

Agenda for Development Management Committee Tuesday, 5 July 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 Monday 27 June up until 12 noon on Thursday 30 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 Extra Ordinary Development Management Committee held on 31 May 2016 (pages 5 - 9) and the Development Management Committee meetings held on 7 June 2016 (page 10 - 15)
- 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 16 - 18)
Development Manager

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

16/0074/FUL (Minor) (page 19 - 30)

Budleigh Salterton

21 Stoneborough Lane, Budleigh Salterton EX9 6JA

Application was deferred for a site inspection on 7 June 2016 – the Committee will have carried out a site visit in advance of the meeting.

16/0978/COU (Other) (page 31 - 36)

Axminster Rural

Land to the rear of plots 7-9 south east of Hawkchurch Primary School, Hawkchurch EX13 5XD

16/0693/MRES (Major) (page 37 - 80)

Broadclyst

Land at Hayes Farm, Clyst Honiton

16/0781/FUL (Minor) (page 81 - 97)

Clyst Valley

Unit 2 (land adj), Jacks Way, Hill Barton Business Park, Clyst St Mary EX5 1FG

16/0874/RES (Minor) (page 98 - 105)
Exmouth Withycombe Raleigh
19 Marpool Crescent, Exmouth EX8 3QJ

16/1032/FUL (Minor) (page 106 - 114)
Otterhead
Colehill Farm, Luppitt, Honiton EX14 4RX

16/0634/FUL (Minor) (page 115 - 124)
Sidmouth Rural
Salcombe Regis Camping and Caravan Park, Salcombe Regis, Sidmouth EX10 0JH

Break

(Lunch will be provided for Development Management Committee members)

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

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

15/0266/FUL (Minor) (page 125 - 148)
Ottery St Mary Rural
Aylesbeare Inn, Village Way, Aylesbeare EX5 2BX

16/0554/FUL & 16/0721/VAR (Minor) (page 149 - 157)
Ottery St Mary Rural and Ottery St Mary Town
Land adjacent to Barnfield House, Cadhay Lane, Ottery St Mary EX11 1QZ

16/0205/FUL & 16/0206/LBC (Minor) (page 158 - 173)
Ottery St Mary Town
11 Silver Street, Ottery St Mary EX11 1DB

16/0201/FUL (Minor) (page 174 - 188)
Raleigh
Large mobile dwelling, Greendale Lane, Clyst St Mary EX5 1AW

16/0435/MFUL (Major) (page 189 - 204)
Seaton
Land at Harbour Road, Seaton

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 an Extra Ordinary meeting of the Development Management Committee held at Knowle, Sidmouth on 31 May 2016

Attendance list at end of document

The meeting started at 10am and ended at 12.04pm.

Before the start of the meeting, the Chairman spoke of how shocked and sad he was to hear of the sudden death of Alison Greenhalgh. She had been a valued member of the Development Management Committee and would be sorely missed. Thoughts were with Alison's family and friends. The Chairman invited the Committee to pause for a moment's silence.

***88 Declarations of interest**

There were none.

***89 Issues and Options Consultation for the Cranbrook Development Plan Document**

The Committee considered the Service Lead – Planning Strategy and Development Management's report seeking authority for the publication of the Issues and Options report of the Cranbrook Development Plan Document (DPD) for consultation. As a formal DPD the document, like the Local Plan, had to complete a number of consultation stages.

The Projects Director started by outlining the background to planning permissions granted at Cranbrook and highlighting key milestones for the new town, such as the opening of the new education campus and the commencement of rail services from Cranbrook station. He advised that there were currently around 1250 occupied households in Cranbrook (equivalent to a population of 3000 people) and that in February 2016, Cranbrook had been confirmed as one of the developments to be part of the NHS Healthy New Town scheme (one of 10 developments in the Country) – this demonstrated the town's national profile.

The Local Plan anticipated Cranbrook comprising of 7,850 new homes by 2031 – this would equate to a population of around 20,000 and would mean that the town became the second largest in the District. The Committee was shown a map indicating the areas that had been granted planning permission and areas to the east and west which were allocated for development within the Plan. The Projects Director advised that Strategy 12 of the Plan stated that a further 1550 homes, associated jobs and community infrastructure would be accommodated within the Cranbrook Plan study area but outside the designated Neighbourhood Plan Areas of Rockbeare, Broadclyst and Clyst Honiton. Over the last 15 months a number of detailed studies and consultation work had been undertaken to inform the content of the Issues and Options document, including working with CABI, Cranbrook Town Council and the surrounding parishes. There had been a detailed study of the noise issue associated with the proximity to the Airport undertaken and Economic Development and Cultural Development Strategies were being progressed.

The Committee was advised that Sustainability Appraisal and Habitat Regulations Assessment reports, which had been circulated before the meeting, would be published alongside the Issues and Options report.

If agreed, consultation on the Issues and Options report would commence on the 13 June and run for a six week period. A programme of events was planned to engage the residents of Cranbrook and the surrounding parishes and a summary leaflet of the report would be

delivered to every Cranbrook household, which would include details of where they could find and complete the consultation questionnaire. Full details of the consultation exercise was set out in appendix 1 to the committee report.

Following analysis of the consultation responses a Preferred Approach document would be developed, which would be consulted upon. The DPD and associated documents/supporting evidence would then be submitted for examination. On formal adoption, the Cranbrook DPD would have full weight as a policy document and would be used for determining planning applications.

The Chairman thanked the officer for the introduction and invited the registered speaker to address the Committee.

Nick Freer spoke on behalf of the New Community Partners (NCP). He advised that the vision for the Town was welcomed and that the report identified the key issues for the Town. There was a need for the NCP to work alongside the Council to address concerns. He advised that there was scope and opportunity for positive engagement with the airport and that it should not be seen as a constraint. Mr Freer highlighted factual corrections, which he had circulated via email. He hoped these would be corrected prior to publication, particularly regarding noise, in both the Sustainability Appraisal and the Issues and Options report, to ensure discussion/responses were balanced. He advised that the NCP would be formally responding to the consultation.

The Service Lead guided the Committee through the report and invited feedback/questions on each of the Chapters.

Introduction – comments raised included:

- Concern that Whimple Neighbourhood Area was not specifically mentioned in Strategy 12 as areas for development to be avoided. The Service Lead advised that this was designated after the Local Plan was adopted but did not include land within the Cranbrook Study Area and would not therefore be affected;
- What happens if 8000 houses cannot be delivered at Cranbrook? In response the Service Lead advised the Committee that 8000 houses were allocated to Cranbrook in the Local Plan and information received to date suggested that the level of housing identified could be delivered, however the Plan would be reviewed every 5 years.

Background and evidence – comments raised included:

- Was the southern expansion area (closest to the airport) the most appropriate for employment use? In response the Service Lead advised that the current application for the site suggested allocating a majority of the town's employment in that area, however an assessment needed to be made as to whether this was appropriate or should the employment be distributed across the town. Services/employment should be delivered in the most appropriate location – the consultation would seek people's views on this.
- How well attended were the workshops? In response, it was advised that each workshop had addressed a different theme and therefore attendance was varied but approximately 20 people at each.

Vision and objectives – comments raised included:

- Design and Housing
 - In response to a comment about house design/layout to date, the Service Lead advise that there was a lot to learn from phase 1 and from other developments across the District, such as best practice for designing out crime and anti-social behaviour.
- Health and wellbeing
 - Green/open space within the town was very important – how could this be protected from development in years to come? In response, it was advised that any new green/open space identified would need to be protected by policy within the DPD.

Issues – comments raised included:

- Health and wellbeing
 - Information, including images, needed to be accurate but easy to understand.
 - Including hatched area in Figure 7 (showing land that was subject to a planning application) could lead to confusion – this needed to be explained clearly.
 - In response to a question about the requirement for additional schools, it was advised that there would be a need for further primary schools and where these should be located would be dealt with through the DPD. The secondary school had been designed to enable its future expansion.
 - When would allotments be provided? In response, it was advised the trigger for allotment provision was imminent and land had been identified. The Town Council had started a waiting list.
- Economy and enterprise
 - Clarification sought on progress of the inter-modal freight site – In response, it was advised that an application had been received for the site from a supermarket chain, however distribution would be road based.
- Energy and climate change
 - Greater focus needed to be placed on renewable energy. In response, it was advised that the District Heating system had been a major focus and investment at the start of the development and now other options could be looked into in addition to expanding the district heating system.
- Transport
 - The need for two stations within Cranbrook was queried. In response, it was advised that this was a question that was being asked as part of the consultation. Junction 30 was reaching capacity and therefore there was a need to address how additional housing would be delivered without putting extra pressure on the junction.
 - Clyst Valley Regional Park should be included as a transport route for cyclists.
- Design and mix of use
 - Care and sensitivity was needed when looking at expansion areas.
 - Concern was expressed about whether development should extend into Neighbourhood Plan Areas.
 - In response to a question, it was advised that the consultation was open to anyone who wished to respond. The summary document had been written for Cranbrook residents; however, there would be engagement with the surrounding parishes.

- Delivery and flexibility
 - The need to ensure that the current deliverability was maintained. In response, it was advised that early deliverability of infrastructure was key to creating a vibrant town and encouraging people to want to live within it.
 - In response to a question regarding the risk to Cranbrook being an extension of Exeter, it was advised that Cranbrook had been developed as a sustainable development with its own character.

Next steps – comments raised included:

- A key consideration for any future development options within the town was how it would affect and impact upon others.

The Chairman, echoed by the rest of the Committee, thanked the Service Lead and his team for their work producing the document.

RESOLVED: that the Committee agrees to the commencement of consultation on the Issues and Options report, together with publication of the associated Sustainability Appraisal and Habitat Regulations Assessment, subject to delegated authority being given to the Service Lead – Strategic Planning and Development Management to:

- make the necessary amendments regarding references to airport noise, following discussions with Environmental Health, and figure 5 being replaced;
- include reference to the Clyst Valley Regional Park being a transport route for cyclists under the Transport section of the Plan;
- make very minor factual, spelling, formatting and grammatical changes to the document.

Attendance list

Present:

Committee Members

Councillors:

David Key (Chairman)

Mike Howe (Vice Chairman)

Brian Bailey (did not vote as newly elected to the Committee and not yet received training)

David Barratt

Susie Bond

Colin Brown

Peter Burrows

Steve Gazzard

Simon Grundy

Ben Ingham

Mark Williamson

Officers

Richard Cohen, Deputy Chief Executive
Ed Freeman, Service Lead – Planning Strategy and Development Management
Shirley Shaw, Planning Barrister
Kenji Shermer, Urban Designer
Hannah Whitfield, Democratic Services Officer
Andy Wood, East of Exeter Projects Director

Also present for all or part of the meeting

Councillors
Megan Armstrong
Peter Bowden
Paul Diviani
Peter Faithfull
Geoff Jung
Andrew Moulding

Apologies:

Committee members:
Councillors
Paul Carter
Matt Coppell
Alan Dent
Chris Pepper

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 7 June 2016

Attendance list at end of document

The meeting started at 10am and ended at 12.15pm.

***90 Minutes**

The minutes of the Development Management Committee meetings held on 10 May 2016 and 12 May were confirmed and signed as true records.

***91 Declarations of interest**

Committee Member declarations

Cllr David Barratt; 16/0679/VAR, 16/0382/OUT; Personal interest; Sidmouth Town Councillor

Cllr David Barratt; 16/0382/OUT; Personal interest; Applicant is a fellow Town Councillor (advised that he would not speak or vote on the item)

Cllr Alan Dent; 16/0074/FUL; Personal interest; Budleigh Salterton Town Councillor

***92 Appeal statistics**

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

The Development Manager drew Members' attention to the appeals dismissed at land to rear of Orchard Cottage House, Woodbury for outline permission for the construction of up to 24 dwellings and at land adjacent to Peace Memorial Playing Fields, Colyton for a residential development of up to 16 units. Both decisions highlighted the weight being given to Local Plan policies where developments were being proposed outside Built-up Area Boundaries.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 1 – 2016/2017.

Attendance list

Present:

Committee Members

Councillors:

David Key (Chairman)

Mike Howe (Vice Chairman)

Brian Bailey

David Barratt

Susie Bond

Colin Brown
Peter Burrows
Paul Carter
Matt Coppell
Alan Dent
Steve Gazzard
Simon Grundy
Mark Williamson

Officers

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

Also present for all or part of the meeting

Councillors:

Matt Booth
Cathy Gardner
Geoff Jung
Dawn Manley
Marianne Rixson
Ian Thomas
Tom Wright

Apologies:

Committee members:

Ben Ingham
Chris Pepper

Non-committee members:

Peter Bowden

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL
Development Management Committee
Tuesday 7 June 2016; Schedule number 1 – 2016/2017

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:

<http://eastdevon.gov.uk/media/1729899/070616-combined-dmc-agenda-compressed.pdf>

Clyst Valley
(FARRINGDON)

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

RESOLVED: APPROVED with conditions as per recommendation subject to an additional condition requiring the submission of a landscaping scheme showing tree planting to the north-east of the site to protect residents from lighting at night.

Trinity
(UPLYME)

16/0301/FUL

Applicant: Betterment Properties (Weymouth) Ltd

Location: Land Adjacent 17 Glebelands, Uplyme

Proposal: Construction of 2 storey dwelling and off street parking

RESOLVED: REFUSED (contrary to officer recommendation) with delegated authority given to the Development Manager to draft reasons for refusal. Members considered that the proposal did not overcome the second reason for refusal on application 13/1866/FUL and would result in a detrimental visual impact on the open character of the area contrary to the adopted Local Plan and emerging Neighbourhood Plan.

Budleigh Salterton
(BUDLEIGH
SALTERTON)

16/0074/FUL

Applicant: Mr John Brett

Location: 21 Stoneborough Lane, Budleigh Salterton

Proposal: Construction of detached dwelling.

RESOLVED: INSPECT
Reason: To consider the impact of overlooking on neighbouring properties, the height of the development in relation to neighbouring properties and whether this would lead to the proposal being overbearing, and to assess the impact on the streetscene.

Sidmouth Town
(SIDMOUTH)

16/0679/VAR

Applicant: Mr & Mrs Ray

Location: The Former Scout Hall, Fortfield Place, Sidmouth

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.

RESOLVED: APPROVED with conditions as per recommendation.

Woodbury and
Lypstone
(WOODBURY)

15/2808/FUL

Applicant: Mr & Mrs A Douglas

Location: Hills Venmore, Woodbury

Proposal: Conversion, alteration and extension of outbuilding to form dwelling house

RESOLVED: REFUSED as per recommendation

Sidmouth, Sidford
(SIDMOUTH)

16/0382/OUT

Applicant: Mr Ian Barlow

Location: Sidford Branch Surgery, Church Street, Sidford

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

RESOLVED: APPROVED with conditions as per recommendation subject to a Section 106 Agreement

Beer and
Branscombe
(BEER)

16/0504/FUL

Applicant: Mr Mark Hannaford

Location: Tanglewood, 3 East Croft, New Road, Beer

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

RESOLVED: REFUSED (contrary to officer recommendation) with delegated authority given to the Development Manager to draft reasons for refusal.
Members considered that the small reduction of the upper decking area did not address the reason for refusal on application 15/2182/FUL and would result in detrimental levels of overlooking and an overbearing impact on the neighbouring property.

Honiton St Pauls
(HONITON)

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

RESOLVED: REFUSED as per recommendation.

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

Ref: 15/1936/FUL **Date Received** 27.05.2016
Appellant: F W S Carter And Sons
Appeal Site: Units 7 - 9 Hogsbrook Units Woodbury Salterton Exeter
EX5 1PY
Proposal: Retention of conversion of building to 3 no. industrial units
(use class B8 Warehouse & Distribution)
Planning APP/U1105/W/16/3151311
Inspectorate
Ref:

Ref: 15/1950/FUL **Date Received** 27.05.2016
Appellant: FWS Carter & Sons Ltd
Appeal Site: 1 - 5 Hogsbrook Units Woodbury Salterton Exeter EX5 1PY
Proposal: Retention of conversion of building to 5 no. industrial units
(Use Class B2 General Industry, B8 Warehouse and
Distribution and B1 Office and Light Industry)
Planning APP/U1105/W/16/3151307
Inspectorate
Ref:

Ref: 16/0496/FUL **Date Received** 07.06.2016
Appellant: Mr James Pearce
Appeal Site: Green Mead Clyst Road Topsham EX3 0DB
Proposal: First Floor extension to bungalow
Planning APP/U1105/D/16/3151884
Inspectorate
Ref:

East Devon District Council
List of Planning Appeals Decided

Ref: 15/1663/MOUT **Appeal Ref:** 15/00079/REF

Appellant: Blue Cedar Homes
Appeal Site: Land Adj. To Slade Farm Slade Road Ottery St Mary
Proposal: Outline planning application for the construction of up to 52no dwellings incorporating age restricted open market and affordable dwellings together with associated infrastructure (all matters reserved except for access)

Decision: **Appeal Dismissed** **Date:** 24.05.2016
Procedure: Written representations
Remarks: Delegated refusal, countryside protection and loss of best and most versatile agricultural land reasons upheld (EDLP Strategy 7 and Policy EN13).

BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/15/3140719

Ref: 15/1220/FUL **Appeal Ref:** 16/00012/REF

Appellant: Mr And Mrs L Hill
Appeal Site: 114 Malden Road (adjoining) Sidmouth EX10 9LY
Proposal: Construction of dwelling including formation of vehicular access.

Decision: **Appeal Dismissed** **Date:** 27.05.2016
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policy D1).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/16/3144367

Ref: 15/1899/VAR **Appeal Ref:** 15/00063/REF
Appellant: Mr B Wright
Appeal Site: The Cellar Talewater Farm Talewater Talaton Exeter
Proposal: Removal of condition no 2 of planning approval 06/0613/FUL to allow residential use
Decision: **Appeal Dismissed** **Date:** 03.06.2016
Procedure: Written representations
Remarks: Delegated refusal, sustainability reasons upheld (EDLP Strategy 7 and Policies TC2 & D8).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/15/3138352

Ref: 15/1253/FUL **Appeal Ref:** 15/00066/REF
Appellant: Mr R Harris
Appeal Site: The Honiton Dairy 60 High Street Honiton EX14 1PQ
Proposal: Proposed entrance door to create access to first floor accommodation.
Decision: **Appeal Dismissed** **Date:** 06.06.2016
Procedure: Written representations
Remarks: Delegated refusal, conservation reasons upheld (EDLP Policy EN10).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/15/3138779

Ref: 15/1254/LBC **Appeal Ref:** 15/00067/LBCREF
Appellant: Mr R Harris
Appeal Site: The Honiton Dairy 60 High Street Honiton EX14 1PQ
Proposal: Proposed entrance door and internal alterations to create first floor access to flat
Decision: **Appeal Dismissed** **Date:** 06.06.2016
Procedure: Written representations
Remarks: Delegated refusal, conservation reasons upheld (EDLP Policy EN10).
BVPI 204: **No**
Planning Inspectorate Ref: APP/U1105/Y/15/3138782

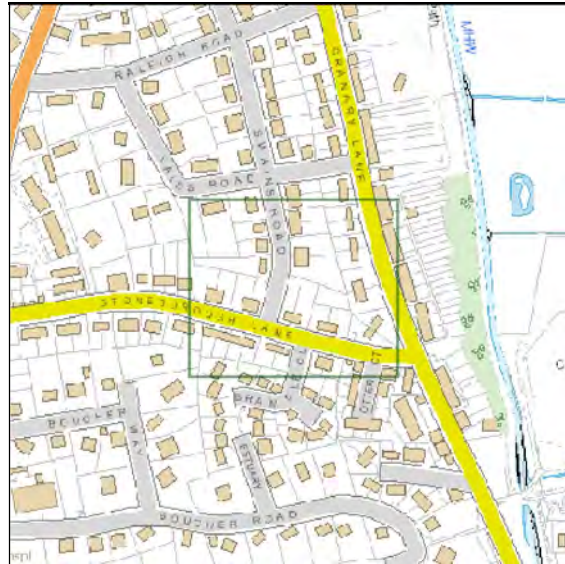
Ward Budleigh Salterton

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 shutting 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 Axminster Rural

Reference 16/0978/COU

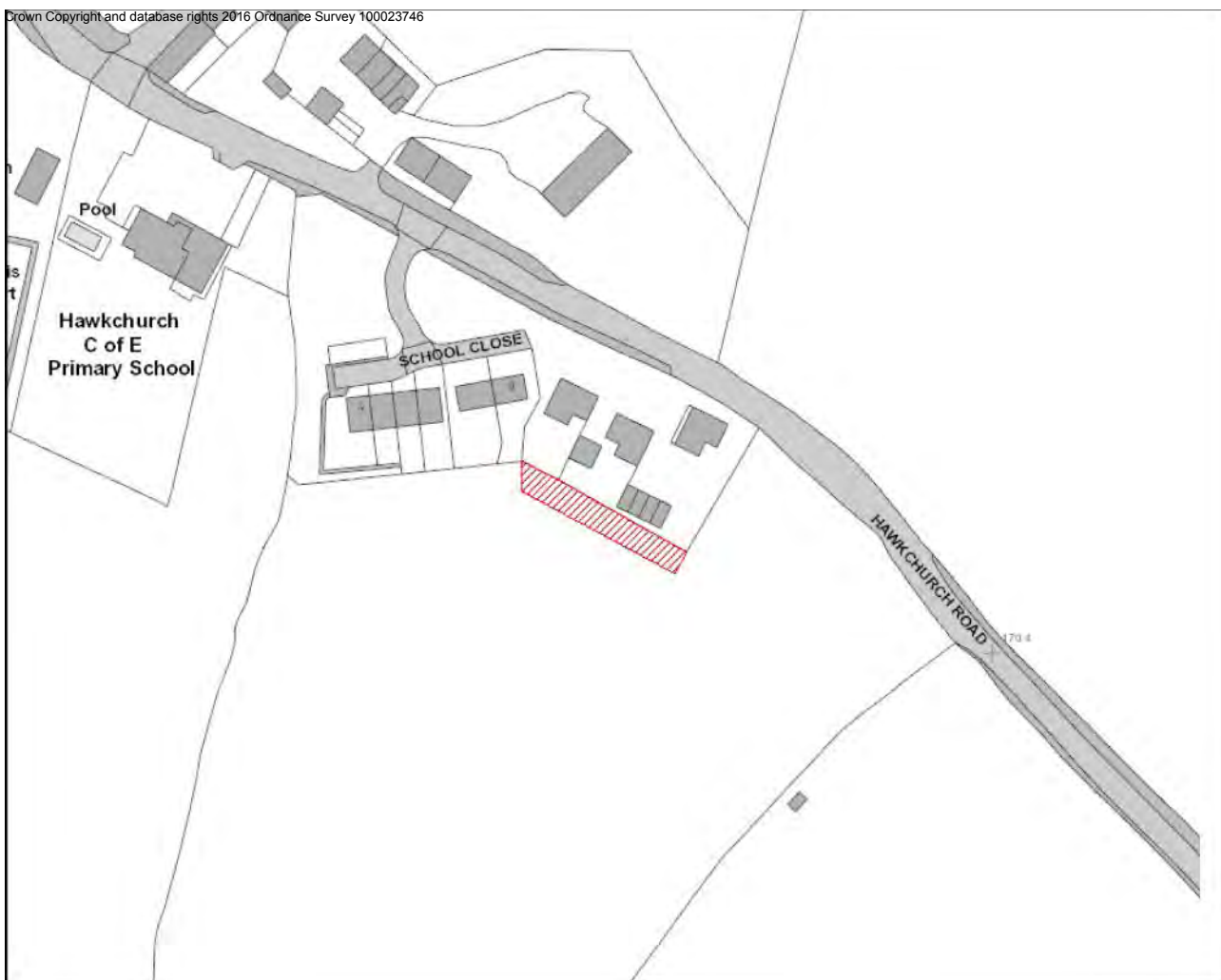
Applicant Mr Paul Hoffmann

Location Land To Rear Of Plots 7 - 9 South East Of Hawkchurch Primary School Hawkchurch EX13 5XD

Proposal Change of use of land to provide enlarged residential curtilages



RECOMMENDATION: Approval - standard time limit



		Committee Date: 5th July 2016
Axminster Rural (HAWKCHURCH)	16/0978/COU	Target Date: 21.06.2016
Applicant:	Mr Paul Hoffmann	
Location:	Land To Rear Of Plots 7 – 9 S.E. of Hawkchurch School	
Proposal:	Change of use of land to provide enlarged residential curtilages	

RECOMMENDATION: Approval - standard time limit

EXECUTIVE SUMMARY

The application is before committee as a departure to the Local Plan on the basis that it represents development in the countryside for which there is no specific policy support. It is therefore contrary to Strategy 7 – Development in the Countryside of the Adopted Local Plan.

In this case whilst the proposal represents a departure from policy it needs to be considered what harm would result. At present the rear boundaries of the properties with the adjoining agricultural field are formed by post and rail fence and this would remain the case, the only change being that the gardens of the market properties would extend by a further 5 metres to the south.

Given the context of the site and where the current boundary has been arbitrarily formed on the basis of the site area sought under the earlier permission, rather than following any natural boundary or physical feature, it is not considered that any significant identifiable harm would result and the visual impact from the change would be minimal. In addition the applicant has provided some, albeit limited, justification for the proposed extension based on the lack of interest in purchasing the units due to smaller than wished garden sizes.

In the circumstances, given the lack of harm, location outside of any designated landscape, and taking into account that had the original application included this land that it would have been unlikely to be raised as an objection, the proposal is, in this instance, considered to be acceptable and is recommended for approval.

CONSULTATIONS

Local Consultations

Axminster Rural – Cllr I Hall

I agree with the recommendation to approve this application, on the reasons stated in the report.

Parish/Town Council
support

Other Representations
None

Technical Consultations

County Highway Authority
Does not wish to comment

PLANNING HISTORY

Reference	Description	Decision	Date
14/2955/VAR	Variation of condition 2 of planning application 13/2056/FUL to amend the layout, orientation and size of some of the approved plots	Approval with conditions	09/03/2015
13/2056/FUL	Erection of 9 dwellings (including 6 affordable) and formation of access and car park	Approval with conditions	19/09/2014

POLICIES

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

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

Government Planning Documents
NPPF (National Planning Policy Framework 2012)

SITE LOCATION AND DESCRIPTION

The site is located to the south east of the village of Hawkchurch and immediately southeast of the primary school, with access taken directly from Hawkchurch Road. The site has been formed from the northern part of a large agricultural field the remainder of which lies to the south of the residential site. A public footpath runs along the western boundary of the field and between the school and the residential site.

The site currently consists of 9 dwellings in total. At the western side of the site is a short terrace of 4 no. houses, followed by a pair of semi-detached properties and finally on the eastern side of the site 3 no. larger detached properties. The application relates to land to the rear (south) of and immediately adjoining the rear gardens of the detached properties.

PROPOSED DEVELOPMENT

The development was originally approved as an Exception site comprising 6 affordable and 3 open market dwellings.

The proposal is for the extension of approved residential curtilage to the south east of the site for the three detached (market) dwelling houses with a depth of 4m to 6m along a distance of 43m. The boundary would be the same as the existing with the installation of a 1.5m high post and rail fence with chain link.

ANALYSIS

The proposed extension of residential gardens into agricultural land is considered to be contrary to Adopted Local Plan Strategy 7, as it represents development in the countryside for which there is no explicit policy support.

In this case the original residential site has been formed from the northern most part of an agricultural field to the southeast side of the village. The approved site boundary did not follow any natural or other physical feature and has therefore been formed on the basis of what was applied for at the time. This being the case it is considered that if the original application, 13/2056/FUL, had included this piece of land within the development it is unlikely any objection would have been raised as the principle public views from the public footpath to the west are minimal due to the negligible impact and harm that the development would have upon the existing landscape character and very minimal loss of agricultural land.

The applicant has submitted with the application a letter advising that despite extensively marketing the properties in question and attracting numerous viewings the feedback from potential purchasers is that the garden sizes are too small for open market properties. In response to this feedback the applicant seeks the proposed extension to the gardens to overcome this issue with the hope of securing the sale of these units.

It is not considered that garden extensions would not have any implications in terms of its visual impact on the character and appearance of the area. The proposed

boundary treatment would be as per the existing boundaries and therefore would be acceptable.

The proposal would not adversely impact upon neighbouring properties as the extension of the residential curtilage would not result in any significant overlooking over that which currently exists between neighbouring properties.

In light of the above, and in particular given the lack of identified harm from the proposal, benefits to aiding the sales of the open market dwellings and fact that planning permission would have likely been granted for the original proposal with this extended site boundary, the proposal is supported despite it representing a departure from adopted planning policy.

RECOMMENDATION

APPROVE

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The 1.5m high post and rail fence with chain-link hereby approved to the boundary of the site with the adjoining field shall be provided before use of the land and thereafter retain as such.
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) 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:

PP-01 B	Location Plan	25.04.16
PP-02 K	Proposed Site Plan	25.04.16

List of Background Papers

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

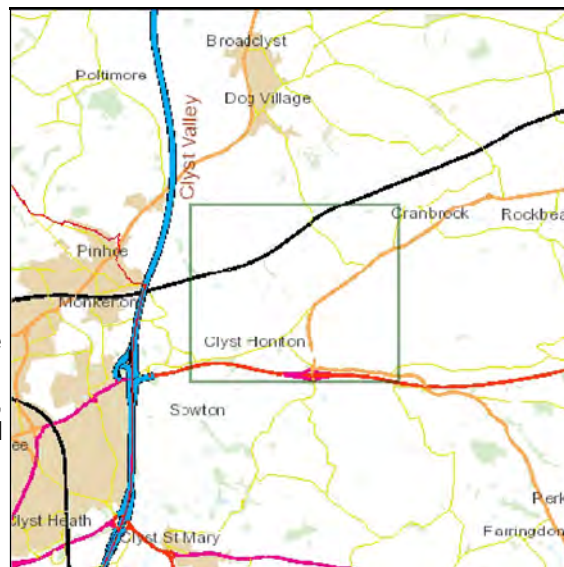
Ward Broadclyst

Reference 16/0693/MRES

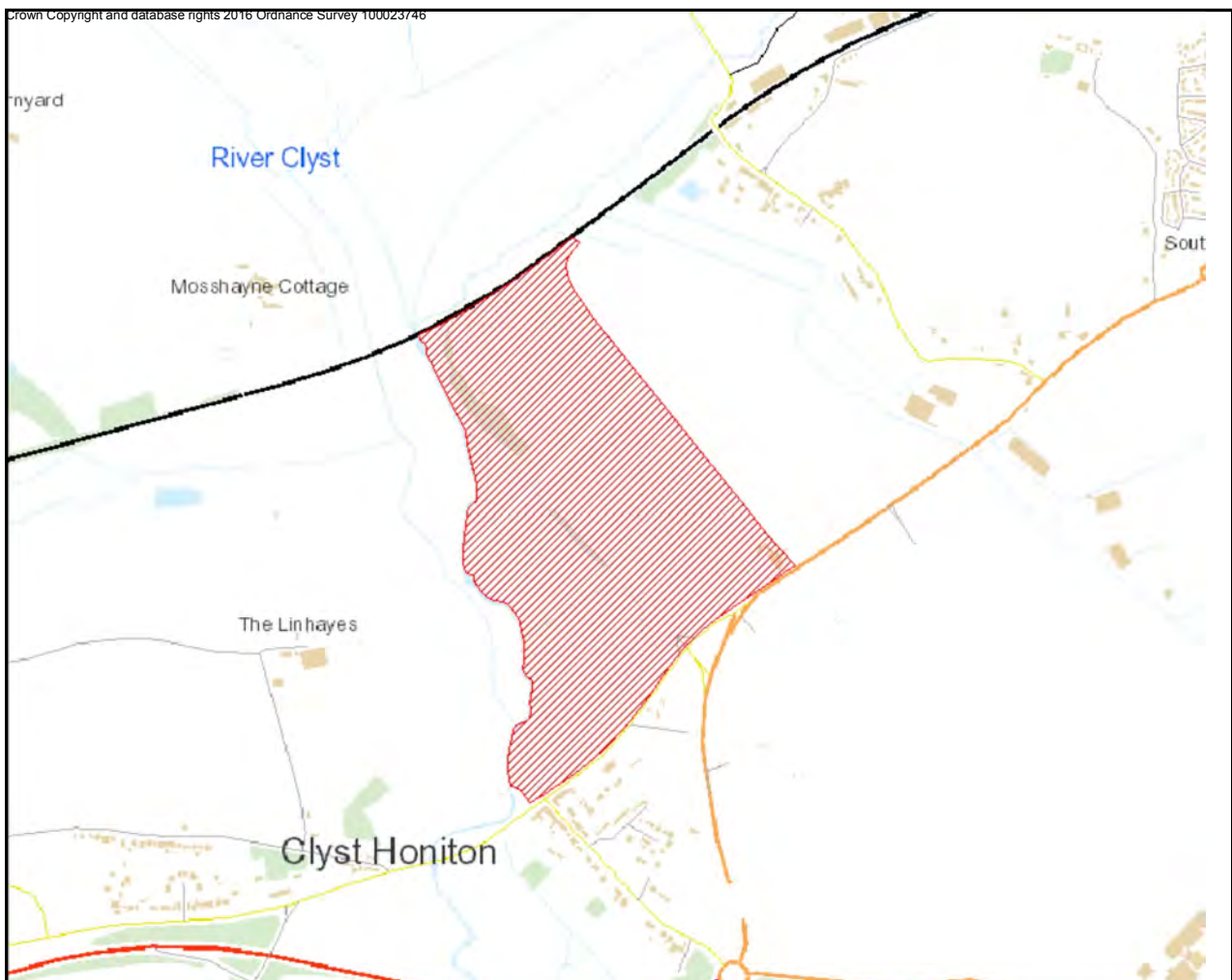
Applicant Lidl UK GmbH

Location Land At Hayes Farm Clyst Honiton

Proposal Approval of reserved matters (access, appearance, landscaping, layout and scale) application for the erection of a distribution warehouse (use class B8) with ancillary offices, access, gatehouse, sprinkler tanks, plantroom, haulier cabins, HGV and car parking provision, earthworks, landscaping and associated infrastructure works (pursuant to application 10/2184/MOUT).



RECOMMENDATION: Approval with conditions



		Committee Date: 5 July 2016
Broadclyst (CLYST HONITON)	16/0693/MRES	Target Date: 22.07.2016
Applicant:	Lidl UK GmbH	
Location:	Land At Hayes Farm Clyst Honiton	
Proposal:	Approval of reserved matters (access, appearance, landscaping, layout and scale) application for the erection of a distribution warehouse (use class B8) with ancillary offices, access, gatehouse, sprinkler tanks, plantroom, haulier cabins, HGV and car parking provision, earthworks, landscaping and associated infrastructure works (pursuant to application 10/2184/MOUT).	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is before members as the officer recommendation differs from the view of the Parish Council.

The application seeks approval of all reserved matters for a regional distribution centre building for Lidl including associated development on the Intermodal site. The scheme proposes a single large building with a floor area of 48,944 sqm together with mezzanine provision of 16,281 sqm. In addition there are several other ancillary buildings/plant resulting in a proposed overall floor area of 65,757 sqm to accord with the outline planning permission. The outline permission and Section 106 restricts the development to 50,000 sqm without the railhead being provided, and the proposal is to complete the 49,475 sqm initially and then provide the mezzanine floorspace at a later date. The main building will have a length of approximately 365m, a width of approximately 125m, and a maximum height of 18.5m. The building would contain a number of different service, office, and plant areas. The main staff car park would be on an elevated section at the southern end of the site with the main area of HGV parking located at the northern end. The site has been levelled as part of the works carried out by Sainsbury's and the site access, raised carpark, and internal access roads have been constructed.

This is a significant application which will deliver significant investment and job creation within the Growth Point and which will restart a key strategic site that has been stalled for some time. During the assessment of the application the key issues raised related to design and landscaping, drainage, ecology, noise and

light pollution, sustainability, and HGV traffic.

The majority of the technical issues have been satisfactorily addressed through the submission of amended and additional information and at the time of writing the report the only outstanding issue is Lidl's commitment to a private wire connection to the Energy Centre. Lidl have confirmed they will connect to the Energy Centre but an amendment is required to the submitted Sustainability Statement to secure this.

Regarding design and landscaping the scheme has been subject to a Design Review and the comments of the South West Design Review Panel have been largely addressed to the significant benefit of the scheme. The comments of the Landscape Architect and Design Panel have not been fully addressed in terms of the use of native planting, scope for additional areas of planting, and tree planting within the front staff car park but Lidl have requested the scheme be assessed on the basis of the latest submission. While these additional landscaping amendments would have further improved the scheme, on balance it is not considered that this would justify a refusal of the application.

Subject to the submission of a revised Sustainability Statement approval is therefore recommended with additional conditions covering details of the bridge, smoking shelters, cycle stands, and the treatment of the tilted facade and compliance with the submitted technical reports including the need for additional surveys/reports.

CONSULTATIONS

Local Consultations

Ward Member

17.06.16 – Cllr Hale

Although I am still concerned about the potential noise this site may cause and its impact of residents, I am happy to see that a condition of approval requires additional surveys to be completed after the commencement of operations at the site to assess any amenity impacts, which I would assume would demand further mitigation works by the developer if this was deemed necessary. So long as this is the case, and my understanding is correct, then I am satisfied with the outcome and the conditions stated.

Parish/Town Council

2 May 2016 - Clyst Honiton Parish Council has the following comments on this application:

1. ENVIRONMENT

1.1 Contaminated land - the Parish Council is concerned that toxic waste, in particular asbestos, found on the site is handled by a specialist company to avoid any adverse effect on nearby residents, in particular to avoid asbestos becoming airborne.

1.2 Ponds - the Parish Council requests that the two ponds on the Phase 1 site be fenced off during construction to avoid damage to the environment and wildlife.

1.3 Chemical Storage - the Parish Council requests further details of the proposed chemical storage, in particular its proposed contents and location on the site.

1.4 Wildlife / Ecology -it is noted that bats and barn owls are present in the Hayes Farm building. The Parish Council has concerns that the flight path of bats from Hayes Farm across the site to the Local Green Space and bat house will be adversely affected. Clarification is requested as to how this disruption will be managed.

The Parish Council also requests clarification as to who will be responsible for the Ecology Management Plan after the initial five year period.

1.5 Local Green Space - the area designated Phase 1 (shown to the left of the proposed development) remains in the ownership of the Church Commissioners and part of this area is designated as Local Green Space in the emerging Clyst Honiton Neighbourhood Plan. The owners of the land have given permission for the Parish Council to seek to designate this land as Local Green Space. For the purpose of clarity, the Parish Council requests that the planning application acknowledges the status of this land as described above.

The Parish Council will work with Broadclyst Parish Council and East Devon District Council to formulate plans for the proposed Local Green Space and would wish to see public access, including a circular nature trail, access to the River Clyst, a bird hide, inclusion of the existing bat house and information boards.

2. POLLUTION

2.1 Noise pollution - the Parish Council notes that an acoustic barrier will be provided along the whole length of the Broadclyst side of the site to minimise noise pollution for local residents. The Parish Council requests that a 4m high acoustic barrier be provided along the whole length of the Clyst Honiton side of the site, rather than the proposed length along approximately 1/3 of the boundary. (Diagram A (1) 009 Rev E

2.1.2 All vehicles and plant arriving at and leaving the site shall comply with the same restrictions on hours. The main contractor shall be held responsible for ensuring these instructions are given to all drivers, including those delivering all site materials.

2.1.3 These times may be varied according to local circumstances. Any works outside of these hours require prior approval from the Environmental Protection Team, Environmental Health. It should be noted that approval will only be granted under exceptional circumstances and the contractor will be encouraged to inform local residents in advance of the proposed activity.

