

Agenda for Development Management Committee Tuesday, 6 September 2016; 10am



[Members of the Committee](#)

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

[View directions](#)

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01395 517542, Issued 25 August 2016

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Committee Members please note that there will be a training session on flood risk between 1pm and 1.30pm, in the Council Chamber (non-committee members are welcome to attend the session). The session is not open to the public.

[Speaking on planning applications](#)

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

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

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

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

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Tuesday 30 August up until 12 noon on Friday 2 September by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

Speaking on non-planning application items

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

- 1 Minutes of the Development Management Committee meeting held on 2 August 2016 (page 5 - 12)
- 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 13 - 22)
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.

16/0839/FUL (Minor) (page 23 - 33)
Budleigh Salterton
Lily Farm Vineyard, Dalditch Lane, Budleigh Salterton EX9 7AH

16/1340/VAR (Minor) (page 34 - 45)
Exmouth Halsdon
Land to rear of Aram, Littlemead Lane, Exmouth EX8 3BU

16/1585/FUL (Minor) (page 46 - 51)
Exmouth Littleham
Long Lane House, 1C Cranford Avenue, Exmouth EX8 2HP

16/0798/FUL (Minor) (page 52 - 60)
Raleigh
Land adjacent to Grindlebrook Farm, Sidmouth Road, Aylesbeare EX5 2JJ

15/2466/FUL (Minor) (page 61 - 72)
Woodbury and Lympstone
Castle Brake Holiday Park, Woodbury EX5 1HA

Break

(Lunch will be provided for Development Management Committee members)

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

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

16/1026/MOUT (Major) (page 73 - 98)

Newbridges

Land off Doatshayne Lane, Doatshayne Lane, Musbury

16/1085/FUL (Minor) (page 99 - 106)

Otterhead

Land to the south east of Fairhaven, Rose Green and Monkton Village Hall, Monkton, Honiton EX14 9QH

16/0951/OUT (Minor) (page 107 - 113)

Tale Vale

Land adjacent to 5 Marles Close, Awliscombe EX14 3GA

16/1366/FUL (Minor) (page 114 - 127)

Yarty

Land adjacent to Peartree Cottage, Chardstock, Axminster EX13 7BN

Please note:

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

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

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

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

[Decision making and equalities](#)

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

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 2 August 2016

Attendance list at end of document

The meeting started at 10am and ended at 4.48pm (the Committee adjourned at 1.05pm and reconvened at 2pm)

***11 Minutes**

The minutes of the Development Management Committee meeting held on 5 July 2016 were confirmed and signed as a true record, subject to the inclusion of Cllr Peter Burrows' declared interest:

Cllr Peter Burrows; 16/0435/MFUL; Personal Interest (remained in the Chamber during the debate and vote); Seaton Town Councillor

***12 Declarations of interest**

Cllr Paul Carter; 16/0205/FUL & 16/0206/LBC, 16/0239/OUT; Personal Interest; Ottery St Mary Town Councillor

Cllr Paul Carter; 15/2522/FUL, 16/0239/OUT; Personal Interest; Applicant's were known to his family

Cllr Mike Howe; 15/1473/VAR, 15/1512/FUL; Personal; Bishops Clyst Parish Councillor

Cllr David Barratt; 16/0268/FUL; Personal; Sidmouth Town Councillor

Cllr Peter Burrows; 16/0435/MFUL, 16/0997/MFUL; Personal Interest; Seaton Town Councillor

Cllr Steve Gazzard; 16/0787/MOUT, 15/2202/COU, 16/0969/FUL; Personal Interest; Exmouth Town Councillor

Cllr Brian Bailey; 16/0787/MOUT, 15/2202/COU, 16/0969/FUL; Personal Interest; Exmouth Town Councillor

Cllr Mark Williamson; 16/0787/MOUT, 15/2202/COU, 16/0969/FUL; Personal Interest; Exmouth Town Councillor

Cllr Mike Howe advised that he was predetermined in respect of applications 15/1473/VAR and 15/1512/FUL and would therefore withdraw from the Committee and speak only as Ward Member whilst those applications were considered.

***13 Appeal statistics**

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

The Development Manager drew Members' attention to the appeal allowed for alterations to of an existing bungalow to form four new dwellings at Foye River Front, Exton. The Inspector acknowledged the limited local facilities in the village and the site being located outside of the Built-up Area Boundary. However, on balance, he considered the site to be well located in relation to the railway station and considered it to be sustainable.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 3 – 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 (present for applications considered in the morning only. Apologies given for afternoon session)

Matt Coppell (did not vote on applications 16/0205/FUL & 16/0206/LBC as did not attend the site visit)

Alan Dent

Steve Gazzard

Simon Grundy

Ben Ingham (did not vote on applications 16/0205/FUL & 16/0206/LBC as did not attend the site visit)

Helen Parr (did not vote on applications 16/0205/FUL & 16/0206/LBC as did not attend the site visit)

Alan Dent

Chris Pepper (present for applications considered in the afternoon only. Apologies given for the morning session)

Mark Williamson

Officers

Amanda Coombes, Democratic Services Officer (PM only)

Graeme Thompson, Planning Policy Officer (PM only)

Chris Rose, Development Manager

Shirley Shaw, Planning Barrister

Hannah Whitfield, Democratic Services Officer (AM only)

Also present for all or part of the meeting

Councillors:

Peter Faithfull

Jim Knight

Andrew Moulding

Phil Twiss

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL
Development Management Committee
Tuesday 2 August 2016; Schedule number 3 – 2016/2017

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:

<http://eastdevon.gov.uk/media/1808459/020816-combined-dmc-agenda-compressed.pdf>

AM session

Application was deferred for a site visit on 5 July 2016 – the Committee undertook the site visit on 1 August 2016. Cllrs Coppell, Ingham, Parr did not vote on this item as did not attend the site visit)

Ottery St Mary Town
(OTTERY ST MARY) 16/0205/FUL & 16/0206/LBC

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.

RESOLVED: 16/0205/FUL – REFUSED (contrary to officer recommendation) with delegated to the Development Manager to draft reasons for refusal. Members considered that:

- the proposed dwelling, by reason of its design and footprint, represented overdevelopment of the site, which was out of character with the Conservation Area, particularly when viewed from the adjoining tea rooms and garden;
- that the proposed dwelling’s design, materials and footprint were out of character with, and harmful to, the setting of the surrounded listed buildings.

16/0206/LBC - APPROVED with conditions as per recommendation.

(Cllr Mike Howe, withdrew from the Committee and spoke as Ward Member only)

Clyst Valley
(CLYST ST MARY) 15/1473/VAR

Applicant: Mr Stuart Cole (Greener For Life Energy Ltd)

Location: Enfield, Oil Mill Lane, Clyst St Mary

Proposal: Variation of condition 2 (plans condition) of planning permission 14/0858/MFUL to alter infrastructure and layout of an Anaerobic Digester Plant

RESOLVED: APPROVED subject to delegated authority being given to the Development Manager, in consultation with the Ward Member to amend and add any further conditions.

(Cllr Mike Howe, withdrew from the Committee and spoke as Ward Member only)

Clyst Valley
(CLYST ST MARY) 15/1512/FUL

Applicant: Mr Stuart Cole (Greener For Life Energy Ltd)

Location: Enfield Oil Mill Lane

Proposal: Extension to anaerobic digester plant to provide new site entrance, weighbridge, gas upgrade plant, propane tanks, digestate storage lagoon and underground leachate tank, turning circles, surge wall, drainage channels and chambers with associated landscaping and earth bunds

RESOLVED: REFUSED (contrary to officer recommendation) with delegated authority given to the Development Manager to draft reasons for refusal. Members considered that:

- the extension of the site into the countryside was unnecessary and unjustified and as such contrary to Local Plan policy;
- that the proposed extension of the site would have a detrimental visual impact on the countryside.

Clyst Valley
(FARRINGDON) 15/2522/FUL

Applicant: Stuart Partners

Location: Land East Of Denbow Farm, Farringdon

Proposal: Construction of lined earth lagoon to store digestate and concrete hardstanding

Application withdrawn from agenda

Clyst Valley
(CLYST ST GEORGE) 16/0871/FUL

Applicant: Mr & Mrs Ian White

Location: Rosario, Ebford

Proposal: Construction of detached garage, home office and games room ancillary to detached dwelling approved under 15/0805/FUL

RESOLVED: APPROVED with conditions as per recommendation.

Ottery St Mary Rural
(OTTERY ST MARY) 16/0239/OUT

Applicant: Stuart Partners Ltd

Location: Land At The Gap, Lower Broad Oak Road, West Hill

Proposal: Outline application for three dwellings (including 2no affordable units) with associated access (details of layout, scale, appearance and landscaping reserved)

RESOLVED: REFUSED as per recommendation.

(Cllr Paul Carter left the meeting)

PM session

(Cllr Chris Pepper arrived)

Exmouth Littleham
(EXMOUTH)

16/0787/MOUT

Applicant: Mr Bill Richardson

Location: Rolle College Playing Field, Douglas Avenue

Proposal: Upgrading of the former Rolle College pitches, construction of changing pavilion, associated playing pitch access (via Maer Road car park) and construction of 23 age-restricted dwellings on land to the rear of Douglas Avenue (Outline application seeking approval of access only)

RESOLVED: APPROVED subject to a Section 106 Agreement, to include an overage clause, and conditions as per recommendation, subject to:

- condition 2 being amended to require submission of all Reserved Matters within a year of approval of outline consent and commencement of the development within a year of approval of the last Reserved Matters;
- conditions to secure the community use agreement and construction working hours (instead of these being dealt with as obligations in the S106 Agreement)

Seaton
(SEATON)

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)

RESOLVED: APPROVED subject to Section 106 Agreement and conditions as per recommendation.

Seaton
(SEATON) 16/0997/MFUL

Applicant: Mike Dowling (Seaton Beach Developments Ltd)

Location: Seaton Beach (Trebere), East Walk

Proposal: Demolition of 2 no. residential properties and replacement with a 8 unit apartment building

RESOLVED: REFUSED as per recommendation.

Woodbury and
Lympstone
(LYMPSTONE) 15/1970/MFUL

Applicant: Mr Andrew Dyer

Location: Land To The West Of Strawberry Hill, Lympstone

Proposal: Construction of 15 new dwellings (10 affordable and 5 open market) with new access off of Strawberry Hill

RESOLVED: APPROVED subject to Section 106 Agreement and conditions as per recommendation.

Exmouth Littleham
(EXMOUTH) 15/2202/COU

Applicant: Madeira Bowling Club

Location: Madeira Bowling Club, Queens Drive

Proposal: Change of use of land to create additional car parking spaces

RESOLVED: APPROVED with conditions as per recommendation.

Sidmouth Rural
(SIDMOUTH)

16/0268/FUL

Applicant: Mr Simon Price

Location: Land Adjacent To 4 Oak Bridge, Sidbury

Proposal: Demolition of existing garage, construction of detached dwelling and infilling of existing wall to create 2no pedestrian entrances.

RESOLVED: REFUSED as per recommendation.

Exmouth Brixington
(EXMOUTH)

16/0969/FUL

Applicant: Mrs Alison Rogers

Location: 30 Little Meadow, Exmouth

Proposal: Erection of detached dwelling and garage (revised proposal to that under reference 15/2079/FUL)

RESOLVED: APPROVED with conditions as per recommendation.

East Devon District Council List of Planning Appeals Lodged

Ref: 15/2408/OUT **Date Received** 22.07.2016
Appellant: Mr Robert Walmsley
Appeal Site: 1 Meadow Close Budleigh Salterton EX9 6JN
Proposal: Outline application with all matters reserved for the erection of a single dwelling to the rear of 1 Meadow Close.
Planning Inspectorate Ref: APP/U1105/W/16/3155015

Ref: 15/2395/FUL **Date Received** 27.07.2016
Appellant: Mr Duncan Rawlings
Appeal Site: Pembroke House 109 Beer Road Seaton
Proposal: Erection of 3 no. dwellings
Planning Inspectorate Ref: APP/U1105/W/16/3155322

Ref: 15/2399/FUL **Date Received** 29.07.2016
Appellant: Mr And Mrs Jamie Mandeville
Appeal Site: Woodmead (land Adjoining) Sheldon Honiton EX14 4QU
Proposal: Change of use of land for the siting of four units of holiday accommodation; (one log cabin and three shepherd huts).
Planning Inspectorate Ref: APP/U1105/W/16/3155475

Ref: 15/2907/FUL **Date Received** 03.08.2016
Appellant: RM Greenfields Ltd
Appeal Site: Land To The West Of Catalpa Bendarroch Road West Hill Ottery St Mary EX11 1JX
Proposal: Construction of detached dwelling and new access to Catalpa.
Planning Inspectorate Ref: APP/U1105/W/16/3155797

Ref: 16/1205/OUT **Date Received** 08.08.2016
Appellant: Mr Paul Gardner
Appeal Site: West Hayes West Hill Road West Hill Ottery St Mary EX11 1UZ
Proposal: Construction of 1 no detached dwelling (outline application including details of access and layout)
Planning Inspectorate Ref: APP/U1105/W/16/3156018

Ref: 15/2172/MRES **Date Received** 09.08.2016
Appellant: Cavanna Homes (Devon) Ltd And Pencleave 2
Appeal Site: Land South Of King Alfred Way Newton Poppleford
Proposal: Construction of 40 dwellings (including 16 affordable), doctor's surgery and associated infrastructure, open space and landscaping (approval of details of appearance, landscaping, layout and scale reserved by outline planning permission 13/0316/MOUT)
Planning Inspectorate Ref: APP/U1105/W/16/3156141

Ref: 15/2497/MFUL **Date Received** 18.08.2016
Appellant: FA & EM Hill Ltd (Mr J Hill)
Appeal Site: Land South Of New House Farm Clyst Honiton Exeter EX5 2HS
Proposal: Erection of grain storage and machinery building and associated hardstanding
Planning Inspectorate Ref: APP/U1105/W/16/3156828

Ref: 16/0301/FUL **Date Received** 18.08.2016
Appellant: Betterment Properties (Weymouth) Ltd
Appeal Site: Land Adjacent 17 Glebelands Glebelands Uplyme
Proposal: Construction of 2 storey dwelling and off street parking
Planning Inspectorate Ref: APP/U1105/W/16/3156828

Ref: 16/0205/FUL **Date Received** 19.08.2016
Appellant: Ashcom Developments Ltd
Appeal Site: 11 Silver Street Ottery St Mary EX11 1DB
Proposal: Construction of dwelling in rear garden.
Planning APP/U1105/W/16/3156902
Inspectorate
Ref:

Ref: 15/2637/FUL **Date Received** 22.08.2016
Appellant: Mr D Blackmore
Appeal Site: Land North West Of Fernleigh Offwell Honiton EX14 9SE
Proposal: Alterations to barn (including removal of existing roof and upper part of elevations, installation of replacement roof and new front elevation and cladding of exterior of resulting building in natural stone) to form a single storey dwelling and associated works
Planning APP/U1105/W/16/3157073
Inspectorate
Ref:

East Devon District Council List of Planning Appeals Decided

Ref: 15/2214/OUT **Appeal Ref:** 16/00005/REF
Appellant: Mr Colin Croxford
Appeal Site: Land South Of St Ewe Yawl Hill Lane Uplyme Lyme Regis DT7 3XF
Proposal: Outline application for the erection of a dwelling
Decision: **Appeal Dismissed** **Date:** 20.07.2016
Procedure: Written representations
Remarks: Delegated refusal, sustainability, countryside & landscape protection, amenity and habitat reasons upheld (EDLP Strategies 7 & 46 and Policies TC2, D3 & EN5).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/16/3142540

Ref: 15/0680/FUL **Appeal Ref:** 16/00007/REF
Appellant: Mr And Mrs S Luxton
Appeal Site: 21 Tip Hill Ottery St Mary EX11 1BE
Proposal: Removal of existing workshop and construction of 5 mews cottages
Decision: **Appeal Dismissed** **Date:** 25.07.2016
Procedure: Written representations
Remarks: Delegated refusal, conservation reasons upheld (EDLP Strategy 6 and Policies D1 & EN10).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/16/3142822

Ref: 15/2587/FUL **Appeal Ref:** 16/00015/REF
Appellant: Mr D Ashworth
Appeal Site: 6 Esplanade Exmouth EX8 1BQ
Proposal: Demolition of existing garages and erection of detached two storey annexe, with first floor terrace on rear elevation
Decision: **Appeal Dismissed** **Date:** 26.07.2016
Procedure: Written representations
Remarks: Delegated refusal, conservation and amenity reasons upheld (EDLP Policies D1 & EN10)
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/D/16/3146085

Ref: 16/0496/FUL **Appeal Ref:** 16/00039/HH
Appellant: Mr James Pearce
Appeal Site: Green Mead Clyst Road Topsham EX3 0DB
Proposal: First Floor extension to bungalow
Decision: **Appeal Dismissed** **Date:** 28.07.2016
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policy D1).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/D/16/3151884

Ref: 16/0516/FUL **Appeal Ref:** 16/00030/HH
Appellant: Mr M Benjamin
Appeal Site: 24 Ryll Court Drive Exmouth EX8 2JP
Proposal: Alterations and extensions to include two storey front extension/porch, new garage, new rear glazed extension with surrounding deck, new rear chicket dormer and integral balcony, and proposed new garden studio.
Decision: **Appeal Dismissed** **Date:** 08.08.2016
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policy D1).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/D/16/3149165

Ref: 15/2746/FUL **Appeal Ref:** 16/00021/REF
Appellant: Mr Tomlinson
Appeal Site: 1 Bedford Place Station Road Sidmouth EX10 8PG
Proposal: Retrospective application for new verandah at ground floor level
Decision: **Appeal Dismissed** **Date:** 09.08.2016
Procedure: Written representations
Remarks: Delegated refusal, conservation reasons upheld (EDLP Policies EN8, EN9 & EN10).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/16/3147832

Ref: 15/2767/LBC **Appeal Ref:** 16/00020/LBCREF

Appellant: Mr Tomlinson

Appeal Site: 1 Bedford Place Station Road Sidmouth EX10 8PG

Proposal: Construction of verandah and widening of doors at ground floor level on rear elevation, enlargement of rear window and installation of flue

Decision: **Split Decision** **Date:** 09.08.2016

Procedure: Written representations

Remarks: Delegated refusal for conservation reasons (EDLP Policies EN8 & EN9).
Appeal dismissed insofar as it related to the verandah and flue and allowed in respect of the widening of the doors and the enlargement of the window.

The Inspector acknowledged that the Council had no objection to the widening of the doors at ground floor level and agreed that this part of the scheme was acceptable.

the Inspector noted that compared to the front of the building, the rear elevation is very different, where the simple detailing and less fussy appearance reveal the distinction between the public and private sides of the building.

Having regard to the enlargement of the window, he considered that it is similar in style to the timber framed sash windows alongside and that the new opening replaced a metal framed window and a timber framed window which were not original features.

The appellants had contended that during the recent renovation of the property the remains of a large, single window opening to the staircase were revealed.

The Inspector considered that the new window reflects the style of the former opening and has been designed to respect the style and appearance of the rear elevation. He concluded that there was no evidence before him to substantiate fears that this work has resulted in the loss of any important historic building fabric and the new window preserves the special architectural interest of the building.

BVPI 204: **No**
Planning APP/U1105/Y/16/3147822
Inspectorate
Ref:

Ref: 15/2461/FUL **Appeal Ref:** 16/00032/REF
Appellant: Mrs Carron Saunders
Appeal Site: Otterton C Of E Primary School Church Hill Otterton
Budleigh Salterton EX9 7HU
Proposal: Erection of play equipment
Decision: **Appeal Dismissed** **Date:** 10.08.2016
Procedure: Written representations
Remarks: Officer recommendation to approve, Committee refusal.
Amenity reasons upheld (EDLP Policies D1 & EN14).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/16/3149687

Ref: 16/0393/FUL **Appeal Ref:** 16/00033/REF
Appellant: Seaton Regency Windows Ltd (Mr Shane Brown)
Appeal Site: Flat 8 Overmass House Queen Street Seaton EX12 2RB
Proposal: Replace 5 no. timber windows with UPVc sash
Decision: **Appeal Dismissed** **Date:** 10.08.2016
Procedure: Written representations
Remarks: Delegated refusal, conservation reasons upheld (EDLP
Policies D1 & EN10).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/16/3150201

Ref: 15/1278/OUT **Appeal Ref:** 16/00025/REF
Appellant: Rowan Homes
Appeal Site: Woolbrook Reservoir Balfours Sidmouth EX10 9EF
Proposal: Construction of log cabin with associated parking
Decision: **Appeal Dismissed** **Date:** 11.08.2016
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policies
D1, D3 & EN1 and Strategy 6).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/16/3148481

Ref: 15/1529/FUL **Appeal Ref:** 16/00019/REF
Appellant: Mr & Mrs A Brown
Appeal Site: Keates Farm Broom Lane Tytherleigh Axminster EX13 7AZ
Proposal: Erection of log cabin for ancillary residential/holiday let purposes
Decision: **Appeal Dismissed** **Date:** 11.08.2016
Procedure: Written representations
Remarks: Delegated refusal, sustainability reasons upheld (EDLP Policy TC2 & Strategy 7).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/16/3146088

Ref: 15/0909/OUT **Appeal Ref:** 16/00014/REF
Appellant: Mrs L M & C L Sweetland & Pinnock
Appeal Site: Land At Rear Of Chestnut House Bunts Lane Seaton
Proposal: Outline application for proposed dwelling (all matters reserved except for access)
Decision: **Appeal Dismissed** **Date:** 16.08.2016
Procedure: Written representations
Remarks: Officer recommendation to refuse, Committee refusal, highway safety reasons upheld (EDLP Policy TC7).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/16/3146941

Ref: 15/1118/MOUT **Appeal Ref:** 15/00069/NONDET

Appellant: Badger Homes Limited

Appeal Site: Land To The West Of Barn Lane Budleigh Salterton

Proposal: Erection of 60 bed care home, 30 no. houses (40% affordable), 7 no. bungalows, 12 no. affordable retirement apartments and 2 no. live/work units (outline application with all matters reserved)

Decision: **Appeal Dismissed** **Date:** 16.08.2016

Procedure: Written representations

Remarks: Appeal against non-determination of the application within the statutory time scale. Delegated resolution to refuse, sustainability, landscape, loss of best and most versatile agricultural land and insufficient affordable housing reasons upheld (EDLP Strategies 7,34 & 46 and PolicyEN3).

BVPI 204: **Yes**

Planning Inspectorate Ref: APP/U1105/W/15/3139171

Ward Budleigh Salterton

Reference 16/0839/FUL

Applicant Mr Alan Pratt

Location Lily Farm Vineyard Dalditch Lane
Budleigh Salterton EX9 7AH

Proposal Construction of manager's
accommodation and extension



RECOMMENDATION: Refusal



		Committee Date: 6 September 2016
Budleigh Salterton (BUDLEIGH SALTERTON)	16/0839/FUL	Target Date: 23.06.2016
Applicant:	Mr Alan Pratt	
Location:	Lily Farm Vineyard Dalditch Lane	
Proposal:	Construction of manager's accommodation and extension	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

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

The application seeks planning permission for the construction of a manager's accommodation (rural worker's dwelling) and an extension to an existing agricultural building currently used for purposes ancillary to the vineyard including a small café.

