

Agenda for Development Management Committee

Thursday, 12 May 2016; 11am

(This is an additional meeting for May due to the number of applications to be considered.)

[Members of the Committee](#)

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

[View directions](#)

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[Speaking on planning applications](#)

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

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

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

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

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Tuesday 3 May up until 12 noon on Friday 6 May by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

Speaking on non-planning application items

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

1 Apologies

2 [Declarations of interest](#)

3 [Matters of urgency](#)

4 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

5 **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.

15/2897/FUL (Minor) (page 4 - 17)

Ottery St Mary Town

Eastleigh, Slade Road, Ottery St Mary EX11 1JE

Application was deferred for a site inspection on 5 April 2016 – the Committee will have carried out a site visit in advance of the meeting.

15/2871/FUL (Minor) (page 18 - 30)

Ottery St Mary Rural

Knapp Cottage (land adjoining), Lower Broad Oak Road, West Hill, Ottery St Mary EX11 1XH

16/0379/VAR (Minor) (page 31 - 37)

Ottery St Mary Rural

The Gap (land to the north of), Lower Broad Oak Road, West Hill, Ottery St Mary EX11 1UD

15/2309/MFUL (Major) (page 38 - 58)

Ottery St Mary Town

The London, Gold Street, Ottery St Mary EX11 1DG

Break

(Lunch will be provided for Development Management Committee members)

Afternoon Session – the items applications below will not be considered before 2pm. Please note the following applications are all scheduled to be considered in the afternoon, however the order may change – please see the front of the agenda for when the revised order will be published.

15/2399/FUL (Minor) (page 59 - 73)

Dunkeswell

Woodmead (land adjoining), Sheldon, Honiton EX14 4QU

15/1588/FUL (Minor) (page 74 - 86)

Feniton and Buckerell

Deer Park Hotel, Weston, Honiton EX14 3PG

15/2596/OUT (Minor) (page 87 - 98)

Sidmouth Rural

Myrtle Farm, Fore Street, Sidbury EX10 0RS

16/0403/VAR (Minor) (page 99 - 108)

Sidmouth Town

Land at Sidmouth House and Bay Trees, Cotmaton Road, Sidmouth EX10 8ST

15/2326/FUL (Minor) (page 109 - 118)

Tale Vale

Milton Yard, Payhembury

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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Ward Ottery St Mary Town

Reference 15/2897/FUL

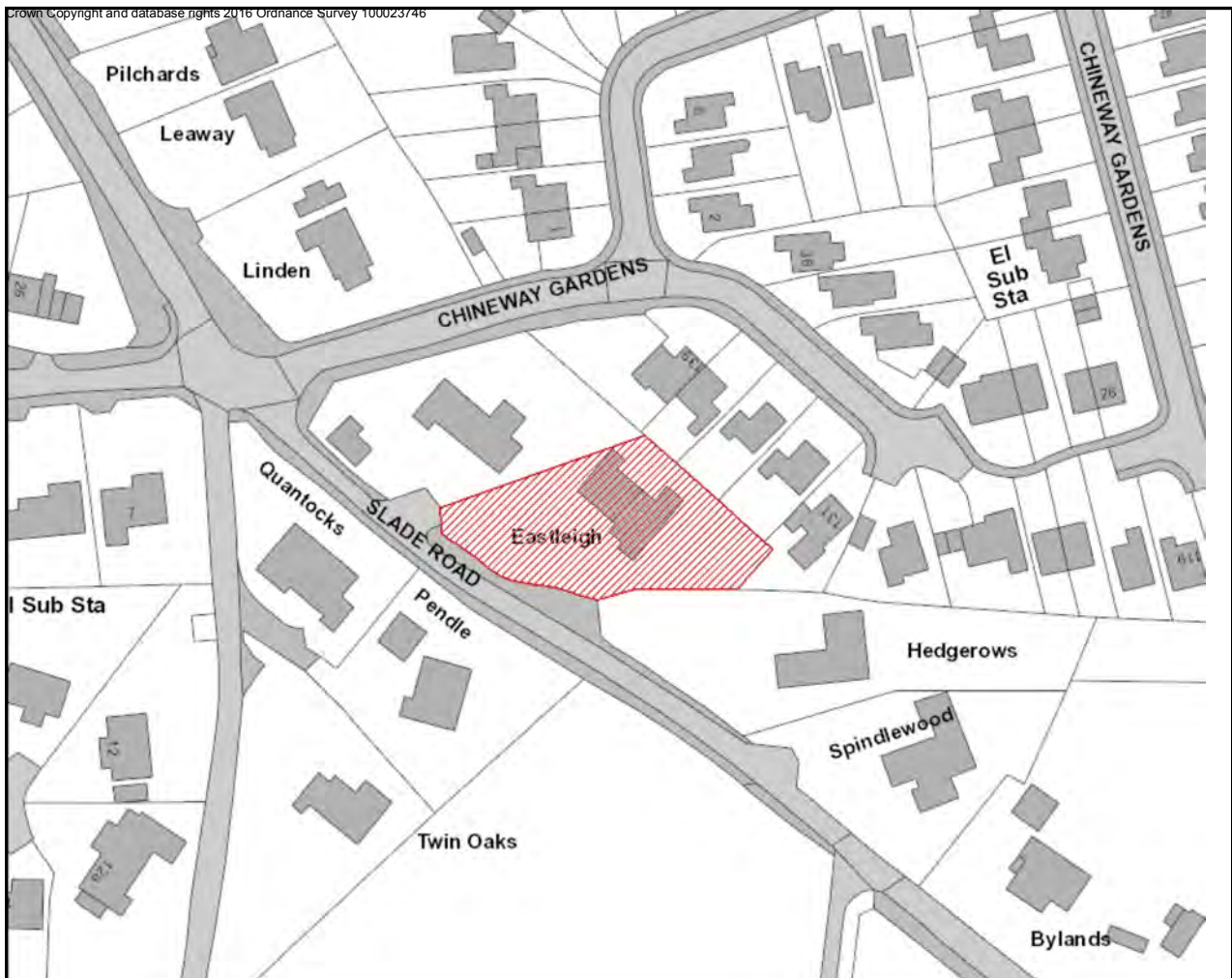
Applicant Mr And Mrs D North

Location Eastleigh Slade Road Ottery St Mary EX11 1JE

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



RECOMMENDATION: Approval with conditions



		Committee Date: 10th May 2016
Ottery St Mary Town (OTTERY ST MARY)	15/2897/FUL	Target Date: 16.02.2016
Applicant:	Mr And Mrs D North	
Location:	Eastleigh Slade Road	
Proposal:	Demolition of bungalow and construction of 2no detached two storey dwellings with integral garages	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application was deferred at the last Development Management Committee for a Site Inspection. The application was originally brought before the Committee as the officer recommendation is contrary to the view of the Ward Member.

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

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

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

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

However, the principal concerns expressed by the town council, ward member and third parties relate to the visual impact arising from the introduction of two storey development in place of the existing bungalow within a part of the street

scene of Slade Road that is presently characterised by lower density and mainly single storey detached properties as well as the effect on the occupiers of the Chineway Gardens dwellings to the rear of the site.

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

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

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

CONSULTATIONS

Local Consultations

Parish/Town Council (Original plans)

Town Council's Comments:

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

Further comments (Amended plans):

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

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

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

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

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

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

Technical Consultations

South West Water

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

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

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Please find enclosed a plan showing the approximate location of a public sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.

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

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

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

County Highway Authority
Highways Standing Advice

Other Representations

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

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

ANALYSIS

Relevant Planning History

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

Site Location and Description

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

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

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

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

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

Proposed Development

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

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

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

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

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

The main body of Plot 1, excluding the double garage and single storey connecting elements, shallow front and rear single storey bay windows and chimneys, would

incorporate maximum width and depth dimensions of 9.5 metres and 7.4 metres respectively while the corresponding dimensions of plot 2 would measure 10.1 metres and 9.8 metres (inclusive of the additional depth created by the two storey front and rear gabled elements). The attached garages in both cases would measure 5.7 metres square with roof ridge heights of 4.3 metres. All stated dimensions are external.

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

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

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

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

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

Considerations/Assessment

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

Principle of Development

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

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

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

Impact upon Character and Appearance of Area

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

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

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

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

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

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

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

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

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

Impact upon Neighbour Amenity

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

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

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

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

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

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

Highways/ Access

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

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

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

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

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

Landscaping

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

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

Drainage

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

Ecology

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

Contributions

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

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

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

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

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

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

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

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Notwithstanding the submitted details, before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031.)
4. Notwithstanding the submitted details, before any development commences details of final finished floor levels and finished ground levels in relation to a fixed datum shall be submitted to and approved in writing by the Local Planning

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

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

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

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

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

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

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

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

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

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

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

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

NOTE FOR APPLICANT

Informative:

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

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

Plans relating to this application:

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

List of Background Papers

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

Ward Ottery St Mary Rural

Reference 15/2871/FUL

Applicant Mr And Mrs N C Gaywood

Location Knapp Cottage (land Adj) Lower Broad Oak Road West Hill Ottery St Mary EX11 1XH

Proposal Construction of single storey dwelling, carport and garden store.



RECOMMENDATION: Approval with conditions



		Committee Date: 10th May 2016
Ottery St Mary Rural (OTTERY ST MARY)	15/2871/FUL	Target Date: 28.03.2016
Applicant:	Mr And Mrs N C Gaywood	
Location:	Knapp Cottage (land Adj) Lower Broad Oak Road	
Proposal:	Construction of single storey dwelling, carport and garden store.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is brought before the Committee as it relates to a proposal that represents a departure from the adopted Local Plan and cannot be determined through the delegation procedure in circumstances where an officer recommendation of approval is put forward.

It involves a second amended scheme for the construction of a single detached three bedroom dwelling on a plot to be formed from the sub-division of the curtilage of Knapp Cottage, a detached property located to the east of Lower Broad Oak Road beyond the defined built-up area boundary of West Hill.

Under ordinary circumstances, given the present position where the Council is able to give full weight to relevant housing supply policies (including defined built-up area boundaries) following the adoption of the New Local Plan earlier this year, the proposal would clearly be contrary to policy as amounting to unjustified residential development occupying an unsustainable location within the countryside outside of a built-up area boundary.

However, the present proposal comprises an amended scheme to that subject of two previous planning permissions for a dwelling on the site, both of which are currently extant.

The first of these (ref. 13/2459/FUL) was granted at appeal in August 2014 with the Inspector finding the proposal to be acceptable having applied the presumption in favour of sustainable development set out in the National Planning Policy Framework in finding, at that stage, the absence of a five year supply of available housing land within the District and therefore giving little weight to the built-up area boundary of West Hill defined in both the former and (then) emerging new plans.

A subsequent permission (ref. 14/2998/FUL) for a revised scheme was approved by the Council in May 2015.

Given the existence of these permissions therefore, it is not considered that the principle of this latest modified proposal could reasonably be resisted. The siting and scale of the dwelling would compare favourably with that of both of the previous proposals and there are no objections to its form or design. Furthermore, it would be capable of being accommodated without any detriment to the character or appearance of the area or the living conditions of the occupiers of the adjacent property Knapp Cottage.

Subject therefore to the imposition of conditions, as before, relating to the submission of details of materials, tree protection measures and landscaping along with compliance with the measures set out in the applicants' ecological report, this latest proposal for a dwelling on the site is considered to be acceptable.

Whilst there is some empathy with the objections raised by the town council on the grounds of sustainability and the location of the site outside of the built-up area boundary of the settlement, for the reasons set out it is not considered that a refusal of permission could reasonably be justified in this instance. The applicants' aspirations of achieving a development to meet level 6 of the Code for Sustainable Homes carried only limited weight with the appeal Inspector in the assessment of the original scheme and therefore the extent to which this present proposal seeks to meet the same objective does not represent a consideration of significant weight in the overall planning balance.

No ward member observations or third party representations have been made in respect of the proposal.

CONSULTATIONS

Local Consultations

Parish/Town Council

TOWN COUNCILS COMMENTS: The Town Council does not support this application. It is outside of the built-up area boundary and is contrary to the new East Devon Local Plan. It does not respect the pattern of the village and encroaches on the countryside. There is no sustainability due to its distance from the village and amenities. The original planning application adhered to Level 6 Sustainability Regulations; however this application does not appear to comply with these Regulations.

Technical Consultations

Natural England

Dear Sir or Madam

Planning consultation: Construction of single storey dwelling, carport and garden store.

Location: Knapp Cottage (land Adj) Lower Broad Oak Road West Hill Ottery St Mary EX11 1XH

Thank you for your consultation on the above dated 15 February 2016 which was received by Natural England on 15 February 2016.

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

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

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

Statutory nature conservation sites - no objection

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

Protected species

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

Natural England has published Standing Advice on protected species.

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

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

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

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts),

adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

Local sites

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

Biodiversity enhancements

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

Sites of Special Scientific Interest Impact Risk Zones

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

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

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

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Other Representations

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

PLANNING HISTORY

Reference	Description	Decision	Date
14/2998/FUL	Construction of single storey carbon neutral dwelling	Approval with conditions	21.05.2015
13/2459/FUL	Creation of two storey carbon neutral dwelling	Refusal but Appeal upheld.	10.03.2014

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 43 (Open Space Standards)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

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

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

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

EN22 (Surface Run-Off Implications of New Development)

TC9 (Parking Provision in New Development)

Strategy 50 (Infrastructure Delivery)

ANALYSIS

Site Location and Description

The application site comprises a part of the extensive garden area of Knapp Cottage, a detached dwelling located outside of the built-up area boundary of West Hill as applied through the adopted local plan. It is one of two properties, the other being Stones House immediately adjacent to the west, that are physically and visually set apart from the edge of the village, and Lower Broad Oak Road in particular, through the presence of a field between the two. Both are accessed off Lower Broad Oak Road by separate driveways.

Nevertheless, detailed planning permissions exist for two similar schemes involving the construction of a detached dwelling to the immediate east of the host dwelling on a plot formed from the subdivision of the curtilage of the property. The older of these (ref. 13/2459/FUL) was granted on appeal in August 2014 following the Authority's decision to refuse permission with the more recent (ref. 14/2998/FUL) approved by the Council in May 2015. Both permissions remain extant at the present time.

The site, and indeed the whole garden of Knapp Cottage, has a largely secluded and sylvan character that is complementary to that of the countryside that encircles the majority of it.

The more recent permission itself relates to a scheme involving modifications to reduce the overall floor area of the original approved development granted on appeal and create only a single level of accommodation in place of the split level built form of the latter. The siting proposed for both developments is however identical.

Proposed Development

The current proposal seeks permission for a further amended scheme involving, once again, essentially single level accommodation in the form of a three bedroom unit. However, the intended approach to the built form is significantly different to that of both of the previous approved schemes, principally insofar as the submitted details show a pair of slate or standing seam monopitch roofs with one subservient in height to the other and abutting a section of vertical walling just below its ridge (a monopitch and lean-to roof form) in place of the curved grass roof previously approved. In addition, subservient single storey elements housing one of the bedrooms (which is also shown as a potential office) and a small garden room at the north western and south eastern corners respectively would be incorporated within the design.

Furthermore, the elevation treatment would also be modified to show variations to the proposed window design and positioning with areas of Larch vertical timber boarding applied to parts of the two shorter north and south elevations. Elsewhere, the wall finish would comprise painted render as before.

The proposal also includes the construction of a small detached monopitch-roofed garden store to the immediate north of the principal dwelling as well a detached

monopitch-roofed car port adjacent to part of the northern site boundary to its east. The intended positions of the main dwelling and the garden store largely occupy the footprint areas of the previous approved schemes.

The layout and alignment of the proposed driveway that would serve the development would be largely unchanged from the arrangements previously approved. This would again essentially follow an existing currently unmade grassed track that extends through the group of trees to the east of unsurfaced driveway that serves Knapp Cottage itself.

The submitted application documents also include a detailed landscaping plan for the site and landscaping information by way of an appendix to a design and access statement, an ecological report and an arboricultural report incorporating a method statement, including details of a 'no dig' construction of the proposed driveway and tree and ground protection areas and measures.

Considerations/Assessment

The main issues that are material to consideration of the proposal are discussed in turn below.

Principle of Development

The original permission for the construction of a dwelling on the site allowed on appeal in 2014 was granted at a time when the Council was unable to demonstrate that it had an available and deliverable five year supply of housing land, plus an additional 20% buffer in acknowledgement of previous under supply of such land, in line with the requirements set out in the National Planning Policy Framework (NPPF). The appeal Inspector, in therefore applying the presumption in favour of sustainable development (in circumstances where housing supply policies cannot be considered up to date on account of the absence of a five year supply of housing land in line with paragraph 49 of the NPPF), found the site to occupy a sustainable location in relation to the services and facilities offered in West Hill, notwithstanding its location outside of the defined built-up area boundary to which he gave little weight.

The current policy position is now rather more different insofar as, in finding the new Local Plan sound, the examining Inspector acknowledged that it provides for the requisite supply of housing land. As a consequence, housing restraint policies that it contains now carry full weight. On the face of it therefore, in view of the location of the site outside of the built-up area of West Hill the principle of additional housing would appear to be unacceptable.

However, the existence of the two extant planning permissions for alternative schemes for the site is thought also to carry considerable weight in this instance. Taken together with the absence of any significantly greater harm (relative to these previous proposals) that it is considered would result from the current application proposal that would justify objection it is conceded, in view of the background history relating to the site, that a grant of permission for this latest scheme could not reasonably be opposed. Furthermore, it is not considered that this would necessarily

establish a precedent for the acceptance of proposals for residential development of sites that occupy locations outside of settlement boundaries elsewhere in view of the particular circumstances relating to this site and development.

As such therefore, whilst there is considerable sympathy with the town council's objection to the proposal based upon the location of the site outside of the built-up area boundary, its distance from services and facilities and its impact upon both the open countryside and the prevailing settlement pattern, given the balance of the foregoing considerations it is not thought that they could reasonably form a strong basis upon which to justify refusal of the application.

The Town Council raise concerns that the proposal does not offer Code for Sustainable Homes Level 6 as previously offered by the applicant. However, the applicants' aspiration of achieving a development to meet level 6 of the Code for Sustainable Homes carried only limited weight with the appeal Inspector in the assessment of the original scheme and as such was not secured through a legal agreement or condition. As such, the extent to which this present proposal seeks to meet the same objective does not represent a consideration of significant weight in the overall planning balance.

Impact upon Character and Appearance of Area

Although proposing a different built form, design and external appearance to both of the previous approved schemes, the siting, footprint area, scale and general massing of the proposed dwelling would compare reasonably closely with them. In this regard, together with acknowledgement as to the nature of both of the extant permissions relating to the site, it is accepted that the proposed dwelling would appear appropriate to its setting, subject to consideration of further details of materials/finishes, and would not cause undue harm or detriment to the character or appearance of the area. Furthermore, the level of general tree and hedge planting/screening in the area, both within and bordering the site and slightly further afield, would mitigate any limited landscape visual impact that might arise from its siting. There are therefore no particular concerns regarding the proposal with regard to this issue.

Impact upon Neighbour Amenity

The host dwelling Knapp Cottage is the only residential property within close proximity of the application site. However, whilst the proposed dwelling would occupy a position that would be relatively close to it, its relatively modest scale, proportions and height coupled with the boundary screening that would be retained in the form of an evergreen hedge is such that it is not considered that it would cause any undue harm to the privacy available to the occupiers or the outlook or aspect from which they and the property benefit through being unduly physically overbearing, dominating or intrusive.

Highways/Access

As with both of the previous schemes subject of the two extant permissions, the proposal would not give rise to any concerns or issues with regard to highway safety

in terms of the level of additional vehicular movements that would be generated, visibility standards at the junction of the shared private driveway to the site with Lower Broad Oak Road or any potential vehicular/pedestrian conflict.

No comments have been received with regard to the proposal from the County Highway Authority.

Impact on Trees

As before, the proposed dwelling would occupy a very similar position and footprint area to that of both of the previous approved schemes that would be outside of the root protection areas of trees to be retained. However, once again it is anticipated that the proposed driveway would encroach into these in places. The submission of tree protection details and an arboricultural method statement are therefore once again recommended by condition to ensure that appropriate measures are put in place during the course of the development to safeguard the trees and the sylvan character of the site.

Contributions

As with the previous application, the current submission is accompanied by a unilateral undertaking that secures obligations relating to the payment of financial contributions of £1,676.25 towards the provision and enhancement of childrens' play facilities in West Hill and £626 towards measures to mitigate the impact of the development upon the Pebblebed Heaths Special Protection Area in line with the Council's adopted approach towards fulfilling its obligations in this regard under the Habitat Regulations. As there are two permissions in place that provide fall-back positions for the applicant where an affordable housing contribution is not payable, it would be unreasonable to require one in this instance despite a change in the policy position in the Local Plan regarding affordable housing contributions since the grant of the previous permissions.

Any grant of planning permission would need to be read in conjunction with the undertaking.

RECOMMENDATION

APPROVE subject to the following conditions:

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

3. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031.)
4. Notwithstanding the approved plans, no development shall commence until a scheme for the hard and soft landscaping, including boundary treatments and the surfacing of the access and parking areas, has been submitted to and approved in writing by the Local Planning Authority. The approved 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 other 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.)
5. The development shall be carried out in accordance with the recommendations for ecological enhancement in Section 5 and protection of ecological features in Section 6 of the Ecological Report prepared by Martin J. Gaywood dated 28th November 2015.
(Reason - In the interests of nature conservation in accordance with Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013 - 2031.)
6. Prior to commencement of any works on site (including demolition and site clearance or tree works) a scheme for the protection of retained trees shall be submitted to and approved in writing by the Planning Authority. The scheme shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

No operations shall be undertaken on site in connection with the development hereby approved (including tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the protection scheme.

Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure retention and protection of trees on the site during and after construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the adopted New East Devon Local Plan 2016.)

7. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed Construction Specification/Method Statement for the construction of the access track shall be submitted to and approved in writing by the Local Planning Authority. The works to form the access track shall be undertaken in accordance with the approved Construction Specification/Method Statement prior to the occupation of the dwelling.

(Reason - To ensure retention and protection of trees on the site during and after construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the adopted New East Devon Local Plan 2016.)

8. The dwelling hereby permitted shall not be occupied until the means of vehicular access, turning area and parking area have been constructed in accordance with the approved plans.

Reason - In the interests of highway safety and to ensure adequate and appropriate parking is provided in accordance with Policies TC2 (Accessibility of New Development) TC7 (Adequacy of Road Network and Site Access) of the adopted 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.

This planning permission is accompanied by, and should be read in conjunction with, the unilateral undertaking relating to the payment of financial contribution towards mitigation of the recreational effects of additional residential development upon the Pebblebed Heaths Special Protection Area and Special Area of Conservation and open space provision/enhancement.

Plans relating to this application:

001/15	Combined Plans	18.12.15
003/15	Combined Plans	18.12.15
002/15	Proposed Site Plan	18.12.15
004/15	Other Plans	18.12.15

List of Background Papers

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

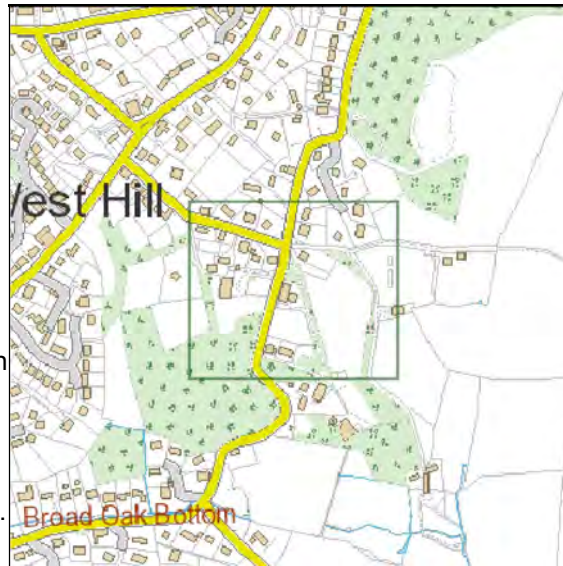
Ward Ottery St Mary Rural

Reference 16/0379/VAR

Applicant Mr Roy Stuart

Location The Gap (Land To The North Of)
Lower Broad Oak Road West Hill
Ottery St Mary EX11 1UD

Proposal Variation of condition 2 of planning permission 15/1486/FUL (demolition of existing barns, construction of dwelling car port and plant room and store and formation of new access, driveway and parking area, to amend the design of the dwelling.



RECOMMENDATION: Approval with conditions



		Committee Date:
Ottery St Mary Rural (OTTERY ST MARY)	16/0379/VAR	Target Date: 09.05.2016
Applicant:	Mr Roy Stuart	
Location:	The Gap (Land To The North Of) Lower Broad Oak Road	
Proposal:	Variation of condition 2 of planning permission 15/1486/FUL (demolition of existing barns, construction of dwelling car port and plant room and store and formation of new access, driveway and parking area, to amend the design of the dwelling.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

Planning permission is sought for a variation to the approved scheme for the construction of a dwelling on the site. This application is presented to Members because the site is located outside the built-up area boundary for West Hill and is therefore a departure from the adopted Local Plan.

The new scheme has a slightly more compact footprint but where floor space is lost by reducing the length of the two wings, it is gained by increasing the floor area of the link and by the addition of a first floor loft space over part of the building (which would increase the eaves and ridge height by about 1 metre). The other main changes are the loss of the 'reflecting pools', the loss of the 'living wall' from the east elevation (to be replaced by timber cladding) and the loss of the 'living wall' between the two wings.

In spite of the loss of certain design features, the proposal remains well-conceived and has had appropriate regard to the constraints of the site and the opportunities available. The former agricultural buildings have now been removed which makes comparison more difficult, but the proposed building is of a smaller scale would not detract from the character and appearance of the area. Even the slightly bulkier wing resulting from the addition of a loft space would not appear prominent or harmful to the character and appearance of the area given the site is well screened.

Subject to the same conditions as before, the proposal is acceptable.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Town Council supports this application.

Other Representations

None received.

Technical Consultations

County Highway Authority

Highways Standing Advice

PLANNING HISTORY

Reference	Description	Decision	Date
15/1486/FUL	Demolition of existing barns, construction of dwelling, car port and plant room and store and formation of new access, driveway and parking area.	Approval with conditions	09.10.2015
85/P1633	Residential Development	Refusal	10.12.1985

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 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

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

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)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

This triangular site is to the north of The Gap, West Hill, Ottery St Mary accessed by a private road from Lower Broad Oak Road. Residential dwellings are located on the opposite sides of the road and private access to the north of the plot. Two dwellings are located to the south of the site separated by an open field. The site is not within flood zones 2 or 3. The topography of the site is relatively level and the site is outside of the built-up area boundary.

Until recently on site were 2.no agricultural barn buildings but these have now been removed. There are numerous trees, specifically on the boundaries of the site and within the northern half of the plot. The western boundary is made up of an approx 2.5m high Devon bank and hedge, to the south the boundary is currently open timber fencing and the eastern boundary is part open, part hedge.

ANALYSIS

Planning permission is sought for the erection of a detached dwelling house. This is a revised proposal following the grant of planning permission for a dwelling on this site in October 2015 at a time when the Council could not demonstrate a five year supply of housing land.

The approved scheme is for a single storey building comprised of two wings in a 'V' formation linked by an entrance atrium. Between the wings the plans show paved areas and 'reflecting pools', as well as a 'living wall' (ivy over a metal frame) as landscape features.

This new scheme has a slightly more compact footprint but where floor space is lost by reducing the length of a wing, it is gained by increasing the floor area of the link and by the addition of a first floor loft space over part of the building (which would increase the eaves and ridge height by about 1 metre). The other main changes are the loss of the reflecting pools, the loss of the 'living wall' from the east elevation (to be replaced by timber cladding) and the loss of the living wall between the two wings.

In other respects, such as the position of the building, the layout of the access and the size and position of the car port and plant room/store, the proposal remains as approved. In particular, there is no change to the relationship with the trees on the site.

Given that the principle of residential development has been established through the previous consent, and given that the 2015 application can still be implemented and provides a fall-back position for the applicant, the main issue to consider in this variation application is whether the design changes result in an acceptable form of development.

In spite of the loss of certain design features, the proposal remains well-conceived and has had appropriate regard to the constraints of the site and the opportunities available. The 'V' plan form reflects the triangular shape of the site and the largely single storey building would result in a low visual impact.

The former agricultural buildings have now been removed which makes comparison more difficult, but the proposed scheme would have a lesser visual impact than the barns and would not detract from the character and appearance of the area despite the design changes. Even the slightly bulkier wing resulting from the addition of a loft space and loss of living walls would not appear prominent or harmful to the character and appearance of the area given that the site is well screened.

Subject to the same conditions as before, the proposal is acceptable.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before 9 October 2018 and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)
4. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed plan showing the layout of above and below ground services, foul and surface water drainage and other infrastructure shall be submitted to and approved in writing by the Local Planning Authority (notwithstanding any additional approvals which may be required under any other legislation). Such layout shall provide for the short term protection and

long term retention of the trees and hedgerows. No development or other operations shall take place except in complete accordance with the approved service/drainage/infrastructure layout.

(Reason - A pre-commencement condition is required to ensure from the outset of the development the continued well being of the trees in the interests of the amenity of the area in accordance with policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031.)

5. No development shall take place until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. Such a scheme to provide details of the screen planting around the curtilage of the dwelling hereby permitted and details as to the surface treatment of the no-dig drive and parking area, forecourt and courtyards shown on drawing no. A.01. 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 East Devon Local Plan 2013-2031.)

6. Development hereby permitted shall only take place in complete accordance with the tree report (dated 25th June 2015) and associated plans (Tree protection plan and Arboricultural method statement plan TH/X1199/0415 REV 1.0) submitted with application 15/1486/FUL, including the erection of all the identified protective fencing prior to any works or machines being taken on site. For the avoidance of doubt the fencing shall be retained in the identified position for the duration of the construction of the buildings unless any alternative details, Tree Protection Plan and associated Arboricultural Method Statement are first submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

(Reason - To ensure the continued well being of the trees on site in the interests of the amenity of the area. In accordance with policy D3 (Trees and Development Sites) of the 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.

This permission shall be read in conjunction with the signed Unilateral Undertaking which secures contributions towards habitat mitigation and open space.

Plans relating to this application:

SU.01	Location Plan	15.03.16
SU.02	Block Plan	15.03.16
SU.03	Existing Site Plan	15.03.16
A.01	Proposed Site Plan	15.03.16
A.02 GROUND	Proposed Floor Plans	15.03.16
A.03	Proposed roof plans	15.03.16
A.05 SOUTH	Proposed Elevation	15.03.16
A.06 NORTH	Proposed Elevation	15.03.16
A.07 EAST	Proposed Elevation	15.03.16
A.08 WEST	Proposed Elevation	15.03.16
A.09 EAST WING WEST ELE.	Proposed Elevation	15.03.16
A.10 WEST WING EAST ELE.+NORTH	Proposed Combined Plans	15.03.16
A.11 CARPORT	Proposed Elevation	15.03.16
A.12 EAST CARPORT	Proposed Elevation	15.03.16
A.13 OUTBUILDING	Proposed Elevation	15.03.16
A.14	Proposed Floor Plans	15.03.16
A.15 A-A, D-D	Sections	15.03.16

List of Background Papers

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

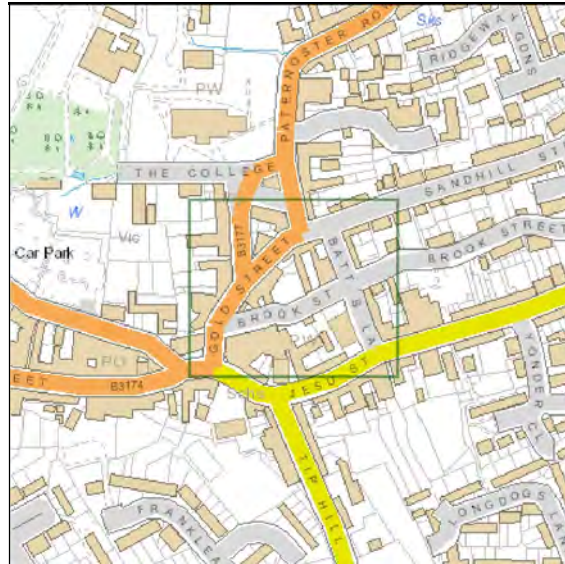
Ward Ottery St Mary Town

Reference 15/2309/MFUL

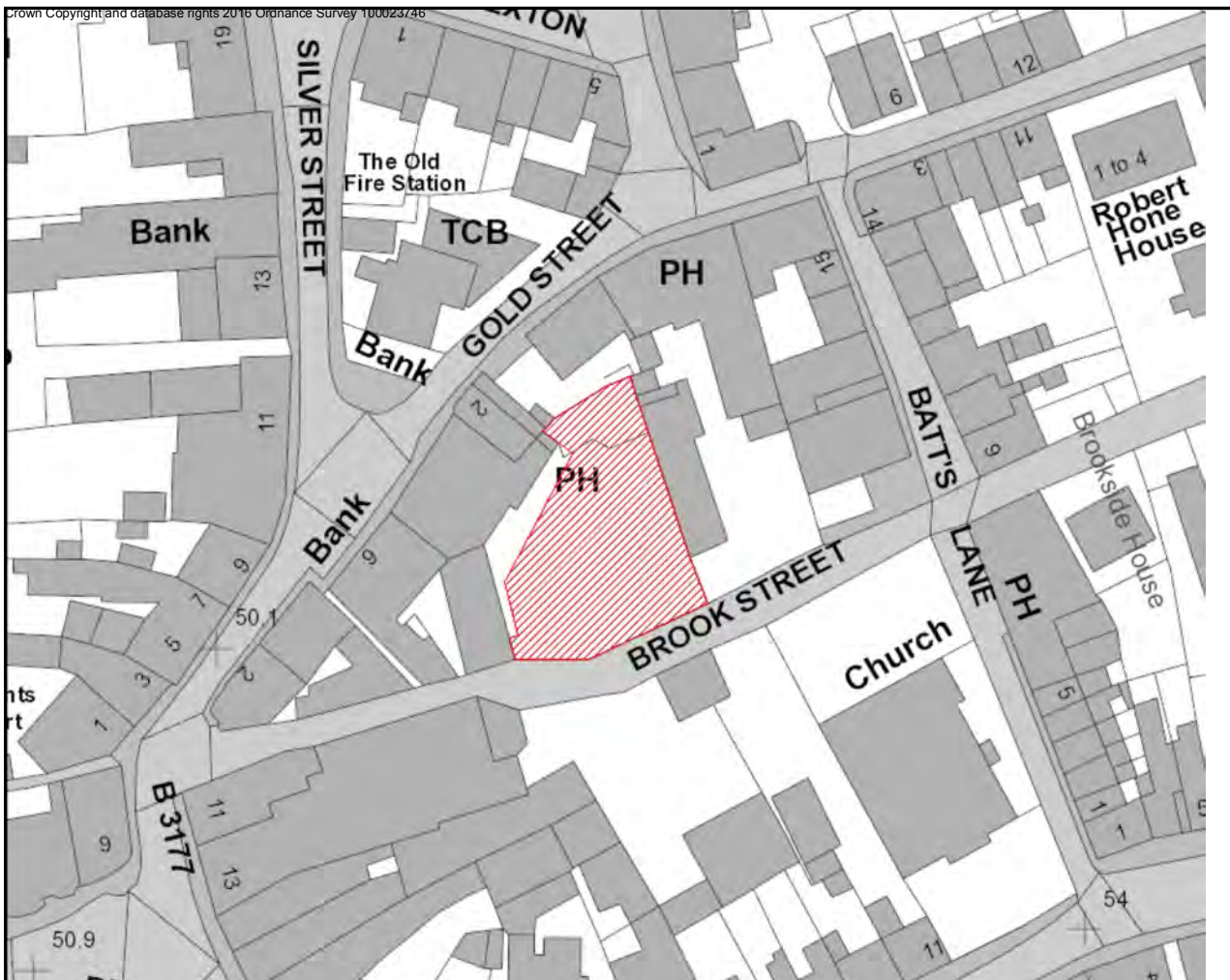
Applicant The London Inn Company Ltd

Location The London Gold Street Ottery St Mary EX11 1DG

Proposal Construction of 13no apartments to include provision of bicycle and bin storage facilities.



RECOMMENDATION: Approval with conditions



		Committee Date: 10.05.2016
Ottery St Mary Town (OTTERY ST MARY)	15/2309/MFUL	Target Date: 08.01.2016
Applicant:	The London Inn Company Ltd	
Location:	The London Gold Street Ottery St Mary	
Proposal:	Construction of 13no apartments to include provision of bicycle and bin storage facilities.	

RECOMMENDATION: Approval subject to the conditions set out below and the applicants entering in to a Section 106 Agreement to secure financial contributions towards open space provision/enhancement, habitat mitigation and affordable housing

EXECUTIVE SUMMARY

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

The proposal relates to a development comprising the construction of 13 flats, mostly two bedroom, on part of the existing car park attached to, and at the rear of, the London Inn, a town centre site located within the designated Ottery St. Mary Conservation Area. The public house and an adjoining property to its east, The Nook, are both Grade II listed. The lower portion of the site is within flood zones 2 and 3.

The building would be of, variously, two, three and two and a half storey height and of an inverted 'L' shape in plan form. It would also include enclosed and secure bin and cycle storage facilities.

The site has the benefit of an extant detailed planning permission, originally granted in 1994 and renewed in 1999, for a scheme for 7 flats within a building of essentially very similar form, scale, height, bulk and massing to that now proposed that would occupy largely the same footprint area. However, in addition to the increase in the number of flats that is now proposed, the present scheme also seeks amendments to the elevation treatment. These mainly take the form of a greater variation in the external finishes and window styles to be employed as well as the substitution of integral garaging in order to create the extra units. No dedicated parking provision for the development would therefore be provided although the remainder of the public house car park would be retained.

The starting position therefore in considering the merits of the development now proposed is the detail of the scheme that is subject of the extant permission.

In this regard, it is considered in many respects that this revised proposal represents an improvement over the original approved scheme, in particular with regard to the use of a natural slate roof finish in place of artificial slate, the substitution of a face brick for a mix of brick and painted render walls, the incorporation of both casement and sash windows (all in timber and painted), a reduction in the number of rooflight (notwithstanding the increased level of accommodation within the roofspace) and the omission of individual garage doors. Officer negotiations have also secured a number of further improvements to the external treatment as well as the internal floor plan of some of the units to improve the amenity for prospective occupiers. This has involved the loss of one unit from the original submitted scheme which proposed 14 flats in total.

The overall effect is that the development would not adversely detract from the character, appearance or heritage significance of either the conservation area or the adjacent listed buildings or their settings.

The site is considered to be appropriately located to accommodate a 'car free' scheme such as this in view of the range of services and facilities that Ottery St. Mary offers; no objections are raised in this regard by the County Highway Authority. Equally, whilst the increase in the number of units would clearly represent an intensification of development of the site, it is not thought that this would compromise the quality of the scheme or the standard of the accommodation, particularly in the absence of any adopted internal space standards and in view of the similarities in unit sizes and floor plans between the previous approved and present schemes that would be achieved through the efficient use of the space previously occupied by garaging and roofspace.

Subject to the imposition of conditions to address materials, surface water drainage and archaeology and the applicants entering in to a Section 106 agreement to secure contributions towards open space provision/enhancement, habitat mitigation and affordable housing, this amended scheme for the site is considered to be acceptable.

CONSULTATIONS

Local Consultations

Clerk To Ottery St Mary Town Council

The Planning Committee supports this application but it was noted that the Committee would like to see the Section 106 Agreement applicable to all of the flats.

(Comments re. amended plans awaited at time of writing report)

Ottery St Mary Town - Cllr P Faithfull (Amended plans)

This application is in my ward and my views based on the information presently available to me are that it should be refused.

The proposed development on this site remains, in my view, excessive for a small site. My other comments remain.

Ottery St Mary Town - Cllr P Faithfull (Original plans)

My preliminary view of this application, which is in my ward, based on the information presently available to me, is that it should be refused.

This development is excessive offering no parking for residents and reducing spaces for the London Inn. There have been mentioned in documents suggestions that by having no parking spaces, this will encourage residents to use public transport. I would suggest that this is rather naive. Ottery St Mary, although classed as urban, is set in a rural location where many jobs dictate that independent transport is essential. Brook Street already has problems with residential parking. 14 apartments with no parking will only make this worse.

The proposed development is overbearing in relation to the local surroundings.

Technical Consultations

County Highway Authority

Your Ref: 15/2309/MFUL

APPLICATION NO: ED-02309/2015

APPLICANT: The London Inn Company Ltd

DETAILS OF APPLICATION: Revised design based on extant permission (94/P1125). Permission for 14 flats within the car park of the London Inn, Ottery St Mary.

LOCATION: The London Inn, Gold Street, Ottery St. Mary

Observations:

The existing access from Brook Street will be retained and some parking spaces retained for use by the London Inn pub and for service deliveries as required.

There is no proposed motor vehicle parking provision for the 14 number flats. This is in keeping with the town-centre location where there is adequate access to local amenities and public transport.

Covered cycle storage is to be provided and is shown on the attached plans; however there appears to be only 13 storage racks rather than one per each residential unit, i.e. 14 cycles.

The CHA recommends that a minimum of 14 number undercover cycle storage facilities are provided as part of the proposed development.

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. Secure Cycle Storage

No development shall take place until details of secure cycle facilities for one cycle per dwelling have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel.

Housing Strategy Officer Paul Lowe

We understand that there is an extant planning permission on this site for the development of 7 flats. The net additional gain for this application is 6 units. In accordance with Strategy 34 of the newly adopted local plan we will be seeking a 25% provision of affordable housing. On the 6 additional units this equates to 1.5 units.

Whilst we always look to secure on-site provision of affordable housing where we can, in this instance it is unlikely that a Registered Provider would be interested in acquiring 1 flat in a block. Therefore we will be seeking a commuted sum of £36,068.

The commuted sum sought assumes that the development is viable. Should this not be the case then the applicant is advised to submit a viability assessment for consideration.

The applicants are not proposing to provide any affordable housing on this site which is disappointing. The predominate need in the Ottery St Mary area is for affordable housing with 1 or 2 bedrooms. The location of this scheme being close to local amenities and transport links would be well suited for affordable housing.

The site is located in the centre of Ottery St Mary within the development boundary. Strategy 34 of the Emerging Local Plan should apply in this instance and if this is supported we would expect to see an on-site provision of 25% (3.5 rounded to 4 units) affordable housing.

