be a public facility it needs to have links to a variety of means of transport, and have an acceptable visual impact.

The proposal itself is fairly unique and it is considered that it would not have been envisaged when drafting the Local Plan that a proposal such as foot golf would be brought forward. The area of land proposed is currently used for car boot sales on an ad hoc basis but is designated as part of the Coastal Preservation Area.

In terms of accessibility there is a bus stop between Exeter and Exmouth that provides a frequent service. There is also a train station within Exton and

footpaths that lead up to (but not directly into) the site. It would sit adjacent an existing football pitch and its floodlit arena but the site is within the countryside and as such there would be some reliance upon the use of the car.

There are no works proposed to the land other than the creation of the holes, provision of a small kiosk and equipment container. The proposed car parking area would be on the existing grassed field. It is considered that the landscape impact would not be adverse and would not result in detrimental impact on neighbouring properties or upon the Coastal Preservation Area. There have been no technical objections to the proposal and whilst it would result in the loss of a very small area of grade 1 agricultural land, this is not considered to be a significant loss that should justify refusal of the permission.

Whilst there are arguments for and against the proposal, it is considered that the site is suitable for the use and in accordance with the NPPF will encourage access to high quality open spaces and opportunities for sport and recreation that can make an important contribution to the health and well-being of communities. Given this, and taking all the circumstances into account, it is considered that the benefits from the proposal outweigh any harm and application is recommended for approval.

## **CONSULTATIONS**

### **Local Consultations**

#### **Woodbury & Lympstone - Cllr R Longhurst**

This is a complex issue with pros and cons for and against. Whilst I support this as a project I do wonder about its location at Exton/Lympstone on the A376. I believe that this may be a forerunner to a number of others and therefore that Members should be given the opportunity to debate the issues concerned at DMC. Neutral prior to a debate.

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

#### **Parish Council**

Objection on the following grounds: access and safety issues on to and from the busy A376 ? establishment of a retail entity on an agricultural site commercial development in open Countryside (P/S: McGauley/Bricknell - vote: AIF with 2 abstentions)

### **Technical Consultations**

#### **Environmental Health**

I have considered the application and do not anticipate any environmental health concerns.

### DCC Flood Risk SuDS Consultation

We have no in principle objection to the proposals as the majority of the land cover will remain unchanged.

The applicant has indicated that surface water from the wooden cabin will be disposed of via an infiltration device. This should be appropriately sized to match the infiltration capacity of the receiving ground conditions and designed to the applicable building regulations.

The car parking area is to remain a grassed area; care should be given to prevent compaction or deterioration of the surface promoting runoff.

### Defence Infrastructure Organisation

This application relates to a site outside of MoD safeguarding areas. I can therefore confirm that the MoD has no safeguarding objections to this proposal.

### Western Power

Thank you for informing us of the proposed plan, numbered above.

Western Power Distribution currently have a span of 11kV High Voltage (HV) electricity line crossing the site, and a pole mounted transformer (numbered 31/0600) standing in the south west corner. In the event this change of use was approved we would expect the applicant to apply to have this span of HV put underground as it would not be considered safe to be playing a sport of the nature described directly under power lines.

It would further be expected that some barrier protection be provided for the pole mounted transformer mentioned above, something that we would be happy to liaise with the applicant about.

Further comments:

In view of the precautions to be undertaken on the actual field of play and as long as these are enforced by the applicant via warning signage we do feel the overhead line could remain in situ. Putting the cable underground would be the ideal solution and of course our first instinct to avoid the risk is by removing that risk, but it is understood that reasonable mitigation is acceptable.

We acknowledge the erection of an administration shed to help shield our transformer pole, although we would urge the applicant to contact us before siting it, as there are pole proximity and access considerations to be taken into account.

### WW Utilities

Wales and West Utilities have no objections to these proposals, however our apparatus may be at risk during construction works and should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversion works be required these will be fully chargeable.



## County Highway Authority

### Observations:

The proposed development is estimated generate 50 visitors per day during the summer and up to 100 visitors per day on summer weekends. It is not described how long each session/game would take in duration although the opening hours in summer will be 09:00 to 18:00. Therefore I would think that the associated trips would occur throughout daylight hours. This is likely to equate to around 50 to 75 vehicles per day or 100 to 150 trips per day.

The proposed access junction on Exmouth Road, the proposed access to the field and the car parking arrangements would appear adequate to accommodate this amount of vehicular activity.

### Recommendation:

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

1. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 10 metres back from its junction with the public highway

REASON: To prevent mud and other debris being carried onto the public highway.

### Other Representations

3 letters of representation have been received.

- A cut through "rat-run" for traffic going to & from Woodbury and further
- A regular running route for troops from Commando Training Centre (Royal Marines)
- Access for farm vehicles on a daily basis and including large articulated heavy goods vehicles
- Delivering feed to the pig unit located further down this lane.
- Regular day & night access to Operating Centres for both goods and passenger vehicles.
- Use of the adjoining playing fields by school groups for sporting activities.
- Access to a private dwelling situated mid way down the lane.
- Already illegal parking
- Increase in congestion
- Opposite the CTCRM training facility
- Car parks are worse on passing out days
- Traffic and trailers as operating farms down the lane
- Used for troop movements
- Access routes to CTCRM
- Low flying aircraft
- Surrounding vegetation

- Noise

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## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 44 (Undeveloped Coast and Coastal Preservation Area)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN13 (Development on High Quality Agricultural Land)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

EN5 (Wildlife Habitats and Features)

RC2 (New Open Space, Sports Facilities and Parks)

E5 (Small Scale Economic Development in Rural Areas)

### **Site Location and Description**

The site refers to a parcel of land which forms part of a larger field which sits opposite the CTCRM Marine camp on the edge of Exton. It slopes downhill in a northerly direction and the size of the piece of land amounts to around 1.1 hectares.