2.2 Reversing Noise - the Parish Council has concerns regarding reversing noise pollution. The Parish Council Request that reversing noise is in line with EDDC reversing legislation see below

Audible Reversing Alarms

No high frequency audible reversing alarms are to be allowed on vehicles working on the site. The site shall be set out so that as far as practicable the need for visiting vehicles to reverse is minimised. White noise alarms or alternative arrangements for providing a safe system of work must be used. The best method for safe reversing is to arrange the working and delivery areas so that reversing is kept to a minimum. The use of a banksman is recommended, as are reversing cameras. Audible reversing alarms are intended to warn people in close proximity to the vehicle who might be at risk of injury - they are not intended to inform people off-site, sometimes up to 1 mile away, that a vehicle is reversing. There are a range of audible alarms available at reasonable cost that will meet this requirement.

2.3 Construction Hours - the Parish Council notes the proposed hours of construction and requests that it be made a condition that there are no plant movements outside of the agreed hours.. Lidl hours are not in line with EDDC legislation as seen below:

Hours of work

Where residential occupiers are likely to be affected by noise, the hours of work will normally be restricted to the following:-

Monday - Friday 8am - 6pm (Lidl was a 7am start!)

Saturday 8am - 1pm

Sunday and Bank Holidays No work where noise is audible at the site boundary

2.4 Recycling - it is noted that 97% of store waste will be recycled on site. The Parish Council requests clarification as to whether this process will add to potential noise pollution.

2.5 Vehicle pollution - the Parish Council remains concerned about possible air pollution from idling HGVs and requests clarity as to the number of proposed hook up points for refrigerated lorries and where HGVs in excess of that number will park with engines idling, in particular whether HGVs will park alongside the access road on the Clyst Honiton side of the site.

3. TRANSPORT

3.1 Travel to work - the Parish Council notes that the proposed travel to work statistics are in contrast to the aims of the National Planning Policy Framework and the East Devon Local Plan.

The Parish Council requests clarification of on-site provision for cyclists and recognition of the train / bus link to aid the sustainability of the site.

3.2 HGV routing - the Parish Council notes that the proposal is for all HGV traffic other than local deliveries to use the Clyst Honiton bypass (. The Parish Council remains seriously concerned that HGV traffic will start to use the village road and strongly requests that ALL HGV traffic should use the Clyst Honiton bypass

INCLUDING local deliveries. The Parish Council requests that this be a condition of a grant of planning permission where possible.

3.3 Shift patterns & vehicle movements - the Parish Council is concerned with regard to the clarity of information on shift patterns and notes that projections of vehicle movements are based on the statistics for the Durham site which is 50% smaller than the proposed Clyst Honiton site. The Parish Council therefore requests clarification on the number of vehicle movements as it appears that the information on proposed traffic flow is misleading.

4. LIGHTING

4.1 Light pollution - the Parish Council supports the proposal for daylight activated lighting, however, it remains concerned with regard to potential light spillage in to the adjoining Local Green Space and the village beyond. Lighting projections are not shown beyond the boundaries of the site and the Parish Council requests details of the likely view from the valley and clarification as to how potential light pollution will be managed to avoid any adverse effect on local residents.

5. PROPOSED ELEVATIONS

5.1 Front elevation - the Parish Council notes that there is no drawing of the proposed front elevation which includes the whole length of the building, the terraced car park and its 2m fencing and requests a drawing of this elevation and that the soft landscaping be of sufficient size so as to screen this elevation from the road.

6. TRAVEL PLAN

6.1 The Parish Council requests that it be officially included in

- o The six monthly consultation process with the Travel Plan Co-ordinator (4.3.1)
- o The annual Travel Plan review process (4.1.4) and
- o The information sharing process for any travel survey (4.6.1)

Clyst Honiton Parish Council would welcome a meeting with the Travel Plan Co-ordinator.

7. EMPLOYMENT

7.1 The Parish Council notes that there will be UP TO 500 jobs at full capacity and requests clarification as to how many jobs are envisaged in Phase 1 of the development. The Parish Council also requests

- o That the community be informed of job opportunities in order to publicise these on the Parish Council's website
- o A discussion with Lidl representatives as to opportunities for apprenticeships for local people

Further comments: 2 June 2016

ENVIRONMENT - The Parish Council is concerned that its comments and concerns have not been addressed either in the amended application or the comments by Lidl

dated 16 May. The Parish Council requests a full response to its comments and to the paper on the Local Green Space prepared by Simon Bates.

POLLUTION - The Parish Council notes Lidl's comments. However, in view of the fact that the area where lorries will be idling faces Clyst Honiton village and the nearby Mosshayne and Blackhorse developments, the Parish Council remains extremely concerned regarding noise pollution and again requests that an acoustic barrier be provided along the whole length of the Clyst Honiton side of the site on the land owned by Lidl.

2.1.2 All vehicles and plant arriving at and leaving the site shall comply with the same restrictions on hours. The main contractor shall be held responsible for ensuring these instructions are given to all drivers, including those delivering all site materials.

The Parish Council notes Lidl's comments and requests clarity.

Audible Reversing Alarms - The Parish Council does not consider that its comments and concerns have been addressed and requests a full response.

TRANSPORT - The Parish Council does not consider that its comments and concerns with regard to the train / bus link have been addressed.

Shift patterns & vehicle movements - The Parish Council remains concerned as to the accuracy of the figures. If plans are brought forward to increase the size of the depot then there will be a need to re-assess the transport figures.

PROPOSED ELEVATIONS - The Parish Council awaits the detailed CGI image of the front elevation. At present, the plans submitted are not detailed enough for the Council to make informed comments.

TRAVEL PLAN - The Parish Council notes Lidl's comments, however, Clyst Honiton Parish Council wishes to be INVOLVED and not merely informed.

Further comments 16 June 2016

The Parish Council is not satisfied that all of its concerns, as submitted previously, have been fully addressed and therefore **objects** to this application on the following planning grounds:

1. Noise
2. Access/traffic

Please note that the Parish Council will be registering to speak at the Development Management Committee meeting at which this application is considered.

Adjoining Parish - Cranbrook

Cranbrook Town Council is in support of application 16/0693/MRES on the basis of the following:

The area is in need of a good amount of local employment opportunities which this would certainly supply.

The access road is controlled by an adequate traffic light system which should ensure the smooth flow of workers cars and delivery vehicles.

The Council would like to see some further planting around the approach to the area and also along the stretch by the main road.

Adjoining Parish - Broadclyst

This is a major development in a rapidly expanding area that will change the appearance and nature of this part of the Growth Point area, and in order not to impinge on existing residents and dwellings the Council asks that the following be considered when working towards planning consent.

Highways

It is accepted that this type of development by its nature will generate multiple vehicle movements of all types, however much of the road infrastructure immediately surrounding the depot is unsuitable for large vehicles and/or a great increase in vehicle movements. It is therefore important, in order to protect the quality of life of local residents and excessive wear/tear on minor roads, that planning conditions require traffic plans to be put in place and enforced internally, both during the build and once operational. This should apply to all vehicles including contractors, subcontractors and staff.

Following on from this, it is essential that the Clyst Honiton bypass be a major part of the depots travel plan, with ALL large vehicles accessing and leaving the site via the bypass rather than the minor local road which runs between the site entrance and Junction 29 via Blackhorse village (the original 'old' A30).

Site fencing

Council welcomes the introduction of fencing to the Broadclyst side of the site following earlier comments. However, the acoustic fencing to the south of the site is 4 m; fencing to the north is only 2m in height and of a domestic close-board style. The Council respectfully requests that this fence line is raised to a minimum of 3m of a matching acoustic design to the south.

Public access

There has been historic public access (unauthorised) to the marshland between the western edge of the site and the river. It is not beyond the realms of possibility to provide public access to this area, especially to reach the "double-arch" pool adjacent to the railway. Local families have swum in and enjoyed the pool for many generations and if it is not too late to do so this could be a welcome and valuable contribution to the SANGS/ Green Infrastructure provision / development in the area. Council has seen the comment from Simon Bates, EDDC's Green Infrastructure Project Manager, and would like to record its support for the observations and recommendations contained within.

Public transport

It is hoped many staff will consider using public transport for commuting, therefore it is desirable to have timetables and links for public transport coinciding with shift changes, including night workers.

To further the need to discourage use of the private car for commuting, Council requests that the necessary investment in the public transport network is prioritised across the wider growth point area. Whilst Council appreciates this is beyond the scope and responsibility of one specific planning application, it is hoped EDDC will continue to work with its partners and stakeholders to provide a direct bus link between Cranbrook Station and the Airport.

Further comments 1st June 2016:

There has been no change to the height of the fence between Broadclyst Station and the site, despite Broadclyst requesting said; none of the comments raised by

Broadclyst Parish Council have been addressed as opposed to those of Clyst Honiton

Technical Consultations

National Planning Casework Unit

We acknowledge receipt of your notification regarding the above Environmental Statement.

We have no further comments to make.

Exeter & Devon Airport Ltd

We acknowledge receipt of the above planning application for the proposed development at the above location.

The proposal has been examined from an Aerodrome Safeguarding aspect with the following finding. Being such a large building that is close to the aerodrome it is possible that there may be some impact on one of the essential aircraft navigational aids (navaids). Although the ICAOs outline protection of the navaid stops just short of the proposed building the signal continues over the site and would be subject to reflections off the SE end and SW sides of the development.

For safety and consistency this build plan should be subject to a modelling exercise carried out by a suitably qualified organisation to ascertain if there will be any effect on the aerodromes navaids.

Accordingly, Exeter International Airport strongly object to the proposals on the grounds of aviation safety until such a time as it can be proved that there will be no effect on the aerodromes navaids in which case the objection will be lifted.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter International Airport.

Exeter & Devon Airport Ltd

I acknowledge receipt of the amended plans for the proposed development at the above location.

The amendments have been examined from an Aerodrome Safeguarding aspect and the plans now satisfy safeguarding criteria.

Accordingly, Exeter International Airport have no safeguarding objections to this development and the previous objection can be removed provided there are no changes made to the current application.

DCC Flood Risk SuDS Consultation

Devon County Council Flood and Coastal Risk Management Position.

At this stage, we object to this planning application because we believe that it does not satisfactorily conform to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013 to 2031). The applicant will therefore be required to submit additional information, as detailed below, to

demonstrate that all aspects of the development's surface water drainage management plan have been considered.

The proposals for this application seek to extend the use of underground tanks as the primary disposals of surface water from the site. These underground crates cannot be considered as a truly sustainable means of drainage because they do not provide the required water quality, public amenity and biodiversity benefits, which are some of the underpinning principles of SuDS. Consequently, above-ground attenuation features should be utilised unless the applicant can robustly demonstrate that they are not feasible; in almost all cases, above- and below-ground features can be used in combination where development area is limited.

It is recognised that below ground tanks have been provided as per the enabling works but opportunities to compliment these should be explored to provide a suitable SuDS management train within the surface water management plan. Airport safeguarding guidance will advise that the SuDS landscaping should be unattractive to birds, offering no food source or nesting habitats. This would not prevent above-ground SuDS features being incorporated into the design; well-maintained features such as filter strips and swales which incorporate short vegetation could still be used to manage surface runoff. It is recognised within the approved FRA by Wardell Armstrong that accompanied the Environmental Statement within the approved outline permission that open features would form a key part of the drainage strategy.

It is noted that tanked permeable paving is to be included within the car park parking areas, however, drawing B15267-500-P3 - "Option 1 Drainage Strategy on site HGV Stacking Outfall" indicates that this permeable surfacing will only be provided for a small section of the car parking areas. This should be considered for the entire car parking areas and investigation given to including additional drainage features which can complement the landscaping proposals such as drained tree pit designs, filter drains or swales. It is also noted that in the north of site, a non-HGV parking is also proposed; opportunities for permeable paving should also be explored in these areas.

The FRA notes that filter strips and swales are not feasible due to overrun of HGV's however opportunities should be explored to include these within areas outside the proposed trief kerbing or within areas where non-HGV traffic is proposed with adequate protection to the features. Indeed these features could be incorporated in the proposed landscaped areas across the site.

Clarification is required on the design standard, the submitted Micro Drainage support a design up to 1 in 100 year +20% CC however the proposed strategy drawing and section 6.2.5 indicates that the attenuation will be designed to the 1 in 30 year design standard and space being accommodated on site. The level of storage required for the 100 year event to be stored on the surface should be demonstrated together with supporting information to confirm this will be retained on site, in appropriate areas and will not result in flooding to the buildings or off site. If this is proposed the applicant must also demonstrate how surface water quality will be maintained if the site is flooded and will trafficked by HGV vehicles.

The applicant must submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.

I would be happy to provide a further substantive response when the applicant has provided the information requested above.

DCC Flood Risk SuDS Consultation

Further to the information provided within the Drainage & Flood Risk - Planning Response Note (Ref; B15267), dated 9th May 2016, Drawing No. B15267-SK004-A - Surface Water Exceedance Flow Routes and the revised Drainage Strategy (Drawing No. B15267-500-B, dated 06/05/2016) we have no further objection to the proposals.

Although the applicant has indicated that the proposed landscaped areas are too small to provide surface water management function, the applicant should explore whether these areas could be utilised as bio-retention areas during exceedance events or any additional water quality benefits which could be achieved. The proposed additional swale should also be appropriately landscaped to maximise its water quality and biodiversity benefit.

Environment Agency

Thank you for your consultation of 05 April 2016 in respect of the above reserved matters application. We apologise for our delay in responding.

Environment Agency position

We have no objections to this reserved matters application and consider that the issues of relevance to us have been adequately addressed.

Advice - Flood risk

We have reviewed the Jubb Consulting report 'Supporting statement Conditions 13 and 14, Flood Risk Assessment and Sustainable Drainage Strategy' (Report No. P15267/FRA01). On the basis of the information submitted we are satisfied that Conditions 13 and 14 have been satisfied.

Advice - Contaminated land

We have reviewed the Jubb Consulting reports 'Supporting statement Condition 19 Contaminated Land and remediation measures' (Report No. P15267/C19/B) and 'Supporting Statement Planning Condition 20, Protection of the Water Environment' (Report No. P15267/C20/B). On the basis of the information contained in the reports we are satisfied that Conditions 19 and 20 have been satisfied.

Further comments:

Thank you for your consultation of 05 April 2016 in respect of the above reserved matters application. We apologise for our delay in responding.

Environment Agency position

We have no objections to this reserved matters application and consider that the issues of relevance to us have been adequately addressed.

Advice - Flood risk

We have reviewed the Jubb Consulting report 'Supporting statement Conditions 13 and 14, Flood Risk Assessment and Sustainable Drainage Strategy' (Report No. P15267/FRA01). On the basis of the information submitted we are satisfied that Conditions 13 and 14 have been satisfied.

Advice - Contaminated land

We have reviewed the Jubb Consulting reports 'Supporting statement Condition 19 Contaminated Land and remediation measures' (Report No. P15267/C19/B) and Supporting Statement Planning Condition 20, Protection of the Water Environment (Report No. P15267/C20/B). On the basis of the information contained in the reports we are satisfied that Conditions 19 and 20 have been satisfied.

Further comments:

Thank you for sending through the amended plans for consultation. We have nothing to add to our comments of 9th May in which we raised no objections.

South West Water

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

Highways England

Referring to the planning application referenced above dated 7 April, in connection with the A30(T) and M5 and approval of reserved matters (access, appearance, landscaping, layout and scale) application for the erection of a distribution warehouse (use class B8) with ancillary offices, access, gatehouse, sprinkler tanks, plantroom, haulier cabins, HGV and car parking provision, earthworks, landscaping and associated infrastructure works (pursuant to application 10/2184/MOUT) on land at Hayes Farm, Clyst Honiton, notice is hereby given that Highways England's formal recommendation is that we:

- recommend that conditions should be attached to any planning permission that may be granted (see Annex A - Highways England recommended Planning Conditions);

Highways Act Section 175B is not relevant to this application.

This represents Highways England formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Annex A Highways England recommended planning conditions

HIGHWAYS ENGLAND ("we") has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect

of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard to planning application reference 16/0693/MRES and has been prepared by Sally Parish, the Asset Manager for the M5 & A30 in Devon.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development" and the DCLG National Planning Policy Framework (NPPF).

Statement of Reasons

Proposed Development

This is a reserved matters application for development pursuant to the outline planning permission granted under 10/2184/MOUT for 65,757sqm of warehousing (B8), landscaping and ancillary works (Exeter Gateway). This sets out a two phase scheme to provide a Lidl Distribution Centre and associated buildings with a total floor area of 65,757sqm, and so the full take-up of the floor-space allowance permitted at outline stage. It is intended that phase 1 would comprise 49,476sqm of B8 and associated buildings, with 16,281sqm developed as a mezzanine during Phase 2.

It is noted that a reserved matters application was previously submitted by Sainsbury's (11/2118/MRES) for 49,119sqm of B8 pursuant to the same outline permission. This new application seeks to take-up a greater floor-space, although clearly still within the limit governed by the outline permission to which the, then, Highways Agency responded with a direction specifying conditions at the time. One such condition was a limit on occupation of floor-space to 37,000sqm "until such time as the Clyst Honiton Bypass, and associated improvements to the A30 Trunk Road and Airport Junction have been constructed and open for use". However, this key infrastructure scheme was completed and opened to traffic in October 2013, so this previously imposed limit on occupation will no longer apply.

Transport Statement

A Transport Statement (TS) prepared by WYG has been submitted to support this reserved matters application. It is expected that the depot will employ circa 500 staff, with most working on a three shift system over 24hrs. As such, the maximum number of staff expected to be working at any one time is 260. Moreover, the shift change times will occur outside of the normal weekday peak hours.

Section 5 of the TS compares the expected traffic generation of the Lidl Distribution Centre proposed with the analysis done for the consented outline scheme, and also the work done to support the Sainsbury's reserved matters application. Based on the trip rates agreed for the outline application, it was accepted that the total development trips would be 257 in the AM peak and 263 in the PM peak hour. The trip rates subsequently agreed for the Sainsbury's reserved matters application were

lower, and with a reduced scale of B8 sought resulted in predicted development traffic flows of 131 and 154 in the two weekday peak hours.

In order to estimate the traffic generation associated with the larger Lidl Distribution Centre two trip rate sources have been used. The first was the previously agreed rates for Sainsbury's, and the second sourced from surveys done at a Lidl Distribution Centre in Durham. It is noted that the trip rates derived from the latter source were lower than those used in the agreed work for the Sainsbury's application, but not appreciably so. It is accepted that using each set of trip rates and applying this to the full Phase 1 and 2 build-out will result in lower expected traffic generation than previously agreed as acceptable in respect of the potential impact on the SRN in the outline application.

Recommendation

In view of the above considerations and information provided in the TS by WYG, Highways England is not minded to offer any objection to this reserved matters application but would recommend that the following conditions, previously directed in response to the outline application, are retained as follows:

1. Development shall not begin until a Construction Environmental Management Plan has been submitted to and agreed in writing by the Local Planning Authority in consultation with Highways England.

Reason: In the interests of highway safety and the free flow of trunk road traffic.

2. Development shall not begin until details of the implementation, monitoring (including via traffic counters at the entry/exit points to the site), marketing and review of the Green Travel Plan for the development have been submitted to and agreed in writing by the Local Planning Authority in consultation with Highways England. Such details shall include proposals for the provision of information on sustainable travel, targets for mode share, provision of public transport services, provision for walking and cycling to the development (IMFT) site, and timescales for the implementation, monitoring, reporting on and review of the Plan.

Reason: In the interests of promotion of sustainable travel modes and the free flow of trunk road traffic.

County Highway Authority

Observations:

The application is similar to the previous planning permission reference 11/2118/MRES which was approved in November 2011.

The highway authority have no objection to the renewal of planning permission with slight variations now sought and would recommend that the permission is subject to the same

Section 106 requirements and planning conditions imposed on the previous above mentioned planning permission.

Note:

The planning officer has brought to my attention to the existing Section 106 requirement for bus stops and bus shelters to be provided on the B3174 near its

connection with the Clyst Honiton Bypass. The bus stop raised kerbs and flag poles have already been constructed on both sides of the B3174. With regard to the bus shelters the highway authority do not require them at present, but may require them in the future and this element should still be included in the Section 106.

Recommendation:

The Head of Planning, Transportation and Environment, on behalf of Devon County Council, as Local Highway Authority, recommends the following conditions shall be incorporated in any grant of planning permission.

Natural England

Natural England has no comments to make on this application.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England.

Environmental Health

I have considered the details in the CEMP submitted by Jubb consulting engineers Ltd and I am satisfied that noise, and hours of work are covered adequately within the document and all works shall be carried out in accordance with the CEMP

I accept that the proposed lighting scheme submitted by Thorn shall minimize any light pollution in the area and all proposals to be implemented as stated.

I accept the details within the Air Quality report submitted by WYG Planning o& Environment and all monitoring to be carried out as detailed in the report.

I have read the noise report. I must agree with all the noise assessment results and the compliances with ABC method for construction noise under BS 5228-1:2009 & A1:2014 and for the plant noise and standby generator complies with BS4142. I am not really concerned about the staff parking and possibly the traffic noise which they state also complies.

I accept the amended report submitted by WYG which states that section 7.2 Operational Phase, page 34 details their plans to carry out a second noise report within one month of becoming operational. Any recommendations and conclusion found from the second report that may differ from the findings of the modelled report to improve noise levels to residents must be implemented and agreed with the Local Planning Authority within two months of the report.

Contaminated Land Officer

This site has been extensively excavated and restored during previous works to prepare it for development. The CLO was involved and fully updated throughout. There was contaminated material on site but we were satisfied that this has been removed and only clean material used in the levelling of this extensive site. Validation paperwork will have been provided to the new owners. I therefore do not anticipate any contaminated land issues in respect of this site but recommend that should the new developer encounter any concerns they consult the Contaminated Land Officer.

Other Representations

Representations from one neighbouring resident:

- concerns raised over noise and light pollution
- request for contributions towards domestic mitigation measures

One representation received from the Sustainable Transport Consultant for Devon County Council:

Recommendation 1 - Reconfigure the design of the parking area to move the cycle parking closer to the main entrance, swapping locations with the electric vehicle charging points.

Recommendation 2 - Additional provision of cycle parking is made of the rear of the site for haulier staff

Recommendation 3 - All cycle parking should be sheltered from the elements. The shelter design needs to take into account the direction of the prevailing wind to avoid it being ineffective.

Recommendation 4: If the cycle parking doesn't have good natural surveillance e.g. windows overlooking the site, than a proportion of the main cycle parking area for staff should be secure with either a key code and swipe card access. Some of the parking should remain outside of any compound for infrequent users or visitors.

Recommendation 5 - Provide an additional pedestrian/cycle access path (3 m wide) for staff/visitors travelling from the Cranbook direction on the B3174

PLANNING HISTORY

Reference	Description	Decision	Date
10/2184/MOUT	Intermodal freight facility and freight distribution centre; 65,757 square metres of warehousing (B8); landscaping and ancillary works (Exeter Gateway). Amended proposal and updated Environmental Statement. (Extension of permission 00/P1394).	Approval with conditions	15.09.2011

11/2118/MRES	Reserved matters application for the erection of a distribution warehouse (use class B8) with associated ancillary offices and means of access, gatehouse, energy centre, resource recycling unit, vehicle maintenance unit, fuel island, sprinkler tanks, pump house, vehicle wash, car, motorcycle, cycle and HGV parking, landscaping earthworks, associated infrastructure works and provision of replacement bat roost (pursuant to application 10/2184/MOUT). (Phase 1, Plot 1 development comprising 49,119 sq.m. total floor area)	Approval with conditions	25.11.2011
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POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 3 (Sustainable Development)

Strategy 5 (Environment)

Strategy 5B (Sustainable Transport)

Strategy 9 (Major Development at East Devon's West End)

Strategy 10 (Green Infrastructure in East Devon's West End)

Strategy 11 (Integrated Transport and Infrastructure Provision at East Devon's West End)

Strategy 15 (Intermodal Interchange)

Strategy 38 (Sustainable Design and Construction)

Strategy 40 (Decentralised Energy Networks)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

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

EN14 (Control of Pollution)

EN16 (Contaminated Land)

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

EN22 (Surface Run-Off Implications of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC12 (Aerodrome Safeguarded Areas and Public Safety Zones)

National Planning Practice Guidance

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The application site is located to the north of the village of Clyst Honiton on land at Hayes Farm to the east of Exeter. The London, Waterloo to Exeter railway line forms its north western boundary and the route of London Road (the former A30) defines the boundary to the south east. The boundary to the west follows the River Clyst which flows south, eventually joining the River Exe. The north eastern boundary is defined by a hedgerow, with agricultural land beyond.

Sainsbury's undertook significant ground and infrastructure works so the site is now largely level except for the far northern end which is currently marked by a pile of rubble over part of the original site levels. There is also a raised level at the southern end of the site supported by a crib-lock retaining structure which sits approximately at the main road level. The site currently has a semi-developed, engineered appearance which is largely out of keeping with the more natural/agricultural land to the NE and SW. Some recent planting has taken place just outside the RM application site, adjacent to the railway line.

On the other side of the London Road/Clyst Honiton Bypass is the Skypark site which is in the early stages of being developed out as a business park. Opposite the

site, on higher ground, is the Geopost (DPD) parcel distribution depot at about 5,633 sqm floor area.

The nearest residential properties are located to the south at Clyst Honiton village being about 300m away at the nearest point. There are however, two closer houses just outside the village at about 140m from the site. To the north east there are a number of houses along Station Road. These are situated about 500m away.

ANALYSIS

Relevant Planning History

The original outline planning permission 00/P1394/MOUT for the Intermodal Freight Facility and Distribution Centre comprising 65,757 sqm of B8 with landscaping and ancillary works was approved on 21st December 2007. This was accompanied by an Environmental Statement and a S106 Agreement.

10/2184/MOUT - a new outline planning permission to replace the then extant consent 00/P1394 was granted for the Intermodal Freight Facility and Freight Distribution Centre (IMFFDC) on 15 September 2011 as follows:-

"Intermodal freight facility and freight distribution centre; 65,757 square metres of warehousing (B8); landscaping and ancillary works (Exeter Gateway). Amended proposal and updated Environmental Statement. (Extension of permission 00/P1394)."

After consideration by the Development Management Committee on 14 June 2011, this permission was granted in order to extend the time limit for implementation for which it qualified under the legislation "Greater flexibility for planning permissions" published by the Communities and Local Government (CLG) in October 2010. At the same time, approval was given to amendments to several conditions and a variation of some relevant clauses in the Section 106 Agreement which accompanies the outline planning permission.

Additionally, Members agreed that the provision of the railhead could be postponed until after the first occupation of 50,000 sq m of warehouse space, but require that a Network Rail 'Governance for Railway Investment Projects Stage 4 Report' (GRIP Stage 4) be procured at the developer's expense within two years of occupation. The variation to the Section 106 Agreement also requires the developers to carry out and complete the railhead to the satisfaction of this Council and to "enter into the relevant Railway Licences (or procure that the Railway Licences are entered into) so that the Track and Railhead is connected to the Main Line and can be used for access to and egress from the Land for the carriage of goods to and from the Main Line" prior to the commencement of construction of any building over 50,000 sq m or any works of construction on the land adjoining or adjacent to this site.

11/2118/MRES - Reserved matters application for the erection of a distribution warehouse (use class B8) with associated ancillary offices and means of access, gatehouse, energy centre, resource recycling unit, vehicle maintenance unit, fuel island, sprinkler tanks, pump house, vehicle wash, car, motorcycle, cycle and HGV parking, landscaping earthworks, associated infrastructure works and provision of

replacement bat roost (pursuant to application 10/2184/MOUT). (Phase 1 development comprising 49,119 sq .m. total floor area).

Reserved Matters approval was obtained on 25th November 2011.

This reserved matters approval was obtained by Sainsbury's on a larger part of phase 1 of the total IMFT site. Work commenced on site comprising the decontamination and earth works to the levels required to facilitate the construction of the distribution centre. The main access road was constructed together with lighting, services, some drainage works, an acoustic fence and a bat building. Work then stopped as Sainsbury's evaluated their need for a distribution centre at this location and eventually the site was sold to Lidl's. Offsite tree planting was also carried out to the rear of the site by the railway line.

Proposed Development

The approval of reserved matters is sought for the access, appearance, landscaping, scale and layout of a development comprising a regional distribution centre building including the access, parking, landscaping and associated works and ancillary buildings/equipment.

In addition, there are a number of conditions attached to the outline planning permission requiring various details to be submitted with or before a RM application:

- 1) Condition 2 - Levels
- 2) Condition 3 - Phasing
- 3) Condition 7 - Masterplan, Design Guide, Sustainability Strategy
- 4) Condition 9 - Materials
- 5) Condition 13 - Surface water drainage SUDS
- 6) Condition 14 - Foul Drainage
- 7) Condition 23 - Landscaping
- 8) Condition 26 - Boundary treatment
- 9) Condition 29 - Mitigation Measures in the ES
- 10) Condition 30 - Protected Species Statement
- 11) Condition 31 - Exterior lighting
- 12) Condition 32 - Refuse/recycling storage
- 13) Condition 43 - Noise
- 14) Condition 47 - Air quality
- 15) Condition 48 - External plant/machinery

In essence, the current RM application seeks to gain permission for a single large building with a floor area of 48,944 sqm together with mezzanine provision of 16,281 sqm. In addition there are several other ancillary smaller buildings/plant such as a gate house, haulier cabins, bat house of an indicated 531 sqm - resulting in a proposed overall floor area of 65,757 sqm.

As the outline planning permission and Section 106 restricts the development to 50,000 sqm without the railhead being provided, the proposal is to complete the 49,475 sqm initially and then provide the mezzanine floorspace at a later date in response to network growth and the outcome of the railhead provision.

The main building will have a length of approximately 365m, a width of approximately 125m, and a maximum height of 18.5m. The building would contain a number of different areas to service its stores together with associated office, plant and service space. Loading doors would be located on the north-east and south-west elevations, with the main office and entrance being on the southern end.

The main car park is on the elevated section of the site at the southern end with the main link from this into the building being via a bridge. This parking would provide for about 225 spaces plus disabled (15), motorcycle (6), and electric car spaces (20). Cycle storage and smoking shelters would be included in this area.

The main area of HGV parking is at the northern end of the site and include HGV standing bays (218 spaces) and Haulier parking spaces (70 spaces). In terms of loading bays on the building, there are 57 on the north-east side (Goods in) and 69 on the south-west side (Goods out).

The site served by an existing access constructed by Sainsbury's onto the London Road, close to the by-pass. The existing access runs up most of the south-west boundary of the site but does not currently serve the northern parking area. The access which splits the parking area into two does exist.

Within the northern quarter of the site would be located several ancillary structures: one area would be 2 sprinkler tanks, pump house, sub-station, gas kiosk (max height of the group about 12m); four haulier cabins (appear as 'portakabins') and a gate house with WC.

Landscaping is a reserved matter and accordingly details have been submitted. Due to the building and parking areas, there is relatively little area remaining indicated to be soft landscaped. There are thin strips along much of the side boundaries but most planting is concentrated in three main areas: around the front car park; the access road cutting the main parking area in two and at the northern end of the parking area.

In addition to the main plans and drawings submitted, there are a number of technical documents and details covering the following:

- 1) Transport Statement and Travel plan
- 2) Design and Access Statement
- 3) Statement of Community Engagement
- 4) Waste Management and Recycling Procedures
- 5) Protected Species Scoping, Badger and Bat Survey
- 6) Planning Statement
- 7) Soft Landscape Design Statement
- 8) Landscape and Visual Impact Assessment
- 9) Flood Risk Assessment and Sustainable Drainage Strategy
- 10) Review of Nature Conservation Management Plan Implementation and Requirements
- 11) Lighting Assessment
- 12) Air Quality Assessment

- 13) Sustainability Statement
- 14) Protection of the Water Environment
- 15) Contaminated Land and Remediation Measures
- 16) Boundary Treatment
- 17) CEMP
- 18) Noise Assessment

Principle and Scale of the Development

The grant of the outline planning permission secures the principle of a storage and distribution (B8) use, and the level and type of activity associated with such a use, on the site.

Condition 6 of the outline permission requires the reserved matters to be in accordance with a number of approved plans comprising a Masterplan for the entire intermodal site, the Phase 1 site area, and details of the Clyst Honiton Bypass. Condition 7 of the outline also required submission and approval of a further illustrative Masterplan, and a Design Guide. The approved Design Guide, which is still considered valid for the current reserved matters application, dealt with a number of key design principles covering dimensions, detailing, materials, boundary treatments, and landscaping.

The current application has broadly the same layout and scale as the approved Sainsbury's scheme, which was considered to be in accordance with the fundamental elements of the approved Masterplan and Design Guide. While the current application site area is larger than the Sainsbury's application site (as it encompasses what was originally intended to be phase 2 of the development site now being proposed as a HGV parking area), the building itself is broadly in the same position and is of a similar overall scale and massing as the approved scheme. This accords with the parameters set by the outline application as expressed in the approved Design Guide and the principle of constructing a building of this significant size and scale in this location does not therefore in itself raise any particular issues. The building will have a significant and far ranging impact on the character and appearance of the area but this level of impact has been accepted and the wider character of the area will be subject to considerable change over the next 20 - 30 years with the build out of the Intermodal site and Skypark.

However, notwithstanding this assessment, the design of the building is different from the approved scheme and since that previous approval there has been a change in local and national policy and guidance and it is considered fully reasonable for the design of the building to be carefully reviewed.

Economic Impact

The Intermodal site has been stalled for some time since Sainsbury's change in operational plans. As the site forms part of the strategic employment offer in the Growth Point its further development is an important consideration. Further correspondence with Lidl confirms a significant investment in the site (circa £50 million) with approximately 500 jobs being created. As such the development

delivers important and significant economic benefits to the Growth Point and wider District which weigh heavily in favour of the proposal.

Design and Landscaping

Since the Sainsbury's approval the new East Devon Local Plan has been adopted and Policy D1 requires high quality design. Furthermore the NPPF and NPPG, which have both been published since the previous approval, place a strong emphasis on design quality, identifying the value of good design and that planning should drive up design standards across all forms of development. The NPPG also advises that major projects should be subject to Design Review.

The proposal was not subject to pre-application discussions and so the only opportunity officers have had to assess the design is through the application process.

As originally submitted the scheme proposed a shallow pitched roof building measuring approximately 365m long, 125m wide, and with a maximum height of 18.5m. Externally the building would be clad in Horizontal Profiled Sheet metal galvanised in plastic in two main colours – Graphite Grey and Goosewing Grey – with the darker shade being the predominant colour located on the upper elevations of the building. A large number of loading doors would be located on the long northern and southern elevations, set below a mix of horizontal window bays interspersed with 4 pane vertical windows. The main office and entrance is located on the eastern end with this elevation being articulated by the horizontal window bays and one full height glazed panel. The main entrance bridge from the carpark was located to the side of the building. The elevations are further detailed with a number of external ladders, safety rails to the roof, and external plant mounted on the roof.

In terms of officer assessment the key areas of concern related to the impact of the building in both close and distance views of the site, in particular views from Science Park, in terms of the use of materials, design features, and impact of the roof. The scale of this building is significant, its length being only slightly shorter than the Empire State building lying on its side (365m compared to 381m) and as such it will most likely be the largest building in East Devon if not Devon. The design was judged as being overly functional with little consideration given to ways to mitigate this scale and enhance its external appearance. Although accompanied by a Landscape Visual Impact Assessment, the Landscape Architect concluded that the study area used in the assessment was inadequate and should extend to an area of 5-6 km in recognition of the scale and impact of the building. The impact on the proposed Clyst Valley Regional Park was also not fully assessed. A number of issues with the detailed landscaping were also identified regarding scope for additional planting areas, the suitability of tree and shrub species, conflict with underground services, and the provision of additional SUDs features (see further discussion below). Officers were also concerned over the amount of external paraphernalia on the building, in particular the externally roof mounted plant, and the location and form of a number of the boundary treatments, particularly to the front of the site. At the beginning of the application officers requested close up and distance

view CGI's of the building and while these were submitted they were not formally included in the application as they were not accurate.

While design was raised an issue from the outset of the application, and suggestions made regarding a more creative use of cladding, enhanced landscaping, and incorporation of a green roof, Lidl were at first reluctant to engage on detailed discussions regarding design.

Following a meeting with officers the scheme was however been subject to the following amendments and improvements:

- External roof plant lowered into the roof
- External staircases closest London Road enclosed by cladding panels
- Additional area of glazing added to front (east) elevation
- Tilting of the tip section of the front elevation to address airport safeguarding (see further discussion below)
- Relocation and amendments to the proposed fencing
- Various amendments to the Landscape Masterplan with a response confirming a number of changes to the detailed planting although the detailed planting plans were not revised

In order to provide a robust assessment of the design EDDC's commissioned a desk top review of the amended scheme by the South West Design Review Panel. This was undertaken with the panel requesting further clarification on a number of points and additional information, most notably CGIs of the building to support longer distant views from the West and North West, CGIs of the entrance block and plans to assess their relationship to views out, and a detailed materials palette. The following design/layout issues were also identified:

- The awkward cut off corner of the front elevation and apparent conflict with the carpark access and truck circulation routes
- The front "east" elevation requiring a lot more consideration
- Understanding of the "airport safeguarding" requirements
- Improvement to the layout of the carpark and entrance road
- The lighter coloured cladding material to be used higher up the building to reduce its impact
- Reposition of the bridge to make it more central, as per the original Sainsburys scheme
- Strengthening the planted edge to the south of the building with high impact tree planting
- Levels and landscaping seeming to be better resolved in the Sainsbury's application
- A recommendation to look at other exemplary sites, which appear to have resulted in much higher quality design solutions.

Following receipt of this letter a meeting with the SWDRP which was held on 7 June 2016. Prior to the meeting Lidl tabled some draft amendments, together with a CGI of the front and rear elevations. These key design changes were as follows:

- The relocation of the bridge direct from the carpark to the front of the building,

- A swap of the cladding colour so that the lighter colour is the predominant colour positioned further up the building with the darker grey being used to highlight the loading bays
- Additional tree planting on the southern side of the site

The panel meeting was useful and enabled the issues previously identified by the SWDRP to be fully explored and for a better understanding to be gained regarding Lidl's operational requirements. The panel welcomed the change to the materials, the reposition of the bridge, and usefully confirmed that the external staircases were judged to add a human scale to the building, albeit the external cladding of the staircases closest to London Road could be retained.

A number of potential additional amendments/issues were discussed as confirmed in the second panel letter, which recommends the following:

1. The front elevation needs to be developed further, ideally to remove or reconcile the 'cut off corner' that is at odds with the overall design and better integrate the requirements for airport safeguarding.
2. Secure better external amenity spaces for staff and visitors, noting the available space to the edge of the car park and the potential to make more use of the wider bridge. Seating with outdoor tables could be incorporated.
3. Getting the maximum mitigation possible from landscaping opportunities to the boundaries and in the car park (particularly from the south and west). The ramped access to the car park should not be left exposed without considering its landscape impact.
4. To reconsider and improve the southern elevation in relation to the fenestration and the rhythm of windows proposed. Shading of south and west facing windows to reduce solar gain should be included.

The scheme was formally amended by Lidl prior to the receipt of the SWDRP letter and the initial officer assessment identified a number of outstanding issues to which Lidl were invited to submit a further response. This has now been received together with some additional drawings and the following assesses how far the scheme has addressed the discussion with the panel and their formal response.

Issue 1 – Front elevation

Cut off corner:

In discussing this feature Lidl made reference to the approved access as being the basis for the implemented scheme. Operationally the layout allows movement of HGV and other traffic in and out of the site and avoids any backlog of vehicles onto London Road. The levels on site also limit availability of locations for an entrance access and the car park plateau at the front is established.