Any deviation from this amount of affordable housing must be evidenced by a viability assessment. Without submitting a viability assessment we will not be in a position to enter into discussions regarding the affordable housing element. In addition, an overage clause will be sought in respect of future profits and affordable housing provision, where levels of affordable housing fall below policy targets.

If planning permission is granted then we expect that all the affordable homes are constructed to the relevant local and national standards at the time of determination and signing of the Section 106 Agreement.

We would also expect to see a tenure mix of 70/30% in favour of rented accommodation, the remaining as shared ownership or similar affordable housing product as defined in the National Planning Policy Framework document or relevant policy at the time.

Once completed the affordable homes should be transferred to and managed by a preferred Registered Provider. We would also expect that a nomination agreement is in place that enables the Local Authority or a preferred Register Provider to nominate individuals from the Common Housing Register, preference going to those with a local connection to Ottery St Mary, then cascading to surrounding Parishes and finally the District.

Environmental Health

I have considered this application and recommend the following condition to be attached to any permission granted:

"A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution."

Environment Agency

Dear Sir/Madam

14 APARTMENTS.

THE LONDON INN, GOLD STREET, OTTERY ST MARY EX11 1DG

Thank you for consulting us on the above application.

We have no objections to the proposed development provided it is carried out in accordance with the submitted Flood Risk Assessment dated October 2015.

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

DCC Flood Risk SuDS Consultation (Amended comments)

Thank you for referring the above application which was received on 18/03/2016.

Devon County Council Flood and Coastal Risk Management Position.

Due to the fact that no further surface water drainage information has been formally submitted in respect of this planning application since my previous correspondence (FRM/2015/198, dated 2nd November 2015), I am unable to withdraw our objection at this stage.

However, we have been in regular contact with Dennis Gedge, the Consulting Engineer for this planning application, and expect that a surface water drainage

management plan will be submitted in due course, at which point I would be happy to provide a further substantive response.

DCC Flood Risk SuDS Consultation (Original comments)

Re: Construction of 14 no. apartments to include provision of bicycle and bin storage facilities.

Thank you for referring the above application which was received on 12/10/2015.

Devon County Council Flood and Coastal Risk Management Position.

At this stage, we object to this application because we believe it does not satisfactorily conform to East Devon District Council's currently adopted Local Plan (1995-2011). We specifically refer to Policy EN17 which relates to the management of the quality and quantity of surface water, and Policy EN21 which relates to the consideration of SuDS when designing developments to manage surface water runoff. The latter policy is further adapted in Policy EN21A of the Draft New East Devon Local Plan (2006-2026).

In the Planning Application Form, the applicant has stated that the surface water will be disposed of by means of a sustainable drainage system. I cannot, however, find any further mention of this in the accompanying documents.

Consequently, the applicant has not provided sufficient information in relation to the disposal of surface water from the site to enable me to make observations on the proposal. The applicant should provide a surface water management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk, in accordance with the principles of Sustainable Drainage Systems. The applicant is advised to refer to Devon County Council's draft SuDS Design Guidance, which is attached to this letter, for further information.

The provision of a surface water management plan is inherently significant for this site because it is located entirely within Flood Zone 2, with the southerly half of the development being within Flood Zone 3. Furthermore, the south-west of the site is recognised as at a high risk of surface water flooding, with the extreme north-east at medium-low risk. I also advise the applicant to note that the site lies within an area with a 50-75% risk of groundwater flooding.

The consulting engineer for this development has been in contact with us regarding the site and it is expected that a surface water management plan will be developed in due course.

Devon County Archaeologist (Amended comments)

My ref: Arch/DM/ED/28602b

I refer to the above application and our recent telephone conversation, the Historic Environment Team would like to revise its advice to the Planning Authority and recommend, in accordance Policy EN7 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and with paragraph 141 of the National Planning Policy Framework (2012), 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, in accordance with Policy EN7 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 141 of the National Planning Policy Framework (2012), that an appropriate record is made of archaeological evidence that may be affected by the development.

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development 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. The previously submitted Written Scheme of Investigation will need to be revised in the light of the above advice and I would be grateful if the applicant could be made aware of this requirement.

Devon County Archaeologist (Original comments)

The London Gold Street Ottery St Mary EX11 1DG - Construction of 14no apartments to include provision of bicycle and bin storage facilities: Archaeology

My ref: Arch/DM/ED/28602a

I refer to the above application. The proposed development lies in an area of high archaeological potential within the historic core of medieval Ottery St Mary and in an area shown to have been occupied by buildings since at least the mid-19th century. These buildings appear to front onto Brook Street when this was an open stream, the age of these buildings is unknown but could have early origins. Groundworks associated with the construction of the proposed new apartment block have the potential to expose and destroy archaeological and artefactual deposits associated with the buildings shown on the early maps. However, the information submitted in support of this application does not consider the impact of the proposed development upon the below-ground archaeological resource associated with the early settlement at Ottery St Mary.

Given the potential for survival and significance of below ground archaeological deposits associated with the early settlement and the absence of sufficient archaeological information, the Historic Environment Service objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. This would be in accordance with East Devon Local Plan Policy EN8 and paragraph 128 of the National Planning Policy Framework (2012).

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

1. an archaeological desk-based assessment
2. a programme of intrusive archaeological investigations

The results of these investigations would enable (i) the significance of any below-ground archaeological deposits to be understood, (ii) the impact of the scheme upon them, (iii) the appropriate mitigation, either by design to allow preservation in situ or through, to be determined and implemented and (iv) an informed and reasonable planning decision to be made.

Environment Agency

Dear Sir/Madam

CONSTRUCTION OF 13 NO APARTMENTS TO INCLUDE PROVISION OF BICYCLE AND BIN STORAGE FACILITIES. THE LONDON INN, GOLD STREET, OTTERY ST MARY, EX11 1DG

Thank you for consulting us on the above application.

Environment Agency Position

We have no objections to this proposal.

Reason

The flood risk assessment, dated October 2015, prepared by Dennis Gedge Consulting Engineer has been reviewed. The conclusions of this assessment can be supported.

We consider that the occupants of the development would be able to secure safe refuge in times of flooding within the building itself, given the flood zone 1 location and elevated ground floor levels.

Advice

In accordance with the Planning Practice Guidance you will need to consider whether safe access and egress for the development can be provided, given that the courtyard area and adjoining highway have the potential to flood to a depth of approximately 0.5m.

Other Representations

Five representations of objection have been received raising the following grounds:

1. Loss of light to neighbouring property.
2. Inadequate parking within a town centre location where parking is already at a premium.
3. Amount of house building in the town makes it unnecessary for any further dwellings in the town centre and there is no justification for them.
4. Increased pressure on services and infrastructure which are unable to cope at present.
5. Only effect would be to put the London Inn out of business; building on the car park would deprive locals of a social amenity, live music venue, meeting place for local groups, bed and breakfast for visitors and a local employer.
6. Quality of life of neighbouring residents will be compromised.
7. Increase in demand for car parking in Brook Street which is already congested with parked cars on pavements and corners and blocking entrances.
8. Business the size of the London Inn needs entrance and exit points at both the front and rear of the building; will development allow for maintenance of a rear fire exit and disabled access as well as adequate parking for landlord, staff and bed and breakfast residents and safe delivery of stock to and collection from the rear of the inn?
9. Question impact of development upon listed buildings.
10. Long periods of disruption during construction.
11. Query demand for apartments.

PLANNING HISTORY

Reference	Description	Decision	Date
14/2026/MFUL	Construction of 14 no. apartments to include provision of basement car parking and bicycle, bin, recycling storage facilities and plant room.	Withdrawn	25.03.2015
99/P0663	Erection Of Seven Flats Renewal Of Permission	Approval with conditions	02.07.1999
94/P1125	Erection Of Seven Flats	Approval with conditions	15.11.1994

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 24 (Development at Ottery St Mary)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 43 (Open Space Standards)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

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

EN8 (Significance of Heritage Assets and their setting)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

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

EN21 (River and Coastal Flooding)

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)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Site Location and Description

The site, approximately 0.06 hectares in area, comprises part of the car park of the London Inn public house, a Grade II listed building that occupies a town centre location within the designated Ottery St. Mary Conservation Area. It is positioned at the rear of the main building and accessed from Brook Street, from which it rises very gently to the north.

A single storey building attached to the rear of the neighbouring premises, the Kings Arms public house (also Grade II listed), abuts the majority of the length of the eastern boundary of the site whilst a low brick wall with concrete capping defines the Brook Street frontage boundary. Aside from the rear of the main public house itself, a residential property The Nook (also listed Grade II) that adjoins it backs onto the site while a neighbouring three storey building to its east, Pendennis House (not listed), which houses an office and flats, backs onto the site close to its north eastern corner.

The majority of the site is within flood zone 1 but the lower portion towards the vehicular entrance to the car park is within flood zones 2 and 3.

The site has the benefit of an extant (due to demolition of the buildings on the site) detailed planning permission (ref. 99/P0663) for a development comprising seven flats in the form of six 1-bedroom and one 3-bedroom units within a part two storey, part three storey building incorporating seven integral single garages. This permission is itself a renewal of the original planning permission for the scheme granted in 1994 (ref. 94/P1125).

An application for approval of a non-material amendment to this permission, involving revisions to the original approved elevation treatment, was approved in July 2015.

Proposed Development

The present application seeks detailed permission for an amended scheme for the site involving the construction of thirteen flats consisting of one single bedroom, eleven 2-bedroom and one 3-bedroom units.

The accommodation would be arranged within a broadly inverted L-shaped building of essentially very similar layout, volume, height, scale, bulk, massing and footprint area to that of the development subject of the extant permission referred to above. As is the case with this scheme, the principal part of the building would extend from north to south in close proximity to the eastern site boundary with a return element alongside the Brook Street frontage.

However, in order to provide the additional six units that are proposed over the seven flats previously approved, the integral vehicle parking facilities would be substituted for accommodation while two extra flats would be housed within part of the roofspace of a principal three storey hipped roof element as well as adjoining subservient two and half storey gabled wings that would also form the main body of the development. This would include the return alongside the Brook Street boundary. A further subservient two storey gable projection of modest depth would feature on the west elevation of the main north-south part of the development close to the northern site boundary; this would provide extra accommodation for two of the units.

The development would also incorporate shared integral cycle and bin storage facilities within part of the return wing of the building alongside the Brook Street boundary.

The further revisions proposed relate to both the detailed elevation treatment of the building and the palette of external wall and roof finishes to be employed in the development. The latter would consist of a mix of face brick and painted render in place of face brick throughout, as approved, with natural slate, instead of artificial slate, roofs. The elevation details show a mix of mainly two window types, in the form of multi-pane sliding sashes and smaller single and two light casements with single horizontal glazing bars to each light, in place of the multi-pane sashes only that feature on the approved scheme. All windows and doors would be formed in timber and painted.

Other modifications involve the overall number and positioning of windows and rooflights throughout the building together with the addition of open fronted lean-to canopies over the two pairs of entrance doors to the cycle and bin storage facilities with a return over the entrance doors to flats 4 and 5 as well as the front bedroom window of the former. An additional lean-to canopy is also proposed over the recessed entrance to flat 1.

As alluded to above, the scheme would not provide any integral or external parking facilities to serve the development itself. However, the remaining parking area would be retained for use in conjunction with the public house.

Considerations/Assessment

The following issues that are material to consideration of the proposal are set discussed in turn as follows.

Principle of Development

The site is located within the built-up area of Ottery St. Mary within which the principle of further residential development is acceptable in strategic settlement policy terms subject to assessment of the issues of greater detail that follow below.

In this case however, the fallback position relating to the extant 1999 planning permission is also a material consideration of some significance. It represents the applicants' fallback position, accepted in writing by officers last year further to extensive discussions, and should therefore be regarded as amounting to the starting point against which the amended proposals should be considered.

Design/Appearance and Impact upon Character and Appearance of Conservation Area

As stated above, the general form, scale, bulk and massing of the building and its siting and footprint area bear reasonably close comparison with that of the approved development. However, the scheme does show a greater number of window openings and rooflights on all of the elevations that reflect the more intensive residential use of the development that would clearly result from the addition of six units within it.

It is not considered however that this would be to the detriment of the character or appearance of either the development itself or the wider surrounding conservation

area or that it would adversely affect the character of the setting or wider heritage significance of the adjacent listed buildings. Indeed, it is thought that there are a number of elements of the design and elevation treatment that represent positive improvements when compared against the scheme to which the extant permission relates, most notably the intended mix of brick and render wall finishes in place of the original plainer face brick finish, the greater variation in both design and opening method of the windows, the introduction of the lean-to canopies over individual entrances to units and, from a visual/design perspective at least, the substitution of the run of garage doors for a mix of windows and doors, including those serving the proposed bin and cycle storage areas.

In addition extensive negotiations have taken place with the applicants during the course of the application to secure further improvements to the design of the scheme, principally involving a reduction in the number of rooflights throughout the building from 11 to 9 (notwithstanding the greater level of accommodation proposed within the roof spaces), the inclusion of additional windows and revisions to those proposed to relieve otherwise comparatively blank elevations and achieve better 'solid to void' ratios, the omission of fussy and unnecessary brick corner quoin and false opening brick wall detailing.

These modifications have also seen a reduction in the roof ridge height of the Brook Street return wing to reinforce its subservience in the street scene in relation to the main three storey part of the building in line with the approved scheme. In order to achieve this, one unit has had to be omitted from the scheme, which originally proposed 14 flats in total.

These discussions have also achieved improvements in the standard of amenity for prospective occupiers of two of the proposed ground floor units through modifications to the internal layout and the repositioning of windows to allow satisfactory aspects towards both Brook Street and the retained car parking area.

Although concerns expressed regarding overdevelopment and the intensification in the use of the building, the size of the units and the amenity that would be available to potential occupiers are acknowledged, there are no adopted policies or internal space standards for residential accommodation upon which the Council could draw in seeking to resist the proposal on such grounds. In any event, it is not considered that the size and layout of any of the individual flats would be substandard, more especially given the comparable size of a number of the units approved under the extant permission. Although some of the units proposed under the current scheme would be more restricted than these, it is maintained that they would still offer a reasonable standard of amenity for prospective occupiers. Indeed the provision of smaller and potentially more affordable units, including a single bedroom flat, is to be welcomed.

Furthermore, it is not considered that the increase in the number of units would manifest itself in the form of an inappropriate elevation treatment in terms of the number and arrangement of window and door openings. Indeed, as stated above, the scheme is actually thought to be likely to result in marked improvements in this regard, and overall it is maintained that the proposal would achieve the objective of securing a larger number of units without unduly adversely compromising the quality

or character of the development itself or that of the street scene or wider conservation area, again given the fallback position represented by the extant permission.

Equally, although the most significant increase in the number of window openings proposed would occur on the east elevation of the building which faces directly towards the single storey outbuilding at the rear of the neighbouring Kings Arms public house, all of the more affected ground floor level windows would serve bedrooms and a bathroom whilst a further kitchen window in this elevation would be secondary only and subservient to a dual aspect room with a second window on the Brook Street elevation. Furthermore, in visual terms the majority of this elevation would be almost entirely screened from public view by the outbuilding itself. As such therefore, it would have no more than a limited impact upon the appearance and character of the street scene of this part of Brook Street or the conservation area.

Impact upon Neighbour Amenity

Once again, the extent of any impact upon neighbours arising from the development is considered to compare favourably with that of the approved scheme. Negotiations have secured revisions to the number, size and position of windows in the north gable end elevation wall of the main part of the development in order to minimise any overlooking impact from windows at first floor level and above towards windows in the rear of first and second floor level flats in Pendennis House. The scheme now proposes small single light windows in this elevation at both levels that will serve a bathroom (flat 6) and bedroom (flat 11) with the latter also being served by a rooflight.

The proposals would also introduce windows at both ground and first floor level in the west-facing gable wall of the two storey projection off of the main body of the development close to the northern site boundary where none were approved previously. Although the first floor level window, in particular, would result in a close outlook being created towards windows in the rear of The Nook, this would be at a sufficiently oblique angle as to avoid any significant impact upon the privacy enjoyed by the occupiers of this property.

It is not considered that the development would create any other issues with regard to overlooking or impact upon the privacy of any neighbouring or nearby occupiers. Aside from the residential properties referred to above, the site is largely positioned adjacent to commercial premises where the amenity impact arising from the development would not be a significant material consideration.

Similarly, bearing in mind the comparison between the previously approved and current schemes in terms of the size and scale of the development, it is not considered that the proposal would create a greater physical impact that would appear unduly dominating, overbearing or intrusive to the occupiers resulting in loss of light, aspect or outlook from any of the adjacent residential properties.

Highways/Parking

No objections are raised to the proposal by the County Highway Authority (CHA) on grounds related to impact upon highway safety and/or lack of on-site parking provision subject to the provision of an appropriate level of cycle parking facilities as part of the development. A suitably worded condition is recommended.

The absence of objection is on the basis that the site occupies a town centre location with good access to services and facilities, including public transport, and as such a 'car free' development such as that proposed is considered to be acceptable.

In the circumstances therefore, whilst the comments made by the ward member on this issue and the significant differences between the current and approved schemes in terms of the levels of parking provision that they accommodate are acknowledged, an objection based upon lack of dedicated parking provision for the development would be difficult to support.

The development would enable the retention of access and parking spaces for use by the public house and for service deliveries.

Flood Risk/Surface Water Drainage

One of the key issues of concern to the Council prior to the withdrawal of application ref. 14/2026/MFUL (referred to in History above), relating to an alternative development proposal for 14 flats on the site, was the failure of the scheme to satisfy the sequential test in relation to flood risk given that at that time a greater area of the site lay within flood zones 2 and 3 and was therefore regarded as being at the highest risk of flooding.

In order to address this, it was first demonstrated that the 1999 permission remained extant, as already alluded to above, as a result of operations that were carried out on the site involving the demolition of a building that the Council accepted as representing an implementation of the permission.

In addition, a detailed flood risk assessment has been commissioned by the applicant that includes specific local flood data as well as available information regarding local flood defence works completed by the Environment Agency (EA). The findings identify the boundary of flood zone 1 as equating to a height/level of 51.3m AOD. Furthermore, as a result of correspondence with the EA, an agreed minimum ground floor height of 51.7m AOD has been established to ensure the future safety of all occupiers of the development.

The bin and cycle storage facility has been laid out so that it would be the only part of the development that would be on the part of the site that is within flood zones 2/3 since it comprises a less flood risk vulnerable element in flood risk terms.

This position is corroborated by the absence of any objection to the proposal from the EA provided that the development proceeds in accordance with the flood risk assessment. It is also accepted that this would also offer betterment in terms of flood

risk management in comparison with the fallback position of the extant permission for the previous approved scheme.

Turning to the issue of surface water drainage it has been agreed, further to discussions held between the applicants, their consulting engineer and Devon County Council's Flood Risk Management Group, that two points of connection to the road drainage system should be formed at the road gulley to the east and to the west of the entrance to the car park. In addition the roof drainage connections from the development are recommended to be via 225mm diameter pipework to give improved storage with non-return valves fitted with connections below the level of the existing ball valves.

Details of these measures can be secured by an appropriately worded condition attached to any grant of planning permission.

Archaeology

The submitted application documents include a written scheme of investigation (WSI) for evaluation of the site owing to its high archaeological potential within the historic core of the town within an area shown to have been occupied by buildings since at least the mid 19th century.

In its original consultation response the County Archaeology Team advised that this did not set out an appropriate scope of works since they did not satisfactorily consider the impact of the development upon the below-ground archaeological resource associated with the early settlement at Ottery St. Mary. It had required the submission of additional information in the form of an archaeological desk-based assessment and a programme of intrusive archaeological investigations to enable the significance of any archaeological deposits and the impact of the development upon them to be understood and therefore appropriate mitigation to be agreed.

However, following discussions between the Archaeology Team and the applicants, the recommendations have been amended to require submission of a revised WSI by means of a condition to be attached to any grant of permission.

It is envisaged that a suitable programme of work would take the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of ground works or the monitoring and recording of ground works associated with the construction of the proposed development 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.

In agreeing this revised stance the Archaeology Team have given weight to both the fallback position relating to the extant permission for the site and, more particularly, the absence of any archaeological recording condition attached to it. In the event that the applicants were to opt to continue with the development in line with the original permission there would be no opportunity to secure archaeological investigation at all. As such, whilst the current application has been considered in line with the relevant policies set out in the National Planning Policy Framework (NPPF) which requires appropriate measures to be incorporated to ensure that the impact of development upon the historic environment is understood and/or mitigated, due acknowledgement has also had to be given to the particular circumstances in this case relating to the previous site history.

Contributions

The application is accompanied by draft heads of terms relating to the payment of financial contributions towards open space, habitat mitigation and education infrastructure. However, since the adoption of the New East Devon Local Plan on 28th January this year there has also been a requirement, in accordance with Strategy 34 of the Plan, to provide for affordable housing. In this case it is accepted that the 25% level of provision required under the provisions of the Strategy need only be sought in relation to the net gain of 6 units over the extant permission for 7 flats. This equates to 1.5 units. However, given the likelihood that a Registered Provider would not be interested in acquiring a single flat within a block development, a commuted payment of £36,068 is sought in lieu.

No request to secure a contribution towards education infrastructure has been forthcoming from the County Education Authority in this instance.

Although the draft heads of terms have not been expressly amended to include the affordable housing contribution, it is understood that the applicants are willing to accept these as part of negotiations to secure a Section 106 agreement in the event of a resolution to grant permission.