The site is a small section of agricultural land, currently used for as a small family run vineyard, comprising approximately 1.5 hectares (3.7 acres) which is located approximately 150 metres north-east of the Budleigh Salterton's built-up area boundary. The site slopes from a height of 60 metres at the north-east corner of the site down to 40 metres in its south-western corner. The lower third of the site is located within flood zones 2 and 3 where there is a medium and high risk of flooding, respectively. The site is also located within the East Devon Area of Outstanding Natural Beauty.

The applicants consider that the business has grown to an extent that a dwelling is now required and that its provision would enable the more efficient operation and expansion of the business. However, officers are not satisfied that the applicant has satisfactorily demonstrated that there is a functional need for a dwelling on the site or provided satisfactory financial information to demonstrate the business's commercial viability.

The proposal is, therefore, unacceptable as it would be tantamount to the creation of a new dwelling in an unsustainable location in the open countryside for which there is no demonstrated functional need. The proposal is, therefore, considered unacceptable as it would be contrary to policy.

In addition, the dwelling would be sited in an elevated position and is of a size which would be prominent in the surrounding landscape. The proposed dwelling would, therefore, not conserve or enhance the landscape character of the area and would undermine the landscape quality and there are inadequate social or economic benefits which would outweigh its harm to the AONB.

While officers consider there to be no proven or essential need for a dwelling on the site it recognises the applicants' wishes to expand the business and the associated requirements for additional operational space acknowledging the small scale economic benefits this would provide. Officers have previously advised that if the application was amended to remove the dwelling it would be likely to support the extensions to the building. However, the applicants have not acceded to the request to amend the application.

CONSULTATIONS

Local Consultations

Parish/Town Council

12.05.16 - This Council supports the application although Members would like to see a condition in place restricting use of the manager's accommodation to those working at the vineyard, thus ensuring it cannot be sold separately.

Further comments: 16.06.16 - This Council is unable to support the application for the following reasons:

1. No evidence of proven need for the manager's accommodation has been supplied and is therefore contrary to policy H4 of the East Devon Local Plan.
2. This application does little to enhance or preserve the Area of Outstanding Natural Beauty contrary to Strategy 46.
3. This application is outside the Built Up Area Boundary and therefore contrary to Strategy 7 of the East Devon Local Plan.
4. There are also concerns that Dalditch Lane is not suitable for commercial traffic use.

Budleigh - Cllr A Dent

The application for a new dwelling under 16/0839/FUL is under consideration to determine whether or not it is necessary for the proprietors to live on site in order to develop their enterprise further.

As this is a very successful local business which has just received national awards and is a valuable contributor to the local economy, I believe this application should come before DMC and not be decided under delegated powers.

I will make a final decision when all the relevant facts and arguments have been put forward at DMC.

Budleigh - Cllr T Wright

I have thought long and hard about this application, and have tried to balance the protection of the AONB with the need to encourage a thriving economy. The vineyard is proving to be a successful that has potential to be a significant

contributor to the tourism offer of Budleigh and to provide skilled employment. Just over the hill, also in the AONB we have a successful caravan site and have allowed construction of a new building to accommodate staff and other facilities.

I therefore disagree with the recommendation to refuse and ask that this is considered by DMC who will decide the issue properly considering the protection of the AONB with the overriding aims of the council to encourage appropriate businesses.

Budleigh - Cllr S Hall

I wish to record my support for this application for the following reasons:

Having recently secured some prestigious awards the value of their stock has increased considerably so the subject of security arises.

As a consequence of their success the business is now seen as a vibrant concern with the potential to increase to the overall business economy of Budleigh with many wine merchants from different parts of the world wanting to visit for tastings. I therefore argue for an economic need. Lastly I would suggest a planning condition could be added ensuring that any residential property, if agreed, it should only be passed on the immediate family. I know the applicant's Son has specially worked and trained in other vineyards with the intention of eventually taking over this exciting family business. I therefore request that application is referred to DMC.

Technical Consultations

County Highway Authority

Does not wish to comment

Environment Agency

We have no objections in principle to this application.

Reason

This application is in two parts:

- a) a new two storey dwelling and
- b) an extension to the existing vineyard building.

a) The new dwelling.

The dwelling appears to be located in Flood Zone 1 "Low Probability" of flooding and as such falls within our Flood Risk Standing Advice. We strongly advise that floor levels be raised at least 600mm above the lower parts of the site to minimise future risks of flooding.

b) The extension to the existing vineyard building.

This is located in Flood Zone 3 "High Probability" of flooding. Due to this being a commercial extension under 250sq metres, it also falls within the Flood Risk Standing Advice.

Other Representations

24 third party representations have been received objecting to the proposal on the following grounds:

- Lack of evidence or justification for the proposed dwelling

- the impact on landscape character and the AONB
- no demonstrated need for the proposed dwelling
- impact of a wine making facility on neighbouring properties in terms of noise
- inadequate site access
- traffic generation and impact on highway safety
- impact on the character and appearance of the village and surrounding area
- the impacts of the intensification of commercial development
- the location of the proposal is unsustainable
- there are dwellings in the local area for rural workers
- impact on wildlife and flooding

8 third party representations have been received in support of the application making the following comments:

- the proposal would enable the expansion of the business and improve the product
- there is a need for increase security and storage
- the proposal would facilitate on site wine making
- the business has won awards and is beneficial to the business

POLICIES

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

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D7 (Agricultural Buildings and Development)

E5 (Small Scale Economic Development in Rural Areas)

EN21 (River and Coastal Flooding)

H4 (Dwellings for Persons Employed in Rural Businesses)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Site Location and Description

The site is a small section of agricultural land, currently used for as a small family run vineyard, comprising approximately 1.5 hectares (3.7 acres) which is located approximately 150 metres north-east of the Budleigh Salterton's built-up area

boundary. The site is accessed via a field gate onto Dalditch Lane opposite to Badgers Den.

The site is adjoined to east and south by agricultural fields. To the west the site is adjoined by Dalditch Lane and to the north by a group of residential dwellings at Knowle Mews.

The site slopes from a height of 60 metres at the north-east corner of the site down to 40 metres in its south-western corner. The lower third of the site is located within flood zones 2 and 3 where there is a medium and high risk of flooding, respectively. There is an existing agricultural building adjacent to the property boundary with Dalditch Lane which is currently used for purposes ancillary to the vineyard including a small café.

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

ANALYSIS

Planning History

Pre-application advice has been provided by Local Planning Authority under reference 15/0089/PREAPP which advised the applicants that the main issue for consideration as to whether a dwelling would be acceptable is that there needs to be a demonstrable essential functional requirement for a person (or persons) to be permanently resident at the vineyard in order to operate the business and undertake 'out of hours' tasks that cannot reasonably be carried out during the 'normal' working day and which demand a 24 hour presence in order for them to be effectively and efficiently performed and for the business to continue to operate viably. The Local Planning Authority previously advised that on the basis of the information submitted at that time there was no compelling justification for a need to live on site to fulfil the requirement.

The applicants supporting information highlights that *"...In May 2006 discussion were held East Devon District Council regarding the development of the vineyard at which time it was recommended by the Planning Office that living accommodation could be supported once the business had development sufficiently to justify an on-site manager"*. However, there is no written record of this and previous versions of Local Plan policy (both adopted and emerging) for rural workers' dwellings were very similar to the current policy and, therefore, any new dwelling would have been subjected to similar planning policy tests and the Local Planning Authority's advice would have been based on relevant policy in effect at the time. More up-to-date advice has been given via the 2015 Pre-app.

Need for the proposed dwelling

The supporting information submitted by the applicant identifies that the site has been used as a small holding by the applicants who first rented the land in 1992 before purchasing it 1996. More recently the site has been used a small family run vineyard with the first vines established in 2005. The applicants state that the

business has grown to such a level that they now consider it not possible to operate or further expanded the business without living on the site.

Paragraph 55 of the National Planning Policy Framework (the "NPPF") highlights that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities and local planning authorities 'should avoid new isolated homes in the countryside unless there are special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside'.

Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the adopted East Devon Local Plan permits dwellings in the countryside for new agricultural workers or people employed in rural businesses or activities subject to a number of criteria including:

- there being a proven and essential agricultural need for the occupier to be housed on site permanently for functional reasons;
- the size of the dwelling being commensurate with the need;
- the use having operated for a minimum of 3 years and supported by a financial assessment demonstrating that the use has and will continue be viable;
- there being need for at least 1 full-time equivalent employee;
- there being no other buildings available on the holding; and,
- any permission being subject to a condition restricting occupation to people employed in agriculture/rural business.

It is acknowledged that the business has been successfully operating from the site for a number of years and that it has won several national and international wine making accolades during this time. However, the primary matter for consideration is whether there is a proven and essential agricultural need for the occupier of the proposed dwelling to be housed permanently on the site for functional reasons.

The supporting text to policy H4 highlights that essential need means a specific management activity or combination of activities which require the presence of a worker at most times if the proper functioning of an enterprise is not to be compromised and which cannot be achieved by any other practical means such as electronic surveillance, mechanical watering etc. Such a justification may involve the need to be on site for animal welfare, crop or product quality, health and safety consequence which might threaten the stability and economic viability of the business. It is noted the applicants consider that living accommodation on site is essential to the future development of the business and for its future viability, and that travelling back and forth to the business from home has affected the efficiency of the business. However, the majority of the justifications put forward in support of the application relate to concerns about the time the applicants' spend travelling to and from the site, the need for additional space for wine making/processing and storage, and additional space to accommodate visitors and for offices for administration purposes of the business.

Further, while the supporting information states that the functional need and financial requirements have been "comprehensively addressed" no financial information has

been submitted to satisfactorily demonstrate the commercial viability of the business, its future prospects of remaining so, or the essential need for a new dwelling.

The supporting information also raised issues with security and highlights several incidents that have occurred at the site, however, concerns relating to security are not, on their own, sufficient to justify a new dwelling. Further it is considered that the applicants could introduce a number of measures to improve security including fencing, automated alarm systems which connect to the applicants home, the installation of CCTV, or an extension to the existing agricultural building to provide an on-site office.

The supporting text to Policy H4 identifies that to promote sustainable patterns of development rural workers will usually be expected to find housing in existing rural communities. In this instance the applicants currently live in Budleigh Salterton and the officers consider there are residential properties available for rent or purchase in close proximity to the site. The applicants' desire to sell their current home to release capital to invest into the business is acknowledged but this is not a material planning matter which can be taken into account in considering this application. As the applicants' home is only a short 5 minute drive, 15 minute cycle or 25 minute walk from the site it is considered there is a close relationship based on any home to work arrangement where there are not significant levels of livestock on site with a need to be in sight and sound of undermines the proposal. In view of the above officers do not consider there to be a proven or essential need for a dwelling on the site and are concerned that approval could set a precedent for applications for many other dwellings for vineyards across the district. In terms of many of the other issues raised by the applicant it is considered they could be addressed by an on-site office building rather than a new dwelling.

In addition, policy H4 requires the size of the proposed dwelling to be commensurate with any demonstrated need. The Government's 'Technical Housing Standards – Nationally Described Space Standard' advocates a minimum gross internal floor area (including built-in storage) of 104.5 m². The applicants' supporting information states that a modest, 3 bedroom dwelling is proposed, however, while the application terms the proposed dwelling as manager's accommodation it would in fact be a substantial, 3 bedroom 215 square metre dwelling house. The proposed dwelling cannot, therefore, be considered 'modest' when it would provide more than double the minimum gross internal floor area advocated by the Technical Housing Standards. While officers consider that an essential functional requirement for a dwelling has not been demonstrated it would also query the scale of the dwelling which would be occupied by two people, particularly given concerns raised below regarding the visual impact upon the AONB.

It is acknowledged that there are no buildings on the holding which are suitable to meet the residential need. Contrary to the assertion in the applicants' supporting information the existing agricultural building on site could not be converted to a residential use using permitted development rights as the site is located within the Area of Outstanding Natural Beauty where these rights do not apply. Further, any planning application to convert the existing building is unlikely to gain officer support given its location in a high risk flood zone, its unsustainable countryside location and

the likely need for substantial extensions to make the building fit for residential occupation.

Much of the justifications provided in the supporting information are in the form of qualitative statements about the success of the business, the awards the business has obtained and the desire to expand the business. While this would appear to show that the business has been operating in excess of the minimum three year period required by the Council's policies no financial information has been submitted by the applicant, despite requests from the Local Planning Authority to do so, to satisfactory demonstrate the commercial viability the business, its future prospects for remaining so, or the essential need for a new dwelling.

Impact on the surrounding landscape

The site is situated within an open countryside location in the East Devon Area of Outstanding Natural Beauty (AONB). It is acknowledging the dwelling is proposed to be sited outside of the flood zones which are located at the lower portion of the site adjoining Dalditch Lane. However, the proposed dwelling's siting would be in an elevated position which would be prominent in the surrounding landscape, particularly given the size of dwelling proposed.

In view of this it is considered that the proposed dwelling would not conserve or enhance the landscape character of the area and would undermine the landscape quality and there are inadequate social or economic benefits which would outweigh its harm to the AONB.

Extension to the existing agricultural building

While officers consider there to be no proven or essential need for a dwelling on the site it recognises the applicants' wishes to expand the business and the associated requirements for additional operational space acknowledging the small scale economic benefits this would provide.

Policy E5 (Small Scale Economic Development in Rural Areas) supports small scale economic development (not including retail use classes/other uses in Classes A1-A4) and expansion of existing business designed to provide jobs for local people provided, among other things, where they are related in scale and form and in sustainability terms to the village and surrounding areas.

Officers have previously advised that if the application was amended to remove the dwelling it would be likely to support the extensions to the building as they would be ancillary to operation of the vineyard, would relate well in scale and form to the village, and would have limited impact on the AONB given the buildings low level siting adjacent to existing mature hedgerows. While the building is located within flood zones 2 and 3, where there is a medium and high risk of flooding, respectively, the proposal would meet the requirements of the Environment Agency's Vulnerable Developments Standing Advice. However, the applicants have not acceded to the request to amend the application.

The applicants have also requested that a split decision notice be issued. However, applications have to be considered on the basis of the whole submission and it would not be possible to provide a split decision on this type of application where the

manager's accommodation is the substantial element of the scheme for which planning permission is sought.

RECOMMENDATION

REFUSE for the following reasons:

1. The application site is located within open countryside designated as Area of Outstanding Natural Beauty outside of the Built-up Area Boundary for Budleigh Salterton, as defined in the adopted New East Devon Local Plan 2013-2031, in an area that has the highest status of protection in landscape policy terms and where great weight should be given to the control of development in order to protect its rural landscape character and landscape and scenic beauty. The proposed development would be located beyond the existing limits of the built-up area of the village with consequent significant visual harm to its character and appearance arising from the physical presence, built form, size and massing, and the domestic paraphernalia associated with the dwelling. As a consequence, the proposal would not accord with the development plan or amount to sustainable development and would therefore be contrary to the provisions of Strategies 7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement and AONBs) and Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031 and policy contained within the National Planning Policy Framework.
2. The proposal development would be tantamount to the creation of a new dwelling in an unsustainable location in the open countryside for which there is no demonstrated functional need. Further, no financial information has been submitted to satisfactorily demonstrate the businesses commercial viability. The proposal is, therefore, considered unacceptable as it would be contrary to Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the Adopted East Devon Local Plan 2013-2031 and paragraph 55 of the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

3514.2	Existing Site Plan	11.04.16
3514.3	Proposed Elevation	28.04.16
3514.6	Combined Plans	28.04.16

3514.7	Proposed Site Plan	11.04.16
3514.8	Proposed Elevation	11.04.16
3514.9	Proposed Site Plan	11.04.16
3514.10	Proposed Elevation	11.04.16

List of Background Papers

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

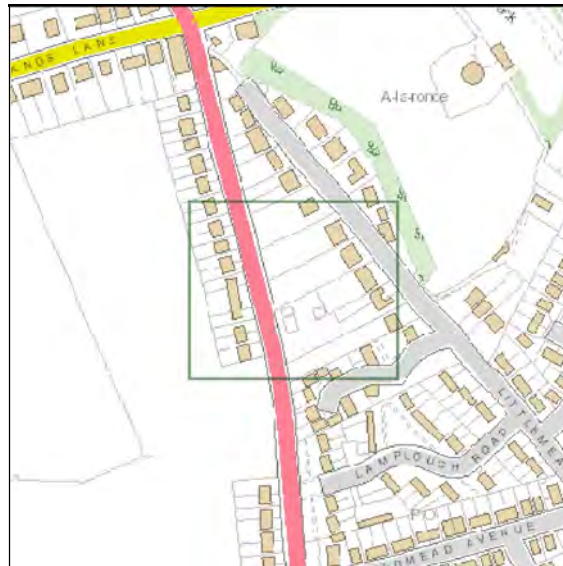
Ward Exmouth Halsdon

Reference 16/1340/VAR

Applicant Construction Partners Ltd

Location Land To Rear Of Aram Littlemead Lane Exmouth EX8 3BU

Proposal Variation of condition 2 (Plans Condition) of planning permission 13/1517/FUL (construction of two detached dwellings) to include rear dormers on each dwelling



RECOMMENDATION: Approval with conditions



		Committee Date: 6 September 2016	
Exmouth Halsdon (EXMOUTH)	16/1340/VAR	Target Date:	22.07.2016
Applicant:	Construction Partners Ltd		
Location:	Land To Rear Of Aram Littlemead Lane		
Proposal:	Variation of condition 2 (Plans Condition) of planning permission 13/1517/FUL (construction of two detached dwellings) to include rear dormers on each dwelling		

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

Planning permission has been granted under reference 13/1517/FUL for the construction of two dwellings on the site. This current application seeks to amend the approved plan to allow the construction of dormer windows to the rear of each of the dwellings.

Despite the design of the rear dormer windows being bulky and of little architectural merit, the dormer windows will not be highly visible from the public domain. In light of this, and given that similar dormer windows could be constructed under permitted development rights once the dwelling are occupied, it would be difficult to justify a refusal of permission on the basis of the visual impact from the dormer windows.

There is approximately 40m from the proposed dormers to the closest properties to the rear and this distance, combined with the presence of first floor windows to the dwellings, result in an acceptable relationship and lack of detrimental harm to the amenity of surrounding residents.

Given the above, it is considered that there are no reasonable grounds to object to the proposal. It is, therefore, recommended that this application is approved.

CONSULTATIONS

Local Consultations

Parish/Town Council
Meeting 13.06.16

Objection on the grounds of out of keeping the area, over development of the site. The addition of a third floor increased over looking issues and was considered to be over massing. Also the addition of dormers would be detrimental to the property know as Aram.

Exmouth Halsdon - Cllr J Elson

I object to this application. It is creating a 3 storey house which will be higher than the Aram property behind. Therefore although these are rear dormers that are normally under permitted development this application will in my view severely overlook the properties at the rear. I therefore consider that this is an exception to planning policy. It is overdevelopment (21.07.2016)

Exmouth Halsdon - Cllr P Stott

16/1340/VAR - Land To Rear Of Aram Littlemead Lane Exmouth EX8 3BU

I wish to object to this variation of the planning application As a six bedroom house will be over development of the site, it will not be in keeping with the other houses with in the road There will be over looking of other properties at the rear if two dormer windows are put in,this impacts mainly on Aram house.

More traffic movements in and out the main road due to more people that occupied the houses.

These are my objections at this present time

Ps I have just had a look they are up to first floor level and its looks like it could dwarf the house next door by the time they finished

Sorry I should have added that I also have concerns about over looking from the Juliet balconies and Windows on the second floor that have been added

Exmouth Halsdon - Cllr M Armstrong

I strongly object to application 16/1340/VAR, this being a variation of condition 2 of planning permission 13/1517/FUL, to include rear dormers on each of the two dwellings.

I object for the following reasons:

1. The description of this variation is not transparent, in that it refers only to the addition of rear dormers on the dwellings, whereas in fact much more substantial works are being proposed, including a third storey which will be completely overbearing on nearby residential properties.

2. The original approval was given for two double and two single bedrooms, whereas the current Developer's Support Document (DSD) states that the approval was for four double bedrooms in each dwelling. With another storey, this would increase the bed spaces to six double bedrooms in each dwelling, giving a total of twenty four bed spaces rather than the original twelve which were approved.

3. The new second floor includes further windows and balconies which would overlook neighbouring properties, contrary to the DSD statement that 'no additional overlooking other than that already approved will be provided by the additional dormers and associated windows.' This is self-evidently incorrect, considering that the dwelling would be one storey higher and therefore much more dominant, compared to other neighbouring properties.

4. There is likely to be increased noise and light pollution from the new second floor windows and balconies which would greatly intrude on the privacy of neighbouring residential properties, including 'Aram'.

5. The aspect from 'Aram' and from other neighbouring properties would be significantly diminished by the substantial increase in size of these two dwellings.

6. A flat roof is proposed for up to approximately one third of the total roof area which is not in keeping with other neighbouring properties which have pitched roofs and are only two storeys high.

7. I understand that extra parking has been provided at the front, although this substantially reduces the planted areas, thereby apparently contravening Condition 6, which requests approval of a landscaping scheme to include the retention of as much of the frontage hedge to Exeter Road as possible.

8. Meanwhile the building work for this variant application is going ahead at a rate of knots and before any consideration or indeed approval has been given either by Exmouth Town Council or by the DMC. I am amazed that developers are able to blatantly disregard the planning process and can carry on regardless, on the assumption that approval will be given, which I find totally unsatisfactory.

Finally, I consider that this variation represents substantial and unacceptable over-development in this residential area and I would strongly recommend refusal.

Further comments 18 August 2016:

Following my original objection dated 13/6/16 (below), I am now writing to add my further objections to application 16/1340/VAR, as follows.

1. The description of the addition of 'dormers' to each of the two dwellings, which is the basis of this application, is a complete misnomer.

The dictionary definition of a 'dormer' is a 'dormer window, a small window with a gable, projecting from a sloping roof.'

a. These additional 'dormers' are not windows, but a double door plus an extra window next to it.

b. The build so far indicates that these doors will become a 'Juliet balcony' and therefore not a 'dormer'.

c. This door and window do not have a gable, which was part of the original planning approval in 2013, nor does it 'project from a sloping roof', because this is a flat-fronted, flat-roofed section of the building, thereby, in effect creating a third floor.

d. The result of this variation means that this creates a high, solid, overbearing building which directly overlooks the residents of 'Aram' and neighbouring properties, thereby intruding on their privacy, and the continuing description of 'dormers' is totally incorrect.

2. The revised update (4th August) to this Variation, which was presumably done in conjunction with planning officers to address the issue of the 'dormers' has done little to decrease the overbearing and overlooking issues. The 'dormers' have apparently been moved back slightly, but the height and width remain exactly the same.

3. New drawings which appeared on the planning site dated 12th August were a complete surprise both to myself and the neighbouring residents, as none of us had been informed about these changes. These drawings show that the number of bedrooms remains at six, the only difference being that one of them is now described as a 'Utility/Ironing room' despite this being on the first floor.

4. These drawings also show that the twin roof lights have been increased in size, thereby contributing to the overlooking issues.

5. I am glad to say that the building work has recently stopped, partly as a result of my request, as the work was moving along at a fast pace, including the third floor 'dormers', one of which appears now to be completed. This has gone ahead despite objections from all three ward councillors, from the Town Council and neighbouring properties, and the application not yet having been considered, let alone approved, by the DMC.

6. Although there are many issues about which both neighbouring properties and I are concerned, I would suggest that the main one is that of the new '3rd storey' (which in effect is what it is), and I would strongly recommend that this and the 'dormers' are not granted permission and are dismantled.

7. Finally I am very concerned that this Variation is not a true reflection of the facts and would urge members to investigate further before making a decision at the DMC.