These existing features were noted but the panel observed that this has compromised the front corner, which leaves a less than satisfactory front elevation. This cut off corner is simply a result of functionally fitting a wider building into the site rather than being a deliberate design decision. There was discussion over what could be done to this elevation to improve the appearance with reference being made to the difficulties of adding windows where there is no functional need to do so. There was some discussion about whether the building could be set back further and

if necessary a corner be removed in a less prominent position with the bridge extended to accommodate access, but Lidl felt this would not be feasible.

The final recommendation of the panel is that these options be explored with Lidl's architect before their final submission as the best solution would be to have an integral flat frontage.

In response to this Lidl have revised the elevational treatment to the front (east) elevation by adding a section of darker grey cladding and the horizontal window bay to the corner elevation, to better tie in with the rest of the frontage. In respect of moving the building back Lidl have responded citing the impact on traffic circulation, increased distance from the staff carpark to the entrance, inefficient use of space, and loss of operational floorspace as the reasons this cannot be secured. While it is considered there is sufficient space to move the building without impacting on traffic circulation and an enlarged bridge feature would be visually preferable, the operational concerns are considered reasonable. Moving the building back would still require a corner of the building to be cut off and while this can be accommodated within the uses at the front of the building, this would not be operationally acceptable within the uses proposed at the rear of the building.

While not as extensive a change as recommend by the panel there are accepted operational reasons why this cannot be accommodated. The elevational changes proposed gives a more balanced appearance to the front elevation and together with the other changes previously made (repositioning of the bridge and the addition of second glazed panel) this elevation now has a greater definition and presence commensurate with it being the front 'public' facade and entrance to the building.

The only matter of design not addressed is the construction and external finish/materials of the bridge. Given the importance of this feature an appropriate high quality treatment will be key and the finished detail of this will therefore be conditioned.

Airport Safeguarding:

To address impact on the airports navigational equipment the top seven metres of the building on the eastern elevation has been tilted forward by 7°. Other design solutions such as material and parapet changes were not considered feasible.

This solution was appreciated by the Panel and accepted but they advise that more consideration is needed of the detail of how the tilted section of the façade would be terminated on either side. As revised, the plans did not provide this level of architectural detail, and while a further perspective and section drawing of the front of the building has been provided, this still fails to show the detailing and treatment of the edge of the tilted section. It is however considered that this detail can be conditioned.

Issue 2 – External amenity space

The panel identified a lack of staff amenity space on the upper car park level and considered that there was sufficient space to the side of the car park to provide an outside seating area. There is an outside area proposed at the lower level but this would be adjacent to the HGV route and the panel felt an additional area would be

beneficial. They also felt there was scope for a widened bridge to provide amenity space.

In response to this Lidl have added an amenity area on the landscaped space to the side of the car park within the secure perimeter fence. This has necessitated the removal of some of the proposed tree planting but this is considered acceptable (see further discussion of landscaping below). While the potential of the bridge to be used as an amenity space has not been explored, this revised layout directly addresses the panel's comments.

Issue 3 – Landscaping

The amendments viewed by the panel included further tree planting along the southern border as recommended previously.

This was welcomed and the panel further advised that a low maintenance solution, in line with EDDC's advice on indigenous species and formal/informal planting regimes, be secured. To address these points the panel recommended that a meeting be held between the landscape consultants and EDDC to aim to resolve this from the following perspective:

1. Preparation of sections to ensure that planting arrangements do most benefit to screen/mitigate the impact of the building notably on the southern (frontage) and eastern (regional park) elevations.
2. Native planting would be applicable given the railway line frontage, however the use of species (such as Hawthorn) with a low life span should be avoided in favour of robust indigenous varieties that can provide a better presence along boundary edges and work with the scale of the building.
3. Consider tree planting in the car park – again noting the potential of sections to show the effect of tree coverage to the frontage – noting that there are some species types better suited to car park environments and locations that will not reduce the number of car parking spaces. Trees are a welcoming element to a building for staff and visitors.
4. Sections will also assist detailed development of the design at important boundaries and demonstrate how impact from fencing can be softened with appropriate planting. The long south elevation would benefit from more regular spaced and appropriately scaled tree planting set in front of the security fencing. The landscaped edge being within Lidl's ownership would ensure regular maintenance.

The further landscape amendments take the form of a revised Landscape Masterplan and detailed planting plans and landscape sections which show additional tree planting along the front boundary and corner of the site, further tree planting within the large landscaped areas set within the HGV park, and the location of the planting outside of the perimeter palisade fencing, all of which directly address a number of the comments of the panel and Landscape Architect.

However, the Landscape Architect still has concerns over the non-native planting

scheme proposed to the HGV carpark, opportunities for additional tree planting/landscaping within the HGV carpark, to the north west corner of the site and within the front staff carpark, and inconsistencies within the planting specification. A number of these outstanding issues relate directly to the comments of the panel.

Lidl have provided a further response via their Landscape Consultant, who unfortunately has not been in direct contact with the Landscape Architect, and have requested the scheme be considered on the latest submission.

HGV landscaping:

In terms of the planting within the HGV park, the current scheme proposes native thicket planting to the top of the HGV carpark but more ornamental shrub planting to the lower end and on the north west corner of the site and still includes large areas of hardstanding which could be further landscaped. Lidl's response is that the plants chosen are either native to the area or have a beneficial impact on local wildlife, are suitable for a light industrial estate environment, and will give the site its own identity and local character. They also feel they have incorporated sufficient additional planting. While the use of non-natives to give identity at the front of the site is acceptable, the Landscape Architect remains of the view that the HGV park would be more suitably planted with native species as a key aim here is to reduce and mitigate the impact upon the Clyst Valley Regional Park and the visual amenity of the wider landscape setting. Natives would be more robust than the provided ornamentals and currently the scheme feels incoherent. It is also felt that additional screening within the HGV parking area would be beneficial.

Staff carpark:

Regarding additional tree planting within the staff car park, Lidl are not willing to consider this due to perceived maintenance issues, the resulting loss of spaces, and reduction to the area of permeable paving. They also feel that sufficient additional tree planting around the carpark has been provided. These arguments are not considered valid in that the both the panel and Landscape Architect has judged that trees can be provided without a loss of spaces or maintenance issues and additional trees would count as part of the SUDs function as their rooting zones could be used as bioretention areas.

Planting specification:

The Landscape Architect made a number of recommendations regarding changes to the planting specification which Lidl previously confirmed would be incorporated, in particular the inter-planting of certain species with taller shrubs. This has been done in part but has not been extended to the front carpark. Again this gives an inconsistent and discordant landscaping scheme.

Taking all these issues into account the submitted landscaping scheme cannot be assessed as fully addressing the issues and concerns raised the Design Review Panel and the Landscape Architect. However, this must be weighed against the benefits of the scheme and the improvements that have been secured. While further changes could be made which would further mitigate and integrate the development within the landscape and proposed Clyst Valley Regional Park and give a more coherent landscaping scheme, on balance it is not considered that the lack of these additional landscaped measures render the scheme unacceptable. The landscaping

will be protected for 5 years under the outline condition and if any of the planting fails there will be an opportunity to secure replacement planting and this would give an opportunity to discuss more appropriate species. The offsite landscaping that has been carried out will also provide further screening to the rear of the site in the longer term and the additional tree planting proposed to the site boundaries, together with the design changes secured, has gone a long way to mitigate the impact of the building.

Issue 4 – Southern elevation

The applicant stated that the cladding proposed was in line with Lidl's corporate branding and it was accepted that reversing the cladding with the lighter shade located higher up the building with the darker on the lower elevations would result in a better result in terms of visual impact.

This was welcomed by the panel and the materials samples that have been submitted were considered to be acceptable.

Further discussion focussed on the large four pane windows set alongside the horizontal windows on the southern and northern elevations. This was felt to be at odds with the panelling and horizontal windows and it was recommended that the fenestration be revised to have an overall rhythm and maintain a calmer horizontal line in the landscape.

The revised plans have retained the different window pattern but the four pane windows have been reduced down to two panes so that they no longer project above the line of the horizontal window bays. This gives a better rhythm to the building and means that the darker grey panels now have an unbroken line.

The only design feature highlighted by the panel but not addressed in the revised scheme is the use of solar shading, as while the submitted drawings referred to such features in terms of the materials list, they did not provide any detail. Additional drawings have now been provided confirming the use of triple glazing with solar reflective glass for the offices and an automatic external window blinds for the warehouse. While it is unfortunate that the design does not incorporate more interesting brise soleil to provide shading, the panel did not specifically identify any treatment or design standard and the proposed shading methods will reduce heat gain to improve the sustainability of the building.

Design Review Conclusions

Taking all this onto account the latest amendments have largely addressed the comments and recommendations of the SWDRP and Landscape Architect to the significant benefit of the scheme. While the landscaping could be further enhanced, the building has a significantly improved design with strengthened landscaping to both reduce its impact in distance views of the site and give a better appearance in close up views from London Road.

The only outstanding issues are the architectural detailing of the edge of the tilted elevation section but it is considered that this can be conditioned, together with details of the bridge.

Other Structures

Regarding the other ancillary buildings and structures proposed in the application, i.e. haulier's cabin, gatehouse, sprinkler tanks etc, full details have been included in the application. While these buildings/structures are functional in their design and appearance they are all subservient in scale to the main depot building much that they will not have a significant impact on the area. The detailing of the cycle stands (see further discussion below) and smoking shelters has not been provided but can be conditioned.

Access and Parking

The site access arrangements are as per the previous reserved matters consent, which have been implemented on site.

Vehicles:

The main vehicular access to the site is taken via a signal controlled junction from the Clyst Honiton bypass which is now fully operational. The access road provides dedicated right and left turn lanes for traffic exiting the site and a dedicated right turn lane for cars turning into the main site parking area. The car park access road comprises a sharp right hand and then left hand bend to give access into the raised car park at the front of the site. After this point the site access road narrows to two lanes and HGV traffic will access from the rear of the building with a complete two lane circular HGV route being provided around the building together with further links around the parking area at the northern end. A gatehouse is proposed at the rear of the site, after the main internal road serving the building with access to the building and some of the HGV spaces controlled via secure gates. This internal road arrangement serves to separate cars/staff parking from HGVs/servicing to minimise any potential for traffic conflict within the site.

In terms of car parking numbers there are no maximum or minimum standards set in the Local Plan for commercial development and the current level of car parking proposed (330 spaces in total) is based on staff numbers, anticipated shift patterns, and a TRICS assessment of the commercial warehousing staff mode split. On the basis of the anticipated 500 employees applying a shift pattern modelled off another Lidl distribution site, it is identified that the maximum number of staff at peak time will be 334. Given the nature of the site and location, and even taking into account the previous Local Plan parking standard which are referenced in the Design Guide, this level of parking is not unreasonable. If the former standard of 1 space per 200 m² of B8 (319 spaces) and 1 space per 30 m² (63 spaces) of B1 is applied the parking level proposed accords with the Design Guide.

The proposed HGV park would provide 218 spaces, 20 of which would be dedicated for recharging refrigerated vehicles, while around the building would be a total of 126 operation HGV loading spaces. The Transport Assessment does not provide any analysis of the parking numbers proposed or any traffic generation levels but the Sainsbury's scheme provided 218 trailer spaces, which the Highways Officer confirms are the same as HGV spaces. Further information provided by Lidl in response to the Parish Council also identifies that the level of HGV parking proposed is sufficient for the number of vehicles on site at any one time. As such there will be

no need for HGV's to idle on the access road waiting for a space so as to reduce the noise and disturbance from HGV movements.

In terms of traffic generation, while the total floorspace is proposed over two phases, the TRICS analysis set out in the Transport Assessment provides an assessment of both the first phase on its own and the two phases combined. The figures are cross referenced against the trips rates considered in the approved Sainsbury's scheme and trips rates used for a recent assessment of a proposed expansion of another Lidl depot. While the objection and concerns of the Parish Council regarding the accuracy of these figures are noted, the figures have been properly extrapolated and demonstrate that the total traffic generation for the site will be slightly lower than the consented scheme and both DCC Highway and the Highways England have confirmed their acceptance of the figures.

Pedestrian and cyclists:

Non vehicular access is via the main access road into the site through the staff car park. The access road includes wide pavements up to the car park access road after which it splits into a separate pedestrian and cycle lanes. With the car park are provided 60 cycle spaces and access into the building will be via bridge connecting into the first floor office area.

DCC's Sustainable Transport consultant has considered the scheme and raised a number of concerns over the location of the cycle parking spaces solely within the main car park, the shelter and security of the spaces, and the need for an additional pedestrian/cycle link to the front of the site. Lidl responded to these points confirming that the location of the spaces has been carefully considered, that the spaces are covered and overlooked by the offices, and that the levels of the site will not enable direct access to the front. The application does not contain any details of the cycle stands/shelters but there is adequate room within the site to accommodate such a facility and the detailed design can be conditioned. The comments about the location are noted but the spaces are close to the front entrance of the building such that any reconfiguration within the car park would not deliver any meaningful benefit. In terms of additional cycle parking within the HGV parking area, it would not be desirable to have cycle movements within the HGV area but there is a clear pedestrian route through the site to the HGV park should any drivers wish to cycle to the site.

The submitted Travel Plan addresses pedestrian and cycle access to the site and bus and train availability and provides for the appointment of a Travel Co-ordinator to implement a number of measures and monitoring to promote non car access to the site.

The Highways Officer has not raised any objections or required any additional conditions in respect of the submitted plans. Highways England have also not objected to the proposal but have recommended that two conditions (requirement for a CEMP and Travel Plan), previously directed in response to the original outline application be retained. As a reserved matters application, the scheme must accord with the outline planning permission and a CEMP is required by virtue of outline Condition 36 and a Travel Plan is secured through Schedule 2 of the Section 106,

and indeed the application is accompanied by both of these documents. As such the recommendation of Highways England are met through the existing outline consent.

Related to the CEMP and Travel Plan, Clyst Honiton Parish Council have objected on the ground of access/traffic with particular concern raised regarding HGV's not routing through the village. Severe problems have been caused by construction traffic from Cranbrook and construction and operational traffic from Skypark following sat nav directions and coming through Clyst Honiton. This issue is directly controlled by Schedule 2 of the Section 106 agreement which places a reasonable endeavours obligation on the owners to ensure vehicles use the Clyst Honiton Bypass (paras 2.15 – 2.17) and requires the Travel Plan Co-ordinator to provide guidance and directions to HGV drivers on appropriate routing to/from the site (para 2.4 d) and this is specifically covered in an amendment to the Travel Plan. As such, notwithstanding the objection of the Parish Council, both the CEMP and Travel Plan have been assessed as being acceptable and can be discharged via the approval of the reserved matters. While not required by the Section 106 Lidl have confirmed that they will consult the Parish Council on the Travel Plan in the future.

Airport Safeguarding

Although not raised when the Sainsbury application was considered, Exeter Airport raised an objection to the original submission on the grounds of the potential impact on the aircraft navigation aids (navaids) by virtue of the signal from the equipment reflecting off the SE and SW sides of the building.

Lidl therefore commissioned a Technical Safeguarding report which assessed the proposal and the potential impact on the navaids concluding that as originally submitted the building would have a significant effect on the performance of the ILS Localiser Runway 08, which provides lateral guidance to approaching aircraft, so as to use up virtually all of the existing disturbance allowance. As such, and taken with the cumulative impact of other planned development, this would have prohibited the continued safe operation of the airport and would not have been acceptable.

As part of the assessment work different scenarios were modelled to test whether this impact could be mitigated through changes to the design and/ or siting of the building and/or additional screening. The assessment concluded that a modification to the east facing elevation (facing toward the airport) comprising tilting the top 7 metres of the building forward by 7 degrees so as reflect the localiser signal towards than ground rather than towards the aircraft would reduce the impact to within acceptable limits.

The amended elevation drawings together with the Safeguarding Report have been considered by Exeter Airport and they have removed their objection to the scheme.

Drainage

Part of the site works carried out by Sainsbury's comprised the provision of surface and foul water infrastructure, namely surface water drainage connections into the River Clyst, new land drains, and foul drainage connections to the public sewer.

The submitted Flood Risk Assessment and Drainage Strategy details the foul drainage for the site connecting to the existing manhole sited within the access road which in turn links into the mains sewer which crosses the front of the site. South West Water have not raised any objections to the scheme.

In terms of surface water, the Drainage Strategy approved for Sainsbury's relied on four underground storage tanks which are installed within the site boundary. The original drainage scheme proposed for Lidl retained the existing tanks and proposed two further tanks with a small area of permeable paving in the staff car park. Discharge is proposed to the River Clyst with the system limiting the discharge rate to the Greenfield runoff rate. The submitted Drainage Strategy looked at the SUDs management train and hierarchy and provided an assessment of various SUDs measures in terms of their suitability for the site. The majority of the more sustainable methods, including a green roof, were rejected.

The DCC Flood and Coastal Risk Management team objected to the scheme as originally submitted on the basis of the overreliance on underground storage tanks, which cannot be considered as a highly sustainable means of drainage, and the need to more robustly consider the scope for additional above ground attenuation measures. The FRA submitted with the outline application also stated that open features would be incorporated. Clarification was also required regarding the design standard for the attenuation features and details of exceedance pathways and overland flow routes.

In response to this an additional Drainage Statement, a plan of the exceedance flow routes, and a revised Drainage Strategy Plan was submitted. The key changes comprised extension of the permeable paving to the whole of the staff car park and the haulier's car park and inclusion of a swale at the bottom of the crib lock wall. Additional information regarding the suitability of other methods of attenuation was also submitted. The Drainage Statement also contained additional information regarding the design of the system, exceedance flows, and pollution prevention.

The Flood Management Team have considered the revised information submitted and withdrawn their objection being satisfied that additional SUDs measures have been incorporated within the site. The only additional comment made was regarding planting of the new swale and whether there is scope for additional bio-retention features within the landscaped areas.

Further amendments received now show appropriate planting to the swale and while the Landscape Architect did identify a possible location for an additional swale, it was not considered that the landscape areas would be suitable as bio-retention features. The provision of this additional swale (at the rear of the site in place of a proposed underground pipe) was considered by Lidl but they have confirmed that this will not be provided the basis of the approval of the revised drainage scheme by the DCC Flood Risk Team and technical difficulties in providing a beneficial swale in this location. The technical reasons cited are considered reasonable.

Environmental Health Issues and Amenity Impact

Noise, Light and Air Pollution:

As part of the implemented site works a 230m long acoustic fence measuring 4m in height was installed on the southern site boundary adjacent the site access road. This is proposed to be retained as part of the development.

The application was accompanied by detailed Noise, Lighting, and Air Quality Assessments. The Lighting Assessment was accompanied by a detailed lighting plan and specifications for the lights. The Noise Assessment was amended during consideration of the application committing to a second noise report within one month of the operations on the completed site to measure the resulting noise levels against the current predictions.

The reports have been considered by the Council's Environmental Health officer along with the CEMP and they have not raised any objections to the scheme. It is considered that the proposed lighting scheme will minimise light spill through appropriate siting and angling of the lights and automatic controls so as to reduce light pollution impact on ecological receptors, neighbouring residents, and the Airport. It is also considered that adequate assessment, monitoring, and mitigation measures are proposed within the Air Quality and Noise Assessments. The Noise Assessment in particular has considered the full range of noise sources resulting from the proposed operation with appropriate methodology.

There has been one neighbour representation to the scheme raising issues of noise and light pollution and requesting contributions towards the installation of domestic mitigations measures. Clyst Honiton Parish Council have objected on the grounds of noise and both they and the adjoining Parish of Broadclyst have requested the extension/installation of noise attenuation fences down both the northern and southern boundaries, together with additional conditions covering audible reversing alarms, construction hours, and light pollution beyond the site. These concerns have been carefully considered but on the basis of the positive comments of the Environmental Health Officer it is not considered reasonable to require additional mitigation measures at this time. It is not considered that there will be light spill from the site and in terms of the predicted noise levels set out in the report, these do not justify any further acoustic fencing, which would have a significant adverse visual impact on the site. In terms of construction impacts the submitted CEMP is considered acceptable and accords with the hour's restriction placed on the outline. The submitted Assessments all detail appropriate monitoring and mitigation measures to ensure the ongoing impact of the development remains within acceptable limits. Therefore while these concerns have been assessed the application as submitted is considered to be acceptable.

Contaminated Land:

Part of the site was historically used as a landfill and the works carried out by Sainsbury's involved an extensive excavation and decontamination of the site to form the current level surface in accordance with a Phase 2 Environmental Site Investigation report approved under outline planning condition 19, supported by a follow up Verification Report.

However, as the formal discharge of this condition only related to the smaller Sainsbury's site, the current application is accompanied by a full report detailing the previous works carried out and additional ground investigation undertaken to assess

minor residual risks. Apart from asbestos found in the levelled area and a stockpiled bund at the rear of the site, the report concludes that there are no contamination risks on the site. In respect of the asbestos while further testing was being undertaken at the time of writing the report, the report states that this is not considered to be of particularly high risk and appropriate mitigation to protect workers and properly dispose of any asbestos recovered is proposed within the report. The report identifies that a further Ground Condition Report is being prepared.

The Council's Environmental Health Officer has confirmed that the previous works on the site were properly carried out and they are satisfied that clean material was used in the levelling works. They do not therefore anticipate any further contamination issues or require any further reports/testing but if further contamination is found the outline condition refers back to the approved remediation scheme so that there is suitable control.

Ecology

The outline application secured submission of a Nature Conservation and Management Plan (NCMP) via condition 28 and this was submitted and discharged in December 2011. This document set out a number of mitigation and management measures to protect and enhance various ecological habitats and species within and adjacent to the site. Condition 29 also requires each reserved matters to detail the mitigation measures identified in the original Environmental Statement for a number of topics including ecology, Condition 30 of the outline requires the submission of protected species surveys with any reserved matters.

The Lidl application is supported by a review of the NCMP in terms of what measures have been implemented and what remains to be carried out, and a Phase 1 Protected Species report. Both reports identify the presence and/or potential for protected species and sensitive habitats and make various recommendations regarding additional survey and physical works and identify where various measures set out in the NCMP still need to be implemented. Of key relevance in terms of physical works are the installation of a second barn owl box within the offsite Nature Conservation and Enhancement Area and investigation and relocation of the artificial badger setts installed within the Wet Woodland to the west of the Phase 1 site. An additional summer Barn Owl survey of the Hayes Farm outbuildings adjoining the site is also recommended.

The NCMP review has been assessed by the Growth Point GI Officer who has identified various shortcomings with the document. Although the review lists the various measures proposed for habitat creation/enhancement and species protection, it does not identify the location and areas of these environments and contains some inaccurate statements regarding the works carried out so far and works required, for example a SUDs pond is incorrectly identified as a reed bed. The GI Officer recommends a further condition requiring a detailed method statement for the implementation of the NCMP together with Section 106 obligations securing public access to the offsite Nature and Compensation Area. This is pertinent to a key comment of the Parish Council who are proposing to identify this offsite area as a Local Green Space within their emerging neighbourhood plan, with proposals for

additional public access and nature interpretation. They have raised concerns that this intention is not expressed in the application. In terms of the Phase 1 survey the GI Officer has identified that the timing of the surveys in March is not best practice and has recommended further breeding bird surveys of all areas affected by the development and the further barn owl survey of the Hayes Farm outbuildings.

In terms of the comments on the NCMP and Local Green Space, Lidl have confirmed that the main areas covered by this document are outside of their control (and outside the application site), although they have contractually taken on responsibility for certain of these measures. Due to a non-disclosure clause they cannot identify which of these measures they will be responsible for but they confirm that they and the Church Commissioners as adjoining land owner are aware of their obligations under the NCMP.

While the comments and concerns of the Parish Council and GI Officer are noted the obligation to comply with the NCMP rests on the outline and can be enforced through condition 28. It does not therefore need to be replicated through additional conditions on the reserved matters. Regarding the offsite land and the aspirations of the Local Green Space, it is not possible to impose additional 106 obligations via a reserved matters application.

It is however considered reasonable and necessary to require Lidl to undertake any additional survey and investigation works recommended in their submitted NCMP review and recommended by the GI Officer that directly relate to their development. However, the implementation of the physical works (installation of barn owl box and badger sett relocation) relate to land outside of Lidl's control. As we unfortunately do not know which measures within the NCMP Lidl are contractually responsible for, it would not be reasonable to specifically require Lidl to carry out these physical works via condition. What will be important however is to secure the additional survey/investigation work together with an officer review of the NCMP and the current site conditions to inform a clear position regarding the NCMP mitigation/management measures that are still required on site. It will then be necessary to ensure compliance by the Church Commissioners as site owners in the first instance and Lidl where it is confirmed they have contractual responsibility. Lidl have been advised of this position and have confirmed that this additional work including the further survey work recommended for barn owls will be undertaken in the next few weeks.

In summary, while it is important that these additional surveys are carried out to inform monitoring of the outline obligation, as they relate to land and buildings outside of the application site and as no direct harm is identified from the development, it is not considered that the application could be refused on the basis of any detrimental impact upon protected species. It is however recommended that the need for these additional surveys and the obligations on the owners under the Wildlife and Countryside Act to ensure the protection of endangered species is highlighted via an informative.

Sustainability

As part of the outline application a Masterplan, Design Guide and Sustainability Strategy were required to be submitted with the first of the reserved matters applications (outline Condition 7). The condition specifically identified that this document needed to address principles of sustainable development and the use of renewable energy on site. A joint document was approved in November 2011 to discharge this condition but this only provides a very brief sustainability checklist as an appendix to the main design guide. This checklist covers a number of topics including BREEAM, health and wellbeing, energy, water, transport and access, materials, waste, ecology, pollution and construction impacts but did not impose any particular standards or requirements. There were also no specific sustainability measures secured through the Section 106.

As part of the reserved matters application a Sustainability Statement has been submitted to further comply with Condition 7. This document sets out a number of measures whereby the development aims to reduce CO₂ emissions through reduced energy demand, sustainable construction and travel, energy efficient design and layout, use of a Refrigeration Waste Heat Recovery System, air source heat pumps, reduction in water use, and site waste management.

In terms of the current Local Plan, Strategy 38 promotes sustainable design and construction methods, identifying a minimum standard of BREEAM Very Good for commercial uses, with higher standards being desirable for large scale schemes within the West End. Strategy 40 specifically requires development of this scale to connect to a Decentralised Energy Network where available and where viable to “bring forward low and zero carbon energy supply and distribution.”

Since the outline approval the EoN Energy Centre has been constructed and is operating to serve Cranbrook and Skypark and therefore under Strategy 40 there would be an expectation that the Lidl depot would utilise the Energy Centre, if viable. The submitted Sustainability Statement does examine the potential for connecting to the Energy Centre for heat - and confirms ongoing discussions with EoN at the time of writing the report - but concludes that the proposed Refrigeration Waste Heat Recovery System gives greater CO₂ savings. The Statement also looks at onsite CHP but concludes that the heating, and more importantly the cooling demand for the building, is also more efficiently served by this system. Various other methods of low/zero carbon technology are assessed with the report, including a green roof, but these are also dismissed in favour of the waste heat recovery system. In respect of PV Solar Panels, the roof has been designed so that it can accommodate PV panels in the future but these are not proposed at present as the proposed waste heat recovery system offers sufficient CO₂ savings. Analysing Target Emission Rates for the building constructed under Building Regulations 2013 Notional Rates against the estimated Building Emission Rates using the proposed sustainability measures, the scheme delivers a CO₂ reduction of 3.9%. The report concludes with an overview of the BREEAM pre-assessment indicating that the building will achieve “Very Good”.

Given the importance of the Energy Centre and EDDC’s commitment to District Heating, EoN were invited to review the Sustainability Statement in terms of its conclusions about the suitability of the Energy Centre to serve the building. EoN confirmed that discussions were taking place with Lidl and that having reviewed the

estimated heat consumption for this site over and above that supplied by heat recovery, they conclude that there will not be sufficient heat demand from the site to justify the capital cost of a connection to the Energy Centre for heat supply. However, EoN have confirmed that the electrical load is ideal for CHP and have submitted a commercial proposal to Lidl for a Private Wire connection direct to the Energy Centre to supply of all of LIDL's electricity requirements at the site. Following already planned upgrades to the Energy Centre, EoN estimate that over 90% of LIDL's electricity demand can be supplied via low/zero carbon generation, with the remainder being supplied via E.ON's grid connection. While EoN have not received data on Lidl's current electricity costs to provide a comparison of charges, they have identified a financial benefit to Lidl by way of avoided CRC Energy Efficiency tariffs and Climate Change Levy payments.

EoN have also confirmed that securing this connection would accelerate the installation of the next engine at Cranbrook and would allow EoN to install a high capacity ring main through the Skypark site, enabling easier private wire connections to future occupiers on Skypark (and in future Phase 2 of the Intermodal site when that comes forward). This would be an important benefit to the resilience of the Energy Centre and would further strengthen the sustainability of Skypark and the entire, as allocated, Intermodal site.

Usefully EoN also confirmed that the proposed waste heat recovery system is very efficient.

The commercial proposal has been under discussion, with Lidl not unreasonable requesting further reassurance over the reliability and resilience of the electricity supply from the Energy Centre. At the time of writing the report Lidl have submitted a report confirming the private wire connection but this measure can only be secured through an update to the Sustainability Statement which has not yet been provided. This has been requested and will need to be submitted before a decision is issued.

Otherwise, if Lidl do not commit to the connection, they will need to submit technical/financial evidence as to why it is not viable and this will need to be independently assessed. If Lidl do not connect to the Energy Centre in the absence of a robust technical/financial case it would jeopardise the Council's ability to secure other sites/occupiers connecting to the Energy Centre/DH network in the future.

In terms of Waste Management the CEMP and submitted Waste Management and Recycling Procedures Statement detail appropriate recycling practices for all construction and operational waste to address outline condition 39.

Environmental Statement

Condition 29 of the outline permission requires the reserved matters to set out how the mitigation measures established in the original ES have been addressed in respect of geology and contamination, ecology, transport, air quality, noise and vibration, cultural heritage, society and economy, energy and resource use and waste management. The application was not accompanied by a formal update to the ES but as set out in the above analysis the application is accompanied by various technical reports which are generally considered to be acceptable. Condition 29 is

covered by a section in the Planning Statement and cross references the identified ES mitigation measures with the works all ready implemented on site and the various outline conditions and in turn those supporting documents. The only report not considered acceptable is the Landscape and Visual Impact Assessment but even though the assessment of the impact of the development is considered inadequate, on the basis of the design and landscape improvements secured to the scheme, the visual impact of the building has been mitigated to an acceptable degree.

As such it is considered that the environmental impacts of the development are adequately addressed.

Conclusion

This is a significant application which will deliver important investment and job creation and which will restart a key strategic site that has been stalled for some time.

During the assessment of the application the key issues have been design and landscaping, drainage, ecology, noise and light pollution, sustainability, and HGV traffic.

The majority of the technical issues have been addressed through the submission of amended and additional information and at the time of writing the report the only outstanding issues is securing Lidl's agreement to the private wire connection to the Energy Centre.

Regarding design and landscaping the scheme has been subject to a Design Review and the comments of the South West Design Review Panel have been largely addressed to the significant benefit of the scheme. The comments of the Landscape Architect and Design Panel have not been fully addressed in terms of the use of native planting, scope for additional areas of planting, and tree planting within the front staff car park but Lidl have requested the scheme be assessed on the basis of the latest submission. While these additional landscaping amendments would have further improved the scheme, on balance it is not considered that this would justify a refusal of the application.

Subject to the submission of a revised Sustainability Statement, approval is therefore recommended with additional conditions covering details of the bridge, the treatment of the tilted elevation, the smoking shelters and cycle stands and compliance with the submitted technical reports.

RECOMMENDATION

Approve subject to the following:

- That the agreement to connect to the existing decentralized energy network has been secured through an amendment to the Sustainability Strategy confirming a private wire connection to the Energy Centre or submission of evidence as to why this connection is not technically or financially viable, such evidence to be subject to independent assessment

And the following conditions:

1. East Devon District Council as Local Planning Authority HEREBY APPROVE THE FOLLOWING RESERVED MATTERS of the above described development proposed in the application numbered as shown above and in the plans and drawings attached thereto relating to:-
 - a) appearance
 - b) landscaping
 - c) layout
 - d) scale

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. no. 10/2184/MOUT) granted on 15 September 2011

The reserved matters details hereby permitted also satisfy the requirements of the following Conditions as attached to the Outline Planning Consent (ref. no. 10/2184/MOUT) granted on 15 September 2011 but only in relation to the site area covered by the reserved matters approval.

- 1, 2, 3, 4, 6, 7 (updated Sustainability Statement), 9, 13, 14, 19, 20, 23, 25, 26, 28 (partly), 29, 30 (partly), 31, 32, 36, 39, 43 (partly), 47, 48

The following conditions or parts thereof attached to the Outline Planning Permission referred to above must be adhered to in relation to the reserved matters details hereby approved:

- 5, 10, 12, 15, 16, 17, 18, 24, 28 (barn owl survey of Hayes Farm outbuildings & proposals for installation of additional barn owl box required), 30 (proposals for relocation of artificial badger setts required), 33, 34, 35, 40, 41, 42, 43 (post operation noise assessment required), 44, 46, 49, 51

The following conditions have previously been complied with/addressed:

- 7 (Masterplan and Design Guide), 8, 11, 21, 22, 27, 37, 38, 45, 50

For the avoidance of doubt, where such conditions require actions prior to commencement of development or construction within each sub-phase, the definition of sub-phase shall include any smaller part of the development parcel or areas of landscaping or infrastructure for which reserved matters details are hereby approved.

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

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

3. Prior to the installation of the bridge, detailed drawings of its design and external appearance including details of materials and finishes, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details. (Reason - To secure sufficient details in the interests of the character and appearance of the site in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 – 2031 and the principles set out in the NPPF)
4. Prior to the installation of the external cladding, detailed architectural drawings at a scale of 1:10 or 1:20 of the tilted elevation of the building shall be submitted to and approved in writing by the Local Planning Authority. Such detailing to include the treatment of the edges of the tilted facade, the junction of the tilted facade with the vertical facades, and the treatment of the corners. The development shall be carried out in accordance with these approved details. (Reason - To secure sufficient details in the interests of the character and appearance of the site and area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 – 2031 and the principles set out in the NPPF)
5. Prior to the installation of the smoking shelters, and cyclestands shown on the approved plans, details of the design and external appearance of the shelters, and stands, including details of materials and finish, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details. (Reason - To secure sufficient details in the interests of the character and appearance of the site and area and to ensure an appropriate layout to promote cycling levels to/from the site in accordance with Policy D1 (Design and Local Distinctiveness) and Strategy 5B (Sustainable Transport) of the East Devon Local Plan 2013 – 2031 and the principles set out in the NPPF)
6. The development hereby approved shall be implemented in accordance with the recommendations of all the submitted technical reports, including all ongoing mitigation and the submission of additional surveys and reports/statements, the latter of which shall be submitted to and approved in writing by the Local Planning Authority in accordance with the timescale set out in the relevant documents. (Reason - To ensure the environmental, ecological, and amenity impacts of the development are fully addressed and mitigated in accordance with Policies D1 (Design and Local Distinctiveness), EN14 (Control of Pollution) and EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 – 2031 and the principles set out in the NPPF)

NOTE FOR APPLICANT

Informative:

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

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

Informative:

The development shall be carried out in compliance with the conditions attached to the outline planning permission 10/ 2184/MOUT and the obligations contained in the associated Section 106, in particular the restriction on the occupation and/or commencement of no more than 50,000 m² of floor space before provision of the railhead (Conditions 33 and 34 and Schedule 4).

Informative:

Further to Condition 6 above, the following additional surveys and reports/statements/plans are required to be submitted to fully comply with that condition and reserved matters consent:

1. Review of NCMP (outline condition 28):
 - Barn Owl survey of Hayes Farm outbuildings and proposals for location and design of additional barn owl roosting box within the Compensation and Enhancement area (para 4.16)
2. Phase 1 Protected Species Scoping, Badger and Bat Survey (outline condition 30):
 - results of investigation of potential new locations for artificial badger setts and relocation proposals (para 4.32),
3. Noise Report (outline condition 43):
 - results of the noise survey which is to be carried out within one month of the commencement of operations (Section 7.2)

The applicant and adjoining landowner are reminded of their obligations under the Wildlife and Countryside Act to ensure the protection of wildlife during and after construction. In this regard the applicant is advised to give careful consideration to the possible presence of a barn owl on the adjacent site and to ensure that construction and operation of the facility does not harm any barn owls using the adjoining building. Further advice on this is available from Natural England.