RECOMMENDATION

APPROVE subject to the following conditions and the applicants entering in to a Section 106 Agreement to secure financial contributions towards open space provision/enhancement, habitat mitigation and affordable housing:

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

3. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the designated Ottery St. Mary Conservation Area in accordance with Policies D1 - Design and Local Distinctiveness and EN10 - Preservation and Enhancement of Conservation Areas of the adopted East Devon Local Plan 2013-2031.)
4. Notwithstanding the submitted details, no development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has previously been submitted by the applicant and approved by the Local 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 features of archaeological or architectural importance are recorded before their destruction or concealment and to ensure that an appropriate record is made of archaeological evidence that may be affected by the development in accordance with EN7 -Proposals Affecting Sites which may potentially be of Archaeological Importance of the adopted East Devon Local Plan 2013 - 2031.)
5. No development shall take place until satisfactory details as to the means of surface water drainage from the site in the form of a surface water management plan have been submitted to, and approved in writing by, the Local Planning Authority. These details shall be in general accordance with the report prepared by Dennis Gedge (Consulting Engineer) received by e-mail from the applicant on 21st January 2016. The scheme shall be carried out in accordance with the approved details before any dwelling on the site is occupied.
(Reason - To avoid pollution of the environment and/or flooding during the course of and/or after development in accordance with the requirements of Policy EN22 - Surface Run-Off Implications of New Development of the adopted East Devon Local Plan 2013 - 2031.)
6. None of the flats hereby permitted shall be occupied until the refuse and cycle storage facilities shown on drawing no. pp/2 of 3 (revised 14/3/16) have been provided in full. These shall thereafter be maintained and kept available solely for these purposes.
(Reason - In the interests of promoting sustainable means of travel and to provide dedicated facilities for the storage of refuse in accordance with Policy H3 (Conversion of Existing Dwellings and Other Buildings to Flats) of the adopted East Devon Local Plan 2013 -2031.)
7. The development hereby permitted shall be carried out in full accordance with the flood risk assessment dated October 2015 prepared by Dennis Gedge (Consulting Engineer).

(Reason - In the interests of ensuring that the risk of flooding to the development and neighbouring premises is appropriately mitigated and reduced in accordance with Policy EN22 (Surface Run-Off Implications of New Development) of the adopted East Devon Local Plan 2013 -2031.)

8. A Construction and Environment Management Plan (CEMP) shall be submitted to and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site. The CEMP shall also include the following:
- (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.
 - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

(Reason - To ensure that the details are agreed before the start of works to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution and to ensure that adequate facilities are available for all traffic attracted to the site in accordance with Policies D1 - Design and Local Distinctiveness, EN14 - Control of Pollution and TC7 - Adequacy of Road Network and Site Access 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.

Informative re. Section 106 agreement (once completed).

Plans relating to this application:

PP/3 OF 3	Proposed Elevation	15.03.16
PP/2 OF 3	Proposed Combined Plans	15.03.16
PP/1 OF 3	Combined Plans	05.10.15

List of Background Papers

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

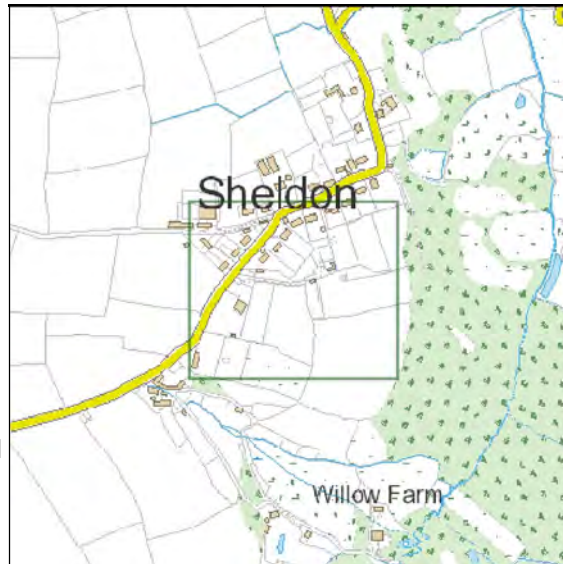
Ward Dunkeswell

Reference 15/2399/FUL

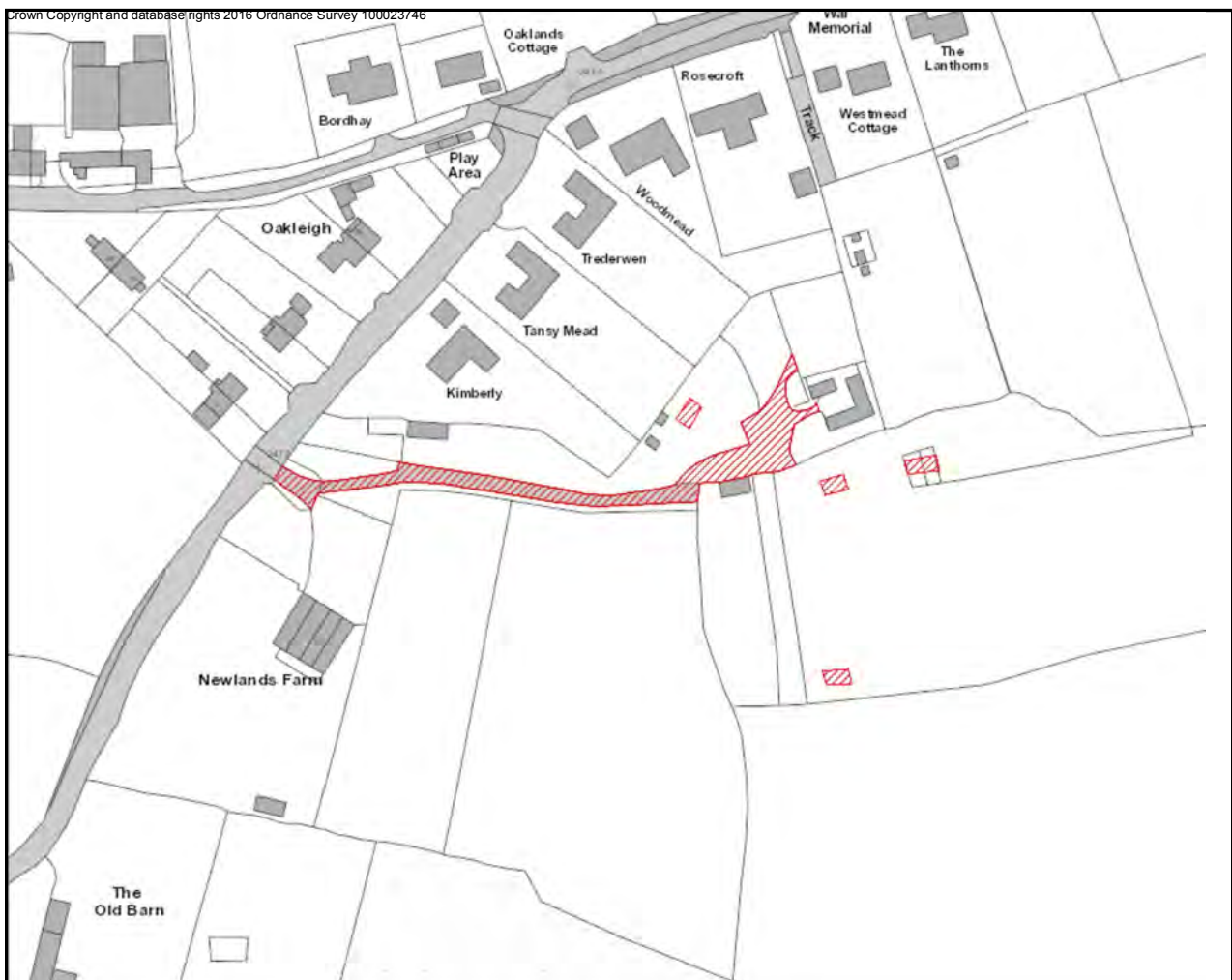
Applicant Mr And Mrs Jamie Mandeville

Location Woodmead (land Adjoining)
Sheldon Honiton EX14 4QU

Proposal Change of use of land for the siting
of four units of holiday
accommodation; (one log cabin and
three shepherd huts).



RECOMMENDATION: Refusal



		Committee Date: 10th May 2016
Dunkeswell (SHELDON)	15/2399/FUL	Target Date: 10.12.2015
Applicant:	Mr And Mrs Jamie Mandeville	
Location:	Woodmead (land Adjoining) Sheldon	
Proposal:	Change of use of land for the siting of four units of holiday accommodation; (one log cabin and three shepherd huts).	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

The proposed change of use is for the siting of a log cabin adjacent to the existing stable building and the placement of three shepherd's huts on the field to the south of the stables, two huts to the north of the field and one in the south west corner. It is noted that a previous proposal for this development was refused under application 15/0901/FUL. This revised application seeks to address the concerns that led to the refusal of previous permission.

The site is located to the south of the hamlet of Sheldon on land associated with the property of Woodmead and has vehicular access from the lane though the hamlet to the west of the site. The site comprises a sand school and stables with an open area of land to the rear boundary of neighbouring properties. There is a large field to the south bounded by mature Devon banks, hedges and trees. The site is located within the Blackdown Hills Area of Outstanding Natural Beauty (AONB).

A Traffic and Transport Statement has since been submitted with the revised application which provides additional information about traffic, access and parking in an attempt address the previous highway safety concerns. It is noted the Local Highway Authority no longer raises an objection to the proposal and considers that the required visibility splays can be achieved with minimal trimming of hedges adjacent to the site's entrance.

In summary, the proposal can gain some support in economic terms. However, its environmental harm in landscape terms and adverse impact on the AONB weigh heavily against the proposal and, therefore, in this instance the development is considered unsustainable and would not conserve or enhance the AONB.

As this proposal is not in a sustainable location and it would not be appropriate

to the economic, social and well being of the area due to its remote location. The application is, therefore, recommended for refusal.

CONSULTATIONS

Local Consultations

Chair To Sheldon Parish Meeting

Sheldon Parish Meeting

Change of use of land for the siting of four units of holiday accommodation; (one log cabin and three shepherd huts).

15/2399/FUL

Comments

12 Members of the Parish present

1. Members of the parish affected directly and indirectly, were concerned that the number of shepherd huts could not necessarily be limited to three, plus one log cabin. If the Council were minded to approve the application, the change of use of the land if granted may precede to further applications to increase the numbers of shepherd huts or caravans. This was of great concern to parish members siting it would be an irreversible escalating situation with associated traffic issues.

2. Concerns were raised that the location of the application within the body of the village would alter the street map dynamics (present character) of what is a moderate hamlet.

3. If the Council were minded to approve this application, other applications modelled on this one could be applied for in similar settings within the village altering the present character

4. Members of the Parish acknowledged Mr Mandeville's traffic mitigation to and from the site, plus general sight seeing visits whilst staying. The consensus was visitors could not be denied their vehicular independence therefore, the problems of increased traffic would not alter from the previous application.

5. Members of the parish concluded that the access to the site off the road didn't see any significant change.

6. If the Council were minded to approve the application, members of the parish were unclear why the applicant would have to apply for a caravan license. It was felt that a caravan license would be a departure from shepherd huts but, such a license would imply both modes of holidaying under the same umbrella on this site. This compounded numbers, 1, 2, 3 and 4 of the above concerns.

7. Sheldon Parish Plan 2011

7.1 Business: Sheldon has a surprising number of small businesses including a trout farm, an equestrian centre, a dairy farm (the dairy farm has been disbanded) and other agricultural holdings, a retreat and some holiday accommodation.

With regard to the development of small businesses in the Parish, 26% of respondents opposed any further development, while the majority were in support of new agricultural or non-agricultural, with considerable provisos. Comments included the need for new businesses to be in keeping with the character of the village and to avoid increased noise, visual pollution or traffic increase.

7.2 Environmental issues of concern: None applicable to this application.

7.3 Highways and Transport: 86% of respondents expressed dissatisfaction with current road maintenance. Since this village plan was written Shutes lane one major source of dissatisfaction has been resurfaced and more work is due to be done by Devon County Council.

Dunkeswell - Cllr C Brown

I would like this application to encourage holiday visitor to the area to go in front of the DMC so the correct decision can be made and both sides can put there opinions forward.

At the present time I support this application and if the officers option differs from mine I would like this to go before the DMC, I will reserve my final position until I am in receipt of all the facts and arguments both for and against the proposal.

Technical Consultations

Blackdown Hills AONB Project Partnership

Change of use of land for the siting of one log cabin and three shepherd huts, Woodmead, Sheldon

Thank you for requesting observations from the Blackdown Hills AONB Partnership on the above application.

From what I can tell, the application has not fundamentally altered to 15/0901/FUL, and hence the comments submitted to that remain applicable to this case and are replicated below.

The AONB Partnership supports its local planning authorities in the application of national and local planning policy in order to ensure that any development in the AONB conserves and enhances the natural beauty of this nationally designated landscape, which is afforded the highest level of protection by national policy.

In support of this, the Blackdown Hills AONB Management Plan 2014-19 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It contains the following policies of particular relevance to this proposal:

PD 1/B Seek to ensure that any necessary new developments or conversions within the AONB or affecting its setting conserve and enhance natural beauty and special qualities, particularly by respecting the area's landscape character and the local character of the built environment, reinforce local distinctiveness and seek to enhance biodiversity.

RET 1/C Support the development of sustainable tourism activities within the AONB that are compatible with conserving and enhancing natural beauty and the special

qualities of the AONB, increase understanding and appreciation of the Blackdown Hills and benefit the local economy.

In principle therefore the proposed small scale, low key, approach here could be in line with the above mentioned management plan policies. However, Sheldon is a small hamlet in a quiet location accessed by narrow lanes. The introduction of holiday accommodation by virtue of the intensification of use and the associated noise, activities and comings and goings of visitors, together with light spill, has the potential to have a detrimental impact on the character of the local area, tranquillity of the surroundings and would be bound to generate a number of car based journeys as visitors would need to travel to access even the most basic of facilities and services.

If the planning authority is minded to approve this application the AONB Partnership would support controls and conditions relating to the following aspects:

- Restrictions on further units, other structures and hard surfacing on site
- Any additional works to the entrance from the highway to be appropriate to rural, AONB location
- Protection and management of existing hedgerows and trees
- Detailed planting/landscaping scheme to be agreed with local planning authority. I would recommend that advice is sought on creating a meadow habitat and suitable tree planting. Any tree planting should be appropriate to the plateau landscape character - small copses may be appropriate, but should fit within the local context and surrounding vegetation and field patterns in order to conserve and enhance the landscape character of the AONB.

I note that the supporting statement makes references to a similar application approved earlier this year in the Taunton Deane part of the AONB, however as you will appreciate each application, each location and each set of circumstances call for every case to be judged on its own merits in terms of sustainability and impact on the AONB.

County Highway Authority

The Planning Officer will be aware that the CHA recommended refusal of a similar proposal on this site. The reasons given were:-

(1) The proposed development would be likely to result in a material increase in the volume of traffic entering and leaving the Unclassified County Road through an access which does not provide adequate visibility from and of emerging vehicles, contrary to paragraph 32

of the National Planning Policy Framework.

(2) The increased use of the access onto the Public Highway, resulting from the proposed development would, by reason of the limited visibility from and of vehicles using the access, be likely to result in additional dangers to all users of the road contrary to paragraph 32 of the National Planning Policy Framework.

(3) The roads giving access to the site are by reason of their inadequate width, poor vertical alignment, poor horizontal alignment, gradient, junctions, unsuitable to accommodate the increase in traffic likely to be contrary to paragraph 32 of the National Planning Policy Framework.

This application is supported with a Supporting Traffic & Transport Statement in which the access visibility concerns (reasons 1 and 2) appear to be addressed in that it says that visibility can be improved; however it does not show on plan what the improvement will be or what visibility can be achieved. The CHA would wish to diagram showing to achievable visibility envelopes with indication that all land within these envelopes, apart from adopted highway, are within the control of the applicant.

With regard to reason 3 above, the applicant has stated that he will supply his clients with details of the suitable and safe routes to the site from the west/southwest (mainly from the M5 and A303/A30) which avoid traffic coming through the main part of Sheldon, and avoiding visitors using the routes to the northeast where the highways do not have such good width, alignment etc. This would appear to be in essence a 'travel plan' for visitors.

The Supporting Traffic & Transport Statement also estimates that the proposed development would attract 8 trips per day, whilst the CHA thinks that this number is a little conservative and it is more likely to be around twice that amount at 16 or more trips per day. Providing that visitors are given directions as described above and the offer to reduce provision trips and supply of alternative means of transport cycles, including electric bikes and pick-up/drop-off trips to and from local public transport points are included in the 'visitors travel plan' details offered to clients, then the CHA would be willing to withdraw its reasons for refusal and replace them with recommendations for approval with appropriately wording 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 details of the access visibility splays 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 with the NPPF safe and suitable access.

2. No development shall take place until details of the Visitor Travel Plan including; preferred safe and suitable routes to site from the west and southwest and avoiding routes from the northeast; provision collection trips; supply of cycles and the provision of pick-up and drop-off trips to and from local public transport points and the plan designed to inform and reduce the number of trips by private vehicles.
REASON: To reduce the number of private vehicle trips to and from the development and to promote more sustainable forms of travel.

Other Representations

There have been a total of 17 representation received from third parties:

10 objections have been received raising the following concerns:

- The existing access is inadequate and would have an impact on highway safety;

- The proposal would not preserve the natural environment;
- The measures outlined in the Traffic and Transport statement are impractical and difficult to implement;
- Issues of noise emanating from the site by persons on holiday and causing disturbance to neighbours, how would this be controlled;
- Concern to light pollution caused by the development;
- Sheldon is a unsustainable location with limited services and facilities;
- The principle of change of use of fields to holiday accommodation within the AONB contrary to Local Plan Policy;
- The proposal would have an adverse impact on landscape character and the AONB;
- The position of the log cabin could be reconsidered being too close to neighbours gardens;
- The shepherd's huts are sited too close to neighbouring residents boundary of Westmead and concern is raised to noise and light pollution;
- Other holiday camping sites are located away from local settlements not backing onto neighbouring residents private gardens;
- Highway safety impact of person using the existing access that has poor visibility when exiting the site;
- Concern to the increase in traffic in through the village that is only accessed by narrow lanes with horse boxes and delivery vehicles;
- Concern to the principle of holiday accommodation on the land and future expansion;
- The proposal to transport holidaymakers to and from the nearest public transport points is unrealistic.

5 representations in support have been received raising the following comments:

- The proposal in the perfect surroundings for such holiday accommodation and it would be managed with the best intentions of the village in mind;
- small changes to rural villages should be embrace to enable places to thrive for future generations;
- the proposal is for a low impact, environmentally friendly, and a good opportunity to use the land wisely and showcase the lovely countryside in which we live;
- the village is well suited to accommodate a sympathetic small family run holiday project;
- the entrance has been used by lorries far bigger than horse boxes without objection;
- this application is a sustainable development in keeping with the beautiful environment.

PLANNING HISTORY

Reference	Description	Decision	Date
93/P1407	Bungalow With Detached Garage & New Vehicular Access	Approval with conditions	18.10.1993

01/P2147	Retention Of New Vehicular Access And Riding Arena	Approval with conditions	20.12.2001
92/P0314	Proposed Dwelling	Approval with conditions	27.03.1992

15/0901/FUL - Change of use of land for the siting of four units of holiday accommodation; (one log cabin and three shepherd huts). Refused 27th August 2015 for the following reasons:

1. The proposed holiday accommodation would be divorced from any settlement with a suitable range of services and facilities to serve such development without the need to be wholly reliant on the private car. As a result and together with the developments resulting harm on the AONB through the disruption of the local tranquillity, the unjustified development of an existing pastoral field and the associated domestic paraphernalia which would harm the character of the area, the development would represent unsustainable development. As such the proposed development is considered to be contrary to local plan policies S5 (Countryside Protection), E5 (Small Scale Economic Development in Rural Areas), EN1 (Developments Affecting Areas of Outstanding Natural Beauty) and TO4 (Caravan, chalet and Camping Sites) and TA1 (Accessibility of New Development) of the Adopted East Devon Local Plan and Strategies 7 (Development in the Countryside), 33 (Promotion of Tourism), and 46 (Landscape Conservation and Enhancement and AONB's), and Policies E6 (Small Scale Economic Development in Rural Areas) and TC2 (Accessibility of New Development) of the emerging New East Devon Local Plan and guidance set out in the National Planning Policy Framework.
2. The proposed development would be likely to result in a material increase in the volume of traffic entering and leaving the Unclassified County Road through an access which does not provide adequate visibility from and of emerging vehicles, contrary to paragraph 32 of the National Planning Policy Framework, Policies TC2 (Accessibility of New Development) and Policy TC7 (Adequacy of Road Network and Site Access) of Emerging East Devon Local Plan and Policies TA1 (Accessibility of New Development) and Policy TA7 (Adequacy of Road Network and Site Access).
3. The increased use of the access onto the Public Highway, resulting from the proposed development would, by reason of the limited visibility from and of vehicles using the access, be likely to result in additional dangers to all users of the road contrary to paragraph 32 of the National Planning Policy Framework, Policies TC2 (Accessibility of New Development) and Policy TC7 (Adequacy of Road Network and Site Access) of Emerging East Devon Local Plan and Policies TA1 (Accessibility of New Development) and Policy TA7 (Adequacy of Road Network and Site Access).

