

Agenda for Development Management Committee Tuesday, 7 June 2016; 10am



[Members of the Committee](#)

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

[View directions](#)

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01395 517542, Issued 26 May 2016

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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 31 May up until 12 noon on Friday 3 June by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

Speaking on non-planning application items

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

1 Minutes of the Development Management Committee meetings held on 10 May 2016 (page 4 - 13) and 12 May 2016 (page 14 - 18)

2 Apologies

3 [Declarations of interest](#)

4 [Matters of urgency](#)

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

6 **Planning appeal statistics** (page 19 - 24)
Development Manager

7 **Applications for determination**

Please note that the order in which the following applications will be considered is subject to change – please see the front of the agenda for when the revised order will be published.

16/0504/FUL (Minor) (page 25 - 31)

Beer and Branscombe

Tanglewood, 3 East Croft, New Road, Beer EX12 3HS

16/0074/FUL (Minor) (page 32 - 43)

Budleigh Salterton

21 Stoneborough Lane, Budleigh Salterton EX9 6JA

16/0369/VAR (Minor) (page 44 - 55)

Clyst Valley

Exeter Asphalt Plant, Mushroom Road, Hill Barton Business Park, Clyst St Mary

15/1413/FUL (Minor) (page 56 - 64)

Honiton St Pauls

Land at rear of 147 High Street, Honiton

16/0382/OUT (Minor) (page 65 - 78)

Sidmouth Sidford

Sidford Branch Surgery, Church Street, Sidford EX10 9RL

16/0679/VAR (Minor) (page 79 - 90)

Sidmouth Town

The former Scout Hall, Fortfield Place, Sidmouth EX10 8NX

16/0301/FUL (Minor) (page 91 - 101)

Trinity

Land adjacent 17 Glebelands, Glebelands, Uplyme

15/2808/FUL (Minor) (page 102 - 109)

Woodbury and Lympstone

Hills Venmore, Woodbury EX5 1LD

Please note:

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

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

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

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

[Decision making and equalities](#)

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

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 10 May 2016

Attendance list at end of document

The meeting started at 10am and ended at 4.45pm (the Committee adjourned at 11.55 pm and reconvened at 2pm)

***79 Minutes**

The minutes of the Development Management Committee meeting held on 5 April 2016 were confirmed and signed as a true record.

***80 Declarations of interest**

Committee Member declarations

Cllr Matt Coppel; 15/1187/FUL, 15/2172/MRES, 15/2866/FUL; Personal interest; Newton Popleford and Harpford Parish Councillor.

Cllr Matt Coppel; 15/1187/FUL; Personal interest; Applicant is a neighbour.

Cllr Alison Greenhalgh; 16/0018/FUL, 16/0507/FUL; Personal interest; Exmouth Town Councillor.

Cllr Mark Williamson; 16/0018/FUL, 16/0507/FUL; Personal interest; Exmouth Town Councillor.

Cllr Mike Howe; 16/0351/FUL; Personal (left the Chamber during debate and vote); Applicant is a close relative.

All Committee Members present advised that they had received a large amount of correspondence in advance of the meeting regarding the applications to be considered.

Ward Member declarations

Cllr Megan Armstrong; 16/0019/FUL; Personal interest; Lives close to the application site and had previously objected to the application as resident before becoming a Councillor.

Cllr Geoff Pook; 14/2621/MOUT; Personal interest; Chairman of Beer Community Land Trust.

***81 Planning appeal statistics**

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

The Development Manager drew Members' attention to the appeal allowed on land east of Wadbrook Farm in Wadbrook for the installation of solar panels. The Inspector had overruled reasons for refusal relating to countryside protection and loss of high quality agricultural land.

The Development Manager also wished to place on record his thanks to the residents of Ebford for their help fighting an appeal lodged for the construction of nine dwellings at Branscombe Farm in Ebford. The Inspector had dismissed the appeal.

***82 Planning appeals status report**

The Committee considered the Development Manager's report providing an overview of the results of planning appeals for the year from 1 April 2015 to 31 March 2016.

The Committee noted that of the 55 appeals decided in the last year only 21.8% had been allowed (12), compared with the national average of 34.8% (2011/14/15 figure). This figure exceeded the success rate of the previous year and was a reflection of the consistency and the quality of the Council's decision making process.

The Committee noted that there had been nine decisions following applications for full awards of costs against the Council and all of these had been refused.

It was important that the Inspector's appeal decisions were constantly analysed to ensure that any changes in accordance with the National Planning Policy were implemented and decisions on planning applications were made in accordance with current Government advice.

RESOLVED: that the Development Management Committee notes the annual appeal status report.

***83 Housing monitoring update to 30 September 2015 and latest five year land supply calculations**

The Committee considered the Planning (Policy) Officer's report updating Members on the latest housing monitoring information and five year land supply position.

Members noted that:

- The Council could demonstrate 5.54 years supply of land for housing (which included the 20% buffer required due to under-delivery in previous years).
- Over the six month period from 1 April 2015 – 30 September 2015 there were 500 net new dwellings completed in the District. The Council was on course to deliver more than the 950 per annum requirement in the Local Plan.

The Planning (Policy) Officer advised that as a result of having a five year land supply the Council could give full weight to Local Plan policies when assessing planning applications. However, the Council should not become complacent over the existence of a five year land supply and the projected surplus, as this buffer could quickly be reduced if appropriate windfall sites or allocated sites were not developed. A robust monitoring system was currently being developed and was in the testing phase.

Discussion on the report included:

- Concerns about officer resource and action being taken to resolve this. In response, Members were advised that a Development Enabling & Monitoring Officer had now been appointed and her role was to monitor developments and work with the Planning Policy Team to ensure that the Council continued to have a five year land supply.
- The addendum report outlining all completions being a useful reference document;
- Pleased that progress was being made with the monitoring system;
- Officers were praised and thanked for the quality of the report.

RESOLVED: that the housing monitoring update and five year housing land supply calculations, and the impacts/consequences of these, be noted.

***84 Response to technical consultation on Starter Homes Regulations**

The Committee considered the Development Manager's report, which set out a recommended comprehensive response on behalf of the Council to the technical consultation by the Department for Communities and Local Government on details for the regulations to be made in relation to starter homes.

The Development Manager drew Members' attention to the first question regarding the restriction of the sale and sub-letting of starter homes for a five year period following the initial sale and to the Council's response which was that starter homes should be secured in perpetuity or for a minimum of 15 years. He also highlighted that there was considered to be insufficient evidence relating to thresholds for the starter home requirement and therefore the Council's view was that this should be determined locally, based on local circumstances and determined based upon local evidence.

RESOLVED:

that the report forms the Council's formal response to the technical consultation on starter homes regulations and be submitted to the Department for Communities and Local Government.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 14 – 2015/2016.

Before closing the meeting, the Chairman corrected a statement he had made during consideration of item 15/2866/FUL regarding the confidentiality of information referred to by Councillor Val Ranger and apologised to her for his error.

Attendance list

Present:

Committee Members

Councillors:

David Key (Chairman)

Mike Howe (Vice Chairman)

Mike Allen

David Barratt

Susie Bond

Colin Brown

Paul Carter

Matt Coppell

Alison Greenhalgh

Simon Grundy

Ben Ingham

Mark Williamson

Officers

Henry Gordon Lennon, Strategic Lead – Legal, Licensing and Democratic Services (AM only)
Chris Rose, Development Manager
Shirley Shaw, Planning Barrister
Graeme Thompson, Planning (Policy) Officer (AM only)
Hannah Whitfield, Democratic Services Officer

Also present for all or part of the meeting:

Councillors:

Megan Armstrong
Roger Giles
Douglas Hull
Geoff Jung
Rob Longhurst
Andrew Moulding
Geoff Pook
Val Ranger
Marianne Rixson
Phil Twiss

Apologies:

Committee members:

Councillors

Peter Burrows
Alan Dent
Steve Gazzard
Chris Pepper

Non-committee members

Councillor Jill Elson

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL
Development Management Committee
Tuesday 10 May 2016; Schedule number 14 – 2015/2016

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:

<http://eastdevon.gov.uk/media/1687772/100516-combined-dmc-agenda-compressed.pdf>

Newton Poppleford
and Harpford 15/2172/MRES
(NEWTON
POPPLEFORD AND
HARPFORD)

Applicant: Cavanna Homes (Devon) Ltd And Pencleave 2

Location: Land South Of King Alfred Way

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

RESOLVED: REFUSED (contrary to officer recommendation) with delegated authority given to the Development Manager to draft reasons for refusal. Members did not consider the affordable housing to be adequately pepper-potted/dispersed throughout the development, which was contrary to Strategy 34 and the need to provide inclusive and mixed communities.

Newton Poppleford 15/2866/FUL
and Harpford
(NEWTON
POPPLEFORD AND
HARPFORD)

Applicant: Mr & Mrs John Coles

Location: East Hill Pride Farm Shop, Four Elms Hill

Proposal: Construction of a dwelling for a horticultural worker.

RESOLVED: APPROVED subject to a section 106 agreement and with conditions as per recommendation.

Newton Poppleford
and Harpford
(NEWTON
POPPLEFORD AND
HARPFORD)

15/1187/FUL

Applicant: Mr Peter Grace

Location: Rushmer Lodge, High Street, Newton Poppleford

Proposal: Construction of two storey extension.

RESOLVED: Non-material minor amendment be granted as per recommendation.

(Cllr Mike Howe left the Chamber for this item)

Clyst Valley
(CLYST ST
GEORGE)

16/0351/FUL

Applicant: Mr M Trout

Location: Compound 3, Land Rear Of Dart Business Park

Proposal: Erection of building (10m x 12m) for use as workshop.

RESOLVED: APPROVED with conditions as per recommendation.

Beer and
Branscombe
(BEER)

14/2621/MOUT

Applicant: Clinton Devon Estates

Location: Land at Short Furlong, Beer

Proposal: Construction of up to 30 no. dwellings (including up to 43.3% affordable housing provision) outline application with all matters apart from access reserved.

RESOLVED: REFUSED as per recommendation.

Woodbury And
Lypstone
(WOODBURY)

16/0233/MFUL

Applicant: Mr Paul Collinson

Location: Car Boot Site Opposite Commando Training Centre, Exmouth Road

Proposal: Change of use of land to provide foot golf course, parking area, storage container and administration cabin.

RESOLVED: APPROVED with conditions as per recommendation and an additional note to the applicant to ensure that users of the facility do not kick balls towards the road in order to protect highway safety.

Axminster Town
(AXMINSTER)

16/0472/VAR

Applicant: Hallmark Estates (Devon) Ltd

Location: Websters Garage, 9 Lyme Street, Axminster

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

RESOLVED: APPROVED (contrary to officer recommendation) with delegated authority given to the Development Manager to impose appropriate conditions. The decision notice, which would not extend the temporary timescale, was to include a further note to the applicant to advise that the Committee would like to applicant to consider improving the design of the wall to the seating area.

Beer and
Branscombe
(BRANSCOMBE)

16/0019/FUL

Applicant: Mr Alastair Franks

Location: Oakdown Holiday Park, Weston

Proposal: Convert pitches from grass to hard standing; residential accommodation for security staff/warden; extension to existing children's play area and installation of two pieces of equipment.

RESOLVED: REFUSED as per recommendation.

Exmouth Halsdon
(EXMOUTH)

16/0018/FUL

Applicant: Mr N Hayman

Location: 2 Gipsy Lane, Exmouth

Proposal: Proposed construction of an end of terrace dwelling (amendment to approved planning application 14/2912/FUL) to include retention of ground floor window, installation of rooflights to front and rear elevation and solar PV and use of land previously approved as front garden for vehicular parking.

RESOLVED: APPROVED with conditions as per recommendation.

Exmouth Halsdon
(EXMOUTH)

16/0507/FUL

Applicant: Mr Colin Tanton

Location: 25 Priddis Close, Exmouth

Proposal: Retention of shed in front garden.

RESOLVED: APPROVED as per recommendation subject to a condition to make the permission personal to the applicant only and requiring removal of the shed when it was no longer required.

Honiton St Michaels
(HONITON)

16/0328/FUL

Applicant: Mrs Helen Hunt

Location: Stout Farm, Honiton

Proposal: Replacement of existing outbuilding to form residential annexe.

RESOLVED: APPROVED with conditions as per recommendation.

Honiton St Michaels
(HONITON)

16/0694/FUL

Applicant: East Devon District Council (Jonathan Burns)

Location: Kendall House, Mead View Road

Proposal: Replacement of timber panelling to ground floor bin store with painted metal handrail.

RESOLVED: APPROVED with conditions as per recommendation.

Honiton St Pauls
(HONITON)

15/2834/FUL

Applicant: East Devon District Council (Emma Molony)

Location: Thelma Hulbert Gallery Elmfield House

Proposal: Creation of 2 no. gates across driveway

RESOLVED: APPROVED with conditions as per recommendation.

Yarty
(YARCOMBE)

16/0461/FUL

Applicant: Mr R J Burns, EDDC

Location: 1 Hill House, Yarcombe

Proposal: Alterations to the existing external finish from painted brickwork to painted waterproof render.

RESOLVED: APPROVED with conditions as per recommendation and an additional note to the applicant to require that the building be painted white.

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 12 May 2016

Attendance list at end of document

The meeting started at 11am and ended at 3.45pm (the Committee adjourned at 12.15 pm and reconvened at 2pm)

***86 Declarations of interest**

Committee Member declarations

Cllr Paul Carter; 15/2897/FUL, 15/2309/MFUL, 15/2871/FUL, 16/0379/VAR; Personal interest; Ottery St Mary Town Councillor

Cllr Paul Carter; 16/0379/VAR; Personal interest; Applicant known to the Councillor.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 15 – 2015/2016.

Before closing the meeting, the Chairman advised that Councillor Mike Allen would be standing down from the Committee to take up a role on the new Strategic Planning Committee (if agreed at the forthcoming Annual Council meeting). The Chairman thanked him for his contributions over the years he had served on the Committee and wished him well in his new role.

Attendance list

Present:

Committee Members

Councillors:

David Key (Chairman)

Mike Howe (Vice Chairman)

Mike Allen (PM session only)

Susie Bond

Colin Brown

Paul Carter

Alison Greenhalgh

Simon Grundy

Chris Pepper (Not present for application 15/2897/FUL and therefore did not speak or vote on the item)

Mark Williamson

Officers

James Brown, Principal Planning Officer
Shirley Shaw, Planning Barrister
Hannah Whitfield, Democratic Services Officer

Also present for all or part of the meeting

Councillors:

John Dyson
Roger Giles
Peter Faithfull

Apologies:

Committee members:

Councillors

David Barratt
Peter Burrows
Matt Coppell
Alan Dent
Ben Ingham
Steve Gazzard

Chairman Date.....

EAST DEVON DISTRICT COUNCIL
Development Management Committee
Thursday 12 May 2016; Schedule number 15 – 2015/2016

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:
<http://eastdevon.gov.uk/media/1687775/120516-combined-dmc-agenda-additional-compressed.pdf>

(Cllr Chris Pepper did not speak or vote on this item as he had not attended the site visit)

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

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

RESOLVED: APPROVED with conditions as per recommendation subject to:

- Condition 7 – additional wording being added to clarify that surface water be dealt with on site;
- An additional condition requiring a landscaping scheme to be submitted which secured the retention of the front and rear hedge and trees for a period of 5 years in the interests of amenity and character of the area.

(Application was deferred for a site inspection on 5 April 2016. The Committee carried out a site visit in advance of the meeting.)

Ottery St Mary Town
(OTTERY ST MARY) 15/2309/MFUL

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.

RESOLVED: APPROVED with conditions as per recommendation and subject to a section 106 agreement /unilateral undertaking

Ottery St Mary Rural
(OTTERY ST MARY) 15/2871/FUL

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.

RESOLVED: APPROVED with conditions as per recommendation subject to condition 1 being amended to ensure that the development commences prior to 21 May 2018, reflecting the extant permission and the weight given to that permission.

Ottery St Mary Rural
(OTTERY ST MARY) 16/0379/VAR

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.

RESOLVED: APPROVED with conditions as per recommendation.

(Cllr Mike Allen arrived)

Dunkeswell
(SHELDON) 15/2399/FUL

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).

RESOLVED: REFUSED as per recommendation subject to the reason for refusal referencing policy E5 not E6.

Sidmouth Town
(SIDMOUTH) 16/0403/VAR

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.

RESOLVED: APPROVED with conditions as per recommendation.

Feniton & Buckerell
(BUCKERELL) 15/1588/FUL

Applicant: Deer Park Hotel Ltd

Location: Deer Park Hotel, Weston

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

RESOLVED: APPROVED with conditions as per recommendation.

Sidmouth Rural
(SIDMOUTH) 15/2596/OUT

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).

RESOLVED: REFUSED as per recommendation.

Tale Vale
(PAYHEMBURY) 15/2326/FUL

Applicant: Mr P Broom And Ms J Gladstone

Location: Milton Yard, Payhembury

Proposal: Temporary retention of mobile home.

RESOLVED: REFUSED as per recommendation.

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

Ref: 16/0516/FUL **Date Received** 26.04.2016
Appellant: Mr M Benjamin
Appeal Site: 24 Ryll Court Drive Exmouth EX8 2JP
Proposal: Alterations and extensions to include two storey front extension/porch, new garage, new rear glazed extension with surrounding deck, new rear chicket dormer and integral balcony, and proposed new garden studio.
Planning Inspectorate Ref: APP/U1105/D/16/3149165

Ref: 14/2994/FUL **Date Received** 03.05.2016
Appellant: Mrs S Sargent
Appeal Site: Land Rear Of 19 - 20 Fore Street Sidmouth EX10 8AL
Proposal: Demolition of outbuilding and construction of a pair of semi detached houses and construction of a boundary wall.
Planning Inspectorate Ref:

Ref: 15/2461/FUL **Date Received** 04.05.2016
Appellant: Mrs Carron Saunders
Appeal Site: Otterton C Of E Primary School Church Hill Otterton Budleigh Salterton EX9 7HU
Proposal: Erection of play equipment
Planning Inspectorate Ref: APP/U1105/W/16/3149687

Ref: 16/0393/FUL **Date Received** 12.05.2016
Appellant: Seatons Regency Windows Ltd (Mr Shane Brown)
Appeal Site: Flat 8 Overmass House Queen Street Seaton EX12 2RB
Proposal: Replace 5 no. timber windows with UPVc sash
Planning Inspectorate Ref: APP/U1105/W/16/3150201

Ref: 15/0748/FUL **Date Received** 13.05.2016
Appellant: WIMS (UK) Ltd
Appeal Site: Unit B Block 19 Flightway Dunkeswell Business Park
Dunkeswell
Proposal: Change of use to form a live/work unit with B1 use on the
ground floor and part of the first floor and a flat on the
remainder of the first floor (partially retrospective); retention
and extension of balcony on rear elevation; and retention of
cladding and canopy on front elevation.
Planning APP/U1105/W/16/3150317
Inspectorate
Ref:

Ref: 15/2148/OUT **Date Received** 19.05.2016
Appellant: Mr S Richards
Appeal Site: Aller House Knowle Village Knowle Budleigh Salterton EX9
6AP
Proposal: Construction of a single dwelling to rear of Aller House
(Outline application with all matters reserved)
Planning APP/U1105/W/16/3150643
Inspectorate
Ref:

Ref: 15/2874/LBC **Date Received** 16.05.2016
Appellant: Cycle Service Ltd
Appeal Site: Cycle Services Ltd Old Post Office Vicarage Road
Sidmouth EX10 8TD
Proposal: Non illuminated painted aluminium sign on south elevation.
Planning APP/U1105/Y/16/3150432
Inspectorate
Ref:

East Devon District Council List of Planning Appeals Decided

Ref: 15/1492/FUL **Appeal Ref:** 16/00003/REF
Appellant: Mr Gerald Brown
Appeal Site: Land Adjacent To Bridge Farm Stony Lane Woodbury
 Salterton Exeter EX5 1PP
Proposal: Retention of vehicular access
Decision: **Appeal Dismissed** **Date:** 28.04.2016
Procedure: Written representations
Remarks: Delegated refusal, amenity and countryside protection
 reasons upheld (EDLP Policy D1 & Strategy 7).
 Application for a full award of costs against the Council
 refused.
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/16/3141873

Ref: 14/2574/MOUT **Appeal Ref:** 15/00023/NONDET
Appellant: Heritage Developments (SW) Ltd
Appeal Site: Land To Rear Of Orchard House Globe Hill Woodbury
 Exeter EX5 1JP
Proposal: Outline application (appearance, landscaping, layout and
 scale reserved) for the construction of up to 24 dwellings,
 community parking and access.
Decision: **Appeal Dismissed** **Date:** 05.05.2016
Procedure: Written representations
Remarks: Appeal against the failure of the Council to determine the
 application within the statutory time period. Delegated
 resolution to refuse, Conservation, landscape and affordable
 housing reasons upheld (EDLP Policy EN10 & D1 and
 Strategy 34).
BVPI 204: **No**
Planning Inspectorate Ref: APP/U1105/W/15/3031347

Ref: 15/0131/MOUT **Appeal Ref:** 15/00061/REF

Appellant: DBD Developments

Appeal Site: Land Adjacent Peace Memorial Playing Fields (South Of Ham Lane) Colyton

Proposal: Residential development of up to 16 no. units, including 6 no. affordable units, access road and amenity land (outline application, all matters reserved)

Decision: **Appeal Dismissed** **Date:** 05.05.2016

Procedure: Informal Hearing

Remarks: Delegated refusal, Countryside protection reasons upheld (EDLP Strategy 7).
Application for a full award of costs against the Council refused.