Plans relating to this application:

PL404 P03	Landscaping	15.06.16
PL405 P03	Landscaping	15.06.16
LD801 P03	Landscaping	15.06.16
LD802 P03	Landscaping	15.06.16
LD804 P02	Landscaping	15.06.16
TEN-5002-A 2 OF 3	Layout	13.06.16
A(1)002 REV L	Proposed Site Plan	13.06.16

A(1)003 REV G	Proposed Floor Plans	13.06.16
A(1)004 REV I	Proposed Floor Plans	13.06.16
A(1)005 REV E	Proposed roof plans	13.06.16
A(1)006 REV P	Proposed Elevation	13.06.16
A(1)007 REV F	Sections	13.06.16
A(1)008 REV M	Other Plans	13.06.16
A(1)009 REV L	Other Plans	13.06.16
A(1)010 REV L	Other Plans	13.06.16
A(1)012 REV B	Sections	13.06.16
A(1)014 REV B	Proposed Elevation	13.06.16
A(1)015 REV B	Proposed Elevation	13.06.16
A(1)016 REV C	Proposed Elevation	13.06.16
A(1)017 REV B	Sections	13.06.16
A(1)SK20	Additional Information	10.06.16
P803	Additional Information	10.06.16
P805	Additional Information	10.06.16
TEN-5002-A 3 OF 3	Layout	13.06.16
MP001 P08	Landscaping	13.06.16
PL400 P03	Landscaping	15.06.16
LD803 P03	Landscaping	15.06.16
PL401 P03	Landscaping	15.06.16
PL402 P03	Landscaping	15.06.16
PL403 P03	Landscaping	15.06.16
500 REV B	Additional Information	17.05.16
96269101	Other Plans	01.04.16

PROPOSED
LIGHTS

96269121 Other Plans 01.04.16
PROPOSED
LIGHTS

96269127 Other Plans 01.04.16
PROPOSED
LIGHTS

A(1)011 REV D Other Plans 21.03.16

A(1)013 REV A Other Plans 21.03.16

A(1)SK03 REV C Other Plans 21.03.16

A(1)SK04 REV B Other Plans 21.03.16

610 P4 Other Plans 21.03.16

R0A Other Plans 31.03.16

A(1)018 REV B Additional Information 11.04.16

LDZ-309 Additional Information 20.06.16

LDZ-901 Additional Information 20.06.16

LDZ-902 Additional Information 20.06.16

A(1)021 REV B Additional Information 20.06.16

List of Background Papers

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

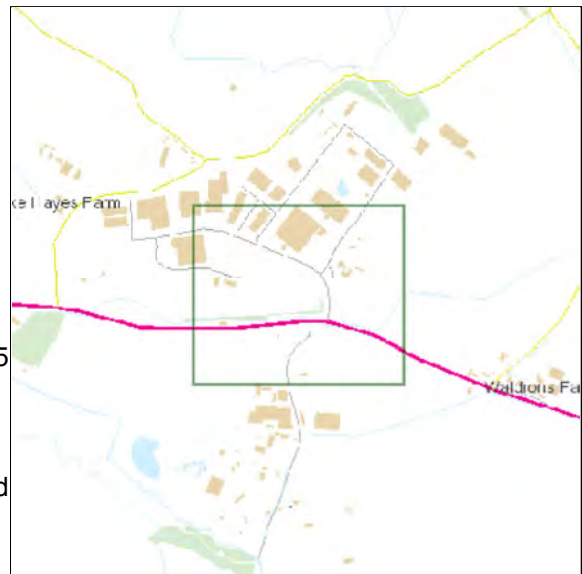
Ward Clyst Valley

Reference 16/0781/FUL

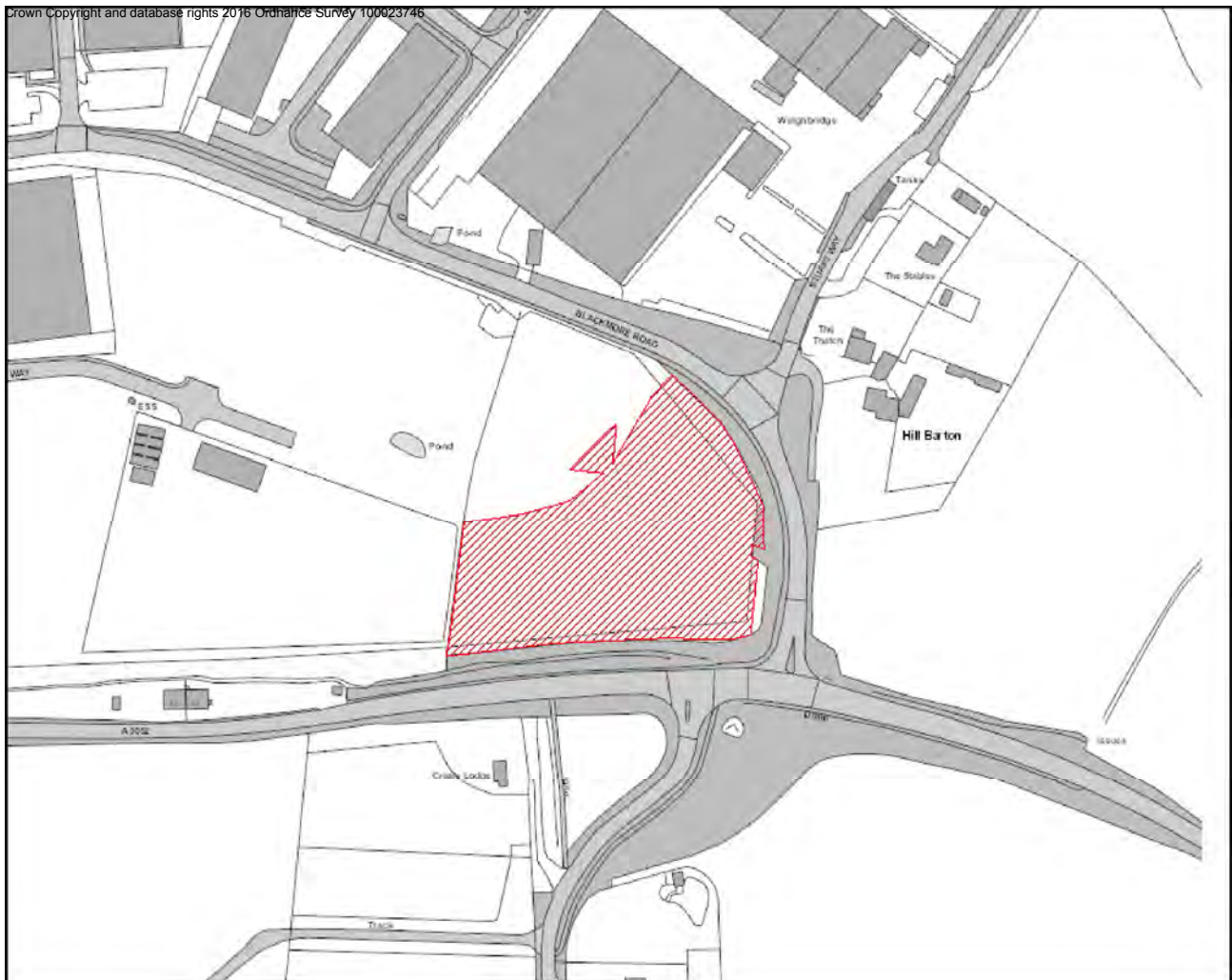
Applicant Stuart Property Holdings Ltd

Location Unit 2 (land Adj) Jacks Way Hill Barton
Business Park Clyst St Mary Exeter Devon EX5
1FG

Proposal Extension to existing vehicle storage compound
approved under 13/2069/MRES



RECOMMENDATION: Approval with conditions



		Committee Date: 5 th July 2016
Clyst Valley (FARRINGDON)	16/0781/FUL	Target Date: 01.06.2016
Applicant:	Stuart Property Holdings Ltd	
Location:	Unit 2 (land Adj) Jacks Way	
Proposal:	Extension to existing vehicle storage compound approved under 13/2069/MRES	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as it represents a departure from adopted Local Plan policy.

The site refers to Hill Barton Business Park which is located on the A3052 on the western side of the District. The site forms part of an area which was granted outline planning permission to provide for an extension to Hill Barton business park including the erection of buildings within use classes B1c (light industrial), B2 (general industrial) and B8 (storage and distribution) and associated works incorporating details of access to all phases from Blackmore Road and. This application was renewed in 2012 but has subsequently lapsed.

The proposal is to provide storage of cars in conjunction with the adjoining Mercedes compound that was approved in 2013. The application relates to an area of the area of land which was subject to the outline consent and lies to the west of the main entrance off the A3052. Now that the outline consent for the wider extension to the business park has lapsed, the application falls to be considered under policy E7 (Extensions to Existing Employment Sites) of the East Devon Local Plan. This states that the expansion policies will not apply at Hill Barton and Greendale Business Parks.

In this regard the proposal is considered to be contrary to adopted policy and the application has been advertised as a departure. Policy E7 states that Hill Barton will have its own separate inset map within the local plan, but the extent of the boundary to Hill Barton is yet to be formally established.

However it is considered that there are other material considerations to take into account in the determination of this application. The site did previously have the benefit of outline consent, and it is considered that in terms of expansion this site would infill a logical boundary of the site as it would be constrained by

roads to the east, south and north. The site would be deliverable and supply economic benefits; the application has the support of the Economic Development Manager. It is considered that the site, when it benefitted from the outline consent, was expected to provide some of the 150 hectares of employment proposed under Strategy 1 of the local plan. In addition, it is not considered the proposal would result in harmful impact to traffic movements; will not result in any adverse neighbouring impacts and would not result in any detrimental visual impact.

On balance, considering the site history and having weighed up the benefits from the proposal and its limited impact it is considered that the development is acceptable and is recommended for approval, subject to conditions.

CONSULTATIONS

Local Consultations

Parish Council

Farringdon Parish Council strongly objects to this application as the land has no prior approval and is a departure from the local plan. This should be refused.

Adjoining Parish- Clyst Honiton

The Parish Council agreed to support the comments of Farringdon Parish Council. In addition the Parish Council wished to see that planting is secured and nothing is lost and that fencing is sensitive to the residents of nearby cottages

Clyst Valley – Cllr M Howe

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:

This is pure and simple according to our still new local plan a development in the open countryside without any as far as I can see mitigating circumstances; I fully understand that it is adjacent to development but this entrance to this large Employment site is currently open and green and at least allows the current development to be set back a little, this expansion greatly lessens this effect and as such further brings this site further forward and even ore into the views off everyone traveling on the A3053.

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
16/0781/FUL - Unit 2 (land Adj) Jacks Way Hill Barton Business Park Clyst St Mary

Thank you for your email. However we should not have been consulted on this application.

The site lies within Flood Zone 1. We advise that we have no comment to make on this application.

Environmental Health

I have considered the application and recommend that conditions are applied to any approval as per the adjacent site - 13/2069/MRES - namely Condition 3 lighting and Condition 4 hours of operation. This will ensure no unreasonable impact on nearby residents.

Devon County Council Flood Risk Team

Devon County Council's Flood and Coastal Risk Management Team is not a statutory consultee for the above planning application because it is not classed as a major development under Part 1(2) of The Town and Country Planning (Development Management Procedure) (England) Order (2015). However, we have been approached by the Local Planning Authority to provide advice in respect of the surface water drainage aspects of the proposals, which is outlined below.

I note that the Design and Access Statement states that the site will be covered with permeable material and as such no surface water drainage system will be required. However, the applicant has not provided any evidence to demonstrate that the site's underlying geology is conducive to infiltration. Furthermore, these surfaces will be subject to significant compaction as a result of vehicular movement across the site, increasing the surface impermeability over time.

Consequently, the applicant must formalise the surface water drainage arrangements for this site and provide the Local Planning Authority with a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. The applicant is therefore advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found at the following address: <https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/>. The provision of this information is particularly important because the adjacent site has recently been subject to flooding issues.

I would therefore advise the Local Planning Authority that the applicant has not provided sufficient information in order for a decision to be made on this application at this stage.

Further comments 21st June 2016:

Devon County Council's Flood and Coastal Risk Management Team is not a statutory consultee for the above planning application because it is not classed as a major development under Part 1(2) of The Town and Country Planning (Development Management Procedure) (England) Order (2015). However, we have been approached by the Local Planning Authority to provide advice in respect of the surface water drainage aspects of the proposals, which is outlined below, as the adjacent site has recently been subject to flooding issues.

Although we are supportive of the design of permeable surfacing proposed in the compound area and which has been accepted in its use in the site and previous extension applications. It is likely that these areas will be subject to significant compaction as a result of vehicular movement across the site, which will likely lead to decreasing surface permeability over time. It has also been noted in recent flooding problems to the adjacent properties where the existing swale received runoff from the permeable surfacing from the adjacent compound site. It is not clear whether the underlying geology is not conducive to infiltration particularly with additional compaction of the surfacing.

It would be recommended that additional cut of swales are incorporated into the permeable surfacing design within the compound areas to maximise infiltration and attenuation where possible and appropriate maintenance regimes are secured to maximise the permeability and storage of the car parking areas.

The current swale is connected to the attenuation pond feature at present; it is not clear what the design considerations of this pond are and the implications of an additional section of swale draining to this area. The existing swale also required remedial works to a section where it directly connected to the adjacent watercourse resulting in flooding to adjacent areas. Confirmation of these works being completed would also be required.

Consequently, the applicant must formalise the surface water drainage arrangements for this site and provide the Local Planning Authority with a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. The applicant is therefore advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found at the following address: <https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/>. The provision of this information is particularly important because the adjacent site has recently been subject to flooding issues.

Other Representations

Three letters of representation have been received.

- This is the second time this compound has been extended.
- Further development of land that has the potential to increase the risk of flooding to my property in the future.
- The build up in height of the land allows for the increase in surface water run off into the stream that runs between my property and the boundary of the proposed development.
- I have recently seen the results of this run off from the existing Mercedes compound
- There has been a planning enforcement enquiry conducted into this.
- Not all the planning conditions on the previous Mercedes development had been and have been complied
- This in my opinion is negligence by both EDDC and the developer.
- Given recent flooding surely the Environment Agency should have an ability to comment on this and other similar developments in this area.
- Concerned that Highways no longer comment on these applications.
- The permeable nature of the surface cannot, in my opinion, cope with the levels of rainfall that it receives,
- HGV traffic that this extension to the compound will cause
- the visual impact it will have from the Jurassic coast road
- Noise and vibrations from the construction, which I can regularly feel in my house
- Section 13 of the planning application concerns the 'Assessment of flood risk'. Surely it is within 20 Metres of a watercourse.
- The designation on the local plan, indicating that the land near Farringdon Cross is a residential focussed primary designate, is herein challenged .
- The disturbance to aspects of neighbourly enjoyment to a quiet existence is called into question, through the increase in traffic and noise pollution that this development will encourage;
- Farringdon Cross is sandwiched between the unplanned ongoing expansion at Waldrons Farm (now an illegal developing car park for immobile vehicles), and the swelling ambitions at Hill Barton Park;
- The tarmac over fields (if valid) also impacts water run off, and Sidmouth road suffers from flash floods in winter months .
- The dangers of accidents at the junction with Sidmouth Road,
- Please do not have Farringdon Cross become swallowed up by industrial enterprise,
- Would support application for residential expansion, but am hesitant in regard to industrial enterprise
- What has not been considered is the increase in traffic and now that the Still site is almost complete
- Mercedes Benz taking up more options the road use and connection to the Sidmouth Road will be more busy than ever.
- Never at any stage has the East Devon District Council insisted on road and junction improvements when debating the planning proposals.
- Here you have two road junctions (one from Crealy and one from Hill Barton) with a bus stop adjacent to these junctions so that traffic has to look beyond parked buses to make a manoeuvre from these estates.

- There is plenty of room on both sides to make a pull in and move them further from the junctions.
- The speed limit could be reduced to 30mph and the area lit by just a few lights.
- There could be a light controlled crossing so that families can safely negotiate this fast road.
- There could be a roundabout to make the road safer.
- East Devon District Council has missed the trick of writing into the acceptance of proposals a scheme to enhance the area with safe traffic control.
- Crealy and Hill Barton can well afford to contribute.
- As residents we often get the smell of the Tarmac Plant, other paraffin/chemical related smells and an extreme amount of dust plus vehicles reversing at all hours.
- Is it not the duty of Planning Officers to monitor and control activities of the ambitious in our society when the environment is at risk?
- We are not against private enterprise but are against ignoring this responsibility and facts in front of you and not acting.

PLANNING HISTORY

Reference	Description	Decision	Date
09/0282/MOUT	Outline application for extension to Hill Barton business park including the erection of buildings within use classes B1c (light industrial), B2 (general industrial) and B8 (storage and distribution) and associated works incorporating details of access to all phases from Blackmore Road and scale in relation to phase 1 only	Approved	18.06.09
12/2597/MOUT	Outline application for extension to Hill Barton business park including the erection of buildings within use classes B1c (light industrial), B2 (general industrial) and B8 (storage and distribution) and associated works incorporating details of access to all phases from Blackmore Road. (Renewal of outline planning permission 09/0282/MOUT)	Approved	13.03.2013
13/2069/MRES	Retrospective application for use as vehicle storage	Approved	04.09.2014

compound including construction of temporary workshop building, wash down area, security fencing, 5no C.C.T.V columns and 15 no lighting columns and siting of 4 no temporary portacabin offices. (approval of details of layout, scale, appearance and landscaping pursuant to outline planning permission 12/2597/MOUT).

14/2650/FUL Extension to existing vehicle storage compound (approved under 13/2069/MRES) including installation of security fencing and additional floodlights on existing columns Approved 29.07.2015

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

EN22 (Surface Run-Off Implications of New Development)

D1 (Design and Local Distinctiveness)

Strategy 7 (Development in the Countryside)

E7 (Extensions to Existing Employment Sites)

EN14 (Control of pollution)

D4 (Landscape Requirements)

Site Location and Description

Hill Barton Business Park lies within the parishes of Farringdon and Clyst Valley. Although it is sited some distance from any settlement the site is opposite the access drive to Crealy Adventure Park. The site is adjoined to the south by tree planting and the A3052 and to the north by a series of modern industrial units which form part of the existing industrial estate. Further to the west are the large employment buildings for Kandy Toys and Still UK. To the north east of the site on the opposite side of the access road is a small group of dwellings.

The site itself sits to the east of the existing Mercedes compound approved by application 13/2069/MRES. It is screened on its southerly side by a band of trees. A

very small portion of the south of the site is within an area susceptible to surface water flooding. To the south west of the site around 120 metres away and fronting the A3052 are the residential properties forming numbers 43 and 44 Sidmouth Road.

ANALYSIS

Relevant Planning History

Outline planning permission for the extension of Hill Barton Business Park was granted in January 2010 under reference 09/0282/MOUT and subsequently renewed in March 2013 under reference 12/2597/MOUT. Those permissions related to the erection of buildings and uses within use classes B1c, B2 and B8 and associated works incorporating details of access to all phases from Blackmoor Road and scale in relation to phase 1.

In 2013 a reserved matters application was received and approved for a storage compound of vehicles, a temporary workshop, four portacabins, 5 CCTV columns, 13 lighting columns and a concrete slab for a wash down area for Mercedes

In 2014 an application to extend the Mercedes compound to the west was approved, and also included CCTV cameras and security fencing.

The outline application which covered the application site and land to the west lapsed on 14th March 2016.

Proposed Development

The proposed development is to extend the Mercedes storage compound to the east and to raise the levels of the site to its western boundary by approximately 1 – 2 metres to provide parking on top of a stony surface. The works have partially been carried out to the levels.

Material Considerations

The main issues in the determination of this application relate to the principle of development, its visual appearance, highways impact, impact upon amenity of nearby residents and surface water flooding.

Principle of development

The Outline planning application which previously covered this site has lapsed and the new East Devon local plan policies apply.

The site is technically in the countryside covered by Strategy 7 that requires development to have an acceptable visual impact on the area whilst being in accordance with a specific local plan policy.

The most relevant new policy for this application is considered to be policy E7 - Extensions to Existing Employment Sites which states that:

"Outside built up area boundaries and where it is clear that a business or employment site or estate is at or near full occupancy the Council will permit the small scale expansion of the site in a manner that is proportionate to the existing size and scale of site operations provided the following criteria are met in full:

1. The local highway network is capable of accommodating the forecast increase in traffic established by a traffic assessment; or where these can be mitigated either by physical works being undertaken by the applicant or contributions are secured towards the cost of the works.
2. There will be no detrimental impact upon any nearby residential properties
3. No protected landscapes or historic interests or other environmental interests are adversely affected and the existing local biodiversity and habitats are conserved and enhanced".

It goes onto say that; "this policy will not apply at Hill Barton and Greendale Business Parks"

In this respect Policy E7, allows for other employment sites to expand, but does not apply to Hill Barton, and this exclusion from policy does not give Hill Barton a policy presumption in favour of extension to its boundaries. The proposal is therefore contrary to Strategy 7 and Policy E7 and as such has been advertised as a departure.

The intent is that Hill Barton will have an Inset Map in the Villages Plan but it remains to be seen what policy provision will be included in this plan and if or where any boundaries, should they be defined, will be drawn and what status they will have. Members should note that these plans are still in the preparation stages.

It is considered premature to make assumptions about what future policy will say for Hill Barton as the villages plan has not yet been produced, what kind of boundary it may have and what policy matters any boundary may relate to. Under this policy, as there is no boundary for Hill Barton until a plan is produced (which may or may not include this site), the site is in the countryside for planning policy purposes. This policy position was put to the applicants for comment.

The applicant has contended that Hill Barton does have a boundary because this is shown on East Devon's interactive maps. This is acknowledged to be misleading, however, this plan reflects the extent of land with planning permission/understood to have planning permission at the time the local plan was drawn up but has not carried through to the adopted plan.

The agent has further argued that the LPA has not looked at the strategic policies for the West End which are directly relevant to this area.

In response it is considered that whilst, geographically the site does fall within the western side of the District, Hill Barton does not fall within the West End as shown on the proposals maps. Paragraph 7.4 of the Local Plan stresses that the 'West End' is not a defined policy area but is a term that refers to the group of schemes highlighted in the chapter that provide for major strategic growth in the Western part of East Devon. The Rest of East Devon is referred to in other chapters of the Plan." Hill Barton does not therefore fall into this West End definition.

However, the National Planning Policy Framework advises planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

In this case it is considered that there are other material consideration which would weigh into the balance of this application. These can be broken down into the following areas.

Use

The proposed extension would be within an area which is defined upon the entrance as entering a business park. Previously the outline application covered this area and was considered to be acceptable in principle.

Strategy 1 of the Local Plan (Spatial Strategy for Development in East Devon) makes a provision of (including existing commitments) of around 150 hectares of land for employment. In consultation with the Planning Policy Manger it is considered that the site at Hill Barton was included within this 150 hectares and took into account the (at the time) consented outline. The A3052 corridor is included within the West End chapter of the plan (although does not fall within the defined West End on the inset maps) and the text of this chapter says that 'recent planning permissions granted at Greendale and Hill Barton business parks will help create new jobs for this part of the District'. At the time the plan was being drawn up it would seem logical, given that this part of land was included in the allocation of 150 hectares in Strategy 1, that this is what the 'recent permissions' refers to.

Employment benefits

The applicant has stated that taking into account the latest phase employment from the use will reach 90 (of which 25 are due to the latest phase) and increasing by another 15 over the coming months.

This facility provides a 'base' for a considerable business across the south west currently employing 325 people and expanding all the time.

On top of direct employment Mercedes south west employ external transport companies and a company who prepare the cars on site employing an additional 10 employees. The business sells return vehicles to the trade and deals with up to 40 garages in the region. It is also considered that this site site would be deliverable and brought forward within a short time frame.

The views of the Economic Development Manager have been sought in this instance who has lent support to the proposal stating that:

"I do support the application and would not like to see the additional employment, which this valuable development would unlock, lost to the district economy when the outline permission was previously given and the same development deemed acceptable. We are behind in the provision of employment space to facilitate jobs provision compared to new housing in the district. With some of our Local Plan employment allocations taking time to come forward, we should not seek to constrain jobs growth where the private sector is responding positively to clear market demand. The proposals are evidently deliverable, and cannot be brought forward elsewhere. The much needed employment and economic benefits to local businesses within the operators considerable local supply chain should not be jeopardised. I would recommend to the relevant Planning Officer that this application is supported".

Visual impact

It is not considered there would be any visual harm given the site context and existing mature landscaping to the south that will screen the site from the A3052. Given that the site previously benefitted from outline planning permission, it is considered that the visual impact from the open storage of cars would arguable be less that from an industrial building and associated car park would have been expected on the site.

The proposal is set in from the boundary with the A3052 (behind existing mature planting) and estate road and there would be nowhere left for Hill Barton to expand in this direction because of the access roads that surround the site. The proposal does therefore represent a logical extension and completion on the estate. Boundary planting proposed on its eastern side would also help to soften the visual impact.

The mature planting to the A3052 will adequately screen the site in the summer months. During the winter there would be some glimpsed views of the site and cars through the landscaping but this is not to an extent that is considered to justify a refusal of permission given the location of the site adjoining a business park.

Of more concern, however, is the height of the proposed lighting columns which at 8 metres would be more prominent from public vantage points along the A3052. It is considered that a condition could be imposed for further details of the height of these columns to be agreed and for those to match the 6m high columns on the remainder of the Mercedes site. Environment health have raised no objection to the use or lighting subject to conditions.

Traffic

Representation has been received regarding the access to Hill Barton, its suitability for its use and that there should be improved.

The outline that originally covered this part of the site considered the use of the access. It was resolved that subject to a legal agreement to secure provision of a pedestrian crossing between the bus stops on the north and south sides of the A3052 was considered to be acceptable. The renewal application in 2012 stated that it was recommended that a £30,000 contribution towards the identified

improvements to the bus and pedestrian facilities provided by way of a legal agreement and this money had been paid.

Further information has been provided in an update transport note from the applicant. This provides trip generation for the proposed development based upon the traffic movements existing at the time from the industrial units on the Hill Barton Estate. The trip rates considered the number of HGV and vehicle trips from the existing development during the AM and PM peak period. A HGV and vehicle trip rate was produced based upon the unit area of the existing development (37,900m²). These trip rates were used to calculate a vehicular and HGV trip generation for the proposed development based upon 30,000m² industrial space. The site was anticipated to produce 180 vehicle trips and 39 HGV trips during the AM peak period, this equated to just less than 4 vehicle / HGVs a minute. During the PM peak period the site was anticipated to produce 151 vehicle trips and 23 HGV trips, equating to an additional three trips a minute in the PM peak period.

The extent of the planning permission that has been built or is currently under construction includes five units including the Kandy Toys, Still UK, two unoccupied office units and a proposal for a CCF / Travis Perkins building, with a total Ground Floor Area of 16760m². The site also includes a Mercedes vehicle compound. The storage compound operates with low loaders delivering and distributing cars to and from the compound on an ad-hoc basis. It has therefore been assumed as a worst case scenario that during the AM and PM peak period a maximum of 4 HGVs will access the compounds.

As there is less industrial space to that originally proposed there is anticipated to be approximately 59 fewer vehicle trips and 10 fewer HGV trips during the AM peak period. During the PM peak period covering the area of the remainder of the outline application site, there are anticipated to be approximately 62 fewer vehicle trips and 2 fewer HGV trips.

Given this it is concluded that there would be less vehicle movements to the site because of how the Mercedes compound operates with low loaders.

Further, the outline application took into consideration the development of this site it is not considered there would not need to be any infrastructure improvements to facilitate the uses.

Conclusion on Principle

Consideration of the acceptability of the principle of development is finely balanced.

Against the proposal is the fact that it represents a departure from recently adopted policy in the Local Plan.

In favour of the proposal is the recent outline consent for the site, previous reliance upon the site to bring forward employment land, that the proposal represents a logical completion of the business park, job creation and lack of harm to highway safety and acceptable visual impact.

On balance it is considered that the history of the site and benefits from the development outweigh the harm and as such the proposal is supported in principle despite representing a departure from adopted policy.

Other matters are discussed below:

Neighbouring amenity

During the course of the application representations have been received from the occupier of 44 Sidmouth Road concerned above the visual impact from the development, flooding, impact from the floodlighting and general disturbance from activity on the site.

Concerns have also been raised regarding disturbance from activity on the site but from a number of site visits the use is fairly low key with the main activity near the entrance to the north.

Whilst activity on the site would be noticeable to the closest residents, the lack of objection from Environmental Health, and given that the use of this part of the site was considered to be acceptable in two previous applications, it is not considered an objection could be sustained on these grounds, particularly given the distance from the site of approximately 120m.

The application includes details of the lighting scheme. The Environmental Health Team have advised that they have considered the application and recommend that conditions are applied to any approval as per the adjacent site - 13/2069/MRES - namely Condition 3 lighting and Condition 4 hours of operation. This will ensure no unreasonable impact on nearby residents.

Levels and Flood Risk

The western part of the site has been raised by approximately between 1 and 2 metres. The Environment Agency does not want to comment on the application. However, the lower part of the site is within an area susceptible to surface water flooding and the views of the Devon Flood Risk Team were sought.

Initially, the applicant has not provided any evidence to demonstrate that the site's underlying geology is conducive to infiltration. Furthermore, these surfaces will be subject to significant compaction as a result of vehicular movement across the site, increasing the surface impermeability over time.

Consequently, details of surface water drainage arrangements and a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems were requested.

These plans have been received and but the DCC Flood Risk Team remain unconvinced that adequate information has been submitted to address their concerns. As such, it is recommended that a condition be placed on any consent to

ensure that satisfactory details are submitted, approved and provided before development commences. This may require the provision of further attenuation or swales within the site.

An enforcement investigation was recently completed into the Swale at the southern end of the site as it did not appear to be working correctly. Surface water should be directed into the attenuation basin which has been constructed to the west of Hill Barton. The site visit was accompanied by the Environment Agency and this has resulted in a gap in the swale being repaired.

Ecology

An ecology report has been provided for the site. This has been carried out after works to the site had been begun. This found that the site consisted of bare earth and hardcore and had no ecological value and there was no evidence of protected species.

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 development shall be carried out in accordance with the drainage plans received 20th May 2016 shown on drawing number PDL-102 Rev A. (Reason in the interests of surface water run-off in accordance with policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan.
4. The boundary lighting to the site shall only operate between the hours of 7am and 7pm and the lighting units on the north, east and south elevations shall be angled at no more than 15 degrees above the horizontal plane. Only yellow, sodium, bulbs shall be used in the lighting columns. Low height sensor security lights shall be installed at the site to provide local short term lighting. (Reason - To control light pollution and to protect the amenity of nearby residents in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan.)
5. The use hereby permitted shall not take place other than between the hours of 0700 hours and 1900 hours.

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

6. Within 3 months of the date of this permission, the interception swales as detailed within the surface water strategy hereby approved shall have been provided and in full operation. The swales shall thereafter remain in perpetuity. (Reason - In the interests of the amenity of nearby residents and to adequately control surface water run off in accordance with Policies D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

7. Notwithstanding the submitted details, prior to first use details of the height of the lighting columns shall have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
(Reason - In the interests of amenity of adjoining residents and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)

8. No development shall commence unless and until details of a suitable surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved details.
(Reason: To ensure that a suitable scheme is designed into the proposal and is provided before the use and any impact occurs in the interests of the amenity of adjoining premises and to adequately control surface water run-off from the site in accordance with Policy EN22 – Surface Run-Off implications of New Development of the adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

ECOLOGY APPRAISAL	Additional Information	20.05.16
DRAINAGE STRATEGIES	Additional Information	20.05.16
PDL-102 REV A	Other Plans	20.05.16
PDL-100	Other Plans	20.05.16

	Location Plan	06.04.16
1303	Proposed Site Plan	04.04.16
STARBEAM BROCHURE	General Correspondence	30.03.16
1322 -05A2 REV D	Sections	30.03.16

List of Background Papers

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

Ward Exmouth Withycombe Raleigh

Reference 16/0874/RES

Applicant Mr & Mrs N Hargreaves

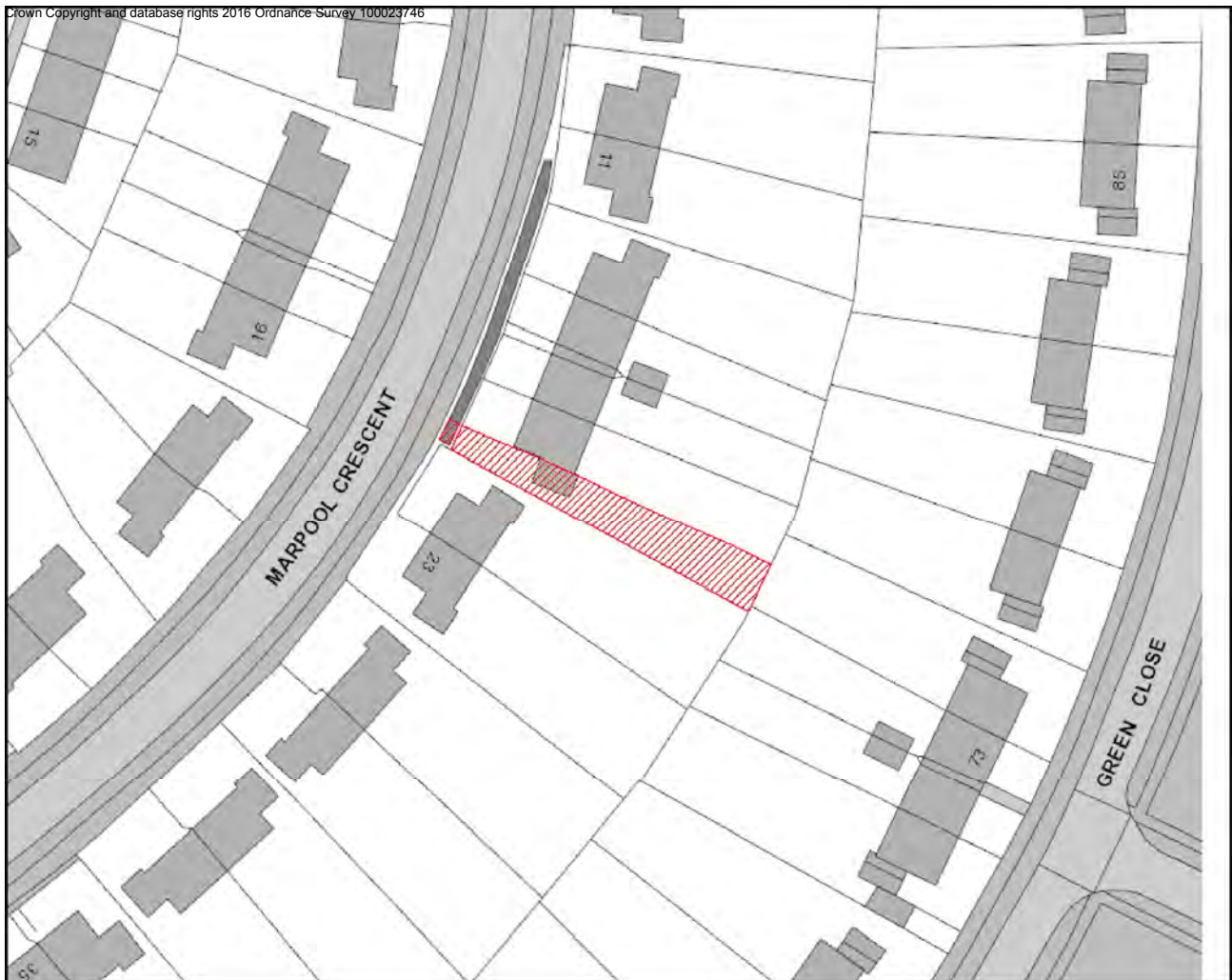
Location 19 Marpool Crescent Exmouth EX8 3QJ

Proposal Construction of an attached dwelling pursuant to planning application 15/2293/OUT.



RECOMMENDATION: Approval with conditions

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		Committee Date: 5th July 2016
Exmouth Withycombe Raleigh (EXMOUTH)	16/0874/RES	Target Date: 06.06.2016
Applicant:	Mr & Mrs N Hargreaves	
Location:	19 Marpool Crescent Exmouth	
Proposal:	Construction of an attached dwelling pursuant to planning application 15/2293/OUT.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the Development Management Committee as officer recommendation differs from the view of the ward member.

This is a reserved matters application for the erection of an attached two storey dwelling at 19 Marpool Crescent in Exmouth. The application site lies within the built-up area of Exmouth, and there are no special designations affecting the site. Outline consent for the proposed dwelling was approved under application 15/2293/OUT on 19th January 2016.

As outline consent has been granted, the principle of the proposal is established. Consequently, the key considerations relate to the design of the property and the impact of the proposal on the street scene and the occupiers of neighbouring properties. With regard to these matters, there have been some concerns raised by neighbours that the proposed dwelling would represent over development of the site. However, the dwelling would utilise the same footprint as that approved at outline stage and, therefore, it is not considered that the proposal is over development. Additionally, it is considered that there would be sufficient distance between the property and the neighbouring property to the south. However, the front door and a landing window would face towards the neighbouring property. A condition to ensure that these are fitted with obscure glazing would ensure that no loss of amenity arises from them. The main windows of the property would be on the front and rear elevations.

Visually, the proposed dwelling would be constructed from materials matching those of the host property. Furthermore, it would have the same ridge line. Consequently, it is considered that the proposal would not be visually harmful to the street scene.

Some concerns have been raised above car parking. However, this matter was considered at outline stage when it was determined that the site could be adequately served by on-street parking.

Given the comments raised above, it is considered that the proposal is acceptable and, therefore, it is recommended that this application is approved.

CONSULTATIONS

Parish/Town Council

Meeting 18.04.16

No Objection

County Highway Authority

Highways Standing Advice

Exmouth Withycombe Raleigh - Cllr S Gazzard

Construction of attached dwelling pursuant to planning application 15/2293/OUT.

Firstly may I first register a personal interest as I live in the same road as the application.

With regard to the previous application as Ward Member I did send in my objections on 15th January, 2016, these objections were NOT collated by the Officers and I was NOT advised of the Delegation Meeting to discuss this application so therefore the decision was made without Ward Members consultation.

Regarding the application now received as Ward Member I wish to object on the following grounds:

- 1). Over development of a small plot.
- 2). Loss of light to adjoining property.
- 3). Increase pressure on already overstretched utilities.
- 4). Further increase on parking in an already extremely congested area.
- 5). Overlooking of neighbour.

Should my comments be different to the Officers recommendation I respectfully request that this application goes to a Full DMC.

Other Representations

Two letters of representation have been received - both objections - in which the following concerns are raised:

- The plot is too small.
- Inadequate car parking.
- The proposed dwelling would not be in keeping with the area.
- Loss of privacy.

PLANNING HISTORY

Reference	Description	Decision	Date
15/2293/OUT	Outline application with all matters reserved for the construction of one attached dwelling	Approval with conditions	19.01.2016

POLICIES

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

D1 (Design and Local Distinctiveness)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents
NPPF (National Planning Policy Framework 2012)

Site Location and Description

The application site comprises part of the side and rear garden associated with 19 Marpool Crescent, a modern end-of-terrace property set within an area of similar vernacular residential properties.

The proposed site extends to around 204m² and has a frontage onto Marpool Crescent. Its width is around 3m across the frontage and 10m at the rear, with a depth of 44m. There is an existing access to the front which currently serves the host dwelling from Marpool Crescent. The land within and surrounding the site slopes uphill from the road at the front towards the east (rear of site) at a fairly shallow gradient, after an initial sharp rise of around 2m from road level to the site of the dwelling.

Proposed Development

This application seeks approval of reserved matters (access, scale, layout, appearance and landscaping) following the approval of application 15/2293/OUT in January 2016. The comments from the Ward Member regarding their previous objections not being considered are noted but there is no record of these comments having been received.

The proposal is for the erection of a semi-detached dwelling. The proposed property would be two storey in height, but would also have rooms in the roof. It would be constructed from materials matching those of the building to which the property would be attached.

ANALYSIS

Consideration and Assessment

The principle of the proposed dwelling has been established through the approval of application 15.2293/OUT. In any case, the site falls within the built-up area of Exmouth, as defined within the Adopted East Devon Local Plan 2013-2031, and, therefore the principle of residential development complies with Strategy 6 (Development Within Built-up Area Boundaries) of the local plan.

With this in mind, the main factors in the consideration of this application relate to the reserve matters in terms of the layout, scale, appearance and landscaping of the site, impact upon amenity of the occupiers of other dwellings in the area and matters of highway safety and parking.

Layout, Scale, Appearance and Landscaping

The proposed dwelling would be constructed from materials matching those of the existing properties in the area and would following the scale, building line and layout of number 19. This is considered acceptable and, with the property having the same ridge height, would enable it to fit in well within the street scene. It is, therefore, considered that the proposal is acceptable in terms of its layout, scale, appearance and landscaping (that comprises part of the existing front and rear amenity areas to number 19).

Some concerns have been raised relating to whether the proposal represents over development of the site. However, the proposed dwelling would utilise the footprint approved at outline stage and has been designed such that it would appear as an extension to number 19. It would not therefore appear as a cramped form of development or overdevelopment of the site.

Neighbour amenity.

The property closest to the site is the neighbouring dwelling to the south, known as 21 Marpool Crescent. The proposed dwelling would be at a slightly higher level than number 21. A distance of 4.5 metres would remain between the proposed dwelling and the main northern elevation of 21 (the attached single storey garage of number 21 would be closer).

There are existing ground and first floor windows on the side elevations of numbers 19 and 21 Marpool Crescent, and distance between these is currently around 8 metres. Clearly, the proposed development would result in these windows being closer together. Whilst bringing the buildings closer together does not raise concerns in terms of light loss, the privacy of the occupiers of both the proposed property and number 21 could be affected; particularly number 21 due to its position at a lower level. The windows in question on the proposed dwelling would serve the landing

area at first floor level and would be in an external door and ground floor level. It is considered that any overlooking issues arising from these openings can be resolved by the imposition of a condition requiring the window and any glazing in the door to be obscurely glazed.

The main windows in the proposed dwelling would be in the front and rear elevations. No amenity issues are considered to arise from these, as all the existing properties in the area also have main windows in these elevations.

Concerns have been raised about the proposed property resulting in loss of light; mainly in respect of number 21. However, the proposed property would be to the north of number 21 and as such will not overshadowing number 21 or lead to a loss of light to an extent that could justify refusal of permission. Furthermore, the main windows on number 21 are on the front and rear elevations, which would not be affected by the proposed dwelling.

Parking and highway impacts

This matter was considered at outline stage, where the report stated:

"In respect of the highways impacts of the proposal, the submitted documents indicate that the development would rely on parking on the street. The concerns regarding the general availability of street parking locally and the impacts of the development are noted. However, it is considered that the parking requirements generated by the proposed development of a one bedroom dwelling could be met by the parking on street and would not result in harm to the safe operation of the highway network".