I confirm that I strongly recommend refusal for all the reasons given above and in my earlier email.

Technical Consultations

County Highway Authority
Does not wish to comment

Environmental Health

No comments received

Other Representations

7 letters of objection have been received from members of the public citing:

- Over development
- Increased traffic / parking requirements (due to addition of 1 no. Bedroom to each property)
- Visually intrusive
- Over looking
- Increased noise (from more residents)
- Third floor being added

As a result of consultation on amended plans 2 additional letters have been received stating that the reduced size of dormer windows do not address previous concerns resulting in a development that still appears unsightly with detrimental levels of overlooking to neighbouring properties.

PLANNING HISTORY

Relevant Planning History

13/1517/FUL - Construction of two detached dwellings with attached garages and formation of new vehicular access and parking/turning areas (conditional approval - 17.10.2013)

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-Up Area Boundaries)
D1 (Design and Local Distinctiveness)

Government Planning Documents

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

ANALYSIS

Site Location and Description

The application site is currently under construction under planning permission 13/1517/FUL that granted the construction of two detached dwelling. It is located to the eastern side of Exmouth Road to the north west of Exmouth. The site is adjoined by residential properties to the north, east and south and by the road with residential properties opposite to the west.

The site is within the settlement boundary and has no statutory designation.

Proposed Development

Variation of condition 2 (Plans Condition) of planning permission 13/1517/FUL (construction of two detached dwellings) to include rear dormers on each dwelling.

The original application granted two detached two-storey dwellings and this application seeks an amendment to that permission to allow the construction of dormer windows to the rear of each dwelling to facilitate additional accommodation within the roofs.

Consideration and Assessment

Principle of Development

The principle of development at the site has been established by virtue of the planning permission granted in 2013.

Neighbouring Amenity (Overlooking / Privacy / Noise)

Objections have stated there would be a loss of privacy, overlooking and unacceptable levels of noise from the site were the revision to be approved and constructed.

In this instance, the nearest facing windows (those of 'Aram' to the east) will still be circa 40m away. In addition, those properties to the east (notably 'Aram') are approximately 2.6m higher than the development site. Furthermore, the dormer window will accommodate a secondary habitable room (used principally for sleeping in).

In light of the above, it is not considered the proposed dormer windows would result in any detrimental loss of privacy or amenity (including noise), particularly given the presence of windows at first floor to the approved dwellings.

With regard to any impact upon properties to the north and south of the site, level of overlooking would already occur from the first floor windows and as the insertion of dormer windows could be constructed under permitted development rights, it is considered that it would be difficult to justify an unacceptable increase in overlooking causing detrimental harm.

Were noise from the development to become manifest, there are existing routes of redress outside of the Planning Regimes remit through the imposition Noise Abatement Notices care of the Environmental Protection Act 1990 (were noise emanating from the site to constitute a statutory nuisance).

Design / 3rd Storey

The alterations to the approved scheme are to the rear (eastern) elevation of the buildings. The re-design seeks to introduce a dormer window structure in place of the previously approved gable end design.

The form of the dormer windows can be reasonably described as functional, and are of little architectural merit, albeit the revised proposal has sought to reduce the scale of that originally proposed.

However, the position of the proposed dormer windows, to the rear of the buildings, is such that they would not be highly visible from public vantage points, and would not detract from the aesthetic of the front facades.

Furthermore, a number of comments have stated that the alteration is in fact the creation of a 'third storey'. When reviewing the submission and associated plans, it is evident that the buildings are two storey houses with a dormer window to the rear with the accommodation within the roof, with no change to the front (west) elevations.

It is also material to the consideration of this application that dormer windows of a similar design could be provided to the dwellings once constructed under permitted development rights.

In light of the above, although the design at the rear is visually different to the remainder of the buildings, as it is not clearly visible and there is a fallback of providing dormers under permitted development rights, the proposed dormers are not considered so visually incongruous or harmful as to warrant a recommendation of refusal on design grounds in this instance.

Highways (Safety / Parking / Increased Fumes and Noise (amenity))

Objections have stated that the inclusion of an additional bedroom will result in a correlating increase in vehicles associated with each property and the subsequent impact on highway safety / parking congestion / fumes from vehicles.

The redesign of the scheme has resulted in the positioning of bike stores / bin stores to the rear of each property, which enables the release of sufficient land to create a third parking space for each property. This is considered ample for the development proposed.

In terms of fumes from the development (increased vehicle numbers), the properties to the east are circa 40m plus away from the site, with fencing and the proposed properties between those concerned and the vehicles of each property. Knowing this it is not considered that the addition of one bedroom per household is sufficient to warrant a recommendation of refusal on the grounds of fumes or noise.

With regards to highway safety, the existing access onto the A376 is considered adequate, with this part of the road having vehicle speeds limited to a maximum of 30mph, and the access having suitable lines of sight (visibility splays).

Over Development

Objections have cited 'overdevelopment' of the site as a reason for refusal.

It is noted that the revisions do not propose to increase the existing parameters of development on the ground (it would result in an increase of internal floor footprint through the use of loft space).

To clarify, the Planning Portal glossary states that 'overdevelopment' is:

'An amount of development (for example, the quantity of buildings or intensity of use) that is excessive in terms of demands on infrastructure and services, or impact on local amenity and character.'

In this instance, the addition of a dormer window (as revised) is not considered to be of such use intensity as to result in an unsustainable demand on infrastructure / services, or would have an unreasonable impact on local amenity or character (with the site and neighbouring land being a location undergoing development).

In this instance, it is not considered justified to recommend refusal on the grounds of overdevelopment.

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 proposed development shall not be occupied until the access, parking facilities, visibility splays, turning area, parking space and garage/hardstanding, access drive and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development and shall thereafter be retained for their respective purposes at all times.

(Reason - To ensure that adequate facilities are available for the traffic attracted to the site and to comply with the provisions of Policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the East Devon Local Plan.)

4. The development shall be carried out in accordance with the Method of Construction Statement and email dated 6th June 2016 from ara architecture (confirming construction hours of Monday to Friday 8.00am to 6.00pm, Saturdays 8.00am to 1.00pm) submitted to discharge Condition 5 to application 13/1517/FUL.

(Reason - To provide a satisfactory access to the site with adequate facilities for short term parking in the interests of maintaining a safe and efficient highway network and in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

5. Prior to the first use of the dwellings hereby approved a landscaping scheme shall have been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the retention of as much of the frontage hedge to Exeter Road as possible plus the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed, and details of the means of protection of the existing hedge along the Exeter Road frontage boundary of the site. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the hedge will be protected during the site 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.

The development shall be carried out strictly in accordance with the agreed details.

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

- (a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.
- (b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Issue 2) 2007.
- (c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - To ensure retention and protection of hedges on the site boundaries 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), D2 (Landscape Requirements) and D3 (Trees on Development Sites) of the East Devon Local Plan.)

6. The development shall be carried out in accordance with the Tree Protection measures detailed in the approved Arboricultural Survey dated 2nd September 2013 (as accompanied planning application: 13/1517/FUL).

(Reason - To ensure retention and protection of trees overhanging the site boundaries 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), D2 (Landscape Requirements) and D3 (Trees on Development Sites) of the East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

1. 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.
2. This planning permission is accompanied by, and should be read in conjunction with, the unilateral undertaking dated 8th July 2013 in respect of the payment of financial contributions towards open space provision/enhancement and habitat mitigation.

Plans relating to this application:

P1002 REV F	Proposed Site Plan	26.05.16
P1003 REV D	Proposed Floor Plans	26.05.16
P1004 REV D	Proposed Floor Plans	26.05.16
P1005 REV D	Proposed roof plans	26.05.16
P1006 REV C	Proposed Elevation	26.05.16
P1007 REV C	Proposed Combined Plans	26.05.16
P1008 REV B	Sections	26.05.16
7335-04	Proposed Site Plan	26.05.16
7335-05	Proposed Floor Plans	26.05.16
7335-06	Photos	26.05.16

List of Background Papers

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

Ward Exmouth Littleham

Reference 16/1585/FUL

Applicant Mr Williamson

Location Long Lane House 1C Cranford Avenue Exmouth EX8 2HP

Proposal Construction of first floor over existing double garage to form annexe to existing dwelling (resubmission of planning approval 13/2007/FUL)



RECOMMENDATION: Approval with conditions



		Committee Date: 6 September 2016
Exmouth Littleham (EXMOUTH)	16/1585/FUL	Target Date: 26.08.2016
Applicant:	Mr Williamson	
Location:	Long Lane House 1C Cranford Avenue	
Proposal:	Construction of first floor over existing double garage to form annexe to existing dwelling (resubmission of planning approval 13/2007/FUL)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is being brought before Committee in light of the fact that the applicant is a Member of the Council.

The proposal relates to the conversion and enlargement of the existing roofspace above a detached garage to create an annexe comprising a combined living/bedroom/kitchen area with en suite shower room and toilet. The operational development required in order to facilitate the formation of the accommodation would involve the substitution of the existing hipped roof for a series of full and half gables together with the addition of an external staircase, windows and rooflights. A previous application for the same scheme was approved at Development Management Committee (13/2007/FUL) and remains extant until 14th November 2016.

It is considered that the development, whilst impacting upon the regular symmetrical form of the present building to an extent, would not unduly detract from the overall character or appearance of the site or the surrounding area owing to the existing level of tree screening of this part of the site when viewed from the public domain of Cranford Avenue or result in any significant harm to the amenities or privacy of the occupiers of neighbouring properties. The scheme represents a relatively modest addition to the volume of the present garage that would provide the desired level of accommodation for the applicant's requirements without creating any significant harmful impact locally.

There are no material changes in circumstance since the grant of the permission in 2013 that lead to a different conclusion and as such planning permission is again recommended for approval subject to condition.

CONSULTATIONS

Local Consultations

Parish/Town Council

No objection

Technical Consultations

County Highway Authority

Does not wish to comment

Other Representations

No representations received.

PLANNING HISTORY

Reference	Description	Decision	Date
13/2007/FUL	Construction of first floor over existing double garage to form annex to existing dwelling.	Approval with conditions	14.11.13

POLICIES

Adopted East Devon Local Plan Policies

D1 (Design and Local Distinctiveness)

Government Advice:

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Site Location and Description

Long Lane House is a comparatively modern detached two storey dwelling located within the Avenues area of the town. The property occupies a plot formed from the sub-division of the former garden of no. 1 Cranford Avenue immediately adjacent to the north west, itself now divided into three separate properties, each with its own garden area.

To the front of the main dwelling, but set back from a boundary wall that defines the principal highway frontage of the site, is a detached double garage with a pyramidal roof that is finished externally in materials to match the main dwelling, namely brick and plain tiles. This building, to which the application proposal specifically relates, measures 6.1 metres square with a ridge height of 5.1 metres.

Proposed Development

This application is a resubmission of the 2013 application that has not been implemented and expires in November 2016.

The proposal relates to extensions and alterations to the garage to facilitate the conversion of the roof space to form annexe accommodation comprising combined living and bedroom space together with a kitchen area and en suite toilet/shower room.

The submitted details show additions to the front (south west) and side (south east) elevations of the building to convert the present roof to full gables with a large picture window above the existing garage door together with partial enlargements of the rear (north east) and one of the side (north west) elevations to provide gable elements and the addition of an external staircase to the remaining side elevation. The latter would provide access to an entrance door to the annexe accommodation. The rear elevation gable would be tile hung to match the tiled roof finish to the main dwelling whilst the gable to the side elevation would frame a small obscure glazed window.

The development would result in a modest overall increase of 0.3 metres in the height of the existing building.

Considerations/Assessment

The application is a resubmission of the previous application in 2013. Although the new Local Plan has been adopted since the grant of permission in 2013, there are no material changes in circumstance, policy or on site since the grant of the permission in 2013 that lead to a different assessment. As such, the previous assessment from 2013 is still relevant to this application and is detailed below.

There are two principal issues that are material to consideration of the proposal, namely the visual impact of the resulting building upon the character and appearance of the area and the street scene and the impact upon the living conditions of the occupiers of neighbouring residential properties.

On the first of these it is acknowledged that the building would assume a more complex, and indeed slightly unbalanced, form and elevation treatment than at present to which the differing scales of the proposed gabled additions and the incorporation of an overhang to the gabled extension to be added to the south east elevation would contribute. To this extent, it is thought that the development would appear slightly visually incongruous in comparison to the existing garage that exhibits a more regular and symmetrical design.

However, when balanced against this there are a couple of issues that are considered to weigh more heavily in favour of the scheme. First, as stated above, the proposals would not involve a significant increase in the height of the present garage; as such, the overall scale of the building would not be sufficiently greater. Secondly, as the building is set back behind a wall that defines the road frontage boundary of the site and to the rear of trees and a hedge that provide a comparatively robust screen there would be only a relatively limited visual aspect of

the building available from a short length of Cranford Avenue adjacent to the site. As such, it is not thought that the degree of harm to the character or appearance of the site, the street scene or the wider area arising as a result of the proposal would be sufficient to justify objection to the scheme on visual impact grounds.

Turning to the issue of neighbour impact, it is considered that the comparatively modest volume addition to the existing garage coupled with the separation distance between it and the neighbouring properties to the south (Mansfield Cottage) and north (1 Cranford Avenue) is such that the resulting building would not cause any undue adverse physical impact upon the living conditions, in terms of outlook, aspect or light, of adjacent residents owing to its scale, bulk or massing.

Equally, it is not thought that the proposal would cause any harmful overlooking of, or loss of privacy to, occupiers of these properties. Although incorporating a sizeable window in the front elevation gable that affords an outlook mainly back towards the principal elevation of the host dwelling but also in part towards part of the curtilage of Mansfield Cottage, any outlook towards this property would be at a sufficiently oblique angle as to avoid causing any material overlooking or privacy impact, particularly in view of the intervening presence of a small block of garages positioned adjacent to the site boundary within its curtilage. Similarly, the angle from the development in relation to no. 1 Cranford Avenue and the distance between the two would be such as to avoid any impacts in this regard also.

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those of the existing building or as may otherwise be approved in writing by the Local Planning Authority prior to the commencement of development.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the existing building in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)
4. The development, the subject of this planning permission, shall only be used as an annexe and shall not be used as an independent unit of residential accommodation separate from the main dwelling house known as Long Lane House.

(Reason - The establishment of an additional independent unit of accommodation would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings and to comply with the provisions of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

	Location Plan	01.07.16
6930-01	Existing Combined Plans	01.07.16
6903-02	Combined Plans	01.07.16

List of Background Papers

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

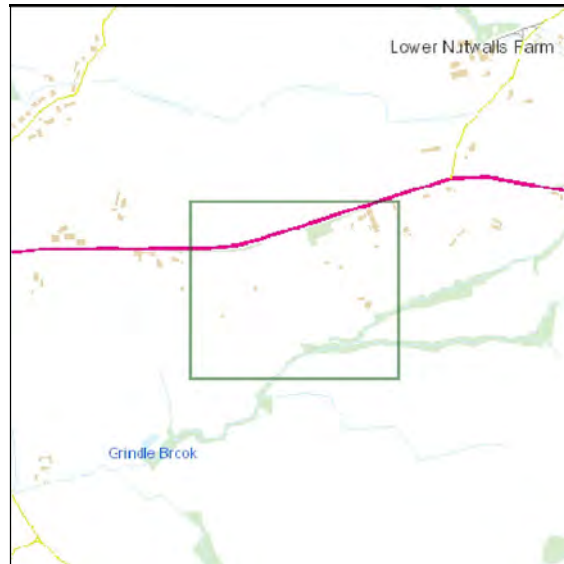
Ward Raleigh

Reference 16/0798/FUL

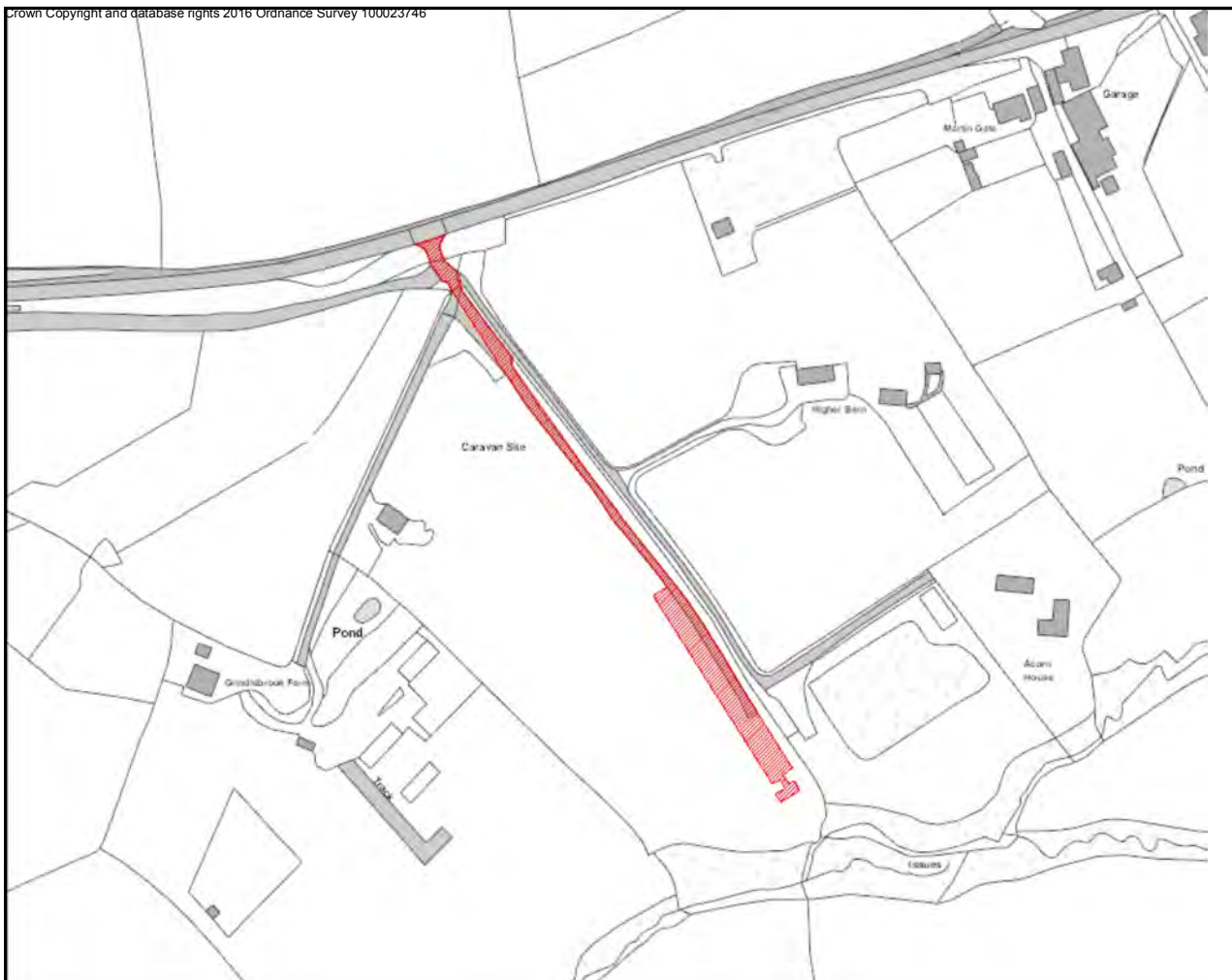
Applicant Mr Stephen Roberts

Location Land Adj To Grindlebrook Farm
Sidmouth Road Aylesbeare Exeter
EX5 2JJ

Proposal Change of use of land from
agriculture to site 5no. caravan
pitches and a car park and the
construction of a toilet/shower
building and septic tank.



RECOMMENDATION: Approval with conditions



		Committee Date: 6 September 2016
Raleigh (COLATON RALEIGH)	16/0798/FUL	Target Date: 01.07.2016
Applicant:	Mr Stephen Roberts	
Location:	Land Adj To Grindlebrook Farm Sidmouth Road	
Proposal:	Change of use of land from agriculture to site 5no. caravan pitches and a car park and the construction of a toilet/shower building and septic tank.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the officer recommendation differs to that of the Ward Member and the proposal is a departure from the Local Plan.

Grindlebrook Farm is located 3.5 miles west of Newton Poppleford and 3.5 miles east of Clyst St Mary and is approximately 200 metres south of the A3052. It is surrounded primarily on all sides by agricultural land and is accessed via a private turning from the A3052 which is shared by Higher Barn and Acorn House to the east of the site and the grouping of dwellings at Lower Hawkerland to the west. Further to the west of the site is Oaklands Garage which immediately adjoins the roadside edge of the A3052 with a public house further to the west.

This application seeks planning permission for the change of use of land of an agricultural field to site 5 caravan pitches and a car park and to construct a toilet/shower building and a septic tank.

The applicant identifies that permission is required to provide additional caravan pitches to cope with the seasonal demands for such sites. The lower half of the site is currently used for occasional caravan rallies and the applicant would like to be able to provide additional toilet and shower facilities when these rallies take place.

Policy E19 (Holiday Accommodation Parks) of the Adopted Local Plan highlights that proposals for new sites and extensions of existing sites will be permitted where they meet the following criteria:

- The proposal relates sensitively in scale and siting to the surrounding and includes extensive landscaping and visual screening to mitigate against adverse impacts and they do not affect habitats or protected species.**

- They are within, or in close proximity, to an existing settlement but would not have an adverse impact on the character or setting of that settlement or the amenities of adjoining residents.
- They would not use the best and most versatile agricultural land.
- They will be provided with adequate services and utilities.
- Traffic generated by the proposal can be accommodated safely on the local highway network and safe highway access to the site can be achieved.
- The development will be subject to the provisions of plan policy in terms of sustainable construction and on site renewable energy production.

The proposed change of use to site 5 caravan pitches, a car park and to construct a toilet/shower building and a septic tank is considered to comply with the majority of the above policy criteria as an extension to the existing caravan site and would also have an economic benefit to an existing business within a rural area and the wider area that should be given some weight.

It has been questioned whether the proposal complies fully with the policy as the site is not within, or in close proximity, to an existing settlement. Whilst this is the case, the site is well located just off the A3052 in fairly close proximity to a garage shop, public house and bus routes along the A3052. While the site is not within or in close proximity to a settlement, it is considered to be in a suitable and accessible location for such a use.

Subject to attaching conditions to ensure the pitches are not used as permanent residential accommodation and that the proposed external materials for the toilet/shower block are submitted to and approved by the Local Planning Authority, the application is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

Colaton Raleigh Parish Council's objections are as follows:

- The entrance to the site is extremely dangerous since it leads directly on to a fast, busy major road where no lighting is provided and where there is no footpath.
- It was noted that previous applications to use this entrance have been turned down for these same reasons
- The proposal does not comply with current EDDC policy on sustainability.
- There are no amenities of any kind within 400m except a petrol station shop selling a very limited range of goods - and as indicated above there is no footpath access to it.

- Access to and from schools (which are miles away) cannot safely be walked by children, and each journey can really only be made by car, so another reason for being unsustainable.
- What the caravans will be used for - tourists or permanent dwellings.
- There is only one shared toilet block for all 5 caravan sites which are not connected to the mains and there is a soak-a-way.

Raleigh - Cllr G Jung

I have viewed the documents supplied by the applicant for this application and consider that the proposed work should not be supported.

I agree with the comments from the Parish Council that the development is in an unsustainable location in open countryside and against the principles of the local plan on a number of issues.

I will reserve my final views on the application until I am in full possession of all the relevant arguments for and against

Technical Consultations

Health and Safety Executive

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Other Representations

No third party representations were received at the time of writing this report.