4. The roads giving access to the site are by reason of their inadequate width, poor vertical alignment, poor horizontal alignment, gradient, junctions, unsuitable to accommodate the increase in traffic likely to be contrary to paragraph 32 of the National Planning Policy Framework, Policies TC2 (Accessibility of New Development) and Policy TC7 (Adequacy of Road Network and Site Access) of Emerging East Devon Local Plan and Policies TA1 (Accessibility of New Development) and Policy TA7 (Adequacy of Road Network and Site Access).

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 38 (Sustainable Design and Construction)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

E5 (Small Scale Economic Development in Rural Areas)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Strategy 7 (Development in the Countryside)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The site is located to the south of the hamlet of Sheldon on land associated with the property of Woodmead and has vehicular access from the lane though the hamlet to the west of the site. The site comprises a manège and stables with an open area of land to the rear boundary of neighbouring properties. There is a large field to the south bounded by mature Devon banks, hedges and trees. The site is located within the Blackdowns Area of Outstanding Natural Beauty (AONB).

ANALYSIS

Proposed Development

The proposed change of use is for the siting of a log cabin adjacent to the stable building that would measure 10.6m in length by 4.4m in width by 2.3m to eaves and 4.2m to the roof pitch and finished with timber cladding. The lodge would provide accommodation to include a double bed, kitchen/living area and shower and WC. The lodge would be connected to the existing septic tank to the north west of the stables. This building would be used in connection with the adjoining stables and manège for horse holiday experiences.

The placement of three shepherds huts on the field to the south of the stables, two huts to the north of the field and one in the south west corner. The shepherd's huts would measure 4.6m in length by 2.7m wide by 2.3m to eaves and 2.6m to curved roof pitch and finished with painted timber panelling, timber windows and doors and profile sheet roof with wood boiler flue. Each hut provides a double bed, kitchen, shower/WC and wood burner.

The shepherd's huts would have under-floor heating and wood boiler so the business can operate throughout the year and visitors can enjoy the AONB in the various seasons.

A previous proposal for the development was refused under application 15/0901/FUL. This revised application seeks to address the reasons for refusal of the previous application.

Considerations/Assessment

Principle of Development

Policies E16 (Proposals for Holiday or Overnight Accommodation and Associated Facilities) and E19 (Holiday Accommodation Parks) of the Adopted Local Plan do not permit development for new holiday accommodation in the countryside or new camping or caravan sites in designated landscape areas, respectively.

The supporting text to policy E16 identifies that the changing nature of the holiday industry will in some areas generate pressure for proposals for hotels and other forms of tourism related accommodation. In view of this, new tourist accommodation should be directed towards the most sustainable locations in the district's towns and villages (those with Built-up Area Boundaries), which are best placed to fulfil this requirement. The only exception to this will apply in respect of the use of existing buildings in the open countryside and particularly as related to small-scale farm and rural diversification.

The supporting text to policy E19 acknowledges that potential new sites for caravan and camping may have a positive effect on the economy of East Devon, however, this should not be to the detriment of the natural environment and those in settlements close to the proposals.

The site is located in countryside location, outside of any defined Build-up Area Boundary and within the Blackdown Hills AONB. Further, it does not propose the re-use of existing buildings in the countryside nor would it be related to small-scale farm

or rural diversification. The principle of such a change of use is, therefore, contrary to Adopted Local Plan policy.

However, it is recognised that policy has evolved in recent years most particularly in respect of the encouragement given to sustainable development through the Framework - that is development which appropriately balances the competing issues of economic, social and environmental considerations. Clearly each application must be considered on its own merits and the balance between the components that make up sustainable development will be different for each site. In this instance therefore an assessment of the respective issues will be made before a final conclusion is drawn.

Economic Considerations

Paragraph 28 of the National Planning Policy Framework (NPPF) states that planning policies should support economic growth in rural areas to create jobs through sustainable rural tourism and leisure developments.

In terms of the Adopted Local Plan, Strategy 33 (Promotion of Tourism in East Devon) states that new visitor accommodation should be located within sustainable locations. Policy E5 (Small Scale Economic Development in Rural Areas) states that in villages and rural areas small scale economic development (not including retail) would be permitted if well-related to the village and surrounding area. In addition such proposals require safe highway access, and a local highway network that is capable of accommodating any increase in traffic with no detrimental impact upon neighbouring properties, wildlife, and landscape or historic interest.

The site is a new business rather than expansion of existing, and is poorly related to any village with appropriate services by virtue of its remote location.

It is acknowledged that the proposal would result in an economic benefit to the local area in respect of providing employment and the support that holiday makers would give to local businesses. However, the NPPF is not supportive of all rural business development but clearly caveats its support by encouraging only sustainable rural tourism. This nonetheless weighs in favour of the proposal.

Environmental Considerations

Impact on Landscape Character

Paragraph 115 of NPPF states that great weight should be given to conserving the landscape and scenic beauty in National Parks, The Broads and AONBs. This policy is reinforced by Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the Adopted Local Plan which recognises that development within AONBs would only be permitted where it minimises its impact upon the landscape, conserves and enhances the area and is appropriate to the economic, social and well being of the local area.

In this instance it is considered that the loss of this agricultural land to the proposed development with the associated paraphernalia would harm the open landscape character that forms part of the Blackdown Hills AONB.

The Blackdown Hills AONB Partnership considers that the application has not fundamentally changed from that which was refused under application 15/0901/FUL and its comments remain applicable. The Partnership states that support would be given to any new development and sustainable tourism providing that it conserves and enhances the AONB and benefits the local economy. In principle this proposal could be in line with the AONB management plan policies. However and as recognised by the partnership, the hamlet of Sheldon is situated within a remote location and is accessed by narrow lanes such that the introduction of holiday accommodation with the generation of additional car journeys to obtain the most basic facilities and services and associated activities would in their opinion have a detrimental impact upon the tranquil character of the local area.

In considering the concerns of the Partnership it is noted that the proposal site is not well related to an existing village with even the most basic services. Sheldon, which is essentially only a large hamlet only benefits from a Parish church and there is no regular bus service, or local convenience shop. With a poor connecting-road network the views expressed by the Partnership and outlined above are therefore shared in the consideration of this application. Sheldon is a particularly remote settlement and although located on the far side of the valley from Dunkeswell Airfield remains an extremely tranquil and peaceful place that is naturally restricted by its remoteness and limited access. While the proposed development would have only a limited impact in terms of the physical visual impact, the nature and type of development together with the increase in access that it would necessitate, would undermine and fail to conserve or enhance the landscape character which is designated as an AONB and therefore enjoys the highest level of protection. As such this consideration weighs heavily against the proposal.

Traffic Generation and Highway Safety

Application 15/0901/FUL was refused (reasons for refusal 2, 3 and 4), following an objection from the Local Highway Authority, on the grounds of the site's lack of accessibility, the lack of visibility from the existing access when entering into and out of the site, increased intensification of vehicle movement to the site and inadequate width and poor vertical alignment and concerns of highway safety of the surrounding road network.

The concerns raised related to the perceived poor quality of the surrounding road network with narrow lanes into and through Sheldon. It was also considered that once guests arrived at the site they may walk or undertake horse riding activities and the means of accessing the site by private vehicles, would not have promoted the use of sustainable transport. This arises as the hamlet of Sheldon has no amenities or regular bus services and is located in the remote part of the Blackdown Hills AONB with narrow single track access roads.

It was also considered that the development would have been likely to attract larger vehicles i.e. horse boxes that would be unsuitable for such roads and likely to cause additional congestion to the local road network (notwithstanding the agricultural traffic which can already use the road network).

The applicant has since been in discussions with the Local Highway Authority who requested additional information to address how traffic generation and highway safety impacts could be mitigated by the proposal.

A Traffic and Transport Statement has been submitted with the revised application which provides additional information about traffic, access and parking in an attempt address the previous highway safety concerns. The Statement concludes that the proposal:

- * would not be wholly dependent on private vehicles as it is intended to provide bike hire, including electric bikes, and provide a pick-up/drop-off to local public transport points;

- * would generate limited and negligible amounts of traffic when compared to other uses in the surrounding area;

- * incorporate fetching provisions with the applicant's own business to reduce the need for visitors to make additional trips; and

- * would direct private vehicles visiting the site to use highways with better widths/alignments to the south-west of the site (from Honiton/the A303).

The Local Highway Authority no longer raises an objection to the proposal subject to securing conditions requiring details of the access visibility splays and a Visitor Travel Plan which shows preferred and suitable routes to the site from the west and southwest and avoiding routes from the northeast; provision collection trips; supply of cycles and the provision of pick-up and drop-off trips to and from local public transport points and the plan designed to inform and reduce the number of trips by private vehicles. Therefore, it is considered concerns relating to highway safety would be able to be satisfactorily addressed.

Neighbour Amenity

The proposed log cabin would be sited to the rear of three neighbouring gardens at a distance of some 28m with a boundary hedge to the north-west. The concerns raised by Parish Council and neighbours to the potential issue of noise, disturbance and light spill have been noted although it is considered that there is a sufficient distance to these properties such that this unit of accommodation and the existing uses on the land with the private stable building and ménage would not cause significant harm in respect of noise and disturbance. Similar concerns to the placement of the shepherds huts is also noted although these are sited at a greater distance of some 55m from the nearest dwelling house and would not cause significant harm in respect of noise or disturbance to neighbouring properties.

In respect of the concerns to light pollution these are noted and if any permission were to be granted a condition for no external lighting to be placed on any of the structures could be imposed. Therefore it is considered that the proposal would not result in any significant harm to neighbouring properties to warrant a refusal reason.

Environmental Health

The proposal is unlikely to raise any Environmental Health pollution issues although it is recommended that if permission were to be granted the applicant would have to apply for a Caravan Sites Licence.

Equestrian use

While the log cabin is proposed to be used for guests with horses it is noted the riding arena is subject to a condition (under permission 01/P2147) that restricts it to private use for persons associated with Woodmead and for no commercial use. This element of the proposal would, therefore, require a further planning application seeking the removal of this restriction prior to the commencement of such use. In addition, a further consent would also be required to upgrade and repair the existing stables should a commercial take place.

It is, therefore, concluded that the proposed equestrian element of this proposal would require further planning approvals to achieve the use and any applications would be assessed on their individual merits.

Conclusion

In summary, it has been demonstrated through the report the scheme can gain some support in economic terms. However, it has been found that environmental harm in landscape terms and adverse impact on the AONB weigh heavily against the proposal and the development is considered unsustainable and would not conserve or enhance the AONB.

This proposal is not considered to be in a sustainable location and would not be appropriate to the economic, social and well being of the area due to its remote location. The application is, therefore, recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed holiday accommodation would be divorced from any settlement with a suitable range of services and facilities to serve such development without the need to be primarily reliant on the private car. As a result and together with the developments resulting harm on the AONB through the disruption of the local tranquillity, the unjustified development of an existing pastoral field and the associated domestic paraphernalia which would harm the character of the area, the development would represent unsustainable development. As such the proposed development is considered to be contrary to Strategies 7 (Development in the Countryside), 33 (Promotion of Tourism), and 46 (Landscape Conservation and Enhancement and AONBs), Policies E6 (Small Scale Economic Development in Rural Areas) and TC2 (Accessibility of New Development) of the emerging New East Devon Local Plan and guidance set out in the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the listed building 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	15.10.15
D	Other Plans	15.10.15
B	Proposed Combined Plans	15.10.15
C	Proposed Site Plan	15.10.15
E	Proposed Combined Plans	15.10.15
F	Proposed Elevation	15.10.15
A	Proposed Floor Plans	15.10.15

List of Background Papers

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

Ward Feniton & Buckerell

Reference 15/1588/FUL

Applicant Deer Park Hotel Ltd

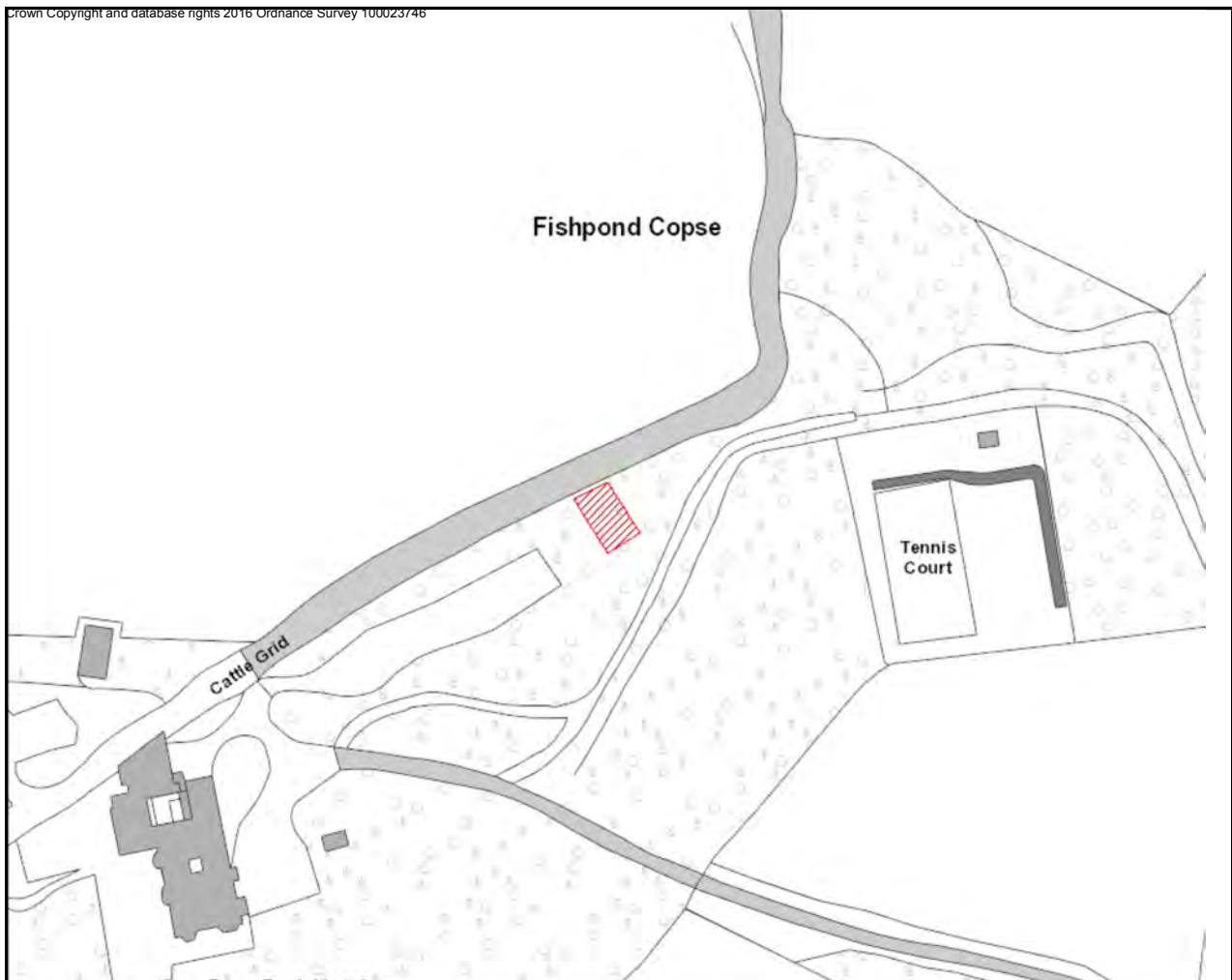
Location Deer Park Hotel Weston Honiton
EX14 3PG

Proposal Construction of motor house for
classic car collection incorporating
2no. hotel bedroom suites.



RECOMMENDATION: Approval with conditions

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		Committee Date: 10th May 2016
Feniton & Buckerell (BUCKERELL)	15/1588/FUL	Target Date: 21.09.2015
Applicant:	Deer Park Hotel Ltd	
Location:	Deer Park Hotel Weston	
Proposal:	Construction of motor house for classic car collection incorporating 2no. hotel bedroom suites.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

Permission is sought for the construction of a 15.0m x 9.5m garage building with first floor holiday accommodation within the pitched roof. The ground floor garage will allow the storage and display of the Hotels collection of classic cars with a glazed frontage allowing for visitors and guests to view the various cars used in the hotels wedding provision.

The key points to balance are whether in principle a new building in relation to the development of an existing holiday accommodation and rural business is acceptable, additionally, what effect this scheme would have upon the character, appearance and setting of the Grade II listed Deer Park Hotel, how this new structure will affect the appearance of the landscape (outside of the AONB), and finally the buildings impact upon the surrounding trees in the vicinity of the proposed garage building.

Foremost, this application is for an outbuilding to provide adequate and environmentally suitable storage for 6no. classic cars currently owned by the Hotel and used during wedding events but stored off site. Considering the importance of this aspect of the Hotel's business and the quality of these vehicles it is understandable that there is a need to store them appropriately, and in an accessible and visible location.

Currently the vehicles are stored off site as there is no suitable space within the grounds of the property, should this application be approved then these vehicles would add to the character of the Listed country house hotel and would not require transporting to the venue for events. This would both be a practical and environmentally friendly solution that allows the Hotel business to develop their

wedding and function service, which draws customers from within the district and from further afield.

The scheme is not compliant with Policy E16 (Proposals for Holiday or Overnight Accommodation and Associated Facilities) of East Devon Local Plan (2013 – 2031), which sets out that upgrading of existing holiday accommodation will be permitted within the Built-up Area Boundaries, but in regards to open countryside there is no provision for the new build development. However in this specific case there are other material considerations which on balance weigh in favour of the development, specifically that the scale of the development and the need for vehicle storage is justified, and the design and siting is now acceptable in terms of both impact upon the setting of a listed building and the wider countryside.

As the ground floor plan is relatively deep to accommodate the longer than normal cars the roof is relatively spacious. In design terms the amended roof size and pitch is acceptable and still includes space to be utilised for additional holiday accommodation. The changing nature of holiday, and events is reflected in this application with the Hotel's desire to provide an additional element to their guests experience. The addition of 2.no suites is commensurate with the scale of the main hotels accommodation provision.

The site is located outside of the AONB, and whilst the appearance of the open countryside remains of paramount importance, in this instance the siting of the building, its utilitarian design and amended roof will have a relatively low visual impact due to screening from trees. Two trees are to be felled, in this instance this is felt to be justified. A condition requiring replacement trees on site is recommended.

Given the justification offered by the applicant as to the need for this Motor House and associated accommodation, tied with the relatively large distance and location (within trees on part of the car park land) of the site from the hotel, it is not considered that the impact upon the setting of the listed building would be harmful.

The design is far less domestic in nature than initially received and has adopted a more utilitarian approach being similar in some respects to an ancillary outbuilding.

CONSULTATIONS

Local Consultations

Feniton And Buckerell - Cllr S Bond

Subject: Re: 15/1588/FUL - Deer Park Hotel Weston Honiton EX14 3PG

This application is in my ward and my preliminary view is that it should be REFUSED.

My initial concerns echo those of the Conservation Officer and I would need to hear strong justification for such a departure from planning policy.

In the event that my views differ from those of planning officer, I call for this application to be heard at Development Management Committee.

However, I will reserve my position until all the facts are known and until I have heard full discussions at committee.

Further comments in response to amended plans:

Thank you for the opportunity to comment on the revised drawings for the above planning application.

While the applicant has gone some way to address the concerns of the Conservation Officer, I feel that this still constitutes development in the open countryside and the proposed use of the building has no bearing on the needs of the Deer Park Hotel.

I therefore feel that it should be REFUSED.

In the event that my views differ from those of the planning officer, I call for this application to be heard at Development Management Committee.

However, I will reserve my position until all the facts are known and until I have heard full discussions at committee.

Parish/Town Council

Buckerell Parish Council does not support planning application 15/1588/FUL and agrees with the conservation officer's comments (Original Comments, J1 - 15.04.16) and is of the view that the application is contrary to planning policy and in particular with regards to building in the open countryside

Further comments as a result of amended plans:

As nothing has fundamentally changed regarding this application, the council maintains its original position and confirms that this application should be refused.

Technical Consultations

County Highway Authority

Does not wish to comment

Conservation Officer Comments

DATE: 2nd March 2016

Amended plans submitted 12th February 2016. Much negotiation has taken place since the original submission. This has included the investigation into the justification for the need for this particular building and subsequent discussions over the design approach. I am now satisfied with the justification offered and due to the distance

and location of the site from the hotel I do not consider that the impact upon the setting of the listed building would be harmful.

With regard to the design this is now far less domestic in nature and has adopted a more utilitarian approach being similar in some respects to an ancillary outbuilding. The use of warty-edged larch cladding which should be left to weather naturally and not stained would help the building recede into the backdrop of trees, I am happy to support approval with conditions for samples of all external materials and finishes including a specification for the rooflights.