To the east of the site is a sports pitch used for the training camp, to the north an agricultural field would remain and beyond that, three new dwellings are being constructed. To the south of the site is a parking area for the training camp and a lane known commonly as 'Heartbreak Lane' separates these two areas which joins onto the Exmouth Road which runs past the western side of the site. The site is separated from Exmouth Road by hedging and grass which offers a separation of around 22 metres from the road. The site is within the Coastal Preservation Area and on grade 1 agricultural land. The site is currently used on an ad hoc basis for car boot sales. There are no buildings on the site and a cross gradient rises from north to south. A power line runs across the site.

There is no planning history associated with the site.

## **ANALYSIS**

The proposal is for the use of the land as a 'FootGolf' course, construction of a timber shed for use as an administration building and a metal storage container for use as storage of equipment.

The proposed shed and container would be located in the corner of the site, adjacent a car parking area which would make provision for 20 vehicles on the existing grass field surface.

Footgolf is game whereby players kick a soccer ball into a cup in as few shots as possible. Its name is a portmanteau of "football" and "golf", and the game combines the two sports, being more closely related to golf. It is a fast growing sport

The game is played the same way as golf, except players use a football instead of a golf ball, and the ball is kicked rather than struck with a club, working towards a 21-inch "cup" in place of the usual golf hole

Information on the UK footgolf website regarding the game says that:

“Bear in mind that an average footgolfer can kick the ball around 50 yards. The difference between footgolf and golf is that a football will roll and bounce in myriad ways dependent on the topography of the course. The average length of a footgolf course is 2,250 yards (for 18 holes). It would take around 2 hours to complete a course of that length”.

In terms of the works to the field to make it suitable for playing footgolf the only alterations would be that the course would be mown in using natural contours and undulations of the ground. There would not be any bunkers or obstacles that would require ground works. The existing hedge rows are proposed to be enhanced. No floodlighting is proposed. Opening times would be from 9am to 7pm during the summer months 7 days a week and 10 - 3pm during the winter months.

The only other changes would be the provision of the holes themselves, and the flags indicating their location.

The main considerations relate to:

- Principle
- Visual impact
- Highway Impact
- Ecology
- Flooding
- Safety issues

### **Principle**

The applicant states that he has contacted local course within a 10 mile radius of Exmouth in regard to providing the sport on their courses or in partnership with the governing body: Northbrook, Exeter Golf and Country, Woodbury, Phear Park,

Sidmouth, Budleigh Salterton and Dawlish Warren. The applicant states that given the vibrant nature of the golf courses in the local area, this has meant that there is not capacity or the interest to provide footgolf on these existing courses.

Policy RC4 – Recreation Facilities in the Countryside and on the Coast says that:

Planning permission will be granted for outdoor recreation facilities in the countryside and on the coast provided that the nature of the activities undertaken or the space requirements of the proposal require a countryside or coastal location and:

1. The facilities or development proposals are in scale with the character, environmental characteristics and setting of the area and do not conflict with countryside, nature or landscape policies, nor detract from the amenities of the area.
2. The proposals allow for safe access and discreet parking arrangements, particularly in environmentally sensitive areas, and do not result in the loss of or cause unacceptable disruption to existing public rights of way.
3. On site facilities should be appropriate to meet the needs of the proposal and links with adjacent footpaths and bridleways should be suited to any proposed site uses. Where indoor areas are required use should be made of existing buildings. Any new buildings and necessary extensions should be limited in scale and be in close proximity to existing groups of buildings or an existing settlement. Where it is proposed to extend or intensify an existing use the cumulative effect of the use will be considered in the interests of the character of the area.

Policy EN13 - Development on High Quality Agricultural Land says that:

“The best and most versatile agricultural land (Grades 1, 2 and 3a) will be protected from development not associated with agriculture or forestry. Planning permission for development affecting such land will only be granted exceptionally if there is an overriding need for the development and either:

1. Sufficient land of a lower grade (Grades 3b, 4 and 5) is unavailable or available lower grade land has an environmental value recognised by a statutory wildlife, historic, landscape or archaeological designation and outweighs the agricultural considerations. Or

2. The benefits of the development justify the loss of high quality agricultural land.

If best and most versatile land needs to be developed and there is a choice between sites in different grades, land of the lowest grade available must be used except where other sustainability considerations, including intrinsic nature conservation value of a site, outweigh land quality issues”.

Clearly, as the proposal is on Grade 1 agricultural land the benefits of the proposal must be exceptional. However it is considered that there are other considerations to be taken into account given policy RC4 and paragraph 73 of the NPPF that advises that access to high quality open spaces and sport and recreation can make an important contribution to the health and well-being of communities.

‘Footgolf’ clearly needs a particular amount of space to be functional. In this regard the applicant has given background information as to why this cannot be brought forward on existing golf sites within the area and it is clear that such a use would be difficult to provide within an urban area.

Further, it is also considered that in land use terms there are other factors which would support the proposal for use as a sport facility. There is a bus stop nearly adjacent the site that runs along the Exmouth Road between Exeter and Exmouth. There is a train station within Exton and footpaths that lead up to (but not directly into) the site. It would sit adjacent an existing sporting use with the football pitch and its floodlit arena sitting directly to the east.

Whilst it is fully acknowledged that the land is grade 1 agricultural land the land itself has been primarily used for car boot sales and the applicant is not proposing any works to the land itself and would therefore be considered to be fully reversible and limited to just over a hectare and not therefore representing a 'significant' loss of best and most versatile land that would be contrary to paragraph 112 of the NPPF.

The northern part of the site will continue to be used for crops, the southern area has not been used for crops for over 7 years and the applicant has stated it will not be used in the future, because as a form of diversity it has been used for car boot sales between the last weekend of March and the first weekend of November.

Given the above it is considered that, on balance, these factors would weigh in favour of the proposal.

### **Landscape impact**

The site is located within the Coastal Preservation Area with Strategy 44 of the Adopted Local Plan stating that any change of use or development will not be allowed if it would damage the undeveloped/open status of the area.