It is considered that these comments remain valid in respect of this reserved matters application.

Conclusion

Given the comments raised above, it is considered that the proposal is acceptable and, therefore, it is recommended that this application is approved.

RECOMMENDATION

APPROVE subject to the following conditions:

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

- (d) Scale
- (e) Access

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. No. 14/2999/OUT) granted on 22/03/15.

The following reserved matters have yet to be approved:

None

The following condition of the outline permission is hereby discharged:

None

The following conditions of the outline permission remain to be discharged:

- 4.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the building itself and the wider area in accordance with Policies D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
4. The first floor window on the side elevation of the dwelling hereby approved, as well as the glazing within the external door on the side elevation, shall be fitted with obscure glazing and shall remain so in perpetuity unless otherwise agreed in writing by the Local Planning Authority. Furthermore, the first floor window on the side elevation shall be non-openable to a height of 1.75 meters above the floor to the room in which it is installed, and this shall remain the case in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
(Reason - In the interests of the amenity of the occupiers of number 21 Marpool Crescent, Exmouth, and to comply with the provisions of Policy D1 Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework).
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, doors, rooflights or other openings other than those shown on the plans hereby permitted shall be formed in the southern elevation of the dwelling hereby permitted.
(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the 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:

D047-13-R-102	Proposed Combined Plans	11.04.16
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List of Background Papers

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

Ward Otterhead

Reference 16/1032/FUL

Applicant Mr & Mrs Hill

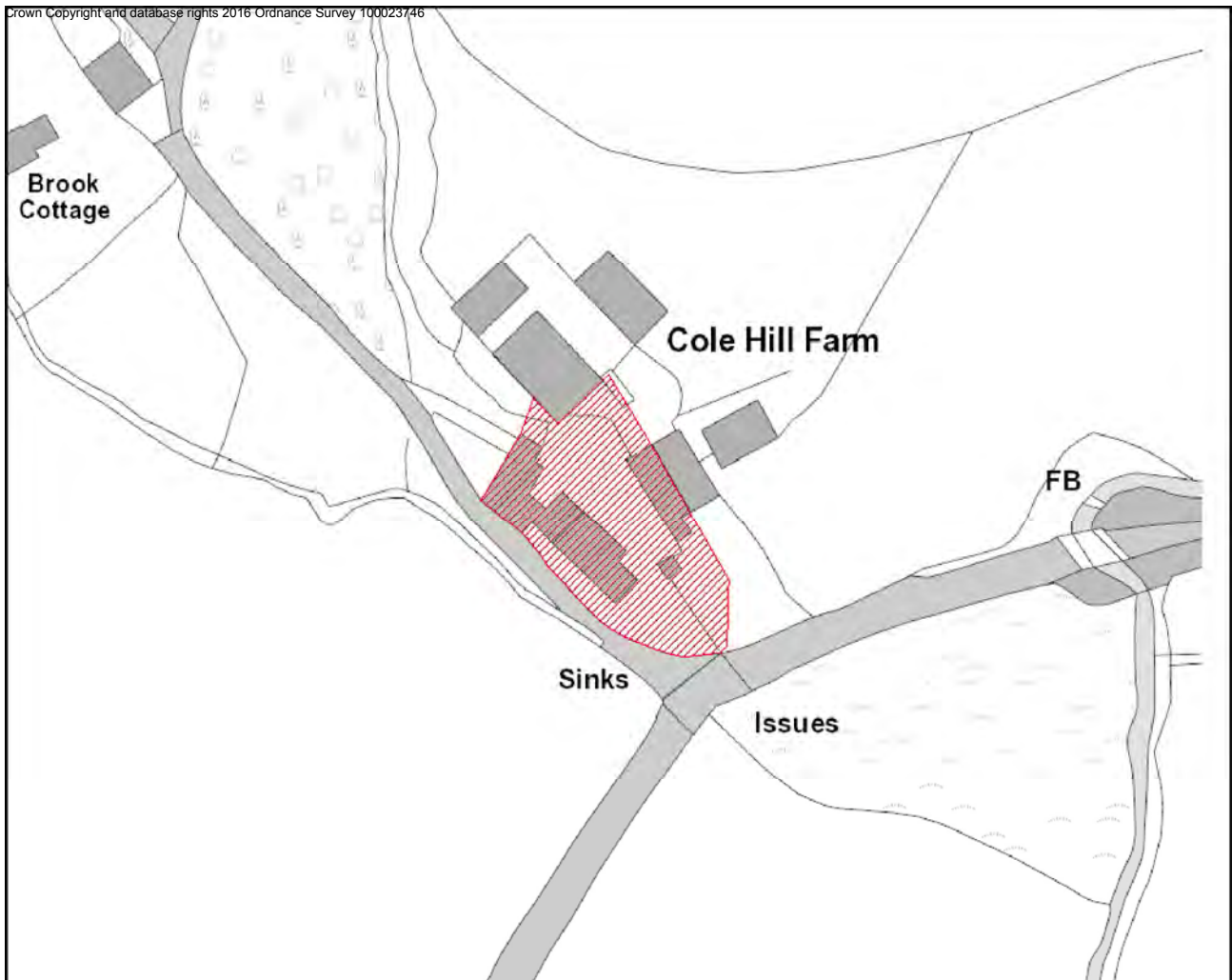
Location Colehill Farm Luppitt Honiton EX14 4RX

Proposal Conversion of outbuilding to form ancillary residential and holiday let accommodation and alterations to external elevations



RECOMMENDATION: Refusal

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		Committee Date: 5th July 2016
Otterhead (LUPPITT)	16/1032/FUL	Target Date: 28.06.2016
Applicant:	Mr & Mrs Hill	
Location:	Colehill Farm Luppitt	
Proposal:	Conversion of outbuilding to form ancillary residential and holiday let accommodation and alterations to external elevations	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

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

The proposed conversion of the Smithy building is not supported due to it not being structurally sound and requiring substantial reconstruction to enable occupation contrary to Strategy 7 and Policy D8 of the adopted Local Plan. These policies do not support the re-use of rural buildings where they are not structurally sound and capable of conversion.

In addition, Policy D8 requires that such buildings are well located and will not add to the need to travel by car. The site is in an isolated location and as such occupies of the holiday accommodation would be reliant upon the use of the car contrary to Local Plan Policies and the NPPF.

CONSULTATIONS

Local Consultations

Otterhead - Cllr D Key

I have no objections to this planning application and so support

Parish/Town Council

Comments received on 11.05.2016 via public access (neighbours) instead of consultee access:

"The Parish Council has no objections and supports the planning application."

Technical Consultations

County Highway Authority

As discussed this application should be dealt with in highway terms by yourselves under Standing Advice.

Other Representations

None

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 38 (Sustainable Design and Construction)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

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

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

EN14 (Control of Pollution)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Strategy 33 (Promotion of Tourism in East Devon)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Relevant Planning History

The following history relates to other buildings on the farm complex but none directly relates to the application building:

15/2621/FUL Full Application	Demolition of existing outbuilding, erection of new building for use ancillary to dwelling and alterations to	Approval with conditions 05/01/2016
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	layout of access track approved under permission 15/1083/FUL	
15/1168/FUL Full Application	Conversion of grain store; two storey side extension and provision of raised decking area	Approval with conditions 16/06/2015
15/1083/FUL Full Application	Construction of general purpose agricultural barn for housing livestock (demolition of existing barn); creation of new access	Approval with conditions 15/06/2015
06/2016/FUL Full Application	Conversion of outbuilding to form part of dwelling including alterations and provision of raised decking	Approval with conditions 07/09/2006

Site Location and Description

The site is located to the south east of the village of Luppitt within the Blackdown Hills AONB.

The outbuilding that is subject to this application is located to the northwest of the main farmhouse and is detached and redundant. It is constructed from rubble with modern blockwork additions and a small area of cob. The roof is clad with metal sheeting with a fully open side facing the adjoining farmhouse.

Proposed Development

The proposal is for the conversion of the former Smithy building to provide ancillary residential and holiday accommodation. The existing stone work would be repaired with walls above plinth height being rendered and the internal cob walls would be repaired and left exposed where possible. The existing roof would be removed and a new timber framed roof constructed and finished in thatch and the reconstruction of the historic chimney.

Consideration and Assessment

The main issues for consideration relate to the principle of the re-use of the building, sustainable location of the site and impact upon residential amenity.

The New East Devon Local Plan was formally adopted by East Devon District Council on 28th January 2016 following the issuing of the Examination Inspector's Final Report on 15th January 2016. The objective assessed housing need has an aim of 17,100 homes over the revised plan period of 2013 to 2031, the growth of which can be facilitated appropriately within in Built Up Area Boundaries or allocated sites. The East Devon Local Plan forms part of the current development plan for the district and the basis on which the application must be determined. It is the Council's position that, following the publication of the new Strategic Housing Market Assessment that it can now demonstrate a 5 year housing land supply including the required 20% buffer due to the previous under supply.

The proposal takes place within the open countryside outside of any defined built up area boundary as defined within the local plan. Strategy 7 will only allow development in the countryside where it is in accordance with a specific Local Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located. The policy within the local plan which accords closest with the proposal is policy D8, which in turn reflects paragraph 55 of the NPPF.

Paragraph 55 of the NPPF provides a set of special circumstances to allow new isolated homes in the countryside. Such a special circumstance is where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

It states that Local Planning Authorities (LPA) should avoid new isolated homes in the countryside unless there are special circumstances such as:

- The essential need is for a rural worker to live permanently at or near their place of work. The applicant is not employed in agriculture and therefore has no required need for such a dwelling in this remote location.
- Where such development would represent the optimal viable use of a heritage asset and secure the future of securing future heritage assets. The barns are traditional in appearance though not considered to be heritage assets and therefore being an overriding reason to convert to residential accommodation.
- Where the development would re-use redundant or disused buildings and lead to the enhancement to the immediate setting. Whilst these buildings are disused and therefore redundant their use for residential accommodation would be contrary to the adopted Local Planning Policies.
- The exceptional quality or innovation nature of the design is truly innovative, reflects high standards in architecture, significantly enhance its immediate setting and is sensitive to designing characteristics of the local area. The proposed conversion is noted being of good quality and has a sensitive approach though it would not be considered to be of innovative and high quality design.

Policy D8 (Re-use of Rural Buildings Outside of Settlements) of the Adopted East Devon Local Plan 2013 – 2031 contains a number of criteria for the reuse or

conversion of buildings in the countryside to be assessed under of which the following are relevant to this case:

1. The new use is sympathetic to, and will enhance the rural setting and character of the building and surrounding area and is in a location which will not substantively add to the need to travel by car or lead to a dispersal of activity or uses on such a scale as to prejudice village vitality.
2. The building is structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction and any alterations protect or enhance the character of the building and its setting;

The existing building is not considered to be structurally sound and the proposed reconstruction required to convert this building into a holiday accommodation would be extensive and therefore conflicts with Policy D8 (Re-use of Rural Buildings Outside of Settlements) of the local plan. A new thatch roof is proposed along with alterations to the walls.

Furthermore the distance to local services would result in the reliance on the private motor vehicles contrary to Local Plan Policy D8 (Re-use of Rural Buildings Outside of Settlements).

The walking distance to the built area boundary of Luppitt, is approximately 500 metres. This route does not benefit from pavements and has no street lighting. Taking this into account it is considered that the proposal is positioned in a location that would invite occupiers of the dwelling to use private vehicles to travel to and from Luppitt. The proposal would add to the need to travel by car in conflict with Policy D8. The proposal would therefore conflict with the NPPF aim to manage patterns of growth and contribute towards a low carbon future.

The applicant has presented the case that the proposal is a conversion of a redundant agricultural building and that there are economic benefits from the proposal. The applicants states that there would be an enhancement of the immediate setting and therefore would constitute as a special circumstance to facilitate isolated homes under paragraph 55 of the framework and policy D8 (2). The two issues are therefore whether the proposal constitutes as conversion and whether there would be any enhancement.

The existing smithy building is a mix construction of stone walls, breeze block and timber frame with corrugated sheeting with south eastern wall having been removed to enable the construction of extension to main farmhouse. The agent states that the building is in a fair to good state though no structural report has been submitted with the application to support this statement. The Local Planning Authority has assessed the application and considers that the amount of reconstruction required of the existing walls and roof would require substantial extension, alteration and reconstruction of the existing building and therefore this proposal conflicts with Policy D8. Whilst there could arguably be an enhancement to the area from improvements to the building, appeal Inspectors have been taking the view that the domestication of barns and associated rebuild of walls and roofs results in a change to the character of the building (and in this case the AONB) that does not enhance its

character where the building is not capable of conversion without substantial alteration or re-build.

Whilst there would arguable be benefits to the economy from the conversion works and holiday accommodation, this needs to be balanced against the extent of works required for conversions and the inaccessible location of the site.

Policy D8 does not support conversions to holiday accommodation where the building is not structurally sound or capable of conversion and as such the proposal is not supported by Policy D8.

In addition, the proposal fails to accord with Policy D8 with regard to the unsustainable location of the application site and this weighs heavily against the proposal.

Therefore, despite the benefits identified by the applicant, the proposal is considered to be contrary to Strategy 7 and Policy D8 of the Local Plan as well as being contrary to Paragraph 55 of the NPPF.

Neighbour amenity

The proposal would not adversely impact upon neighbouring properties due to the remote location of the farm.

Conclusion

The proposed conversion of the Smithy building is not supported due to it not being structurally sound and requiring substantial reconstruction contrary to Policy D8 of the Local Plan.

In addition, due to the isolated location of the site the principle means of accessing the site would be by private car that is not a sustainable mode of transport and therefore the proposed use holiday accommodation use of the this agricultural building is not acceptable and contrary to Local Plan Policies and the NPPF.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposal has not demonstrated that the building is structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction and as such would be contrary to Strategy 7 (Development in the Countryside), Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policy D8 (Re-use of Rural Buildings Outside of Settlements) of the Adopted East Devon Local Plan 2013 – 2031 and the National Planning Policy Framework.
2. The proposal takes place within an isolated position within the open countryside isolated from services and facilities and so is subject to restrictive rural policies which require special circumstances to allow for the dwelling in this isolated

position. As no special circumstances have been presented the proposal would conflict with Strategy 7 (Development in the Countryside), Strategy 46 (Landscape Conservation and Enhancement and AONBs) and policy D8 (Re-use of Rural Buildings Outside of Settlements) of the Adopted East Devon Local Plan 2013 – 2031 and the National Planning Policy Framework.

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:

E-100	Location Plan	03.05.16
P-101	Proposed Site Plan	28.04.16
P-200	Proposed Floor Plans	28.04.16
P-300 B	Proposed Elevation	28.04.16

List of Background Papers

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

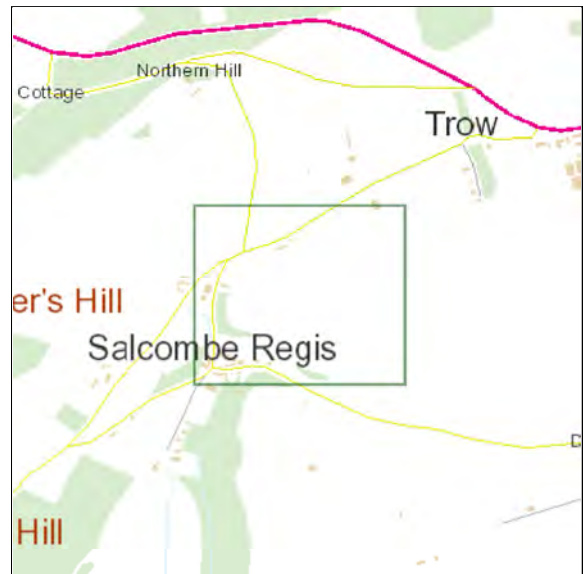
Ward Sidmouth Rural

Reference 16/0634/FUL

Applicant Salcombe Regis Camping And Caravan

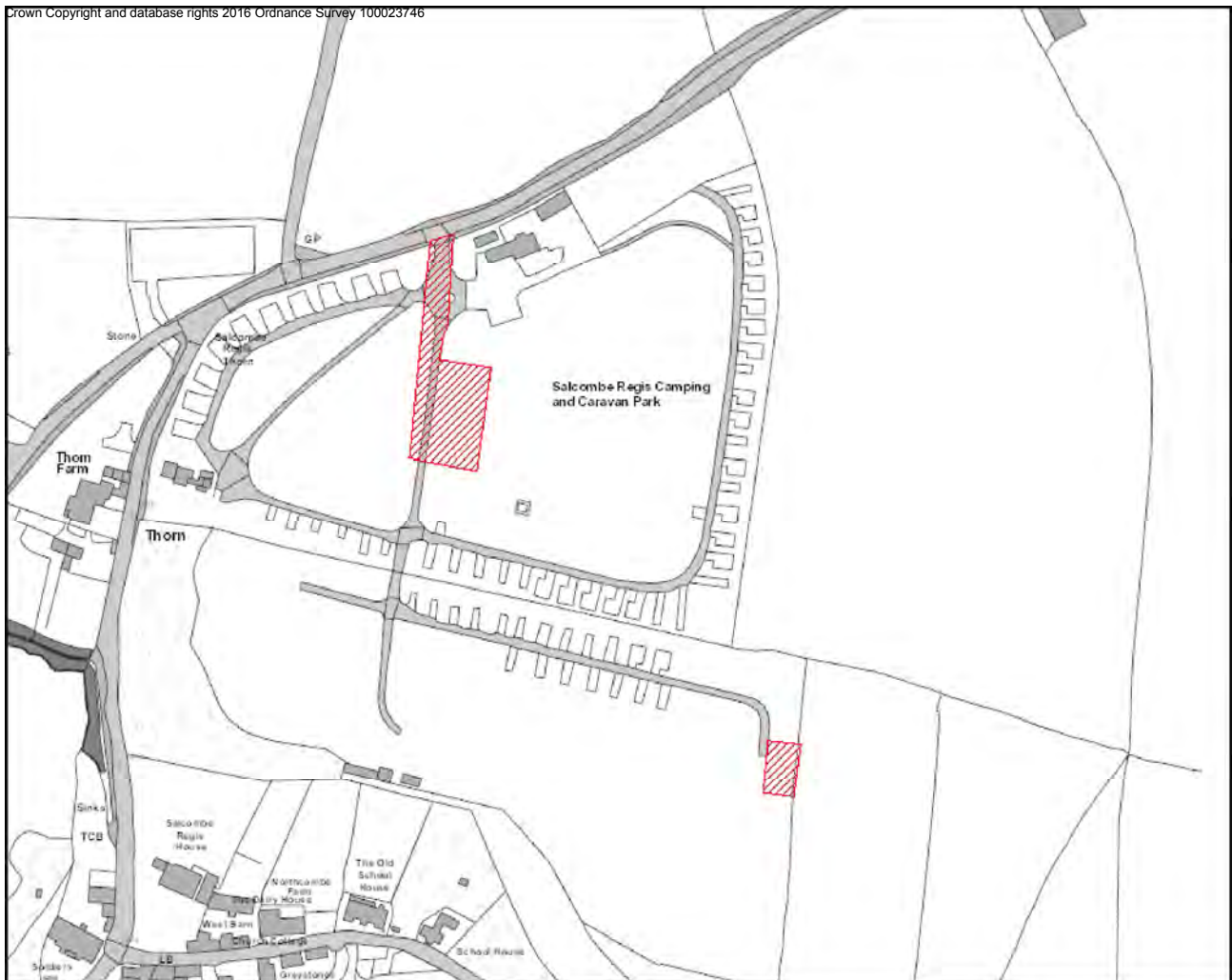
Location Salcombe Regis Camping And Caravan Park
Salcombe Regis Sidmouth EX10 0JH

Proposal Construction of new games room, sanitary block and toilet block with additional parking



RECOMMENDATION: Approval with conditions

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		Committee Date: 5th July 2016
Sidmouth Rural (SIDMOUTH)	16/0634/FUL	Target Date: 13.05.2016
Applicant:	Salcombe Regis Camping And Caravan	
Location:	Salcombe Regis Camping And Caravan Park Salcombe Regis	
Proposal:	Construction of new games room, sanitary block and toilet block with additional parking	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before members as it constitutes a departure from the adopted Local Plan.

The site is an established holiday park located approximately 3 kilometres north-east of Sidmouth and 300 metres north-east of Salcombe Regis. The site is accessed from Sidmouth via Salcombe Hill past the Norman Lockyer Observatory and through the northern extent of the village of Salcombe Regis. The site and access are immediately to the south of this country lane.

The Salcombe Regis Conservation Area is located adjacent to the site's western and south-western boundaries and the site is within the East Devon Area of Outstanding Natural Beauty (AONB) and the Coastal Protection Area.

Planning permission is sought for the construction of a pitched roof timber building to provide accommodation as a games room with toilet and shower facilities. The building would be constructed in a central location just off the main internal road through the site. Permission is also sought for a small utility block which would be erected in the north-east corner of the grass/meadow area used for camping pitches to the south of the main site.

Policy E19 of the Local Plan highlights that proposals for the extension of existing caravan and camping sites or the addition of related and ancillary facilities on existing sites, within designated landscape (such as Areas of Outstanding Natural Beauty), will only be permitted where they meet the criteria of Policy E19 and provide no new permanent structures or are replacement structures designed to blend into their surroundings.

The site is located within the East Devon Area of Outstanding Natural Beauty

(AONB) which is classified as a designated landscape. Therefore, while the proposal would not expand the size of the current holiday park, the provision of new structures on the site would be contrary to Policy E19 and represents a departure to the Local Plan's policy.

The applicant contends that the proposed development would provide improved facilities that would enable the business to remain competitive and be able to offer an improved standard of accommodation for future guests.

It is considered that the proposal would have a small economic benefit to an existing business within a rural area and the wider area. The proposed buildings are of a suitable design and would also be able to be located on the site without having an adverse visual impact on the character of the surrounding area, including the AONB and the Conservation Area. The proposal would not have an adverse impact on the safety of the surrounding highway network or have an impact on the amenity of neighbouring properties.

In light of the lack of harm from the proposals, particularly on the AONB, Conservation Area and Countryside Protection Area, and given the small economic benefit to the future of the campsite, it is considered that the proposal is acceptable despite representing a departure from local plan policy.

CONSULTATIONS

Local Consultations

Parish/Town Council
Support

Sidmouth Rural - Cllr D Barratt

This application has my full support. The applicant is looking to enhance his product offer in a highly competitive tourism marketplace by providing high quality facilities for guests. Should the officer recommendation be for refusal I would ask that this application comes to DMC for determination.

(In the event that this application is determined by committee I will keep an open mind in reviewing all facts both for and against.)

Further comments:

I support the recommendation for approval and welcome condition 5 to protect adjoining occupiers from excessive noise.

Technical Consultations

County Highway Authority
Does not wish to comment

Other Representations

2 letters of representation has been received raising the following concerns:

- the provision of permanent structures in the AONB is contrary to Policy E19 of the Local Plan
- the impact of permanent structures on the AONB, Coastal Preservation Area and the Conservation Area
- noise and disturbance from the proposed development
- the materials have not been design with "green credentials"
- the roof line of the facility is very high

PLANNING HISTORY

Relevant Planning History

The site has a very complex planning history and there have been numerous applications at the site.

Recent applications at the site include planning permission for the change of use from an amenity area to siting of 12 static caravans for holiday use and associated access and landscaping work under permission 11/0123/COU and construction of a two storey extension and the increase in roof height of the dwelling on the site was approved under permission 15/2183/FUL (following a refusal for a similar proposal under application 15/1334/FUL).

POLICIES

Strategy 7 (Development in the Countryside)

Strategy 44 (Undeveloped Coast and Coastal Preservation Area)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN10 (Conservation Areas)

E19 (Holiday Accommodation Parks)

TC7 (Adequacy of Road Network and Site Access)

EN14 (Control of Pollution)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The site is an established holiday park located approximately 3 kilometres north-east of Sidmouth and 300 metres north-east of Salcombe Regis. The site is accessed from Sidmouth via Salcombe Hill past the Norman Lockyer Observatory and through

the northern extent of the village of Salcombe Regis. The site's access is immediately to the south of this country lane.

A public footpath runs along the site's southern boundary running between a pedestrian access adjacent to Thorn Farm at the north-western boundary and another access adjacent to the properties at Hillside to the south-east of the site.

The Salcombe Regis Conservation Area is located adjacent to the site's western and south-western boundaries and the site is within the East Devon Area of Outstanding Natural Beauty (AONB) and the Coastal Protection Area.

ANALYSIS

Proposed Development

Planning permission is sought for the construction of a pitched roof timber building to provide accommodation as a games room with toilet and shower facilities. The building would be constructed in a central location just off the main internal road through the site. Permission is also sought for a small utility block which would be erected in the north-east corner of the grass/meadow area used for camping pitches to the south of the main site.

The proposed games room would provide a large room for games/internet access, a freezer room and store, 3 toilets including a disabled toilet, and two disabled wet rooms. It would provide an area for guests to use during inclement weather as well as providing a flexible space that could be used for an on-site café, with internet access room, tourist information or the relocation of the site shop which is currently within the owners accommodation building.

The building would be timber clad with a fibre slate roof with a large ramp around covered verandah with disabled access ramps. It is also proposed to construct a parking area in front of the games room for hitched caravans which would provide a space for late arrivals to the site to park before being relocated to touring pitches the following morning. This building (excluding the verandah) would measure approximately 5.4m to its ridge (approximately 2.6m to eaves) at a length of approximately 17.4m and width of approximately 5.5m.

The utility block would measure 7.9 metres in length by 7.5 metres wide at a height of approximately 5.4m to the ridge (approximately 2.6m to eaves). It would provide 4 toilets, two disabled family/washrooms, a store, washing up facilities and, a recycling and chemical disposal area. This building would also be pitched with overhanging eaves and would be timber clad with a fibre slate roof.

Principle of Development

Policy E19 of the Local Plan highlights that proposals for the extension of existing caravan and camping sites or the addition of related and ancillary facilities on existing sites, within designated landscape (such as Areas of Outstanding Natural Beauty), will only be permitted where they meet the criteria of Policy E19 and provide

no new permanent structures or are replacement structures designed to blend into their surroundings.

The site is located within the East Devon Area of Outstanding Natural Beauty (AONB) which is classified as a designated landscape. Therefore, while the proposal would not expand the size of the current holiday park, the provision of new structures on the site would be contrary to Policy E19 and represents a departure to the Local Plan.

While the new games block would be an entirely new permanent structure the proposed utility block in the field to the south of the site would be a replacement structure. The utility block would be a replacement structure for a storage shed located on the southern boundary of the site as well as enabling the relocation of an existing recycling and chemical waste point which is currently located on approximately 4 metres west of the site of the proposed utility block.

Therefore, the matters of consideration for this proposal are:

- * the potential economic benefits of the proposed development;
- * the visual/landscape impact of the proposal and the impact on the AONB;
- * the impact on the adjacent conservation area and amenity of neighbouring residential properties;

Justification for Proposed Development

The applicant's supporting information highlights there is an increasing demand for improved facilities and the standard of which has risen considerably in recent years and advises that the new facilities are required for the park to maintain its Visit England and AA 4 Pennant ratings.

The supporting information also explains that the site currently fall short in terms of facilities for disabled people to comply with the Disability Discrimination Act 1995 and the proposal would provide accessible facilities adjacent to the games room in a centrally located area to limit walking distances.

The applicant highlights that other competitor caravan and camping sites in the area, such as Oakdown Holiday Park, provide facilities including a café, games room and have several toilet/bathroom facilities on-site. The proposed development would provide improved facilities that would enable the business to remain competitive and be able to offer an improved standard of accommodation for future guests.

Economic Benefits

The applicant has provided evidence in the form of reviews left on the TripAdvisor website which demonstrate that guests have left negative comments about the standard of the on-site toilet/shower facilities including the location away from some of the pitches and the lack of disabled facilities.

Therefore, while noting the proposal would be contrary to Policy E19 and represents a departure to the Local Plan the proposed development would support the

improvement of an existing business in a rural area and this weights in favour of the proposal.

Impact on the AONB

The site is located in the AONB where both the National Planning Policy Framework and Strategy 46 seek to conserve and enhance the quality of the landscape. It is also adjacent to the Salcombe Regis Conservation Area to the west, however, the camping and caravan site has only a limited impact on the Conservation Area as the existing mature boundary screen it from view. The proposal would not involve the loss of landscaping or trees and the proposal does propose additional landscaping, in particular around the proposed utility block, which would help to minimise the visual impacts of the development. Given the current use of the site and landscaping, the proposal would also have minimal impact upon the Coastal Preservation Area.

The proposed games room would be located in a central part of the site which is characterised by existing touring pitches around its edge and the main reception and owner's accommodation adjacent to Salcombe Hill Road. The site's boundaries are well-screened by existing mature trees and hedgerows and there are several mature trees located within the site. The existing landscape would screen the proposed building from views in the wider landscape. Wider landscape views of the proposed games room building would also be restricted and would be read in context with the established site, particularly considering there is also an extant permission for a further 12 static caravan pitches approved under application 11/0123/COU to the west of the proposed site of the games room.

It is acknowledged the grass/meadow which is used for camping pitches where the utility block is to be sited has a more open nature and character than the main caravan site. However, the applicant acceded to the planning officer's request to site this building in the north-east corner of the site close to the existing boundary hedges to reduce its landscape impact.

Subject to securing conditions requiring details of materials and a landscaping scheme to be submitted and approved by the Local Planning Authority prior to commencement the proposal is considered acceptable and would not have an adverse impact on the AONB or Coastal Preservation Area and would preserve and enhance the character and appearance of the Conservation Area

Impact on Highway Safety

It is noted the surrounding roads to the site are fairly narrow it is unlikely that the proposal would generate significant levels of additional traffic over and above that which currently exists and the proposed buildings would be used by guests staying at the camping and caravan site. The proposal would, therefore, not have a detrimental impact on highway safety.

Impact on Neighbouring Properties

It is noted there are properties adjacent to the site's western and southern boundaries, approximately 150 metres from the proposed games room's location. Therefore, to protect the amenity of surrounding properties it is recommended that conditions be attached to any permission to ensure the use of the buildings is restricted to campsite residents and in conjunction with and ancillary to the use of Salcombe Regis Camping and Caravan Park and that amplified music is not played from the games room.

The scale and height of the buildings are such that they will not harm the amenities of surrounding residents.

Conclusion

It is considered that the proposal would have an economic benefit to an existing business within a rural area and the wider area. The proposed buildings would also be able to be located on the site with having an adverse visual impact on the character of the surrounding area, including the AONB and the Conservation Area.

The proposals relate to their setting, will not harm ecology, would not have an adverse impact on the safety of the surrounding highway network, do not result in the loss of agricultural land, provide enhance facilities, a building of a suitable standard of design and will not harm the amenity of neighbouring properties.

Whilst the proposal is contrary to Policy E19 as it proposes new buildings in a designated landscape, the proposal complies with the other criteria to Policy E19 and the benefits to the site, economy and tourism and considered to weigh heavily in favour of the proposal and on the basis of no identifies harm, the proposal is supported subject to conditions,

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be

maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

4. The use of the buildings hereby permitted shall be used only as a games room, tourist information pavilion and sanitary facility, and a toilet, chemical waste and recycling facility for campsite residents and in conjunction with and ancillary to the use of Salcombe Regis Camping and Caravan Park. The buildings shall not be operated independently of the camping and caravan site and shall not be made available or advertised for non patrons of those facilities.

(Reason - The buildings are only justified by the need on site for facilities in conjunction with its use as a camping and caravan site and protect the amenity of adjoining occupiers in accordance with Strategy 7 - Development in the Countryside and Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)

5. No amplified or other music shall be played or any game sounds generated in the games room, tourist information pavilion and sanitary block hereby permitted as shown on drawing no. 16/709/02B received by the Local Planning Authority on 9 May 2016.

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

6. 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.)

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:

16/709/02B	Proposed Site Plan	09.05.16
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	Location Plan	15.03.16
16/709/03	Proposed Combined Plans	15.03.16

List of Background Papers

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

Ward Ottery St Mary Rural

Reference 15/0266/FUL

Applicant East Devon Estates Limited

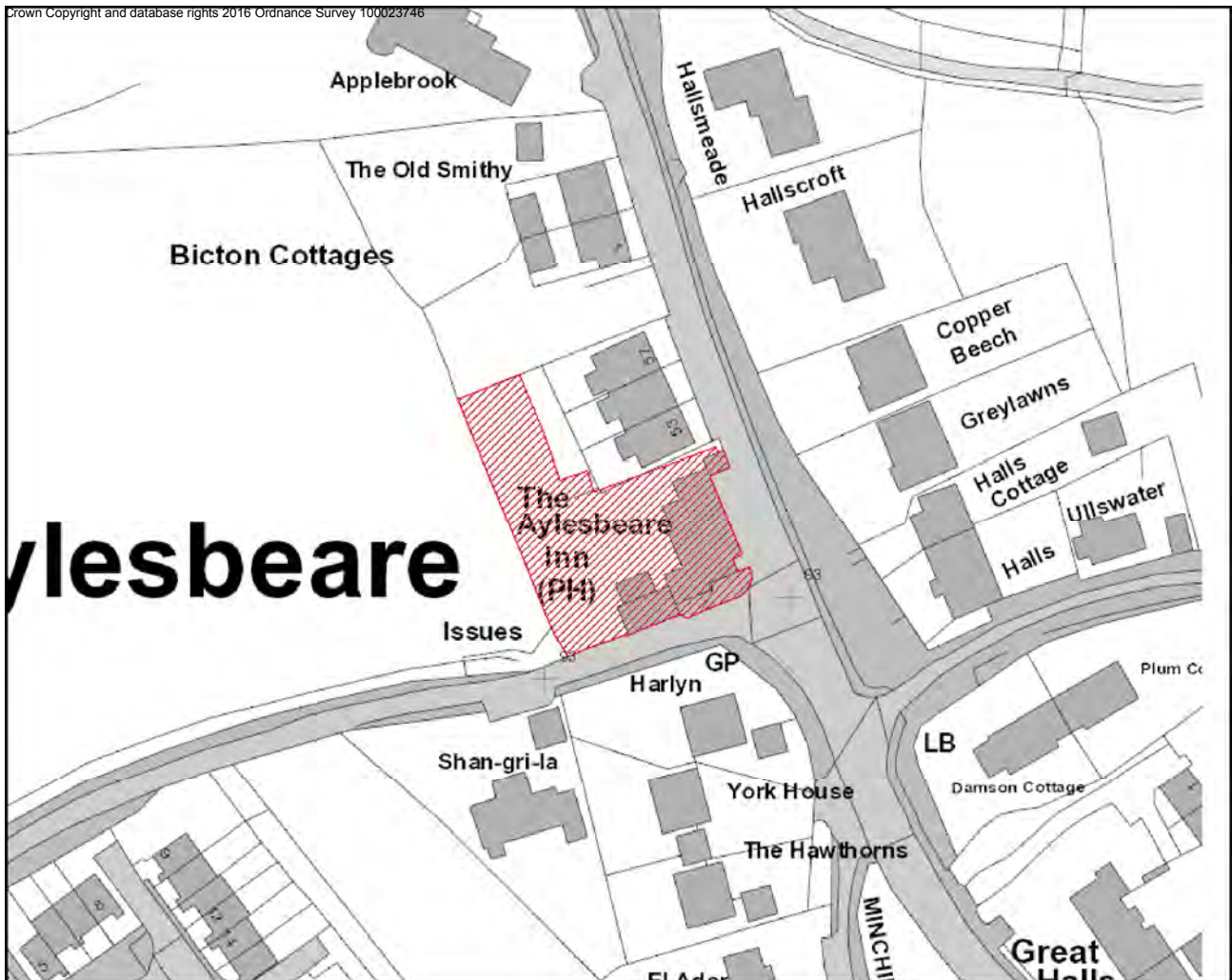
Location Aylesbeare Inn Village Way Aylesbeare Exeter EX5 2BX

Proposal Demolish current building and build 3 dwellings and a replacement public house (use class A4) with parking facilities



RECOMMENDATION: Approval with conditions

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		Committee Date: 5th July 2016
Ottery St Mary Rural (AYLESBEARE)	15/0266/FUL	Target Date: 15.04.2015
Applicant:	East Devon Estates Limited	
Location:	Aylesbeare Inn Village Way	
Proposal:	Demolish current building and build 3 dwellings and a replacement public house (use class A4) with parking facilities	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This proposal is before Committee as it represents a departure from the Local Plan and the officer recommendation differs from the views of the Parish Council and Ward Member.

The proposals are to replace the present public house with a new public house and 3 two storey dwellings on the current pub site. The Aylesbeare Inn is an Asset of Community Value and is the only pub within the village.

Whilst it is unfortunate to lose the existing building, the current Aylesbeare Inn is not historically significant and has some proven shortcomings, not least its layout and physical condition. Replacing the pub with a bigger more viable offer is supported and the 3 open market houses, whilst not in the most accessible location in the District, will clearly be part of the village's built fabric and form and are required to enable the new public house to be constructed/provided.

A replacement public house is a positive social development that can justify the 3 new homes and is supported by local and national planning policy. Matters of design (including impact on the setting of listed buildings), neighbour amenity, access and parking are all acceptable in line with consultees' desires and planning policy. There are no sensitive habitats or protected species on site and a Unilateral Undertaking has been provided that will off-set the recreational impact of future residents of the new houses on the Pebblebed Heaths.

CONSULTATIONS

Local Consultations

Parish/Town Council 09.03.15

Members of Aylesbeare Parish Council are very strongly opposed to the demolition of the existing Aylesbeare Inn and replacement with the houses and commercial unit as proposed in this application. The proposed development is not in keeping with the street scene and is a total overdevelopment of this area of land in the centre of our small village.

The photos of the proposed development show that it is not in keeping with the village style of building. It is an overbearing three-storey building, too close to the road on a sharp corner, with restricted pedestrian walkway. Although 12 parking spaces and a narrow delivery alleyway have been allocated, there is likely to be a severe congestion problem, as is currently experienced with the new dwellings on the pub site (to the north).

The Design and Access Statement is based on misleading information.

#2 Proposal: "The public house has now been closed for over two years having proved to be uneconomical to retain in its existing lawful use."

#4 Loss of Public House Facility.

The Parish Council has no way of judging the correctness of these assertions concerning the pre-application reports by Stonesmiths or the three-year confidential finance reports submitted to EDDC.

The assertion that there is no financial justification for the retention of the building as a public house, we believe, could be based on misleading information. The three year figures for the pub cover a period of general decline are not representative of the pub's true business potential. The presentation of a confidential report should be challenged. The Inn has suffered poor management and a lack of investment for a number of years which dissuaded people from attending and making use of the facilities. Internally the building is quite quaint and with proper investment and management could well be made into a 'destination' Inn.

It is stated that "The position has been accepted by the Council." This is untrue.

East Devon District Council has indicated that the figures have not yet been inspected. The Parish Council request that very careful analysis is made of the confidential figures presented with this application as to whether this Inn is past redemption or could it be made a going concern, after appropriate refurbishment. Also was it marketed at an appropriate price when being offered for sale as a going concern? The Parish Council considers that it was substantially overpriced bearing in mind what the developer paid for the whole site (which included three building plots which have now been developed) and the renovation works required to the building.

Furthermore on #4 it is stated that, "...the building is dilapidated ...in poor state of repair ... makes no significant contribution to the character and appearance of the village." This should be challenged. The pub has made a significant contribution to village history, heritage and community life for 400 years and is the recognisable

central building in the village. It has been allowed to decline and become dilapidated over recent years. The new development will destroy rather than enhance the character and appearance of the village.

#5 Local Consultation/Neighbourhood Plan:

All of this section is misleading. It implies that the Parish Council has already approved the development, which is certainly not the case. The Parish Council has been very careful, in discussion with the applicant, not to express an opinion. It is also implied that the development is in line with a proposed Neighbourhood Plan which again is not the case. Any plans for a village centre would not accommodate a huge, outward facing development on the corner of Village Way and Withen Lane.