DATE: 5th August 2015

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

The Deer Park Hotel 22.2.55 II Hotel. Circa late C18/early C19, possibly a remodelling of an earlier house. Colourwashed and rendered; slate roof, concealed behind a parapet to the front block; stacks with rendered shafts and grouped chimney-pots. Plan: Long rectangular plan on a north/south axis, principal rooms facing the garden at the south end, front door on the east elevation, service rooms to the north. Exterior: 2 storeys. Symmetrical 7 bay garden (south) elevation with 2-storey bows to left and right, each of 3 bays. Deep moulded cornice below the parapet, platband at first floor level. The centre bay has a transomed, probably late C19 or C20 French window with glazing bars in a round-headed recess, the other windows all appear to be original: a 12-pane sash with shutters to first floor centre, larger similar sashes to the bows. The west (entrance) elevation has a mixture of C18 or C19 sashes with small-panes, some tripartite, and a platband. The service wing, to the right, is slightly set back. Internal porch in a 2-storey projection with a pediment: the outer doorway flanked by paired columns with an entablature; 2-leaf glazed inner front door with flanking glazed panels and a round-headed fanlight with spoke glazing bars. The west elevation has late C18 or early C19 sash windows with small panes and shutters, 2 ground floor canted bays are probably late C19 or C20 with high transomed French windows with glazing bars. At right angles to the west elevation a probably Edwardian conservatory with a brick base and transomed lights with round-headed arches and keyblocks. Interior: Not thoroughly inspected but the principal rooms retain good mahogany doors, cornices, Adam style fireplaces and a late C18/early C19 stair with turned balusters. Polwhele refers to a "noted park" in Buckerell, "of which Deer Park is supposed to have been the ancient lodge", History of Devonshire.

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

Listed building consent exists for the demolition of the squash court building and from previous advice I raised no objections in principle to its replacement. The previous application for a dwelling for the manager was, I understand withdrawn. The current application is for an identical design but with the use as a self catering cottage. The proposed use has little additional impact upon the setting of the listed hotel, and in fact would necessitate fewer external requirements and paraphernalia associated with a permanent dwelling. I would therefore raise no objection to this particular application with conditions requiring all external materials and finishes to be agreed.

With regard to the proposed motor house with hotel suites over, I am unconvinced at this justification offered for this. While the proposed site is at the far end of the car park the intervisibility between the site and the listed building will probably be more conspicuous during winter months. Also, when assessing the impact of proposed developments upon the setting of heritage assets, the contribution of that particular setting upon the overall significance of the asset needs to be properly assessed. In this case, the application provides insufficient assessment. Outbuildings associated with country houses are usually grouped together for reasons of their ancillary use. A large, divorced building would appear at odds with this, particularly as it is not attempting to emulate a lodge, gardener's cottage or even a dower house. Just because the site is away from the listed building does not necessarily mean that this is more appropriate in setting terms.

I am unconvinced over the justification offered for the motor house. If the hotel owns a collection of classic cars, where are these presently stored, and why is this present location now unsuitable? If they hold particular value, is it wise to keep them on show behind glazed doors. Surely, this could potentially be a security issue? I concede that this is not a conservation matter, but this still raises questions over the justification.

In terms of the overall design approach for such a building the principal elevation facing into the car park area appears rather domestic with over-sized dormers drawing undue attention to the roof. The proposed cladding would, at least be befitting a wooded backdrop. However, a significant area of glazing would not necessarily be consistent with the character of this area.

As it stands, I am unable to support the application as there is insufficient justification for the building and its location. Concerns over the design need addressing.

PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

Further comments:

Much negotiation has taken place since the original submission. This has included the investigation into the justification for the need for this particular building and subsequent discussions over the design approach. I am now satisfied with the justification offered and due to the distance and location of the site from the hotel I do not consider that the impact upon the setting of the listed building would be harmful.

With regard to the design this is now far less domestic in nature and has adopted a more utilitarian approach being similar in some respects to an ancillary outbuilding. The use of warty-edged larch cladding which should be left to weather naturally and not stained would help the building recede into the backdrop of trees, I am happy to support approval with conditions for samples of all external materials and finishes including a specification for the rooflights.

Other Representations

1.no letter of objection has been received in relation to this application from the owner of a property which immediately adjoins the application site. The key issues raised in the objection are:

- The site is in effectively open countryside
- The car park had in the past been a wooded area, this has been lost.
- Objection to the loss of trees to make way for the building and across the site in general.

PLANNING HISTORY

Reference	Description	Decision	Date
15/1591/FUL	Demolition of former squash court building and construction of self catering cottage ancillary to main hotel.	Approve	30.11.2015
14/3011/FUL	To remove existing marquee and replace with new Orangery for hotel functions with alterations to existing conservatory area.	Approve	02.04.2015

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN9 (Development Affecting a Designated Heritage Asset)

E16 (Proposals for Holiday or Overnight Accommodation and Associated Facilities)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

Deer Park Hotel is a country house hotel situated near the village of Buckerell on the outskirts of Honiton. The house is an early Georgian Manor situated within grounds extending to 80 acres. The property has been refurbished and in recent years has grown the business as a wedding venue. The hotel is a grade II listed building and there are a number of buildings within the grounds, the two most recent additions to the property which were subject to planning approvals in 2015 were the demolition and replacement of the former squash court building directly to the north of the main house, and the erection of a large single storey extension to the west of the hotel to form a Wedding/function venue.

To the east of the main hotel building an area of paved land provides a substantial car parking area which is surrounded by a wooded copse. Access to the car park is off of the same private access road as the rest of the site.

ANALYSIS

Proposed Development

Permission is sought for the construction of a 15.0m x 9.5m garage building with a pitched roof. At ground floor level the garage building will allow the storage and display of the Hotels collection of classic cars in appropriate conditions for cars of this type. The front of the structure will be glazed allowing for visitors and guests to view the various cars and as such add an additional point of interest linked to this tourist, wedding and function venues offer.

Due to the size and number of vehicles that are to be stored in the garage, and the need to use a traditional roof covering, and therefore pitch, the design includes a large roof void which the applicants have chosen to utilise with the inclusion of first floor accommodation. The justification for this accommodation is that this will provide separate accommodation from the main hotel for wedding parties and other groups, especially those with an interest in motor vehicles. During the course of the application more information was sought from both the planning officer in terms of additional justification for the need to store vehicles on site, and from the conservation officer in the form of amended designs, specifically making the structure less domestic in nature. The resultant amended scheme therefore differs from that originally submitted, with the dormers removed, different materials proposed and additional information provided regarding the need for the vehicle storage.

The scheme has been developed during the course of the application to reflect the site, and also comments of the Conservation Officer, and other contributors.

Key Issues

When considering this new building the key points to balance are whether in principle a new building in relation to the development of an existing holiday accommodation and rural business is acceptable, additionally, what effect this

scheme would have upon the character, appearance and setting of the Grade II listed Deer Park Hotel, how this new structure will affect the appearance of the landscape (outside of the AONB), and finally the buildings impact upon the surrounding trees in the vicinity of the proposed garage building.

Principle of Development and visual impact

Foremost, this application is for an outbuilding to provide adequate and environmentally suitable storage for 6no. classic cars dating to the interwar years and later. These vehicles are owned by the Hotel and are used during wedding events which make up a large proportion of the Hotel's business. Considering the quality of these vehicles it is understandable that there is a need to store them appropriately, additionally as they play an important role in the Hotels offer this storage area needs to be in an accessible location.

Currently the vehicles are stored off site as there is no suitable space within the grounds of the property, should this application be approved then these vehicles would add to the character of the Listed country house hotel as visible artifacts, and would not require transporting to the venue for events. This would both be a practical and more sustainable solution that allows the Hotel business to develop their wedding and function service, which draws customers from within the district and from further afield.

Policy E16 (Proposals for Holiday or Overnight Accommodation and Associated Facilities) of East Devon Local Plan (2013 – 2031), sets out that “upgrading of existing holiday accommodation will be permitted within the Built-up Area Boundaries” subject to criteria. In regards to open countryside there is no provision for the new build development. As such this scheme does not comply with this policy. However in this specific case there are other material considerations which on balance weigh in favour of the development.

The use of the site is an important contributor to the area's economy and is located well in relation to travel links outside the district (A30 within 2 miles, Honiton Train Station). A justified addition at this site would have a significant benefit to this existing rural business, and through bringing vehicles on site would reduce the need to transport these vehicles between sites and add to the character and experience of the listed building.

As the ground floor plan is relatively deep to accommodate the longer than normal cars, and due to the site falling within the setting of a listed building, the use of a traditional pitch and covering has been proposed by the applicant and is considered an appropriate design approach. The roof size and pitch is acceptable and in this setting is preferred over a flat roof or lower pitch design. As the roof space created is relatively large the applicant has been keen to include additional holiday accommodation within it.

The changing nature of the tourism and wedding events industry is reflected in this application, with the Hotel's desire to provide an additional element to their guests experience. It is also practical as the separation of the proposed garage structure will allow for wedding parties or groups to be separate to an extent from other guests.

The addition of 2.no suites is commensurate with the scale of the main hotels accommodation provision and would not result in a significant increase in visitor numbers or trips, but would reflect the changing nature of the (specifically wedding) market. As such the scale of the garaging, and small increase in holiday accommodation is considered to be both ancillary and subservient to the main hotel.

The site is located outside of the AONB, and whilst the appearance of the open countryside remains of paramount importance, in this instance the siting of the building, its utilitarian design and amended roof will have a relatively low visual impact due to screening from trees. As such the motor house is felt to be in accordance with Strategy 46 of the East Devon Local Plan (2013 – 2031).

The original hotel and associated buildings and outbuildings form a significant development area which has an existing impact upon the open countryside. The siting of the proposed motor house on a section of the existing car park rather than other more open, green space limits the impact of the development. The car park area is well screened from outside views with mature trees, and whilst the proposal allows for sufficient breathing space between the listed building, it would not be distant or separate.

The principle of providing a garage for storage of the cars is acceptable and given the design approach required it is sensible to make appropriate use of the roof space. Use of the roof space would provide added security to the cars. Given that the garage is acceptable, given that the design is acceptable, there are benefits to the future of the listed building from continued activity and use, and given that there are benefits to the hotel and sustainability benefits from locating the cars at the site, it is considered that there are a combination of material considerations in this instance that outweigh the in principle objection to new-build holiday accommodation.

Impact upon the setting of a listed Building

Following negotiation, including the investigation into the justification for the need for this particular building and subsequent discussions over the design approach, EDDC's Conservation Officer is satisfied with both the justification for the scheme and its design. Because the original scheme had included details such as dormer windows it had a distinctly domestic appearance and the key space in the building, the garaging was the subservient aspect of the building, with the first floor accommodation being more prominent. However, through negotiation the design has been significantly altered and now takes a more utilitarian approach with a pitched roof without any protrusions as previously. With regard to the design this is now far less domestic in nature and the adopted utilitarian approach is better suited to what is in effect an ancillary outbuilding. This will mean that the ground floor garaging, and its glazed facade will be more prominent than the first floor accommodation.

The justification offered as for the need for the onsite garaging in relation to the hotel business has been considered sufficient by the Conservation Officer. Due to the distance and location (within trees on part of the car park land) of the site from the hotel, the proposed motor house is not considered to have a harmful impact upon the setting of the listed building.

The use of wany-edges larch cladding which should be left to weather naturally and not stained, would help the building recede into the backdrop of trees. As such the proposal is considered to be in accordance with Strategy 49 of the adopted East Devon Local Plan (2013 – 2031)

Other Considerations

The site is located within the hotels current car park area, which is well screened by trees, the proposed structure will use a pile foundation which has a much lower impact upon trees, therefore whilst the footprint of the building falls within the root protection area of trees to the north west of the proposed building, the use of piles would mean the impact is minimal. The scheme would result in 2.no trees requiring felling. Considering the level of tree coverage provided in close proximity to those to be felled, the specific loss of T1 (Ash) and T6 (Sycamore) is not considered unacceptable in terms of the impact upon the landscape. However, considering the comments of the Parish Council, Ward Member and local residents, the need to ensure replacement trees on site to maintain and enhance the landscapes amenity value is understood. As such a condition is recommended for replacement tree planting as part of the scheme.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
4. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and

areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - 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.)

5. A replacement tree(s) shall be planted within the curtilage/at the front of the property/as close as practicable to the same location in the first planting season following the felling of the tree(s) hereby permitted to be removed. The replacement tree(s) shall be a minimum of 8 -10cm in girth and shall be maintained for a period of five years; such maintenance to include the replacement of the tree(s) should it/they die. The species of the tree(s) may be selected by the applicant/shall be selected from the following list or such other species and location, size and timing as may be agreed in writing by the Local Planning Authority.

(Reason - To maintain continuity of tree cover and compensate for the loss of amenity in accordance with policy D3 (Trees and Development Sites) of the Adopted East Devon Local Plan (2013 - 2031).)

6. Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery the following tree protection measures as identified in the Advanced Arboriculture Tree Constraints Assessment dated 22nd of July 2015 will have been completed:

- a) The tree protection fencing and / or ground protection shall be in place and in accordance with the agreed specification.
- b) The installed tree protection will have been inspected by an appropriately experience and qualified Arboricultural Consultant commissioned to act as the project Arboricultural Supervisor.
- c) The findings of the Arboricultural Supervisors initial site inspection shall be forwarded to East Devon District Council, Western Planning Team prior to the commencement of works on site.

During development the AMS dated 17th day April 2015 shall be strictly followed, including:

- d) Monthly site inspections by the Arboricultural Supervisor.

On completion of the development, the completed site monitoring log shall be submitted to the Planning Authority for approval and final discharge of the condition.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality in accordance with Policy D3 (Trees and Development Sites) of the Adopted East Devon Local Plan (2013 - 2031).

Plans relating to this application:

258-L04.01	Proposed Elevation	12.02.16
258-L03.01	Sections	12.02.16
258-L02.10	Proposed Floor Plans	12.02.16
	Location Plan	27.07.15
	Location Plan	13.07.15
258-L01.02	Proposed Block Plan	18.04.16

List of Background Papers

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

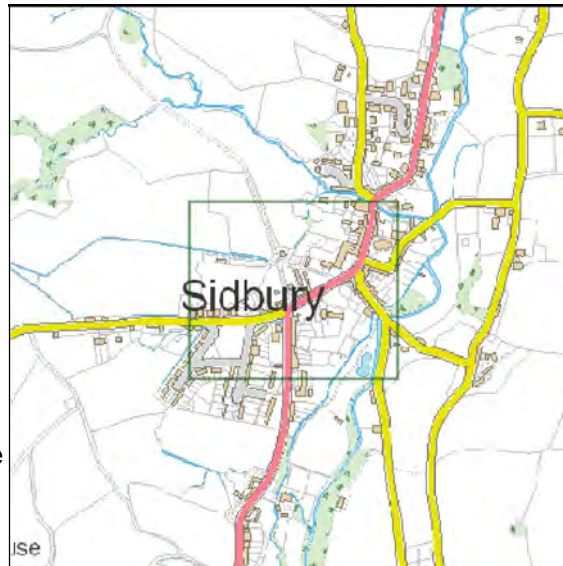
Ward Sidmouth Rural

Reference 15/2596/OUT

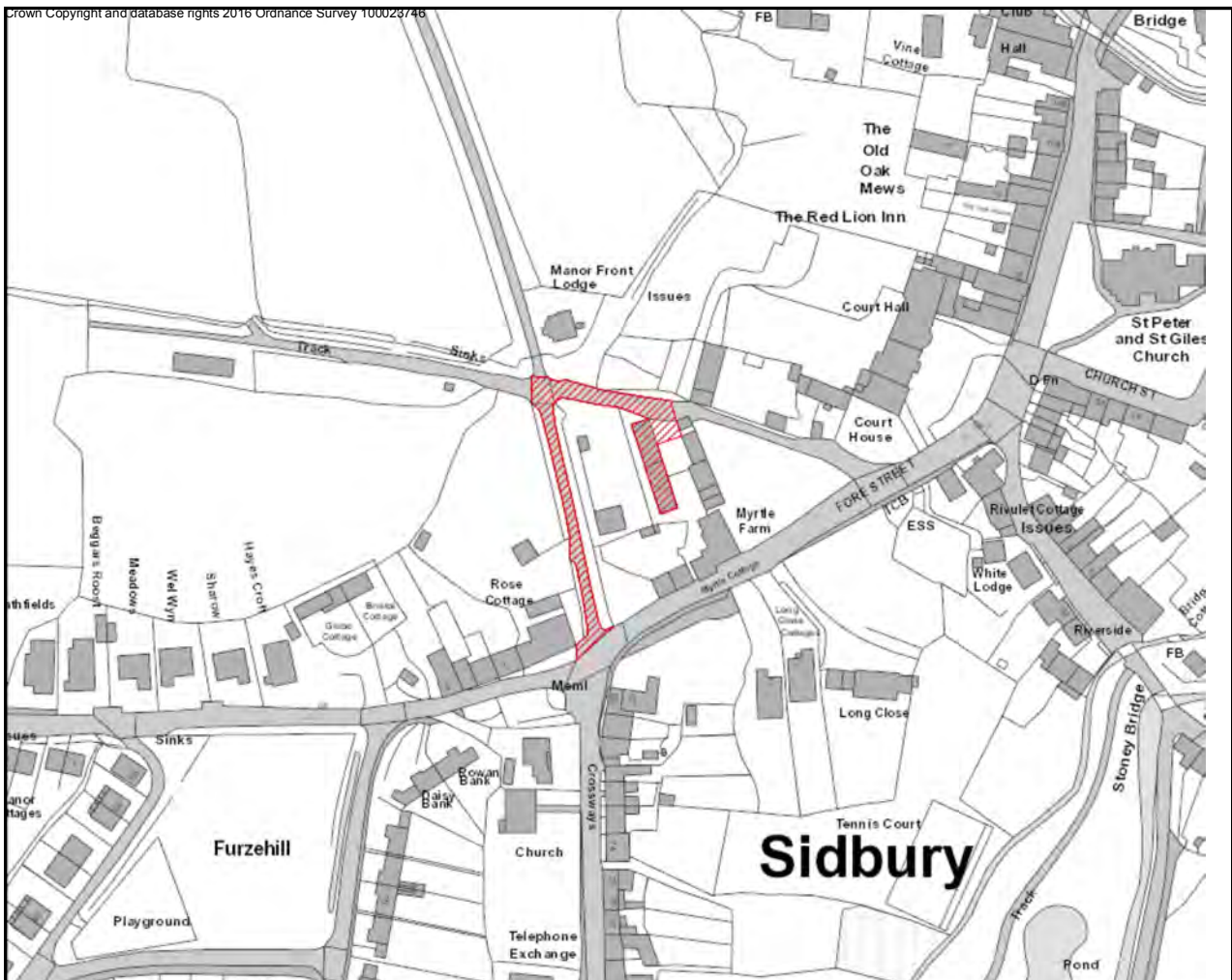
Applicant Mr Phillip Wallace

Location Myrtle Farm Fore Street Sidbury
Sidmouth EX10 0RS

Proposal Demolition of existing outbuilding and construction of holiday letting unit (outline application discharging details of access, layout and scale, and reserving details of appearance and landscaping)



RECOMMENDATION: Refusal



		Committee Date: 10th May 2016
Sidmouth Rural (SIDMOUTH)	15/2596/OUT	Target Date: 25.01.2016
Applicant:	Mr Phillip Wallace	
Location:	Myrtle Farm Fore Street	
Proposal:	Demolition of existing outbuilding and construction of holiday letting unit (outline application discharging details of access, layout and scale, and reserving details of appearance and landscaping)	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

The application seeks outline planning permission for the demolition of a single storey outbuilding and the construction of a replacement residential building to be used as a holiday let. The outline planning application seeks to agree access, layout and scale with all other matters reserved.

Myrtle Farm is a former farm house in Sidbury, with former farm outbuildings to the rear. The site is located in close proximity to but outside of Sidbury's Built-up Area Boundary and the site's frontage adjoins Fore Street. The existing dwelling house, is Grade II listed. The outbuilding which is proposed to be demolished is considered to be curtilage-listed due to its historic association with the main house. The site is also partially within the Sidbury Conservation Area, the boundary of which runs immediately adjacent to the front of the existing outbuilding.

While it is acknowledged the site is reasonably well-located to the village in terms of its proximity to services and facilities, in planning policy terms it is in a countryside location where development is strictly controlled. The proposal to construct a new building for holiday accommodation in the countryside, rather than the re-use or conversion of an existing building, is considered contrary to planning policy and is unacceptable in principle.

Further, insufficient information has been provided to justify the demolition of the single storey outbuilding and to replace it with a new holiday let building. It is considered that the proposed development would harm the character, appearance, significance, setting and special historic interest of the heritage asset and adjacent heritage assets. The development would also fail to preserve and enhance the character and appearance of the Conservation Area.

The application is, therefore, recommended for refusal.

CONSULTATIONS

Local Consultations

Parish/Town Council
Support

Sidmouth Rural - Cllr D Barratt

I support this application. If the Officer recommendation were to be for refusal I would ask that this application comes to committee for determination.

(If this application were to come to Committee I would retain an open mind in considering the facts)

Other Representations

One third party representation has been received in support of the application stating that any increase in the number of habitable dwellings in Sidbury is welcomed, when they have no visual impact from the road.

A second third party representation while not objecting to the demolition of the building and the construction of a holiday letting unit raised the following concerns:

- that the new building should remain single storey or at the very least its roof structure should not exceed the current height which is important to maintain the character of the surrounding area and for its mass height not to dominate it.
- the materials of the new building should be sympathetic and in keeping with the historic styles of the immediate area.

Technical Consultations

Natural England

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

County Highway Authority

The vehicular access to the development is not proposed from the A375 Sidmouth/Honiton road but via an existing private track. Therefore the requirement for on-site vehicle turning provision is not required by the CHA.

It would appear that there is adequate onsite vehicle turning and therefore the provision of a turntable is something that, in this case, the CHA does not wish to comment.