POLICIES

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

D1 (Design and Local Distinctiveness)

E19 (Holiday Accommodation Parks)

E5 (Small Scale Economic Development in Rural Areas)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Relevant Planning History

There are a number of applications at the site for various agricultural and workshop/storage buildings and a mobile home but these are not directly relevant to the current proposal.

More recently planning permission was granted under permission 11/2526/FUL for the dual use building to provide agricultural packing and storage space and toilet, shower and laundry facilities for the caravan site.

There is no history available for any refusals of planning permission for development off this access.

Site Location and Description

Grindlebrook Farm is located 3.5 miles west of Newton Poppleford and 3.5 miles east of Clyst St Mary and is approximately 200 metres south of the A3052. It is surrounded primarily on all sides by agricultural land and is accessed via a private turning from the A3052 which is shared by Higher Barn and Acorn House to the east of the site and the grouping of dwellings at Lower Hawkerland to the west. Further to the west of the site is Oaklands Garage which immediately adjoins the roadside edge of the A3052. Further to the east is a public house and there are bus stops along the A3052.

Grindlebrook Farm is located in an open countryside setting surrounded on all sides by agricultural fields. The holding comprises 5 hectares of agricultural land which is split into two separate fields. The south-western field includes an existing dwelling, open grazing land and several horticultural buildings/polytunnels. The north-eastern field, in which the application site is located, is approximately 2 hectares which slopes downwards from a height of 110 metres at the top (north-east) of the field downwards to a height of 90 metres at the bottom. At the top of this field there is an existing caravan site area and a building which is used as toilet, shower and laundry facilities for the caravan site.

The site is not located in an Area of Outstanding Natural Beauty or a Conservation Area nor are there any listed buildings or scheduled ancient monuments in close proximity to the site.

Proposed Development

This application seeks planning permission for the change of use of land of an agricultural field to site 5 caravan pitches and a car park and to construct a toilet/shower building and a septic tank.

The 5 caravan pitches are proposed to be laid out in a linear alignment adjacent to the existing access track with links the top of the site with the area where the caravan pitches are to be sited. The car park, shower block and treatment plant are proposed at the end of the gravel access track.

The proposed toilet/shower block would be a timber building with a pitched roof measuring 7.4 metres long, 3.7 wide and 3.8 metres high.

Principle of Development

The applicant identifies that permission is required to provide additional caravan pitches to cope with the seasonal demands for such sites. The lower half of the site is currently used for occasional caravan rallies and the applicant would like to be able to provide additional toilet and shower facilities when these rallies take place.

Policy E19 (Holiday Accommodation Parks) of the Adopted Local Plan highlights that proposals for new sites and extensions of existing sites will be permitted where they meet the following criteria:

- The proposal relates sensitively in scale and siting to the surrounding and includes extensive landscaping and visual screening to mitigate against adverse impacts and they do not affect habitats or protected species.
- They are within, or in close proximity, to an existing settlement but would not have an adverse impact on the character or setting of that settlement or the amenities of adjoining residents.
- They would not use the best and most versatile agricultural land.
- They will be provided with adequate services and utilities.
- Traffic generated by the proposal can be accommodated safely on the local highway network and safe highway access to the site can be achieved.
- The development will be subject to the provisions of plan policy in terms of sustainable construction and on site renewable energy production.

These criteria are assessed below:

Scale of development and its landscape impact

The proposal is relatively small in nature and scale and would only provide facilities for an additional 5 caravans at the site. The caravan pitches, car park, shower block and treatment plant are proposed to be sited at the bottom of the field adjacent to the south-eastern edge where there is a dense hedgerow and mature trees. Therefore, the existing extensive landscaping would screen the proposal from view in the wider landscape meaning it would not have an adverse visual impact on the landscape and would not affect any protected habitats or species.

The site's location, sustainability and impact on highway safety

The concerns raised by the Parish Council and Ward Member about the sustainability of the site's location are acknowledged.

In sustainably terms the site is not close to an existing settlement which would provide access to services and public transport. As such, the application can be considered to be contrary to Policy E19 and has been advertised as a departure.

However, there are economic and tourism benefits from the proposal which is for additional caravan pitches and facilities at an existing caravan site rather than proposing an entirely new facility.

This, coupled with the relatively good location of the site off one of the main roads through the district, and location close to a bus route, garage shop and public house, weigh in favour of this proposal for additional caravan pitches. For people on holiday in the district, this is a well located site.

Balancing the policy criteria against the location of the site, and given that the site is arguably better located than being at the edge of an isolated settlement with no facilities, it is considered that the benefits from the proposal outweigh any harm from the 5 pitches and that as such it would be difficult to justify a refusal of planning permission at appeal despite the wording of Policy E19.

Impact on amenity of neighbouring residents

The closest residential property to the proposed development would be over 200 metres away and the proposal is, therefore, unlikely to have an adverse amenity impact on any residential properties.

Loss of agricultural land

The application site is classified as grade 3 agricultural land and while the proposed change of use would only take a relatively small portion of land out of agricultural production, this land has not been used actively for agriculture for a number of years and the loss would not be significant.

Proximity to gas pipeline

The proposal is located in close proximity to a major gas pipeline and as a result is within the consultation distance (in this case the proposal is partly within the inner, middle and outer zones) of a major hazard pipeline. Therefore, the Health and Safety Executive (HSE) is a statutory consultee for certain developments. Following consultation with the HSE, they do not advise against the granting of planning permission in this case.

Traffic

The existing site is situated adjacent to the A3052 and there is good access, albeit by car, to surrounding settlements. The relatively minor nature and scale of the development would be unlikely to give rise to significant traffic generation that would impact upon highway safety. No objections have been raised by the Local Highway Authority concerning this application and it is, therefore, considered that the access would be adequate for the level of traffic that would use the site and to provide safe access to the A3052.

Whilst the comments of the Parish Council regarding highway safety are noted, there is no record of any refusal of planning permissions on the basis of the use of the access to the site.

Conclusion

The proposed change of use to site 5 caravan pitches, a car park and to construct a toilet/shower building and a septic tank is considered acceptable as an extension to the existing caravan site and would also have an economic benefit to an existing business within a rural area and the wider area.

Subject to attaching conditions to ensure the pitches are not used as permanent residential accommodation and that the proposed external materials for the toilet/shower block are submitted to and approved by the Local Planning Authority the proposal is considered that the proposal can be supported.

Whilst it is acknowledged that the site is not located within or close to a settlement, the site is well located for the proposed use off the A3052 within close proximity of a range of facilities and this, in addition to the tourist and economic benefits of the proposal are considered to outweigh any harm from its location away from a settlement..

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 caravan pitches hereby approved:
 - (i) shall be occupied for holiday purposes only;
 - (ii) shall not be occupied as a person's sole, or main place of residence;
 - (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual static caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.
(Reason - To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and in order to comply with Strategy 7 (Development in the Countryside) of the Adopted East Devon Local Plan 2013-2031.)
4. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

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	06.05.16
A	Block Plan	06.05.16
B	Combined Plans	06.05.16

C	Photos	01.04.16
E	Proposed Site Plan	12.04.16

List of Background Papers

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

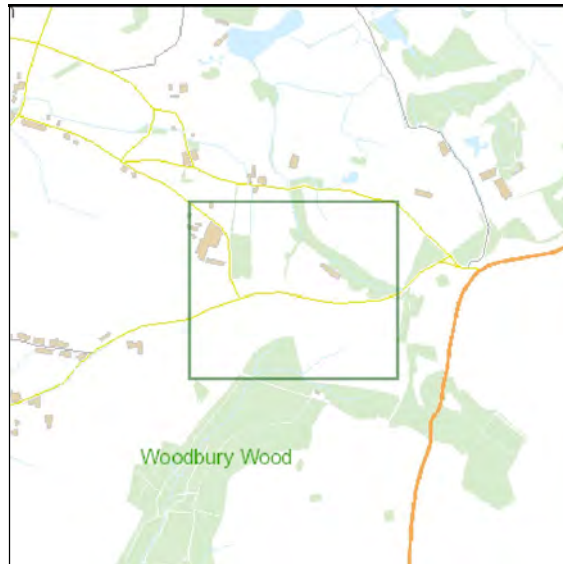
Ward Woodbury And Lymstone

Reference 15/2466/FUL

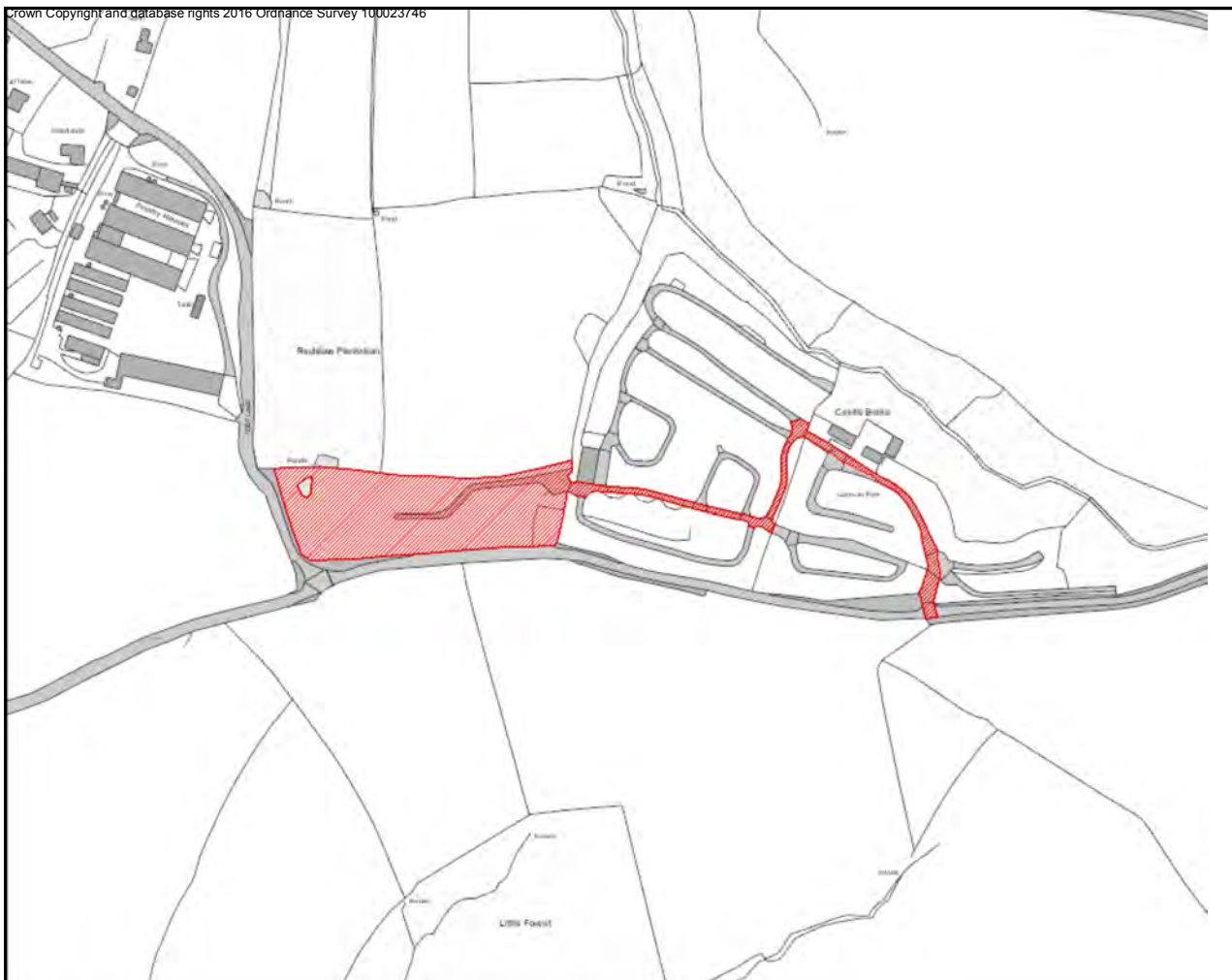
Applicant Castle Brake Holiday Park

Location Castle Brake Holiday Park
Woodbury Exeter EX5 1HA

Proposal Extension of existing holiday park for use of land by touring caravans and tents, including construction of gravel roads and hardstanding (retrospective application)



RECOMMENDATION: Approval with conditions



		Committee Date: 6 September 2016
Woodbury And Lympstone (WOODBURY)	15/2466/FUL	Target Date: 28.04.2016
Applicant:	Castle Brake Holiday Park	
Location:	Castle Brake Holiday Park Woodbury	
Proposal:	Extension of existing holiday park for use of land by touring caravans and tents, including construction of gravel roads and hardstanding (retrospective application)	

RECOMMENDATION: APPROVE subject to conditions

EXECUTIVE SUMMARY

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

This application seeks planning permission for the retention of 12 hardstanding areas and the formation of gravel road to facilitate the use of this part of the Castle Break Holiday Park for touring caravans and tents.

The works have been undertaken on the site and the use commenced in 2015. The site is contained within the larger holiday park which is a well established touring and static caravan site located between the village of Woodbury and Woodbury Common. There is general policy support for the provision and expansion of holiday parks outside of designated landscape areas due to the positive effect on the economy.

The site is generally well screened from the road, and otherwise seen in conjunction with the existing park. Whilst the use of this area increases its visibility, the transient nature of the touring pitches would mean that it is not occupied on a permanent basis and would be unoccupied for a number of months of the year when the site is most visible externally.

The site is close to the protected Special Protection Area of the Pebblebed Heaths, but beyond the exclusion zone, and therefore subject appropriate mitigation it is not considered that there would be an unacceptable impact on the SPA.

No technical objections have been raised and given its limited impact and policy support the application is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

Not supported on the following grounds: -

' Due to the elevated position of the site the touring caravans create a clear visible intrusion on the attractive rural landscape and the adjacent highway

' The extension is against the East Devon Local Plan (2016) and sited adjacent to an area of SSSI

' The narrow access exiting on to Castle Lane is considered unsuitable and has already been identified as a poor transport link, going directly past a local primary school

Further comments:

Not Supported as the original concerns have not been addressed and still apply

Woodbury & Lympstone - Cllr B Ingham

I think it wise for these two apps to be determine by DMC. I so request

Woodbury & Lympstone - Cllr R Longhurst

This application may partly be in Woodbury Ward or at least on the boundary. It has caused considerable alarm and consternation locally not least because 2466 is a retrospective application and 2467 has already begun work.

This is another example of a complete disregard for Planning Laws that seems to be prevalent in Woodbury and Woodbury Salterton by a small minority of large land owners who seem to think that Planning does not apply to them - well they are not only wrong but also need to be shown to be wrong.

I OBJECT most strongly to these two applications and would like them both referred to the DMC for decision and I will defer further comment until I see the Officers report to the DMC.

Technical Consultations

County Highway Authority

Castle Brake Holiday Park is an existing holiday park that has a mix of static caravans, Touring caravans and tent pitches available. The application is retrospective for an extension of land for the use of touring caravans and tents. It is proposed to use the existing access to the site. The roads to the site are limited in width and a limited number of intervisibility passing places. The Local Highway Authority has no objection to the application. The site has been used for this purposed for the last 7 years. There is suitable road width for vehicles towing a Touring caravans coming off of the B road to pass one another ensuring that they don't need to reverse on to a B road.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Natural England

Planning consultation: Extension of existing holiday park for use of land by touring caravans and tents, including construction of gravel roads and hardstanding (retrospective application)

Location: Castle Brake Holiday Park Woodbury Exeter EX5 1HA

Thank you for your consultation on the above, dated and received by Natural England on 04 March 2016.

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

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (AS AMENDED) WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

European wildlife sites

OBJECTION - Further information required: No Habitats Regulations Assessment

The application site is in close proximity to three European Wildlife Sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their ecological interest. European wildlife sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is within 200m of the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and East Devon Heaths Special Protection Area (SPA), and within 5km of the Exe Estuary Special Protection Area (SPA) and Ramsar site¹, which are European wildlife sites. The sites are also notified at the national level as Sites of Special Scientific Interest (SSSIs).

The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided by your authority do not include any information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered, i.e. your authority has not recorded your assessment and conclusions with regard to the various steps within a Habitats Regulations Assessment.

It is Natural England's advice that, as the proposal is not necessary for European site management; your authority should determine whether the proposal is likely to have a significant effect on any European site. If your authority is not able to rule out the likelihood of significant effects, there are uncertainties, or information to clarify areas of concern cannot be easily requested by your authority to form part of the formal

proposal, you should undertake an Appropriate Assessment, in accordance with Regulation 61 of the Habitats Regulations, including consultation with Natural England. Natural England would be happy to assist further as your HRA is undertaken. (Natural England is a statutory consultee at the appropriate assessment stage.)

On the basis of the information provided, Natural England is able to advise the following to assist you with your Habitats Regulations Assessment. Decisions at each step in the Habitats Regulations Assessment process should be recorded and justified:

East Devon Pebblebed Heaths SAC/ East Devon Heaths SPA

Natural England advises that the likelihood of significant effects on these sites cannot be ruled out.

Your Local Plan policy does not permit development within 400m of the Pebblebeds SAC/SPA because the impacts of residential development in such close proximity of the SAC/SPA cannot be effectively mitigated. Therefore Natural England advises that this application should be refused.

The quote from 18.45 of your local plan cites only cat predation as a justification for a 400m exclusion zone but Section 8 of the HRA and 7.2 of the "South East Devon European Site Mitigation Strategy" provide additional justification (my underlining):

" The choice of 400m for the heathland sites discussed above has been a pragmatic one, recognising that urban impacts relate to a combination of factors that are impossible to mitigate for at very close proximity, which include cat predation, increased fire incidence and increased recreational pressure (leading to disturbance, trampling, dog fouling etc). Options for mitigation within 400m are limited as it is impossible to divert or limit the impacts, for example by providing alternative access sites, etc."

Exe Estuary SPA

There is no indication in the planning application documents that the applicant is aware of the Joint Interim Approach to the avoidance and mitigation of recreational impacts on the Exe Estuary and Dawlish Warren, adopted by your Authority in order to mitigate for the impacts of additional residential development within 10km of the Exe Estuary SPA/Ramsar site. This would require a "Habitat Mitigation Contribution" of £350 per dwelling. If this mitigation contribution was secured, and EDDC undertook to put in place the necessary mitigation, Natural England would concur with a HRA conclusion of no 'Likely Significant Effect' on the Exe Estuary European site.

In the case of the European sites referred to above, your authority cannot grant permission for this proposal in the absence of a Habitat Regulations Assessment which concludes either i) no likely significant effect due to mitigation included by the applicant or, ii) no adverse effect on integrity following an Appropriate Assessment. Please note: Natural England is a statutory consultee at the Appropriate Assessment stage of the Habitats Regulations Assessment process.

SSSIs

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

Protected Landscapes - Further information required

Advise consultation with East Devon AONB partnership

Natural England has assessed this application. The application lies within the East Devon Area of Outstanding Natural Beauty (AONB). As there is no landscape and visual assessment information provided with the application, Natural England is unable to advise on the potential significance of impacts on East Devon AONB. We therefore advise you to seek the advice of the East Devon AONB Partnership. Their knowledge of the location and wider landscape setting of the development further informed by landscape and visual assessment information, should help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able advise on whether the development accords with the aims and policies set out in the AONB management plan.

Protected Species

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

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

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

For any queries relating to the specific advice in this letter only please contact Moira Manners on 0208 026 7504. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Environmental Health

I have considered the application and do not anticipate any environmental health implications relevant to planning. The site is licensed and any concerns would be addressed under this specific legislation.

Other Representations

At the time of writing this report a total of 22 representations have been received, one supporting and the others raising objections to the proposal. These are summarised below:-

Objections

- Detrimental to the landscape
- Impact on AONB
- Harm to habitats through additional use (Exe Estuary and Pebblebed Heaths)
- Detrimental to highway safety
- Additional traffic on unsuitable roads
- Visually intrusive
- Retrospective application should not be permitted
- Damage and removal trees
- Impact on ecology
- No safe pedestrian route into Woodbury from the site
- Disproportionate number of caravan parks in the area
- Increased risk of flooding

Support

- The additional caravans will not have an increased environmental impact
- Generally well screened
- Access and roads no different from elsewhere in the vicinity
- Additional traffic from village not from holiday park
- Additional tourist accommodation should be welcomed
- Will contribute to the local economy
- Surface water can be dealt with on site and not exacerbate any issues on the roads

PLANNING HISTORY

Reference	Description	Decision	Date
09/2162/FUL	Extension of existing holiday park for use by touring caravans and tents	Withdrawn	17.12.2009
09/0353/FUL	Construction of toilet and shower block and replacement of exiting block with a static caravan	Approve	30.03.2009
08/3024/COU	Change of use of land from caravan storage to siting of 22 static caravans	Approve	03.02.2009

In addition to the above there are a number of other older associated applications relating to the site and its use as a holiday park and a withdrawn application 15/2467/FUL in July 2016 for a Change of Use of further land for the siting of 15 static caravans.

POLICIES

East Devon Local Plan Policies

Strategy 5 - Environment

Strategy 7 - Development in the Countryside

Strategy 47 - Nature Conservation and Geology

D1 - Design and Local Distinctiveness

D2 - Landscape Requirements

D3 – Trees

E19 - Holiday Accommodation Parks

Government Advice

NPPF – National Planning Policy Framework

NPPG – National Planning Policy Guidance

Site Location and Description

Castle Break Holiday Park is located around 1.5km to the northeast of Woodbury and is sited in the open countryside. It is a medium to large site comprising mainly static caravans but with a number of touring pitches and seasonal hardstandings.

The site is located to the east of the main body of the site and accessed through it. It comprises a maintained field which is generally level and enclosed by a wooded boundary to the north and hedging to the west and to the south adjacent to which is a lane leading from Woodbury village to the Common which lies to the east of the site.

This part of the application site is not subject to any landscape designations, although the East Devon AONB lies around 150m to the east and the East Devon Pebblebed Heaths Special Protection Area and Special Area of conservation lie around 150m to the east of the site access and approximately 430m from the proposed site for the 12 hardstanding areas.

Proposed Development

Planning permission is sought to regularise the use and physical alterations of this area of the park to enable its use as a touring site. It is understood that the field has always been part of the park and previously been used for recreational purposes and as an overflow camping area for tenting and touring for a number of years.

The installation of electricity and the creation of a more formalised road and hardstanding layout has resulted in an intensification of the use of the site, and the current application seeks consent for the retention of the works and the use of the site for the same opening times as the existing holiday park.

Whilst the number of additional pitches is not specified within the application, the indicative layout and Design and Access Statement detail 12 hardstandings with electricity, and the layout plan on the Castle Break website indicates a total of 30 pitches in this area. The area adjoining the access to the field being retained for recreation.

Consideration/Assessment

The main considerations to be assessed are in respect of the principle of additional development on the site; the landscape and visual impact; and the impact of additional vehicles and visitor numbers in terms of highway safety, local services and infrastructure and any additional demands placed on the nearby special protection areas are considered below.

Principle

The application site is located within the existing boundary of the holiday park and has been informally used for a number of years as an overflow camping site during periods of high demand. As such it is not considered that there is any 'in-principle' objection to the use of this area for holiday purposes and this proposal does not represent an extension to the existing park but alternative use of existing land within the park. The impact of the additional activity proposed does however fall to be further considered.

Policy E19 - Holiday Accommodation Parks recognises that holiday parks are a key feature within the promotion of tourism and make a significant contribution towards the economy of the area, however this should not be to the detriment of the natural environment and the policy has therefore identified a number of criteria which should be met in considering new proposals or extensions to existing parks.