As noted above there would be no bunkers or other works required other than additions/bolstering of the hedgerow running along the western perimeter. The proposed container and shed would be located within the south western corner of the site where they would be screened by the hedgerow. In landscape terms the buildings are small and not considered to cause any landscape harm.

Arguably of greater visual impact is provision of car parking on the site. However, the site has been used for car boot sales and it is not proposed to hardsurface the car park. The south-eastern part of the field use is located on a ridge, meaning that this part of the field is most visible in the public domain. The car parking would be located on lower ground behind boundary planting meaning that only glimpses of the parking area would be visible. The ridge would also have the effect of hiding the office and the shed.

In light of the small scale of the buildings, their screening and lack of any major physical works to the land, whilst it is recognised that activity on the site may slightly change its character, it is not considered that the proposal would have a detrimental visual impact or harm the openness of the Coastal Preservation Area (or views towards it), particularly given the previous use for occasional car boot sales.

## **Highways impact.**

There has been concern expressed locally regards an increased use of the access and road onto the Exmouth Road, and use of the lane by training Marines.

In this regard the Highway Authority has commented that:

“The proposed development is estimated generate 50 visitors per day during the summer and up to 100 visitors per day on summer weekends. It is not described how long each session/game would take in duration although the opening hours in summer will be 09:00 to 18:00. Therefore I would think that the associated trips would occur throughout daylight hours. This is likely to equate to around 50 to 75 vehicles per day or 100 to 150 trips per day.

The proposed access junction on Exmouth Road, the proposed access to the field and the car parking arrangements would appear adequate to accommodate this amount of vehicular activity.”

The Highways Authority have recommended a condition that the site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 10 metres back from its junction with the public highway to prevent mud and debris being carried onto the public highway.

There has been some concern regarding the kicking of balls towards the road, or over into Lympstone Commando, or alternatively into the adjoining football pitch. The applicant has tried to design the course so that balls are kept within the site and always struck away from the boundaries and no objections are raised in this regard.

## **Ecology**

An ecological report has been submitted with the application. It states that the hedgerows might provide habitat for foraging and nesting dormice. Retention and enhancement of the hedgerow would result in minor ecological enhancements. Badger sett entrances are located within the field boundary to the north east and it is considered that the proposal would not have any impact on disturbance or damage to setts. With regards to reptiles, the grass sward in the field was short and the site was considered unfavourable for reptiles.

## **Flooding**

The application has been accompanied by a flood risk assessment because of the size of the site. However no objections have been raised by the Devon Flood Risk Team, stating that:

“We have no in principle objection to the proposals as the majority of the land cover will remain unchanged.

The applicant has indicated that surface water from the wooden cabin will be disposed of via an infiltration device. This should be appropriately sized to match the

infiltration capacity of the receiving ground conditions and designed to the applicable building regulations.

The car parking area is to remain a grassed area; care should be given to prevent compaction or deterioration of the surface promoting runoff”.

### **Administrative building**

The provision of a retail unit in this location would be considered to be contrary to local plan policy E5 - Small Scale Economic Development in Rural Areas: which states:

“In villages and rural areas small scale economic development (not including retail use classes/other uses in Classes A1 – A4) and expansion of existing businesses designed to provide jobs for local people will be permitted where:

1. It involves the conversion of existing buildings. Or
2. If new buildings are involved, it is on previously developed land. Or
3. If on a Greenfield site, shall be well related in scale and form and in sustainability terms to the village and surrounding areas.”

The proposed building would not be used as an independent retail use, but would be used to sell rounds of footgolf. It is also proposed that there would be the selling of small refreshments, but on a very ancillary scale. It is considered that the very ancillary nature of the building could be reasonably conditioned to only be used as part of the footgolf course.

### **Safety of CTCRM and use of 'Heartbreak Lane'**

It is well known that marines use 'Heartbreak Lane' as part of their training. There is also concern that the proposal is in close proximity to the Marine base located opposite the site and safety concerns.

A representative of the Marines has asked for more information in relation to the following:

1. access routes to CTCRM
2. Low flying aircraft
3. Surrounding vegetation
4. Noise

However, CTCRM has been asked for their comments twice regarding whether they consider the use of the land would be detrimental to 'Heartbreak Lane' but no comments have yet been received in this regard.

It is perhaps worth noting that there are no objections from the Highway Authority or Environmental Health and that no objection has been raised by the Defence Infrastructure Organisation.

Whilst an increased use of the land would increase people accessing the site, this is not considered to be at a level that could justify refusal on the basis of the concerns raised above.

### **Safety regarding power lines**

A power line runs through the site. Western Power had originally requested that this line would need to be buried due to safety concerns. In answer to this, the applicant has said:

“The FootGolf course has been designed to ensure that the football is not required to be struck from under/toward or at the posts/powerlines or Transformer. The Transformer will be shielded by the erection of the non-permanent administration shed in front of it. The course is designed as a family/youth friendly short course which requires accurate instep passing of the ball to successfully pay the game rather than a lofted strike”.

Western Power has since replied that:

“In view of the precautions to be undertaken on the actual field of play and as long as these are enforced by the applicant via warning signage we do feel the overhead line could remain in situ. Putting the cable underground would be the ideal solution and of course our first instinct to avoid the risk is by removing that risk, but it is understood that reasonable mitigation is acceptable.

We acknowledge the erection of an administration shed to help shield our transformer pole, although we would urge the applicant to contact us before siting it, as there are pole proximity and access considerations to be taken into account.”

Wales and West Utilities have no objections to these proposals, however our apparatus may be at risk during construction works and should the planning application be approved then will require the applicant to contact Wales and West Utilities directly to discuss their requirements in detail”.

Given these considerations it is not considered an objection is raised.