Conservation

PROPOSAL: Demolition of existing outbuilding and construction of holiday letting unit (outline application discharging details of access, layout and scale, and reserving details of appearance and landscaping)

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

See listing description and information on file. This outbuilding is located to the north (west) of the main farmhouse and is a long single storey timber framed shed with a brick base and horizontal timber boarding above at the southern end and a corrugated roof. The far end of the structure is completely brick. There have been buildings on the site closest to the farmhouse dating from at least 1889/90 and the northern section can be seen on the 1947 aerial, indicating that the outbuildings are curtilage listed. Photographs can be viewed on Emap.

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

The Statement of Significance supplied with this application relates mainly to the listed farmhouse and gives little indication of the importance/ significance of the outbuilding and the impact of the proposals which include its demolition and a replacement dwelling.

In view of its listed status, the application needs to demonstrate the following:

- o The condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use;
- o The adequacy of efforts made to retain the building in use, either to continue the present use or to find compatible alternative uses for the building;
- o The merits of the alternative proposals for the site. In this instance, the application does not appear to have taken into account the re-use/conversion of the outbuilding and why it is acceptable for it to be demolished.

In addition, the linear form of the outbuildings is an historic layout as seen on the OS maps and is an integral part of the setting of the listed farmhouse. Its demolition will result in a change to the historic farm complex and needs to be fully justified. There are no details of the proposed replacement unit to indicate its appearance, design or materials. In such close proximity to the listed building it is considered that the setting of the listed building could be severely compromised by the approval of the demolition of the outbuilding and a replacement unit.

Further information is therefore required both to justify the loss of a curtilage listed building and details of its proposed replacement.

PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

REASONS FOR REFUSAL: justification for demolition and lack of information/details

Additional information received 11th February 2016:

The additional information supplied fails to provide sufficient response to the previous concerns, again set out below:

- o The condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use;

o The adequacy of efforts made to retain the building in use, either to continue the present use or to find compatible alternative uses for the building;

o The merits of the alternative proposals for the site. In this instance, the application does not appear to have taken into account the re-use/conversion of the outbuilding and why it is acceptable for it to be demolished.

However, the information does confirm that the outbuilding is later than the two storey group opposite and has been converted and possibly partly rebuilt or altered in the late 1980's. Even so, it currently has a part to play as a curtilage structure in the original phasing and development of the farm group; as a defined boundary to the western side of the courtyard and its contribution to the setting of the farmhouse, the wider farm group and the Sidbury Conservation Area.

There is no justification for the removal of the single storey outbuilding and its replacement with a new dwelling. The linear form of the outbuildings as part of the historic layout is an integral part of the setting of the listed farmhouse and its demolition will result in a change to the historic farm complex and the relationship of the adjacent buildings. In addition, both views into and out of the site will be compromised. From the track to the north of the site, the eye is currently drawn into the farm group towards the focal point of the rear of the farmhouse and adjacent cottages on Fore Street. The photograph below demonstrates the importance of the curtilage building, framing the group and the positive contribution both in its existing form, roofscape and the development of the farm group and the setting of the listed building.

PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

REASONS FOR REFUSAL: Insufficient justification for the demolition and loss of the curtilage outbuildings and the impact on the setting of the listed farmhouse, the farm group and the wider Sidbury Conservation Area

Natural England

Dear Sir or Madam,

Planning consultation: Demolition of existing outbuilding and construction of holiday letting unit (outline application discharging details of access, layout and scale, and reserving details of appearance and landscaping).

Location: Myrtle Farm Fore Street Sidbury Sidmouth EX10 0RS.

Thank you for your consultation on the above dated 01 December 2015 which was received by Natural England on 01 December 2015.

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

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

The National Park and Access to the Countryside Act 1949

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

Statutory nature conservation sites - no objection

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

Protected landscapes

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

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

Protected species

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

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

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

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

Local sites

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

Sites of Special Scientific Interest Impact Risk Zones

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

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

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

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

PLANNING HISTORY

Reference	Description	Decision	Date
15/2642/LBC	Internal alterations including the removal of existing partitions and the introduction of new partitions, changes to the window and door arrangement on the ground floor, addition of porch canopy and renewal of both existing canopy and flat roofed extension and erection of timber fencing and gate.	Approval with conditions	18.02.2016
15/2641/FUL	Removal of flat roofed back extension, and closure of existing vehicular access and their replacement with timber fencing and a pedestrian gate.	Approval with conditions	18.02.2016
04/P1776	Convert Two Barns Into Two Self Contained Holiday Lets	Approval with conditions	07.09.2004
04/P1775	Convert Workshop/stores Into Two Holiday Lets New Door To Rear Repair Roof Paint Exterior	Approval with conditions	07.09.2004
03/P3073	Conversion Of Barns To Form 4no Holiday Apartments & Car Parking/access To Farmhouse	Refusal	03.02.2004
85/P0137	Conversion Of Outbuilding To Private Dwelling.	Refusal	05.03.1985

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)

D8 (Re-use of Rural Buildings Outside of Settlements)

E16 (Proposals for Holiday or Overnight Accommodation and Associated Facilities)

EN8 (Significance of Heritage Assets and their setting)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

Myrtle Farm is a former farm house in Sidbury, with former farm outbuildings to the rear. The site is located in close proximity to but outside of Sidbury's Built-up Area Boundary and the site's frontage adjoins Fore Street. The existing dwelling house, is Grade II listed.

The site has a wide curtilage to the front with an open garden to the east of the property, to the rear of the dwelling the site narrows to a courtyard which is flanked to the east by a two storey stone-built outbuilding and to the west by a single storey brick-built outbuilding (which is the subject of this application). The property is accessed via a private lane to the rear of the site which leads to a parking area within the rear courtyard.

The site is partially within the Sidbury Conservation Area, the boundary of which runs immediately adjacent to the front of the existing outbuilding. While this outbuilding is a later addition, its form and layout are linked to buildings visible on both the 1947 aerial photograph of the site and earlier historic OS maps. As such the building is considered to fall within the listing of the original farm house as a curtilage-listed building.

The outbuilding has a relatively shallow pitched roof which has in the past been re-roofed with a modern metal roof covering. The structure is a mix of brickwork types and is also partly timber clad with timber windows facing into the courtyard.

ANALYSIS

Proposed Development

The application seeks outline planning permission for the demolition of the single storey outbuilding and the construction of a replacement residential building to be used as a holiday let. The application seeks to agree access, layout and scale with all other matters reserved.

The long outbuilding is proposed to be demolished and replaced with a wider building that wouldn't follow the form of the original structure. The scale of the building proposed would allow for car parking and a small amenity space to the sides

of the new dwelling, but in relation to the original structure would be deeper. The current structure is 30.0m in length and 5.1m wide. The proposed structure would be 13.2m in length and 7.6m wide.

Consideration and Assessment

Principle of Development

While it is acknowledged the site is reasonably well-located to the village in terms of its proximity to services and facilities, in planning policy terms it is in a countryside location where development is strictly controlled.

Strategy 7 of the Adopted Local Plan highlights that development outside of Built-up Area Boundaries 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.

Policy D8 of the Adopted Local permits the re-use or conversion of buildings in the countryside subject to several considerations while policy E16 allows the conversion or use of existing buildings in the open countryside, within close proximity to the main farm house or country house, for small-scale holiday accommodation.

In terms of Neighbourhood Plan policy, the Sid Valley Neighbourhood Plan is at very early stage of production and there is specific Neighbourhood Plan policy that would permit the proposed development.

In view of the above, the proposal to construct a new building holiday accommodation in the countryside, rather than the re-use or conversion of an existing building, is considered contrary to planning policy and is unacceptable in principle.

Impact on Heritage Assets and the Conservation Area

The Supporting Planning Statement and the Design and Access Statement, including Statement of Significance, submitted with the application relate mainly to the adjacent listed former farmhouse and provide little indication of the importance/significance of the outbuilding and the impact of the proposed demolition and replacement with a holiday let.

While additional information has been subsequently submitted in support of the application (in the form of an amended Design and Access Statement), it does not satisfactorily address the concerns in terms of:

- the existing building's condition, the cost of repairing and maintaining it in relation to its importance and the value derived from its continued use;
- the adequacy of efforts made to retain the building either to continue its current use or to find compatible alternative uses; and

- the merits of alternative proposals for the site. In this instance, the application does not appear to have taken into account the re-use/conversion of the outbuilding and why its demolition would be acceptable.

The additional information does, however, confirm that the outbuilding is later than the two storey buildings opposite which have been converted and possibly partly rebuilt or altered in the late 1980s. Even so, it currently has a part to play as a curtilage-listed structure in the original phasing and development of the farm group, as a defined boundary to the western side of the courtyard. The existing building also contributes to the setting of the farmhouse, the wider farm group and the Sidbury Conservation Area.

Therefore, it is considered that there is no justification for the demolition of the single storey outbuilding and replacing it with a new holiday let building. The linear form of the outbuildings as part of the historic layout is an integral part of the setting of the listed farmhouse and its demolition would result in a change to the historic farm complex and the relationship and setting of the adjacent buildings. In addition, both views into and out of the site would be compromised. From the track to the north of the site, the eye is currently drawn into the farm group towards the focal point of the rear of the farmhouse and adjacent cottages on Fore Street. It is considered that the outbuilding is an important curtilage building, which frames the group and makes a positive contribution both in its existing form, roofscape and the development of the farm group, and setting of the listed buildings to which special regard must be given.

Impact on Landscape Character and the AONB

The site is located within the East Devon Area of Outstanding Natural Beauty, however, given its context with and position close to the existing village's development pattern the proposal is unlikely to have an adverse impact on the surrounding landscape and AONB.

Impact on Highway Safety

It is noted the County Highway Authority raises no objection to the proposed development which would be accessed via an existing access along a private road. The submitted plans identify parking for at least six vehicles and sufficient room for vehicles to turn and exit the site in a forward gear. The proposed development would not generate significant levels of additional traffic or have a detrimental impact on highway safety.

Impact on Ecology

A Bat, Barn Owl and nesting bird survey has been submitted in support of the application which highlights the proposed development would not have an adverse impact on any protected species and proposes a number of mitigation measures to be carried out during any works. Subject to the securing conditions to ensure any development proceeded in accordance with measure outline in the wildlife survey the proposed development would not be detrimental in terms of its impact on ecology.

Conclusion

In view of the above considerations, while it is acknowledged the site is reasonably well-located to the village in terms of its proximity to services and facilities, in planning policy terms it is in a countryside location where development is strictly controlled. The proposal to construct a new building for holiday accommodation in the countryside, rather than the re-use or conversion of an existing building, is considered contrary to planning policy and is unacceptable in principle.

Further, insufficient information has been provided to justify the demolition of the single storey outbuilding and to replace it with a new holiday let building. It is considered that the proposed development would harm the character, appearance, significance, setting and special historic interest of the heritage asset and adjacent heritage assets. The development would also fail to preserve and enhance the character and appearance of the Conservation Area.

The application is, therefore, recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development involves the construction of a new building in a countryside location beyond any defined Built-up Area boundary for which there is no specific Local or Neighbourhood Plan policy that explicitly permits such development. The proposed development is, therefore, contrary to Strategy 7 (Development in the Countryside) of the Adopted East Devon Local Plan 2013-2031 and guidance set out in the National Planning Policy Framework.
2. In the absence of adequate justification for the proposed demolition and loss of the curtilage listed outbuildings the development would harm the character, appearance, significance, setting and special historic interest of the heritage asset and adjacent heritage assets. The development would also fail to preserve and enhance the character and appearance of the Conservation Area and its setting. The development is, therefore, considered contrary to policies EN8 (Significance of Heritage Assets and their Setting), EN9 (Development Affecting a Designated Heritage Asset) and EN10 (Conservation Areas) of the Adopted New East Devon Local Plan 2013-2031 and the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

	Location Plan	18.11.15
P1	Existing Site Plan	18.11.15
P11	Proposed Site Plan	18.11.15

List of Background Papers

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

Ward Sidmouth Town

Reference 16/0403/VAR

Applicant Peninsular Developments (SW) Ltd

Location Land At Sidmouth House And Bay Trees Cotmaton Road Sidmouth EX10 8ST

Proposal Variation of condition 2 of planning permission 14/0468/FUL to amend the design of the approved dwelling.



RECOMMENDATION: Approval with conditions



		Committee Date: 10th May 2016
Sidmouth Town (SIDMOUTH)	16/0403/VAR	Target Date: 13.04.2016
Applicant:	Peninsular Developments (SW) Ltd	
Location:	Land At Sidmouth House And Bay Trees Cotmaton Road	
Proposal:	Variation of condition 2 of planning permission 14/0468/FUL to amend the design of the approved dwelling.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

The current application proposes a dwelling of a design, scale and form similar to the dwelling approved under application 14/0468/FUL. As before, the house would be positioned on land to the south east of Bay Trees. The property would face south east with the majority of its windows and openings on the same elevation. The main changes proposed are to alter the configuration of the windows in the south east and north west elevations, to provide a pedestrian access at ground floor and additional roof lights/windows in the north eastern elevation. The application includes a parking area and single garage forward of the principal elevation east of the property.

It is acknowledged that the Town Council, Ward Member and local residents have raised a number of concerns, including the design and mass of the proposed dwelling being out of keeping and inappropriate to the character of the area by reason of a poor design particularly the large roof area which they consider would appear over dominating in the street scene. However, given that there is an extant planning permission (14/0468/FUL) for a very similar proposal, the Local Planning Authority considers the proposal would not result in a detrimental impact on the character and appearance of the area or have a significant visual impact from Cotmaton Road and, therefore, it would not be able to reasonably refuse planning permission on these grounds.

It is, therefore, considered that the proposal would not have an adverse impact on the amenity of adjacent properties, would have no significant impact upon the Area of Outstanding Natural Beauty or harm the setting of Grade II listed Sidmouth House adjoining the site.

CONSULTATIONS

Local Consultations

Parish/Town Council

Members were unable to support the application as the amendments proposed did not alter their view that the design and mass of the proposed dwelling would be totally out of keeping and inappropriate to the character of the area by reason of a poor design particularly the large roof area which would appear over dominating in the street scene.

Sidmouth Town - Cllr C Gardner

I object to this application as being inappropriate for the site and too dominating.
I support the views of the Town Council in this matter,
Cllr Cathy Gardner, Town Ward

Technical Consultations

County Highway Authority

Does not wish to comment

Other Representations

Two objections have been received raising the following concerns:

- the plans show windows on the North West elevation which did not exist in previously approved or withdrawn applications;
- the proposed windows on the North West elevation would result in a loss privacy and look into bedrooms;
- the proposed dwelling impacts upon the Grade II listed building at Sidmouth House;
- the mass and density of the proposed building is inappropriate for the character of the area and the street scene;
- the intention to install solar panels is inappropriate to the character of the area and the street scene;
- successive applications are increasing size and proportion of the development;
- over-shadowing of adjoining properties;
- risk of road surface flooding as existing grassland will be almost entirely built over;
- any additional detached dwelling built on the proposed land would cause a greater risk of flooding, along with a host of other totally undesirable environmental issues - namely, greatly increased vehicular traffic in an already congested and narrow highway;
- the effect during daylight hours of noise pollution.

PLANNING HISTORY

Reference	Description	Decision	Date
15/0970/FUL	Construction of detached dwelling (revised proposal to permission 14/0468/FUL).	Withdrawn	15.09.2015
15/2876/VAR	Variation to condition 9 of planning permission 14/0468/FUL to amend design of dwelling.	Application Returned	08.02.2016
14/0468/FUL	Construction of detached dwelling	Approval with conditions	22.05.2014
13/1728/FUL	Erection of detached dwelling	Refusal	27.09.2013
13/1728/FUL	Erection of detached dwelling	Refusal and Appeal Dismissed	06.02.2014
12/2198/FUL	Erection of detached studio annexe	Approval with conditions	13.12.2012

POLICIES

D1 (Design and Local Distinctiveness)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 49 (The Historic Environment)

TC9 (Parking Provision in New Development)

TC7 (Adequacy of Road Network and Site Access)

D3 (Trees and Development Sites)

Site Location and Description

The site forms the southernmost part of the garden of Bay Trees which is currently lawned with shrub borders. It is an open piece of land on the north east side of a

private driveway which serves Sidmouth House and Bay Trees to the west. To the north east adjacent to the site is a three storey building converted to flats. Cotmaton Road forms the south-eastern boundary.

Within the site the ground slopes down to the south east and there are some self-seeded trees in the northern corner. The site sits adjacent to the East Devon Area of Outstanding Natural Beauty (AONB). A blanket tree preservation order covers the site. The wider grounds of the Grade II listed property Sidmouth House start on the opposite side of the driveway.

The area around the application site is characterised by large properties situated within fairly extensive plots.

ANALYSIS

Proposed Development

It should be noted that there is relevant planning history for this site. The construction of a detached annex was approved under application 12/2198/FUL. Planning permission for alternative two-storey dwelling proposals were refused under applications 13/1728/FUL and 13/0951/FUL (also dismissed at Appeal) as the dwelling's size, design and location would have been visible from, and dominate the street scene, and appear cramped in a fairly small plot. Consequently, the proposals would have been out of character with the area and significantly detrimental to the appearance of the street scene.

A revised application for a chalet bungalow, which sought to overcome the previous applications reasons for refusal, was approved under application 14/0468/FUL. A further application for revisions to the dwelling was withdrawn (15/0970/FUL) after the Local Planning Authority raised concerns with the proposed design changes.

This current application proposes a dwelling of a design, scale and form similar to the dwelling approved under application 14/0468/FUL. As before, the house would be positioned on land to the south east of Bay Trees. The property would face south east with the majority of its windows and openings on the same elevation. The main changes proposed are to alter the configuration of the windows in the south east and north west elevations, to provide a pedestrian access at ground floor to the side elevation and additional roof lights/windows in the north-eastern elevation. The application includes a parking area and single garage forward of the principal elevation east of the property.

The outline of the building would be similar to that of the annex building approved under application 12/2198/FUL and would involve the removal of some trees on the site. The application site will be visible from Cotmaton Road, despite the screening provided by some trees on the curtilage boundaries.

It is noted that the submitted plans identify the possible installation of solar photovoltaic panels on the roof slope of the south western elevation. However, if planning permission is granted for the dwelling the solar panels would be able to be installed in the future under permitted development rights.

Consideration and Assessment

Impact on the Character and Appearance of the Area

The proposed dwelling's chalet style design would provide three bedrooms, one of which has with an en-suite, a bathroom and a hallway/stairs leading up to an open plan living area, utility and additional bedroom/snug/study in the roof space at first floor level. The revised size and design is considered to be reasonably well-proportioned in relation to the fairly small plot. The result is a modest dwelling and although the curtilage is limited, the proposed dwelling and garden curtilage are proportionate with one another.

The dwelling proposed under this current application is approximately 7.3m high compared to the approved dwelling at approximately 7m and 0.2m wider at approximately 9.3m. As such the footprint and scale/bulk of the current development is almost identical.

The size of and position of the proposed garage situated close to Cotmaton Road is the same as application 14/0468/FUL and is considered in keeping with the character and appearance of the area.

It is acknowledged that members of the Town Council, Ward Member and local residents have raised a number of concerns, including the design and mass of the proposed dwelling would be totally out of keeping and inappropriate to the character of the area by reason of a poor design particularly the large roof area which would appear over dominating in the street scene. However, given that there is an extant planning permission (14/0468/FUL) for a very similar proposal, the Local Planning Authority considers that the proposal would not result in an impact on the character and appearance of the area or have a significant visual impact from Cotmaton Road and, therefore, it would not be able to reasonably recommend refusal on these grounds.

It is also considered that the proposal would not have an adverse impact on the setting of Sidmouth House, which is a Grade II listed building as per the consideration of application 14/0468/FUL.

Impact on Amenity

The separation distance between the proposed dwelling, Sidmouth House and other neighbours is considered sufficient to ensure that there would be no significant loss of amenity to surrounding properties. These distances are almost identical to the 2014 application. Whilst changes are proposed to window configurations, the roof lights face the access road, the front elevation faces the driveway and Cotmaton Road with the windows to the rear elevation at first floor serving a stairway and not impacting upon the amenity of the host dwelling at Bay Trees.

The only opening facing the adjoining flats is the proposed entrance at ground floor level and as such this relationship is acceptable.

Therefore, the proposal is unlikely to have an adverse impact on the privacy or amenity of neighbouring occupiers.

Impact on the AONB

The site lies just outside the East Devon AONB and, therefore, any impact upon this must be considered. Given the nature of the site, with a number of trees in the vicinity, as well as other buildings providing screening, it is considered that there would be no significant impact upon the AONB.

Trees

None of the trees which would need to be removed to accommodate the proposed dwelling are considered to be of great significance or amenity value. When considering the appeal following the refusal of application 13/0951/FUL the inspector stated that the proposed development would require the removal of some trees in an area that is subject to a Tree Presentation Order. However, he went on to state that the trees in question do not make a particularly significant contribution to the character of the area due to their size and position within the site. The proposal is now further reduced and sits further from the crown spread of protected trees.

Open Space Contribution

The application is accompanied by a unilateral undertaking which would provide a financial contribution towards open space provision and to mitigate the impacts of the development on the Pebblebed Heaths Special Protection Area in accordance with policy.

As there is an extant planning permission for the construction of a dwelling at the site, the Local Planning Authority would not seek a financial contribution towards affordable housing.