Whilst this policy relates principally to the extension of existing sites and the creation of new holiday parks, and this proposal is for different holiday accommodation within the existing park boundaries, the policy is considered relevant to the proposal as it relates to holiday accommodation parks.

The application site, and the majority of the Castle Break holiday park fall outside of any designated landscape area so despite the comments from Natural England regarding the site being within the AONB, this is incorrect and the proposal can be considered against the criteria to Policy E19.

Landscape

The landscape impact of the proposal has provided some concern, particularly in respect of the wider impact of the increase in the numbers of caravans and tents using the site. As a result Officers requested additional information and a further visual assessment of the landscape impact which has been submitted and is considered to demonstrate that any additional visual impact arising from the increased numbers of caravans will be minimal given the current location of both static and seasonal caravans on more prominent parts of the site.

Having said this it is not considered that the application site is suitable for the permanent siting of caravans which would have a far more significant impact than the transient use of part of the land. Supporting information suggests that apart from the peak months of July and August this part of the site has been occupied at less than 50% capacity and whilst it is acknowledged that the hardstandings were only completed in time for the 2015 season, it is considered that with judicious additional landscaping this level of activity is acceptable. The impact of additional demands on the Pebblebed Heaths and Exe Estuary SPA's is further considered later in the report.

The application site is located around 1.5km from Woodbury which is considered to be a sufficient distance to remove any adverse physical impact on the character or setting of the village, and there are very few residents in close proximity to the site, none of whom have raised objections or are considered to be adversely affected by the proposal.

Location

This criterion states that new facilities and extensions to site should be located within or in close proximity to existing settlements. As the proposal is for alternative use within the existing park this criteria is not considered to be relevant and it is not considered that a refusal could be justified on the basis of the location of the site, particularly given the support in the policy to the expansion of sites and the positive effect this has on the economy.

Loss of agricultural land

The site is already contained within the holiday park and there would be no consequent loss of agricultural land.

Adequate services and utilities

There are services and utilities on the site in the form of washing and laundry facilities and a club house, bar, restaurant and shop which would be capable and appropriate to provide reasonable day to day living requirements.

Traffic generation

Some additional traffic would inevitably arise, however the increased volumes of traffic resulting from a further 30 touring pitches the occupation of which by their nature are seasonal and varied, is not considered to be significant in terms of traffic movements. The Highway Authority have considered the proposal and found that any additional traffic arising from the extension to this touring part of the site could be accommodated on the local highway network without creating a danger to highway safety.

The existing holiday park is considered to be well related to a wide range of tourist facilities, both the natural forms of Woodbury Common and the Exe Estuary and visitor attractions, including Exmouth, Woodbury Park and Crealy Adventure Park.

Additional use of these and other tourist facilities, whilst considered to be relatively modest, will make a positive contribution to the local economy.

Sustainable construction

The works have already been provided and as no buildings or structures are proposed, this criteria is not considered to be relevant.

Impact upon Pebblebed Heaths and Exe Estuary

An objection has been raised by Natural England in respect of the application in terms of potential impact of the proposed development on the nearby Pebblebed Heaths Special Area of Conservation (SAC) and Special Protection Area (SPA). Whilst the edge of the Holiday Park lies within the 400m exclusion zone for residential development, the area of the application site where the hardsurfacing is proposed is approximately 480m from the edge of the protected area. Under the provisions of the South-east Devon European Site Mitigation Strategy applications for permanent residential development, including static homes and other holiday accommodation lying between 400m and a 10km radius of SAC and SPA must provide for mitigation in perpetuity to ensure that development does not have a net adverse impact on the integrity of European wildlife sites. The form that mitigation has taken, prior to the introduction of the Community Infrastructure Levy (CIL), for residential development was through a contribution secured by a legal agreement.

All applications determined after 1 September 2016 are subject to CIL (which includes the habitats mitigation contribution) however not all forms of development are liable for CIL. Holiday parks and touring sites fall within this category and therefore it is not possible to legally secure a CIL payment from this development. The wider CIL pot will however be top-sliced to ensure mitigation for the Pebblebed Heaths and Exe Estuary are provided to mitigate the impact from this development.

CONCLUSION

The application is retrospective with the work having being undertaken, however it represents additional tourist accommodation within a well established holiday park for which there is policy support provided that there is no landscape, visual or other harm. Whilst concerns in respect of these issues have been raised from the Ward Member and third parties, it is not considered that the impact arising from the use of the land for 7 months of the year would be such that planning permission could reasonably be withheld. Additional landscape planting and screening would further mitigate any potential landscape harm.

In the absence of any other technical issues the application is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

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

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

3. The caravan pitches hereby approved:
 - (i) shall be occupied for holiday purposes only;
 - (ii) shall not be occupied as a person's sole, or main place of residence;
 - (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.
 (Reason - To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and in order to comply with Strategy 7 (Development in the Countryside) 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 listed building concerns have been appropriately resolved.

Plans relating to this application:

7284-LP	Location Plan	19.10.15
378_SK02	Landscaping	22.04.16
378/01 REV A	Landscaping	22.04.16
LANDSCAPE & VISUAL STUDY	Landscaping	22.04.16

List of Background Papers

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

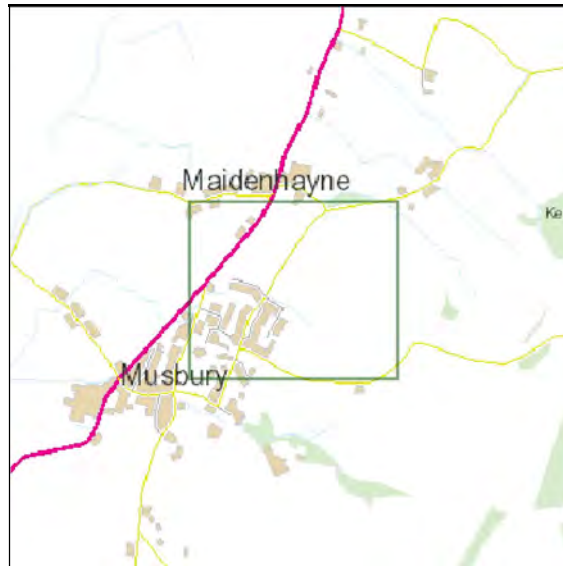
Ward Newbridges

Reference 16/1026/MOUT

Applicant Miss Linda Johnson

Location Land Off Doatshayne Lane
Doatshayne Lane Musbury

Proposal Outline application for up to 18 no. dwellings including 9 no. affordable dwellings with all matters reserved



RECOMMENDATION: Refusal



		Committee Date: 8th September 2016
Newbridges (MUSBURY)	16/1026/MOUT	Target Date: 15.08.2016
Applicant:	Miss Linda Johnson	
Location:	Land Off Doatshayne Lane, Doatshayne Lane, Musbury	
Proposal:	Outline application for up to 18 no. dwellings including 9 no. affordable dwellings with all matters reserved	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

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

The proposed development is for 18 dwellings, including 9 no. affordable dwellings, on agricultural land adjacent to the north of the existing development in the village of Musbury. The application is in outline with all matters reserved.

Although identified in the Local Plan (LP) as a village which will have a Built-up Area Boundary (BUAB) the exact boundary is currently out to consultation. The former BUAB identifies the application site as being in the countryside. The site is not within the revised BUAB currently out to consultation. The site is also located within the AONB and partly within Floodzone 3.

Strategy 35 (Exception Mixed Market and Affordable Housing at Villages, Small Towns and Outside Built-up Area Boundaries) supports residential development for up to or around 15 dwellings outside BUABs where there is proven local need, the site is close to services and facilities, and where 66% affordable housing is proposed. An up to date housing needs survey indicates a need for 9 affordable dwellings in Musbury and the development site would be in reach of services and facilities. Furthermore, the introduction of new housing here would be likely to support a balanced community and village vitality. However the proportion of affordable housing proposed falls short of that required by Strategy 35, and in the absence of any viability evidence to make a case for this lower provision, the proposed development does not qualify as an 'Exception Site'. Approval of permission would result in an unjustified number of open market dwellings outside of the BUAB. Strategy 7 (Development in the Countryside), resists development in the countryside except where it is explicitly supported by other planning policy and therefore the proposal conflicts with policy and unacceptable in principle.

It is considered that based on the information provided, the proposal would have unacceptable detrimental impacts. The site is a prominent agricultural field visible from a wide area with the indicative layout identifying a cramped development with little dispersal of the affordable housing units. The change from its current undeveloped appearance to an area of housing, even if landscape planting were carried out as part of that development, would have a detrimental impact on the character and appearance of the site and the surrounding AONB countryside, particularly due to the infilling effect of the development within an existing undeveloped historic gap between Musbury and the neighbouring settlement of Maidenhayne, which contravenes the landscape management guidelines for the area.

In addition, given the comments of Devon County Council's Drainage Advisor, it is considered that the proposal provides insufficient technical information to demonstrate that surface water would be adequately dealt with within the boundaries of the site, such that it would not increase flooding elsewhere.

Furthermore, whilst the ecological report submitted with the application indicates that certain wildlife habitats of value would remain undisturbed, it indicates that a Badger Sett would potentially be disturbed, but fails to provide any certainty as to whether this impact would arise or not, or propose any mitigation or compensation measures, such the Planning Authority cannot fully assess the extent of the impact on this potential wildlife habitat or the impact upon Badgers, a protected species.

Notwithstanding the social benefits of the provision of affordable housing within Musbury and the potential benefits to the village, in the light of the in-principle conflict relating to development in the countryside, the detrimental impact upon the AONB landscape and the unquantified potential impacts relating to surface water flooding, loss of agricultural land and wildlife habitat, the application is recommended for refusal.

CONSULTATIONS

Local Consultations

Parish/Town Council

Musbury Parish Council hopes that this submission is not too late to be taken into account.

At the Parish Council meeting held last night the majority of Councillors (4 to 2) registered their objection to the proposal in its current form.

They accepted that this site had been the community's second-choice of the 4 sites presented for development in the 2014 SHLAA exercise They also expressed strong support in principle for additional affordable housing within Musbury, a view shared by many residents, especially those with younger family members who are unable to afford to live in the village.

The main concerns about the proposal were as follows:

Access: The development is close to a narrow lane used by walkers and with no passing places for vehicles. Access onto the main A358 is dangerous as the junction is close to a bend. One possibility would have been to make the Lane one-way along this stretch but this would simply mean more traffic coming through the centre of the village.

Traffic - The proposal minimises the likely number of cars used by residents and their visitors. While there are limited bus services Mon-Sat they finish early and it is probable that most residents, including 1-bed tenants, will need cars.

Parking - There needs to be more parking provision to prevent further on-street built-up in surrounding roads.

Flooding- Musbury has an outdated combined drainage system with small-bore pipework that already causes problems at times of heavy rainfall. The drainage provision for previous developments (notably Yonder Mount) has proved to be inadequate and the village is living with the consequences. The proposed access to this development is from Yonder Mount. In poor weather surface water from this area misses the drains, runs into Doatshayne Close then onto the very busy A358 where the resultant road spray from surface water makes driving hazardous.

Councillors noted the objection made by the DCC flood risk SuDs (sustainable drainage systems) consultation that the proposed measures do not comply with surface run-off policy. Measures to control surface run-off must allow for an 40% increase in run-off as a result of climate change (Central Government Policy, Feb2016).

Sewage - There is little or no mention of sewage in the proposal. Musbury's problems in this area are well-documented and, while some flood alleviation schemes have made some difference, the capacity of the system is already inadequate.

Policy - Councillors noted the comments made by Housing Strategy Officer, Paul Lowe. Under Strategy 27 the site is an exception site outside the Built UP Area Boundary (BUAB). Under Strategy 35 it can be considered for mixed housing developments but with 66% affordable homes. This would mean 12 homes out of 18 or 9 homes with 5 market value. While 66% is a deterrent to many developers and while it is thought that 50: 50 developments have been accepted, applications for lower ratios of affordable housing are understood to require evidence in a viability report This policy also means the affordable and market homes should not be segregated from each other but presented in a mixed layout.

Timing- Under the Local Plan Musbury is a sustainable village with a BUAB. Councillors are currently awaiting consultation on the boundaries in the forthcoming Villages Development document. This may or may not impact on the current proposal.

Housing need - The mix of dwellings is largely predicated on the results of the Housing Needs survey carried out by the Community Council of Devon in early 2014.

Given the current population of the village the results were skewed to responses from the retired rather than the young families that are needed to give villages a future. Musbury does have a fair number of 2-bed properties but 3-bed homes, especially affordable homes, are in shorter supply. It is recognised that this is an outline application but residents would like to see some larger homes available at affordable rents for families with 2 or more children.

The letters of support from local people hoping for an affordable home in Musbury were noted. However Devon Home Choice selection policies mean any single young applicant from Musbury is likely to be disappointed.

All of the affordable homes are for rent not purchase (because this is what the survey showed was needed).

Without developers building homes in this area at a financial loss it is not clear how low wage-earners, particularly single people, will ever get on the property ladder.

Sustainability - While it is hoped they would do so, there can be no presumption that tenants/ buyers would a) have children b) use the school.

Community assets - Some residents were concerned about the loss of a greenfield site from agricultural use and suggested the compensatory incorporation of a community orchard into the scheme.

It should be emphasised that Councillors recognise the need for some development in the village but seek assurance on resolutions to the issues outlined above.

Newbridges - Cllr I Chubb

Musbury is a sustainable village that has shown a need for some affordable housing, the proposed 9 units would help fulfil this shortfall. The extra open market value housing would obviously provide the developer with the costs that will be incurred in providing the infrastructure. This is an outline application that needs some minor adjustments and some further information on some of the objections raised. I therefore would like to give my support to this application and ask that it is determined by the planning committee.

Technical Consultations

Devon County Council Education Dept

The proposed 18 family-type dwellings, will generate an additional 4.5 primary pupils and 2.7 secondary pupils.

There is currently capacity at the nearest primary and secondary school for the number of pupils likely to be generated by the proposed development. Devon County Council will however seek a contribution towards secondary school transport due to the proposed development site being further than 2.25 miles from The Axe Valley Community College. The costs required are as follows: -

3.00 secondary pupils

£26.55 per day x 190 academic days x 5 years = £25,222

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement

relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

Natural England

Thank you for your consultation on the above dated and received by Natural England on 16 May 2016.

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

The Wildlife and Countryside Act 1981 (as amended)

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

The National Park and Access to the Countryside Act 1949

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

Statutory nature conservation sites - no objection

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

Protected landscapes

From the information available Natural England is unable to advise on the potential significance of impacts on the East Devon AONB.

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

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted. If you have any specific

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

Local sites

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

Biodiversity enhancements

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

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Sites of Special Scientific Interest Impact Risk Zones

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

The dataset and user guidance can be accessed from the data.gov.uk website.

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

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

South West Water

Regarding the above application we have hydraulically modelled the public foul sewer network and no capacity issues have been identified.

We have in the past had some issues on the public sewer network in Whitford Road approximately 800 metres downstream of the application site but these have been due to blockages and pumping station breakdowns which are not an indication of a lack of capacity and would not give grounds to oppose the development.

County Highway Authority

Observations:

The site is accessed off an unclassified County Route which is restricted to 20 MPH. The number of personal injury collisions which have been reported to the police in this area is none between 01/01/2010 and 31/12/2015. The number of trips this development could generate will not be a severe affect on the Highway.

Although this is an outline application with all matters reserved, it is important that a safe and suitable access can be achieved to this development. Drawing No.101 shows the access to be off Yonder Mount and in an area where there is 1.5 metre footway and highway verge, which should allow for visibility splays 22m x 2.4m which will meet the requirements of Manual for Street guidelines.

I would recommend the existing agricultural gate entrance be closed permanently once the new access has been formed.

Therefore the County Highway Authority has no objection to the proposal, but would recommend a number of conditions.

Recommendations

Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with Manual for Street where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.600 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 22 metres in both directions.

REASON: To provide adequate visibility from and of emerging vehicles.

The existing agricultural access shall be permanently closed in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the new access is capable of use.

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

3. 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.

4. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

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

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

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

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

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

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

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

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

(k) details of wheel washing facilities and obligations

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

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

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

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

Housing Strategy Officer Paul Lowe

Musbury is identified in Strategy 27 of the new Local Plan and as such has a built up area boundary (BUAB). The subject site lies outside of, but adjoining the BUAB. In our opinion this site should be brought forward under Strategy 35 - exception mixed market and affordable housing and therefore should provide 66% (12 units) of affordable housing not the 50% (9) the applicants are proposing.

A housing need survey was carried out in February 2014 which identified a need for 9 affordable rented homes over the next 5 years for those with a local connection to Musbury. Those with a housing need were largely single people and couples and therefore 1 and 2 bedroom accommodation is required. There is also a need for level access accommodation.

The tenure mix of the affordable homes should meet the need identified in the housing needs survey. As there is a need for 9 rented homes the remaining 3 units should be shared ownership or similar housing product as defined in the National Planning Policy Framework document or relevant policy at the time. Once completed the affordable homes should be transferred to and managed by a preferred Registered Provider. All affordable homes should be constructed to Building Regulations M4(2) or the relevant standards at the time of determination.

The indicative layout plan shows all the affordable housing to be located in one area and not dispersed throughout the development as per planning policy.

A nomination agreement should be in place that enables the Local Authority or a preferred Register Provider to nominate individuals from the Common Housing Register, preference going to those with a local connection to Musbury, then cascading to parishes immediately surrounding Musbury, many of which have an unmet housing need.

The site is located in a Designated Protected Area (DPA) and therefore staircasing should be restricted to 80%.

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

Environment Agency

Environment Agency Position

We have no objection to this application from the point of view of flood risk but we have some comments about how the flood risk Sequential Test applies to this proposal.

The strip of land along the southern boundary of the site, where it is adjacent to a small watercourse, is within Flood Zone 3. We note that the only access and egress route for the development would cross the watercourse. However, it is clear from the application documents that the dwellings would be located outside the area at risk and we consider that the risk of flooding to the access and egress route is low in this case.

Flood Risk Sequential Test - general advice

The application site lies within Flood Zone 3 defined by the Environment Agency Flood Map / Strategic Flood Risk Assessment as having a high probability of

flooding. Paragraph 101 of the National Planning Policy Framework requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'.

Your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with current Government guidance within the National Planning Policy Framework if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

Please contact me if you have any questions about our response.

DCC Flood Risk SuDS Consultation

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms 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 outlined below, to demonstrate that all aspects of the surface water drainage management plan have been considered.

The applicant has not provided sufficient information in relation to the disposal of surface water from the site to enable me to make a full observation on the proposals. The applicant should provide 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 here: <https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/>

The current Flood Risk Assessment indicates that surface water will be disposed of by means of infiltration or attenuation but no further detail has been provided. Details on the feasibility of infiltration should be demonstrated from available data (given the likely gradients of the site this may not be feasible option) together with the sizing of an appropriate above ground attenuation feature to meet the current Greenfield performance (rates and volumes) to ensure space on the site is appropriately allocated to surface water management.

It is suggested that an attenuation tank may be used within the strategy; these underground tanks 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.

We would advise that before the layout of this site is fixed, the applicant should provide areas of green space throughout the development to accommodate these above-ground SuDS features. The allocation of this space is likely to have an impact on the site layout, so it is imperative that this is considered at the earliest possible stage. The allocation of these areas of green space, and the inclusion of aboveground SuDS features within them, will help demonstrate that the surface water from this development will be managed in a way which provides benefits to water quantity, water quality, public amenity and biodiversity.

Section 5.1.06 of the FRA proposes a climate change uplift of 30% to the peak rainfall intensity used in the calculations for this site's surface water drainage management plan. However, in accordance with the new Flood Risk Assessments: Climate Change Allowances document (dated 19th February 2016), issued by central government, both the central and upper end allowances for climate change, as outlined in Table 2 of the aforementioned document, should be assessed to understand the range of impact from rainfall. The applicant should note that in this instance we would require the upper end allowance of 40% to be used.

I would also add that for outline planning applications, we would require the following information for review:

We would advise that before the layout of this site is fixed, the applicant should provide areas of green space throughout the development to accommodate these above-ground SuDS features. The allocation of this space is likely to have an impact on the site layout, so it is imperative that this is considered at the earliest possible stage. The allocation of these areas of green space, and the inclusion of aboveground SuDS features within them, will help demonstrate that the surface water from this development will be managed in a way which provides benefits to water quantity, water quality, public amenity and biodiversity.

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I would also add that for outline planning applications, we would require the following information for review:

Description of the type of development;

Location plan at an appropriate scale with a grid reference, showing geographical features, street names, watercourses or other water bodies in the vicinity;

Site plan showing the red line boundary and any land under the applicants' control;

Site survey showing the existing topography;

Assessment of all existing flood risks to the site, including from sewer networks, groundwater, overland surface water flows, reservoirs, ponds, canals, and other watercourses;

Non-technical summary of the proposed surface water drainage management system;

Calculations of the current surface water runoff from the site;

Calculations of the proposed surface water runoff from the site;

Calculations of the surface water attenuation storage volume required for the 1 in 100 (+30% allowance for climate change) year rainfall event;

Evidence that the site has an agreed point of discharge;

Evidence that the drainage hierarchy has been followed, providing robust explanations as to the viability or otherwise of draining surface water to:

1. Infiltration or soakaway;
2. A watercourse or highway ditch (with written permission);
3. A surface water sewer or highway drain (with written permission);
4. A combined sewer (with written permission).

Explanations of flood risk mitigation measures for the entire site;

Explanation of the likely surface water drainage management system for the site;
Plans of the proposed site layout, demonstrating that the proposed surface water drainage management system is practical and sustainable;
Plans showing viable surface water attenuation storage locations within the site;
Detailed operation and maintenance plan and timetable for the proposed surface water drainage management system over the entire lifetime of the development;
Details of the proposed community signage and engagement activities relevant to the proposed surface water drainage management system.

An ordinary watercourse runs through this site, so if any temporary or permanent works need to take place within this watercourse to facilitate the proposed development (such as an access culvert or bridge), Land Drainage Consent will need to be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing. Details of this procedure can be found at: <https://new.devon.gov.uk/floodriskmanagement/land-drainage-consent/>.

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

Other Representations

To date 10 objections and 8 statements of support have been received.

Objections:

- The transport assessment is inadequate.
- The development will generate more traffic in the village, which has narrow lanes, blind spots (some caused by unsafe parking), dangerous junctions, pinch points and tight bends, thus it would exacerbate existing highway safety problems, particularly along the main access route to the development from Marlborough Road via The Street, Churchill and Doatshayne Lane.
- Improved traffic safety signage and traffic speed restrictions would be required, particularly on roads without pavements where schoolchildren walk to the village school and playing field.
- Some of the unpaved and unlit Musbury roads contribute to the charm of the village and should be retained as they are.
- The site access road is not 4.8 m wide throughout as it should be.
- It will be difficult and unsafe for construction traffic to access the site.
- There is an existing surface water drainage/flooding issue in the area and due to its location on a hillside in the path of surface water and the inclusion of impermeable surfaces within the development, these problems will be exacerbated.
- The surface water drainage assessment is inadequate as it does not include percolation test results, soakaway design, or the proposed method of surface water disposal.
- There is no supporting letter from South West Water to indicate their acceptance of connection of the development to their sewerage infrastructure and no details of alternative foul drainage are provided.
 - Existing foul drainage in the village struggles to cope and with current demand, this problem will be exacerbated.
- 18 dwellings is excessive for the site and its access and the population increase to the village is unacceptable.