### **Conclusion**

Despite the location of the site in the countryside, Coastal Preservation Area and being Grade 1 Agricultural land, the proposal would not be harmful to the appearance of the Coastal Preservation Area and the loss of agricultural land is not significant and could be easily reversed given the lack of works necessary to the land.

Whilst the site is not in a highly sustainable location, it is located adjacent to similar facilities and accessible by train, bike and bus. Uses such as footgolf require large areas of land and as such it is unlikely that suitable land would be available within urban areas in a more highly sustainable location.



In light of the above, the policy position, and in particular given the health and leisure benefits from the proposal and lack of landscape harm, the proposal is recommended for approval.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. The premises shall be used as a footgolf facility only and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).  
(Reason –The proposal is considered acceptable on the exceptional circumstances of the application and to ensure that the site is only used as a footgolf course)
4. The development hereby approved shall only be open between the hours of 9am - 6pm (last tee) between 1 April and 31 October and 1st November and 10am – 3pm between 1<sup>st</sup> November and 31<sup>st</sup> March  
(Reason - to define the terms of the permission and in the interests of the amenities of the area in accordance with policy D1 (Design and Local distinctiveness) of the East Devon Local Plan.
5. The administration building hereby approved shall be used for ancillary sales only to the footgolf course (for the sale of refreshments to be consumed within the site and the hiring of equipment) and shall not be used as a separate retail unit.  
(Reason - To enable the Local Planning Authority to retain control over the future use of the building in the interests of sustainability and to ensure that the use is solely for use of the footgolf course and does not form an independent retail unit and in accordance with the requirements of Policy E5 – Small Scale Economic Development in Rural Areas and Strategy 7 (Countryside Protection) of the East Devon Local Plan.
6. The site shall be laid out only in strict accordance with the layout shown on drawing number EX8-0645 Rev A and shall be retained as such.  
(Reason – To avoid dangers to nearby roads and power lines in the interests of highway safety, and safety to powerlines in accordance with guidance in the

National Planning Policy Framework in accordance with policy D1 – Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

7. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 10 metres back from its junction with the public highway and maintained as such.  
(Reason- To prevent mud and other debris being carried onto the public highway. in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan).
8. The parking areas shall be provided as shown on drawing EX8-0645 Rev A before first use of the site as a footgolf course and shall only be available for the parking of vehicles for the use permitted and shall be retained as such.  
(Reason – In the interests of ensuring adequate parking is provided in accordance with policy T9 - Parking Provision in New Development) of the East Devon Local Plan.)
9. No external lighting of any part of the site hereby approved is permitted without the planning consent of the local planning authority.  
(Reason – in the interests of the appearance of the site and surrounding area in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.
10. Within a period of 2 months from the date the use hereby permitted ceases, the buildings hereby approved, materials and equipment brought onto or erected on the land shall be removed and the land shall be restored to its former condition.  
(Reason- In the interests of the visual amenity of the site in accordance with policy D1 (Design and Local Distinctiveness) and policy EN13 (Development on High Quality Agricultural Land) of the East Devon Local Plan.
11. There shall be no mounding or grading of the land of the development hereby permitted.  
(Reason – To define the permission in accordance with the application details and in the interests of the character and appearance of the surrounding area in accordance with policy D1(Design and Local Distinctiveness) of the East Devon Local Plan.

#### NOTE FOR APPLICANT

##### Informative:

In accordance with the aims of Article 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

29.01.16

EX8-0645 1 OF 2A	Proposed Site Plan	02.02.16
EX8-0645 2 OF 2A	Other Plans	02.02.16
GREEN ECOLOGY	Ecological Assessment	29.01.16
FRONT	Proposed Elevation	29.01.16
LEFT HAND	Proposed Elevation	29.01.16
	Proposed roof plans	29.01.16
RIGHT HAND	Proposed Elevation	29.01.16
REAR	Proposed Elevation	29.01.16
D+A, ECOLOGIC AL+FLOOD RISK	Planning Support Statement	29.01.16