Conclusion

It is, therefore, considered that the proposal would not have an adverse impact on the amenity of adjacent properties, would have no significant impact upon the Area of Outstanding Natural Beauty or harm the setting of Grade II listed Sidmouth House. In addition, given the consent on the site for a similar dwelling, it is considered that the design and visual impact from the dwelling is acceptable. The application 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. Prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

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

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

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

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

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule Part 1 Classes A, B, C or D for the enlargement, improvement or other alterations to the dwellings hereby permitted, other than works that do not materially affect the external appearance of the buildings, shall be undertaken.
(Reason - The space available would not permit such additions with detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule Part 1 Class E for the provision within the curtilages of the dwellinghouses hereby permitted of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouses as such.
(Reason - To protect the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.
(Reason - To retain the open character of the landscaped frontage . in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031).
7. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - 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.)
8. No development shall take place until a cross section through the existing and proposed building, indicating existing and proposed floor levels to a common datum, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that adequate details of levels are available and considered at an early stage in the interest of the character and appearance of the locality in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
9. No works for the construction of the building hereby permitted shall be undertaken on Sundays or Public Holidays. On other days no construction work shall be undertaken outside of the following hours: 08.00 hours and 18.00 hours Mondays to Fridays inclusive and 08.00 hours and 13.00 hours on Saturdays.

(Reason - To protect adjoining occupiers from excessive noise in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

This planning permission shall be read in conjunction with the Unilateral Undertaking securing financial contributions towards Exe Estuary and Pebblebed Heaths mitigation submitted with the application.

Plans relating to this application:

D025-15-V01	Proposed Combined Plans	17.02.16
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List of Background Papers

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

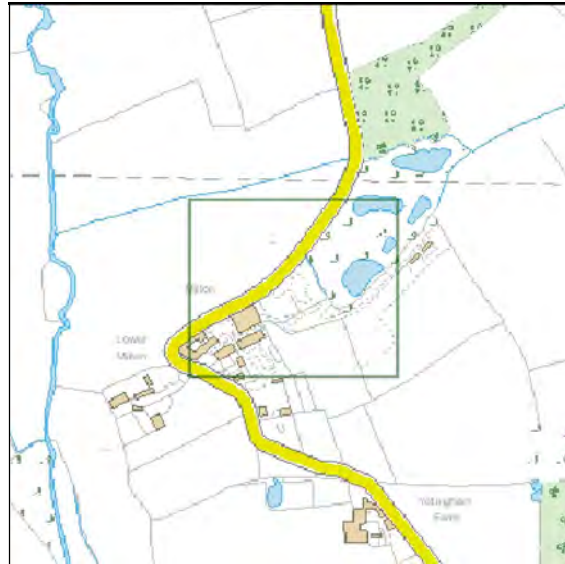
Ward Tale Vale

Reference 15/2326/FUL

Applicant Mr P Broom And Ms J Gladstone

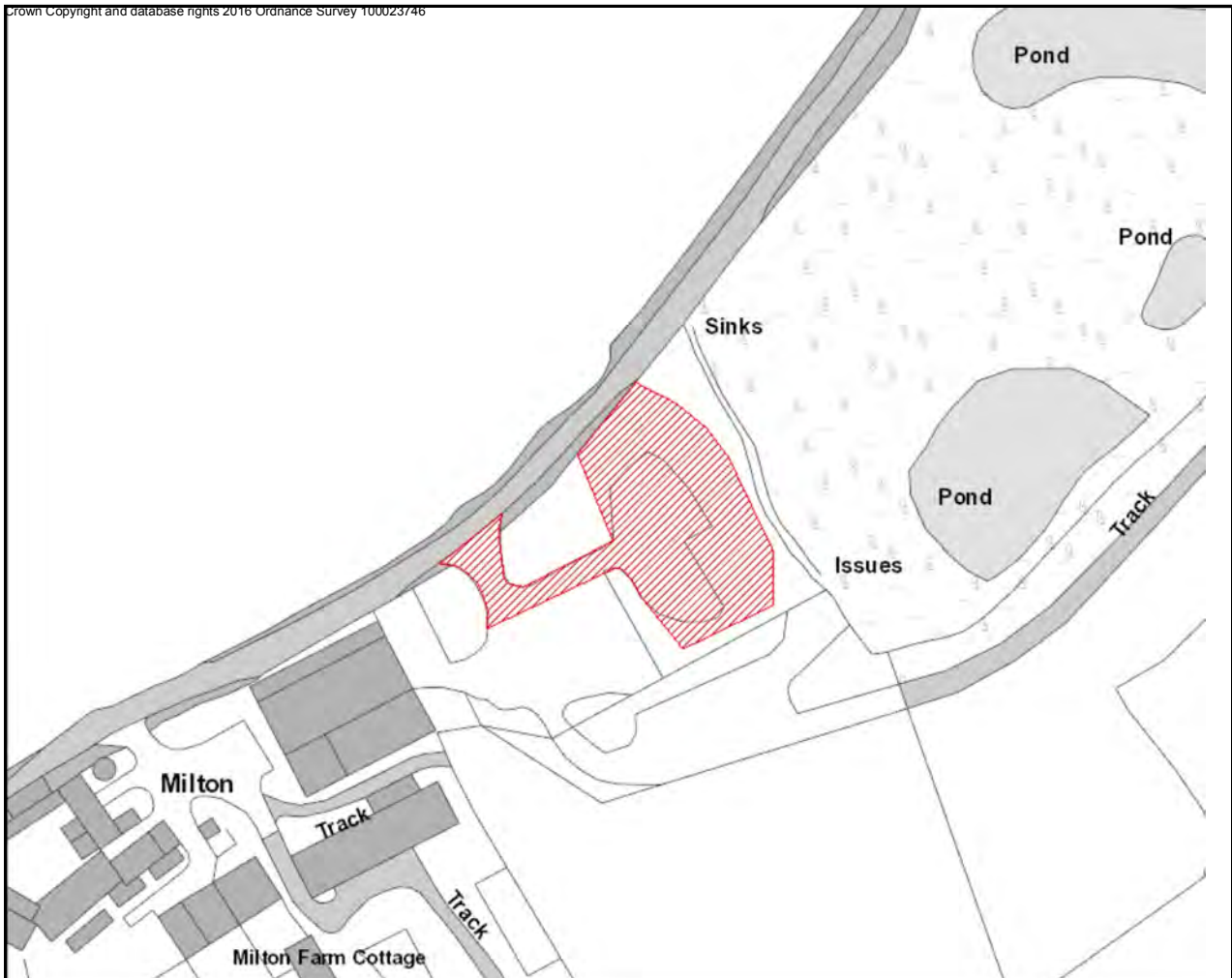
Location Milton Yard Payhembury

Proposal Temporary retention of mobile home.



RECOMMENDATION: Refusal

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		Committee Date: 10th May 2016
Tale Vale (PAYHEMBURY)	15/2326/FUL	Target Date: 18.03.2016
Applicant:	Mr P Broom And Ms J Gladstone	
Location:	Milton Yard Payhembury	
Proposal:	Temporary retention of mobile home.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

The application is brought before the committee as the officer recommendation is contrary to the view of the Ward Member.

The application seeks to regularise the current situation through temporary consent for the siting of a caravan on site for a period of five years in combination with the Land Rover garage business on site. The supporting statement provided alongside the application, asserts a need for the continued use of the site to accommodate the family because of a functional and financial need for the applicant to live alongside his Land Rover repair business (known as Beacon Garage) in the countryside.

The supporting statement defines the vehicle repair business as an agricultural enterprise and goes on to describe the interrelationship between the residential site and associated business, as well as the applicants other business premises in Ottery St Mary. Planning permission had not been sought prior to the applicant moving his caravan to the current site at Milton Yard in 2014. A retrospective application has been received following commencement of enforcement proceedings against the applicant.

The site lies outside a built up area boundary and unless justified by a specific local plan policy is not considered a sustainable location for housing. Potential functional and financial need where proven would be justifications for development outside settlement boundaries in certain circumstances.

Whilst the Ward Member and Parish Council's supportive position is understood, and there is all-round support for future investment in the business's Milton Yard site, the functional need to have a 24 hr residential presence at the site has not been made. The merits of the use of Milton Yard as a Land Rover repair place is not under consideration as part of this application, purely whether there is a need for an associated dwelling. On balance, it would

not seem apparent that this particular use creates specifically rural jobs. Following consideration it is not felt that the business use falls within the categories as described as a rural business by policy H4 of East Devon Local Plan (2013 – 2031) and that there is not a functional need to live alongside the business.

In this case, whilst the associated motor vehicle repair business buildings are located within a rural area, and has some synergies with rural businesses, limited justification has been made to show how this work falls within that of rural workers definition. Currently the applicant has premises in an urban location in Ottery St Mary, although there is no reason why a larger proportion of this work could not shift to the Milton Yard site without a dwelling on site. The sites hours of operation are limited by condition between 7.30am to 6.30pm, unlike agricultural uses, there is no functional reason to be on site outside of these hours (for instance with the rearing of livestock, 24 hour harvesting etc). The characteristics of this particular use are not therefore uniquely agricultural or rural and indeed currently take place within an urban setting (Ottery St Mary).

Whilst it is understood that the applicant could save money through living on site, and it may be easier to maintain the existing links his family have to the area, and his journey to work might be reduced once the business has developed, these justifications alone do not form a functional need and therefore do not warrant the retention of the caravan on site. Equally whilst the dwelling may improve security at the site, Policy H4 of the East Devon Local Plan (2013 – 2031) states clearly that “concerns relating to security will not, on their own, be sufficient to justify a new dwelling”.

The siting of the caravan itself is not significantly harmful on the landscape as to result in refusal. However it is important to note that there would be, in the future a pressure for a larger, permanent dwelling on site which could potentially have a greater impact, and the lack of a functional need would remain.

During the site visit it was clear that the use of the land for residential use has resulted in the area no longer being available for the sites business use, and there had been an encroachment outside of the redline area for the storage of vehicles and materials. Additionally, there is a great deal of waste material deposited around the site which detracts significantly from the appearance of the rural landscape. It is the officer’s intention to follow this up and consider whether a 215 notice is required to compel the applicant to tidy the site.

CONSULTATIONS

Local Consultations

Parish/Town Council

Payhembury Parish Council met for a site visit on 13th February. Those attending unanimously support the application as we believe the retention of the mobile home is essential for the secure running of the owners business. The mobile home is not

visible from the road or any surrounding property and we can see no problem with its retention.

Tale Vale - Cllr P Skinner

As far as the application at Milton Yard is concerned I am going to SUPPORT the application for a further 3 year extension as I have been a keen supporter of a business application on this site on several occasions in the past.

However, I will say at this point that we really do need this application nailed down and I feel that after this 3 year temporary extension the site needs to be defined as a site with an economic benefit for both the use of the site for one and also for the applicant to show to the authority that the level of investment required to deliver what the authority would deem to satisfy itself in planning terms can be adequately achieved.

It is on this basis that I am going to SUPPORT the application but I feel we as a planning authority need to be satisfied that a temporary planning application is a position we take to give an applicant the opportunity to prove that the site is commercially sound.

I feel on this basis we are being fair but firm on our position as we go forward and 'temporary' is not mistaken for a permanent position just renewed every 3 years.

If my view is going to differ with an officer recommendation I would ask for the application be referred to the planning committee to give all the opportunity to put their case.

Other Representations

1 no. letter of support has been received regarding the application. This letter sets out the following:

- since the applicant has lived on site issues such as fly tipping has decreased and there is a perception that criminal behaviour has reduced.
- The business that the applicant runs from site is a positive contribution to the area.
- The addition of a family to the area is a positive contribution to the community.
- Considering security issues, there is a need for the applicant to live on site to protect the assets associated with the approved vehicle repair works at Milton Yard.

Technical Consultations

County Highway Authority

Does not wish to comment

Environmental Health

If this application is granted, the owners will have to inform Private Sector Housing and apply for a Caravan Site Licence, so that the site and its facilities meets the requirements of the Caravan Site and Control of Development Act 1960 and Mobile Homes Act 2013

PLANNING HISTORY

Reference	Description	Decision	Date
05/1205/VAR	Variation of condition on approval 02/P0548 to allow parking outside of buildings	Approval with conditions	05.08.2005
07/1747/VAR	Variation of conditions nos 2 and 10 on planning permission 02/P0548 - 27.09.02 to allow the servicing of landrovers	Approval with conditions	10.10.2007
09/0213/OUT	Erection of dwelling	Refusal	18.05.2009
14/2662/FUL	Retention of mobile home.	Withdrawn	17.03.2015

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

Strategy 3 (Sustainable Development)

Strategy 5 (Environment)

Strategy 7 (Development in the Countryside)

Strategy 28 (Sustaining and Diversifying Rural Enterprises)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

H4 (Dwellings for Persons Employed in Rural Businesses)

TC2 (Accessibility of New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The application site relates to a slightly elevated parcel of land located in a remote location approximately 1km to the southwest of Payhembury. The site is accessed by a rural lane running through Milton, which is a small hamlet in the open countryside without a built up area boundary. Adjacent to the application site is the associated business owned by the applicant, which is a vehicle repair workshop, this had formerly been a coach works. The applicant operates his business from a site in Ottery St Mary, and also Milton Yard. Currently on the open land owned by the applicant, but outside the application site is a considerable amount of scrap metal, scrap vehicles, vehicles under repair, storage containers and rubble. Surrounding the land owned by the applicant along the northern and eastern boundary is a row of trees, the western boundary of the site is comprised of the access track, the businesses works buildings and entrance gates.

The specific application site incorporates enclosed animal coops, a garden area, access track and parking, an area of unmade land and sited to the south of the plot is the caravan. The caravan to which this application relates is a static caravan of conventional design and proportions.

ANALYSIS

Description of Development

Retrospectively the applicant seeks temporary planning permission for the siting of a caravan on site for a period of five years. The reason stated as to why the period requested is temporary, and why the duration of five years is required, as set out in the application supporting statement is to allow the applicant to establish the business, and to give a reasonable period to collect evidence showing the viability of the business. Within the supporting statement provided alongside the application, there is an assertion that the continued use of the site to accommodate the family is required as there is a functional and financial need for the applicant to live alongside his Land Rover repair business (known as Beacon Garage) in the countryside.

The supporting statement defines the vehicle repair business as an agricultural enterprise. The statement sets out the use and interrelationship between the site and associated business, as well as the applicants other business premises in Ottery St Mary. Additionally, concerns regarding the security of the site, and the reduction in travel time have been raised as further reasons as to why the closer presence of the business owner is required.

Justification as to why the applicant has sited the caravan on site without prior planning permission (be that temporary or otherwise) is given as the applicant needing to move from the previous site where the caravan was positioned in Shute in 2014. The landowner of the previous location had given the applicant a relatively short notice period to move the caravan as the site was to be sold. Therefore the applicant moved his caravan to the current site at Milton Yard in 2014. A retrospective application has been received following commencement of enforcement proceedings against the applicant.

Key Issues

As the site lies outside a built up area boundary, it would not normally be considered a sustainable location for housing. As such this application can only be justified should there be a functional need for the continued on site accommodation of the applicant and his family. This is the key issue to be addressed in making this decision. Secondary to this issue are the impact the siting of a caravan has upon the landscape and whether the additional benefits brought through the business owner living alongside the site, and the continued housing of his family at this site outweigh all other issues.

Principle of Development

The application site, outside a built up area boundary, and at the edge of a small settlement with extremely limited access to services and public transport links would not normally be considered as a suitable site for residential development and would be contrary to policy. In this instance however the applicant has made the case that due to the associated business there is a functional need for a dwelling (as a rural business as defined by policy H4 of the adopted East Devon Local Plan 2013- 2031) within close proximity to the vehicle repair workshop.

In assessing the requirement for this additional dwelling in the countryside it is important to consider whether the business use would fall within the categories as described as a rural business and that there is a functional need to live alongside the business. Policy H4 of the adopted East Devon Local Plan sets out the council's position regarding rural workers homes, describing in the policy preamble the types of work which are fall within this category. Agricultural jobs fall within this category, and agriculturally related jobs are also described as doing so, however the policy states that of these jobs "some of which are more tenuous in their relationship than others". In this case, whilst the associated motor vehicle repair business buildings are located within a rural area, and has some synergies with rural businesses, limited justification has been made to show how this work falls within that of rural workers definition. Currently the applicant has premises in an urban location in Ottery St Mary, and would seem to have conducted the majority of his work from this location in recent years.

The merits of the use of Milton Yard as a Land Rover repair place is not under consideration as part of this application, purely whether there is a need for an associated dwelling. On balance, it would not seem apparent that this particular use creates specifically rural jobs, and nor that this is currently a particularly successful part of the applicants business. On site numerous chassis, bodies, engines and spares are stored in the open, Additionally storage containers are on site, none of which contribute positively to the appearance of the site. During the site visit the business was not open, and no one was present or working in the buildings, although family members were present at the end of the site visit.

The projected growth of the use of Milton Yard according to the applicants own supporting statement would see future use at 30% of the total business, 70% of projected future business, a large majority, would remain in the business's current urban location. As such, the argument that this is a specific rural work is at best

tenuous. Whilst the Ward Member and Parish Council's supportive position is understood, and there is all-round support for future investment in the business's Milton Yard site, the functional need to have a 24 hr residential presence at the site has not been made. Permission has been in place since 2002 for the business use of the former agricultural buildings, in this time it is not clear whether this particular site has been proven to be viable employment land, as the majority of the works take place at Finimore Industrial Estate. Currently the majority of the applicants business is based in Ottery st Mary, although there is no reason why a larger proportion of this work could not shift to the Milton Yard site without a dwelling on site. The sites hours of operation are limited by condition between 7.30am to 6.30pm, unlike agricultural uses, there is no functional reason to be on site outside of these hours (for instance with the rearing of livestock, 24 hour harvesting etc).

It is acknowledged that the siting of a dwelling may improve security at the site, Policy H4 of the East Devon Local Plan (2013 – 2031) states clearly that "concerns relating to security will not, on their own, be sufficient to justify a new dwelling". Considering that this site is not completely isolated, and there are neighbouring houses and agricultural businesses in the vicinity, there is a degree of security and surveillance already provided. Measures such as CCTV, alarm systems and improving the integrity of the buildings would all have a similar effect upon security as constructing a dwelling on site. There are settlements where housing could be sought within a relatively short distance of the site (1.5km Payhembury, 2.5km Feniton), which would allow for a rapid response should issues arise. Whilst security is raised as a justification for the need for a dwelling on site, no reference of any breaches of security at the business site have been included in the statement.

Impact upon Landscape

The most recent approval for the repairs business site (07/1747/VAR) allows through an altered red line, the whole of the site indicated as part of this current application to be used as part of the Land Rover repair business. During the site visit it was clear that the use of the land for residential use has resulted in this land no longer being available for the sites business use, and there had been an encroachment outside of the redline area for the storage of vehicles and materials. Additionally, there is a great deal of waste material deposited around the site which detracts significantly from the appearance of the rural landscape. The land is not widely visible from outside the site, however the pressure for expansion caused by loss of employment land associated with the use of the business site for residential accommodation weighs against the proposal.

The siting of the caravan itself is not significantly harmful on the landscape as to result in refusal. However, there would in the future be pressure for a larger, permanent dwelling on site which could potentially have a greater impact. Should the business in future need to expand this would be constrained by the presence of a residential property or caravan on part of the site. As with other forms of residential development in the countryside, without a valid justification regarding need, this type of development should be resisted.

Benefits to the Existing Business and Family Life

The council as part of its previous and current plan have sought where appropriate to support rural enterprise. However, in this case the business in question does not have a sufficiently strong justification for the functional and financial need for a dwelling on site. Whilst it is understood that the applicant could save money through living on site, it may be easier to maintain the existing links his family have to the area, and his journey to work might be reduced once the business has developed, this alone does not form a functional need to justify the retention of the caravan on site. The applicant's business will remain for the most part focused on the Ottery St Mary site, and therefore there will always be a need to travel to this site regardless of the increase in works taking place at Milton Yard. Security issues could be addressed through other means, and are in themselves not a justification for a dwelling in the countryside.

By restricting development outside of built up area's East Devons Local Plan (2013-2021) seeks to ensure sustainable development (Strategy 3), a key part of which seeks to promote social wellbeing. As with other sites outside recognised development boundaries this site will have poor links to services such as schools, recreation facilities and health care facilities making it more difficult to accommodate to the needs of the applicant and his family.

Other Matters

Included with the application the applicant has provided a unilateral undertaking to provide contributions towards habitat mitigation measures as the site is located with the protection area of the Pebblebed Heaths Special Protection Area. No further contributions to either affordable housing or open space contributions have been sought in regards to this type of application.

Following the officer site visit it was clear that the site is not in a good state of upkeep and storage of both vehicles and other materials has encroached agricultural land. It is the officers intention to follow this up and consider whether a 215 notice is required to compel the applicant to tidy the site.

RECOMMENDATION

REFUSE for the following reason:

1. The proposed development would be tantamount to the creation of a new dwelling in an unsustainable location in the open countryside for which there is no demonstrated functional or essential need. The proposal is considered unacceptable and contrary to policies TC2 (Accessibility of New Development), H4 (Dwellings for Persons Employed in Rural Businesses), Strategy 7 (Development in the Countryside) and Strategy 3 (Sustainable Development) of the emerging New East Devon Local Plan and paragraph 55 of the National Planning Policy Framework.

Plans relating to this application:

	Location Plan	22.01.16
TW14/68/1	Existing Site Plan	28.09.15

List of Background Papers

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