BVPI 204: **Yes**

Planning Inspectorate Ref: APP/U1105/W/15/3137990

Ref: 14/2722/FUL **Appeal Ref:** 15/00064/REF
Appellant: Mr T Markham
Appeal Site: 23 Elizabeth Road Exmouth EX8 4NT
Proposal: Construction of replacement dwelling and garage
Decision: **Appeal Allowed (with conditions)** **Date:** 10.05.2016
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons overruled (EDLP Policy D3).

The application was refused due to concerns with regard to the well being of an Ash tree on the site and any consequent impact on the character and appearance of the area.

The Inspector noted that both the appellant and the Council acknowledged that the tree would sustain some root damage, however, accepted the findings of the arboricultural report submitted with the application which estimates that approximately 3% of the Ash tree's current root system would be affected as a result of the proposed development. As Ash trees are moderately tolerant to root damage, he considered that subject to an appropriate condition protecting the tree during construction, the proposal was unlikely to result in any unsustainable damage to the tree.

The Inspector imposed a condition that both a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved by the Council, prior to the commencement of the development.

He concluded that the proposed development would not have an adverse effect on either the wellbeing of the Ash tree or on the character and appearance of the area, and that it thereby complies with Local Plan policy D3 and relevant elements of the Framework.

BVPI 204: Yes
Planning Inspectorate Ref: APP/U1105/W/15/3138576

Ref: 15/1053/FUL **Appeal Ref:** 16/00004/REF
Appellant: Ms Barbara Mulkerrins
Appeal Site: Maple Leaf Cottage Old Ebford Lane Ebford Exeter EX3 0QR
Proposal: Construction of detached dwelling
Decision: **Appeal Dismissed** **Date:** 13.05.2016
Procedure: Written representations
Remarks: Delegated refusal, amenity and countryside protection reasons upheld (EDLP Policy D1 & Strategy 7).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/16/3141893

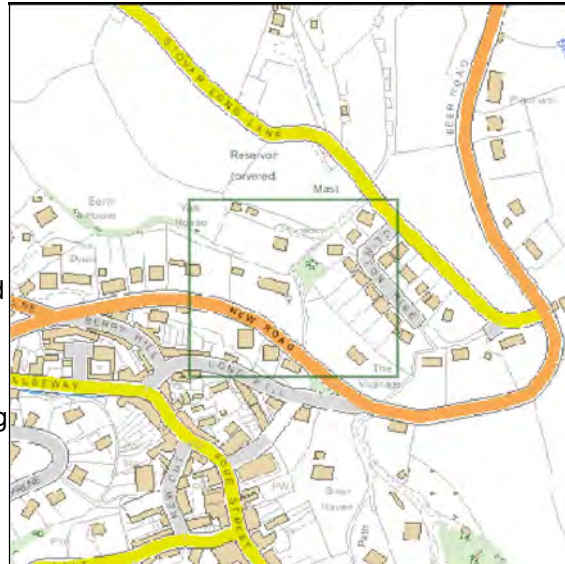
Ward Beer And Branscombe

Reference 16/0504/FUL

Applicant Mr Mark Hannaford

Location Tanglewood 3 East Croft New Road
Beer Seaton EX12 3HS

Proposal Retention of existing decking (in part) and alteration to upper decking area (amendments to refused planning application 15/2182/FUL)



RECOMMENDATION: Approval retrospective (conditions)

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		Committee Date: 7th June 2016
Beer And Branscombe (BEER)	16/0504/FUL	Target Date: 26.04.2016
Applicant:	Mr Mark Hannaford	
Location:	Tanglewood 3 East Croft	
Proposal:	Retention of existing decking (in part) and alteration to upper decking area (amendments to refused planning application 15/2182/FUL)	

RECOMMENDATION: Retrospective Approval (conditions)

EXECUTIVE SUMMARY

This application has been referred to Committee by the Chairman.

The site lies within the built up area boundary of Beer and concerns works within the curtilage of an established dwelling which have already taken place.

Two tiers of decking have been created, the lower level of which is considered to be acceptable being only slightly higher than permitted development rights and an existing patio. The higher level has previously been found to be unacceptable through application 15/2182/FUL due to its relative height and proximity to the boundary creating an overbearing and intrusive feature with the potential to overlook adjoining properties.

It is now proposed to move the decking a further 0.75 metres away from the boundary so that it would be 1.9 metres from the mutual boundary (the previous ground level meant that users of the terrace could overlook the neighbouring dwellings and gardens albeit at 0.5 metres lower in height). Therefore, whilst the distance is relatively small in dimension terms, on the ground this would reduce any overlooking and relationship to a level similar to that prior to the works taking place.

The proposed amendments to the application are considered to be acceptable and remove the overly intrusive and overbearing overlooking potential presented by the previous application.

CONSULTATIONS

Local Consultations

Beer And Branscombe - Cllr G Pook

Responding as a ward councillor I am aware that the close neighbours were very concerned over the potential to overlook their properties and the potential loss of light due to the new bridge from the upper floor window. Whilst I can see the small changes may have some beneficial effect the decking still looks to overdevelop the site and will still have impact on light and privacy.

The whole of the proposed development is significantly higher than the original decking/patio level, I would therefore appreciate officer opinion with regard to the impact of the proposal on the close neighbours to the side and will be happy to be guided by them on this point.

Further comments 28.04.16

In my support of the immediate neighbours I still oppose the application. I appreciate that the applicant has made a minor amendment to the design in moving the decking a further 750mm back from the neighbours boundary but given the height and relative level I still agree with them that it allows overlooking and due to size and elevation results in loss of light and general overdevelopment to their detriment.

There are also issues of access and fire escape which may not be considered planning issues.

The original application was refused on these grounds, I have read the latest report and find it hard to accept that 750mm has addressed all the negative issues of overlooking and overbearing of the original application.

On this basis I ask for the application to be refused.

Further comments 18.05.16

Thank you for sending me the report. Unfortunately I am away and will not be able to attend or speak at the meeting confirming my continued objection to the application

My concerns supporting the immediate neighbours have always been the size and scale of the works denying light and access to the neighbours and allowing significant overlooking. These points were accepted by the officers when refusing it the first time and I cannot accept that given its elevation above the neighbouring property a move of just 750 mm will reduce the overlooking to an acceptable level.

In continuing my objection I remind the committee that this has been refused once and objected to on two occasions by the parish council committee.

Parish/Town Council

The Committee did not support the application as the minor alterations made are not sufficient to mitigate concerns that the structure will overlook the neighbouring property resulting in a potential loss of privacy and loss of light.

Technical Consultations

County Highway Authority

Does not wish to comment

Other Representations

Three representations have been received as a result of this application.

Two of the representations express concern regarding the maintenance of a right of way across the application site for Nos. 1 and 2 East Croft as a means of fire escape

The other representation concerns land ownership and the fact that it is claimed that the applicant does not own part of the wider application site (edged blue)

Relevant Planning History

13/1208/ FUL - Construction of dormer window to front elevation, platform, from existing dormer to patio at rear – Approved 19th July 2013.

15/2182/FUL - Retention of upper and lower decking - Refused 2nd February 2016 for the following reason:

‘The proposed decking, by virtue of its excessive height and close proximity to the mutual neighbouring boundary results in an intrusive overlooking and overbearing impact upon the private amenity of the occupiers of the adjoining property. The proposal therefore fails to maintain suitable levels of private amenity in conflict with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan and the National Planning Policy Framework.’

POLICIES

New East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

Strategy 6 (Development within Built-up Area Boundaries)

D3 (Trees and Development Sites)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The site lies within the built up area boundary for Beer accessed from New Road public highway by a track which is also a designated public footpath. The dwelling is one of a number subdivided from an originally larger dwelling and forms the end dwelling closest to the access. The building is set some distance back from the public highway and at a significantly higher level with dense vegetation between it and the road.

Proposed Development

The proposal seeks retrospective planning permission for the creation of tiers of decking platforms to the rear of the property. The decking has two tiers - a lower platform which is built above the previous decking area and has a bridge to the existing rear dormer window, and a high platform - which is built above the existing ground levels and features steps up toward a further tiered area of ground.

This application represents an amendment to the previously refused application by moving the decking on the higher platform further away from the boundary with the neighbouring property by 0.75 metres

ANALYSIS

The main issues concerning this proposal is the impact on the amenity of the adjoining occupiers and whether the changes have overcome the previous reason for refusal and any other matters.

Due consideration should be had to the context of the development. The rear gardens of the site and adjoining properties steeply slope to the north with minimal boundary treatment subdividing these areas. As a result mutual overlooking into each other gardens is prevalent and from these rear garden areas with the rear windows (belonging to habitable windows) of neighbouring properties overlooked. Consequently there is already a level of mutual overlooking in place but the question arises as to whether the proposal increases any overlooking to a harmful level.

The lower decking area proposed is built slightly raised above the original patio area and features a bridge element connecting to the rear dormer. This bridge element benefits from an extant planning consent under ref; 13/1208/FUL and therefore has already been found acceptable. There is no evidence to suggest that material circumstances have changed to alter this consideration. The proposed lower decking area is only slightly higher (approximately 300mm) than the original patio and does not come closer to the mutual boundary. Whilst there is no evidence of how long this original patio has been in place, the likelihood is that it has been in place for a period in excess of four years and is only slightly higher than that permissible under permitted development rights. As such there is no objection to this lower decking element of the proposal.

The upper decking area is built higher above the existing ground slope, at a level where there was an existing grassed area before the boundary wall collapsed, and would provide users with elevated views into the adjacent properties windows on the rear elevation.

The area of decking has been extended closer towards the applicant's dwelling than the previous grassed area by approximately two metres. This impact is worsened by the proximity to the mutual boundary due to the increase in height by approximately 0.5 metres. Given that the proposal would provide a formalised area for users to sit for extended period of time this would produce unacceptable levels of overlooking for extended periods over and above the previous raised area adjacent to the boundary and it is for this reason that the previous application to retain this was refused.

It is now proposed to move the decking a further 0.75 metres away from the boundary so that it would be 1.9 metres from the mutual boundary (the previous ground level meant that users of the terrace could overlook the neighbouring dwellings and gardens albeit at 0.5 metres lower in height). Therefore, whilst the distance seems relatively small in dimension terms, on the ground the setting back of the raised decking is considered to prevent any additional direct overlooking from taking place and would be akin to the level of overlooking possible before any works took place.

Other matters

The decking takes place within a domestic garden context and given that such development is typical within residential curtilage the proposal is not seen as out of character.

It has been noted that concerns have been raised with regard to the necessity for a fire escape route along the rear area of the garden. However, this is not a planning matter to resolve and it is for the applicant to ensure that suitable provision for fire escape of properties is made.

Officer attention has been drawn to a right of way issue regarding the rear area of the garden. The submitted location plan and the fact that certificate A of the application form has been completed strongly suggest that the rear garden area is in the applicants ownership. No evidence has been presented to dispute this claim and whilst there might be rights of way in place (which the development might obstruct or hinder) any conflict would be a civil matter to resolve and does not have bearing on the planning merits.

It has been noted that a large stone wall has collapsed and was in the process of being rebuilt. Considering the position of this wall it is unlikely that the decking area would harm any roots of protected trees surrounding the site.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Notwithstanding the time limit to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission being retrospective as prescribed by Section 63 of the Act shall have been deemed to have been implemented on the 29.02.2016 (Reason - To comply with Section 63 of the Act.)
2. Within 3 months of the date of permission hereby granted the area of decking that has been constructed outside of the scope of this permission shall be permanently removed from the site and the land restored to its former condition. (Reason - To ensure that the area of decking close to the boundary with No. 2 East Croft is removed to ensure the detrimental overlooking concern is taken

away in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

Combined Plans	29.02.16
Location Plan	29.02.16

List of Background Papers

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

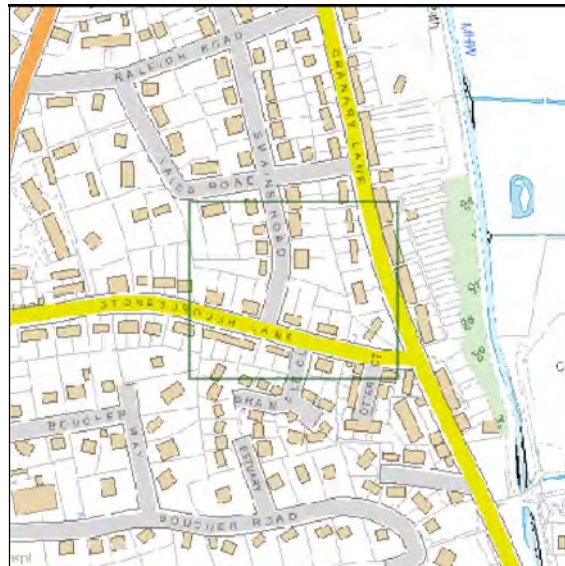
Ward Budleigh Salterton

Reference 16/0074/FUL

Applicant Mr John Brett

Location 21 Stoneborough Lane Budleigh Salterton EX9 6JA

Proposal Construction of detached dwelling.



RECOMMENDATION: Approval with conditions



		Committee Date: 7th June 2016
Budleigh Salterton (BUDLEIGH SALTERTON)	16/0074/FUL	Target Date: 11.03.2016
Applicant:	Mr John Brett	
Location:	21 Stoneborough Lane Budleigh Salterton	
Proposal:	Construction of detached dwelling.	

RECOMMENDATION: Approval with conditions.

EXECUTIVE SUMMARY

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

The proposal involves the demolition of an existing garage and redevelopment of the site with a detached three bedroom dwelling on a plot located within the built-up area of Budleigh Salterton.

The details show a two storey dwelling with a gabled roof with the gables on the flanks. Proposed materials are walls finished in predominantly render, although proposed is a brick chimney, roof with concrete interlocking tiles. The proposal includes a lean to front porch, downstairs kitchen lounge and WC, with 3no. Bedrooms (1 en-suite) and a bathroom at first floor level. The existing access is to be retained. No off street parking is proposed for the original dwelling, the proposed dwelling will have 2.no off street parking spaces accessed from the existing access. This application is a revised scheme following a previous refusal (ref. 15/1422/FUL) on the grounds of a detrimental level of overlooking of neighbouring properties. The key amendments proposed as part of this application have seen the first floor plan altered, and obscure glazing and roof lights introduced to reduce overlooking.

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 members and third parties relate to the impact upon amenity of neighbouring properties arising from the proximity of this two storey development close to No.21, 23 Stoneborough Lane and No.1 and 2 Swains Road. It is considered that Issue of overlooking and loss of privacy has been satisfactorily addressed through this revision of the previously refused application and subject to conditions to ensure the fixed shutters and obscure glazing of some windows. The separation

distance and orientation of the dwelling is such that there are no concerns regarding the loss of outlook, or overshadowing neighbours. The LPA has confirmed with the Building Control Department that it is possible to fix close the bedroom window at 2nd floor level and provide a fire escape through the hall and staircase subject to improved fire safety measures and fire resistance in the build.

Concerns have been raised by members and third parties regarding the impact upon the character and appearance of the street scene, it is not thought that this would have an unduly detrimental impact considering the suburban nature of the area. Whilst the site is within an AONB this part of the town is suburban in nature and an additional dwelling would not detrimentally affect the landscape. The site is not located within a conservation area. It is considered that the plot, and street can accommodate a additional dwelling without appearing ill-fitting or out of keeping.

Whilst the roads around the site are commonly used for parking, as there isn't a residents parking restriction in the area, and both Swains Road and Stoneborough Lane are unclassified, the increase of on-street parking is not sufficiently harmful to the amenity of existing residents as to warrant refusal. The access is as existing, and considering the unclassified status of both roads and their residential setting, additional on-street parking would not cause undue highway safety concerns.

There are no technical or other issues of concern. A unilateral undertaking has been supplied in relation to a commuted payment towards habitat mitigation..

CONSULTATIONS

Local Consultations

Budleigh - Cllr S Hall

I'm unable to support this application.

Although this is a revised submission, the elevations and dimensions remain unchanged and therefore is dominating in such a small area.

It will still impact on no.23 as there is still considerable overlooking issues with a direct view into one of the bedrooms likewise with 1 Swaines rd.

The effect of bringing forward the front building line is detrimental to the street scene.

Further comments:

I'm still not able to support this application The footprint of the dwelling remains unchanged still some 3mts forward of the existing building line. I consider this to be detrimental to the street scene and still too dominate.

The amendments still do not address significant overlooking and loss of amenity issues

Budleigh - Cllr T Wright

I am totally opposed to this application. This can be described as a case of extreme shoe-horning. The rear of the proposed property will be overbearing due to its proximity to the garden of No 23 and the front of the building is very much nearer the building line along Swains Road and it totally out of keeping.

Further Comments:

I maintain my strong objection to this application. The amendments do not address the issue of loss of amenity to neighbours, particularly 23 Stoneborough Lane as the proposal is unacceptably close to the garden, it also impacts of the amenity of the house opposite in Swains Rd and the forward projection of the building line is out of keeping with the street scene and the whole concept is over development.

Budleigh – Cllr A Dent

The officers recommendation to approve is contrary to that of the town council and the. Ward members. Under these circumstances I believe it is right that this application should be presented to the Development Management Committee.

I reserve my final judgment until all the facts and arguments have been fully discussed.

Parish/Town Council

Members feel that the alterations to the previously refused application (15/1422/FUL) do little to address the concerns raised and therefore this Council is unable to support the application for the following reasons:

1. The proposed dwelling will be outside the building line of Swains Road and will therefore be detrimental to the street scene.
2. The proposed dwelling is too big for the site and will result in a cramped feel and loss of amenity for the occupants.
3. The proposed dwelling will dominate the surrounding houses and mean loss of amenity for the occupants of 1 Swains Road and 23 Stoneborough Lane by virtue of overlooking.
4. Additional traffic movements on Swains Road and Stoneborough Lane, which is already heavily congested.

Further comments:

The amended plans do not address previous concerns and therefore this Council is unable to support the application for the following reasons:

1. The proposed dwelling will be outside the building line of Swains Road and will therefore be detrimental to the street scene.
2. The proposed dwelling is too big for the site and will result in a cramped feel and loss of amenity for the occupants.
3. The proposed dwelling will dominate the surrounding houses and mean loss of amenity for the occupants of 1 Swains Road and 23 Stoneborough Lane by virtue of overlooking.
4. Additional traffic movements on Swains Road and Stoneborough Lane, which is already heavily congested.

Technical Consultations

County Highway Authority
Highways Standing Advice

Other Representations

7, no objectors have commented on the application, the key issues are set out below.

- Overbearing nature of property on No.21, 23 Stoneborough Lane, and No.2 Swains Road.
- Impact on the street scene of Swains Road due to the property being stepped forward of the neighbouring property.
- Impact upon the amenity including privacy of neighbouring properties No. 21, 23 Stoneborough Lane and No. 1, 2 Swains Road.
- The creation of additional traffic in the area which is already busy.
- Insufficient parking provision for the original house following the development of the site.
- No guarantee that the obscure glazed windows will remain obscure glazed in the future.
- The applicant has not shown that there is a demonstratable need for an additional dwelling in the area.
- That this is a case of 'garden grabbing' in the AONB which does not benefit the area.