List of Background Papers

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

**Ward** Yarty

**Reference** 16/0461/FUL

**Applicant** Mr R J Burns EDDC

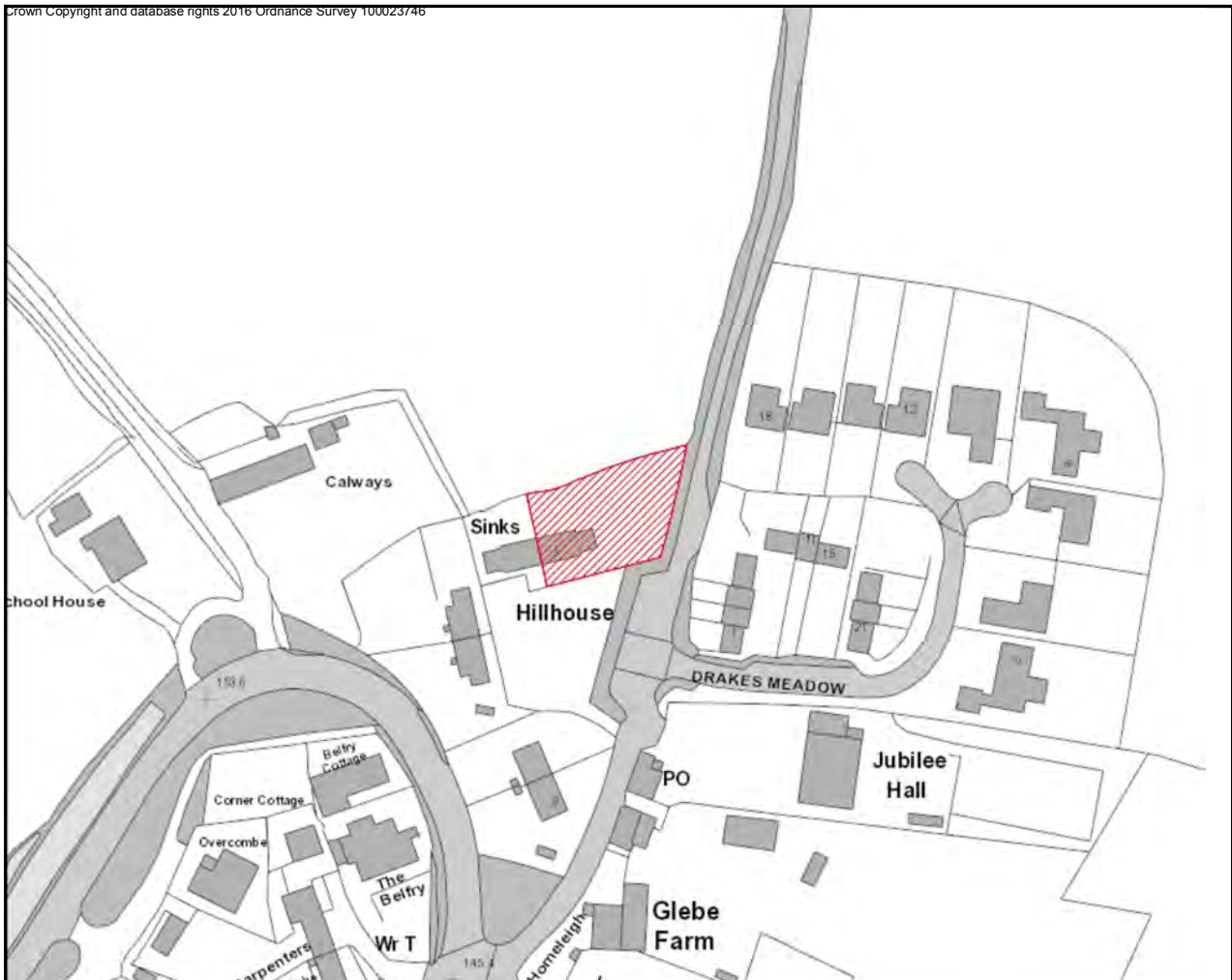
**Location** 1 Hill House Yarcombe Honiton  
EX14 9AA

**Proposal** Alterations to the existing external  
finish from painted brickwork to  
painted waterproof render



**RECOMMENDATION: Approval - standard time limit**

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		<b>Committee Date: 10<sup>th</sup> May 2016</b>
<b>Yarty (YARCOMBE)</b>	<b>16/0461/FUL</b>	<b>Target Date: 20.04.2016</b>
<b>Applicant:</b>	<b>Mr R J Burns EDDC</b>	
<b>Location:</b>	<b>1 Hill House Yarcombe</b>	
<b>Proposal:</b>	<b>Alterations to the existing external finish from painted brickwork to painted waterproof render</b>	

**RECOMMENDATION: Approval - standard time limit**

#### **EXECUTIVE SUMMARY**

**This application is before Members as the applicant is East Devon District Council.**

**The application proposes the rendering of the building and permission is required as the site is within the AONB.**

**The proposed rendering of the property is acceptable and would not cause any adverse visual harm to the local area or AONB and would not result in any detriment to the amenity of neighbouring dwelling houses. This application is considered to be acceptable and is therefore recommended for approval.**

#### **CONSULTATIONS**

##### Parish/Town Council

Yarcombe Parish Council would support the above application

##### County Highway Authority

Does not wish to comment

##### Other Representations

No third party representations have been received.

#### **PLANNING HISTORY**

90/P0831 EDC

12 Car Layby Car Parking Deemed consent - 12/06/1990

## **POLICIES**

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

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

Government Planning Documents  
NPPF (National Planning Policy Framework 2012)

### Site Location

The site is located in the hamlet of Yarcombe with access taken off the A30 and sited opposite Drakes Meadow. The property is a semi-detached mid 20th Century dwelling house built around a green with other properties. The building is finished in painted brick with UPVC windows and doors and a composite slate roof. The site is located within the East Devon Area of Outstanding Natural Beauty.

### Proposed Development

The proposal is for the applying of a waterproof/breathable render upon the external elevations of the dwelling house in order to weather proof the building.

## **ANALYSIS**

The main issues for consideration are the visual impact from the rendering upon the immediate area and upon the AONB and any impact upon the amenity of surrounding residents.

### Visual Impact

Planning permission is required as the site is located with the AONB where the rendering of properties require planning permission.

The proposed rendering of the property is however considered to be acceptable as it will not look too dissimilar to the existing painted brickwork finish of the application property or neighbouring dwelling houses.

The use of materials is acceptable and is not considered to result in any significant visual harm upon the character and appearance of the local area.

For these reasons it is also considered that the use of render on the property would not have any detrimental implications in terms of its visual impact upon the character and appearance of the AONB.

### Neighbour amenity

The proposal would not adversely impact upon neighbouring properties given that it would be similar in appearance and do not substantially alter the size or impact of the dwelling.

### **RECOMMENDATION**

APPROVE subject to the following conditions:

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

### NOTE FOR APPLICANT

Informative:

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

### Plans relating to this application:

P033-16-105	Proposed Site Plan	24.02.16
P033-16-106	Proposed Floor Plans	24.02.16
P033-16-107	Proposed Floor Plans	24.02.16
P033-16-108	Proposed Elevation	24.02.16
P033-16-100	Location Plan	24.02.16

### List of Background Papers

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

		<b>Committee Date: 10<sup>th</sup> May 2016</b>	
<b>Newton Poppleford And Harpford (NEWTON POPPLEFORD AND HARPFORD)</b>	<b>15/2172/MRES</b>	<b>Target</b>	<b>Date: 28.12.2015</b>
<b>Applicant:</b>	<b>Cavanna Homes (Devon) Ltd And Pencleave 2</b>		
<b>Location:</b>	<b>Land South Of King Alfred Way</b>		
<b>Proposal:</b>	<b>Construction of 40 dwellings (including 16 affordable), doctor's surgery and associated infrastructure, open space and landscaping (approval of details of appearance, landscaping, layout and scale reserved by outline planning permission 13/0316/MOUT)</b>		

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

### **UPDATE REPORT**

This application was considered at the meeting of the Development Management Committee on 19<sup>th</sup> January 2016 at which it was resolved to defer a decision for negotiations to secure the submission of revised site layout details showing a greater level of dispersal, or 'pepper potting', of the proposed affordable units throughout the development.