When the applicant held a well-attended public meeting to discuss the proposed development of the site there were strong concerns expressed by village residents regarding the demolition of the Inn and replacement with houses and a 'destination' wine bar. Many residents made it clear that they wished the Inn to remain. The developer left them with the understanding that these concerns would be addressed at a time when alternative proposals would be presented. Instead we are now faced with a full planning application.

To be successfully developed the Neighbourhood Planning process must be one of co-operation between land owners, developers, the residents of Aylesbeare and the Steering Committee. Here we are faced with piecemeal development of an important village site with little regard for character, appearance and heritage or community amenity.

The Parish Council also notes that the developer has indicated in his planning application several options for use of the commercial outlet. Surely these all have different car parking, waste bin storage and other requirements and so each use should be considered separately.

When considering the impact the proposed building would have on the street scene we believe that it would be very dominant and out of place. If a cross section were drawn of the proposed building and the listed buildings on the opposite side of Village Way it would illustrate just how dominant this would be. These cottages would be completely overpowered and lose all their privacy. Also the large glass windows are not at all in keeping with the surrounding buildings or the character of the village.

The Parish Council is currently working on a Neighbourhood Plan and the Developer is well aware of this. It is a golden opportunity to carefully plan and develop the site in accordance with the wishes of the parishioners. It is inappropriate to deal with this application at this time.

In summary, the Parish Council offer the following material objections:-

- Visual impact
- Access and traffic
- Cumulative impact on the village and the community - loss of important heritage and community amenity.
- Overdevelopment of the site.

Parish/Town Council 07.09.15

Members of Aylesbeare Parish Council strongly object to this application being approved. The original planning application was refused by this Council on 4 material grounds - visual impact, access and traffic, cumulative impact and the overdevelopment of the site. The amended plans do not address any of these material considerations. Aylesbeare Parish Council's objections therefore still stand, in addition, since our previous representation two further grounds for objection have emerged: prematurity in the context of our emerging Neighbourhood Plan and the registration of the Aylesbeare Inn as a Community Asset. As Aylesbeare has now been classified as an unsustainable location any development should be guided by our Neighbourhood Plan.

A Public Open Meeting took place on 17 August where approaching 100 people attended. It was agreed that the revised plans show little difference from the originals. It is still a massive over-development of the site with the public house too tall and overshadowing the period cottages opposite. The proposed buildings are inappropriate and not in keeping with the street scene. A public house such as this is not seen in small rural villages. There is a lack of adequate parking with unsuitable access from Withen Lane. No thought has been given to delivery vehicles which would not be able to reverse into the car park. Everyone was unanimous in favour of re-instating the pub but not with these plans. Either the existing inn must be restored or alternative plans should be drawn up and then re-considered both by local government and the parishioners of Aylesbeare as promised by the developer

Parish/Town Council 5.11.15

Whilst members of Aylesbeare Parish Council appreciate that the developer has tried to mitigate the overbearing nature of this development by amending the plans slightly, they still wish to strongly oppose the approval of this application.

The Parish Council hosted 2 Public Meetings concerning this application and at the final meeting the developer agreed to produce alternative plans for the parish and EDDC to consider - this he has not done.

As Aylesbeare has now been classified as unsustainable any development should be guided by our Neighbourhood Plan. The survey has now been completed and the vision of the parish is to have a village green to the rear of the Aylesbeare Inn. The proposed new house along Within Lane would completely destroy this vision. It would block the whole concept of a community area.

EDDC is already in possession of the views of this Council and we trust that these will be brought forward, together with the 50 letters of objection, when this matter is finally discussed.

Ottery St Mary Rural - Cllr M Coppel

As the new District Councillor representing Aylesbeare, I would like to recommend this application be refused on the following grounds:

1. Adverse effect on the residential amenity of neighbours: the application includes a proposal to construct a three story commercial building facing onto Village Way, which will inevitably mean a loss of amenity for neighbouring and nearby properties due to overlooking and loss of privacy.

2. Overdevelopment of the site: the construction of three residential properties and a three storey commercial property - which includes residential provision as well - represents gross overdevelopment of what is a relatively small plot of land, and is not in keeping with the scale of development in the area.

3. Out of character with the area: the proposed development bears no resemblance to the character of the village, unlike the existing property which, along with other nearby properties, enhances this unique character.

4. Adverse effect on the setting of a listed building: The properties across the road from the proposed site are grade II listed, and as such the setting in which they reside should be protected. As mentioned, the existing property combines well with these properties to create a unified visual setting to the area which this proposal will blemish. Support for this objection is outlined in policy EN9 of the emerging Local Plan.

5. Policies 3.28 & 8.70 of the NPPF promote the retention and development of community facilities such as public houses, and guard against their unnecessary loss. Likewise, Strategy 32 of the emerging Local Plan states;

"In order to ensure that local communities remain vibrant and viable and are able to meet the needs of residents we will resist the loss of employment, retail and community uses. This will include facilities such as pubs, shops and Post Offices."

6. Policy E14 of the Emerging Local Plan states;

"Proposals which would result in a significant or total loss of shops, Post Offices, Public Houses or other services to the community will not be permitted except where the existing provision of a use of this nature is no longer viable and there is no market for the business as a going concern, evidence will need to be presented to show that the site has been actively market for at least 12 months at a sound, realistic and viable price for the type of commercial uses that the type of use can command. A vigorous economic assessment will be undertaken to establish the potential and viability of any specific concern and marketing of any property or business will need to include offering to the local community for their acquisition/operation."

Any evidence provided by the applicant to suggest the business is unviable should be treated with caution, given the numerous accounts from residents that the business has been deliberately neglected.

Further comments 5/08/15

I wish to reiterate my earlier recommendation that this application be refused, with the following additions:

1. Aylesbeare is an unsustainable settlement, and therefore any development that takes place there should be determined by the emerging Neighbourhood Plan. Approval of schemes prior to the Plans completion would be premature.

2. The Aylesbeare Inn is now registered as a community asset, and therefore any proposal to demolish it should be refused.

Whilst I am minded to object to this application, I will be keeping an open mind on my final decision until in possession of all the facts.

Former Ward Member - Ottery St Mary Rural - Cllr C Wright

I will post my comments in due course but I would like to ask that as the Aylesbeare Inn is thought to be around 400 years old, that English Heritage could be consulted on the planning application.

The adopted and proposed local plan makes provision for the protection of the last facility of its kind in a community.

Aylesbeare over the past few years has lost a shop, a school and does not have a post office. If it lost the pub, the ONLY remaining facility left would be its village hall.

For a village with well over 100 dwellings (excluding the dwellings in the outlying parish) this falls far short of what should be available.

I have seen from the objections that many people believe that the pub has been deliberately neglected, with little or no maintenance being carried out for years and opening hours becoming increasingly sporadic, with residents never knowing if the pub would be open or shut.

Juliet Muir makes a valid point that the accounts from the last three years cannot be seen as being reflective of the pub's true viability and would of course show that the pub is not profitable because it is during this time that it has been neglected.

Not only that but there are reports of large Rottweiler dogs wandering around the pub and quite understandably, have put people off visiting.

A further major problem is that planning consent was given to build on the pretty pub garden, which surely must have had a negative impact on trade.

The new proposal would mean that SIX dwellings would be built on the site of the Aylesbeare Inn, which is significant overdevelopment in a village where houses are nicely spaced and the feel is very much of a rural quiet location.

In essence, it feels very much as though the pub site has been developed by stealth over the past few years and allowed to run down, with the inevitable outcome that it has become unviable.

But with a different approach and a different owner, things could be very different.

I note that the conservation team has objected strongly, as have many other residents, to the design of the proposed new dwellings and wine bar. I note that the team states that the design is "completely out of keeping with the character of the village." And that the pub is the focal point of the village and is of historic, social and community interest. It is over 400 years old and should not be knocked flat just because it has been allowed to fall into disrepair.

I note from Ann Turl's comments that Halls and Halls Cottages are Grade II listed buildings and are right opposite the pub. For this reason, I believe that English Heritage should be consulted on any planning proposal for the Aylesbeare Inn site.

In conclusion I believe that there is evidence (from a wide range of sources) that the Aylesbeare Inn has been allowed to fall into disrepair, and has suffered from a lack of investment. The opening hours were sporadic before it was closed last year. The accounts are not representative as they are only taken from three years, when the pub fell into disrepair and was at a time when Rottweiler dogs were wandering around the pub and deterring people from visiting.

In my view the applicant has not demonstrated the necessary planning requirement that the pub is unviable and its loss would reduce even further Aylesbeare's services, leaving just the village hall for social occasions. I am aware that the planning team has no jurisdiction over the proposals for a wine bar and if approved, the development could go ahead without it in any case.

This application should be refused.

Technical Consultations

Conservation

This application relates to the redevelopment of the above site which includes the demolition of the public house and the construction of 3no. dwellings and one commercial unit.

The Aylesbeare Inn, is an unlisted building in the centre of the village of Aylesbeare, located at a T junction which lies adjacent to the public house. Withen Lane joins the main village road. The pub has an attached skittle alley, car park and beer garden which are all accessed from the lane. The site lies within the development boundaries of the village, but it is not the subject of any national or local landscape or townscape designations. There are 2no. listed cottages opposite the site which contribute to the group setting of the village.

In conjunction with a pre-application enquiry 14/0189/PREAPP relating to Inn, I visited the site on 17th June 2014 and photographs of the public house and the surrounding area taken at that time are stored under West Team I Drive. The property is two storey, with various single storey additions at the rear, including the skittle alley, rendered with slate roof, and has undergone some rather unfortunate modernisation including upvc windows. Although it appears to have little architectural merit, it is an important feature and focal point within the village centre and certainly has village scape value. The public house is shown on the historic OS maps dating

back to 1889, when it was known as the Blue Anchor Inn. This name prevails until at least the 1950's and maybe later. Whilst it would not necessarily meet the criteria for being noted as a non designated heritage asset, it certainly has a presence in the streetscene and is of local historic, social and community interest. I would not necessarily want to see the loss of the public house if this can be avoided.

A recent planning application, 13/0360/FUL, for the construction of a terrace of three dwellings within the beer garden of The Aylesbeare Inn, is now complete. Please note that we were not consulted on this application.

It was noted at the time that the approved development raised concerns from the local Councillor and residents regarding a number of issues including how the loss of the pub garden would affect the viability of the public house as well as concerns regarding the potential for vehicles to park outside the pedestrian entrances on Village Way. It was considered that whilst a section of the pub garden would be lost, there would be space available within the site for a new smaller pub garden to be created and for the rearrangement of car parking such that it is considered that it would be difficult to demonstrate that this proposal would significantly affect the viability of the Aylesbeare Inn.

The pre-application enquiry and the current application confirm that the public house is no longer viable and this is of course a matter for the Planning Team to consider, bearing in mind the recently approved application. Whilst this is regrettable, it is not uncommon, in a village situation and there are many examples throughout East Devon of similar scenarios.

The existing building has been vacant for over 2 years and during this time has obviously not been repaired or maintained. The Design & Access Statement states: 'The existing building is dilapidated; in generally a poor standard of repair; and makes no significant contribution to the character and appearance of the village.'

Demolition and redevelopment with a high quality of new development will enhance the character and appearance of the village to a much higher standard than the retention and conversion of the building'

However, still no consideration appears to have been given to the conversion of the public house for residential accommodation. I was not able to gain access to the public house to assess how viable this might be, but the fact that its scale and appearance is relatively domestic, would suggest that this could be a possible option or solution. I would therefore suggest that if it is agreed that the public house is no longer viable, that rather than lose the building altogether, consideration is given for its conversion (similarly The Malsters Arms at Clyst St Mary, The Fairmile Inn, both now converted to residential use, and there are many other examples in East Devon). This could include the skittle alley aswell and the site could easily be developed for a mixed use/ residential scheme incorporating all/some of the existing buildings. This would also help to retain the character and appearance of the heart of the village and without the loss of an historic and community feature.

There is no supporting Structural or Condition survey to support the loss of the public house or to suggest that it could not be converted to other uses.

Proposed scheme: the proposed design is in keeping with the approved short terrace of housing to the north (hipped roofs, large gables, suburban styled conservatoire etc), but this is completely out of character with the village. The new development wraps around the corner with a large two storey multipaned bay window which does not reflect the character and appearance of the village in any way. Coupled with dormers in the roof, a clock tower, arch and the use of various materials this is more reminiscent of a town centre location, rather than a village. The visual impact on the village centre and the listed buildings opposite are of considerable concern.

Conclusion: further consideration should be given to retaining the public house and converting it to an appropriate use.

Further comments 29.09.15

The property is in relatively poor condition and has been neglected for sometime. Regular and routine maintenance does not appear to have been carried out in conjunction with other more urgent works. The report indicates that the property is of solid construction, either stone or cob. However, some of the proposed works itemised in the Scope of Repair Works would not necessarily be suitable for this type of construction. Additionally, there are some items where there maybe scope to provide alternative materials, specifications etc based on the fact that the building is not listed. This would probably reduce the overall cost of the works.

It is appreciated that the property needs to undergo considerable repair and renovation to bring it up to appropriate standards. In addition, that some works are likely to be urgent and necessary, whilst others of less priority. However, the report does not attach any level of priority to these works and where there maybe scope to phase the works over a period of time.

However, based solely on the overall report and figures provided, it appears that the works to repair and renovate the property are certainly extensive.

Further comments 10.08.15:

The overall appearance of the scheme does not seem to have altered very much and although the uses as a public house has been re-introduced the rest remains the same.

Please see previous comments relating to retention of the public house, possible conversion to residential accommodation and overall appearance and design, none of which appear to have been addressed by these amendments.

Further comments 18.11.15:

The changes include the omission of the dormers on both elevations, south and east and their replacement with conservation rooflights and the removal of the multi-paned windows and replacement with more domestic multi-paned casemenets. Otherwise the scheme remains the same.

Whilst this has addressed some of the design issues, there is still concern that the overall scheme is more akin to a town centre location rather than the rural village of Aylesbeare.

Building Control

Further to your consultation request on the above scheme I would comment in respect of the Building Regulations as follows:

- The commercial unit would require full accessibility in respect of Part M (Access and Use) and dimensions of entrance lobbies should be considered accordingly
- The internal layout of the commercial unit is not fully described however means of escape under Part B (Fire Safety) should be carefully considered, which may require enclosure of the internal stair.

English Heritage

Thank you for your letter of 27 February 2015 notifying English Heritage 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.

Further comments:

Arrangements for Handling Heritage Applications Direction 2015 &
T&CP (Development Management Procedure) (England) Order 2015
AYLESBEARE INN VILLAGE WAY, AYLESBEARE EXETER, DEVON, EX5 2BX
Application No 15/0266/FUL

Thank you for your letter of 21 July 2015 notifying Historic England of the amended plans 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.

Further comments:

Thank you for your letter of 14 October 2015 notifying Historic England of the amendments to 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.

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

County Highway Authority 10.03.15

Observations:

The Planning Authority will be aware that the CHA responded to 14/0189/Pre App for which the access to parking for the commercial unit was commented upon :-

The Pre-App drawing 1689:1 shows the 4 no. proposed new dwellings have access to the vehicle parking via their rear garden access gates, which is acceptable; however there is no access to the parking spaces for the proposed commercial units. There should be a footway link that from the front of the commercial unit to the rear parking area (along Withen Lane). Failure to supply the footway would lead to parking on the carriageway at or near a junction and would that will be a road safety hazard.

This application shows adequate footway connection between the commercial unit and the proposed vehicle parking at the rear and at the side of the development, therefore the CHA is content there would be a safe amenity for drivers to access both the commercial and dwelling units which does not require them to step onto the carriageway.

Recommendation:

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

1. The site access shall be constructed, laid out and maintained thereafter in accordance with the attached diagram 1705:1.

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

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

County Highway Authority 20.03.15

Please find attached the Highway Response which differs from the former response for the above planning application.

Observations:

The Planning Authority will be aware that the CHA made a Highway Response dated 10th March 2015, in which it recommended that 2 number conditions were incorporated with any grant of permission. Since that date it has been brought to the CHA's attention that the proposed tandem parking of two vehicles for the commercial unit as shown on diagram 1705:1 would mean that vehicles would have to either reverse into or out of an access that is close to the existing junction of Village Way/Withen Lane and at the same time cross the new footway. On reflection the CHA considers that such vehicle manoeuvring is unacceptable in highway safety terms and could endanger all road users. Therefore regrettably changes it's recommendation to one of refusal.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF

DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, The use of the site access resulting from the proposed development would be likely to increase the conflict of traffic movements close to a junction which has restricted visibility from and of emerging vehicles resulting in additional danger and inconvenience to all users of the road contrary to paragraph 32 of the National Planning Policy Framework.

Should the Planning Authority be minded to grant permission the County Highway Authority recommends the following conditions:

1. The site access shall be constructed, laid out and maintained thereafter in accordance with the attached diagram 1705:1.

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

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

20 March 2015

Other Representations

23 objections have been received during three consultations with neighbours about the various iterations of the scheme. These objections are often from the same address to different stages of the proposals and the points they make can be summarised as follows:

- Too little parking
- Too many houses
- The proposed pub is too tall and urban

- Initial large corner windows and the overall design were out of keeping (the windows have now been reduced)
- The pub harms the setting of the listed cottages opposite
- Initially no outside seating for pub (now provided)
- Viability assessment required (subsequently provided)
- Unsustainable location for new houses
- No bin area (now provided)
- No guarantee it will be a pub (now fully confirmed as a pub)
- No pavements or street lighting
- No local schools or doctors
- Applicant has 'warmed up' Parish Council by attending meetings
- Applicant has listened to villagers, but not enough
- Clock tower on pub is 'ridiculous'
- Grant-funding for a community asset should be available and could be used for refurbishment
- Pub is still viable, just poorly run
- Pub is precursor for residential conversion
- Small outdoor spaces are to be provided
- Construction concerns, including vibration damage to listed cottages
- No flues or chimneys on houses apparent
- Special consideration must be given to listed cottages' setting
- Withen Lane is narrow with a poor junction
- Existing pub should be preserved and listed
- General comments and feeling that the proposals are driven by deriving profit from the residential elements of the scheme

2 letters of support highlight that new homes are needed locally, a new viable pub would be beneficial to the community and the scheme is generally well-designed.

POLICIES

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

Strategy 28 (Sustaining and Diversifying Rural Enterprises)

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

D1 (Design and Local Distinctiveness)

E14 (Change of Use of Village Shops or Services)

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)

ANALYSIS

Site Description

The Aylesbeare Inn is one of the key buildings in Aylesbeare located on Village Way close to the middle of the village. The village itself has lost many of its earlier facilities and retains few amenities apart from the Village Hall, Church and an occasional bus service, the pub having been shut for some time.

The pub is a modest rural affair, located on the northwest corner of Withen Lane and Village Way. It fronts Village Way and the car park is accessed to the rear via Withen Lane. 3 new houses have been recently developed on the northern side of the pub in what used to be a beer garden. Access to the private parking for these is shared through the pub car park.

The Aylesbeare Inn has a modest floor area with a main bar, small WCs and skittle alley spanning out along the edge of Withen Lane in a single storey extension. Most of the pub layout is only single storey height with the central section of the building rising to a low-two storey height.

The pub appears of indeterminate age, but local research suggests that some parts of the building may date back 400 years. That said, the building has clearly evolved mainly over the last 150 years with various extensions and alterations. The EDDC Conservation Officer has concluded that the building is not a heritage asset and it would be unlikely to be listed.

Opposite the pub are Halls Cottages which are grade II listed. These two semi-detached cottages are set well back from road with neat front gardens and drainage ditch running past. The application site and wider locality does not fall within a Conservation Area.

Aylesbeare is not one of EDDC's proposed rural growth settlements and in most planning policy contexts would be considered a rural location where residential development would need to be specially justified.

Proposal

The proposal is for the demolition of the public house and its replacement with two semi-detached cottages, a further detached house along Withen Lane and a replacement public house on the corner of the two roads. Access would be close to the existing entrance on Withen Lane with service access to the new pub, 13 open parking spaces and 3 garages (presumably 6 garage/spaces for the houses and 10 for the public house).

The application was submitted in early 2015 with a Unilateral Undertaking to provide mitigation payments for replacement open space to offset the recreational impact from three new sets of residents on the Pebblebed Heaths. The development plans have subsequently been revised twice, once to respond to public concerns raised at a Parish Council public meeting held in August 2015. The application was originally submitted for 4 dwellings and a commercial unit and this commercial unit has now been confirmed as a pub.

The proposed replacement public house is now a two storey building with a third floor enclosed in the sloping roof. The pub curves around the street corner with a hung slate first floor, rendered masonry at ground floor and traditional pub porch onto Village Way. The roof has several features including a large chimney and there are other entrance doors on Withen Lane and to the car park at the rear. There is an external pub patio area to the west end of the building and internally there are three floors, with a possible arrangement being a bar on the ground floor, a restaurant area on the first floor and living accommodation in the roof. There is ample room for a kitchen in the western part of the pub and service access is brought from the car park which is also the position of the bin store.

The proposed semi detached cottages front onto Village Way in line with the recent three additional cottages built in the former beer garden. These are traditional low-height two storey cottage designs with hipped roofs and first floor windows breaking the eaves-line. They would provide three bedrooms each and would be joined to the new pub building. They have small front gardens that are not detailed in the application, but vehicular access would be to the rear as described above, with single garages at the end of their back gardens.

The third house is detached and positioned on the opposite side of the Withen Lane access way into the car park. It is shown with no front garden, an enclosed small rear garden and three bedrooms in a traditional internal layout.

Planning History

Residential development at the Aylesbeare Inn was first discussed with EDDC around 2006 and a planning permission resulted for 2 dwellings. This was upped to 3 dwellings in the northern beer garden area in a planning permission granted in 2013 and these have subsequently been built and occupied.

The applicant is the developer of these houses and in recent years the applicant leased the pub to a landlord who was broadly unsuccessful in maintaining a good and viable tenancy. The pub was marketed for freehold sale, but no purchase was completed.

The applicant attests that the unsuccessful marketing of the Aylesbeare Inn resulted in the realisation that the pub was in need of so much physical improvement work that the only way to finance this would be generating capital from the development of the remainder of the land. Since the erection of the 3 houses in the beer garden, the overall holding is not large and as a result the applicant has developed a scheme that involves the entire rebuilding and rationalisation of the public house. This

application was prepared at the start of 2015 and has been under discussion ever since.

In early 2015, Aylesbeare Parish Council applied to make the Aylesbeare Inn an Asset of Community Value (ACV). This application was approved in June 2015 meaning that the pub cannot be demolished without planning permission and if offered for sale within 5 years, the community have 6 months to consider making an offer. This offer would not have to be accepted by the owner and the ACV designation cannot force a sale of the property.

The principle of development

To start, there are two fundamental policies that must be taken into consideration. Firstly, both national and local plan policy (Strategy 32) restricts the loss of public houses where they serve as community facilities, particularly in villages and particularly where they are the last pub left. Secondly, Aylesbeare is a rural settlement that is not where house-building is normally encouraged outside of serving local housing need. Therefore, housing proposals in and around Aylesbeare would normally be discouraged and the Council will look to the Neighbourhood Plan process to identify housing need and then identify locations where this can be provided for. In short, new housing development in Aylesbeare would be in an inaccessible location, remote from services and amenities where sustainable travel alternatives to the private car are very limited.

In considering these two fundamental points, it is clear that the proposals involve the replacement of the public house with a new one. Some comments from objectors have focused on the loss of the public house and there is a local suspicion that this is the precursor to the new pub becoming residential development. Put simply, this is not what is being applied for. The proposal is for a replacement public house and the applicant has agreed to a planning condition being applied for the pub to be complete in a ready-to-occupy condition before first occupation of the houses.

The development of three houses will be in a location where officers would not normally support them due to their inaccessible location. That said, the houses are to be provided to enable the replacement pub to be built and would be positioned essentially within the old built-up boundaries of Aylesbeare. The houses will not spread out into the surrounding countryside and will not appear out of place or contrived. They will be in a location that is inevitably reliant on the private car, but conversely they will ensure that the public house is replaced in a new, more sustainable building that will provide a good, or at least best chance of being successful as a local community facility again.

During the course of the application, the applicant stated that earlier sales of the Aylesbeare Inn had failed on the back of purchasers' surveyor's reports that the current pub would cost uneconomic amounts to repair and upgrade. An inspection by officers was carried out and it was agreed that the pub was in a poor state of repair and could not easily accommodate high numbers of customers. A professional survey report was requested by EDDC to seek verification that the pub was in need of unviable sums of money to transform.

Assinder Turnham carried out the survey and supplied a report that concluded that over £350,000 of work was required. It is considered that although commissioned by the applicant, with the possibility of inflation of costs and over-ambitious improvements, there is no evidence to suggest that this is not a broad indication of what is needed to bring the Aylesbeare Inn back into a situation where it is long-term viable as a modern public house. Even if this figure is considered to be inflated, the costs of renovation would still be likely to be in excess of £200,000.

The Aylesbeare Inn has been considered in heritage terms and although the kerb appeal of the building as a typical Devon pub is obvious, there are no special historic qualities to the building that would qualify it as a good candidate for listing or indeed even qualify it as a non-designated heritage asset. Its demolition simply cannot be resisted in planning policy terms providing good quality replacement buildings and replacement pub use are being proposed.

There is considerable local sentiment that the Aylesbeare Inn has been run into the ground deliberately or otherwise and the housing proposed as capital leverage, would be unnecessary if the Aylesbeare Inn were run well. This sentiment can be empathised with, but evidence of such actions is almost impossible to prove and the applicant is tabling a new public house where the old public house building cannot be protected for any valid planning reason (notwithstanding its protection as an Asset of Community Value).

Officers have concluded that it is likely to be that the Aylesbeare Inn has not been maintained and operated poorly in tough trading times. Even if it were operated well, it might not survive for many more years due to its small capacity and the descending pub trade market, especially for traditional village drinking pubs. The popularity and success of new-build pubs is notoriously fickle (some do well, some are unpopular), but the applicant has adopted a series of design measures to ensure the new pub looks like a public house, retains some character and has greater floorspace and meaningful operational improvements over the existing pub.

In summary, it is considered that replacing the Aylesbeare Inn with a newer, more efficient public house building accords with local and national planning policy. Developing 3 new dwellings, although not in the most accessible and sustainable location and contrary to policy, is offset by their location within the built fabric of the village and outweighed by the benefit of redeveloping the public house in a way that will give the best chance of maintaining a community public house in Aylesbeare over the coming decades.

Appearance, amenity and the setting of listed buildings

There has been considerable local criticism of the proposed public house design. The existing pub is very rural and low key in appearance, the proposed replacement far taller, with more floorspace and an eye-catching corner plot prominence. After planning officers asked for various minor alterations to the scheme to make it work better, a public meeting was held in August where numerous villagers criticised the window arrangements and dormers facing the corner. The applicant took this on board and removed the dormers and reduced the large corner windows.

Officers have clearly and repeatedly stated that they support a replacement public house that looks prominent, although special consideration has been needed to take into account the setting of the listed cottages opposite. These cottages have been visited by planning and conservation officers and their significance considered. Hall Cottages are set back from the road with a parking area, ditch and walled front garden in between them and the road. Their significance in streetscene terms is the attractive frontages and this is not significantly harmed by the replacement building being proposed. Their outlook to the countryside beyond will be partly obscured and that is unfortunate for the occupiers of the cottages, but this rural outlook is not considered part of their most important heritage significance or part of their setting. The listed buildings are very much part of the village and have built development throughout their surroundings. For these reasons and after special consideration, the setting of the listed buildings will be preserved.

The public house design involves distinctive elements that set it out from the other houses on Village Way, for example it cannot be confused with the bungalows and large modern houses opposite. This way it is hoped that passing customers will easily identify it as a pub and stop for a drink or meal. None of the design features such as hanging slate, a rounded corner or big windows are alien to the Devon area and the proposal is considered to accord with policies such as D1 of the Local Plan.

The 3 houses proposed are of unexceptional design, the two semi-detached dwellings being largely the same as those developed in the beer garden in the last couple of years. The houses have cottage proportions and heights and will fit into the village street scene seamlessly. Control of materials and front garden walling will be important in ensuring good quality facades.

None of the houses poses any overlooking or enclosing threats to its neighbours, but the proximity of the new public house to the new houses poses an obvious noise and disturbance problem. For this reason officers have sought to ensure that there are screened walkways from the car park to the pub without overlooking the back gardens of the new houses. Pub parking is positioned away from the house boundaries and the home-owners benefit from garages to ensure they can secure valuable cars or possessions inside and away from passing drinkers. The bin store is positioned inside and in a position where it doesn't affect the neighbours.

Overall the amenity of existing and new residents is protected and accords with Development Plan policy.

Parking and access

The existing Aylesbeare Inn has parking for around a dozen cars if arranged efficiently. The proposals involve 6 private housing parking spaces (including 3 garages) and 10 spaces for the new pub. This is another issue that is causing great concern for local residents who consider that 10 spaces is a reduction over the current arrangement and that cars will inevitably park on Village Way as already occurs occasionally and did when the Aylesbeare Inn was last open. Neighbours are particularly upset as they consider that the additional houses, especially the third detached house, take up parking areas that could be used by the pub.

It should be noted that the Highway Authority do not object (now that the proposal has been amended to remove tandem parking previously proposed) and that parking standards are not supported in current planning policy. The last parking policy applied by Devon County Council actually applied a maximum standard as opposed to a minimum standard. For a public house trying to encourage customers to a rural location, more parking spaces off road will always be beneficial. But at the same time, it is hoped that as many customers come by foot from the local community as do drive from further afield, after all most customers will be drinking alcohol.

Parking is not restricted on the edge of Village Way by regulation orders, but there are certain places such as the corner of the road where parking is impractical. The 10 car park spaces will no doubt not be enough should the pub be a successful draw wider afield. But at the same time, 10 spaces for the majority of the working week should be more than adequate and this number broadly equates to what is found at many village pubs in the area. There is no evidence presented by the Highway Authority that very occasional on-street parking in the area would lead to a harmful reduction in highway safety and in truth the new pub is little different from the current situation with the existing Aylesbeare Inn.

To reach the car park, vehicles use Withen Lane, which is narrow but lightly trafficked. Revisions to the site layout have been requested that ensure that pub deliveries are made in the pub car park and not with lorries standing in the street. Room has been provided to ensure delivery and waste vehicles can enter, turn and leave the car park in a forward direction.

Although parking at the proposed pub is limited, it is not dissimilar to the current capacity at the Aylesbeare Inn car park. At the very busiest of times, it is likely that some cars may park on Village Way, but the Highway Authority are happy that this does not unduly harm highway safety, notwithstanding the concerns of neighbours.

Ecology

The existing pub will be demolished and therefore the roof space has been surveyed to see if bats are present. The survey shows that there is no evidence of bats and that providing the demolition workers take simple precautions, any discoveries should be reported to Natural England or a suitably qualified ecologist for advice. The same protection applies should any nesting birds be disturbed.

Unilateral Undertaking - Planning Obligations

The applicant applied for planning permission in early 2015 and the requirement (at that time) for mitigation to any additional harm where residents taking recreation on the Pebblebed Heaths should be offset by making a financial contribution towards replacement recreation space. As part of the application, the applicant provided a Unilateral Undertaking for the necessary financial contributions and this is considered acceptable. Because of the Order in the Court of Appeal in May 2016, the Council can no longer request affordable housing or open space contributions on schemes of this nature.

Asset of Community Value

The Aylesbeare Inn was designated an Asset of Community Value (ACV) in June 2015 by EDDC. It is material in this consideration that this village pub is a treasured and important part of the community. Local residents have been clearly distressed because the pub has not reopened in recent times. That said, the East Devon Local Plan already recognises the importance of such local amenities and has policies such as those mentioned above to protect such pubs.

All possible measures will be applied to ensure that the rebuilding of the pub will not be aborted midcourse due to technicalities or for other reasons. It is unusual and perhaps unprecedented for a Planning Authority to authorise the entire rebuilding of an ACV, but in this case, the applicant has provided enough evidence for it to be justified.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Prior to the commencement of the development hereby permitted, details of materials to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
4. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. Plans of the front facade of the cottages facing Village Way shall be provided including elevations annotated with the materials to be used in all works. 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. All walls, boundaries and surfaces shall be installed as agreed to the satisfaction of the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)

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

(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan.)

6. The use of the commercial building shall be limited to use to a drinking establishment in accordance with Class A4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987. Notwithstanding the provisions of Class A of Part 3 and Class D of Part 4 of Schedule 2 to the Town and Country Planning General Development Order 1995 (or any other Order revoking and re-enacting that Order with or without modification), no such change of use referred to therein shall take place without planning permission having been first granted expressly by the Local Planning Authority.

(Reason - To protect a community asset from being lost in accordance with Policy E14 of the emerging East Devon Local Plan.)

7. The three residential units shall not be occupied for residential purposes until the replacement public house hereby approved is fit for occupation for A4 use in accordance with details submitted to and approved in writing by the Local Planning Authority.

(Reason: In the interests of securing the completion of the public house to ensure development is not abandoned in accordance with Policy E14 of the emerging East Devon Local Plan)

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

(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with the requirements of Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

9. The garages and car parking spaces to be provided shall be kept available for the parking of a car at all times.
(Reason - To ensure that adequate garaging/parking provision remains available.)
10. Details of any floodlighting or external lighting shall be submitted to and approved in writing by the Local Planning Authority before installation. Development shall be carried out in accordance with the approved details.
(Reason - In the interest of the character and appearance of the locality.)
11. No development shall take place until details of the foul and surface water drainage system have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before any dwelling or the public house on the site is occupied.
(Reason - To avoid pollution of the environment and/or flooding in accordance with the requirements of Policy EN15 (Control of Pollution) of the East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

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

Wildlife - Bats and birds are protected under the Wildlife & Countryside Act 1981 and the Countryside and Rights of Way Act 2001, it is an offence to deliberately or recklessly disturb them or damage their roosts or habitat. Therefore, close inspection of the roof(s) should be undertaken prior to the commencement of works to determine if any bats or birds reside in the roof(s). No works should occur while birds are nesting which may be at any time between the month of March to September inclusive; if bats are present works should cease until the applicant has obtained further advice from Natural England on 0845 601 4523 or email wildlife@naturalengland.org.uk. Further advice on bats is available from The Bat Conservation Trust (0845 1300 228).

This planning permission shall be read in conjunction with a Unilateral Undertaking securing financial contributions towards Pebblebed Heaths mitigation signed and dated on the 2nd February 2015.

Plans relating to this application:

1705:7	Proposed Site Plan	20.07.15
1705:4:B	Proposed Elevation	20.07.15
1705:2:A	Proposed Elevation	20.07.15

1705.3 REV C	Proposed Combined Plans	09.10.15
	Location Plan	03.02.15

List of Background Papers

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

Ward Ottery St Mary Rural

Reference 16/0721/VAR

Applicant Mr Tom Rogers

Location Land Adj. Barnfield House Cadhay Lane Ottery St Mary EX11 1QZ

Proposal Variation of condition 2 of reserved matters approval ref 14/0317/RES to amend details of appearance, landscaping and layout.



RECOMMENDATION: Approval with conditions

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		Committee Date: 5th July 2016
Ottery St Mary Rural & Town (OTTERY ST MARY)	16/0721/VAR & 16/0554/FUL	Target Date: 31.05.2016
Applicant:	Mr Tom Rogers	
Location:	Land Adj. Barnfield House Cadhay Lane	
Proposal:	16/0721/VAR: Variation of condition 2 of reserved matters approval ref 14/0317/RES to amend details of appearance, landscaping and layout. 16/0554/FUL: Construction of detached double garage with storeroom.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

These applications are brought before the Committee as the officer recommendation is contrary to the view of Ward Members.

This report addresses two applications for development related to the same site. The first application (16/0721/VAR) is a variation to the reserved matters approval for two dwellings which was granted in May 2014 (14/0317/MRES) seeking some minor changes to the design/window positions of both plots, a larger garage and an amended boundary to plot 1 that prevents Plot 2 from constructing its approved garage. As a result of the change to the boundary to Plot 1, the second application (16/0554/FUL) is for a new detached garage to Plot 2. This garage is proposed to the south of Plot 1 outside of the original site area for the two dwellings.

The development as constructed is largely the same in scale and appearance as the approved scheme and the design/window variations do not change the impact on the character and appearance of the area or the neighbouring properties.

The alterations to the layout have changed the parking arrangements but there remains space for parking for two cars per plot (in addition to the garages) and sufficient space to turn around and exit onto Thorne Farm Way in a forward gear. The new garage for Plot 2 takes land from within the neighbouring property (Barnfield House) but it will retain a sizable garden.

In conclusion, the scheme as constructed is considered appropriate for the site and therefore both applications are recommended for approval.

CONSULTATIONS

Local Consultations

Ottery St Mary Town - Cllr R Giles

PLANNING APPLICATION 16/0554/FUL BARNFIELD HOUSE, OTTERY ST MARY: CONSTRUCTION OF DETACHED DOUBLE GARAGE WITH STOREROOM

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

I am most unhappy about this application, and the activities that have resulted in it. Planning permission for two dwellings and a garage were granted following submission of planning application 14/0317. The planning application was very contentious at the time - particularly the proposal that access should be from Thorne Farm Way, rather than Cadhay Lane.

Subsequently the garage was constructed in completely the wrong place - on the wrong side of the dwellings, and actually outside the site boundary.

I am most concerned that approving a garage in this location, will increase road safety problems at the junction with Thorne Farm Way. The new location makes it difficult to achieve turning facilities on site, and increases the dangers to users of the access caused by the possibility of reversing vehicles, as well as at the junction with Thorne farm Way.

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

ROGER GILES 12 April 2016

Ottery St Mary Town - Cllr P Faithfull

16/0554/Full Double garage and store at Barnfield House site. This application is part of a development of which a section is in my ward. My preliminary view, based on the information presently made available to me is that it should be refused.

This development covers both Ottery town and rural wards. The boundary runs down along the stream to where it reaches the edge of the Thorne Farm Way estate. At this point it turns north along the new flood channel, along the eastern boundary of the development. From the bridge to Thorne Farm Way is in Ottery Town Ward. From the bridge to the north the remainder is in Ottery Rural Ward.

The original application for this site was for one house and accompanying double garage. This was then increased to two houses, both with Double garages and independent driveways. In the process of construction, the dividing wall has been built out of place leaving insufficient space for the double garage as shown on the plans. The garage and storeroom has now been built outside the site boundary contrary to the planning permission. There is now an electronic gate fitted at the end of the drive for the northern plot leaving inadequate turning area for the southern

plot. Although there is a turning point beyond the bridge this is of little use to vehicles using the garage and parking area of the southern plot. There is also a need to have access kept clear for the northern plot.

The proposed double garage and storeroom is more than just started and is almost finished. I would therefore question whether this type of planning application is appropriate.

In the event that this application is brought to committee, I reserve my views until all the facts are available to me.

Parish/Town Council

(Garage Application) TOWN COUNCILS COMMENTS: The Town Council do not support this application on the following grounds:

- o It has not been erected in the correct location as per the original Planning Application
- o The turning circle has been considerably reduced in size

The Council were surprised to find that during a site visit the garages had already been constructed

(Variation Application) TOWN COUNCIL COMMENTS: The Town Council is disappointed that this is now the 2nd retrospective application on this site and feel it is clearly abusing the planning system.

Technical Consultations

County Highway Authority
Highways Standing Advice

Environment Agency

(Garage Application) Thank you for your email. However, the proposal is for householder development within Flood Zone 3 and the development itself is not within 7m of the main river. It therefore falls within the scope of our Flood Risk Standing Advice. For the relevant comment please refer to the following link: <https://www.gov.uk/flood-risk-assessment-local-planning-authorities>.