PLANNING HISTORY

Reference	Description	Decision	Date
15/1422/FUL	Construction of detached dwelling.	Refusal on the grounds of an unacceptable impact upon the amenity of the occupiers of 21 and 23 Stoneborough Lane.	02.11.2015

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

Strategy 21 (Budleigh Salterton)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 6 (Development within Built-up Area Boundaries)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The application site currently makes up the rear half of the rear curtilage of 21 Stoneborough Lane. Currently situated in this space is the vehicular access (onto Swains Road) and a double garage in the north east corner of the site. Boundary treatment is made up of hedges to the east boundary (approximately 3.5m along rear half of site and lower hedges closer to the host property) and rear boundary. A timber fence with hedge on the inside constitutes the front boundary (facing onto Swains Road) and there is currently no separation of the application site with the original dwellings proposed garden area.

The application site is elevated in relation to the semi-detached properties on Stoneborough Lane, although it is at a similar height to the property to the north, 2 Swains Road. The surrounding area is made up of a mixture of semi-detached and some detached dwellings with front and rear gardens of larger proportions.

Running along the eastern boundary separating the property with no.23 Stoneborough Lane is a hedge. There are small trees on the boundary on the north and east sides of the plot. The neighbouring property to the north is separated by a minimum of 10m from the site boundary, between the neighbouring dwelling and the application site is a dual pitched roof garage. The rear garden of No.23 Stoneborough Lane has outbuildings to the rear of its plot alongside the boundary with the application site.

ANALYSIS

Proposed Development

Planning permission is sought for the subdivision of 21 Stoneborough Lane's rear garden to create a building plot. The proposed dwelling is a detached two storey dwelling house facing onto, and being accessed from Swains Road. Due to the depth of the proposed plot being restricted the new dwellings main amenity space would be located to the south of the house, functioning as a side garden. Parking is proposed to be located to the north side of the dwelling between the flank of the property and the boundary with No. 2 Swains Road.

The design of the dwelling incorporates a brick chimney on the north flank of the building, with the rest of the structure finished in painted render and a roof covering of concrete interlocking tiles. The proposed drive is to be tarmaced, the garden area would have a lawn, patio area and a block paving path running to the entrance and side garden. Between the proposed dwelling's garden and that of neighbouring gardens would be a 1.8m high close-boarded timber panel fence. The use of UPVC doors and windows are proposed. The proposal includes a lean to front porch,

downstairs kitchen lounge and WC, with 3no. bedrooms (1 en-suite) and a bathroom at first floor level.

The key difference between this application and that of the refused previous application is the amendments to the layout of the floor plan at first floor level, which during the course of the application has seen additional amendments to layout. This has meant that it has been possible to omit certain clear glazed windows which would address the issue of overlooking upon which the previous application was refused.

The layout of first floor windows is now based on two bedrooms to the front of the building, with windows facing to the front of the property. A bathroom would be located in the north east corner of the property with an obscure glazed window on the east boundary. The bedroom in the rear south west corner of the first floor would be lit by two roof lights in the plane of the rear roof. A single obscure glazed window would be located in the southern side elevation of the proposed dwelling for the bedroom.

The separation distance between the side elevation of the proposed dwelling and the original property on site, No 21 Stoneborough Lane is 19.0m, to the rear there is 1.0m to the boundary with 23 Stoneborough Lane and to the property to the north (2 Swains Road) the distance is approximately 2.8m to the boundary and approximately 11m to the side elevation.

Consideration and Assessment

As an infill development a number of issues are likely to arise through the placement of a dwelling between existing properties. In this instance the main issue is the impact upon the amenity of neighbouring residents. Other issues that will be addressed in the report are; the principle of residential development in this location; the effect upon highway safety and parking issues; impact on streetscene and whether the scheme sits well within the wider character and appearance of the surrounding area.

In addition there have been a number of objections from neighbouring residents and these will be addressed through consideration of the above issues.

Principle of Development

As the site is located within the built up area boundary and is within close proximity to services provided within Budleigh Salterton the site is a sustainable location for new development. Whilst the site constraints still require consideration, the location of the site is not considered to be unsustainable in access terms and the proposal accordance with Strategy 6 of the Local Plan. As such there is no objection to the principle of development.

Character of the Area and Design

In terms of the impact upon the street scene the infill dwelling would not be significantly harmful or out of character to warrant refusal. Because of its two storey

design reflecting certain features present in the area (tall chimney, painted render finish, set back siting in the plot) the design is considered acceptable. The side garden would maintain an area of green between properties which would reflect the suburban nature of the area and create an acceptable size plot. Therefore the scale, massing and siting of the new dwelling in relation to the host property and neighbouring properties is not considered to be over-development. The materials and design reflect the area, and are considered to maintain a good quality streetscape.

The previous application on the site was not refused on the basis of its design or visual impact on the streetscene and that decision is material to the current application.

Impact upon Neighbouring Amenity

The key issue relating to the previous application had been the impact upon neighbouring properties amenity caused by overlooking from windows at first floor level. This previous scheme would have caused overlooking of both neighbouring properties at No. 23 Stoneborough Lane and also the original property at this site No. 21 Stoneborough Lane. The current application has been amended, with the first floor floorplan seeing rooms being repositioned, rooflights inserted into the rear plane of the roof, and the use of obscure glazing in first floor windows on the south and rear elevations.

In developing this plot the lack of depth to the rear and drop in levels to the south results in potential overlooking issues. However, the scheme now presented does not require the placement of clear glazed windows at first floor level in positions that compromise the privacy of neighbours. Two bedrooms have been positioned at the front of the properties first floor with windows facing into the road, this does not cause an overlooking issue. By using the rear portion of the first floor for the bathroom, and the use of above ceiling level rooflights in the rear bedroom, this scheme ensures that there is no clear glazing in the rear elevation that could result in a loss of privacy. Subject to conditions to prevent the insertion of further windows and to ensure the obscure glazing and fixed shutting of windows about 1.75m, issue of loss of privacy to the rear of the proposed dwelling into the garden of No. 23 Stoneborough Lane have been addressed.

The previously refused scheme had proposed a window at first floor level in the south elevation which would have caused overlooking in the gardens and into both the ground floor and upstairs windows of the two neighbouring properties at 21 and 23 Stoneborough Lane. However, this rear bedroom now has two roof lights proposed which light the room, but due to their height do not cause overlooking, and a single window in the side elevation which is obscure glazed and fixed shut below 1.75m. Subject to a condition to retain this treatment in perpetuity, this would ensure that there is no overlooking of gardens to the south. As such the privacy of neighbours is not harmed to an extent as to be contrary to policy D1 of the East Devon Local Plan (2013 – 2031). The LPA has confirmed with the Councils Building Control department that it is possible to fix this window shut and maintain a fire safe exit through the landing, staircase and hallway, although it would require improved fire safety features to be incorporated.

The distance between the host property and proposed dwelling is at least 19.0m, this increases between the proposed dwelling and the neighbouring property, No.23 Stoneborough Lane, which is also positioned at an angle. Considering this degree of separation, the length of their gardens and the existing boundary treatments, the proposal would not result in an oppressive impact or loss of amenity to an extent that could justify refusal of permission.

Regarding other aspects of residential amenity, the scheme would not result in an overdominance upon neighbouring properties. The distance to the property to the north, No.2 Swains Road would be approximately 11.0m. In terms of flank to flank distances, this is considerably more than other properties in the area and the landing window can be conditioned to be obscure glazed and fixed shut. Whilst this neighbouring property does have windows in the side elevation, the majority of which are either lights to hallways, staircases etc, or secondary windows to rooms with dual aspect. The separation distance is sufficient so as to ensure overshadowing is not an issue, and also outlook from this property will be of an acceptable quality.

Finally, in terms of the amenity of future residents of the proposed dwelling the scheme provides adequate outdoor amenity space for this size and type of property which would not be excessively overlooked. The front two bedrooms and ground floor rooms have a good level of outlook, access to light and are not excessively overlooked. The rear bedroom, shown as bedroom no.2 on drawing 7132-03 rev E, has a limited outlook, but on balance will be well lit, and is of a good size, therefore the room provides sufficient internal amenity.

Highways Concerns

The concerns raised by residents regarding car parking and access have been considered but would not constitute valid reasons for refusal in this instance. The site is located on the corner of two unclassified roads in an area with unregulated off street parking. There would be some space left in the rear curtilage of the host property which could accommodate a new access onto Swains Lane with associated parking, which would likely be seen by the LPA in a positive light. The access to the new dwelling is existing and onto an unclassified road. In light of a lack of a severe highway impact from the loss of parking to number 21 Stoneborough Lane, a refusal of planning permission on the basis of the lack of parking for this property would be very difficult to justify.

Contributions

The application is accompanied by the requisite unilateral undertaking relating to the payment of a financial contribution of £749 towards mitigation of the impacts of increased recreational activity arising as a result of additional residential development upon the European-designated Exe Estuary and Pebblebed Heaths Special Protection Area in line with the Council's adopted mitigation strategy under the Habitat Regulations.

Recent changes to the NPPG mean that a contribution from this development towards Affordable Housing and Open Space can no longer be secured.

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 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 2 Part 1 Classes A, B, C or E for the enlargement, improvement or other alterations to the dwelling, or the erection of outbuildings in the curtilage of the dwelling 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 without detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
5. All the windows shown on the north, south and east elevations at first floor level on the plans hereby permitted shall be fitted with obscure glazing before the first floor accommodation is brought into use and shall be permanently fixed as non-openable below a minimum height of 1.75 metres above the level of the floor. The obscure glazing and opening limitations required by this condition shall be retained thereafter.
(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
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 Arboricultural Method Statement (AMS) dated 17th day of April 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).

- 7. The roof lights on the east elevation hereby approved shall serve bedroom 2 only as shown on drawing number 7132-03 Rev 3 and shall at no time be used to serve any space within the roof of the dwelling.
(Reason: In order to protect the amenity of adjoining residents from overlooking and loss of privacy in accordance with Policy D1 – Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

Plans relating to this application:

7132-04C	Sections	25.02.16
7132-03E	Proposed Combined Plans	25.02.16

List of Background Papers

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

Ward Clyst Valley

Reference 16/0369/VAR

Applicant Tarmac Trading Ltd (Mr Andy Cadell)

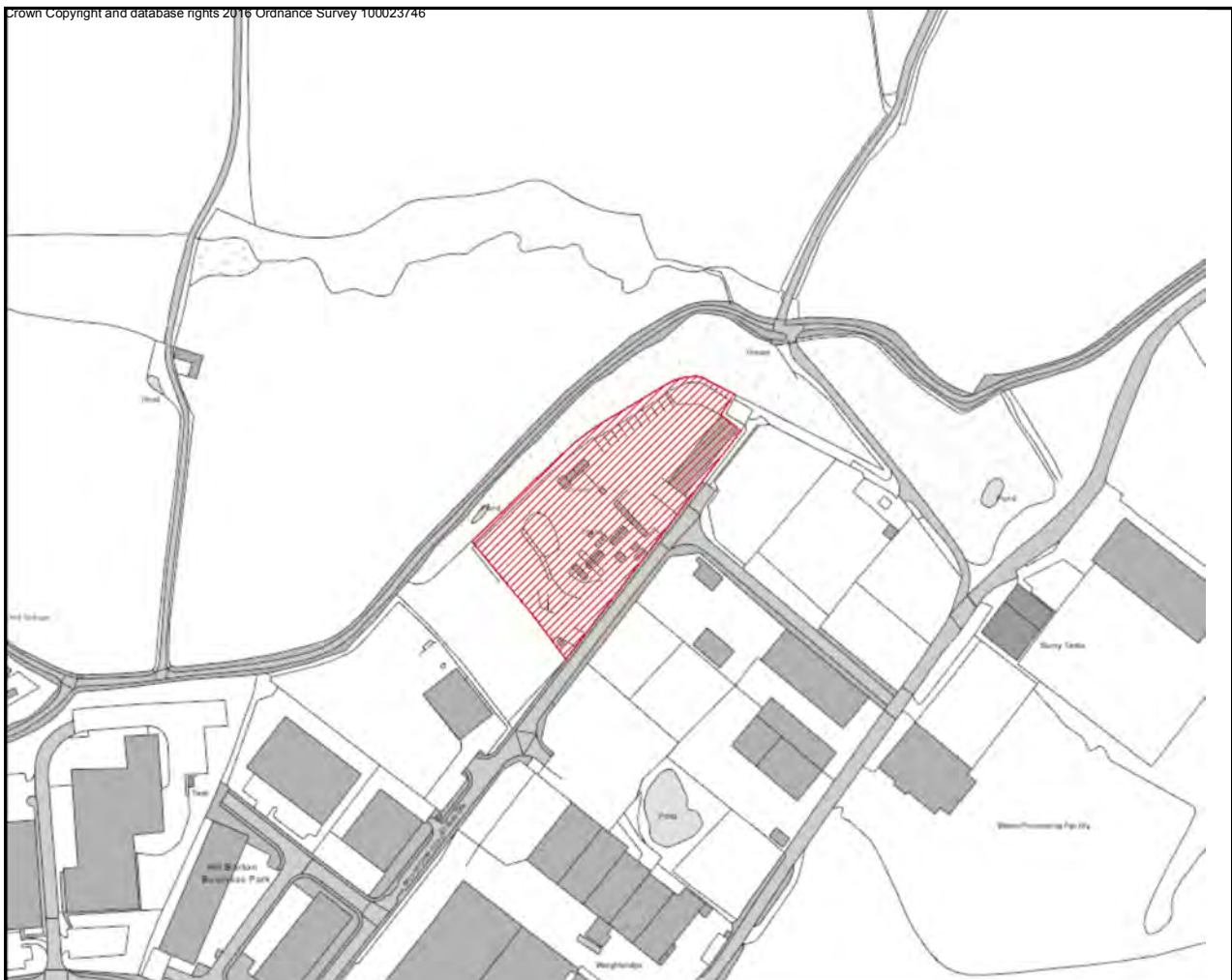
Location Exeter Asphalt Plant Mushroom Road Hill Barton Business Park Clyst St Mary

Proposal Variation of condition 2 of planning permission 08/0471/MFUL (as varied by planning permission 11/0489/VAR) to allow unrestricted hours of operation on periods of work of the asphalt plant



RECOMMENDATION: Approval with conditions

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		Committee Date: 7th June 2016
Clyst Valley (FARRINGDON)	16/0369/VAR	Target Date: 16.05.2016
Applicant:	Tarmac Trading Ltd (Mr Andy Cadell)	
Location:	Exeter Asphalt Plant Mushroom Road	
Proposal:	Variation of condition 2 of planning permission 08/0471/MFUL (as varied by planning permission 11/0489/VAR) to allow unrestricted hours of operation on periods of work of the asphalt plant	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is being reported to Development Management Committee because the Officer recommendations differs from the view of the Parish Council.

This application seeks planning permission under Section 73 of the Town and Country Planning Act to vary condition 2 of planning permission 08/0471/MFUL (as varied by a later planning permission 11/0489/VAR). Planning permission is sought to remove the existing restrictions on the hours of operation associated with the asphalt plant at Hill Barton Business Park. The concrete plant would continue to operate in accordance with the extant restrictions.

Whilst the concerns of the Parish Council are noted in terms of the potential for increased impacts on the residential amenities of the occupiers of nearby properties, the application has been considered by the Council's Environmental Health Team who have advised that they have never received noise complaints about the asphalt plant and that allowing unrestricted hours of operation would not give rise to additional environmental health pollution issues. It should also be noted that no objections have been received from local residents as a result of publicising the application.

On the basis that there are no objections from the Environmental Health Officer or local residents, and the asphalt plant would continue to operate in accordance with the extant permission and that the applicants have provided a robust justification for allowing unrestricted hours of operation, it is considered that on balance the application should be approved.

CONSULTATIONS

Local Consultations

Parish/Town Council

16/0369/VAR Proposal: Variation of Condition 2 planning permission 06/0471/MFUL (as varied by planning permission 11/0489/VAR) to allow unrestricted hours of operation on periods of work of the asphalt plant.

Location: Exeter Asphalt Plant Mushroom Road Hill Barton Business Park Clyst St Mary Applicant: Tarmac Trading Ltd (Mr Andy Cadell) Stancombe Quarry Stancombe Lane Flax Bourton Bristol BS48 3QD

The PC has been advised by local residents of various concerns regarding the Tarmac application for unrestricted operating times. It is appreciated that there may be an occasional need for night time operation, however, there is a major concern regarding operations at weekends when residents may wish to sit out in their gardens and can most certainly hear the plant running. Some form of restriction on weekend working particularly during summer months, would help ensure the amenity of nearby residents is not compromised.

Further evergreen screening would be appreciated.

Farringdon Parish Council

Adjoining Parish (Bishops Clyst)

We would like to support our fellow Parish in whatever decision they have made.

Adjoining Parish (Clyst Honiton)

It was agreed to stand by the Parish Council's previous comments and to support the views of Farringdon Parish Council.

Clyst Valley – Cllr M Howe

Following an initial review of the above application I recommend the following:

Support the application	No
Object to the application	Yes
In the event my recommendation and that of the Planning Officer differs, I wish the application to be referred to Development Control Committee	Yes

Relevant planning observations on the planning application to support my recommendation above:

Although I understand the need for this and in reality the limited impact we hope it will have, I do believe that some of the near property's are currently affected by light and this added operating hours will exasperate this I am not sure that the one light alteration will be sufficient and ask that one or 2 evergreen trees be considered as mitigation for the residents.

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

Technical Consultations

County Highway Authority
Does not wish to comment

Environment Agency
We have no comment on this application.

Environmental Health
Environmental Health have never received any complaints regarding noise issues from Tarmac at Hill Barton, so therefore I have no objections to the unrestricted hours of operation.

Further comments:
I am somewhat surprised about the objections from the Parish Councilor, as this was discussed ages ago at the Hill Barton Liaison meeting, where I said then that I had no concerns regarding Tarmac and them extending their hours of operation.

The planning application for extended hours of operation was discussed at the last Hill Barton Liaison meeting and I reported that EH had never received complaints of noise from Tarmac, therefore I felt that I could not object to the application when it was submitted.

I do not foresee any Environmental Health Pollution issues with this application as the plant is also legislated under the Environmental Permitting Regulations and should noise complaints ever be received than I would investigate them under the Environmental Protection Act 1990. Therefore I have no objections to this application.

Other Representations

No letters of representation have been received at the time of writing this report.

PLANNING HISTORY

Reference	Description	Decision	Date
06/3527/MFUL	Installation of an asphalt plant and a concrete batching plant	Approval with conditions	14.08.2007

08/0471/MFUL	Application to change the type of Asphalt Plant & Concrete Batching Plant to be installed on site under approved planning permission 06/3527/MFUL	Approval with conditions	07.05.2008
11/0489/VAR	Variation of condition of condition 2 of permission 08/0471/MFUL to permit an increase in the number of periods of out of hours working from 40 to 80 in any calendar year	Approval with conditions	30.06.2011

POLICIES

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

D1 (Design and Local Distinctiveness)

EN14 (Control of Pollution)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Site Location and Description:

Tarmac Trading Ltd occupies a large site on the north-western outskirts of the Hill Barton Business Park. The site is accessed off Mushroom Road from within the business park and contains a considerable amount of plant and equipment associated with the applicants' concrete and asphalt batching business.

Relevant Planning History:

The original planning permission for an asphalt and concrete batching plant was granted to Tarmac Ltd in May 2008 under application reference 08/0471/MFUL. It contained a number of restrictive conditions, including hours of operation. In that regard the condition specified that outside of the hours mentioned (0600-1800 Monday to Friday, 0600 - 1300 Saturdays and no work on Sundays or Bank Holidays) a maximum of 40 periods of work of up to 8 hours per period would be allowed in any calendar year.

Planning permission was granted in 2011 (ref 11/0489/VAR) for a variation in the wording of the condition referred to above to allow for an increase in the number of periods of out of hours working from 40 to 80 periods in any calendar year. The condition was re-worded to state:

The operation of the site and plant hereby permitted shall be restricted to the hours between 06.00 and 18.00 hours Monday to Friday and 06.00 to 13.00 hours on Saturday with no work on Sundays or Bank Holidays. Outside of these hours a maximum of 80 periods of work in any calendar year will be permitted, a period consisting of a maximum of 8 hours. A log of all hours of operation of such work shall be maintained by the operator and made available for inspection at all reasonable times, by officers of the Local Planning Authority.

(Reason – In the interests of the amenity of nearby residents and to comply with the provisions of Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan 1995-2011.)