This resolution followed the refusal of, and in March this year the dismissal of a subsequent appeal against, a previous application (ref. 15/0642/MRES) for approval of the matters reserved by the original outline planning permission (ref. 13/0316/MOUT).

In her findings, whilst not raising any issues regarding the proposed affordable housing mix or the impact of the landscaping scheme upon the AONB (which represented two other grounds for refusal imposed by the Committee), the Inspector did share the Council's concerns with regard to the lack of dispersal of the affordable housing element



and the consequent failure of the layout to facilitate the creation of an inclusive and mixed community and achieve greater social integration in line with one of the key principles embodied in both Strategy 34 of the adopted Local Plan and the relevant policies set out in the National Planning Policy Framework (NPPF) stating:

“15. The objective should be to achieve the creation of inclusive and mixed communities and the Planning Practice Guidance refers to the achievement of greater social integration. The layout would not achieve a high level of integration. Local Plan Strategy 34 states that ‘affordable housing should be pepper-potted or dispersed throughout the scheme’. I do not interpret ‘dispersed’ as meaning situated in only one location on the site and therefore the requirements of Local Plan Strategy 34 would not be met.

16. I note the appellant’s argument that Strategy 34 states ‘should’ rather than ‘*must*’, ‘*will*’ or ‘*shall*’ in terms of ‘pepper-potting’. However, the Local Plan has a clear expectation for affordable housing integration and I am not satisfied that material circumstances prevail in this case to indicate that this development, whose layout would be clearly contrary to the newly adopted development plan, should be permitted.

17. To conclude on this first main issue, I acknowledge that there is a need for affordable housing in the local area. However, among the principles of the Framework and the Local Plan is the creation of inclusive and mixed communities. This principle has not been satisfactorily embodied in the proposal before me. Therefore the development is contrary to Local Plan Strategy 34 and the Framework.”

In reaching these conclusions, the Inspector also highlighted the absence of any up-to-date evidence to establish that dispersal of the affordable housing would be financially unviable as claimed by the appellants.

Negotiations have since taken place with the applicants, involving the Council’s Housing Enabling Officer, to secure amended layout details. These details show the repositioning of two of the three pairs of semi-detached units.

One of these pairs, comprising a single shared ownership unit (plot 32) and a social rented dwelling (plot 33), is now shown occupying a location on the north side of the main estate road just to the west of the existing retained hedge that centrally bisects the site from north to south.

The other pair, both shared ownership units (plots 39 and 40), are shown further north and to the immediate east of this hedge; they would be accessed via the shared private driveway extending west from the estate road opposite the entrance to the proposed surgery car park.

The remaining pair, also both shared ownership dwellings (plots 14 and 15), would retain their position at the western end of the site. Similarly, the remaining 9 social rented units would be retained as two terraced blocks, one semi-detached pair and a pair of flats facing north towards the end of the estate road. These would therefore remain unchanged.

The details of the open market units have also been modified accordingly to accommodate these revisions.

The Council's Housing Enabling Officer has once again been consulted in respect of these amended layout details and has commented as follows:

“Having considered the latest Reserved Matters application, and after meeting with the applicant's representatives, I can confirm that the proposed affordable housing element accords with what was discussed and agreed at our meeting; namely, that the applicant has managed to provide an improved dispersal of affordable dwellings within the development. This better reflects the requirements in Strategy 34 of the new Local Plan to 'pepper-pot' or disperse affordable housing throughout the scheme.

The percentage of affordable housing, tenure split and property types are all consistent with previous expectations and comments, and are now supported.

The potential Registered Provider for this development, should approval be given, has confirmed support for the amended layout.

In summary, this latest application has dealt with concerns raised in the past and is considered acceptable in affordable housing terms.”

The amended plans have been subject to further public consultation that has resulted in the following additional comments being received:

### **Local Consultations**

#### **Newton Poppleford & Harpford - Cllr V Ranger**

This new reserved matters application needs to go back to DMC to be fully debated now the bulk of the social housing has been moved, in a row, to a different part of the estate than in the previous application.

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

Newton Poppleford and Harpford Parish Council Comments on 15/2171/MRES | Construction of 40 dwellings (including 16 affordable), doctor's surgery and associated infrastructure, open space and landscaping (approval of details of appearance, landscaping, layout and scale reserved by outline planning permission 13/0316/MOUT) | Land South Of King Alfred Way Newton Poppleford

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

Key points:

- o The affordable housing is not pepperpotted sufficiently in the revised plan and does not meet the demand for 1 bedroom properties in Newton Poppleford (EDDC identify the current need as 10 x 1 bedroom properties). Shared ownership and rented properties should be spread over the whole site and not clustered together.
- o Flooding - there are existing problems with flooding in KAW and in the High Street. This green field site will now have a significant increase in impermeable surfaces. It is imperative that there is a robust, lifetime management plan in place for the attenuation tanks to guard against lack of maintenance and failure. The attenuation tanks are in the ground at a height above the existing properties in King Alfred Way and in the High Street. Additional measures should be explored eg. Landscaping, extra trees and permeable surfaces to future proof the site and its impact.
- o The Parish Council recommends that a planning condition be inserted that the surgery be built and fitted out in the first phase of building.
- o Car parking is insufficient for this size of development. A path is provided on one side of the road only, meaning that people will park on the shared space. Although there are a few bus routes through NP, this is still a rural village and is not connected to the places that people need to go for education, health, shopping etc..
- o Landscaping needs to be more sympathetic with the surrounding AONB, including a need for additional trees (which also help to manage water and have a cooling effect in summer).