(Variation Application) We have no objection to this application. The locations of the proposed dwellings are largely unaltered and the proposed finished floor levels are to be set at the same level as those in the previously approved reserved matters application.

Other Representations

One representation has been received (from the former owner of the land) raising concerns about the availability of turning space within the site.

PLANNING HISTORY

Reference	Description	Decision	Date
12/0926/FUL	Erection of detached two storey dwelling with basement and detached garage and construction of driveway accessed from Cadhay Lane, including bridge over stream	Refusal	03.08.2012
12/1835/FUL	Construction of 1no. two storey dwelling with detached garage and store and new driveway (re-submission of 12/0926/FUL)	Approval with conditions	19.10.2012
13/0642/OUT	Outline consent for the construction of 2no dwellings, retention of main house (Barnfield House), including details of new driveway access	Approval with conditions	18.06.2013
14/0317/RES	Construction of 2 no.dwellings (approval of reserved matters comprising appearance, landscaping, layout and scale pursuant of outline approval 13/0642/OUT)	Approval with conditions	15.05.2014

POLICIES

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

Strategy 24 (Development at Ottery St Mary)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

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

EN22 (Surface Run-Off Implications 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 located on the edge of Ottery St Mary within the built up area and backs onto open fields. Two dwellings have recently been constructed which are accessed via a new driveway from Thorne Farm Way.

The site adjoins the boundaries of Rowan Tree House to the east and Barnfield House to the south. Lying on the opposite side of a flood relief channel to the east of the site there are several dwellings on Thorne Farm Way.

ANALYSIS

This report addresses two applications for development related to the same site. The first application (16/0721/VAR) is a variation to the reserved matters approval for two dwellings which was granted in May 2014 (14/0317/MRES). The second application (16/0554/FUL) is for a detached garage which follows as a consequence of the changes to the first permission.

Plot 1, which is the northernmost of the two dwellings, has been constructed in the approved position but a number of changes have been made to the dwelling, its detached garage and the landscaping around it. This has included a revised plot boundary that cuts across the approved position of the garage to Plot 2 and amended window arrangement. The roof height is also proposed slightly higher than previously approved (approximately 400cm).

Plot 2 has also been constructed in the approved position but its garage is proposed to be relocated to a position beyond the boundary of the original planning approval for the two dwelling. The garage is in effect proposed on land within the cartilage of Barnfield House. This plot is also approximately 400cm higher with altered window positions.

The dwellings are finished in a combination of render and natural timber cladding which is very similar to the approved scheme. The overall scale and bulk of the dwellings is also largely as approved and the amended window positions and increased height do not result in any detrimental level of overlooking or loss of amenity. With these changes the dwellings are still considered to be an appropriate addition to the housing stock of the area.

The increase in the size of the garage for plot 1 and the moving and enlargement of the garage for plot 2 increases the scale of the development but it is still compatible with the character of the area and the enlarged garage to plot 1 causes no visual

harm or harm to the amenity of surrounding residents. Barnfield House will still retain a sizable garden.

The changes to the landscaping have introduced new paved areas (with additional soakaways) but still allow space for planting. Trees have been retained as indicated on the approved plans.

The expansion of the boundary of plot 1, which has given rise to the repositioning of the garage for plot 2, has affected the parking arrangements for the properties. Plot 1 has sufficient parking and turning space for at least two cars within its curtilage. Plot 2 has been provided with an area measuring 5 metres deep by 8 metres long in front of its garage and a separate area measuring 1.6 metres by 8 metres on the opposite side of the shared driveway. The standard size for a parking space in Devon County Council's standing advice is 4.8 metres long by 2.4 metres wide (if there is a separate pedestrian access). Applying the standard to the space provided in front of the garage it can be seen that there is sufficient space for 3 cars to park. Furthermore, the additional space on the opposite side of the shared driveway would allow a car to turn around and exit in a forward gear in most circumstances. Even if it were not possible to turn in that area (such as if a large delivery vehicle came to the site) there is a further turning area where the driveway turns 90 degrees to cross the bridge into the site.

Other matters

The outline and reserved matters approvals were subject to a number of conditions, many of which were never discharged. The details now submitted in respect of landscaping, drainage, etc. are considered appropriate and sufficient that there is no need to impose further conditions, other than to seek details of the permanent closure of the link to Cadhay Lane to ensure access is from Thorn Farm Way only.

RECOMMENDATION 1:

APPROVE 16/0721/VAR 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 5 April 2016.
(Reason - To comply with Section 63 of the Act.)
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The dwellings hereby permitted shall be accessed only from Thorne Farm Way. Within three months of the date of this decision details of a scheme to permanently prevent vehicular access from the site to Cadhay Lane and a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To prevent an over-intensive use of the substandard access to Cadhay Lane and to comply with policy TC7 (Adequacy of Road Network and Site Access) of the 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), the dwellinghouses hereby permitted shall not be enlarged.

(Reason - In the interests of the amenities of the occupiers of adjoining properties and the character of the area in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or other openings other than those expressly authorised by this permission shall be constructed at first floor level or above.

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

Plans relating to this application:

06-050C	Proposed Plans	Combined	05.04.16
06-090E	Proposed Floor Plans		04.03.16
06-080E	Proposed Elevation		04.03.16
06-070E	Proposed Floor Plans		04.03.16
06-060E	Proposed Elevation		04.03.16
06-040C	Other Plans		04.03.16
06-030E	Proposed Site Plan		04.03.16
06-020F	Proposed Site Plan		04.03.16
03-010B	Location Plan		05.04.16

RECOMMENDATION 2:

APPROVE 16/0554/FUL 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 24 March 2016. (Reason - To comply with Section 63 of the Act.)
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice. (Reason - For the avoidance of doubt.)

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:

04-030	Proposed Site Plan	04.03.16
04-050	Combined Plans	24.03.16
04-020	Location Plan	24.03.16

List of Background Papers

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

Ward Ottery St Mary Town

Reference 16/0205/FUL &
16/0206/LBC

Applicant Ashcom Developments Ltd

Location 11 Silver Street Ottery St Mary EX11 1DB

Proposal Construction of dwelling in rear garden.



RECOMMENDATION: Approval with conditions



		Committee Date: 5th July 2016
Ottery St Mary Town (OTTERY ST MARY)	16/0205/FUL & 16/0206/LBC	Target Date: 05.05.2016
Applicant:	Ashcom Developments Ltd	
Location:	11 Silver Street Ottery St Mary	
Proposal:	16/0205/FUL - Construction of dwelling in rear garden. 16/0206/LBC – Proposed works to rear boundary wall for access to proposed new dwelling.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

The proposals relate to the construction of a split level three bedroom dwelling of contemporary form and design on a modest plot of land around 0.035ha in area at the rear of no. 11 Silver Street, a range of two and three storey Grade II listed buildings located within the designated Ottery St. Mary Conservation Area. This part of the conservation area is of particular sensitivity owing to the number and concentration of listed buildings in the vicinity, including St. Mary's Church. Parts of no.11 itself have been converted, and are currently undergoing conversion works, to form a number of residential properties.

The submitted details show an L-shaped plan form incorporating two main roofs of monopitch design aligned at right angles to one another with lean-to single storey additions to both the basement and upper floor levels to provide additional space. External wall and roof finishes are to consist of a mix of stone, brick and vertical timber boarding with zinc standing seam roof. Engineering works to reduce site and floor levels would be required so as to seek to reduce the impact of the building and drop proposed garden levels so as to reduce potential levels of overlooking of adjacent gardens.

The site is flanked on three boundaries by attractive established walls of brick and stone construction. The brick wall that defines the northern boundary would be removed and rebuilt in light of its poor structural condition.

The submission follows the withdrawal of an earlier 2015 scheme for a larger two

storey unit, also of contemporary built form, on the plot.

The sensitivity of the site in relation to key heritage assets within the town is unquestioned and the extent to which a contemporary built form and design may be viewed as inappropriate are fully acknowledged. However, the plot is located at the rear of a considerable number of buildings where, with the possible exception of a glimpsed view from distance of the upper parts of the proposed building from the car park off Hind Street, the development would not be readily visible. It would also exhibit a subservient scale and height in relation to the surrounding development, much of which is of a frontage layout and pattern, in line with the general principles of creating a hierarchy of built forms within the townscape. As such, it is thought difficult to justify the view that it would detract from the character or appearance of the conservation area, the character of the setting of the listed buildings around the site or the overall heritage significance of either.

Equally, it is not considered that the development would result in any material detrimental impact upon the living conditions/amenities of the neighbouring occupiers through overlooking/loss of privacy or through being unduly overbearing or dominant as to cause significant loss of outlook, aspect or light.

In the circumstances therefore, while the objections raised by the town council, ward members and third parties are acknowledged and understood, it is thought that the overall planning balance weighs in favour of acceptance of the proposal.

CONSULTATIONS

Local Consultations

Parish/Town Council

TOWN COUNCIL'S COMMENTS: The Town Council strongly objects to this Planning Application for the following reasons:

- o The construction would have a very detrimental impact on the Conservation Area.
- o It would not be in keeping with the area.
- o It would be overbearing, overlooking surrounding properties and causing loss of light to those properties.
- o There are grave concerns over excavations adjacent to the surrounding wall.
- o The design is inappropriate.

Ottery St Mary Town - Cllr R Giles

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

The application site is highly sensitive. It is at the heart of the Ottery Conservation Area, and it is adjacent to a Listed Building, with several other Listed Buildings in close proximity. Ottery St Mary Parish Church - probably the most important building in the whole of East Devon - is very close to the site, in an elevated position above the site.

Should it be considered that a dwelling could be acceptable in this small and limited site (I have considerable doubts about this) it would have to be very carefully designed in order to come up with something that complemented or enhanced the important and attractive buildings nearby. Instead something quite abhorrent and totally unacceptable has been put forward. It is totally out of keeping with the existing buildings nearby, and is also too large for the small site. It would be visually intrusive, and cause considerable damage to the integrity of the Conservation Area.

The proposed dwelling, if approved, would also have a detrimental effect on a number of adjacent properties in Hind Street and Silver Street. The site is substantially higher than the gardens of adjacent properties, and would result in overlooking and also a loss of light.

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

Ottery St Mary Town - Cllr P Faithfull

Dear Planning Team

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

Although the latest design is less intrusive than the original design, the proposed building remains a contemporary structure, set in a conservation area. The proposed building will have a damaging impact on this sensitive part of conservation area of the town. There is also concern about the structure of boundary walls.

Technical Consultations

County Highway Authority
Highways Standing Advice

Devon County Archaeologist

I refer to the above application. The Historic Environment Team have no additional comment to make on this planning application to those made on the earlier application 15/1802/FUL, namely:

The proposed development lies in the historic core of Ottery St Mary. While 11 Silver Street is an early 19th century building this area is likely to have been occupied from the medieval period onward and the area occupied by the proposed development may contain artefactual and archaeological evidence of early occupation at Ottery St Mary. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the early settlement.

For this reason and in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) 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, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 141 of the National Planning Policy Framework (2012), that an appropriate record is made of archaeological evidence that may be affected by the development.

I would envisage a suitable programme of work as taking the form of 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.

Other Representations

4 representations of support and 2 representations of objection have been received in respect of the application.

Summary of Objections

1. Concern regarding long term stability of retaining walls if excavation and building works are carried out so close to them contrary to NPPG.
2. Overbearing, dominating and overshadowing impact upon garden resulting in loss of light contrary to local plan policy D1.
3. Overlooking/loss of privacy.
4. Development totally at odds with surrounding area and squeezed into a plot of inadequate size.
5. By reason of its location in the heart of the conservation area, its close relationship to listed buildings and its modern design, the development will fail to preserve or enhance the area.
6. Exacerbation of problems of pedestrian safety and traffic flow at entrance to single vehicle width road to site through more cars crossing the pavement at a point of congestion.

Summary of Grounds for Support

1. This is a wasted piece of land on which one house will fit without affecting the area.

2. The design is attractive, carefully considered and different and would complement the more traditional setting and also complete the development; additional housing in the town is to be welcomed.
3. A contemporary style house will encourage more people to the area bringing further wealth.
4. In the interests of the local developer to do a good job.
5. The development will be screened by existing boundary walls and will fit into the space available.
6. Good to see interesting contemporary architecture planned for Ottery; there is little else that demonstrates the 21st century.

PLANNING HISTORY

Reference	Description	Decision	Date
15/1802/FUL	Construction of dwelling house to the rear of 11 Silver Street.	Withdrawn	13.10.2015
15/1803/LBC	Proposed works to rear boundary wall for access to proposed new dwelling.	Withdrawn	13.10.2015

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 24 (Development at Ottery St Mary)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

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

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

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

EN22 (Surface Run-Off Implications of New Development)

E9 (Town Centre Vitality and Shopping Areas)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Site Location and Description

The site comprises a currently vacant plot of land around 0.035 hectares in area located to the rear of no. 11 Silver Street, the former premises of Coles Furnishers, just to the north of the town centre. It lies within the designated Ottery St. Mary Conservation Area and in close proximity to a significant group of Grade II listed buildings that line the western side of Silver Street as it ascends towards St. Mary's Church, itself Grade I listed, to the north. The site is also within the defined Town Centre Shopping Area.

More specifically, it is positioned just beyond, and to the south west of, the western end of a connected group of two storey former warehouses, previously used in connection with the business premises, that have very recently been converted to form two residential units. These are themselves attached to the rear of a two storey building fronting Silver Street, formerly part of the retail area of the business, which is itself being converted to a dwelling. This building is in turn attached to the side of the main three storey building originally occupied by Coles, the upper floors of which are being converted to form two flats. All of these buildings are Grade II listed.

The plot to which the current application relates is bordered on three sides by established walls of brick and stone construction, two of which are retaining structures with adjacent land to the west and south, in the form of the private rear garden of no. 3 Hind Street and a long narrow garden at the rear of Seasons Tea Rooms at no. 9 Silver Street respectively, set at a lower level.

An unmade private lane of single vehicle width extending off Silver Street and running immediately alongside the converted former warehouses provides vehicular access to both the plot and an adjacent car parking area that, until its closure, served the Barclays bank premises at no. 15 Silver Street to the north. A wall, principally of brick construction extends along the majority of the length of the boundary between this area and the plot (the northern boundary). There is presently an opening in this wall.

The remaining eastern boundary, to what will become the private gardens attached to the new unit created from the conversion of the former warehouses, is currently open.

Proposed Development

The application proposals involve the construction of a split level part single storey, part two storey three bedroom dwelling within the plot together with works to remove and reconstruct in replica the majority of the wall that forms the northern boundary to, in part, facilitate the formation of a pedestrian access to the development.

Two parking spaces to serve the proposed dwelling would also be laid out beyond the reconstructed wall alongside three spaces that have been provided for the units within the converted warehouses.

The submitted details show an L-shaped building on plan with an inward looking main aspect that would be of contemporary form incorporating what is essentially a pair of joined monopitch-roofed elements at right angles to one another, one extending west/east and the other north/south. The former would be of two storey height and accommodate a basement level housing two bedrooms (one with en suite facilities), a bathroom and a plant room with the main living/dining and kitchen/breakfast room areas accommodated on the upper level and connected by a staircase. The latter would be single storey and would house the third bedroom and a w.c. Two separate lean-to elements would be added to the west elevation, one at each level. The basement level lean-to would feature a glazed roof to allow light to one of the bedrooms whilst that at the higher level would facilitate additional space for the third bedroom and toilet.

Access would be provided from the other basement level bedroom to an external terrace/patio. A second terrace would be laid out at the higher ground level to the north with a glazed handrail/balustrade constructed on top of a retaining wall separating the two levels. Beyond the end of the upper level terrace, the prospective garden land attached to the development would be gently graded to meet the lower ground level towards the eastern site boundary.

Externally, the walls of the building would be finished in a mix of vertical timber boarding, handmade brick and stone with zinc standing seam roofs (excluding the glazed lean-to roof referred to above). An open-sided lean-to entrance canopy would be added to the east elevation of the single storey element.

The construction and laying out of the plot would entail significant engineering works in the form of excavation to create the intended partially sunken floor levels of the dwelling itself as well as sufficiently low garden levels in the vicinity of the walls along the southern and western boundaries so as to avoid potential overlooking, mainly of the neighbouring private garden area of no. 3 Hind Street to the west as well as create an amenity space in the form of an internal courtyard for the development. For similar reasons it is proposed that the windows in the west elevation serving the upper floor be high level with only rooflights proposed along the south elevation.

The original intention was to only remove the section of the brick wall along the northern plot boundary necessary to create the proposed pedestrian access to the site and to infill part of the present opening. However, the wall is only of single skin construction. Its condition has been investigated by the applicants and it has been

found to be leaning and cracked. It is therefore now proposed to dismantle and reconstruct it in replica using the existing bricks.

The details have been modified during the course of the application to amend the roof finish, the arrangement of wall finishes, the balustrade design and materials, external garden levels and to advise of the change to the extent of the works necessary to the wall on the northern boundary.

The applications succeed previous planning and listed building consent applications (refs. 15/1802/FUL and 15/1803/LBC), submitted last year but subsequently withdrawn, relating to a scheme involving the construction of a larger contemporary dwelling of more regular form on the site.

Considerations/Assessment

The following issues that are material to consideration of the proposals are discussed in turn below.

Principle of Development

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

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

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

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

There is no question that the contemporary form and design of the proposed dwelling, taken together with its external appearance and the palette of materials that would be employed in its construction, would be markedly different to that of any surrounding buildings. Moreover, the sensitivity of the location of the site within the designated conservation area and its proximity to the highest concentration of listed buildings in the town, including St. Mary's Church, are duly acknowledged.

To this extent therefore, on the face of it the proposed development could simply be regarded as appearing at odds with the historic and architectural character and wider heritage significance of the designated conservation area and the character of the setting of the adjacent listed buildings, as is reflected strongly by the views of the town council and ward members.

However, it is thought that this would fail to fully recognise broader issues regarding the character of the setting of the site within this part of the town centre and the conservation area. The plot is wholly screened from public view from both Silver Street, as well as Saddlers Lane and Hind Street to the south and south west, by

existing buildings, a number of which directly front these highways. It is also screened from views from The College and the church to the north by a combination of buildings and high boundary walls. Furthermore, the development would be set down within the plot such that, at worst, the only semi-public views of the very upper part of the building that may be available are those from the supermarket car park off Hind Street some 70 metres to the west of the site. However, again these would be broken by existing boundary walls between the two to such an extent that any part of the development that is visible would be viewed amidst a foreground and backdrop of walls and higher street frontage buildings respectively.

It is also suggested that the reduced height of the dwelling when set against surrounding buildings would appropriately reflect the hierarchical pattern of, and relationship between, the general scale of street frontage and backland development that is sought elsewhere within town centre developments where taller street frontage buildings screen development that is more subservient in scale and height behind them.

It is also considered that the development reflects a conscious attempt to respond to the constraints of the site in terms of both its modest area and uneven ground levels, more especially when compared with the scheme subject of the previous application ref. 15/1802/FUL. In particular, the L-shape footprint of the building is thought to more appropriately address the need to try to avoid overdevelopment of what is acknowledged to be a plot of limited size whilst allowing for a reasonable level of amenity space for prospective occupiers. Furthermore the overall scale, bulk and massing of the building are altogether more modest than the original scheme with the objective having been to create an inward-looking unit of comparatively more limited proportions that sits more comfortably within the plot.

Furthermore, the detailed design and external finishes have been modified during the course of consideration of the proposal to accommodate a number of concerns held by officers. In the light of these, the details are now considered to be acceptable.

In these circumstances, it is not considered that the impact of the scheme upon the character of the setting of listed buildings or the wider conservation area would be unduly harmful. Indeed, in terms of the policy set out within the National Planning Policy Framework (the Framework), it would in the view of officers lead to 'less than substantial' harm to the significance of designated heritage assets. The Framework states that any such harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. In this case, whilst acknowledged to be slightly limited in extent, there is some public benefit to be derived from the scheme in the form of a modest contribution towards town centre housing provision as well as the enhancement of what could otherwise be a largely redundant site.

Although it is accepted that this latter argument does not necessarily itself justify development, all the more particularly as the site is in the same ownership as the other development both carried out and ongoing at no. 11 Silver Street and could alternatively be used, for example, to provide amenity space for these other units, given the balance of the foregoing material considerations it is thought that the

development would not adversely affect the character, appearance or significance of the conservation area to the extent that refusal would be justified on this ground.

Regarding the proposed works involving the reconstruction in replica of the wall along the northern plot boundary, there are no objections to these subject to controls being maintained, by way of appropriately-worded conditions, over its detailed design, any 'new' materials that it may be necessary to use to address any shortfall in the numbers of the existing bricks that can be retained for reuse and to enable inspection of a sample panel of the wall.

Impact upon Neighbour Amenity

Again in some contrast to the previous scheme, the current proposal seeks to accommodate a principal inward-looking main aspect where the windows serving the main living spaces face towards the proposed courtyard terrace.

Although the 'outer' west elevation would feature windows affording a relatively close aspect over the existing boundary wall towards the rear garden of no. 3 Hind Street , these would all be set at a sufficiently high level as to avoid any overlooking. However, in order to address the perceived privacy impact that the neighbouring occupiers could experience it is recommended that these windows be obscure glazed and fixed shut. As they are high level, they are incorporated for the purposes of providing added light to the interior of the dwelling only and, as such, it is not anticipated that any such requirement would be unduly onerous or likely to cause lower grade amenities for any prospective future occupiers.

The only windows proposed for the south elevation would be rooflights set within a roof plane of very modest pitch. As such, it is not anticipated that these would result in any overlooking or privacy issues for the adjacent rear garden of the commercial premises at no. 9 Silver Street.

Taken together with the revised site/garden levels now proposed, it is therefore not considered that the dwelling would result in any overlooking or privacy issues in relation to either of the immediate neighbouring properties/premises at no. 3 Hind Street or 9 Silver Street.

It is also necessary to consider the physical/visual impact arising from the proposed development and the effect of this upon the occupiers/operators of these adjacent sites.

In this regard, although it is accepted that the dwelling would stand up in part above the height of both walls that define the western and southern site boundaries to the extent that there would clearly be a degree of impact, it is not thought that the level of this would be sufficient to result in significant harm to the living conditions of the occupiers of no. 3 Hind Street or the operators of the business at no.9 Silver Street through being unduly physically dominating, overbearing or intrusive as to cause material loss of outlook, aspect or light. The residential property at 3 Hind Street has the benefit of a sizeable rear garden and, coupled with the distance at which the development would be set back from the plot boundary with this property, at between 2.5 and 3 metres, it is not considered that it would be unduly dominant or intrusive as to justify objection on this ground. Equally, although positioned close to the site

boundary with the rear garden of no. 9 Silver Street, this occupies a narrow but long strip of land and, whilst there would be some degree of impact upon part of this premises it is not considered that it would be at a level that could reasonably form the basis of a substantive objection.

There is some empathy with the concerns expressed regarding the lack of knowledge as to the depth of the older stone retaining walls that form the western and southern boundaries of the site with these properties, particularly given the differences in land levels, and their future stability. A condition is therefore recommended requiring the submission of a method statement for their retention and protection during the course of development for the purposes of ensuring both their retention as heritage assets within the designated conservation area and that their stability is appropriately considered and, if/where necessary, addressed. It is acknowledged that the plot is limited in area and the development would be constructed in close proximity to these walls that form an important element of this part of the conservation area. It is therefore of considerable importance that they are appropriately protected.

Archaeology

The County Archaeology Team recommends that a condition be attached to any planning permission that is granted in this case requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation to be submitted to and approved by the Authority. This is in recognition of the potential of groundworks connected with the development to expose artefactual and archaeological evidence of early occupation at Ottery St. Mary.

It is anticipated that this would take the form of archaeological supervision of all groundworks to allow for identification, investigation and recording of any deposits with the results and any post-excavation analysis presented in a report.

An appropriately-worded condition is therefore recommended.

Financial Contributions

The application is in this case required to be accompanied (in the event of a resolution to grant planning permission) by a unilateral undertaking that contains provisions securing the payment of a financial contribution of £626 towards mitigation of the impacts arising from increased residential development upon the integrity of the European-designated East Devon Pebblebed Heaths Special Protection Area in line with the Council's adopted approach towards fulfilling its obligations under the Habitat Regulations.

Although such an undertaking was supplied with the application when it was first validated, this also secured the payment of financial contributions towards open space provision/enhancement and affordable housing provision. However, following recent changes in Government policy (expressed through modifications to the National Planning Practice Guidance) in relation to the provision of tariff-style contributions and affordable housing in association with smaller scale residential schemes, the Council is no longer able to seek these contributions. It is however still required to pursue habitat mitigation, in line with E.U. legislation, and the contribution level set out above is still to be sought by the Council.

To this end, the undertaking supplied by the applicants has been returned for the appropriate amendments to be made to omit the requirements for the payment of open space and affordable housing contributions. It is anticipated that the modified document may be returned to the Council ahead of the Committee meeting. However, if not, any resolution to grant permission would need to be made subject to this contribution being secured. If this is not possible, or the applicants are unwilling to modify the document, the matter may have to be referred back to Members with a recommendation to refuse the application on the basis that the scheme fails to appropriately mitigate the effects of the development upon a European site.

RECOMMENDATIONS

16/0205/FUL

APPROVE subject to receipt of an amended unilateral undertaking securing payment of a habitat mitigation contribution and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Notwithstanding the submitted details, before development is commenced a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the designated Ottery St. Mary Conservation Area in which the site is located and the character of the setting of adjacent listed buildings in accordance with Policies D1 - Design and Local Distinctiveness, EN9 - Development Affecting a Designated Heritage Asset and E10 - Conservation Areas of the East Devon Local Plan 2013-2031.)
4. 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 in accordance with Policy

EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 141 of the National Planning Policy Framework.)

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order, with or without modification), no development of the types described in Classes A or E of Part 1, or Class A of Part 2, of Schedule 2 to the Order shall be carried out without a grant of express planning permission from the Local Planning Authority.

(Reason - To enable the Local Planning Authority to retain control over operations that would not ordinarily require a grant of planning permission in the interests of preventing overdevelopment of the site and in order to protect the character and appearance of the designated Ottery St. Mary Conservation Area in which the site is located and safeguard the character of the setting of adjacent listed buildings in accordance with Policies D1 - Design and Local Distinctiveness, EN9 - Development Affecting a Designated Heritage Asset and E10 - Conservation Areas of the East Devon Local Plan 2013-2031.)

6. No development shall commence until a detailed method statement for the retention and protection of the existing walls along the western and southern boundaries of the site during the course of the development has been submitted to and approved in writing by the Local Planning Authority. The statement shall set out a timetable for their protection and the means by which the protection shall be provided as well as measures to be implemented in the event of any structural failure of either wall. The agreed statement shall be fully complied with at all times.

(Reason - To ensure that the historical assets are appropriately retained and maintained during the development in accordance with Strategies 48 (Local Distinctiveness in the Built Environment) and 49 (The Historic Environment) and Policies D1 (Design and Local Distinctiveness) and EN9 (Development affecting a Designated Heritage Asset) of the adopted East Devon Local Plan 2013-2031.)

7. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the adopted East Devon Local Plan 2013-2031.)

8. The windows in the west elevation shown on drawing no. 14.60 P 22a shall be obscure glazed and fixed shut prior to first occupation of the dwelling hereby permitted and shall thereafter be retained as such in perpetuity.
(Reason - In the interests of protecting the privacy and amenities of the occupiers of the neighbouring residential property and to comply with Policy D1 - Design and Local Distinctiveness of the adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

This planning permission is accompanied by, and should be read in conjunction with, the unilateral undertaking dated (date to be inserted) relating to the payment of a financial contribution towards mitigation of the impacts of additional residential development upon the integrity of the European-designated East Devon Pebblebed Heaths Special Protection Area under the Habitats Regulations.

Plans relating to this application:

14.60.SP 10B	Location Plan	24.05.16
14.60 P22A	Proposed Elevation	24.05.16
14.60 P20B	Proposed Floor Plans	24.05.16
14.60 P21 C	Proposed Elevation	24.05.16
14.60 P23	Proposed Elevation	24.05.16

16/0206/LBC

APPROVE subject to the following conditions:

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted.
(Reason - To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
2. Prior to the commencement of development, a 3-5 square metre sample panel of brick walling to be used shall be constructed on site for inspection by an officer of the Local Planning Authority. Any such sample provided shall be

agreed in writing with the Authority as well as any variations as to coursing, pointing and the type of brick to be used. The works as may be agreed shall be carried out and completed in full in line with any specification or other written instructions from the Local Planning Authority.

(Reason - To ensure that the materials and detailed design and appearance of the reconstructed wall are considered at an early stage in the interests of the appearance and character of the designated conservation area in which the site is located in accordance with Policies D1 - Design and Local Distinctiveness and EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

Plans relating to this application:

14.60.SP 10B	Location Plan	24.05.16
14.60 P 20B	Proposed Floor Plans	24.05.16
14.60 P 23	Proposed Elevation	24.05.16

List of Background Papers

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

Ward Raleigh

Reference 16/0201/FUL

Applicant Mr Thomas Smith

Location Large Mobile Dwelling Greendale Lane Clyst St Mary Exeter EX5 1AW

Proposal Use of land for four additional caravans, one day room and creation of new vehicular access for gypsy family



RECOMMENDATION: Approval with conditions

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		Committee Date: 5th July 2016
Raleigh (WOODBURY)	16/0201/FUL	Target Date: 22.03.2016
Applicant:	Mr Thomas Smith	
Location:	Large Mobile Dwelling Greendale Lane	
Proposal:	Use of land for four additional caravans, one day room and creation of new vehicular access for gypsy family	

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 site is located on the eastern side of Greendale Lane, Woodbury Salterton and comprises the middle part of a larger field. The site measures approximately 40 metres (including the driveway) in width by 45 metres in depth, orientated lengthwise alongside the lane and having a gentle slope down from south to north. The larger field within which the application site is located has been subdivided into three, with both the northern and southern parts of the field being occupied as gypsy sites.

There is a long planning history to this site, but in 2010 planning permission was granted for retention of use of land for gypsy family comprising one mobile home, one touring caravan and one storage shed. It was conditioned to be for the use of Thomas Smith his spouse and children.

The applicant now seeks four additional caravans for his children. The applicant has stated that they have been living on the land for twelve years, his children have grown up and the age of his girls vary between the ages of 16, 17, 18 and 21 and the applicant is seeking additional space for his children. This need was picked up as part of the work into the Local Plan.

Policy H7- Sites for Gypsies and Travellers states that, inter alia, "where sites already exist within the locality, new pitches should be accommodated through expansion/increased use of these existing sites, though as smaller sites can be more acceptable, site size restrictions could be applicable to ensure sites do not become too large."

Ordinarily, new development in the open countryside is not encouraged,

however this Policy allows for appropriate expansion and intensification where sites already exist and it is considered that such development would not conflict with the other Policy criteria (covering issues such as access, landscape and amenity interest etc) or other relevant policies of the Local Plan.

Whilst the proposal will result in additional accommodation on the site, it is to house existing residents, so it is considered that there would not be any increase in traffic (or car-borne journeys over and above that which could exist. This also means that the residents are already part of the local community.

It is considered that the application is acceptable regards drainage and sewerage and landscape impact. The highways authority has not objected to the proposal and it is considered that the application is acceptable.

CONSULTATIONS

Local Consultations

Raleigh - Cllr G Jung

I have reviewed the 2 applications 16/0201/FUL and 15/2689/FUL for extra pitches and day rooms off Greendale Lane in Woodbury Salterton.

I have concerns that the 2 applications and the recent developments at this site which do not have planning permission would cumulatively affect the character of the local area which is clearly in the open countryside.

On researching the history of this site I see that a planning Inspector agreed with an Enforcement Notice 10 years ago. I quote from his report:

"Demonstrable harm on the character and appearance of the countryside and rural landscape and highway safety" and he did "not find the appeal site to be in a sustainable location".

However in 2010 a planning application was approved by the Planning Authority for a single site 10/1526/FUL for Mr Thomas Smith. However strict conditions were considered appropriate to minimise the single pitch would have at this location.

Conditions incorporated within this Application were as follows.

2. The site hereby permitted shall not be occupied by any persons other than gypsies and travellers.
3. The site shall only be occupied by one family and the mobile home and touring caravan permitted on the site shall not be occupied by individuals or persons unrelated from the occupants of the other caravan.
4. The site shall not be used for the carrying out of any trade or business or open storage of goods, plant or materials in connection with any trade or business.
5. The site shall be occupied by Mr Thomas Smith and his partner/spouse and children thereof.

I have some sympathy with Mr Thomas Smith and his requirements for better accommodation but the cumulative effect of at least 10 further pitches at a site that is

"unsustainable" where development is against national planning policy and the EDDC Local Plan, I feel I cannot support either application in their present form. I also find that the information provided for these applications are not sufficient to make a proper judgement.

I will reserve my final views on these applications until I am in full possession of all the relevant arguments for and against.

Further comments:

16/0201/FUL Greendale Lane Use of land for 4 additional caravans

I have read the further information for this Application and consider that my earlier comments still stand.

I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

Further comments:

I fully understand the decision and I have some sympathy for Mr Smith. However I will be speaking as Ward Member on this application on the issues I have raised previously, plus the issue regarding the creation of a new entrance.

Parish Council

Objection on the grounds that the proposal does not meet the criteria described within Policy H7 of the adopted East Devon Local Plan

Further comments 14.06.16

Comments from Gypsy/Traveller Liaison officer (DCC) dated 31st May 2016 were noted and accepted but the original objection still applies.

Technical Consultations

Environmental Health

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

Gypsy Liaison Officer Devon County Council

Thank you for your letter relating to the above. I am happy to make the following observations in line with National and County Policy, and also observations following a site visit to the above location.

Devon has only two local authority Gypsy sites, one at Sowton, Exeter; this site is a long term residential site which holds a waiting list. A second: Broadclyst is not owned by the County Council and we are not able to offer any new pitches for

families due to the terms set by the landowner. Whilst accommodation for the settled community is increasing in the South West there is still very little provision for Gypsy/Traveller families.

There are no emergency or transit sites in Devon and ninety percent of the traditional stopping places have been blocked off or developed for other purposes in the past 10 years. Due to this it is becoming more essential for Gypsy/Traveller families to have an authorised stable base from which they may access the services such as Health and Education that the rest of us may take for granted.

I have had the opportunity to speak with Thomas at length about his and his daughters travelling patterns:

I can confirm that the 4 pitches being sought are for his immediate family; his daughters and they all fall within the planning definition of Gypsy/Traveller. His daughters range from age 16-21; they travel with Thomas and his wife and younger son at various times during the year for economic purpose. They are not left at home when travelling; this wouldn't be accepted within the culture.

The Gypsy/Traveller Liaison Service supports this application.

Small private sites continue to be the best option for local planning and housing authorities in relation to finding accommodation for Gypsies and Travellers. Meeting this huge need in Devon is important if the number of unauthorised encampments and developments are to reduce across the county.

The County Council has a range of responsibilities in these matters and, whilst on social and welfare grounds this application is supported, recognising the lack of authorised sites within Devon, this would not override other material factors such as highways.

Environment Agency

Thank you for your email. However we should not have been consulted on this application.

Following the changes to the DMPO in April 2015 where non-mains foul drainage is concerned, we are now only a Statutory Consultee on major development proposals. We only need to be consulted on prior approvals/non-major development proposals if another characteristic of the development (i.e. flood risk, contamination etc.) requires consultation in line with the DMPO.

Please refer to our general advice on non-mains drainage when determining these applications:

South West Water

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

Devon County Flood and Coastal Risk Management Team

Devon County Council's Flood and Coastal Risk Management Team is not a statutory consultee for the above planning application because it is not classed as a major development under Part 1(2) of The Town and Country Planning (Development Management Procedure) (England) Order (2015). However, we have been approached by the Local Planning Authority to provide advice in respect of the surface water drainage aspects of the proposals, which is outlined below.

Although we are not a statutory consultee, the applicant is still required to provide the Local Planning Authority with a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. Indeed, the Planning Application Form states that the surface water from this site will be disposed of by means of a soakaway, but no further information has been provided in this regard. The applicant is therefore advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found at the following address: <https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/>.

Consequently, I would advise the Local Planning Authority that at this stage, the applicant has not provided sufficient information in relation to the disposal of surface water from the site to enable detailed observations to be made on the proposal.

Further comments 14th June 2016:

Devon County Council's Flood and Coastal Risk Management Team is not a statutory consultee for the above planning application because it is not classed as a major development under Part 1(2) of The Town and Country Planning (Development Management Procedure) (England) Order (2015). However, we have been approached by the Local Planning Authority to provide advice in respect of the surface water drainage aspects of the proposals, which is outlined below.

I have no further comments to add to those made in my previous correspondence (FRM/2016/570, dated 28th April 2016).

Consequently, I would advise the Local Planning Authority that at this stage, the applicant has not provided sufficient information in relation to the disposal of surface water from the site to enable detailed observations to be made on the proposal.

Other Representations

Three letters of representations have been received,

- Against strategy 27
- Does not comply with conditions on 10/1526
- Does not comply with strategy 22, EN19 (adequacy of foul sewers) H18(Water Quality), EN19, EN 22 TC2 and TC7
- Creation of access damaging to hedgerow
- History of noise and disturbance
- No electrics so rely on generators

- There is no immediate need which cannot be met elsewhere
- Location of the site is unsuitable and unsustainable
- There is significant landscape harm
- Insufficient and inadequate information
- Fails to meet all criteria of policy H7
- The proposal conflicts with the NPPF and PPTS
- The applicants are not gypsies and travellers
- They do not fall under the new definition.
- Application is premature
- Unsafe access
- Inadequate provision for services and drainage
- Inadequate information

PLANNING HISTORY

Reference	Description	Decision	Date
10/1526/FUL	Retention of use of land for gypsy family comprising one mobile home, one touring caravan and one storage shed.	Approved	23.09.2010
04/2688/FUL	Siting of three caravans for occupation by gypsies and increase width of existing access.	Refused	30.11.2004

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

H7 (Sites for Gypsies and Travellers)

D1 (Design and Local Distinctiveness)

TC7 (Adequacy of Road Network and Site Access)

TC2 (Accessibility of New Development)

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

EN22 (Surface Run-Off Implications of New Development)

Strategy 7 (Development in the Countryside)

Site Location and Description

The application site is located on the eastern side of Greendale Lane, Woodbury Salterton and comprises the middle part of a larger field. The site measures approximately 40 metres (including the driveway) in width by 45 metres in depth, orientated lengthwise alongside the lane and having a gentle slope down from south to north.

The larger field within which the application site is located has been subdivided into three, with both the northern and southern parts of the field being occupied as gypsy sites.

Greendale Lane is a narrow single-track road with few passing places, accessed via a difficult junction at Heathfield Cross from Oil Mill Lane to the south, and similarly narrow roads providing access to the site from the north. The width of Greendale Lane and the lack of passing places are restricted further due to the existence of deep ditches on either side of the highway, requiring any vehicle encountering another to reverse for a considerable distance to a field entrance to allow passing. To the north

The site is located approximately 1 km from the nearest settlement of Woodbury Salterton, which has a primary school but few other facilities. The nearest dwellings are a pair of cottages, Greendale Cottages, located approximately 240 metres from the access to the site, 150 m from the northwest corner, beyond which the next nearest property is Greendale Court approximately 250 metres away at its closest point.

Planning History:

On the basis that the Committee's assessment and consideration of this application will need to take into account a considerable amount of planning history/background of the applicants occupation of the site, the following account is intended to be of assistance to Members

In May 2003 planning permission was granted for the erection of a stable block on the site, but that permission was never implemented. The Councils records indicate that the applicant and his family moved onto the site in September 2004, when the land was owned by the occupier of a nearby gypsy site (Meadow Rise). The applicant and his family then purchased the land in August 2005.