Proposed Development:

Under Section 73 of the Town and Country Planning Act, this application now seeks to vary the aforementioned condition to remove the current restriction on the hours of operation associated with the asphalt plant. This would allow the asphalt plant to operate at any time. The asphalt plant would however continue to operate in accordance with the extant permission and other conditions and its associated environmental permit.

The concrete batching plant would continue to operate in accordance with the restricted operating hours and would therefore only operate outside the defined operating hours on no more than 80 occasions per year.

ANALYSIS

Issues and Assessment:

The original working hour's condition was imposed 'in the interests of the amenity of nearby residents'. The principal issue for consideration, therefore, in determining this current application relates to the extent to which the proposal to allow unrestricted working hours for the asphalt plant would give rise to any unacceptable neighbour amenity impact issues in terms of increased noise, lighting and traffic movements. The applicant has provided a planning statement which sets out a detailed justification for the proposed variation of condition and additional material considerations which add weight to the proposed application as discussed below.

Justification:

The planning statement explains that the asphalt plant and concrete plant have historically benefited from the 80 periods per annum outside of ordinary operating hours however on divestment of the concrete plant, the 80 periods associated with the extant permission were split between the two companies whereby Tarmac Trading Ltd retained the ability to operate on 48 of the 80 periods, with the remaining 32 periods afforded to Hope Construction for the concrete batching.

The applicant explains that this split has impacted on the flexibility available to operate the Asphalt plant for 'out of hour' operations, specifically to service off peak roadworks. The purpose of off-peak roadworks is to avoid delays on primary routes during peak hours and minimise disruption for the majority of road users whereby repairs to roads, large car parks and internal roads at hospitals, supermarkets and other facilities serving the public are carried out at night to avoid inconvenience to people. The applicant has worked closely with Environmental Health on the occasions when operating at night.

The applicant has provided evidence to demonstrate that the limit of 80 periods is insufficient to service the contracts (as more and more road works and improvements are necessary at night) and should it be required to continue to operate within the extant restrictions, it would become necessary to source materials from alternative asphalt plants located further afield. In addition, the restrictions affect the ability of the plant to operate a two shift system which it is stated impacts on the employment opportunities available at the plant.

The case made in support of the requirement for unrestricted working hours for the asphalt plant is thought to be a robust one and these are factors which are considered to weigh in favour of the proposal to vary the condition. These material considerations do however have to be carefully balanced against the impact of allowing unrestricted working hours on the residential amenities of the occupiers of residential properties in the area within the overall planning balance.

Residential Amenity:

In assessing the potential for increased impacts on the residential amenities of the occupiers of nearby properties, the proposal should be assessed against Local Plan policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan.

Policy EN14 (Control of Pollution) of the East Devon Local Plan states:

'Permission will not be granted for development which would result in unacceptable levels, either to residents or the wider environment of:

1. *Pollution of the atmosphere by gas or particulates, including smell, fumes, dust, grit, smoke and soot.*
2. *Pollution of surface or underground waters including;*
 - a) *Rivers, other watercourse, water bodies and wetlands.*
 - b) *Water gathering grounds including water catchment areas, aquifers and groundwater protection areas*
 - c) *Harbours, estuaries or the sea*
3. *Noise and/ or vibration.*
4. *Light intrusion, where light overspill from street lights or flood lights on to areas not intended to be lit, particularly in areas of open countryside and areas of nature conservation value.*
5. *Fly nuisance*

6. *Pollution of sites of wildlife value, especially European designated sites or species*
7. *Odour.*

Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan states:

'Proposals will only be permitted where they do not adversely affect the amenity of occupiers of adjoining residential properties'.

The proposal related to an existing asphalt plant that benefits from an extant planning permission. The asphalt plant is also the subject of an Environmental Permit which governs:

- Emissions to air
- Offensive odour
- Visible smoke
- Particulate matter
- Monitoring, sampling and measurement of emissions
- Dust caused by the handling of materials
- Dust caused by transport and loading
- Chimneys, vents and process exhausts.

It should be noted that none of the above elements would be affected by this proposal as the asphalt plant would continue to operate in accordance with the Environmental Permit that is managed and monitored by Environmental Health.

There is no history of any detrimental impact upon residential amenity and Environmental Health is not objecting to the variation to the condition. Environmental Health has advised that should there be any detrimental impact upon residents from the proposal, they can control this through the Environmental Permit or under separate environmental health legislation.

Traffic Movements:

The applicant has made it clear that the proposal would not increase the number of HGVs permitted to access the site per day (200) as set out in condition 15 of the original planning permission. No objections have been received by the County Highway Authority.

Lighting:

The lighting of the site would continue to be carried out in accordance with condition 14 of the extant planning permission. The applicant has however identified one light over the weighbridge area of the plant is positioned at a higher level than street lamp level and has offered to re-position it such that it would be at a height to match the existing lighting. Whilst it isn't considered that a condition is necessary, it is recommended that an informative is added to the decision notice to welcome the suggestion of re-positioning the light.

With regard to concerns regarding the impact from site lighting from a 24-hour unrestricted use, Environmental Health have advised that they are not aware that

this has been an issue to date but that if it does start to cause a nuisance to residents, they will be able to deal with this and get it resolved through Environmental Health legislation.

Noise:

Within the planning statement the applicant advises that noise levels from the site would not be affected as the operations at the asphalt plant would not change. It should also be noted that the plant is the subject of conditions relating to noise under the original planning permission. In this respect, the acoustic fencing approved would remain in place.

Comment:

Whilst the objections raised by the Parish Council on the grounds of increased noise disturbance and general inconvenience and disruption to local residents as a result of unrestricted operating times are acknowledged, it is not thought that unrestricted hours of working would give rise to any increased material harm to the living conditions of nearby residents over and above any effects from the operation as it exists at present. No objection is raised by the Council's Environmental Health Officers to the proposal and it should also be noted that no letters of objection have been received from local residents. The Council's Environmental Health Officer has advised that there are no known ongoing concerns or complaints regarding the current operation.

The EHO has also advised that no environmental health pollution issues are envisaged and that the plant is legislated under the Environmental Permitting Regulations and should any noise or lighting complaints be received as a result of the unrestricted working hours, they could be investigated under the Environmental Protection Act 1990.

The case made in support of the requirement for unrestricted working hours for the asphalt plant is thought to be a robust one and, in the absence of any known ongoing concerns or complaints at the nature and/or hours of the current operation or an objection from Environmental Health, it is not considered that allowing unrestricted working hours for the asphalt plant would give rise to significant harm to the residential amenities of the occupiers of surrounding properties to refuse the application.

It is however necessary to substitute a reworded condition, as requested, to reflect the fact that the out of hours working and requirement to maintain a log of all hours of operation applies only to the concrete batching plant and that there would be no restrictions to the asphalt plant.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Condition 2 of planning permission 08/0471/MFUL is hereby varied to read:

The operation of the concrete batching plant shall be restricted to the hours between 06.00 and 18.00 hours Monday to Friday and 06.00 to 13.00 hours on Saturday with no work on Sundays or Bank Holidays. Outside of these hours a maximum of 80 periods of work in any calendar year will be permitted, a period consisting of a maximum of 8 hours. A log of all hours of operation of such work shall be maintained by the operator and made available for inspection at all reasonable times, by officers of the Local Planning Authority. For the avoidance of doubt, there shall be no restriction on the hours of operation or periods of work of the asphalt plant.

(Reason - In the interests of the amenity of nearby residents and to comply with the provisions of Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

2. In accordance with condition 4 of planning permission 08/0471/MFUL, the acoustic fencing around the site shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
(Reason: To provide adequate noise mitigation measures in the interests of residential amenity in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)
3. In accordance with condition 9 of planning permission 08/0471/MFUL, the plant signs directing Heavy Goods Vehicles shall be retained in perpetuity in a clear and visible condition.
(Reason: In the interests of highway safety in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)
4. In accordance with condition 10 of planning permission 08/0471/MFUL, there shall be no obstruction to visibility forward of a line drawn 2.4m back and parallel from the carriageway edge across the whole site frontage to Mushroom Road. Such visibility splays shall be maintained at all times.
(Reason: To provide adequate pedestrian facilities in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)
5. In accordance with condition 10 of planning permission 08/0471/MFUL, the 2.0 m wide footway across the site frontage adjacent to Mushroom Road shall be retained in perpetuity.
(Reason: To provide adequate pedestrian facilities in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)
6. External lighting of the site shall be carried out in accordance with the details contained within condition 14 of planning permission 08/0471/MFUL.
(Reason: In the interests of the visual amenity of the surrounding area in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)

7. In accordance with condition 15 of planning permission 08/0471/MFUL, HGV movements to and from the application site shall not exceed 200 HGV movements per day at a frequency of no more than 30 HGV movements during AM peak hour between 08:00 and 09:00. These peak movements must not exceed more than 12 times per annum.
(Reason: To ensure no adverse impact occurs to the strategic road network and related junctions in the interests of highway safety in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)
8. In accordance with condition 16 of planning permission 08/0471/MFUL and the restrictions imposed by the aforementioned condition, the applicant shall provide full details of all HGV movements related to the site on an annual basis.
(Reason: To enable the authority to monitor HGV movements from the site and to ensure these do not exceed agreed limits in the interests of highway safety in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)
9. In accordance with condition 17 of planning permission 08/0471/MFUL, there shall be no obstruction to visibility greater than 600 mm above adjoining road level forward of a line drawn 2.4m back and parallel from the carriageway edge across the whole site frontage to Mushroom Road.
(Reason: To provide adequate visibility from and of emerging vehicles in the interests of highway safety in accordance with Policy TC7 (Adequacy of Road Network and Site Access) 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.

The offer within the planning application to reposition the light on the side of the existing plant, which illuminates the weighbridge, is welcomed and in accordance with the lighting details previously approved, it is considered appropriate that this light be repositioned at a height comparable with surrounding street lights. You are however advised to liaise with Environmental Health to ensure that the appropriate lighting is installed in a way that minimises any light spill.

Plans relating to this application:

2291/PA/1 Location Plan 15.02.16
2291/PA/2 Block Plan 15.02.16
1680/CP001 Site Plan 01.03.11
Figures 1, 5, 6A 20.02.2008
1680/CP016 20.02.2008

List of Background Papers

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

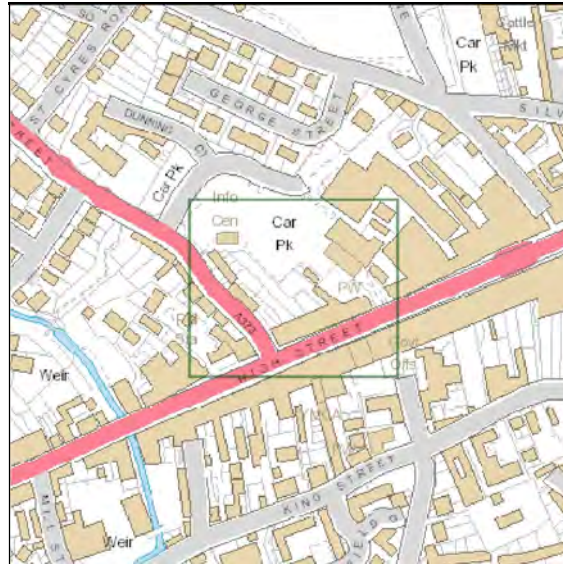
Ward Honiton St Pauls

Reference 15/1413/FUL

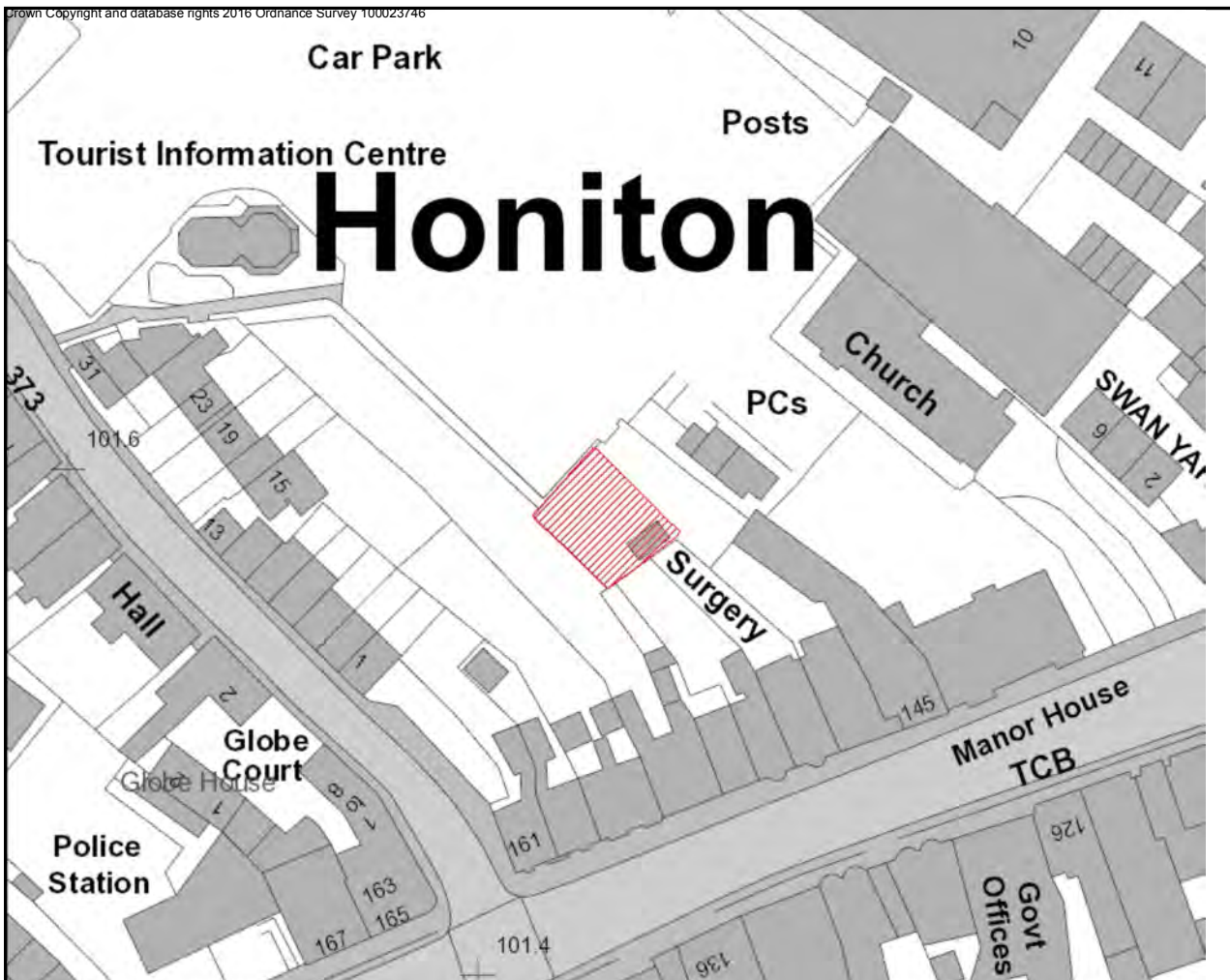
Applicant Mr & Mrs Dobson

Location Land At Rear Of 147 High Street
Honiton

Proposal Demolition of existing garage and
erection of 2no semi-detached
houses



RECOMMENDATION: Refusal



		Committee Date: 7th June 2016
Honiton St Pauls (HONITON)	15/1413/FUL	Target Date: 17.08.2015
Applicant:	Mr & Mrs Dobson	
Location:	Land At Rear Of 147 High Street	
Proposal:	Demolition of existing garage and erection of 2no semi-detached houses	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

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

The site lies within the built up area boundary of Honiton, this part of which lies close to the primary shopping area and forms part of the designated conservation area. It currently comprises a grassed area with hardstanding and garage set within high walls. To the north of the site lies the public car park, to the east lie the public conveniences set within the public car park, to the south lie the properties fronting onto the High Street and to the west lie the rear gardens of other properties fronting onto the High Street.

The proposed layout indicates two dwellings slightly offset from each other with very limited private amenity space on a site that is surrounded by high walls. Despite pre-application advice being given, the proposed two parallel dwellings with an interconnecting roof are still inconsistent with the more linear forms commonplace to the rear of the High Street. It is considered that this configuration is inappropriate on this site, with a single linear form of development being the only acceptable approach. It is advocated that by 'stretching' the footprint along the entire length of the site this would extrude a more convincing built form.

Given the constraints of the site it is considered that the layout is out of keeping with the historic character of the Conservation Area and would provide a poor living environment for the future occupiers through limited/no private amenity space and views onto high walls contrary to the Local Plan and guidance contained in the NPPF.

The impacts on highway safety and residential amenity have found to be acceptable.

CONSULTATIONS

Local Consultations

Honiton St Pauls - Cllr J O'Leary

I support this application. they have access through 145 High St and there is plenty of room for 2 small dwellings which should not impose on any other property.

Parish/Town Council

The Town Council objects to the application for the following reasons:

Ecology and Biodiversity

1. Species of conservation concern

The Town Council notes that the applicant has stated that there are no protected and priority species near to the application site. During a site visit on 10th July, the Town Council witnessed large numbers of swifts feeding near to and above the application site. Swifts were also witnessed accessing the roof space of a building in very close proximity to the application site. Swifts are an RSPB Amber species and a bird of conservation concern.

2. Trees

The applicant has stated that there are no trees on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character. However, there is an established Horse Chestnut tree (with girth of approximately 88cm) on the boundary line of the site with the EDDC Lace Walk car park. The Town Council is concerned that development close to this tree will have a detrimental impact on the health of the tree which has a high amenity value as part of the local landscape character and is in the Conservation Area.

Layout

The Town Council considers that the proposed development would have a detrimental impact on neighbouring properties due to overbearing and visual impact.

Ownership of Access

From Land Registry records (Title numbers DN70008 and DN289908) it would seem that the application site is separate from other land in the applicants' ownership and that no right of access appears to exist. The Town Council questions whether this would impact on the provision of public services to the proposed development eg. refuse collection.

Parking provision

The Town Council is also concerned that any development would exacerbate an already difficult situation with regards to residents' parking in the local area.

Technical Consultations

Devon County Archaeologist

The proposed development lies within the historic core of Honiton and in the rear part of a medieval burghage plot aligned on High Street to the south. These parts of the burghage plots have been known to contain evidence of small scale industrial activity as well as disposal of domestic rubbish. As such, groundworks for the construction of the proposed development have the potential to expose and destroy

archaeological and artefactual deposits associated with the medieval settlement here.

For this reason and in accordance Policy EN8 (Proposals Affecting Sites Which May Potentially be of Archaeological and Historic Interest) of the East Devon Local Plan and with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

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

Reason

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

I would envisage a suitable programme of work as taking the form of the archaeological supervision of all 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. We can provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

Historic England

Thank you for your letter of 23 June 2015 notifying Historic England of the scheme for planning permission relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

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

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

East Devon District Council - Estates/Property Services

There is no existing or established vehicular access over the council's car park. It is also unclear as to whether access over the car park will be required for construction purposes and then later, refuse collection and deliveries. The applicant would need to approach Property Services to discuss the possibility of any such access being granted.

County Highway Authority

Does not wish to comment

Other Representations

Three representations have been received raising the following concerns:

- Impact on the Conservation Area;
- Impact on the listed buildings to the south;
- Impact on historic burgage plots
- Impact on living conditions
- Loss of parking
- Design not in keeping with the period of the neighbouring Georgian buildings.
- Ownership of land is not as shown on the application plan

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

EN5 (Wildlife Habitats and Features)

D1 (Design and Local Distinctiveness)

TC7 (Adequacy of Road Network and Site Access)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 47 (Nature Conservation and Geology)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Relevant Planning History

There have been a number of pre-application enquiries relating to the use of the site but no planning applications relevant to the determination of this application have been submitted.

Site Location and Description

The site lies within the built up area boundary of Honiton, this part of which lies close to the primary shopping area and forms part of the designated conservation area. It currently comprises a grassed area with hardstanding and garage set within high walls. To the north of the site lies the public car park, to the east lie the public conveniences set within the public car park, to the south lie the properties fronting onto the High Street and to the west lie the rear gardens of other properties fronting onto the High Street.

The site is accessed by an access directly off the public car park to the north.

Proposed Development

This application seeks full planning permission for the demolition of a garage to facilitate redevelopment of the site for two dwellings. No parking provision would be available on site.