- The proposal is an inappropriate encroachment and extension of the village into a greenfield site which is open farmland, and it would not maintain the integrity of the village.
- Improved road access to the north of the development would encourage further development in the field.
- The development would be detrimental to the quality and character of the AONB.
- Alternative housing development would be more sensible for Musbury, e.g. on a brownfield site closer to the village facilities.
- There is no employment within Musbury and therefore retired people will buy the houses.
- A need to travel further afield would be generated for new residents accessing work and shopping, and the bus service is limited.
- Residents of the development may not use village facilities and thus help to sustain Musbury as a village, as it is not centrally located.
- The affordable housing would not remain affordable.
- More 3 bedroom affordable dwellings are required as well as properties for rent and shared ownership.

Support:

- Affordable housing is needed in the village, (some respondents already living/working in the village refer to their personal need for affordable housing there).
- 9 Affordable housing units are justified.
- The proposed housing is well balanced in content and 3 bedroom affordable houses are needed for larger families.
- Unlike other potential development sites in the village, which face obstacles and may remove a small working farm from the village, this development could go ahead soon and incorporates affordable housing.
- The development would be beneficial for the local school and village life as it would retain young families within the village and bring new young families to it.
- New residents would enjoy the lifestyle and benefits of the Musbury community.
- The proposal would not significantly increase traffic, bearing in mind existing housing nearby.

PLANNING HISTORY

There is no history of any planning applications relating to this site.

The site has previously been suggested a potential housing development site through the Strategic Housing Land Area Assessments (SHLAA) process, however the recently adopted East Devon Local Plan did not allocate this site for housing development and the objective assessment of the Local Plan and its subsequent adoption supersede the previous consideration of the site through the SHLAA process.

POLICIES

Strategy 4 (Balanced Communities)

Strategy 7 (Development within the Countryside)

Strategy 27 (Development at Small Towns and Larger Villages)

Strategy 35 (Exception Mixed Market and Affordable Housing at Villages, Small Towns and Outside Built-up Area Boundaries)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 38 (Sustainable Design and Construction)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 50 (Infrastructure Delivery

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development sites)

EN5 (Wildlife Habitats and Features)

EN13 (Development on High Quality Agricultural Land)

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

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Site Location and Description

The site is a rectangular area of 0.875 ha in the south west corner of a field which lies to the immediate north of the edge of the village of Musbury. The field slopes down towards the west and the site is bounded by hedgerows on its north-western and south-western sides. It is currently in agricultural use and is accessed through a gateway at its south-western corner adjoining a junction of Higher Doatshayne Lane, Doatshayne Lane, Doatshayne Close and Yonder Mount.

To the west of the site lies Doatshayne Lane with a recreation ground and allotment gardens beyond. To the south lies Yonder Mount, a residential close containing both single and two storey dwellings. To the east and north lie agricultural fields.

The site is within the AONB and it lies just outside of the former Built-Up Area boundary of Musbury, designated in the previously adopted East Devon Local Plan. Although the recently adopted new East Devon Local Plan (LP) indicates that Musbury has been identified as a village which will have a Built Up Area Boundary, that boundary has not yet been designated because the East Devon Villages Development Plan Document is in the process of being produced. A strip of land along the southwestern side of the site lies within Flood Zone 3, and an open ditch runs through this area.

Proposed Development

Outline planning permission is sought (with all matters reserved) for the construction of 18 dwellings, including 9 affordable dwellings. It is stated that the dwellings would be sold at market value or transferred as affordable housing to a registered provider. An indicative layout shows the dwellings arranged alongside a branched access road within the site. In the northern part of the site are two, approximately parallel rows of dwellings made up of 8 detached dwellings. A short row parallel to the northwestern site boundary includes 1 detached and 4 semi-detached dwellings and group of dwellings near the southernmost part of the site includes 1 attached and 4 semi detached dwellings, arranged in 2 blocks. The dwellings range from 1 to 4 bedrooms and have varying footprint sizes and all are shown as having gardens.

The layout indicates areas allocated for parking and an amenity area in the south-western part of the site. The hedgerows at the northwest and southwest boundary of the site are shown as being retained and new landscaping planting both within the site and at the site boundaries to the northeast and southeast is also illustrated. The indicative layout shows no dwellings within the floodzone, which is occupied by gardens and an amenity area. The access to the site is shown as being derived from Yonder Mount at a point slightly east of the existing agricultural access. The creation of this access point would necessitate the loss of a short length of hedgerow. A culvert is proposed under the new access to the site. It is proposed that the existing access gap would be closed. Yonder Mount connects with Higher Doatshayne Lane, allowing access to the centre of the village. The closest dwellings to the development would be those in Yonder Mount to the south and the indicative layout illustrates a separation distance of 18 m between the closest proposed new dwelling and number 1 Yonder Mount. 1 Yonder Mount would be immediately adjacent to the development, with the next closest properties, number 6 Yonder Mount and 1 Doatshayne Close, being slightly separated from it by the intervening highway.

It is proposed that a proportion of the affordable housing would be built to Code for sustainable homes level 3.

The application is accompanied by several documents including a Phase 1 Ecology Assessment, a Flood Risk Assessment, a Transport Statement, a Landscape and Visual Impact Assessment and Heads of Terms for a legal agreement relating the provision of Affordable Housing, contributions towards Open Space and Education, and the provision of the on site Amenity Area and its management, however from 1 September 2016 CIL is the mechanism through which contributions towards open space and education will be secured.

ANALYSIS

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

- the principle of development;
- parking, sustainable travel and highway safety impacts;
- flooding and drainage; and
- the effect of the development on the character and appearance of the area.

Principle of Development

The Adopted East Devon Local Plan 2013-2031 (LP) identifies sufficient sites for housing development in the District such that East Devon is considered to have an up to date 5 year housing site supply. Therefore, in accordance with paragraph 49 of the National Planning Policy Framework (NPPF), the district's policies relevant to the supply of housing are considered to be up to date and can be given full weight.

The site lies outside of the Built-Up Area Boundary designated in the previously adopted Local Plan. Although Strategy 27 (Development at the Small Towns and Larger Villages) of the recently adopted LP identifies Musbury as a settlement where a new Built Up Area Boundary will be designated, no new Built Up Area Boundary has been designated for this village through the East Devon Villages DPD, as that DPD is still in the process of being produced. Only limited weight can be given to the evidence collected to date in connection with the production of the Villages DPD because public consultation on the document has not yet been completed and therefore, in accordance with LP Strategy 7 (Development in the Countryside), this site is regarded as being in open countryside (as it would have been under the previous LP).

Strategy 7 resists development in the countryside except where a specific Local or Neighbourhood Plan policy explicitly permits it and where that development would not harm the distinctive landscape, amenity and environmental qualities of the area within which it is located. Musbury does not have a Neighbourhood Plan and thus there is no Neighbourhood Plan policy supporting housing development at this site.

The only potential LP support for the proposal would be through Strategy 35 (Exception Mixed Market and Affordable Housing at Villages, Small Towns and Outside Built-up Area Boundaries) which supports exception site mixed affordable and open market housing schemes at villages and outside of Built-up Area Boundaries, for up to or around 15 dwellings where there is a proven local need demonstrated through an up to date robust housing needs survey.

The Strategy requires that, in a settlement with a population below 3,000 (such as Musbury), an exception site be located close to a range of community services and facilities (including four or more from this list: school, pub, village hall, shop/post office, doctors surgery, place of worship or public transport service). This criteria would be met at Musbury which has a school, shop, village hall and place of worship, however a fundamental requirement of the strategy is that affordable housing accounts for at least 66% of the houses built.

The application states that the Devon Community Housing Needs Survey carried out in February 2014 concluded that there is a need for 9 affordable homes in Musbury, which is confirmed by the Housing Strategy Officer. Notwithstanding that the proposal would meet this local housing need, only 50 % of the housing which is proposed would be affordable (as noted by the Parish Council) and therefore the proposal is not supported by Strategy 35. The Housing Strategy Officer suggests that aside from 9 affordable rented homes, another 3 units should be shared ownership or a similar housing product, to make up the required proportion of affordable homes. Aside from the fact that the proposal does not qualify as an

exception site under Strategy 35 due to the insufficient proportion of affordable housing offered it is also arguable that the proposed development of 18 dwellings exceeds the size of development supported by Strategy 35.

In the absence of any viability evidence to make a case for a lower proportion of affordable housing and the conflict with Strategy 35 and Strategy 7 it is considered that the principle of the proposed residential development at this location is unacceptable. To comply with Strategy 35 a development of 66% affordable housing with providing 9 affordable units should be proposed for the settlement.

Strategy 35 requires that restrictions be imposed to ensure that affordable housing is occupied, both initially and subsequently, by local people in genuine need, as a first priority. The application is accompanied by a draft Heads of Terms for a Section 106 legal agreement which includes provision for affordable housing and could provide a mechanism through which the occupancy of affordable housing could be controlled.

Concerns have been raised by objectors and the Parish Council in relation to the range of housing sizes proposed and their physical distribution within the site. These concerns are noted and agreed with as the indicative layout would not be acceptable showing a dense layout with no pepper-potting of the affordable units. Whilst the application is in outline only and such matters could technically be conditioned or dealt with at the reserve matters stage, it is considered that the indicative layout helps to demonstrate that a development with less open market dwellings (providing a true Exception site with 9 affordable and 4 open market dwellings) would result in a better site layout/development. As such it is considered that the indicative layout fails to demonstrate that a suitable development of 18 dwellings could be provided on the site.

Strategy 35 also sets out further criteria which must be met by exception sites, which are referred to under relevant headings below.

Parking, sustainable travel and highway safety impacts

Parking concerns were raised by the Parish Council, however from assessment of the indicative plan it is considered that sufficient parking could theoretically be provided on site to meet the requirements of LP Policy TC9 (Parking Provision in New Development). Details of parking provision would be assessed for compliance with policy TC9 at the reserved matters stage.

Musbury provides some local services within a short distance from the site and public transport by bus is accessible from bus stops on Marlborough Road, providing routes to Seaton and Axminster, where public transport connections to more distant destinations are available. However the goods and services available within the village are limited, and the bus services from Musbury are not particularly frequent and thus, as recognised by objectors, some need to travel by car is likely to be generated due to this development, and this conflicts with LP policy TC2 (Accessibility of New Development).

In relation to the suitability of the site's access point and impacts upon the local highway network, which objectors also raise concerns about, the highway authority have indicated that the proposed access point would be able to provide adequate

visibility and that in their view, the number of trips that the development would generate will not have a severe affect on the Highway network. Consequently, the highway authority raise no objection to the proposal, however they recommend the imposition of several planning conditions. If permission were to be granted, conditions should be imposed to ensure that the level of parking provision within the site, the site access and the internal road layout, arrangements for the control of surface water drainage (away from the highway) and the methodology for the control of construction impacts are all acceptable, in accordance with LP Policy TC7 and Strategy 35 and the highway authority's recommendations.

Flooding and drainage

Although the site partially overlaps Flood Zone 3, the indicative layout plan illustrates that there is adequate space within the site for the amount of development proposed without any dwelling being built within that Flood Zone. The Environment Agency have raised no objection to the proposal. Their advice in relation to the sequential test is noted, however given that the development could be carried out without constructing dwellings within Flood Zone 3 it is considered that there is no requirement to apply the sequential or exception test to the proposal. If permission were to be granted, a condition could be imposed to ensure that the development layout proposed at the reserved matters omits dwellings within Flood Zone 3, and therefore the proposal is considered acceptable with regard to flood risk.

With regard to surface water drainage, the concerns raised in objections and by the parish and by the drainage advisor and are noted. The DCC Flood Risk and SuDS Officer objects to the application on the basis that insufficient information has been provided in relation to the disposal of surface water from the site. Specifically, a surface water drainage management plan has not been provided to demonstrate that surface water from the development can feasibly be disposed of by means of infiltration or attenuation within the site, in accordance with the principles of Sustainable Drainage Systems (SuDS), such that it would not increase flood risk elsewhere. The required plan should demonstrate, with reference to site survey data, specific current greenfield performance (rates and volumes), sizing of proposed attenuation measures and climate change predictions (i.e. the new Flood Risk Assessments, Climate Change Allowances document dated 19th February 2016 issued by central government) and that there is sufficient space within the site to accommodate the required surface water management measures (which should include measures other than underground tanks unless it is robustly demonstrated that alternatives are not feasible). In addition, evidence should be provided that the site has an agreed point of discharge. Considering the Flood Risk Officer's comments it is considered that the proposal fails to accord with Policy EN22 (Surface Run-Off Implications of New Development) and the potential adverse impact on surface water drainage is considered to be a reason for refusal.

The concerns of objectors and the Parish Council With in relation to foul drainage are noted, however given that South West Water raise no concerns in relation to the connection of this development to their existing sewerage infrastructure, foul drainage is not considered to be an issue weighing against the proposal.

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

The site lies within landscape characterised as type 3B Lower Rolling Farmed and Settled slopes, which is recorded as having a gently rolling landform, sloping up from a valley floor, with variable size fields with wide, low boundaries and irregular pattern. This landscape contains many hedgerow trees, copses, streams and ditches, streamside tree rows and has winding, often sunken lanes. The land use within this landscape is stated as being pastoral with tranquil and intimate character. Within this landscape setting the application site appears as a prominent agricultural field framed by hedge banks, abutting the northern edge of the existing residential development in Musbury.

Strategy 35 requires that a scheme should be physically very well related to the built form of the village, sympathetic to the character of the settlement and well designed using local materials. LP Strategy 46 requires that development be undertaken in a manner that is sympathetic to and helps conserve and enhance the local quality and distinctiveness of the natural landscape character. See also the comments above regarding the layout.

The submitted Landscape and Visual Impact Assessment (LVIA) has assessed the zone of visual influence (ZVI) and the impact on the surrounding visual receptors potentially affected by the development. The identified ZVI is extensive and lies largely in an area lying to the north through to the southwest of the site. The assessment concludes that the impact on the character of the site would be “moderate-substantial adverse”, primarily due to the introduction of development into an area where there is currently none and the loss of the site to agricultural use, which contributes to the character of the area. However, the LVIA also asserts that the proposed residential use would be in-keeping with the edge of settlement character imposed by existing residential properties immediately to the south of the site and that the overall character of the slope would remain the same and be experienced in the same way (i.e. as part of the wider village) as the adjacent existing development.

The application states that the indicative layout has been designed to provide a gentler interface between the edge of the village and the open countryside than that which currently exists where the existing development at Yonder Mount terminates, which is described as abrupt, prominent, and detracting. It is also asserted that the proposed development would enhance the appearance of the village when viewed from the west. It is suggested that facing a short row of houses towards Doatshayne Lane would help to form a natural extension to the village, that the east west orientation of the remaining houses would allow views through the development and that landscape planting at the edge of and within the site and retention of existing hedgerows would enable the development to be sensitively integrated into the local landscape.

The submitted LVIA has been assessed and it is considered that it contains several errors and omissions. The LVIA underestimates the sensitivity of the assessed receptors and that of the study area as a whole and that it omits consideration of the impact of the development upon a key Grade II* Listed Building and its grounds (Shute House) and upon Maidenhayne. The LVIA also fails to consider the impact of the development on the function of the application site in safeguarding the historic

gap between Musbury and the neighbouring settlement of Maidenhayne, both from a landscape character and visual amenity perspective. Infilling this gap would directly conflict with the following landscape character management guidelines:

- LCT 3B Lower Rolling Farmed And Settled Slopes:

‘Resisting development that would contribute to the coalescence of settlements, including ribbon development’ and

- LCA Axe Valley:

‘Protect the historic settlement pattern of villages at river crossing points or on land just above the flood plain. Prevent the linear spread of development along river valleys wherever possible, to maintain their unspoilt character’.

Other concerns relate to the lack of integration of SuDS within the proposal and the nature of the interface between the development and the existing and proposed hedgerows, however it is considered that the hedgerow issue could be addressed through the imposition of a bespoke condition requiring the submission of a landscape plan.

Taking into consideration the LVIA and the management guidelines quoted above it is considered that the development of the site would not be in keeping with the character and appearance of the surrounding area and that it would have a detrimental impact on the AONB in conflict with Strategy 46, particularly with regard to the infilling effect of the development within the existing gap between Musbury and Maidenhayne and the consequent impact on the historic settlement pattern of this area, and that this impact could not be mitigated through landscape planting. This harm is not outweighed by the provision of affordable housing as the proposal does not comply with Strategy 35 of the adopted Local Plan.

If however permission were to be granted, the imposition of a landscape scheme is recommended which integrates with SuDS, incorporates a maintenance gap between dwellings and existing/new hedgerows, new buffer planting as recommended by section 5 of the submitted ecological survey and a scheme for the closure of the existing access gap to the site. It is also recommended that a condition be imposed to secure the protection of hedgerows to be retained, in the interests of the protection of the landscape, mitigation of the visual impact of the proposal and the conservation of wildlife habitats.

Other issues

Vitality of a rural community

The provision of dwellings to accommodate residents in Musbury village, particularly families, is likely to contribute to supporting the viability of existing village facilities, such as the school, and to supporting a balanced community in accordance with LP Strategy 4 (Balanced Communities). In addition it is noted that the vision for smaller towns and villages in the countryside as set out at the beginning of LP chapter 15 supports modest development which supports and complements rural areas, with provided certain criteria are met (which are assessed elsewhere in this report).

The potential impact on neighbour amenity

Of the existing properties that bound the site, those at Yonder Mount to the south of the site lie closest to the new dwellings illustrated on the indicative layout plan. That

layout indicates a distance of at least 18 m between the facade of the proposed and the existing dwellings, and thus it would be possible for the development to take place without resulting in a significant loss of privacy or the creation of overbearing impacts to neighbouring properties. The indicative layout shows the garden area of 1 Yonder Mount adjoining the gardens of 3 proposed new dwellings, however the loss of privacy between these adjoining garden areas could be controlled at the reserved matters stage through sympathetically designed boundary treatment. Restrictions on windows and doors on specific elevations of the proposed dwellings could further minimise issues arising in relation to loss privacy and this issue could be considered in detail at the reserved matters stage.

It is not considered that the development would generate noise or any other impacts which would affect neighbouring residential amenity to any significant degree, therefore, at this outline application stage, the proposal is considered to accord with Policy D1.

Ecology

The ecological survey submitted with the application indicates that the main habitats of value lie within the existing boundary hedgerows and that badgers (a legally protected species) potentially use the site for foraging. The survey also identified a potential outlier badger sett within a hedge-bank at the boundary of the site and recommended that a further survey be done at a later stage to confirm whether or not this was a badger sett which was in use or not.

Natural England have not provided any specific comment in relation to protected species and refer to their standing advice. The impact of the development on badgers is a material planning consideration and notwithstanding the content of the submitted ecological survey, insufficient information has been provided to establish with certainty what the potential impact of the development on badgers would be and whether it would be possible mitigation this impact to an acceptable level, and/or whether compensation measures are required to offset any remaining negative impacts. Therefore on the basis of the information provided, it is considered that the proposal has an unknown impact on a protected species, which weighs against the proposal.

The boundary hedgerows are proposed to remain intact except for a small loss to form the new access point. If permission were to be granted it is recommended that a condition relating to the timing of hedgerow clearance in relation to breeding birds be imposed. In addition, taking into account the recommendations of the ecological survey and Natural England's comments, it is recommended that conditions be imposed to require that a landscaping scheme to benefit biodiversity be submitted and that the development site be retained free of external lighting so that it remains a dark area, in the interests of mitigating the impact of the development upon bats.

Agricultural Land

The best and most versatile agricultural land (Grades 1, 2, and 3a) is protected from development other than agricultural or forestry development by Policy EN13. The land within the site could potentially qualify as the best quality land (3a), and although requested the applicant has not provided any evidence to prove that the land is not Grade 3a.

Whilst the area of agricultural land that would be lost to agricultural use through this development is relatively small (0.88ha), and the NPPF seeks to resist the loss of 'significant' agricultural land, Policy EN13 of the Local Plan simply states that Grades 1, 2 and 3a will be protected from development unless there is an overriding need for the development.

Given the other concerns raised by this application, and the lack of evidence that the site is not Grade 3a agricultural land, the loss of agricultural land forms an additional reason for refusal.

Legal agreement / CIL

The development is required to provide a contribution towards open space in accordance with LP Strategy 43 (Open Space Standards) and a contribution towards Education in accordance with LP Strategy 4 (Balanced Communities) and the specific comments of Devon County Council Education Department with regard to the latter are noted. From 1 September 2016 these contributions will be secured through CIL. The provision of affordable housing units as proposed in the development would need to be secured through a legal agreement. Although Heads of Terms for a S106 legal agreement have been supplied with the application no legal agreement has been received to date and the lack of a mechanism to secure the affordable housing units constitutes a further reason for refusal.

Sustainable design and construction

The proposal to build a proportion of the affordable housing to Code for sustainable homes level 3 is welcomed and would be supported by Strategy 38.

Conclusion

The site is located outside of a Built-Up Area Boundary and the application pre-empted the designation of that boundary through the Villages Development Plan Document or its allocation as a site for housing through a Neighbourhood Plan. Given that the site is not currently included within such a boundary or plan, the proposal represents development in the countryside which conflicts with the provisions of Strategy 7.

The only relevant policy which would potentially support residential development at this location would be Strategy 35, however as only 50 % of the proposed 18 dwellings are proposed to be affordable dwellings, the proposal fails to qualify as an Exception Mixed Market and Affordable Housing site in accordance with that Strategy and thus the proposal is unacceptable in principle. There is also a concern that the indicative layout does not demonstrate that a development of this scale and mix can be provided on site without harm to the amenity of occupiers, social cohesion or the AONB.

Whilst the development does not raise concerns in relation to foul drainage, access, parking or highway safety, the location of the development within a rural area which provides only a modest range of goods and services nearby means that the development would not be well related to compatible land uses and would fail to minimise future occupants' need to travel by private motor vehicle. In addition, the proposal would not be in keeping with the character and appearance of the

surrounding area and would have a detrimental impact on the AONB, particularly with regard to the infilling effect of the development on the existing undeveloped gap between Musbury and Maidenhayne and the impact on the historic settlement pattern of this area, in conflict with Strategy 46. The proposal would also have unknown impacts on badgers and surface water drainage and potentially result in the loss of Grade 3a agricultural land and there are concerns about scale of the development and indicative site layout.

Whilst the provision of 18 new dwellings, including a proportion of affordable housing, within Musbury would provide social benefits to the local community through providing affordable housing which would be likely in turn to support a balanced community and the vitality of this rural village, taking into account all relevant LP strategies, policies and the guidance contained within the NPPF, it is considered, on balance, that these social benefits of the proposed development are strongly outweighed by the various environmental harms described above, such that the proposal is considered unsustainable and therefore unacceptable.

RECOMMENDATION

REFUSE for the following reasons:

1. The site of the proposed housing development is located outside the established settlement boundary of Musbury in an area of countryside which is not allocated for housing development within the East Devon Local Plan or any Neighbourhood Plan and where future occupiers would be reliant on the private motor vehicle for travel to meet their everyday needs. In this area new development is strictly controlled to safeguard encroachment into the countryside and special justification is required for new housing. The proposal lacks such special justification, failing to provide the 66% affordable exceptions housing requirement and thus is contrary to the provisions of Strategy 35 (Exception Mixed Market and Affordable Housing at Villages, Small Towns and Outside Built-up Area Boundaries), Strategy 7 (Development in the Countryside) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 - 2031.
2. The proposed housing development is on a site which forms part of the countryside surrounding the settlement of Musbury, outside of any Built-up Area Boundary and within an Area of Outstanding Natural Beauty, where great weight must be given to the conservation and enhancement of natural beauty. The residential development of the site would have a detrimental and irreversible impact on: the undeveloped character of the site; its open, rural appearance within a designated Area of Outstanding Natural Beauty and the landscape setting of Musbury and Maidenhayne and would erode the existing undeveloped gap between those settlements with a consequent impact on the historic settlement pattern of this area, which could not be effectively mitigated through landscape planting. The development is therefore considered to be contrary to the provisions of Strategy 7 (Development in the Countryside); D1 (Design and Local Distinctiveness); Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013-2031 and the guidance contained within the National Planning Policy Framework.