In October 2004 a planning application was received for the siting of three caravans for occupation by gypsies and an increase in the width of the existing access. This was refused by notice dated 2nd December 2004 (on the basis of the unsustainable location of the site and detrimental visual impact) and on the 8th March 2005 an Enforcement Notice was served on the owners of the site requiring the removal of mobile homes, touring caravans for residential purposes and the return of the land to agricultural use and the condition which existed prior to the breach of planning control. The Notice specified a period of 2 months in which to comply with its requirements.

Appeals were lodged against the refusal of planning permission and the serving of the Enforcement Notice and these were dealt with concurrently at an Inquiry in

November 2005. The appeals were subsequently dismissed by letter dated 16th December 2005.

In dismissing the appeals the Inspector varied the requirement relating to the restoration of the land and extended the time period for compliance to 12 months. The effect of the new time period was to give the appellants until December 2006 to comply with requirements of the Notice the Councils records indicate that the time period was initially extended to April 2007 in agreement with the Chairman and Vice Chairman of the then Development Management Committee.

In May 2007 the appellants Solicitors were advised that it had been decided to defer any formal action against the continued failure to comply with the requirements of the Enforcement Notice, pending the Government's advice to local councils to give wider consideration to the provision of sites for gypsies and travellers throughout their District. This particular case was referred to the Member Working Party that was set up to deal with the wider issue of the provision of sites throughout the District.

In April 2010 a planning application was received for the use of land at Greendale Lane for 3 gypsy family pitches comprising 3 mobile homes, 6 touring caravans and the construction of 3 utility blocks. As this site was still the subject of an Enforcement Notice it was felt it would have been inappropriate to give favourable consideration to effectively intensify the gypsy site to the level it was when the planning and enforcement appeals were dismissed in 2005. That application was withdrawn, and a new application for the use of land for a gypsy family comprising one mobile home, one touring caravan and one storage shed. This application was approved at Development Management Committee, subject to conditions, including;

The site shall only be occupied by one family and the mobile home and touring caravan permitted on the site shall not be occupied by individuals or persons unrelated from the occupants of the other caravan.

(Reason - To ensure the site is limited to one family to ensure the scale of the development remains at a compatible level for the locality and available services).

The site shall be occupied by Mr Thomas Smith and his partner/spouse and children thereof and by no-one else unless otherwise agreed in writing with the Local Planning Authority.

(Reason - The special circumstances of the applicant and his partner warrant a personal permission).

It should be noted that an application has been submitted to the south of this site for 6 mobile homes for gypsies that is currently under separate consideration. The applicant is Patrick Smith.

Proposed Development:

Planning permission is sought for four caravans for use by Thomas Smiths children. The caravans are proposed to measure 10 x 4m and would fall within the definition of a caravan.

Permission is also sought for the construction of a day room. The day room would measure 15.2m in width by 6m in width and 4.8m in height. It would be constructed from brick with pvc windows and a black tile roof.

It is also proposed to create a new access to the site through a hedgerow. The access would measure around 10m in width.

ANALYSIS

The main issues to consider in determining this application are in terms of:

- The principle of the use of the site for four additional caravans for the use of Thomas Smiths children.
- Visual impact
- Access and safety issues.
- Drainage and sewerage

Principle

Last year EDDC commissioned a study to assess the number of pitches needed for Gypsies and Travellers in the period up to 2034. This study concluded that 37 pitches are required (22 of which are needed by 2019), the majority of need is driven by overcrowding and the formation of new families. 2 planning permissions have been granted since the study was published, so there is an outstanding need for 35 pitches. In order to provide these pitches, the District Council is doing several things:

- o Discussing the possibility of extending existing sites to accommodate extended families/newly formed families/alleviate overcrowding, with existing site owners. This has generated some interest but most Gypsies and Travellers in need are not in a position to finance expansion or purchase of new pitches themselves, meaning that a landowner would need to develop them for rental (this could be EDDC if we found a suitable site/s).
- o Providing for up to 30 pitches in a future expansion of Cranbrook
- o Seeking new sites- A call for sites finished on 4 January 2016, with landowners throughout East Devon being asked to submit sites which are available and they think would be suitable for Gypsy and Traveller use. This process only generated two sites- the current application site and one other. Direct correspondence is being undertaken with public bodies and landowning statutory consultees to encourage them to put forward any suitable land which they own in the District. Private landowners, suggested by third parties through consultation, have also been contacted to see if they might be interested in developing their land for Gypsy/Traveller use.

It is intended that, if enough suitable sites can be identified to accommodate the need, they will be identified through a Gypsy and Traveller Plan DPD.

The current planning application responds to the first and third points above. It is understood that the applicant is a Romany Gypsy who has 4 teenage children, all of whom are living in a caravan on the site with their parents. The family identified a need for 4 additional caravans in the needs assessment, so that each child could have their own space/privacy. The applicant submitted details of his site in response

to the recent call for sites and identified it as being suitable for use by other Gypsies and Travellers, and he also contacted the Policy Section to discuss the situation and explained that his preference would be to accommodate some extra 'overflow' accommodation for his own children.

Policy, H7- Sites for Gypsies and Travellers states that, inter alia, "where sites already exist within the locality, new pitches should be accommodated through expansion/increased use of these existing sites, though as smaller sites can be more acceptable, site size restrictions could be applicable to ensure sites do not become too large." Ordinarily, new development in the open countryside is not supported, however this Policy allows for appropriate expansion and intensification where sites already exist and such development would not conflict with the other Policy criteria (covering issues such as access, landscape and amenity interest etc) or other relevant policies of the Local Plan.

In this instance, the applicant proposes additional accommodation for existing residents of the site to reduce the current overcrowding. This requirement was identified in the needs assessment and contributes towards the 22 pitches needed by 2019 (although the study makes it clear that, whilst the study requires provision in the first 5 years, in reality pitches needed due to overcrowding are required in the immediate term). It is understood that the additional units will function as bedrooms/living rooms but will continue to share kitchen/washing and toilet facilities (albeit in a new day room rather than the current timber 'shed' which the family share).

Whilst the proposal will result in additional accommodation on the site, it is to house existing residents of the site, so it is considered that there should be no increase in traffic in the sense that the vehicles would already be used by the children or car-bourne journeys. This also means that the residents are already part of the local community. The site is located in open countryside, but is partially screened and further landscaping (and careful choice of finish of the new accommodation) could further reduce the visual impact. There are no immediate neighbours to the site.

In the longer term there are concerns that unrestricted occupancy of the units by additional, and separate, families would effectively create 4 additional, permanent 'dwellings' in the countryside. This could lead to a high level of additional car use and would require further day rooms and additional parking for cars, touring and work vehicles. This is not what is proposed by the applicant, but it is considered that a planning condition imposed to restrict the occupancy of the additional homes, or the length of time they can remain on the site, so that any permanent, separate use can be addressed through a future planning application in the event that the homes are not needed by the family in the future, is necessary.

The concerns regarding the application for 6 gypsy pitches on the adjoining site by Patrick Smith and other works are noted. However this application is considered to be materially different to that application because the site would still be within the ownership of one family, rather than an additional 4 gypsy pitches.

It has been contended by third parties that Thomas Smiths children are not gypsies because they would not fall under the new government definition because they

consider that the children have not ceased to travel temporarily for education or health needs. The comments of the gypsy liaison officer have been sought and it has been confirmed that:

“Devon has only two local authority Gypsy sites, one at Sowton, Exeter; this site is a long term residential site which holds a waiting list. A second: Broadclyst is not owned by the County Council and we are not able to offer any new pitches for families due to the terms set by the landowner. Whilst accommodation for the settled community is increasing in the South West there is still very little provision for Gypsy/Traveller families.

There are no emergency or transit sites in Devon and ninety percent of the traditional stopping places have been blocked off or developed for other purposes in the past 10 years. Due to this it is becoming more essential for Gypsy/Traveller families to have an authorised stable base from which they may access the services such as Health and Education that the rest of us may take for granted.

I have had the opportunity to speak with Thomas at length about his and his daughters travelling patterns:

I can confirm that the 4 pitches being sought are for his immediate family; his daughters and they all fall within the planning definition of Gypsy/Traveller. His daughters range from age 16-21; they travel with Thomas and his wife and younger son at various times during the year for economic purpose. They are not left at home when travelling; this wouldn't be accepted within the culture.

The Gypsy/Traveller Liaison Service supports this application. Small private sites continue to be the best option for local planning and housing authorities in relation to finding accommodation for Gypsies and Travellers. Meeting this huge need in Devon is important if the number of unauthorised encampments and developments are to reduce across the county. The County Council has a range of responsibilities in these matters and, whilst on social and welfare grounds this application is supported, recognising the lack of authorised sites within Devon, this would not override other material factors such as highways”.

Given this it is considered that the children would fall under the definition of gypsies and the application can be considered on this basis.

Drawing these issues together, it is considered that the proposal is acceptable in principle and complies with Policy H7.

Visual Impact

The proposed new units would be located behind an existing hedgerow. The creation of the new access would to some extent make the site more visible than it currently stands. However the majority of the hedgerow would remain and it is considered that the needs of the applicant in this case weigh heavily in favour of the proposal. It is acknowledged that there is an existing access, but this serves Steven, Patrick and Thomas Smiths plots.

In addition it is noted that a large wall has been constructed along the boundary of the site which offers screening of the proposed development, particularly in a southerly direction.

Foul and surface water drainage

Objections have been received regards the foul drainage from the site. The applicants have advised that their existing cess tank is a sealed unit and is used for foul waste purposes only and that no waste water from dishwashing, laundry or showers is allowed in the cess tank. They have advised that there is a shower in the caravan from which water is collected in a storage tank that is kept separate from the cess tank. A launderette is used for the cleaning of clothes. The water used for hands and dishes, showers is emptied into the separate tank when full. Separate tanks are used to prevent sewer pipes blocking up from grease. The amenities are not used all year round as the applicant travels for the summer and autumn months.

Government guidance in the Planning Practice Guidance (paragraph 34-020 in the section on water supply, wastewater and water quality) stresses that the first presumption must be to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.

Paragraph 34-020 states that 'applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment'. Any planning application involving a non-mains system should therefore normally be accompanied by a Foul Drainage Assessment form including a justification for why connection to the mains sewerage system is not feasible and sufficient information to demonstrate that the proposed system will be viable in this location and will not be detrimental to the environment

A foul drainage assessment has been provided it is considered that this shows that a connection to the mains sewer is not feasible and the application is acceptable in this regard. South West water have been consulted and do not raise an objection to the proposal.

With regard to surface water drainage, Devon County have suggested that the local authority seek more information on this, particularly in relation to surface water run off from the new structures. However, the siting of mobile dwellings and a day room on an already hardsurfaced area will not result in any additional surface water drainage issues and as such it is not considered necessary or reasonable to require further details.

Highways impact

The proposal includes a new access to the site. Representation has been received regards the safety aspect of the proposal. This has been discussed with the highways authority who have not raised an objection given the level of use of the

road and the low speeds along this lane. It is not considered an objection could be raised on this basis. In visual terms the access would appear to be modest and it is noticeable that it would be in close proximity to a nearby field gate. Given this and the needs of the applicant it is considered that on balance the application is acceptable in this regard.

Amenity building

Whilst the former guidance 'Designing Gypsy and Traveller Sites' has now been removed, the general advice relating to the size of pitch required to meet basic provisions is considered to remain pertinent.

There is an existing permission for a mobile home on this site but it is without a dayroom. Gypsies require an ablutions block or day room to carry out these functions, and for recreation as culturally mobile homes are used for sleeping only. The guidance stated that "it is essential for an amenity building to be provided on each pitch. The building must include, as a minimum: hot and cold water supply, electricity supply a separate toilet and ash basin; a bath/shower room. A kitchen and dining area".

It is therefore considered reasonable that an amenity block is provided on site for the applicant and his children.

In terms of the visual amenity of the building it would be set within the site and it is not considered it would cause any visual harm on the wider area being constructed of red brick with roof tiles. Concerns have been raised regarding the quality of the plans but it is considered that, whilst basic, they are drawn to scale and it is clear what the applicants are applying for.

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 site (including the mobile homes, touring caravans and amenity building) shall be occupied by Mr Thomas Smith and his partner/spouse and children thereof only and by no-one else unless otherwise agreed in writing with the Local Planning Authority.

(Reason – In accordance with Policy H7 of the adopted East Devon Local Plan 2013-2031 the proposal is only acceptable in this isolated location due to the existing needs of the applicant and his children.)

4. The site shall not be used for the carrying out of any trade or business or open storage of goods, plant or materials in connection with any trade or business. (In the interests of sustainability and to protect the character of the open countryside in accordance with the advice in the National Planning Policy Framework and policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan).
5. The site shall be not be occupied by any persons other than gypsies and travellers as defined in Planning Policy for traveller sites. (Reason – The site is open countryside location where a residential use would not normally be permitted but is justified by the special circumstances of the occupiers and to ensure future occupation on the site is in accordance with these special circumstances and Policy H7 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.

Plans relating to this application:

	Location Plan	26.01.16
	Planning Support Statement	18.01.16
	Foul Drainage Assessment	20.01.16
1	Proposed Site Plan	26.01.16
2	Proposed Elevation	26.01.16

List of Background Papers

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

Ward Seaton

Reference 16/0435/MFUL

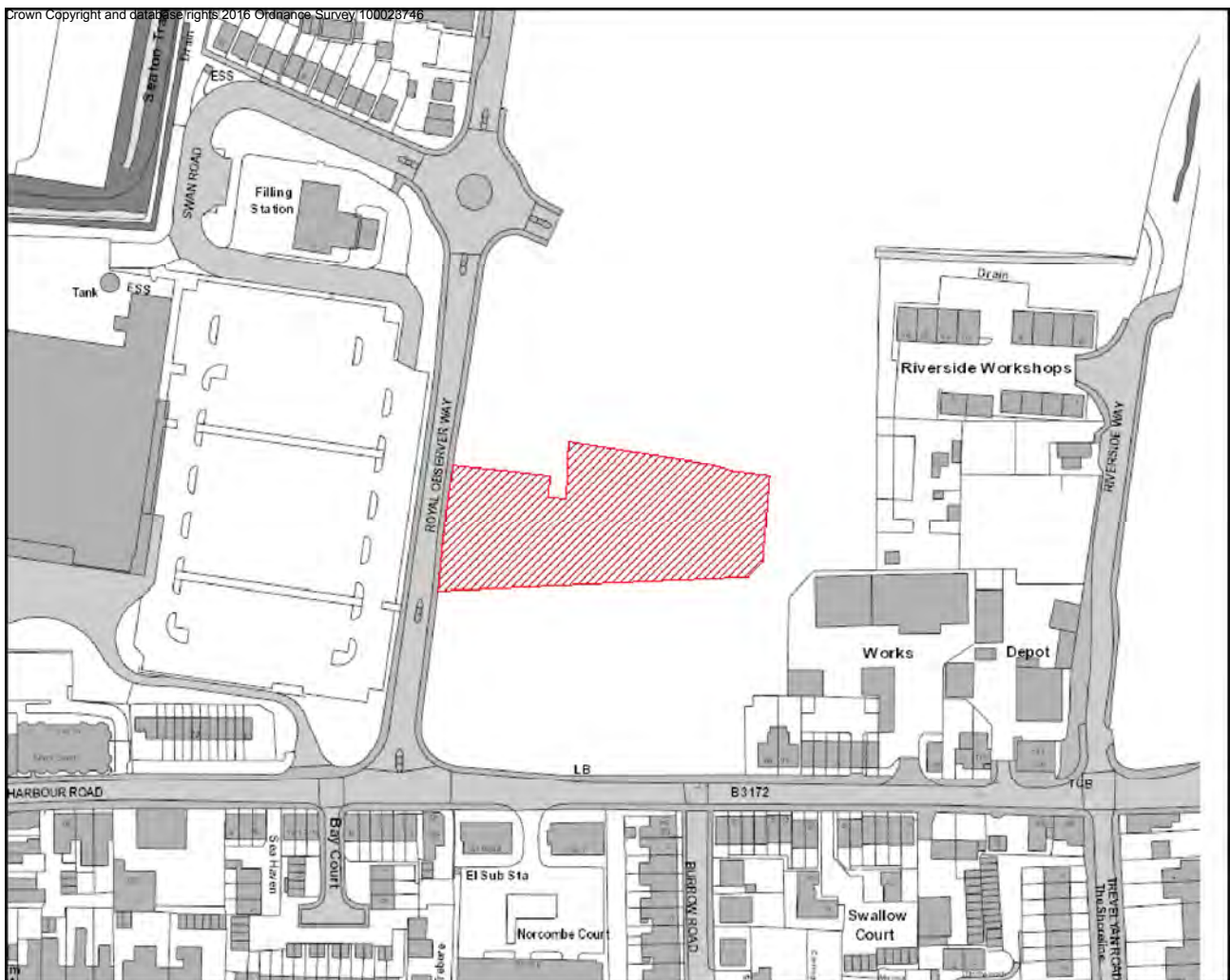
Applicant Bovis Homes PLC & Tesco Stores Ltd

Location Land At Harbour Road Seaton

Proposal Proposed residential development for 20 no. plots and associated works (amended layout to residential development approved under 13/2392/MRES to provide additional 8 no. units)



RECOMMENDATION: Approval with conditions



		Committee Date: 5th July 2016
Seaton (SEATON)	16/0435/MFUL	Target Date: 10.06.2016
Applicant:	Bovis Homes PLC & Tesco Stores Ltd	
Location:	Land At Harbour Road	
Proposal:	Proposed residential development for 20 no. plots and associated works (amended layout to residential development approved under 13/2392/MRES to provide additional 8 no. units)	

RECOMMENDATION: Approval with conditions and subject to a legal agreement

EXECUTIVE SUMMARY

The application is brought before committee as officer view differs from that of the Parish Council and Ward Member.

The application seeks full permission for the development of 20 no. dwellings on part of the Seaton regeneration site. The application site forms part of the wider regeneration area for Seaton where outline planning permission has previously been granted, under application 09/0022/MOUT for the re-development of land to include housing, tourism, new public realm, petrol filling station, hotel, retail development with public open space and access. Subsequent reserved matters approvals have been given for residential development on land to the north of the application site for the construction of 222 dwellings (13/2392/MRES) and for the construction of a 100 bed hotel on land to the south of the site (13/2323/MRES).

The residential development to the north is now well under way but no development has taken place on the hotel site to date. A recent application has however been approved on the land to the south of the site, on a reduced site area, for a smaller 75 bed hotel (16/0424/MFUL). The reduction in size of the hotel has left an unused area of land between the revised hotel site and the approved residential development, the current application looks to develop this with an additional 8 no. Dwellings (12 already having been approved on part of the site under the 2013 consent but requiring reconfiguration to cater for the additional units).

In terms of design and layout the application reflects the design and character of the approved development to the north and in this respect is considered to be appropriate. The footpath link originally intended to Harbour Road has been

revised on the basis of land ownership issues and whilst the alternative is not as direct it is, on balance, considered to be acceptable.

The application is accompanied by information relating to the viability of the wider residential scheme and which clearly indicates that the scheme remains in deficit - largely attributable to the fill costs for the raising of the site levels. As a result, the application proposes no affordable housing or other financial contributions towards off-site open space etc. The application is supported by financial information which demonstrates that the additional 8 no. units would not be sufficient to alter the wider residential scheme's overall viability and as such it is regrettably suggested that nil provision is approved. However there is a need to tie the development to the original S.106 agreement. This already contains a review mechanism for affordable housing prior to each phase of development and again at the end of the scheme. This overage clause will ensure that if the situation improves across the course of the development that the council will gain a share of any 'super profit' to be spent on the provision of off-site affordable housing.

In conclusion, the proposal whilst not providing affordable housing offers some social and economic benefit through the provision of market housing and would represent an appropriate use for this area of land created through the reduction in the hotel site. Subject to the conditions set out at the end of the report and a deed of variation, or other mechanism, to tie the application to the original S.106 agreement for the wider regeneration site the application is considered to be acceptable and is recommended for approval.

CONSULTATIONS

Local Consultations

Seaton - Cllr P Burrows

I would like to request that this application goes to DMC as there are some issues with the affordable housing that need a debate on.

Parish/Town Council

Support.

The Town Council supports the amended application in principle but has concerns regarding the lack of affordable housing included within the proposal and previously highlighted and is not supportive of this.

The Council requests that this application be considered by the Development Management committee.

Other Representations

2 no. letters of objection have been raised in relation to the scheme, these raise the following issues:

- Underprovision of affordable housing

- It is unclear whether the viability information accounts for the 8 additional or 20 proposed units.

Technical Consultations

Environmental Health

I have considered the CEMP submitted by Bovis Homes Ltd and agree with the detail, monitoring and mitigation programmes for lighting, noise and air Quality.

There for I recommend a condition to adhere to its contents throughout the construction phase.

Housing Strategy Officer Paul Lowe

Under application 13/1583/V106 the requirement to provide affordable housing on the whole site was removed for a period of 3 years. If the site is not completed within the 3 years the original affordable housing obligation (25%) will apply to the parts which have not been commenced. The 3 year period expires on 26th September 2016.

The variation to the S106 also allowed for further viability assessments on later phases and after 50% of the units on a phase have been completed, which is nearly the case with phase 1. An early reappraisal of the remainder of phase 1 and phase 2 has been completed and it has been concluded and agreed that the provision of affordable housing for the remainder of phase 1 and phase 2 would still be unviable.

The current application seeks to extend the scheme by 8 houses and whilst this improves the viability situation the site still remains in a deficit and cannot support the provision of affordable housing.

DCC Flood Risk SuDS Consultation

Following our recent correspondence (FRM/2016/500, dated 1st April 2016), the applicant has submitted additional information in respect of the surface water drainage aspects of the above planning application (P9895-G-Let-EDDC-160525-SDH, dated 25th May 2016), for which I am grateful. This indicates that the small increase in impermeable areas will not result in issues with the proposed surface water management from the site and is in accordance to the approved Flood Risk Assessment. (P9895/G201/B, dated October 2013). Therefore we have no further objection to the proposals.

County Highway Authority

The proposed has been brought about because the proposed land required for the adjacent hotel site to the south has been reduced to accommodate a 75 bed hotel rather than a 100 bed hotel. This has made the resulting land available for an extra 8 dwellings with redesign of 20 dwellings.

A Travel Plan has been produced for the residential (now 230 dwellings) and the hotel (75) which accompanies this application.

As with the hotel application Highway Consultation Response ((ED-00424-2016) the County Highway Authority is keen for the footway to the east of the development that

connects to Harbour Road via the hotel site (as shown on the Site Layout Plan 13022.101 Revision K) is to be conditioned in both applications.

In terms of the extra 8 dwellings and their impact on the overall scheme. The CHA is content that the existing permitted access onto Royal Observer Way via the roundabout and the internal road layouts are adequate to cope with the extra traffic from 8 dwellings.

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 hereby approved will include suitable pedestrian footpath amenity from the adjacent site to the north to the existing footway on the north side of Harbour Road designs for which to be approved in writing by the Local Planning Authority.

REASON: To promote sustainable travel from the adjacent development to the existing highway network in accordance with Strategy 5B - Sustainable Transport of the East Devon Local Plan 2013-2031.

PLANNING HISTORY

Reference	Description	Decision	Date
09/0022/MOUT	Re-development of land to include housing, tourism, new public realm, petrol filling station, hotel, retail development with public open space and access	Approval	04.11.2010
13/1583/V106	Variation of requirement for affordable housing in Section 106 agreement pursuant to application No 09/0022/MOUT to reduce the affordable housing provision from a minimum 25% provision to 0% provision	Approval	26.09.2013

13/2392/MRES	Residential development comprising 222 dwellings and associated open space, Reserved Matters of appearance, layout and landscaping pursuant to Outline Application 09/0022/MOUT	Approval	11.03.2014
13/2393/MRES	Erection of 100 bedroom hotel and associated car parking and landscaping - Reserved Matters of appearance, landscaping and layout pursuant to Outline Application 09/0022/MOUT	Approval	27.03.2014
14/2372/MFUL	Construction of retirement living apartment block (comprising 19 no. 1 bedroomed and 23 no. 2 bedroomed apartments, communal residents' facilities) and associated car parking and landscaping	Pending Consideration	
16/0424/MFUL	Erection of 75 bed Premier Inn Hotel (use class C1) and integral ancillary restaurant with associated access, parking and landscaping	Approved	14.06.16

POLICIES

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

Strategy 25 (Development at Seaton)

Strategy 3 (Sustainable Development)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

D2 (Landscape Requirements)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

SITE LOCATION AND DESCRIPTION

The application site lies to the north of Harbour road and is accessed via Royal Observer Way which runs north from Harbour Road. The site forms part of the wider Seaton Regeneration Area. To the south of the site is an undeveloped area for which there is extant permission for a hotel use, approved as part of the original outline application for the redevelopment of the regeneration area. To the north of the site development is currently under way on a large residential scheme and to the west of the site on the opposite side of Royal Observer Way is the car park to the adjoining supermarket. The site lies to the east of the town centre and north of the seafront. The land on site is level and has been artificially raised in line with the rest of the land to the north.

ANALYSIS

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

- Principle of development
- Design and Impact on the character and appearance of the area
- Amenity Impact
- Highway Issues
- Economic Benefits/Impacts
- Affordable Housing and S.106 matters
- Other Issues

Background

The application site forms part of the wider regeneration area for Seaton where outline planning permission has previously been granted, under application 09/0022/MOUT for the re-development of land to include housing, tourism, new public realm, petrol filling station, hotel, retail development with public open space and access. At the same time as this outline application a full permission was granted for the retail superstore and filling station on the southwestern part of the regeneration site (09/0022/MOUT) this is complete and has been operational for several years. Subsequent reserved matters approvals have been given for residential development on land to the north of the application site for the construction of 222 dwellings (13/2392/MRES) and for the construction of a 100 bed hotel on land to the south of the site (13/2323/MRES). The residential development to the north is now well under way but no development has taken place on the hotel site to date. A recent application by Premier Inn has however been approved on the land to the south of the site for a 75 bed hotel on a reduced site area (16/0424/MFUL). The result of the smaller hotel proposal is that the site area originally proposed for the hotel use has been reduced leaving a section of land between the approved residential development and the reduced hotel site with no use. This parcel of land together with a small section of the approved residential site to the north forms the current application site.

PRINCIPLE OF DEVELOPMENT

The application site is located close to the town centre of Seaton in a sustainable location where level pedestrian access is available to the town centre and facilities/services available therein. The site is also well located in terms of accessibility to public transport serving the town.

The proposal would represent a natural extension to the residential development already permitted to the north and would be an acceptable use in this location, in line with the strategy set out at Strategy 25 of the Local Plan. The slight reduction in area for the hotel development to the south is compensated for by the reduction in the size of the building and number of associated parking spaces.

DESIGN AND IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

The application incorporates a small part of the approved residential development to allow for a reconfiguration of the southern part of that development. This would allow for an appropriate layout and access to incorporate the additional units. Therefore whilst the development proposed is for 20 no. units there would actually only be 8 no. additional units with the difference (12 units) made up of a reconfiguration of already approved units.

The proposed layout would see a continuation of the frontage development previously approved along the east side of Royal Observer Way and served by vehicular access to the rear and beyond this further detached and semi-detached units fronting onto an internal estate road (or at the eastern end a perimeter footpath) with parking provided by a parking courtyard to the rear of the properties. Such a layout reflects that approved to the north and is considered appropriate.

In terms of property types and external appearance this again would reflect the previously consented and under construction development to the north. This development is based on 4 no. character areas: urban frontage and square; marshland edge; central core and transitional. The proposed development would adjoin the urban frontage and square and central core character areas with the design of the dwellings and external materials reflecting those approved i.e. a mix of brick, render and weatherboarding to the elevations (the latter 2 no. materials in pastel shades) under predominantly slate grey coloured roof tiles with some burnt orange double roman tiles. The extension to the existing residential site is considered appropriate in this respect.

AMENITY IMPACT

The proposal would extend the residential development slightly further to the south and therefore closer to existing properties to the southeast which front Harbour Road. However, a separation distance of over 45 metres would remain to the rear boundary of the nearest residential property (No. 89 Harbour Road) and as such the proposal would not result in any additional harm. There are no other existing residential properties which would be affected by the proposal. The proposed layout allows for an appropriate level of amenity for future occupiers.

HIGHWAY ISSUES

The extended site area would be accessed via the existing internal estate roads that run east to west and south to north to link with Royal Observer Way via the southeast junction of the roundabout. The Highways Authority has considered the application and has not raised any issues in respect of the additional traffic movements likely to be generated by 8 no. additional units.

In terms of pedestrian access and permeability the outline application for the wider site, as well as the reserved matters approvals for both the residential (13/2392/MRES) and hotel (13/2393/MRES) schemes, all included for the provision of a footpath running from the southeast corner of the residential site, along the eastern boundary of the hotel site and linking to Harbour Road and from there via Burrow Road opposite to the Esplanade.

The submitted application would no longer provide a link in this location, as it is no longer within the applicant's control to do so (the land for the footpath link being owned by Tesco). The hotel site to the south did not include the land for the footpath so it could not be secured as part of that proposal and its need was not directly related to the provision of the hotel as it was to provide a more direct link for the residential properties to the beach. The hotel site application leaves a corridor on the eastern boundary of the site which might facilitate the provision of a future footpath link.

The applicant has been asked to provide the link as part of this application but has declined to do so, mainly on the basis that it is not within their ownership. This unfortunately leaves a situation where there is no application to secure this link.

As the original link cannot be provided under land within the applicant's control, an alternative pedestrian route has been sought. This would link from the existing peripheral footpath on the east side of the site and would run via the shared surface estate road running east-west across the application site before turning south and then west to run between proposed units and onto the footway on the east side of Royal Observer Way.

Whilst this route is more circuitous, and potentially less desirable than that previously envisaged, it would offer a viable alternative pedestrian route that would continue to allow a peripheral route around the estate and would link with the revised crossing point on Royal Observer Way which is to be relocated to accommodate the access to the hotel site. It is however very disappointing that the applicant and Tesco cannot come to agreement on the provision of the route, particularly as it was always envisaged as part of the wider development of the site and provides the most direct and logical link between the new dwellings and the beach.

ECONOMIC BENEFITS/IMPACTS

The application provides for 8 no. additional residential units over and above the 222 already approved to the north of the site. The wider residential scheme, is expected to deliver significant and long-lasting benefits to the local economy through the construction phases of development and the likely patronage of future residents to local businesses, as well as indirect benefits to the wider economy. The proposed scheme would add further weight to these significant benefits which weigh in favour of the application.

AFFORDABLE HOUSING AND S.106 MATTERS

A proposal for 20 (or 8 additional) dwellings would normally trigger a requirement for affordable housing provision and potentially for contributions towards other infrastructure including open space and education. In terms of affordable housing under Strategy 34 of the Local Plan the development should deliver 25% of the properties as affordable. Whilst the development is for 20 no. units it only proposes 8 additional units the others having been previously approved under an earlier scheme but their development affected by the reconfigured layout. As a consequence, there is an expectation that 2 of the 8 additional units would be delivered as affordable.

On the wider residential scheme an application has previously been considered under s.106BA of the Town and Country Planning Act to have the affordable housing requirement reduced to nil. Those procedures, introduced by Central Government allowed for a reassessment of affordable housing requirements in the light of current economic circumstances (these procedures are no longer available being temporary and now expired).

At the time of the earlier application viability evidence was produced to demonstrate that the site would have been unviable with any affordable housing provision. Viability having been affected by: abnormal fill costs (required to raise the site level out of the high risk flood risk vulnerably zone); a downturn in the housing market, and; other issues such as a reduction in the density of development that could be delivered on the filled site. Having had the viability information independently

assessed by the District Valuer, the viability position was accepted and the affordable housing requirement reduced to nil.

At the time it was accepted that the removal of the affordable housing requirement would be sufficient to make the site worth bringing forward for development, from the applicant's point of view and therefore to bring forward the other benefits of the scheme i.e. development of the vacant site, provision of more housing and the promotion of economic growth through construction.

However, the procedures in Section 106 BA only apply for a period of three years from the date of the decision. If the development is not completed within 3 years of any agreement to modify the original s.106 agreement, the original affordable housing obligation will apply to those parts of the scheme which have not been commenced. In recognition of this and to enable any improvement in the scheme viability to be captured the amended s.106 agreement provided for future review mechanisms prior to the completion of 50% of the units on the previous phase. For the purposes of the amended S.106 agreement the development was split into 3 phases.

The developer (Bovis) is making good progress on site and is well advanced in the construction of the first part (north-west and southern site areas) of phase 1. However, due to uncertainty as to whether they would have completed those units by the 26th September (the date for the reversion back to the original affordable housing requirement) they have recently requested that the viability be reassessed to provide certainty over the affordable housing requirement for the remainder of phase 1 and the next phase of development. As such, the developer again provided their own updated viability assessment which whilst showing an increase in sales prices (over those predicted) still showed the scheme to be in significant deficit. Again these figures were independently assessed by the District Valuer on behalf of the Council. The District Valuer concurred with the developer that whilst there had been some improvement over projected residual value the scheme would remain in significant deficit over the next phase and could not support the provision of affordable housing. This issue was reported to a recent chairman's delegation meeting where it was agreed that the affordable housing requirement for phase 2 of the development would remain at nil. A further reassessment will be required prior to the commencement of phase 3 of the scheme.

The current proposal represents an extension to phase 1 of the original scheme, however, clearly the additional development (8 no. dwellings) has the potential to increase viability and as such it is necessary to reassess the viability of the site to take account of this. The applicant has provided further viability information and this again has been reassessed by the District Valuer.

The District Valuer's concluding comments are:

"Having analysed the revised scheme on the basis of the previously adopted methodology and in current market circumstances, we consider that whilst ameliorated to some extent, the scheme is still showing a substantial net financial deficit, and is not therefore sufficiently viable to allow for the provision of any on-site

affordable housing, either in the additional unit provision (the subject of the current application), or the remainder of phase 2."

It is therefore proposed that in line with the requirements of the s.106 agreement (as varied) that it is accepted that the affordable housing requirement for this site remains as nil (being an extension to phase 1).

As the phasing plan (associated with the S.106 agreement) for the wider site sets out the 3 phases of development agreed at the time, this will need to be varied/amended to include the application site and to ensure it is subject to the same requirements for future reappraisals as the original scheme.

On the basis that the application effectively represents an extension to the wider site, indeed with no means of independent access it could not be developed independently from it, it is considered reasonable to assess the viability of the scheme in relation to the wider site. In doing so, it remains the case that provision of affordable housing would not currently be viable. Indeed, the viability would prevent any required contributions to either open space or education as well. Whilst it is very disappointing that the economic viability of this site remains such that the normal contributions and benefits that would accrue from a scheme of this nature are unable to be secured, that is the reality of the situation. However, approval of the development would allow for a satisfactory completion of the scheme and the general benefits that the additional housing would bring to the area. The alternative, in the event the application was refused would be likely to be that with no incentive for the applicant to develop out the site it would likely therefore remain as a vacant section of land between the hotel site and the wider residential scheme.

OTHER ISSUES

Devon County Council commenting in their capacity as a Flood and Coastal Risk Management body originally raised objection to the proposal in that they considered that insufficient information had been provided in relation to surface water drainage management. In particular clarification was sought as to whether the additional dwellings and rear car parking courts would result in any change to the site's impermeable area. The applicant has subsequently provided confirmation that the current surface water drainage management system has sufficient capacity to accept any additional runoff from the site and Devon County Council has subsequently removed their objection.

RECOMMENDATION

APPROVE subject to the following conditions and the applicant entering into a legal agreement to tie the development to the requirements of the original s.106 agreement relating to the wider regeneration site.

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. Development shall be carried out in accordance with the submitted Flood Risk Assessment Report prepared by Jubb Consulting Engineers Ltd. Dated October 2013 and the addendum report to this dated January 2016.
(Reason - In the interests of flood risk management in accordance with Government Guidance set out in the National Planning Policy Framework and policies EN21(River and Coastal Flooding) and EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2013-2031)
4. Development shall be carried out strictly in accordance with the submitted Construction Method Statement and Residential development Pre-construction information pack, received 27th May 2016, unless any variations to this have previously been agreed in writing by the Local Planning Authority.
(Reason - To ameliorate and mitigate against the impact of the development on the local community in accordance with policies D1 (Design and Local Distinctiveness), EN14 (Control of Pollution) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)
5. Prior to the installation of any external lighting a detailed lighting scheme (including lux levels and means and times of operation for permanent lighting columns, bollard lights and any security lighting shall be submitted to and agreed in writing with the Local Planning Authority. The development shall not proceed otherwise than in strict accordance with the lighting scheme as may be agreed and no further lighting columns, bollard lights or security lights shall be erected within the site or fixed to buildings or land without the prior written consent of the Local Planning Authority. All lighting shall be operated in accordance with the lighting scheme as may be agreed.
(Reason - in the interests of preventing light pollution in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)
6. The approved landscaping scheme indicated on the approved drawing no. 358/01 rev. A shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the Adopted East Devon Local Plan 2013-2031.)

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 as amended (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the site other than those expressly permitted by this permission or by a condition of planning permission without the further prior written consent of the Local Planning Authority.
(Reason - in the interests of controlling future walls and other features in the interests of the appearance of the development in accordance with Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the Adopted East Devon Local Plan 2013-2031.)

8. The proposed estate road, cycle ways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
(Reason - To ensure that adequate information is available for the proper consideration of the detailed proposals in accordance with policy TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the East Devon Local Plan 2013-2031.)

Plans relating to this application:

13022.101 L : SITE LAYOUT	Amended Plans	27.05.16
13022.109 L : PEDESTRIAN PLAN	Additional Information	27.05.16
13022.R1.102 A : ENCLOSURES PLAN	Amended Plans	27.05.16
13022.R1.104 B : MATERIALS PLAN	Amended Plans	27.05.16
13022.R1.105 A : SURFACE MATERIA	Amended Plans	27.05.16
13022.R1.106 A : STOREY HEIGHTS	Amended Plans	27.05.16

13022.R1.107 A : CHIMNEY LOCATNS	Amended Plans	27.05.16
13022.R1.108 A : CHARACTER AREAS	Amended Plans	27.05.16
358/01 A : PLANTING PLAN	Amended Plans	27.05.16
13022/UF/320 : AF05A2-A1	Proposed Combined Plans	22.02.16
13022/CC/506 C : P302	Proposed Combined Plans	22.02.16
13022/CC/507 B : P303	Proposed Combined Plans	22.02.16
13022/CC/509 B : A305	Proposed Combined Plans	22.02.16
13022/CC/513 C : P401	Proposed Combined Plans	22.02.16
13022/CC/517 B : A305	Proposed Combined Plans	22.02.16
13022/CC/520 A : P303	Proposed Combined Plans	22.02.16
13022/CC/523 : AF05A2-A2	Proposed Combined Plans	22.02.16
13022/CC/524 : AF05A2-A2	Proposed Combined Plans	22.02.16
13022/CC/525 : P402	Proposed Combined Plans	22.02.16
13022/G/650 A : SINGLE GARAGES	Proposed Combined Plans	22.02.16
13022/G/652 : TRIPLE GARAGES	Proposed Combined Plans	22.02.16

13022.R1.100	Location Plan	22.02.16
13022.R1.104 : MATERIALS PLAN	Other Plans	22.02.16
13022.R1.200	Street Scene	22.02.16
13022/UF/304 B: P302	Proposed Combined Plans	22.02.16
13022/UF/305 C : P303	Proposed Combined Plans	22.02.16
13022/UF/318 B : A305	Proposed Combined Plans	22.02.16

List of Background Papers

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