ANALYSIS

The main considerations in the determination of this application concern the principle of the proposed development, the impact of the proposed development on the character and appearance of the Conservation Area, impact on residential amenity, impact on highway safety and planning obligations.

Principle

The site lies in the built up area boundary in a sustainable location close to services and facilities required for daily living, therefore, in accordance with Strategy 6 of the recently adopted East Devon Local Plan the proposal to erect an open market dwelling is considered to be acceptable in principle providing that the impacts of the development are acceptable in relation to other policies contained in the Local Plan; these will be discussed below.

Impact on the Conservation Area

The entire site is within the conservation area and is very prominent from the public car park. Most apparent about the nature of the site is its open aspect and the views of the rear of the listed properties on the High Street. This is not overly common in Honiton where most burgage plots have been more densely developed over the last couple of hundred years and buildings enclose intimate spaces with restricted narrow views.

The site has been subject to pre-application discussion where the designs were considered to be inappropriate. Architecturally, the proposals are admittedly an improvement over previous pre-application submissions. The massing of a one and a half storey form would be considered more ground-hugging and subordinate, as previously advocated in previous responses to initial schemes for the site. However, the proposed two parallel dwellings with an interconnecting roof are still inconsistent with the more linear forms commonplace to the rear of the High Street. It is considered that this configuration is inappropriate on this site, and would reiterate that a single, linear form would be the only valid approach. It is advocated that by 'stretching' the footprint along the entire length of the site this would extrude a more convincing built form. This may result in a single dwelling on the site (or two much smaller units).

In architectural terms the design and access statement refers to Clapper Lane as being the precedent. These are late Victorian Terraces that have lost much of their character but retain traditional proportions and some good Flemish Bond brickwork in part. The proposed scheme does not really take much from these terraces and the overall appearance is still rather suburban. It should also be noted that the proposed dwellings do not form a terrace as such, and therefore it is advocated that single historic buildings found to the rear of High Street are studied to provide a more valid precedent. This could well be small barns or coach houses associated with some of the larger properties fronting the High Street. Equally valid would be a contemporary approach that utilised the linear form but uses locally distinct materials and forms in a more imaginative way.

A meeting took place with the applicant to discuss an amended scheme and whilst some sketch proposals were informally provided and found to be an improvement but lacking in sufficient detail, no amended plans have been formally submitted and the applicant has asked for the proposal to be determined as submitted.

As it stands the impact upon the significance of heritage assets has not been suitably assessed and the building form and design remain unacceptable and therefore would not preserve or enhance the character and appearance of the Conservation Area contrary to Policy EN10 of the Local Plan and advice contained in the NPPF.

Impact on amenity

The foremost properties to be impacted upon as a result of the application are Nos. 147, 149, 151, 153 and 155 High Street whose gardens extend towards the proposal site. However, as the proposal would be one and a half stories in height and all of the windows in the first floor would face towards the public conveniences to the east it is considered that the proposed development would not detrimentally impact on the living conditions of surrounding properties.

The layout of the proposal indicates a very low level of private amenity space for one of the units and no private amenity space for the other unit, whilst this is a town centre site close to open spaces, it is considered that a small area of amenity space should be provided for each unit. Furthermore the outlook onto high walls that surround the site is considered to be poor. At the recent meeting with the applicant

and agent this concern was conveyed, with the suggested changes to overcome the conservation concern some private amenity space could also be provided. In the absence of sufficient private amenity space it is considered that the proposed layout would be contrary to Policy D1 of the East Devon Local Plan.

Impact on highway safety

No parking provision is proposed to be provided on site, however, as the site lies adjacent to the public car park where parking permits are available to purchase it is considered that there would be adequate facilities for vehicles attracted to the site without detrimentally impacted upon highway safety in accordance with Policy TC7 of the East Devon Local Plan.

A concern has been expressed by the Council's Estates Department regarding rights of access across the car park, whilst this is not a planning issue, removing the existing car park may overcome this issue; the right of way issue is a civil issue.

Planning obligations

Due to recent changes to the NPPG, and given the small scale and location of the site, planning policy no longer requires that this development provide a financial contribution towards open space or affordable housing.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed layout of two dwellings on a constrained site would lead to substandard living conditions through an absence of sufficient private amenity space and poor outlook onto stone walls contrary to the expectations of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan and guidance contained in the National Planning Policy Framework.
2. The site lies within Honiton Conservation Area, the design fails to respect the character of the area through appropriate architecture and level of detailing and the layout of the proposed dwellings fails to respect the prevailing character of linear burgage plots, as such the proposal fails to preserve or enhance the character of the Conservation Area, furthermore, the heritage impact assessment fails to address the importance of the heritage asset to be impacted upon contrary to Policy EN10 (Conservation Areas) of the East Devon Local Plan and Paragraphs 128 and 131 of 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:

598/07	Location Plan	18.06.15
598/08A	Proposed Elevation	22.06.15
598/09A	Proposed Site Plan	22.06.15
598/10A	Proposed Combined Plans	22.06.15

List of Background Papers

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

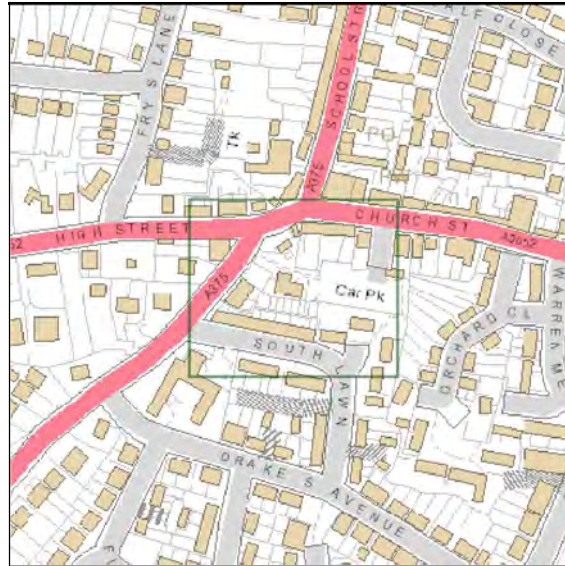
Ward Sidmouth Sidford

Reference 16/0382/OUT

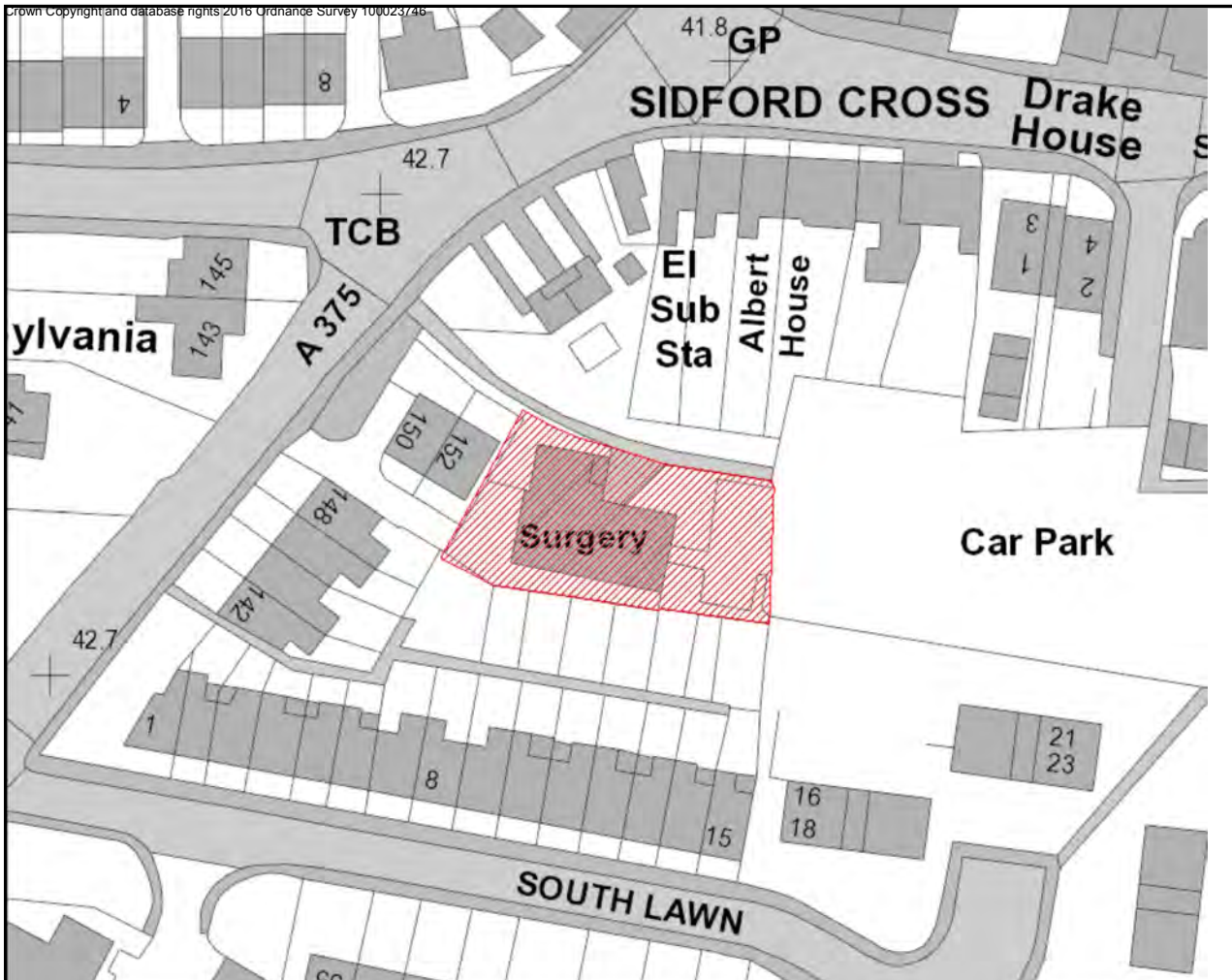
Applicant Mr Ian Barlow

Location Sidford Branch Surgery Church Street Sidford Sidmouth EX10 9RL

Proposal Demolition of former surgery building and construction of 6no. affordable terraced dwellings (outline application with all matters reserved).



RECOMMENDATION: Approval with conditions



		Committee Date: 7th June 2016
Sidmouth Sidford (SIDMOUTH)	16/0382/OUT	Target Date: 02.05.2016
Applicant:	Mr Ian Barlow	
Location:	Sidford Branch Surgery Church Street	
Proposal:	Demolition of former surgery building and construction of 6no. affordable terraced dwellings (outline application with all matters reserved).	

RECOMMENDATION: Approval with conditions subject to a S.106 Agreement

EXECUTIVE SUMMARY

This application is before Members as the officer recommendation differs to that of the Ward Members.

Outline planning permission is sought (with all matters reserved) for the demolition of the former Sidford Branch Surgery building and the construction of 6 affordable terraced dwellings.

Strategy 32 of the Adopted Local Plan highlights that in order to ensure local communities remain vibrant and viable and are able to meet the needs of residents the loss of employment, retail and community uses will be resisted. Policy RC6 states that the loss of community facilities will not be granted unless alternative facilities of equal or higher value are provided.

In this instance, the former Sidford Branch Surgery closed and moved in July 2015 to a new purpose-built facility at Stowford (The Beacon Medical Centre). The applicant identifies that the building has been marketed since February 2015 and while the premises were viewed by several interested parties, with a view to using it as a care home or veterinary practice, no formal offers were received.

While objections have been raised, among other things, on the grounds of the loss of a community facility the building's previous employment and community function has been relocated to The Beacon Medical Centre, which provides for the needs of the local community and is within a 15 minute walk from Sidford via public footpaths and is also served by local bus services. This alternative facility is of a higher value than that being lost and has already been provided.

The existing building is now vacant and redundant with no extant community use. The preference expressed through representations to retain the building for

a community use is acknowledged there are other community facilities within the surrounding area, including the Sidford Social Hall, the Stowford Community Centre and Sidbury Village Hall. Whilst it would have been preferable for the building to remain in community use, alternative provision has already been provided elsewhere and this makes it difficult to resist the loss of this building from community use.

It is noted that Ward Members, the Town Council and local residents have raised concerns that no parking is proposed as part of the development proposal. Policy TC9 highlights that in town centres where there is access to public car parks and/or on-street parking lower levels of parking and in exceptional cases where there are also very good public transport links, car parking spaces may not be deemed necessary.

The development would be located in the centre of Sidford where there is access immediately adjacent to the site to the Church Street car park. It is acknowledged that on-street parking options in the surrounding area are limited, however, the application does propose to provide sheltered and secure cycle parking facilities on site (minimum of 1 cycle space per unit).

The site is well served by several public transport options that can be easily accessed on Sidford Road and Church Street providing links to Sidmouth, Seaton, Honiton, Exeter (and the Airport), Lyme Regis and connections to further beyond. Therefore, while the concerns raised about the lack of on-site parking are noted the Local Planning Authority considers that the site has access to a public car park and on-street parking, and there are very good transport links available which mean that it is appropriate for the proposal not to provide on-site car parking subject to the secular of a condition requiring cycle parking facilities to be proposed prior to the development being brought into use.

The application proposes 6 affordable housing units but given the recent change to the NPPG, current planning policy does not support the securing of any of the units as affordable dwellings given the location of the site. The application should therefore be considered on the basis of 6 open market dwellings.

The proposal is recommended for approval subject to a Legal Agreement to secure the necessary contribution towards habitat mitigation.

CONSULTATIONS

Local Consultations

Sidmouth Sidford - Cllr D Manley

This is an outline application in the Sidford/Sidmouth ward of which I am one of the ward members.

The NPPF says that " Pursuing sustainable development involves seeking positive improvements in the built, natural and historic environment, as well as people's quality of life, including by widening the choice of high quality homes."

As such my preliminary comments are the following

Over development : too many houses crammed in a small space leading to loss of privacy to existing residents in the close vicinity as well as any new occupants. The over massing of houses without thought for the future occupants as well as existing residents could have a knock on effect resulting in issues between neighbors that could be detrimental to residents quality of life. It is important to take existing residents opinions into account as any development will have an impact on their day to day life.

As well as overcrowding, not providing car parking at least 1 per house would also cause more tension in the surrounding residential streets which are already at parking capacity. The planning policy suggests each house has one and half car parking spaces, which at the moment this has not been addressed in this application. With this in mind, it seems clear that this proposal is not ready to move on to the next stage as it must be amended to fit current and future residents needs and under the guidance of the NPPF and planning policy. I would suggest at this stage that this application in its current format is refused as it does not fit the needs of the people and doesn't fit the full requirements of planning policy as well as not being sustainable within the community of Sidford.

Sidmouth Sidford - Cllr M Rixson

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

Residents have already lodged several objections to this development. I would also like to lodge my own objection because of congestion, lack of privacy and noise intrusion. In effect, this constitutes over-development.

This area of Sidford is congested already and has insufficient parking.

The proposed development has been amended by Sidmouth Town Council to no more than five houses in order to allow sufficient room for residents parking. Whilst their proposed amendment is an improvement, the reality is that most people have cars. However, the Town Council amendment assumes that there will be only one vehicle per dwelling: if they have two cars per dwelling, more competition for parking spaces in Sidford car park could result in friction between residents.

In addition, change of use does mean that residents in South Lawn could be adversely affected by both lack of privacy and noise intrusion because the new houses will back onto their small gardens.

As suggested by other residents, it would have been preferable to have retained this building for community use, particularly as Sidford has lost so many amenities over the years.

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

Parish/Town Council

Members were unable to support the application for the following reasons:

- Members were concerned about the lack of parking proposed for the new houses.
- Members would support an application for residential development of the site if this included 1 parking space per dwelling proposed.

Technical Consultations

County Highway Authority

The application is for the demolition of the former surgery and to construct 6no dwelling. The application site is located Sidford, Sidmouth. The site is accessed from the church street. This is an existing access that was used to access the Surgery and is used to access the pay and display car park. There is no proposed parking on or off site there is very limited on street parking around the site. The site has a pedestrian footway on to Sidford road. There are bus stops on both Sidford road and Church Street (A3052). It is proposed that there will be sheltered and secure cycle parking facilities on site.

Recommendation:

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

1. The Development shall not be brought into use or occupied until a sheltered and secure cycle parking facility capable of accommodating a minimum of one cycle per dwelling unit has been provided within the site. A design and specification to be submitted to and approved in writing by the Local Planning Authority.

REASON: To encourage cycling and to provide safe and secure facility for the storage of cycles.

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

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

Housing Strategy Officer Paul Lowe

We welcome this opportunity to provide much needed affordable housing for Sidmouth. In accordance with Strategy 34 of the adopted Local Plan the target is to provide 50% (3 units) on-site affordable housing. We note that the applicant intends to provide 100%.

The affordable homes should meet the definition of affordable homes as defined in the National Planning Policy Framework or relevant policy at that time and be available in perpetuity. Further clarification has been sought from the applicant on how these affordable homes will be delivered and whether a Registered Provider has been approached.

As stated in Strategy 34, we would expect to see a tenure mix of 70% of rented accommodation, the remaining 30% as shared ownership or similar affordable housing

Devon County Council Education Dept

Regarding the above planning application I write to inform you that a contribution towards education infrastructure is not sought.

There is currently capacity at both the nearest primary and secondary schools for the number of pupils likely to be generated by the proposed development.

Other Representations

8 third party representations have been received (including one from Councillor C Gardner) objecting to the proposal raising the following concerns:

- the loss of a community facility which could be used for an alternative community use;
- no car parking is proposed which would have an adverse impact on parking in the surrounding area;
- the building could be used for independent living accommodation for disabled people and/or those with learning difficulties;
- the proposal would block a right of way to a back garden onto the corner of what is currently the medical centre car park;
- the development would result in a loss of privacy and impact on the amenity of neighbouring properties.

PLANNING HISTORY

Relevant Planning History

Planning permission for the construction of a doctors' surgery with car parking spaces was approved under permission 90/P0867.

Planning permission for the change of use of the first floor to a flat for locum accommodation was approved under permission 94/P0800.

An application for the change of use from doctors' surgery (use class D1) to office (use class B1) (ref. 15/2880/FUL) was withdrawn.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 26 (Development at Sidmouth)

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 43 (Open Space Standards)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN13 (Development on High Quality Agricultural Land)

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

EN22 (Surface Run-Off Implications of New Development)

RC6 (Local Community Facilities)

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

The site is the former Sidford Branch Surgery and is situated approximately 40 metres to the south of Sidford Cross/Church Street. The site is located within the Sidford Conservation Area.

Access to the site is currently from the existing footpath from Sidford Road and via the Church Street car park which is immediately to the east of the site.

ANALYSIS

Proposed Development

Outline planning permission is sought (with all matters reserved) for the demolition of the existing building and the construction of 6 affordable terraced dwellings.

The indicative layout shows two rows of terraced dwellings separated by a laneway leading to the rear gardens of the dwellings. It is envisaged that the dwellings will be two storeys. The dwellings would front the existing footpath which adjoins the northern boundary of the site which links with Sidford Road to the north-west of the site and the public car park to the east of the site. No vehicular access or parking is proposed for the development.

It is considered that the main issues in the determination of this proposal are:

- the principle of development in this location;
- the effect of the development on the character and appearance of the area;
- the potential impact on neighbour amenity;
- parking and sustainable transport; and
- other issues including affordable housing.

Principle of Development

The Adopted East Devon Local Plan 2013-2031 (the Adopted Local Plan) identifies Sidmouth, which includes Sidford, as a sustainable location to accommodate future growth and development. The application site is located within the Built-up Area Boundary for Sidmouth and, therefore, the principle of residential development is considered acceptable subject to other relevant detailed considerations.

The site is located in an area where a 50% affordable housing target applies under Strategy 34 of the Adopted Local Plan. However, the proposal is for 6 dwellings, 100% of which are proposed as affordable housing. The applicant is offering the provision of 100% affordable housing which exceeds the requirements of Strategy 34.

Strategy 32 of the Adopted Local Plan highlights that in order to ensure local communities remain vibrant and viable and are able to meet the needs of residents the loss of employment, retail and community uses will be resisted where it would harm business and employment opportunities in the area.

Policy RC6 – Local Community Facilities states that planning permission will not be granted for development that would result in the loss of a community facility unless the facility is no longer needed, is no longer viable, or an alternative facility of equal or higher value is being provided.

The building previously operated as the Sidford Branch Surgery. The applicant's supporting information highlights the doctors' surgery has since closed and moved in July 2015 to a new purpose-built facility at Stowford (The Beacon Medical Centre) which was approved under planning permission 13/2106/FUL.