3. The proposal fails to demonstrate that surface water from the site would be adequately dealt with such that the development would not increase flood risk elsewhere, as insufficient information has been provided to demonstrate that surface water from the development could be feasibly be disposed of by means of infiltration or attenuation within the site, and no evidence has been provided to indicate that the site has an agreed point of discharge. The proposal is therefore considered to be contrary to the provisions of Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013-2031.
4. The proposed development lacks a suitable mechanism for securing affordable housing necessary to mitigate its impact. As such the proposal would be contrary to Policy 34 (District Wide Affordable Housing Provision Targets), Strategy 35 (Exception Mixed Market and Affordable Housing at Villages, Small Towns and Outside Built-up Area Boundaries) of the East Devon Local Plan 2013-2031.
5. In the absence of sufficient ecological information confirming the presence or absence of a badger sett within or close to the site it is not possible to properly consider the impact of the proposed development upon badgers, a protected species, and the issue of whether it would be possible to mitigate the impact of the development upon them to an acceptable level. As such the proposal is considered to be contrary to Strategy 47 (Nature Conservation and Geology) and Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031.
6. The application fails to justify the potential loss of best and most versatile agricultural land with the benefits from the development not outweighing the potential loss. As such, the proposal is contrary to Policy EN13 – Development on High Quality Agricultural Land of the Adopted East Devon Local Plan 2013-2031.
7. The indicative layout and application fail to demonstrate that a development of 18 dwellings with the appropriate provision and dispersal of affordable housing could be provided on the site without harm to the amenity of occupiers, harm to social cohesion and harm to the appearance of the area and AONB. As such, the proposal is contrary to Strategy 35 (Exception Mixed Market and Affordable Housing at Villages, Small Towns and Outside Built-up Area Boundaries), Strategy 7 (Development in the Countryside), Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policy D1 (Design and Local Distinctiveness) of the 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:

101	Proposed Site Plan	28.04.16
10	Location Plan	28.04.16

List of Background Papers

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

Ward Otterhead

Reference 16/1085/FUL

Applicant Messrs Sawyer, Phillips & Monkton Hall

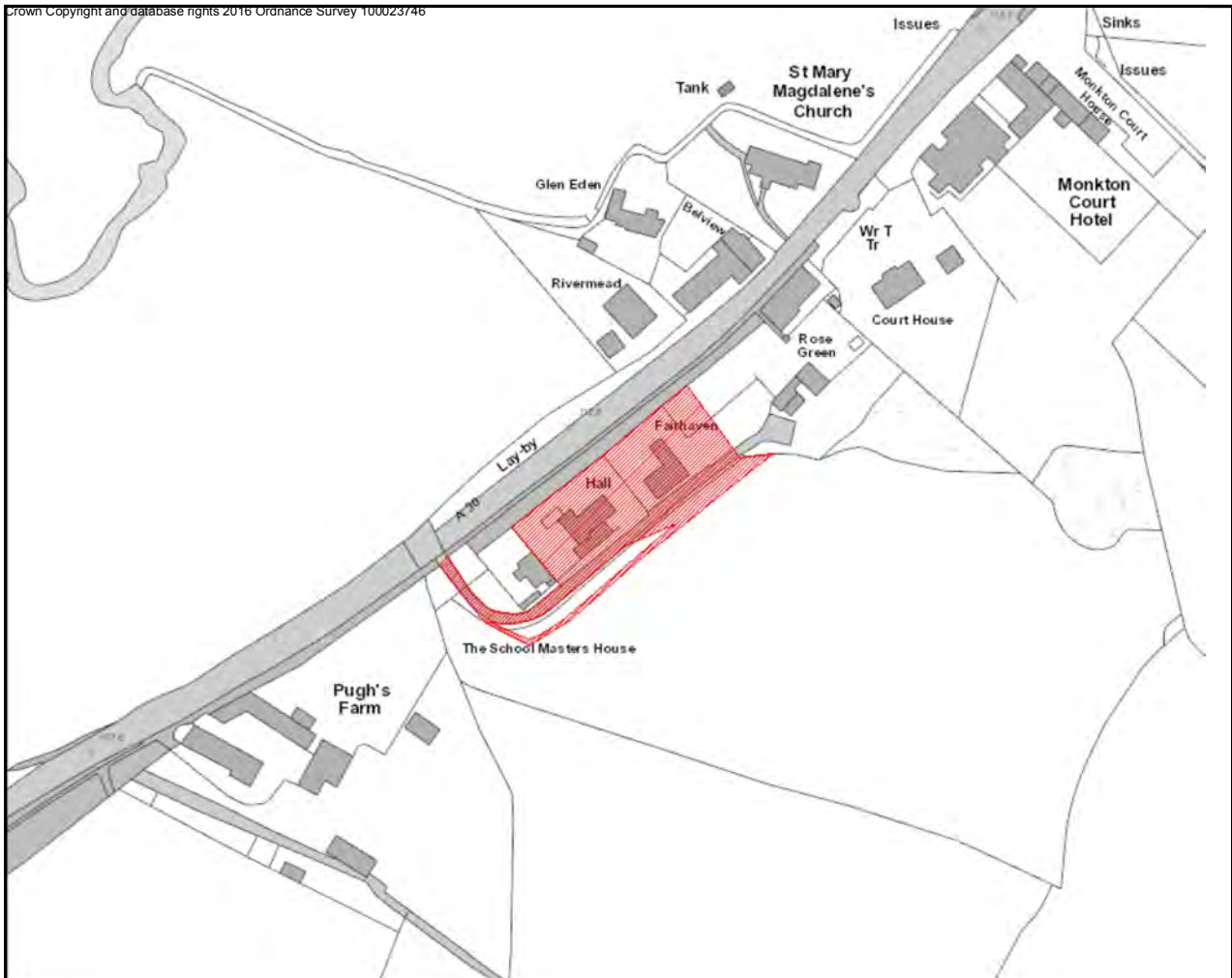
Location Land To The South East Of Fairhaven, Rose Green & Monkton Village Hall Monkton Honiton EX14 9QH

Proposal Change of use of agricultural land to provide curtilage and construction of garage and store (at Fairhaven), formation of drive at Rose Green and formation of access and parking areas to Monkton Village Hall



RECOMMENDATION: Approval with conditions

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		Committee Date: 6 September 2016
Otterhead (MONKTON)	16/1085/FUL	Target Date: 01.07.2016
Applicant:	Messrs Sawyer, Phillips & Monkton Hall	
Location:	Land To The South East Of Fairhaven, Rose Green & Monkton Village Hall	
Proposal:	Change of use of agricultural land to provide curtilage and construction of garage and store (at Fairhaven), formation of drive at Rose Green and formation of access and parking areas to Monkton Village Hall	

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

This application is before Members as it is a departure to the Adopted East Devon Local Plan 2013 -2031.

The site forms part of an agricultural field outside of the built up area boundary of Monkton and within the East Devon Area of Outstanding Natural Beauty (AONB) where conservation and enhancement of its natural beauty is given priority above other considerations. The proposal to create an access track and construct a garage and store would result in some domestication of a small piece of agricultural land that is sited within the AONB.

Whilst it is acknowledged that the track and proposed garage would result in domesticating a small portion of the agricultural field, this revised application significantly reduces the extent of any impact upon the AONB and the local landscape character to a level that is not considered harmful.

Whilst the application proposes access to a parking space for the village hall, its provision as part of a permission cannot be secured as it is not directly related to the new access or necessary to mitigate its impact.

The revised access track proposal minimises the harm caused upon the AONB but it is recommended that newly created land to the south of Fairhaven should have its Permitted Development Rights (Class E General Permitted Development Order 2015) for the construction of outbuildings removed so that the land remains open and free from structures that could have a harmful visual impact upon the AONB.

CONSULTATIONS

Local Consultations

Parish/Town Council

31.05.16 – The Parish Council support this application.

07/07/16 - The Parish Council are in full approval of this application. If the Officers are mindful to refuse this application it must be put in front of the DMC.

Otterhead - Cllr D Key

05/07/16 - I still fully support the application.

Technical Consultations

Highways England

11/05/16 - No objection.

Other Representations

At the time of writing the report no third party comment had been received.

PLANNING HISTORY

Reference	Description	Decision	Date
15/2670/FUL	Change of use of agricultural land to provide curtilage and construction of garage and store (at Fairhaven), formation of drive at Rose Green and formation of access and parking areas to Monkton Village Hall	Refusal on the ground of the detrimental visual impact upon the AONB.	04.02.2016
80/C1572	3 BEDROOM BUNGALOW	Approval with conditions	12.11.1980

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

RC6 (Local Community Facilities)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Site Location

The site is located in the hamlet of Monkton alongside the A30 and south of the Grade II listed building of St Mary Magdalene's Church on the opposite side of the road. The land has a shared drive from the A30 with three properties and has the village hall built of redbrick, timber windows and doors and pan tiled roof and the main dwelling house a bungalow built with rendered walls, UPVC windows and doors and concrete tiled roof. The site is located within the East Devon Area of Outstanding Natural Beauty.

Proposed Development

The proposal is a resubmission of previously submitted application 15/2670/FUL that was refused on the grounds of the harm it would have upon the AONB. This application is for the creation of a new access track to Rose Green on agricultural land that is to the south of the dwelling of Fairhaven. The track has been re-aligned from the previous submission with the widening of existing corner of the access to the south west of the School Masters House and then projecting out into the field from the Village Hall before connecting with Rose Green. The extent of access track is therefore reduced from the previously refused application.

The access would be built with a crushed hardcore sub base with permeable dressing of either compacted stone or rolled planings with concrete aprons either side. The proposed access road would serve Rose Green that is currently served via the existing shared access track. It also proposes the creation of a parking space to the village hall and construction of a double garage and store at the end of the existing access road.

The garage and store would measure 9m in length by 6m in width by 2.2m to eaves and 4.3m to ridge. It would be built with a timber frame, boarding and doors with concrete tiles or slate.

Consideration and Assessment

The main considerations relate to the principle of development, visual harm, need for the development, highway considerations.

Principle

Strategy 7 (Development in the Countryside) of the Adopted New East Devon Local Plan states that development will only be permitted where in accordance with a specific Local Plan policy (or Neighbourhood Plan) that explicitly permits such

development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it would be located. There is no policy in the local plan dealing with this circumstance and as such the proposal has been advertised as a departure.

The site itself is not open to any wider views because the track would be behind the village hall and Fairview at an elevated height. Whilst the proposal is relatively concealed from the road one of the buildings adjacent the site is the village hall - therefore whilst the site is partially screened it is open to public views from the land serving the rear of the village hall and the proposed parking space.

The proposed garage, store and access are located outside of a built-up area boundary within the AONB and countryside as such the proposal is only acceptable as a departure if there is no harm to the AONB and there is good justification and no harm resulting from the departure from adopted policy.

The impact of the proposal on the AONB and the open countryside

The application site is situated in the open countryside and within the AONB. Consequently, the site is protected by Strategy 46 (Landscape Conservation and Enhancement and AONB's) of the Adopted New East Devon Local Plan. This Strategy states that development will only be permitted in these areas where it would enhance and conserve the character of the area.

The changing of the land in question to partially domestic curtilage and the creation of an access, as well as a wooden post and rail fence on the southern boundary, would have some public visual impact, but only from the rear of the village hall, running closely along the rear of the existing buildings. The previous application proposed a greater extension into the field and AONB and was refused as it was not considered that the extent of the visual impact was harmful to the AONB.

To help to mitigate this impact, this application now proposes a much reduced area of land take, particularly from the bend in the access and along to the rear of the village hall. Given the reduction in the site area, small scale and appropriate design of the garage and store, and much reduced visual impact from the public domain, it is considered that the proposal is no longer harmful to the AONB.

The site will result in the loss of a very small area of agricultural land but the area of land is not significant and as such there is no objection raised on this ground.

It is however recommended that permitted development rights be removed from the land to ensure no future development is permitted on the land without written approval from the Local Planning Authority so that any impact from such development on the AONB can be assessed.

Need

The applicant has made a case that the proposal is required to allow the construction of the new garage and store to Fairhaven whilst providing an improved access to Rose Green to help with the agricultural/equestrian use of that land. Rose Green and

Fairhaven were previously in the same ownership but now that they are in separate ownership there will be improved amenity for both residents from the revised access arrangement and no harm to amenity from the garage/store given its position. In addition, the proposal will improve the bend in the access enabling it to be widened to improve visibility. These benefits are considered to weigh in favour of the proposal and provide justification for the small extension of the domestic curtilage into the countryside and AONB.

It is noted that the proposal also details the provision of a parking space that would be created off the existing access road for the village hall that currently has no public parking other than the lay-by sited opposite the site on A30.

Whilst a parking space would be of benefit to the village hall, it could be provided without the new access track given that it is off the existing access. In addition, as the provision of the parking space is not directly related to the provision of the access track (e.g. the access track would not result in a greater use of the village hall to require additional parking or does not displace an existing parking space), whilst permission can be granted for the parking space, the planning permission cannot secure that it is provided if the access is constructed. This would need to be secured via an agreement directly between the village hall and the applicant outside of the planning system.

Highways

The application has been considered by Highway England who have raised no objection. The proposed section of new driveway is to the rear of the properties adjacent to Rose Green. There will be no change to the access point onto the A30 trunk road, and there will be no increase in the number of properties the driveway serves and therefore no intensification of use. On this basis Highways England is satisfied that the development is unlikely to adversely affect the operation of the A30 and therefore no objection is raised to the proposal. Devon County Council Highways Department have raised no objections to the proposal.

Conclusion

This application is before Members as it is a departure to the Adopted East Devon Local Plan 2013 -2031.

The application puts forward a case for the proposal and it is considered that the application results in an access with no harm to the visual amenity of the area or AONB.

Whilst the proposal technically represents a departure from adopted local plan policy, there is a need and benefit from the proposal with no harm to the AONB due to the location of the site to the rear of existing buildings and will minimal loss of agricultural land.

On the basis of a lack of identified harm from the proposal, the application is supported.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule 2 Part 2 Class A for the erection of a gate, fence, wall or other means of enclosure and Class B means of access to highway shall be undertaken without a further grant of planning permission.
(Reason - The neighbouring dwelling is listed, any change to the boundary treatment could have a detrimental impact upon its setting in accordance with Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) of the East Devon Local Plan)
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works to the newly created curtilage of Fairhaven within the Schedule 1 Part 2 Class E for the erection of buildings etc incidental to the dwelling house shall be undertaken without a further grant of planning permission.
(Reason - The neighbouring dwelling is listed, any change to the boundary treatment could have a detrimental impact upon its setting in accordance with Policy EN9 (Extension, Alteration or Change of use of Buildings of Special Architectural and Historic Interest) 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 listed building concerns have been appropriately resolved.

Plans relating to this application:

TW14/103/1E	Location Plan	01.07.16
AMENDED		

List of Background Papers

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

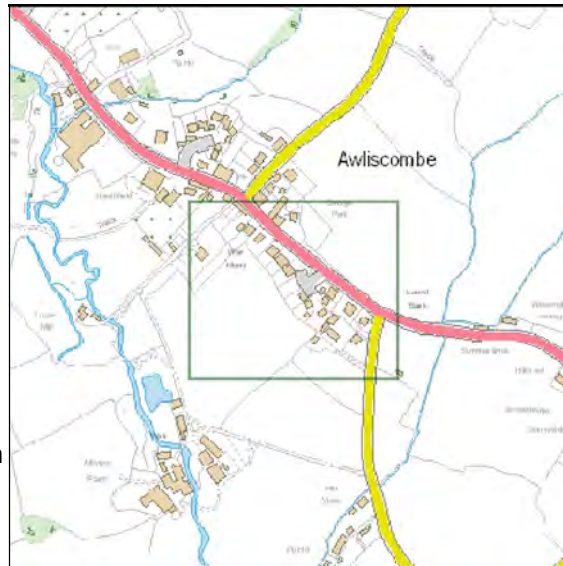
Ward Tale Vale

Reference 16/0951/OUT

Applicant Davies Holdings (Somerton) Ltd

Location Land Adjacent To 5 Marles Close
Awliscombe EX14 3GA

Proposal Outline application with all matters reserved proposing the construction of a detached dwelling.



RECOMMENDATION: Refusal



		Committee Date: 6 September 2016
Tale Vale (AWLISCOMBE)	16/0951/OUT	Target Date: 15.07.2016
Applicant:	Davies Holdings (Somerton) Ltd	
Location:	Land Adjacent To 5 Marles Close Awliscombe	
Proposal:	Outline application with all matters reserved proposing the construction of a detached dwelling.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

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

Outline planning permission is sought for a detached dwelling on a vacant plot of land between two dwellings in Marles Close. All matters are reserved but an indicative plan has been provided showing access from Marles Close and a detached property situated near to the front of the site.

Awliscombe is not one of the settlements listed in Strategy 27 of the Local Plan which offer a range of accessible services and facilities to meet many of the everyday needs of the residents. The site is therefore regarded as being in the countryside. In the absence of any justification for constructing a new dwelling in the countryside the proposal would be contrary to Strategy 7 of the Local Plan.

While the proposal would appear to be a natural infill, it would not amount to sustainable development because the village is not well served by public transport, does not offer a full range of services and facilities and what facilities do exist cannot easily be accessed by pedestrians or cyclists. Occupants of the dwelling would therefore carry out most, if not all, journeys from the site by car. This would be contrary to policy TC2 of the Local Plan and a core principle of the NPPF.

Without sustainability benefits sufficient to outweigh the conflict with the recently adopted policies of the Local Plan, the proposal is recommended for refusal.

CONSULTATIONS

Local Consultations

Parish/Town Council

The application was discussed by the Parish Council.
The Council had no objection to this planning application.

Tale Vale – Cllr P Skinner

I am responding to a planning application as above.

I do know the site well and knowing it is an in-fill site within an existing housing development I would like to tender my SUPPORT to approve this application.

Technical Consultations

County Highway Authority
Highways Standing Advice

Other Representations

One letter has been received raising concern about loss of privacy and light.

PLANNING HISTORY

Reference	Description	Decision	Date
14/2633/MOUT	Residential development of up to 16 dwellings and provision on site for football pitch, both with associated parking, landscaping and access (Outline application with detailed access; all other matters reserved.	Refusal	02.04.2015
15/0992/MOUT	Residential development of up to 12no dwellings (up to 8 affordable), associated parking, landscaping and construction of an access from Marles Close.	Refusal	11.08.2015

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

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

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 35 (Exception Mixed market and Affordable Housing at Villages, Small Towns and Outside Built-up Area Boundaries)

Strategy 38 (Sustainable Design and Construction)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

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)

H4 (Dwellings for Persons Employed in Rural Businesses)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The application site is situated between nos. 5 and 6 Marles Close and is almost directly opposite the access to Marles Close from the A373. The rear of the site backs onto open fields. The site is grassed and there are numerous small trees but it is otherwise featureless and unused. A few metres back from the frontage there is a post and rail fence and on the rear boundary there is a hedge. On the boundaries with the neighbours on each side there is a close boarded fence. Awliscombe does not have a built-up area boundary so the site is regarded as being in the countryside.

Proposal

Outline planning permission is sought for a detached dwelling on the site. All matters are reserved but an indicative plan has been provided showing access from Marles Close and a detached property situated near to the front of the site.

ANALYSIS

Following the adoption of the new Local Plan in January 2016, the built-up area boundary for Awliscombe, which included this site, has been removed. The village is not one of the settlements listed in Strategy 27 of the Local Plan which offers a range of accessible services and facilities to meet many of the everyday needs of the residents. The site is therefore regarded as being in the countryside.

Strategy 7 of the Local Plan only permits development in the countryside if it is in accordance with a specific policy which permits such development. In the absence of a Neighbourhood Plan for Awliscombe, the only source of such a policy would be the Local Plan.

The Local Plan directs new housing towards the sustainable towns and villages in the District and various allocations are included in the plan to ensure that sufficient housing land is available to meet the assessed need. Currently the Council is able to demonstrate that it has a five year supply of housing land.

Aside from windfall development within villages with built-up areas or development which comes forward through the conversion of suitable buildings in the countryside, there is limited provision in the Local Plan for new housing development in villages like Awliscombe. Such development would only be supported if there was a demonstrable need for a dwelling to support a rural business (Policy H4), support from a made Neighbourhood Plan or if there was a proven local need for affordable housing (Strategy 35). These circumstances do not apply to this case and therefore it must be concluded that the proposal would be contrary to Strategy 7 in the Local Plan.

Presumption in favour of sustainable development

The National Planning Policy Framework contains a presumption in favour of sustainable development which means that development proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.

Given that the Local Plan is newly adopted and that the Council can demonstrate a five year supply of housing land, the policies relating to housing supply are

considered to be up to date and can be given full weight. For the reasons described, the proposal does not accord with the development plan and therefore the presumption in favour of sustainable development does not apply.

For the avoidance of doubt, even if the presumption were to apply, the proposal would not amount to sustainable development and should not be granted planning permission. This is because:

- the village does not have a post office or shop so occupants of the dwelling would need to travel by car for convenience shopping;
- there are no healthcare facilities such as a doctor's surgery;
- the 368 and 694 bus services only operate three days per week and only stops three times in each direction. Consequently they cannot be relied on as an alternative to travel by car;
- traffic volume and speeds on the A373 are not conducive to cycling as an alternative to travel by car; and
- pedestrian access to facilities in the village is poor as there is not a continuous footway. Pedestrians would need to walk in the busy road for a short distance and cross the road at a location where there are no pedestrian crossing facilities. This makes it an unattractive route for pedestrians.

While the proposal would have limited landscape impact, would add to the general supply of housing and would have a small economic benefit through the construction work, these do not outweigh the lasting harm arising from building a house in a location where the occupants would rely on a car for their everyday needs. As a consequence of its location the proposal would conflict with policy TC2 of the Local Plan and one of the core principles of the NPPF, both of which promote development which makes the fullest possible use of public transport, walking and cycling and focus development in sustainable locations.

Other matters

Details of the layout, scale and appearance of the dwelling are reserved matters but the site is capable of accommodating a dwelling which would be compatible with the character and appearance of the area. Furthermore, neighbouring properties would not be adversely affected by the proposal if the dwelling were appropriately designed.

There are a number of small trees on the site which make a positive contribution to the landscape character of the area. While their loss would be regrettable, a landscaping scheme would offer some mitigation to limit the effect of the development on the character and appearance of the area.

Access and parking could be provided in a similar manner to the neighbouring properties and such an arrangement would be likely to comply with current standards.

Details of surface water drainage have not been provided but it is likely that an acceptable scheme could be provided.

CONCLUSION

The proposal does not accord with the development plan and does not offer sustainability benefits which would outweigh the conflict. This is broadly the same conclusion that was reached in each of the previous applications which included this site as part of a larger development. Those decisions were made prior to adoption of the new Local Plan at a time when the Council did not have a five year land housing supply. With a new plan in place which can be given full weight, there are even stronger reasons now for refusing planning permission.