Detailed Comments

#### 1. Overall layout

The Parish Council:

- o Supports the positioning of open space between the new development and existing houses.
- o Supports that the surgery car park has been moved away from the existing houses.
- o Queries that enough open space has been provided for the new development (in line with East Devon's Strategy 43)? The village's main open space and playground is well over 1km from the development. There is very little scope for any new open space to be found in the village.

- o Suggests that areas within the development zone to the south be designated as open space to provide amenity for the community.
- o Queries that the internal road will provide sufficient access for large vehicles (eg. Refuse lorries) to turn around, especially as in other parts of the application it states that parking for visitors will be on the road.
- o Queries the road design which includes long straight sections of roads that will encourage faster driving and is contra to the application of shared space surfaces.
- o Queries the distribution of the housing throughout the site, which has changed from the original outline plan?
- o Suggests the houses are distributed more evenly across the site especially as the houses will be visible across the landscape.
- o More 1 bedroom affordable properties are required in Newton Poppleford to identify the current need of 9, and this is understood to be an underestimate of future needs.
- o Queries what the overall ridge heights of new houses will be over the existing houses in KAW?
- o Queries any proposed street lighting plan - any street lighting should be designed to minimise light pollution.
- o Recommends approval of the final scheme on condition that the permitted access does not extend beyond the approved 40 houses plus surgery as permitted in the outline approval at anytime in the future.

## 2. Retaining walls

The Parish Council

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

## 3. Parking

The Parish Council:

- o Parking areas and non-parking areas will need to be clearly designated and controlled to ensure good access for all vehicles and pedestrians.
- o Queries that there only appears to be one parking space for plots 5-12 and 29-37 39 and 40 (Ref. Site Layout - 12706 L01 10)? Properties which have garages will

generally use them for storage and not for parking, which means further vehicles are parked on the road.

- o Suggests that two parking spaces should be provided per property as a minimum as all properties have at least 2 bedrooms (East Devon Local Plan TC9).
- o Queries whether there will be sufficient parking spaces in the surgery car park for staff, patients and disabled spaces and how the car park will be managed with respect to residents parking there?
- o Queries how parking will be prevented and controlled in the shared space? The Manual of Streets 2 considers that 'Control of parking needs to be considered in level surface schemes' to ensure that parking does not prevent pedestrian access.

#### 4. Traffic access

The Parish Council:

- o Query that there is no indication of how construction traffic will be managed during development and the how the impact on the existing homeowners will be monitored?
- o Requests that the developer provides a contact for existing residents.
- o Query what the impact will be on the existing KAW road due to increased traffic from visits to the surgery and an increase in cars from new properties? The A3052 through Newton Poppleford already experiences 12,000 vehicle movements each day (Police Radar study July 2014) which makes access onto the main road from KAW difficult. Due to lack of parking space on properties in the existing King Alfred Way, many vehicles are parked on the road.
- o Requests that adequate road markings are provided for side access roads in King Alfred Way, given the expected increase in traffic due to 40 additional houses and visits to the surgery.

#### 5. Flooding

The Parish Council:

- o Queries the reference that is made to the Flood risk assessment report from the KAW outline application, as the drainage plans are out of date with respect to the changes that have been made to the original plans. There appeared to be no drainage plans in the reserved matters proposal.
- o Recommends that a condition be put on the developer to use permeable surfaces where hard surfaces are indicated for paving, recreational and amenity areas, and parking. The attenuation tanks proposed are not regarded as a SUDs scheme, so further measures are needed. The Geotechnical Report states:

- o Supports the use of attenuation tanks for managing most of the surface flows from the development. But recommends that:
    - o attenuation tanks are future-proofed and designed to withstand a 1 in 200 extreme rainfall event. The standard Environment Agency advice of 1 in a 100 year event does not reflect the reality of increasing extreme events (see Met Office projections for winter rainfall extremes, for example projections for winter rainfall in Exeter show that a 1 in 100 year event may be as frequent as 1 in 40 year event by the 2040s) ie. extreme flooding events would occur more frequently;
    - o both attenuation tanks are managed by South West Water with a clear, long term management plan for the lifetime of the development. The tanks should both be the same design with a wash through system so that any silt can be washed through the tank;
    - o attenuation tanks should be completely submerged below the level of the existing housing stock to ensure the risk of a catastrophic failure of the tanks is reduced to an acceptable level and will not flood existing properties.
    - o Recommends that cost-effective swales (SUDS component) be introduced at the northern side of the site near the open space and Farthings Lane to ensure surface run-off is channelled away from existing houses. Surface flooding has already affected properties on Farthings Lane. The new development will be built on a hill that slopes down towards existing houses in King Alfred Way. The new development appears to be about 2 metres higher than existing houses and ends in a footpath and hedge. (External works plan 14149-016). The open space slopes down to the existing KAW houses and it appears that no drainage is included. Introduction of swales (channels) could be part of the sites landscaping providing improved green infrastructure. The Geotechnical Report recommended the use of swales on the southern side, this would be an extension of their use to the northern side.
    - o Queries the use of shared space design in the layout as in the absence of a drainage plan 'Low kerbs and flush surface to surroundings will enable surface water to flow more easily than the usual kerb and road design'. The Manual of Streets states 'that designing for drainage needs particular care'.
    - o Queries whether the existing sewerage system through King Alfred Way will cope with additional sewage from another 40 houses? The sewer blocks occasionally outside No.34 KAW, where it seeps out from under the manhole cover.
    - o Queries what if any drainage and flood prevention measures will be implemented during the construction phase to protect existing Newton Poppleford residents.
6. Pedestrian access (Ref. S38 Plan - 14149-003)

The Parish Council:

- o Queries that adequate pavements have been provided on both sides of the road in the proposed development. The road through the development has footpath (2m width) along one side and shared road/pedestrian surface along the other side (0.5m width).
- o Recommends that the central footpath needs to be lit by low-level lighting, as it has a high hedge on one side and fencing on the other side of the path.
- o Queries how parking will be managed in shared surface area to ensure that parking does not prevent pedestrian access. The Manual of Streets 2 considers that 'Control of parking needs to be considered in level surface schemes'.
- o Recommends the need to include tactile features in the paving for the partially sighted, especially when using shared space layout.
- o Queries the £25k earmarked for the upgrade of Footpath 1 and suggests this is insufficient for improving the whole path. A proper survey and estimate of costs to make Footpath 1 into a viable public pathway needs to be done.