The supporting information identifies that the building has been marketed since February 2015 and while the premises were viewed by several interested parties, with a view to using it as a care home or veterinary practice, no formal offers were received. The applicant identifies that the lack of interest may be due to the cost of running the building and the layout not suiting the purposes required. While the evidence submitted with regard to the marketing of the building is not particularly comprehensive or robust it does show that the building has been marketed for alternative employment uses for a 12 month period.

While objections have been raised, among other things, on the grounds of the loss of a community facility it should be noted that the building's previous employment and community function in the form of a doctors' surgery has been relocated to The Beacon Medical Centre, Sedemuda Road, Sidmouth. The new medical centre which provides for the needs of the local community is within 800 metres of the site which would be a 15 minute walk from Sidford via public footpaths along the A3052 and is also served by local bus services.

Therefore, it is considered that the existing building is currently vacant and redundant with no community use. While the preference expressed through representations to retain the building for a community use is acknowledged there are

other community facilities within the surrounding area, including the Sidford Social Hall, the Stowford Community Centre and Sidbury Village Hall and the proposal is considered to comply with Policy RC6 of the local plan as alternative facilities of a higher value have already been provided through the new medical centre.

Therefore, it is considered that the proposal would not harm business and employment opportunities in the area or result in a significant or total loss of services and would, therefore, comply with Strategy 32 and Policy RC6 of the Adopted Local Plan.

The Effect of the Development on the Character and Appearance of the Area

While the proposed scheme is in outline with all matters reserved an indicative layout has been provided, albeit which shows a fairly generic and standard terraced housing design, to show how the site may be developed. The indicative layout show the two rows of terraced dwelling oriented towards the existing public footpath to the north of the site and following a similar form and built form pattern to the dwellings adjoining with each benefitting from their own amenity space.

It is indicated that the proposed dwellings are to be two storey two bedroom homes constructed from brick with pitched slate roofs which the Design and Access Statement explains would be in keeping with the majority of dwelling in the area, particularly the recently constructed dwellings adjacent to the site.

While the development would be visible from public vantage points within the Conservation Area including along Church Street and Sidford Road the proposal's location within an area surrounded by residential properties to the north, south and east it would be read in context with the primarily residential nature and built form of the surrounding area.

Subject to detailed consideration at the reserved matters stage the site is considered large enough to accommodate the scale of development without resulting in a cramped form of overdevelopment and could be designed so that it would be in keeping with the character and appearance of the surrounding area and be able to preserve or enhance the Conservation Area.

Impact on Residential Amenity

It is acknowledged that the former surgery building is nestled among existing residential properties. To the south the site is adjoined by the rear gardens of dwellings facing onto South Lawn while to the west the site is immediately adjoined by 152 and 150 Sidford Road. To the north of the site, separated by the public footpath, are the rear gardens of properties fronting onto Church Road.

The properties to the west of the site are the closest to the site and would have the greatest potential to be affected by the proposal. However, the indicative layout proposes that the terraces would be located side on to 152 Sidford Road, with a small separation gap, which would help to mitigate any adverse impacts in terms of overbearing. Restrictions on windows and doors on the side elevations of the

proposed dwellings would further minimise issues arising from the loss privacy or overlooking and this can be considered in detail at the Reserve Matters stage.

The next most affected properties would be those facing South Lawn whose garden areas would have the potential to be overlooked by the proposed development. While the potential for overlooking is acknowledged it is likely that any overlooking of gardens would be restricted to first floor level only and would be able to be controlled at the reserved matters stage through careful design and/or the possibility of high level windows in the roof slopes.

The dwellings along South Lawn themselves would be separated from the proposed terraced dwellings by approximately 19 metres which is considered sufficient to provide a satisfactory level of residential amenity between windows.

With regard to the dwellings to the north of Church Road, there would be approximately 8m from the dwellings on the indicate plans to the bottom of the neighbouring properties gardens and approximately 30m between elevations. The distance between dwellings is acceptable although a careful design will be needed at any Reserve Matters stage to ensure any windows are first floor level do not result in an unacceptable level of overlooking of the neighbouring rear gardens.

Parking and Sustainable Transport

It is noted that Ward Members, the Town Council and local residents have raised concerns that no parking is proposed as part of the development proposal. Policy TC9 (Parking Provision in New Development) highlights that spaces will need to be provided for parking of cars and bicycles in new development and as a guide at least 1 car space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home.

Policy TC9 adds that in town centres where there is access to public car parks and/or on-street parking lower levels of parking and in exceptional cases where there are also very good public transport links, car parking spaces may not be deemed necessary.

In this instance, the proposal is located in the centre of Sidford where there is access immediately adjacent to the site to the Church Street car park which is owned by East Devon District Council. A range of payment options would be available for future occupiers of the proposed development and visitors alike, including pay and display or longer-term car parking permits. It is acknowledged that on-street parking options in the surrounding area are limited, however, the application does propose to provide sheltered and secure cycle parking facilities on site (minimum of 1 cycle space per unit).

A short distance from the site several public transport options can be easily accessed on Sidford Road and Church Street (A3052) including the 9, 9A, X52, 56B and 899 which provide links to Sidmouth, Seaton, Honiton, Exeter (and the Airport), Lyme Regis and connections to further beyond. Therefore, while the concerns raised about the lack of on-site parking the Local Planning Authority considers that the site

has access to a public carpark and on-street parking, and there are very good transport links available which mean that it is appropriate for the proposal not to provide on-site car parking and refusal of permission on the ground of a lack of parking would be difficult to uphold.

It is noted that the Local Highway Authority raises no objection to the proposal subject to securing a condition requiring the cycle parking facilities to be proposed prior to the development being brought into use. It is, therefore, recommended that an appropriate condition be attached to any permission.

Other Issues

The application is accompanied by a draft Heads of Terms for a Section 106 legal agreement which proposes that the dwellings to be provided as affordable housing be agreed through the planning application process. The draft Heads of Terms also agrees to the provision of a contribution towards open space provision/enhancement in line with Strategy 43 of the Adopted Local Plan, as well as a contribution towards habitat mitigation in relation to impacts on the Pebblebed Heaths.

Following recent changes to the NPPG, a development of this size in this location is no longer required to provide any contribution towards open space or to provide any affordable housing.

In light of this, the units cannot be secured as affordable housing under current planning policy and a legal agreement can only justify the mitigation towards the impacts upon the Pebblebed Heaths.

RECOMMENDATION

APPROVE subject to a S.106 Agreement to secure habitat contributions and the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).
2. Approval of the details of the scale, appearance, access, layout and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the development is commenced.
(Reason - To clarify the nature and content of the reserved matters application.)
3. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

4. 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 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.)
5. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway
(Reason: In the interest of public safety and to prevent damage to the highway in accordance with Policy TC7 - Adequacy of Road Network and Site Access of the Adopted East Devon Local Plan 2013-2031.)
6. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
7. No development shall take place until details of a sheltered and secure cycle parking facility capable of accommodating a minimum of one cycle per dwelling unit 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 and to provide safe and secure facility for the storage in accordance with Policy TC9 - Parking Provision in New Development of the Adopted East Devon Local Plan 2013-2031 and the guidance contained in the National Planning Policy Framework.)
8. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details. The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process.
Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.
The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the

inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

(Reason - To ensure 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 East Devon Local Plan 2013-2031.)

9. A Construction and Environment Management Plan must 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 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 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 in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted New East Devon Local Plan 2016.)
10. Any landscaping scheme approved as part of a reserved matters application shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To preserve and enhance the character and appearance of the area in accordance with policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

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 submitted unilateral undertaking which secures open space and habitat mitigation contributions.

Plans relating to this application:

16/707/03	Proposed Combined Plans	15.02.16
	Location Plan	15.02.16

List of Background Papers

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

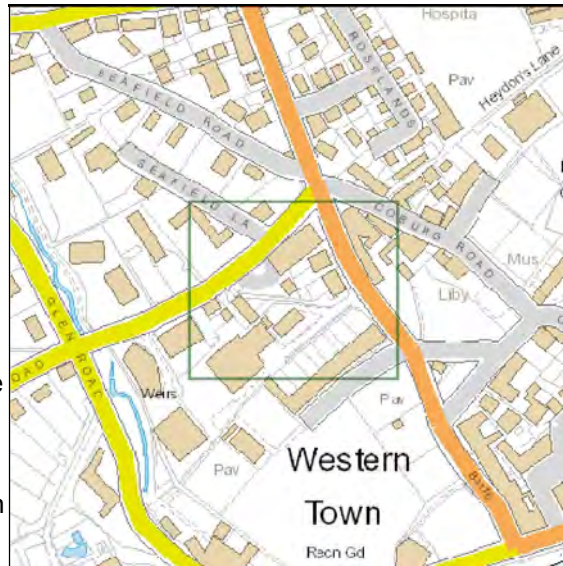
Ward Sidmouth Town

Reference 16/0679/VAR

Applicant Mr And Mrs Ray

Location The Former Scout Hall Fortfield Place Sidmouth EX10 8NX

Proposal Variation of Condition 2 of permission 14/1096/COU (change of use of Scout group headquarters to single dwelling), to vary the approved plans to provide a change of floor plan layout, including the insertion of first floor, re-siting of entrance steps and addition of external raised terrace and insertion of roof lights and dormer window.



RECOMMENDATION: Approval with conditions



		Committee Date: 7th June 2016
Sidmouth Town (SIDMOUTH)	16/0679/VAR	Target Date: 24.05.2016
Applicant:	Mr And Mrs Ray	
Location:	The Former Scout Hall Fortfield Place	
Proposal:	Variation of Condition 2 of permission 14/1096/COU (change of use of Scout group headquarters to single dwelling), to vary the approved plans to provide a change of floor plan layout, including the insertion of first floor, re-siting of entrance steps and addition of external raised terrace and insertion of roof lights.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

The application seeks planning permission for the variation of condition 2 of permission 14/1096/COU to vary the approved plans to provide a change of floor plan layout, including the insertion of a first floor, re-siting of entrance steps and addition of external raised terrace and insertion of roof lights.

The proposed enlargement of the lean-to extension and raised terrace are considered relatively minor alteration/additions that would be in keeping with the character and appearance of the existing building subject to the installation of a privacy screen on the eastern end of the raised terrace. The installation of the proposed roof lights is considered acceptable, subject to a condition requiring details of the proposed design, style, method of installation and to ensure that they are fixed shut and obscure glazed below 1.75m above floor level. This would also enable the Local Planning Authority to ensure that the proposed roof lights to be installed are of a satisfactory acoustic standard to protect the future occupants of the dwelling.

Several representations have been received from neighbouring properties objecting to the proposal on the grounds of overlooking and the impact it would have on their privacy. Particular concerns have been raised about overlooking and the loss of privacy arising from the 3 proposed roof lights in the building's north-eastern roof slope which faces Fortfeild Place. While the roof lights would overlook the rear of 1-5 Fortified Place, other than 5 Forfield Place, the area

immediately adjoining the eastern boundary of the building is primarily used for the parking of cars. Nonetheless, the potential for overlooking and the loss of privacy arising from the introduction of accommodation in the roof space on the installation of roof lights is acknowledged. Therefore, it is recommended that a condition be attached to any permission to require the roof lights in the north-eastern elevation to be obscurely glazed below 1.75m above floor level, to be fixed shut prior to the installation of the proposed roof lights.

Subject to securing appropriate conditions to ensure the development maintains the character and appearance of the existing building and safeguards the residential amenity of neighbouring properties the proposal is considered acceptable and is, therefore, recommended for approval.

CONSULTATIONS

Local Consultations

Sidmouth Town - Cllr M Booth

Comments

I have visited the site on more than one occasion and met with the developers, Mr and Mrs Ray. I have also met with their neighbours at Fortfield Place, again on more than one occasion.

My observations are as follows;

1. The character and appearance of the existing dwelling

I believe that the Rays have worked hard with their architect to research the history and architecture of the Scout Hut and to keep the proposed changes consistent with the intentions of RW Sampson, the Hut as it currently is, and how the building sits within its surroundings. Strong reference was made when granting change to residential use to the Scouts in October 2014 to the importance of respecting both the character of the building and its importance as a building of some note in Sidmouth, and I do believe that the Rays are committed to ensuring that the work that is done does indeed respect the history of the building and I commend them for that.

I also am aware that it is a condition of the grant of change of use to a dwelling that the historic nature of the building, its status as a Non-Designated Heritage Asset of local importance, is respected. I know that the Rays are aware of this and that they are committed to it.

However, while I appreciate the lengths that the Rays are going to in order to respect the character and history of the building, I remain concerned that we might again lose a small but significant part of the history of the town if their development plans are too ambitious and not, for example in the case of the terrace and dormer, in keeping with the existing dwelling.

2. Amenity of Neighbouring Properties

This is of some concern.

There are four areas in particular that concern me here related to condition four of the grant of change of use to a dwelling.

A. The terrace. The elevation of the proposed terrace will be such that it will overlook the gardens of all properties at Fortfield Terrace. It will also overlook windows which are currently completely protected from any overlooking from the adjacent footpath, or elsewhere, by fences constructed some time ago, and directly into first floor windows.

If the terrace is to be approved then I would request that it is done so with a specific condition that a solid screen is erected to a minimum height at the South and East elevations. Planters would not be adequate.

B. The front door. The proposed new front door to the dwelling. Previously, entrance to the building has been at the North side of the building and further across to the South side. By creating an entrance on the East side with steps up to the front door would again in my opinion be contrary to condition four of granting of change of use and will overlook all neighbouring properties at Fortfield Terrace, including into their gardens and windows.

C. The first floor terrace. The walkway from the Manor Pavilion along the East elevation of the building below the existing windows also overlooks neighbouring properties. This could be mitigated by the erection of a permanent screen, however it is my understanding that the land that runs from the footpath to Manor Pavilion on the east side of the building, and on which a screen could be erected, is owned by EDDC. That would need to be resolved with EDDC before planning permission is granted.

The windows on the East elevation, other than remaining in keeping with the original architecture, should contain frosted glass or similar.

I am informed that the measurement from the NE corner of the Scout Hut to the corner of number 5 Fortfield Place is 7 metres, and that from the SE corner of the Scout Hut to the exterior wall of Number 3 is 15 metres. That raises specific questions as to proximity and adverse affect on the amenity of the neighbouring properties.

D. The dormer window. The proposed dormer window would again overlook the neighbouring properties and be contrary to condition four of the approval of change of use. However, I believe this could be mitigated by creating a recess for the dormer.

I do not object to the Velux windows, and do not object to the windows proposed at the stairway and bathroom of the development so long as the glass is frosted.

I would like to see more information on the proposed lights and possible conditions placed on their installation and usage if approved.

Finally, I do not think that the fact that the Scout Hut was once used by the Scouts and therefore there is a history of impacting on the amenity of the neighbouring properties stands up as an argument as when it was in use previously it was only for a set and limited time during the week which is quite different from being a permanent dwelling.

3. Uncertain elements of the development

It was pointed out to me when I visited the site that there are a few issues around the development that will need sorting.

The footpath – I understand there are plans to build the terrace and car park across the curtilage of the existing footpath. Has that been approved by DCC?

Use of the footpath from manor Pavilion car park. The Portfolio Holder declined the application made by the Rays to gain access to the Scout Hut via the Manor Pavilion car park. Is EDDC confident that this condition will remain in place or are there likely to be problems further down the line both for the Rays, or future occupants of the dwelling, and Manor Pavilion? How does it effect the small footpath that joins Manor Pavilion car park to the main footpath past the Scout Hut?

The perimeter of the building. The curtilage of the Scout Hut is the exact footprint of the building. The Rays hope to develop beyond that curtilage on more than one elevation, and if allowed to this may well sort some of the issues related to the amenities.

Again, if screening of some kind on the East elevation is to be erected as a condition of approval then there is a potential problem in that EDDC own the land from the footpath to the Manor Pavilion along which a screen might be erected. Again, this should be resolved.

I also, as ward member, remain concerned that there is no legal vehicle access to the Scout Hut from Station Road and that current access is being provided by the residents of Fortfield Place. Again this could have an impact in the future.

Parish/Town Council Support.

Note: Members recommended that screening should be provided around the proposed terrace by way of fencing or planters to mitigate any effects of overlooking if it occurred.

(5 letters of objection were received)

Sidmouth Town - Cllr C Gardner

I object to this application on the grounds of overlooking neighbouring properties. I have been contacted by several neighbours who are concerned about loss of privacy.

There is also an issue of overdevelopment of what was a small hut. Given the access restrictions to this site I do not think further expansion is appropriate.

Technical Consultations

County Highway Authority
Highways Standing Advice

Other Representations

5 third party objections have been raised objecting to the proposal on the following grounds:

- the proposal would be out of keeping with the character and appearance of the existing building.
- the proposal would have an adverse impact on residential amenity.
- the proposal would overlooking Fortfield Place and result in a loss of amenity.

One third party representation has been received supporting the proposal on the following grounds:

- it is good to see this important Samson building being put to good use and brought up to date in a most sympathetic manner and fully support the details in this application for variation of conditions.

PLANNING HISTORY

Reference	Description	Decision	Date
14/1096/COU	Change of use of scout group headquarters to single dwelling.	Approval with conditions	24.10.2014

POLICIES

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

D1 (Design and Local Distinctiveness)

Government Planning Documents
NPPF (National Planning Policy Framework 2012)

Site Location and Description

The former Scout Hall building is located adjacent to the Manor Pavilion which is a short distance from the sea front and Sidmouth town centre. The pavilion and its car

park are located to the north and west of the building. To the east of the former Scout Hall are parking areas and rear gardens serving 1-5 Fortfield Place which front onto Station Road. Connecting Station Road with Manor Road there is a public footpath which runs adjacent to the southern boundary of the site.

The building is single storey clad in timber weatherboard and has a slate covered gabled roof. It sits on sloping ground and has a set of steps rising to the entrance door on the south east elevation and a storage area underneath the building. The curtilage is tightly drawn around the building but there is a path on the eastern side and a small area of hard standing on the southern side.

While the building is not protected by any statutory heritage protections (as it is not listed building nor is it in a Conservation Area) it is considered to be Non-Designated Heritage Asset and was designed by architect RW Sampson.

Proposed Development

The application seeks planning permission for the variation of condition 2 of permission 14/1096/COU to vary the approved plans to provide a change of floor plan layout, including the insertion of a first floor, re-siting of entrance steps from the south to the east elevation, addition of external raised terrace to the southern elevation and insertion of roof lights.

The application, as originally submitted, included a proposed dormer window which was proposed to be installed in the roof slope of the south eastern elevation. However, the proposed dormer window has since been omitted following concerns raised by the Local Planning Authority about the dormer's design and the impact it would have on the appearance and character of the existing building.

ANALYSIS

Principle of Development

It is noted concerns have previously been raised about the impact of the proposed development on the Manor Pavilion including the relationship with the get in/get out area, which is immediately adjacent to the former Scout Hall, issues with parking and access and the impact of noise arising from the pavilion on future occupants of the dwelling.

In granting permission for the change of use of the building to a single dwelling the Council previously considered the impact of noise and disturbance from the neighbouring Manor Pavilion theatre on future occupants of the proposed dwelling, as well as the development's potential impacts on the amenity of neighbouring properties. To make the proposed conversion acceptable the Local Planning Authority attached a condition (condition 3) which required an internal noise insulation scheme to be approved by the Local Planning Authority before the building is converted and be completed in accordance with this scheme before the dwelling is occupied.

An application to discharge the requirements of condition 3 was refused on 8 January 2016 as the Local Planning Authority considered that the proposed internal noise insulation scheme, as submitted, would have been insufficient to protect the future occupiers of the dwelling from undue noise and disturbance arising from activity at the Manor Pavilion.

Following further negotiations between the applicant and Environmental Health a revised proposed internal noise insulation scheme (which included additional acoustic mitigation measures) was approved by the Local Planning Authority on 22 April 2016 as it was considered satisfactory to protect the future occupants of the dwelling from noise and disturbance arising from activity at the Manor Pavilion.

Therefore, the principle of the former Scout Hall's suitability for conversion to a dwelling has already been established under permission 14/1096/COU. Therefore, the primary matters for consideration are the impact the proposed changes would have on the character and appearance of the existing building and the impact they would have on the amenity of neighbouring properties.