RECOMMENDATION

REFUSE for the following reasons:

1. The development would be located in the countryside where new dwellings are only supported if there is a proven local need. In the absence of any evidence to indicate that there is a need for a dwelling in this location the proposal would be contrary to Strategy 7 (Development in the Countryside) of the East Devon Local Plan 2013-2031. Furthermore, owing to the limited range of services and facilities in the village, the poor pedestrian access and the limited public transport serving the site, the scheme does not demonstrate benefits in terms of sustainability to outweigh the policy objection. As such the proposal is considered contrary to Strategies 7 (Development in the Countryside) and 5B (Sustainable Transport) and Policy TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 and guidance in 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:

16.15.01	Location Plan	20.05.16
16.15.02	Proposed Block Plan	20.05.16

List of Background Papers

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

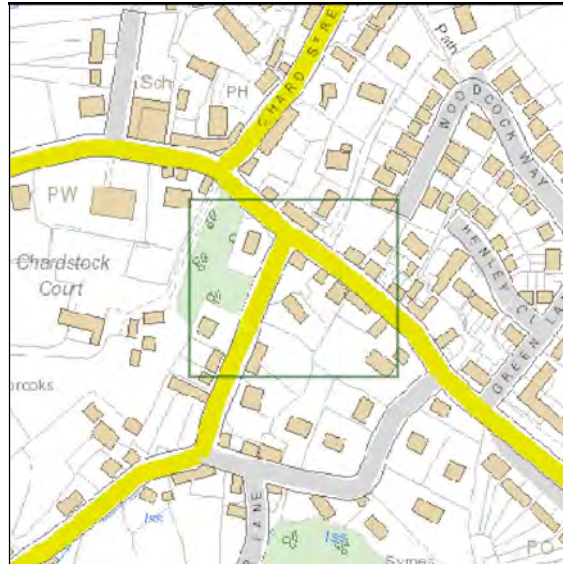
Ward Yarty

Reference 16/1366/FUL

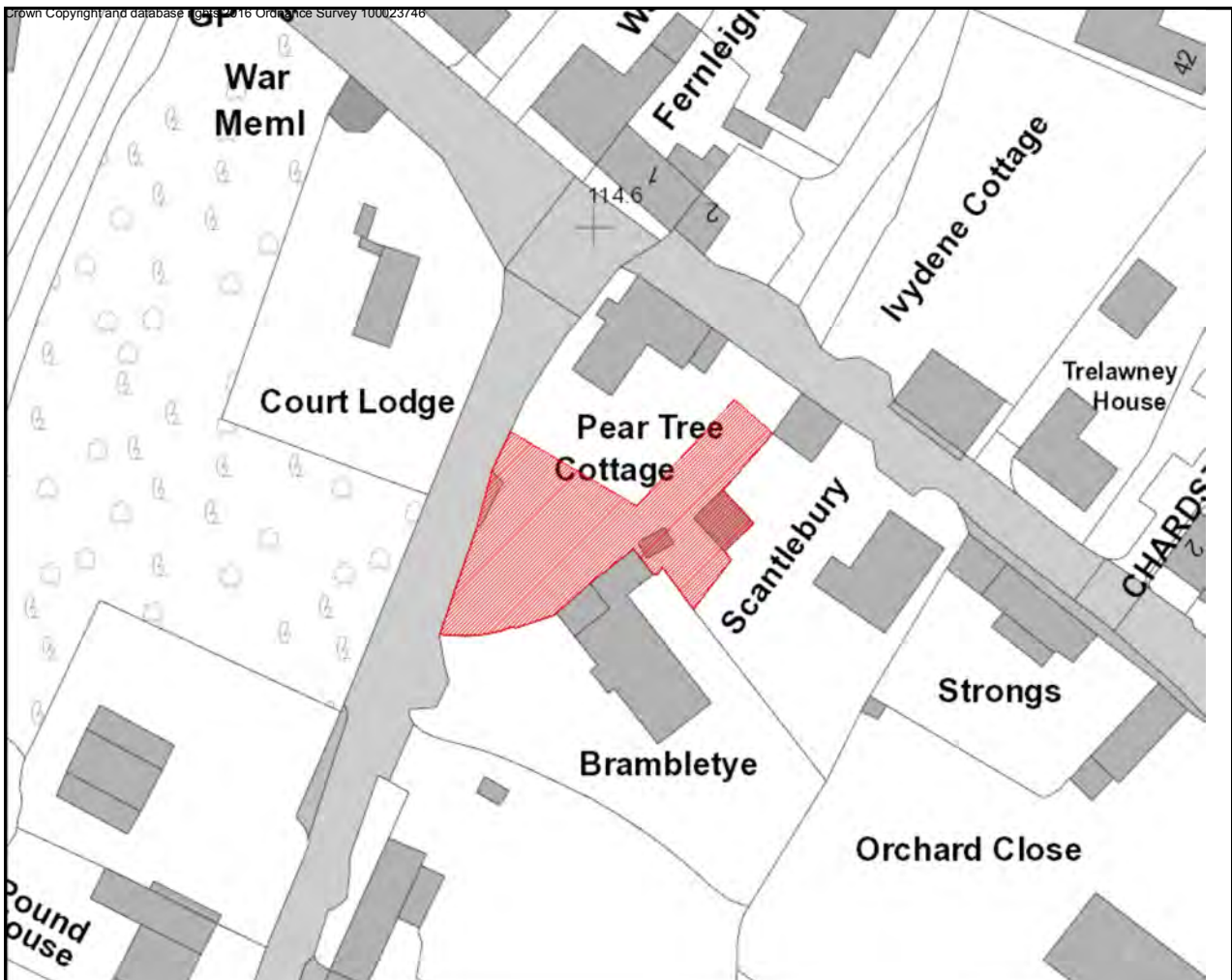
Applicant Mr Geoffrey Sims

Location Land Adjacent Peartree Cottage
Chardstock Axminster EX13 7BN

Proposal Erection of detached house and
double garage



RECOMMENDATION: Approval with conditions



		Committee Date: 6 September 2016	
Yarty (CHARDSTOCK)	16/1366/FUL	Target 05.08.2016	Date:
Applicant:	Mr Geoffrey Sims		
Location:	Land Adjacent Peartree Cottage Chardstock		
Proposal:	Erection of detached house and double garage		

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

Planning permission already exists on the site for a similar dwelling and the alterations to the dwelling proposed under this application to its design, including a small increase in height, are not considered to adversely harm the character and appearance of the local area. Issues raised regarding the drainage, privacy and parking of the building have been noted though the submitted information and alterations are considered to be sufficient and do not adversely impact upon neighbouring properties.

Therefore the proposed dwelling house is considered to be acceptable in terms of design and impact upon surrounding residents.

In terms of the principle of development, this has already been established with an extant permission in place. However, given the unsustainable location of the site, it is recommended that any further consent be subject to the same time restrictions as the extant permission. As such if approved this development should be required to commence before the 23rd December 2016.

CONSULTATIONS

Local Consultations

Yarty - Cllr P Diviani

As you know I originally objected to this inappropriate development on a number of different grounds but I consider this shoe-horned solution to be even worse. If the adjacent Southfields was deemed for refusal on a larger site by the Inspectorate,

then this should be refused for the same reason that Chardstock is not considered a sustainable location for development, again a decision made by the Inspectorate.

Parish/Town Council

Chardstock Parish Council is concerned that the plans for this proposed dwelling show the building as being taller than the previously approved application. There are concerns that the proposed development would have a negative impact on the Conservation Area. The recently adopted Local Plan lists Chardstock as being a non sustainable community, therefore as this is a new application it is felt that it does not comply with that policy and therefore should be rejected. The Council respectfully wishes to make reference to a recent application (Southview, Chardstock) in which on going to appeal the Inspector rejected the application because of the status of the parish. Chardstock Parish Council is therefore unable to support the application and recommends refusal

Further comments:

Thank you for sending some revised plans in respect of the above application.

It is not very clear what is being amended and the quality of the scanning is poor.

The Councils earlier comments regarding this proposal therefore stand.

Technical Consultations

County Highway Authority
Highways Standing Advice

Devon County Archaeologist

I refer to the above application. The consent granted for the previous planning application for this site was conditional upon a programme of archaeological work being undertaken - planning application 13/0490/FUL, Condition 4. The Written Scheme of Investigation prepared for that application has been submitted in support of this current application. The scope of the works set out in that document is acceptable to the Historic Environment Team and, as such, I would advise that any consent that your Authority is minded to grant should be condition upon the following worded condition, whereby:

'The development shall proceed in accordance with the Written Scheme of Investigation prepared by AC Archaeology (document ref: ACD1223/1/0 dated 23rd September 2015) that has been submitted to the Local Planning Authority.'

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

Reason

To ensure, 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 monitoring and recording of all groundworks associated with 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

There have been 37 letters of representation received raising the following comments:

- The Inspector of the local plan review stated that Chardstock is an unsustainable settlement and removed the built up area boundary and therefore the previous approval for a dwelling is now unacceptable in policy terms and should be refused;
- The draft Neighbourhood Plan details that new dwellings within the village of Chardstock and Conservation Area are unacceptable;
- Recent planning application 15/1007/FUL at South View for a dwelling was refused due to being in a unsustainable location, detrimental impact upon Conservation Area and neighbours, this proposal would cause similar harm and therefore should be refused;
- The NPPF, Local Plan and the emerging Chardstock Neighbourhood Plan and recent decision by the District Council and Planning Inspectorate indicate that this application should be refused;
- The design of the proposed dwelling house is not in keeping with the character and appearance of the local area;
- The proposed building would result in the overdevelopment of the land and an increase in density of the village of Chardstock;
- The height of the dwelling has increase of 1m height and this would result in having a detrimental visual impact upon the streetscene;
- The proposed rooflights on the rear elevation would result in loss of privacy to adjacent properties of Brambletye, Pear Tree Cottage and Scantlebury;
- The created driveway should be blocked up and a stone boundary wall shall be reinstated;
- The revised siting of the building away from Pear Tree Cottage would reduce the density of the development a leave a less meaningful green space between neighbouring properties;
- Concern to surface and foul water drainage and its impact upon neighbouring properties drainage systems;

- An objection is raised to the drainage of the building from the site with there being cesspit and not a septic tank on the land with a deed placed on the land is removing the ability to use this facility;
- Concern to garage being built in line with neighbours soakaway what evidence has been submitted to prove no harm would occur to this facility;
- Concern to on-street parking and access form existing access;
- The proposed garage can only be accessed via third party land and no pedestrian access is permitted over the land. The parking would be tandem parking for each property that is less than ideal.

PLANNING HISTORY

Reference	Description	Decision	Date
13/0490/FUL Full Application	Construction of new dwelling with associated car parking and garden area	Approval with conditions	23/12/2013
12/0462/FUL Full Application	Construction of dwelling	Refusal	11/06/2012
86/P1194 Full Application	Erection Of Dwelling And Two Double Garages On Rear Land	Approval with conditions	11/08/1986

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 3 (Sustainable Development)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN10 (Conservation Areas)

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

EN22 (Surface Run-Off Implications of New Development)

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

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Strategy 38 (Sustainable Design and Construction)

EN14 (Control of Pollution)

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

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

Pear Tree Cottage occupies a prominent corner site at the junction of 2 local roads, Kitbridge Lane and Chardstock Road, close to the village centre. The existing dwelling on the site is a two storey stone cottage under a tiled roof, it has been extended with two storey extensions to the south (side) and rear (east) finished with render. The main dwelling is situated in the northwest corner of the triangular shaped site and fronts onto Kitbridge Lane.

To the rear of the property there is a more level area used as a vegetable garden which slopes gently down to the south to the main garden area which is extensively planted with mature shrubs. The site boundaries are formed by a stone wall to the northeast, a lower stone retaining wall with hedge/shrub planting atop to the northwest boundary and a mixture of fencing, hedge and outbuilding walls to the south east.

The application site relates to the garden area of Pear Tree Cottage. The site is positioned immediately to the south of the main dwelling with access into the site proposed off an existing access on the north east boundary. The existing access currently serves two properties, Pear Tree Cottage and the adjacent property known as Scantlebury to the rear south east.

The site is situated within the centre of the historic village and Conservation Area and within an area designated as Area of Outstanding Natural Beauty (AONB). Chardstock does not benefit from a Built-up Area Boundary.

The existing dwelling on the site is identified in the conservation area character appraisal as being a key building. While the property is not listed, its prominent corner position and vernacular proportions and design contribute positively to the

character and significance of the conservation area. The application site to the south forms the curtilage to the cottage.

This part of the lane in Chardstock is relatively sparse with individual properties set within moderate curtilages. This gives the lane a more rural feel. The main area through Chardstock features existing dwellings and new development of higher density.

Proposed Development

The proposal is for the construction of a three bedroom cottage with associated garage. The dwelling house has been reduced to have a foot print of some 52 sq.m compared to the previous approval of 71 sq.m within a similar residential curtilage.

The building is designed as a broad faced cottage with natural stone walls on south elevation and rough cast render walls on other elevations, half dormers, simple gabled porch, timber windows and doors and clay tiled roof with three conservation type roof lights on rear elevation. It is proposed that dwelling would have two storeys together with rooms in the roof and therefore retaining the previous approved floor space of 130 sq.m.

The site boundary's red line has been amended from the previous consent as the owner of Pear Tree Cottage wishes to retain a tree on their land along the eastern boundary and therefore the boundary of the site has been reduced.

It is also proposed that the existing double garage to the north east of the site will be demolished and replaced with a two garages side by side and set back adjacent to boundary fence with access. The proposal would therefore provide the ability to turn around and exit in a forward position. The garage would be finished with rendered walls, timber garage doors and a slate roof.

Consideration and Assessment

Principle

The principle of the new dwelling house is acceptable as there is an extant planning permission on the land under application 13/0490/FUL that could still be implemented before 23rd December 2016.

The objections received to the principle of a new dwelling being sited within Chardstock are noted. The village is now classed as an unsustainable settlement following the Local Plan Inspection of East Devon Local Plan and the construction of new dwelling houses would be contrary to the draft Neighbourhood Plan that resists new dwellings within the Conservation Area. This Plan is acknowledged though it has not been formally consulted upon and is not adopted and subsequently at the present time does not carry sufficient weight.

The appeal against a recent refusal for a dwelling house under planning application 15/1007/FUL at South View on the basis of its unsustainable location is acknowledged. However, the site the subject of the current application already has

an extant planning permission 13/0490/FUL for a dwelling house and therefore the principle of a dwelling on this site has been previously agreed and can be implemented.

The objections received stating that the application should only be determined against the Adopted East Devon Local Plan 2013 - 2031 are noted although the permission on the site is a material consideration that carries weight. Given this fallback position, it is considered that planning permission should be granted but limited to a timescale that co-insides with the expiry of the 2013 permission on the 23rd December 2016.

Character

Peartree Cottage sits at the higher end of Post Office Lane and is close to the village centre, it is noted in the conservation area appraisal as a key building. Chardstock Road that runs to the north is relatively built-up with properties fronting onto both sides of the road and whilst this retains a fairly intimate village feel, it has a distinctly more developed character than Post Office Lane which is much more rural in character.

At present the boundaries with the lane, are marked by hedge and shrub planting and there are significant gaps between properties that front onto the road with those properties tending to be traditional period cottages. All of these characteristics together help to give this lane a peaceful rural character, despite it being relatively close to the village centre. The proposal to develop the site, despite efforts to retain as much of the planting on the road frontage as possible, would inevitably open up the site, reduce the space between buildings and to some extent erode the character of this part of the conservation area. However, there is a fallback position in place with such an impact already considered to be acceptable.

The proposed increase in height of the property is 0.9m to 8.2m compared with the previous approval being 7.3m. However this is still 1.1m lower than that of neighbouring property of Pear Tree Cottage. This is not considered to result in such visual detriment upon the existing street scene as it would still be set at a lower height than that of the neighbouring property of Pear Tree Cottage. Therefore the increase in ridge height is considered to be acceptable and would not result in any significant harm upon the character and appearance of the Conservation Area or Black Down Hills AONB. Nor would the slightly smaller site size.

The proposed design of the property and use of materials is considered to be acceptable and samples and details of proposed materials have been submitted with the property having stone and rough cast rendered walls, windows and doors to be constructed in oak stained though left to weather naturally.

Neighbour amenity

The claim that the proposed rooflights on the rear elevation would result in loss of privacy to adjacent properties is noted, though due to land levels the neighbouring property of Brambletye would not be adversely overlooked. Furthermore, the room closest to the neighbouring dwelling of Brambletye would be a used as bedroom that

is classed as a secondary habitable room and therefore it is not considered to result in any significant harm.

The proposed rooflights would not adversely impact upon Pear Tree Cottage as the rear roof faces to the east of the site and the property is situated to the north. The concern raised to the issue of loss of privacy and amenity to Scantlebury from the rooflights are noted, though there is sufficient distance of some 30m between dwellings and therefore the potential impact would not be detrimental.

Drainage

The concerns raised to the drainage of the building from the site with there being cesspit and not a septic tank on the land and a deed removing the ability to use this facility are noted. A detailed drainage plan has been submitted detailing the proposed dwelling with the use of a soakaway that has been redesigned in being 6.5m long by 1m wide by 0.8m in depth and moved away from the neighbouring property of Brambletye with existing planting retained.

The concern to other pipe work from No.s 1 & 2 Fernleigh is noted and the drainage plan details the amendments to other neighbouring properties with the diversion of the drains clearly detailed.

It is also noted that drainage is dealt with by Building Control who are separate to planning and the issue of use of a cesspit is a civil matter and not one that planning would become involved with. Similarly the concern to the siting of the proposed garage within the proximity of neighbours soakaway has been noted though this is once again a civil matter.

Parking

Parking would be provided via the demolition of existing double garage and re-siting to the west of the garage in order to create a new double garage with turning area to the east of the proposed dwelling house. It would provide a double garage and two spaces for both the proposal and Pear Tree Cottage, this is therefore acceptable and provides sufficient off street parking.

An objection has been received to the issue that on-street parking can restrict views when entering and exiting the access onto the main road through the village. This comment is noted though the proposal is utilising an existing access onto the road and therefore is not creating any further harm than currently exists. Therefore this comment is not considered to be an overriding reason for refusing this application.

The objection to the right of access over third party land with no pedestrian access is permitted this is noted though this is a civil matter and not one that planning would get involved with.

Impact upon Trees

An Arboricultural Assessment has been submitted with the application with recommendations for tree protection fencing measures and no storage of materials

upon the roots of the trees. It is recommended that this report be conditioned to be complied with during the construction of the dwelling house.

Conclusion

The proposed alterations to the design of the previous proposal although having an increase in height is not considered to adversely harm the character and appearance of the local area. The issues regarding the drainage, privacy and parking of the building have been noted though the submitted information and alterations are considered to be sufficient in not adversely impacting upon neighbouring properties.

Therefore the proposed dwelling house is considered to be acceptable in principle, design and use of materials with a similar impact from the fallback permission that makes it difficult to justify refusal of this permission.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the 23rd December 2016 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 completion of the dwelling house a landscaping scheme shall be 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 agreed landscaping scheme shall be carried out in the first available planting season after completion 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), D4 (Landscape Requirements) and EN11 (Preservation and Enhancement of Conservation Areas) of the East Devon Local Plan.)
4. The development shall proceed in accordance with the Written Scheme of Investigation prepared by AC Archaeology (document ref: ACD1223/1/0 dated 23rd September 2015) that has been submitted to the Local Planning Authority. The development shall be carried out at all times in strict accordance with the

approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason (To ensure, in accordance with Policy EN7 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 141 of the National Planning Policy Framework (2012), that an appropriate record is made of archaeological evidence that may be affected by the development).

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order without modification) no works shall be undertaken within Schedule 2 Part 1 Classes A, B, C, D, or E for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the building, or for the provision within the curtilage of any building or enclosure, swimming or other pool, [other than any enclosure approved as part of a separate condition].
(Reason - to prevent the overdevelopment of the site, in the interests of the character and appearance of the area and to protect the amenities of nearby residents, in accordance with criteria set out Strategy 46 (Landscape Conservation and Enhancement and AONB's) Policies D1 (Design and Local Distinctiveness), EN11 (Preservation and Enhancement of Conservation Areas) and of the Adopted East Devon Local Plan 2013 to 2031).
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within Schedule 2 Part 2 Class A, for the erection of any fences, gates or walls other than those agreed as part of the landscaping scheme submitted.
(Reason - In the interests of the character and appearance of the site in accordance with criteria set out Strategy 46 (Landscape Conservation and Enhancement and AONB's) Policies D1 (Design and Local Distinctiveness), EN10 (Preservation and Enhancement of Conservation Areas) and of the Adopted East Devon Local Plan 2013 to 2031).
7. Notwithstanding the plan details submitted, no development past slab level shall take place until details of the construction of the pedestrian access and steps proposed on the western boundary with Kitbridge Lane, as indicated on plan numbers PL103B and PL104B, have been submitted to and approved in writing by the Local Planning Authority.
(Reason - In the interests of the character and appearance of the site in accordance with criteria set out Strategy 46 (Landscape Conservation and Enhancement and AONB's) Policies D1 (Design and Local Distinctiveness), EN10 (Preservation and Enhancement of Conservation Areas) and of the Adopted East Devon Local Plan 2013 to 2031).
8. Development shall proceed in accordance with the following restrictions:

- a. There shall be no burning of any kind on site during construction, demolition or site preparation works.
- b. No construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays and not at all on Sundays or Public Holidays.
- c. Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.
- d. No high frequency audible reversing alarms shall be permitted to be used on any vehicle working on the site.

(Reason: To protect the amenity of local residents from smoke, noise and dust in accordance with Policy EN15 (Control of Pollution) of the Adopted East Devon Local Plan 2013 - 2031).

9. The rooflights indicated on the approved plans shall be of a conservation design flush with the roof, the model specification of which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works.

(Reason - In the interests of the character of the building situated within the Conservation Area and in the interests of the appearance in the locality in accordance with Policies D1 (Design and Local Distinctiveness), EN10 (Preservation and Enhancement of Conservation Areas) of the Adopted East Devon Local Plan 2013 - 2031).

10. Details of new rainwater goods including profiles, materials and finishes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The works shall be carried out in accordance with the approved details.

(Reason - In the interests of the character of the building situated within the Conservation Area and in the interests of the appearance in the locality in accordance with Policies D1 (Design and Local Distinctiveness), Adopted East Devon Local Plan 2013 - 2031).

11. The garage hereby permitted/car 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 in accordance with Policy TA9 (Parking Provision in New Development) of the Adopted East Devon Local Plan 2013 -2031)

12. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a scheme for the protection of the retained trees, hedges and shrubs shall be produced in accordance with the principles embodied in BS5837 :2012, which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, [including trees which are the subject of a Tree Preservation Order currently in force], shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

No operations shall be 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) until the protection works required by the approved protection scheme are in place.

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

Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

(Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality and in the interests of the amenity of the area in accordance with Policy D3 (Trees and Development Sites) of the emerging 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:

1875/12A	Additional Information	01.07.16
2013/14/01F ADDITIONAL INFO	Other Plans	01.07.16
1875/13A	Proposed Site Plan	08.06.16
1875/14A	Location Plan	08.06.16
1875/10	Combined Plans	08.06.16
1875/11	Proposed Elevation	08.06.16
1875/15 DOORS	: Other Plans	08.06.16
1875/16 WINDOWS	: Other Plans	08.06.16
1875/17 ROOFLIGHTS	: Other Plans	08.06.16

List of Background Papers

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