## 7. Surgery

The Parish Council:

- o Recommends that a planning condition be inserted that the surgery be built and fitted out in the first phase of building.
- o Recommends that a signed contract to occupy the surgery is made a condition of the proposal prior to approval.
- o Would like an assurance that the surgery will not be increased in size other than that which is necessary to cater for the increased demands from the residents of Newton Poppleford itself

### Environmental Health

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

### Environment Agency

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

Thank you for your email. However we should not have been consulted on this application.

The site lies within Flood Zone 1. We advise that we have no comment to make on this application and recommend that you consult Devon County Council, the Lead Local Flood Authority, on the proposal.

As you will be aware, following revisions to the Development Management Procedure Order (DMPO), from 15 April 2015 the Environment Agency is no longer a Statutory Consultee for matters relating to surface water drainage; we do however remain a statutory consultee for developments within Critical Drainage Areas (CDAs). Further guidance on when to consult us can be viewed on our Flood Risk Standing Advice via the following link: <https://www.gov.uk/flood-risk-assessment-local-planning-authorities>

### Natural England

Thank you for your consultation.

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 12 September 2013 and 29 April 2015 under their previous planning references, and our letter dated 12 October 2015 under planning reference 15/2172/MRES.

The advice provided in our previous response applies equally to this application although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

### County Archaeologist

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

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



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

#### DCC Flood Risk SuDS Consultation

Thank you for referring the above application which was received on 05/04/2016.

Devon County Council Flood and Coastal Risk Management Position.

With regards to the above application, further to the amendments to the site layout the drainage strategy remains the same. Hence our comments on the 23rd of December remain:

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

The information received from Jamie Purdue (TWP Consulting Engineers), provides evidence that infiltration to dispose of surface water is not an option at this site. The BRE365 infiltration testing conducted by Ruddlesden Geotechnical in 2014 (ref: SR/JW/DT/14137/GICAR) indicated that 6 of the soakaway tests failed and that the ground conditions are insufficiently permeable for conventional soakaway drainage. It also confirms that steep gradients within the site would be unsuited to infiltration techniques. As such, on steep sites the use of infiltration needs careful consideration in that any infiltration will not cause raised groundwater levels and/or waterlogging of downstream areas, and that slopes are not made unstable. However infiltration has shown not to be acceptable on this site, hence the removal of infiltration features from the strategy.

Given that there is no natural watercourse available in close proximity to the site, it has to be accepted, following the drainage hierarchy, that draining to the South West Water's public surface water sewer is the only viable option for surface water disposal. As such the requirements for adoption and access to SWW systems restricts the use of open SuDS above the adoptable network, hence the use of below ground attenuation system. The use of sealed underground attenuation tanks, as required by SWW to secure their adoption, as per our previous comments are not considered a true SuDS scheme, however this is best that can be achieved with the 2 constraints above. It is also noted that the required attenuation storage required in meeting Greenfield runoff rates could not be readily achieved through an above ground feature.

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

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

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

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

### **Other Representations**

A further 8 representations have been received as a result of the further consultation comprising 6 letters of objection and 2 letters of support.

The letters of objection reiterate previous concerns and can be summarised as follows:

- The application again fails to take into account the need for pepper-potting and does not provide a balanced community with a run of affordable units retained;
- Drainage continues to be a problem and a SuDS scheme is not proposed;
- The proposal remains contrary to a number of the local plans strategic policies and in particular Strategies 34, 35 and 36;
- Should provide 66% affordable housing;
- Detrimental visual impact on the AONB;
- Properties are not suitable for the disabled;
- The Deed of Variation cannot be enforced;
- The housing continues to be cramped;
- Should be limited to 15 dwellings;
- The views of the Parish Council and AONB have not been adequately heard;
- Overcrowded Site. Too many houses;
- The Housing Mix requirements are not transparent;

- Inadequate car parking provision;
- The landscaping scheme is inadequate and needs a revised layout to properly address;
- The Farthing lane crossing requires appropriate colour/markings and surfaces that are not adequately detailed.

The two letters of support can be summarised as follows:

- The layout has been amended as requested by DMC in January and this was the only outstanding concern;
- The Inspector did not provide a guide on the extent of pepper-potting required and in the absence of guidance the views of the Housing Officer are significant;

Whilst the comments in response to the further consultation are noted, the majority of the comments from consultees and third parties have been addressed in the original committee report. The further comments do however show some local dissatisfaction with the amended plans in terms of the lack of pepper-potting of the affordable housing and express the view that the amended plans do not go far enough in providing an adequately dispersed layout.

In the light of both the appeal Inspector's findings in respect of the first reserved matters application and the resolution taken by the Committee in January in relation to this current amended submission, the dispersal of the affordable housing element represents the single remaining issue to be resolved in this matter. All other matters were considered acceptable by the Inspector, did not form a reason to dismiss the appeal and were not reasons for deferral of the application in January.

Given the improved dispersal of the units, in light of the support offered by the Housing Enabling Officer to the level of dispersal of the affordable units throughout the site, and despite the fact that further dispersal of the units would have been preferable given that a run of 9 units remain at the end of the cul-de-sac, it is considered that the proposal is acceptable.

Approval is therefore recommended, largely in line with the original report presented to the Committee in January.