Impact on the character and appearance of the building

The proposed enlargement and re-alignment of the roof of the lean-to extension on the eastern elevation would bring it forward towards the footpath by approximately 400 millimetres to provide a new entrance and steps to the building. Further, a raised terrace is proposed to the south of the building. The raised terrace would also involve the installation of bi-fold patio doors.

Therefore, the proposed enlargement and raised terrace are considered relatively minor alternation/additions that would be in keeping with the character and appearance of the existing building.

The installation and visual impact from the proposed roof lights is considered acceptable, subject to a condition requiring details of the proposed design, style and method of installation of the roof lights shall have been submitted to and approved in writing by the Local Planning Authority prior to their installation. This would also enable the Local Planning Authority to ensure that the proposed roof lights to be installed are of a satisfactory acoustic standard to protect the future occupants of the dwelling.

Impact on the amenity of neighbouring properties

Several representations have been received from neighbouring properties objecting to the proposal on the grounds of overlooking and the impact it would have on their privacy.

Condition 4 of permission 14/1096/COU removed permitted development rights for any alterations to the building's roof, including the installation of roof lights. Permitted rights were removed so that any changes to the building's roof would require planning permission and enable the Local Planning Authority to consider the effects of alterations to the roof, including the impacts on the appearance of the building and any associated amenity impacts on neighbouring properties arising from the introduction of accommodation in the roof space.

The main issues for consideration in terms of the amenity impact are the proposed roof lights in the eastern elevation and the construction of the raised terrace to the south of the building and the revised access arrangement. The roof lights on the northern and south elevations are considered unlikely to arise in any significant overlooking due to their distance of separation from neighbouring properties.

Representations have highlighted that the existing ground floor windows in the building's east elevation appear to be obscurely glazed and top hung. It has been requested that these windows remain obscurely glazed with restricted openings or that a privacy screen be installed on the boundary with the rear gardens of Fortfield Place. These windows are in fact side hung and are not obscurely glazed, although they appear to be obscurely glazed as they are currently glazed with poor quality and aged plastic. While the potential for overlooking is acknowledged these windows existed in the building when it was a Scout Hall and it considered unreasonable at this stage to condition these windows to be obscurely glazed or restricted in opening. Further, the layout approved under permission 14/1098/COU shows these windows within a bedroom with ensuite bathroom. The revised layout shows these windows within a TV room and hall/stairs. Therefore, the use of the rooms is not a material change or likely to have a significant adverse impact in term of overlooking over the layout that was approved previously.

Additionally, it would not be possible for the Local Planning Authority to condition the installation of a privacy screen on the boundary with the rear gardens of the Fortfield Place properties as this land is not owned by the applicant or within the application site boundary. In any case people can already stand on this boundary and overlook neighbouring properties and as such this undermines the ability to condition a privacy screen. For this reason it is also considered difficult to resist the relocation of the access to the side of the property.

Several representations have also highlighted concerns about overlooking and the loss of privacy arising from the 3 proposed roof lights in the building's north-eastern roof slope which faces Fortfeild Place. These roof lights would be installed in a proposed shower/ensuite bathroom serving a master bedroom, a separate bathroom and at the top of a landing above a staircase. The roof lights would be installed in non-habitable rooms at heights of approximately 1.5 metres and 1.7 metres above the floor heights which would help minimise the impact of overlooking from these windows. While the roof lights would overlook the rear gardens of 1-5 Fortified Place, other than 5 Forfield Place, the area immediately adjoining the eastern boundary of the building is primarily used for the parking of cars which further reduces the impacts arising from the loss of amenity for these properties.

Nonetheless, the potential for overlooking and the loss of privacy arising from the introduction of accommodation in the roof space from the installation of roof lights is acknowledged. Therefore, it is recommended that a condition be attached to any permission to require the roof lights in the north-eastern elevation to be obscurely glazed above 1.75m above the floor level, to be fixed shut.

Representations have raised issues regarding access and parking at the site, however, the applicants have indicated they have a legal right of vehicular access to

the site. While this is a private matter between the relevant landowners and not planning consideration, it should be noted that due to the site's town centre location where there is access to a range of parking options and is well-served by public transport car parking would not be required.

Other Issues

The application is accompanied by a Unilateral Undertaking securing contributions towards the mitigation of the Pebblebed Heath and towards open space provision which is in accordance with Council policy.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The conversion hereby permitted shall be carried in accordance with the internal noise insulation scheme, including its additional mitigation measures, prepared by ACT Acoustics and dated 13 April 2016 which was approved by the Local Planning Authority on 22 April 2016. The dwelling shall not be occupied until the scheme has been completed in accordance with the approved details.
(Reason - To protect the occupiers of the dwelling from outside noise and disturbance in accordance with policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031.)
4. Notwithstanding the provisions of Schedule 2, Part 1, Classes B and C 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), the roof of the dwelling hereby permitted shall not be enlarged, extended or altered and no windows, doors or other openings shall be installed in the roof without the prior express consent of the Local Planning Authority.
(Reason - In the interests of the character and appearance of the area and the amenities of the occupiers of neighbouring dwellings in accordance with policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031.)
5. Prior to the commencement of the development hereby permitted, details of materials to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.

(Reason - To ensure that the materials are 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.)

6. Prior to the installation of the roof lights in the development hereby approved details of the proposed design, style and method of installation of the roof lights shall have been submitted to and approved in writing by the Local Planning Authority. These details shall also include the means of obscuration and fixing shut of the roof lights proposed to be installed in the building's eastern roof slope which faces the rear gardens of no's. 1-5 Fortfield Place. 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 and would not result in overlooking or have an adverse impact on the amenity of neighbouring properties 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 details of a privacy screen to be installed along the eastern edge of the raised terrace hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The privacy screen shall be completed and installed in accordance with the approved details prior to the first use of the raised terrace and shall be retained thereafter without alteration or addition.

(Reason - To ensure that the details are considered at an early stage in the interests of preserving and enhancing the character and appearance of the area and protecting the privacy of local residents in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

8. Prior to the first use of the dwelling, the proposed roof lights in the building's eastern roof slope shall be fixed shut, non-opening and obscure glazed below 1.75m above the finished first floor level. The roof lights shall remain fixed shut, non-opening and obscure glazed thereafter.

(Reason – To protect the amenity of adjoining residents in accordance with Policy D1 Design and Local Distinctiveness 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 and open space submitted in support of the application.

Informative:

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

Plans relating to this application:

	Location Plan	17.03.16
SHR PL-06A	Proposed Combined Plans	14.04.16
SHR PL-04A	Proposed Elevation	14.04.16

List of Background Papers

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

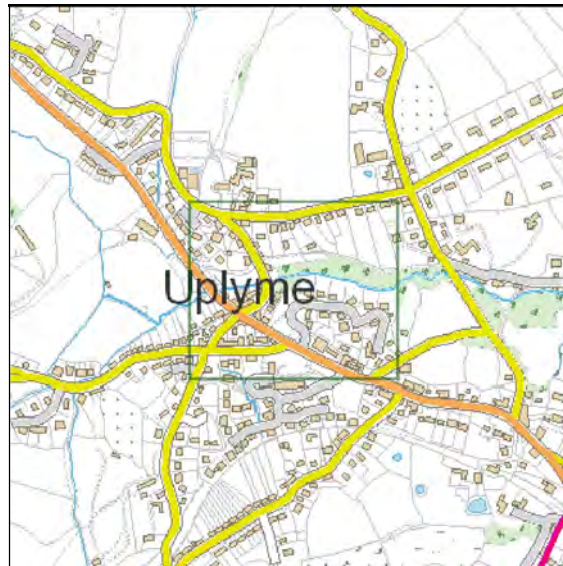
Ward Trinity

Reference 16/0301/FUL

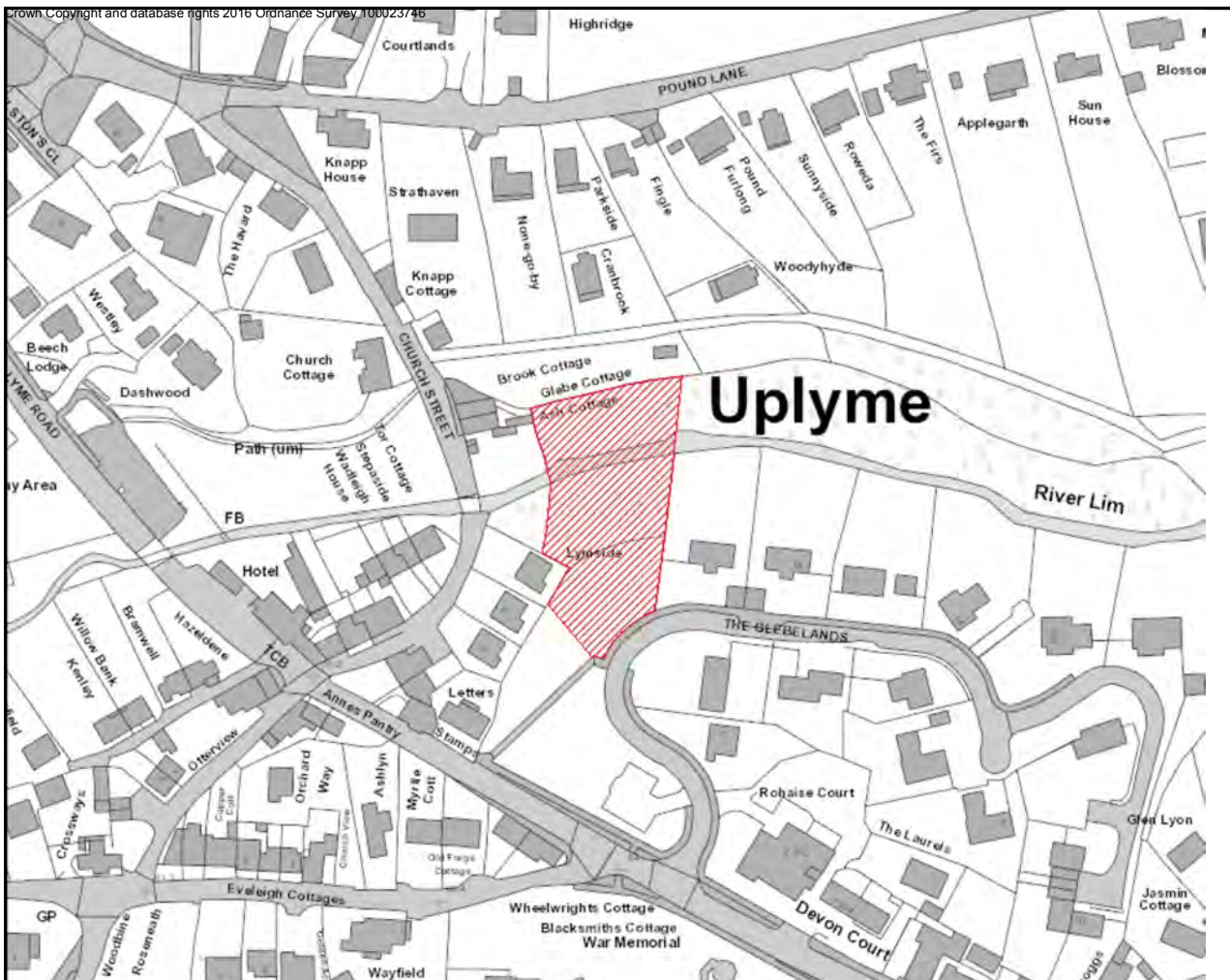
Applicant Betterment Properties (Weymouth) Ltd

Location Land Adjacent 17 Glebelands Glebelands Uplyme

Proposal Construction of 2 storey dwelling and off street parking



RECOMMENDATION: Approval with conditions



		Committee Date: 7th June 2016
Trinity (UPLYME)	16/0301/FUL	Target Date: 26.04.2016
Applicant:	Betterment Properties (Weymouth) Ltd	
Location:	Land Adjacent 17 Glebelands, Uplyme	
Proposal:	Construction of 2 storey dwelling and off street parking	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

The application looks to construct a detached dwelling on land on the edge of the existing Glebelands Estate and which currently adjoins an area of public open space, although the site itself does not form part of this. In terms of location the site is well related to the village amenities and to public transport routes serving both Lyme Regis and Axminster.

There have been two previous applications to develop the site both of which were refused on a number of grounds including: impact on the open character and low density nature of the estate; impact on amenity, and; impact on trees of amenity value.

Subsequent to the most recent refusal in 2013 permission has been granted to fell a number of trees in the northern part of the site. However, there remains a belt of mature tree planting along this boundary (subject to a Tree Preservation Order) and further planting to the boundaries with the properties in Church Street, as a consequence of the recent works the proposed development is not considered to detrimentally impact on protected trees.

In relation to amenity impact the proposed dwelling has been re-orientated away from the nearest property to the northeast (no. 3 Church Street) and as such any amenity impact has been reduced to an acceptable degree.

The dwelling size and design now proposed is considered to be in keeping with other plots on the estate.

The impact upon the wider Area of Outstanding Natural Beauty would be very localised with the development viewed in context with existing development and

in this regard is considered to be acceptable.

It is considered that the reasons for refusal cited on the previous application have been sufficiently addressed and that the benefits of the proposal whilst limited due to the scale of the development outweigh any localised impact and result in a proposal that is on balance acceptable and that it would be difficult to defend refusal of permission at appeal.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Parish Council Planning Committee objects to the application, which is supported by a statement from the Uplyme Neighbourhood Plan Group (see attachment). It wishes to reiterate that an application on this site has already been dismissed on appeal; and nothing has changed in its favour since then.

Trinity - Cllr I Thomas

Glebelands is a small estate of 16 dwellings east of Lyme Road near the centre of Uplyme, originally constructed under consent 02/P1179 in the grounds of the former Devon Hotel.

The addition of a 17th dwelling in this location has been the subject of two previous applications for a 'Chalet bungalow with integral garage' 13/1866/FUL, and 'Dwelling' under application 04/P0887. Both applications were refused, with the grounds for refusal of the most recent;

1. The development of an apparently single storey dwelling in a prominent site at the entrance to the estate would be out of keeping and detract from the character of the street scene to the detriment of the character and appearance of the street scene...
2. Would add an additional dwelling on the development site, intended as a low density development with strong landscaped framework.... Further urbanisation of the western area of the site currently characterised by its openness and rural character.... And would detract from the natural beauty of the landscape at this point designated as an Area of Outstanding Natural Beauty... and contrary to the guidance offered by the Uplyme Parish Plan.
3. Concerns about elevated nature and impact on adjoining properties in Church Street at al.
4. Concerns about the ability to sustain the high quality of the environment manifest in the management of trees on or adjoin the site.
A significant 'Informative' prepared by the planning team at the time, considered the development ".....fundamentally unacceptable...."

The application refusal was sustained at appeal, confirming the addition of an intrusive feature in the open, rural space remaining from the development of the

hotel site, and recognising the impact primarily on the occupiers of bungalows to the north west.

The site lies within the Uplyme proposed Built Area Boundary (Appendix B of the draft Neighbourhood Plan - <http://uplymeparishcouncil.org/wp-content/uploads/UNP-Draft-Plan-version-9.pdf>) and would be regarded as a sustainable location, if judged only on its relationship to village facilities.

Uplyme Parish Council has however maintained its objection to the development of this prominent site, and has commented on this application elsewhere. The emerging and well advanced Uplyme Neighbourhood Plan, which as a consequence should carry increasing weight in shaping the future of the Parish, identifies a small number of important 'green spaces' in Uplyme. It recognises the contribution towards the character of Uplyme and the '...importance to those who live in the immediate locality and wider community....'.

Within this short list is;

"... the remaining open, undeveloped parts of the Glebelands estate..." (Section 11.6.1, page 36)

In conclusion, whilst this application differs in detail from that previously refused, and with refusal sustained at appeal, I believe that the material considerations applicable then remain, the fundamental justification reasons applicable in 2013 remain, and therefore recommend that this application be refused."

Other Representations

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

- Uplyme draft Neighbourhood Plan envisages the site to be retained as green open space;
- original application negotiated to keep number of houses down to 16;
- will diminish the character and appearance of the estate;
- the site is an important wildlife corridor;
- site is too small for the size of house proposed;
- outside the building line of the estate;
- potential for future garaging need on site
- will dominate the bungalow to the side of the property

Technical Consultations

County Highway Authority
Highways Standing Advice

Housing Strategy Officer Paul Lowe

In accordance with the new East Devon Local Plan 2013-31 we will seek a 50% affordable housing provision on site. As the application is for a single dwelling an onsite provision will not be possible. A commuted sum payment therefore will be due, this amounts to £84,198.

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.

PLANNING HISTORY

Reference	Description	Decision	Date
04/P0887	Dwelling	Refused with Appeal dismissed	28.05.2004
13/1866/FUL	Construction of chalet bungalow with integral garage	Refused	25.10.2013

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 46 (landscape Conservation and Enhancement and AONBs)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

TC7 (Adequacy of Road Network and Site Access)

EN14 (Control of Pollution)

D2 (Landscape Requirements)

D1 (Design and Local Distinctiveness)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Government Planning Documents

National Planning Practice Guidance

SITE LOCATION AND DESCRIPTION

The site lies within the built up area boundary of Uplyme forming part of an established residential development constructed since the turn of the century. It currently forms part of the green space on the estate and has a grassed appearance with a number of mature trees and other foliage apparent. The site slopes down from south to north in a very similar manner to the properties to the east. To the east of

the site lie further houses on the Glebelands development, to the north lies a small area of trees, to the south lies the access to the site and the estate road and to the west lie properties served off Church Street. The site is accessed directly off the main estate road.

PROPOSED DEVELOPMENT

This application seeks full planning permission for the erection of a detached four bedroom dwelling with off street parking, a raised timber deck area would be provided at the rear of the dwelling. The building would be finished in natural stone with brick detailing below a slate roof.

A unilateral undertaking securing provision of open space a has been submitted with the application and the applicant has agreed to the payment of a contribution towards affordable housing.

BACKGROUND

Planning permission was previously sought in 2004 for a split level property on a slightly reduced site to that now proposed. The earlier application (04/P0887) proposed a dwelling with a single storey frontage to the estate road but 2 storey on the rear elevation. The proposed building's footprint was slightly closer to the road than now proposed. The application was refused for the following reasons:

1. The proposed development by reason of its location on the overall site and its single storey appearance from the front, would appear out of keeping and would detract from the character of the street scene to the detriment of the environment of the area and consequently would be contrary to Policies S3 (Development Within Built-up Area Boundaries) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan, Revised Deposit Version 2003.

2.The proposal would result in an additional dwelling on the development site which was intended as a low-density development within a strong landscaped framework. The proposal would result in further urbanisation of the western part of the site currently characterised by its openness and rural character and accordingly the proposed dwelling would detract from the natural beauty of the landscape at this point designated as an Area of Outstanding natural Beauty and consequently the proposal would be contrary to Policy EN1 (Development in AONBs) of the East Devon Local Plan, Revised Deposit Version 2003 and Policy C4 (Areas of Outstanding Natural Beauty) of the Devon Structure Plan First Review.

3.The proposed development by reason of its elevated nature and orientation to the existing dwelling to the west would appear excessively dominant and overbearing, detracting from the outlook currently enjoyed and consequently the proposed development would be contrary to Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan, Revised Deposit Version 2003.

The application was taken to appeal where it was dismissed the Planning Inspector commenting that, "...an additional building would form an intrusive feature in the

open, rural space which remains from the development of the hotel site, adding to the urbanisation of this part of the village." and in relation to amenity impact, "...because of its elevated position, scale and orientation, the proposed house would have an overbearing effect on the occupiers of the bungalows (to the northwest)".

A further application (13/1866/FUL) for the Construction of chalet bungalow with integral garage was refused for the following reasons on the 28th October 2013:

1. The proposed development by reason of its location on a prominent site at the entrance to this estate of predominantly two storey properties would, through its single storey appearance from the front, appear out of keeping and would detract from the character of the street scene to the detriment of the character and appearance of the area and consequently would be contrary to Policies S4 (Development Within Built-up Area Boundaries) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan.

2. The proposal would result in an additional dwelling on the development site which was intended as a low-density development within a strong landscaped framework. The proposal would result in further urbanisation of the western part of the site currently characterised by its openness and rural character and accordingly the proposed dwelling would detract from the natural beauty of the landscape at this point designated as an Area of Outstanding Natural Beauty and consequently would be contrary to Policy EN1 (Development in Areas of Outstanding Natural Beauty) of the East Devon Local Plan and the guidance offered by the Uplyme Parish Plan.

3. The proposed development by reason of its elevated nature and orientation to the existing dwelling to the west, together with the inadequacy of information submitted relating to site levels and which demonstrates that existing boundary trees and planting could be maintained in the long term would give rise to an excessively dominant and overbearing impact on and loss of privacy to the occupiers of the adjoining properties to the west of the site in Church Street and consequently the proposed development would be contrary to Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.

4. Inadequate information has been submitted with the application to assess the condition, amenity value and potential for the long term retention and management of trees on or adjoining the site or how the potential impact of the development on these might be acceptably managed, as such and in the absence of such information it has not been demonstrated that trees of amenity value could be retained in the long term and where there loss would be detrimental to the character and appearance of the site itself and the wider area and contrary to national guidance set out in British Standard BS 5837:2005 and Tree Preservation Orders: A Guide to the Law and Good Practice and the provisions of policy D5 (Trees on Development Sites) of the East Devon Local Plan.

ANALYSIS

The main considerations in the determination of this application concern the principle of the proposed development, the impact of the proposal on its surroundings, impact

on residential amenity, impact on trees, impact on highway safety and planning obligations.

Principle

The site lies within the built up area boundary of Uplyme in a sustainable location close to services and facilities required for daily living, therefore, in accordance with Strategy 6 of the recently adopted East Devon Local Plan an additional dwelling is considered to be acceptable in principle. This is provided that the impacts of the development are acceptable in relation to other policies contained in the Local Plan; these will be discussed below.

Impact on surroundings

The existing Glebelands estate has a spacious character with the entrance to the estate being framed by green space and footpaths, the application site forms part of the open space, although is not accessible to the public, it provides amenity value with protected trees upon it.

The planning history of the site indicates that application for single dwelling houses have previously been refused on two occasions and also dismissed at appeal back in 2004. The reasons given can be seen in the background section of this report.

The site lies within the East Devon AONB, however, it is not open AONB and is set within the context of the existing built development which surrounds the wider site on all four sides. The spacious character of the estate would not be diminished by the development as it proposes a similar plot size, form, design and use of materials to the dwellings on the left hand side of the road leading on from the proposal site.

In light of the current weight that that Central Government place on the provision of housing, officers are of the opinion that it would be difficult to justify refusal of planning permission on the basis of the visual impact from the additional dwelling on the open nature of the estate, particularly given that the design of the dwelling matches the other houses on the estate and the open character at the immediate entrance to the estate would be retained.

Whilst it is recognised that the emerging Neighbourhood Plan seeks to retain these open spaces, the Neighbourhood Plan does not at present carry enough weight to be able to justify refusal of permission on this ground.

With appropriate landscaping to be secured by condition, the use of a vacant piece of land would provide a dwelling in a sustainable location, its current use as amenity value would be lost, however, there are more usable spaces immediately to the south west of the site and therefore the impact upon residents and their use of green spaces would not be diminished. The landscape character would be preserved when taking the site in the context of its surroundings rather than simply the site as a stand alone entity.

On balance therefore, and despite the previous refusals, it is considered that the proposal is acceptable and that it would now be difficult to justify a refusal of permission on the grounds of the visual impact of the dwelling and/or impact upon the open character of the area.

Impact on residential amenity

It is considered that it is predominantly the properties on lower land to the west of the site that could be affected by the proposal. The property to the east is orientated away from the site and there are no windows proposed in the elevation facing towards it.

Although the footprint of the proposal is shown some 10 metres from the western boundary the adjoining property (3 Church Street) is only 5 metres away from the shared boundary, giving an overall separation distance of approximately 15 metres. This is an additional 3 metres from that previously refused. Furthermore, the proposed dwelling would be set further back into the site on a similar building line to the properties to the east and has been orientated in a more north/south position rather than being angled toward the properties in Church Street. The boundary treatment also helps to reduce any overbearing impact.

Due to the positioning of the proposed raised decking in relation to the neighbouring dwellings it is considered that there would be no detrimental impact on either neighbouring dwelling.

As a consequence the proposed development is considered to be acceptable in terms of the impact on the living conditions of adjacent properties in accordance with Policy D1 of the East Devon Local Plan.

Impact on trees

There is a belt of mature and protected trees along the northern boundary of the site which are protected by an area tree preservation order. There is further tree shrub planting along the western and northeastern site boundaries which separate the site from the adjoining single storey properties in Church Street.

In recent months there has been a considerable amount of works undertaken on site to some of the mature trees, including the felling of some of these trees. Permission has been given by the Council's Tree Officers to this work under application references 14/2445/TRE and 16/0044/TRE with 8 trees having been permitted to be felled. As a consequence the proposed development is not considered to detrimentally impact on the protected trees in accordance with Policy D3 of the East Devon Local Plan.

Impact on highway safety

The proposal seeks to provide a levelled area at the front of the dwelling to allow for the parking of vehicles and for vehicles to be able to manoeuvre within the site so that cars would enter and leave in a forward gear, this is similar to other properties

on the Glebelands estate. Devon County Highways Department recommend that the proposal is dealt with under standing advice, which the development is considered to conform with.

Planning obligations

Following a recent change to the NPPF, contributions from this application towards affordable housing and open space can no longer be justified and the Unilateral Undertaking from the applicant securing a contribution towards open space is being returned.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development past slab level 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 along with existing planting to be retained. 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 New East Devon Local Plan 2016.)
4. 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 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.

Plans relating to this application:

002	Location Plan	08.02.16
004B	Proposed Site Plan	11.04.16
006B	Proposed Floor Plans	11.04.16
007B	Proposed Elevation	11.04.16
007.1B	Proposed Elevation	11.04.16
009B	Perspective Drawing	11.04.16
INDICATIVE ONLY		

List of Background Papers

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

Ward Woodbury And Lypstone

Reference 15/2808/FUL

Applicant Mr & Mrs A Douglas

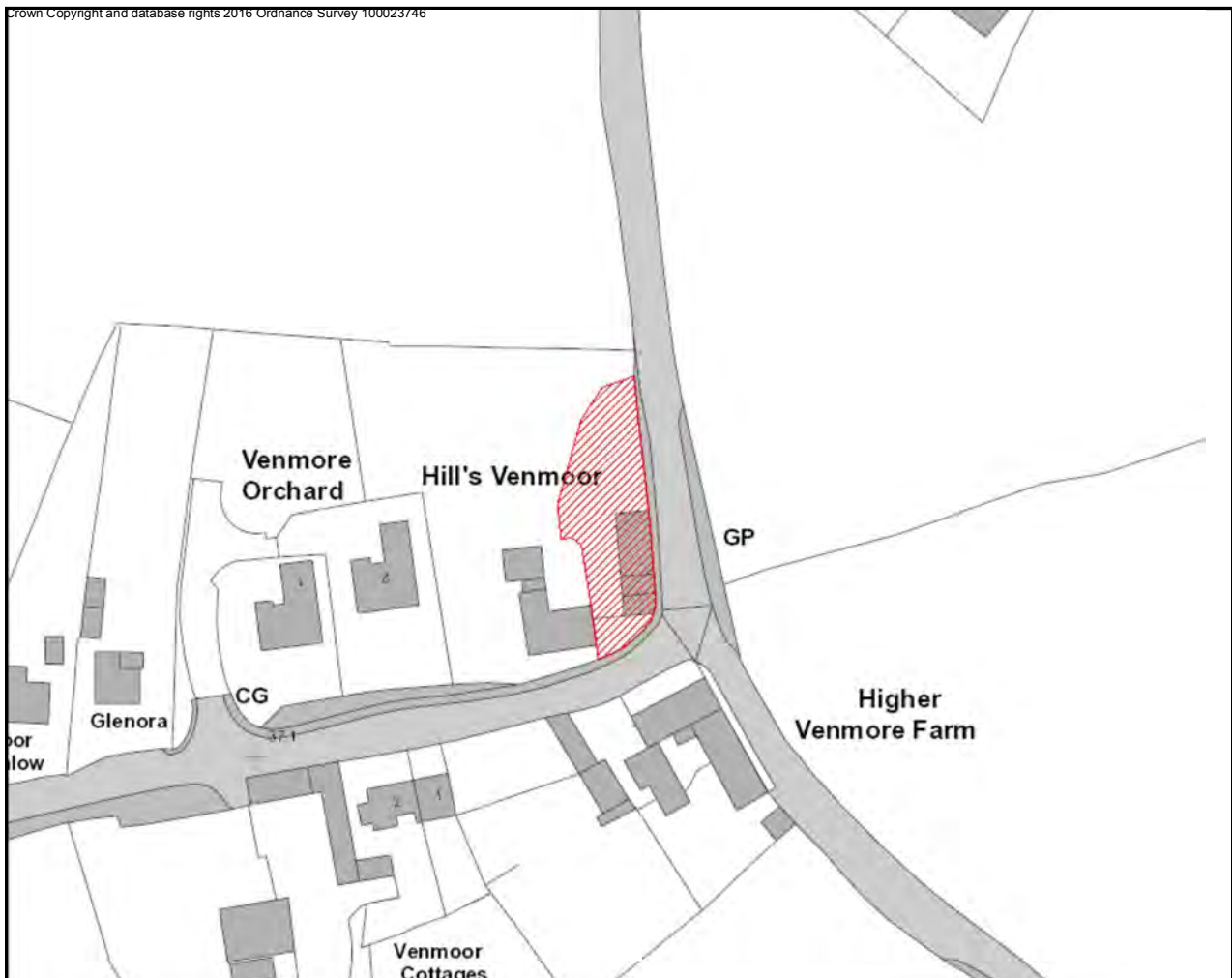
Location Hills Venmore Woodbury Exeter
EX5 1LD

Proposal Conversion, alteration and
extension of outbuilding to form
dwellinghouse



RECOMMENDATION: Refusal

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		Committee Date: 7th June 2016
Woodbury And Lympstone (WOODBURY)	15/2808/FUL	Target Date: 09.02.2016
Applicant:	Mr & Mrs A Douglas	
Location:	Hills Venmore Woodbury	
Proposal:	Conversion, alteration and extension of outbuilding to form dwelling house	

RECOMMENDATION: REFUSE

EXECUTIVE SUMMARY

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

The application proposes the extension, alteration and conversion of an existing barn building to a 4-bed dwelling.

The proposed development would entail substantial extension and alteration to the existing building, resulting in a building which is not sympathetic to the simple rural character of the original building and which would detract from the character and appearance of the site and the surrounding environment contrary to Policy D8 of the Adopted Local Plan.

By reason of the addition of a first floor and extent of alterations proposed to the building, the proposal would also have a harmful impact upon the setting of the nearby Grade II Listed Venmore Farm contrary to Local Plan Policy EN9 and the guidance in the NPPF.

CONSULTATIONS

Local Consultations

Parish/Town Council

Support subject to the question of access to the newly approved site being resolved

Woodbury & Lympstone - Cllr B Ingham

Recommend approval.

Woodbury & Lympstone - Cllr R Longhurst
15/2808/FUL - Hills Venmore

I support this development. Whilst outside the village BuAB it is only just so and short walk to the centre of the village along a semi-paved road and if desperate on a bus route. In my opinion the development is sustainable. The development is within the existing footprint and but for the increase in height could be considered as a PDQ. Certainly the modifications to bring it to a habitable building are relatively minor. These considerations outweigh any adverse effects under Strategy 7 of the new plan or S5 of the old plan. SUPPORTED

Further comments:

This application largely rests on the proposed height of the roof ridge.

I believe it is an application that merits a site visit by the DMC to see the issue for themselves.

Technical Consultations

County Highway Authority
Highways Standing Advice

Conservation

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

Hills Venmore is an extended early C19 house facing Higher Venmore Farm (grade II listed) on the other side of the road. Its associated barn abuts the roadside and is a prominent vernacular building in the foreground when approaching Higher Venmore from the centre of Woodbury. While being offered no statutory protection the existing barn retains traditional proportions with a rusted corrugated iron roof, a common material in the countryside. I would certainly advocate that as a vernacular building group Hills Venmore contributes positively to the setting of the listed building.

The application does not include an assessment of heritage assets and how the proposed development will impact upon their significance as contributed by their setting.

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

The proposed conversion of the barn into a dwelling would involve a significant increase in the building mass resulting in a change to its proportions and character. It would become more conspicuous and prominent within principal views of the listed farmhouse opposite to an extent that I would consider harmful. Not only would the eaves height of the section closest to the listed building be raised, but a significant perpendicular extension is proposed adjacent to the house. The addition of modern-style roof lights across the eaves line and adjacent to the roadside would have a detrimental impact in my view and the large area of glazing in the north elevation would be prominent. This would suburbanise the barn unnecessarily.

I would advocate a more sensitive conversion using the existing building envelope and utilising openings and creating new ones on non-prominent aspects of the barn. There may be an opportunity to include a more modest extension as long as it does not dominate the building group. As it stands the proposed conversion would have an incongruous and noticeable impact upon the setting of Higher Venmore.

PROVISIONAL RECOMMENDATION - PROPOSAL
UNACCEPTABLE

Other Representations

One objection received, raising concern that the development would increase the traffic attracted to the site and pose a danger to pedestrians.

PLANNING HISTORY

Reference	Description	Decision	Date
14/2927/OUT	Outline application with all matters reserved for the construction of a detached dwelling and garage off the existing access	Approval with conditions	11.02.2015
14/1271/OUT	Outline application with all matters reserved for the construction of a 4 bedroom house with double garage off the existing access	Refused	27.08.2014
13/1063/FUL	Construction of new vehicular access and driveway	Approved	27.06.2013

POLICIES

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

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

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

EN8 (Significance of Heritage Assets and their Setting)

EN9 (Development Affecting a Designated heritage Asset)

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 application relates to a section of garden of a property known as Hills Venmore which is located within a small grouping of dwellings at the western side of Woodbury approximately 350m from the cross roads by the village shop and 100m from the edge of the built-up area boundary. The application site lies to the east of the main dwelling and occupies a corner location with the road running along the east and south sides of the site. The application relates to an existing single-storey outbuilding and an area of land directly to the north of the building.

The wider group of buildings surrounding the site has a mixed style and format, the site is not subject to any specific landscape or heritage designations. Hills Venmore adjoins the application site, is in the ownership of the applicant and faces to the south but has windows on its east side elevation facing the application site.

Higher Venmore Farm to the south on the other side of the road is Grade II Listed.

Proposed Development

The application seeks planning permission for the extension and conversion of a single-storey outbuilding, to form a separate two-storey dwelling, together with hard and soft landscaping, external alterations and the provision of a parking and turning area.

Planning History

Permission has been granted previous for a new vehicular access to the west of Hill's Venmore with outline consent has granted for a detached dwelling on land to the north of Hill's Venmore and the barn with access in the approximate location of the access to the current proposal.

No previous applications relate directly to the barn the subject of this application.

Issues and Assessment

The main issues to consider are the principle of development, the visual impact on the existing building and its surroundings, including the setting of nearby listed buildings, impacts on the privacy and amenities of nearby residents, highway safety impacts, required financial contributions and any other matters arising.

Principle

The application relates to the conversion of an existing disused rural outbuilding to create a dwelling. This type of development is provided for in the Local Plan under Policy D8 and is also provided for under Paragraph 55 of the NPPF. The NPPF requires that such proposals lead to an enhancement of the immediate setting and

Local Plan Policy D8 has a number of criteria relating to the impacts of development on the existing building and its surroundings.

Policy D8 requires that such proposals are capable of conversion without substantial alteration, extension or reconstruction, and that any alterations protect or enhance the character of the building and its setting. In this case, the proposed development would entail a significant upward extension and alteration of the existing building, including adding a second floor to around half of the footprint. The proposed development would introduce many new openings to the original building to provide additional windows and doors. It is considered that the increased floor and extent of changes to the proposed design of the scheme (as reflected in the comments from the Conservation officer) would not meet the requirements of Policy D8 and paragraph 55 of the NPPF in terms of failing to enhance the appearance of the building and/or its surroundings/setting.

Policy D8 also requires that where a residential use is proposed, the site is located close to a range of accessible services and facilities to meet the everyday needs of residents. In this case, the application site is located around 100 metres to the south of the village boundary of Woodbury. Woodbury is a defined settlement within the local plan and is considered to have a range of services and facilities to meet the everyday needs of residents. The site is connected to the village by a road and despite the road not having a pavement to the application site it is considered that the location of this rural building in the countryside is sufficiently close to local services and facilities to meet the needs of future occupants.

Design and Visual Impact and impact upon Heritage Assets

As mentioned above, planning policy in respect of the conversion and re-use of rural buildings to provide additional dwellings requires that such proposals are sympathetic to the character and built form of the existing building and its setting, and require that such proposals would not entail significant extension, alteration or reconstruction of the existing building.

In this case the proposed development would not respect the built form or simple character of this rural outbuilding and goes far beyond a conversion of the existing building. The proposal would include a significant upward extension to the existing building, raising the walls to create a second floor over the existing single storey to the main building, and reconstructing an open-fronted lean-to as a two storey wing of the building.

The proposal would not respect the existing form of the building and would introduce new domestic openings for windows and doors on every elevation. The proposal would feature a mix of roof lights, windows and door styles that do not complement or relate to the original character of the building. The proposed changes would alter the appearance of the barn substantially.

In addition, the unsympathetic design of the proposed conversion would fail to preserve the setting of the Grade II listed Venmore farmhouse, which lies opposite the site to the south. The Conservation Officer has reviewed the proposal and provided comments setting out in detail how the development would detract from the

setting of the built form of the building and the setting of the nearby listed Higher Venmore.

The site is viewed in association with the listed Higher Venmore Farm opposite and the raising of the roof height to the barn and extent of external alterations will detract from the view and setting of the listed building on approach from Woodbury in particular.

In light of the above points it is considered that the proposed development would fail to meet the requirements of Local Plan Policy D8, Paragraph 55 of the NPPF of Policy EN9 and the duty that the Council has to give special regard to the need to protect the setting of listed buildings.

A more simple and sympathetic conversion of the existing building would be acceptable and could comply with the relevant policies and considerations. The applicant has been asked to consider the conversion of the existing building without the first floor and with a reduced number of openings of a more appropriate design but has declined to amend the plans.

Amenity Impacts

The application site is located in the countryside and lies on the fringe of a cluster of rural dwellings. Therefore the only nearby properties that would be affected by the proposed development would be the host dwelling known as Hills Venmore and the Grade II listed building opposite to the south, known as Higher Venmore Farm.

The distance between the south elevation of the application site and the north elevation of Higher Venmore is approximately 17 metres and there is a boundary hedge to the application site of around 2 metres in height. It is considered therefore that the introduction of ground floor windows and a roof light on the south elevation of the application site would not impact significantly on the privacy or amenities of the occupiers of Higher Venmore. The introduction of roof lights on the west elevation is not considered to impact significantly on the privacy or amenities of residents at Hills Venmore adjacent.

Highways Issues

The application site already has a vehicular access located at the north east corner of the site. This access has good visibility from and of road users and is not considered hazardous. There is sufficient space within the site to allow vehicles to turn around and leave in forward gear, with space remaining for parking of four vehicles. The concerns raised through public representation regarding the increased traffic and resulting danger to pedestrians and the lack of infrastructure is noted; however it is considered that the addition of a single dwelling would not have a significant impact in terms of traffic attracted to the site and would not pose a significant danger to pedestrians. The Highways Authority has reviewed the proposed development and does not wish to raise any objection to the scheme and it is material to this application that planning permission has been granted for an additional dwelling off the existing access to the north.

Financial

Due to the location of the application site, the development triggers a required contribution towards the mitigation of development on habitats within the Exe Estuary and Pebblebed Heaths Special Protection Area.

Since the submission of the application the NPPG has been recently change and as such a contribution towards open space and affordable housing can no longer be justified from this scale of development.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development by virtue of the extent of alteration and extension, its form, bulk and design, would result in a scheme that would fail to enhance the rural setting and character of the building, its setting and the surrounding area. As such the proposal is contrary to Policies D1 (Design and Local Distinctiveness) and D8 - Re-use of Rural Buildings Outside of Settlements of the Adopted East Devon Local Plan 2013-2031 and the guidance contained in the NPPF.
2. The proposed development by virtue of the extent of alteration and extension, its form, bulk and design, would result in a scheme that would be more prominent within the principal views of the listed building at Higher Venmore with subsequent harm to the setting of the listed building. As such the proposal is contrary to Policy EN9 – Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031 and the guidance contained in the NPPF.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

15.29SP01

15.29P01

15.29P02

15.29P03

List of Background Papers

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