

Agenda for Development Management Committee Tuesday, 4 October 2016; 10am



[Members of the Committee](#)

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

[View directions](#)

Contact: [Hannah Whitfield](#)

01395 517542, Issued 20 September 2016

East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

www.eastdevon.gov.uk

[Speaking on planning applications](#)

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

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

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

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

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Monday 26 September up until 12 noon on Thursday 29 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 6 September 2016 (page 5 - 10)
- 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 11 - 15)
Service Lead – Strategic Planning and Development Management

- 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.

16/1701/FUL (Minor) (page 16 - 25)
Broadclyst
7 Long Orchard, Cranbrook EX5 7BA

16/1265/MFUL (Major) (page 26 - 37)
Clyst Valley
Land off Blackmore Road, Hill Barton Business Park, Sidmouth Rd, Clyst St Mary EX5 1DR

16/1022/MOUT (Major) (page 38 - 79)
Exmouth Littleham
Land adjacent to Buckingham Close (Plumb Park), Buckingham Close, Exmouth

16/1705/FUL (Minor) (page 80 - 86)
Exmouth Withycombe Raleigh
Land adjoining 28 Holland Rd, Exmouth EX8 4BA

16/0218/OUT (Minor) (page 87 - 108)
Newton Poppleford and Harpford
Waterleat, High Street, Newton Poppleford EX10 0DU

16/1688/FUL (Minor) (page 109 - 116)

Newton Poppleford and Harpford

1 Hillside (land adjoining), Burrow, Newton Poppleford EX10 0BR

16/0622/OUT (Minor) (page 117 - 130)

Ottery St Mary Rural

Land between The Star and Shenne, West Hill Road, West Hill

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.

16/1856/VAR (Major) (page 131 - 144)

Axminster Rural

Cloakham Lawn Sports Centre, Chard Road, Axminster EX13 5HW

16/1857/VAR (Major) (page 145 - 159)

Axminster Rural

Cloakham Lawn Sports Centre, Chard Road, Axminster EX13 5HW

16/1506/OUT (Minor) (page 160 - 169)

Axminster Town

Hunthay Farm, Axminster EX13 5RJ

16/1622/FUL (Minor) (page 170 - 178)

Axminster Town

Land north west of Westwater, Westwater, Axminster

15/1291/MOUT (Major) (page 179 - 207)

Beer and Branscombe

Land adjacent to The Fountain Head, Berry Hill, Branscombe

16/1963/FUL (Minor) (page 208 - 216)

Newbridges

Platts Farm, Shute, Axminster EX13 7QQ

15/2424/MOUT (Major) (page 217 - 253)

Trinity

Land adjacent to Lyme Road (adjoining Uplyme Village Hall), Uplyme

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 6 September 2016

Attendance list at end of document

The meeting started at 10am and ended at 3.10pm (the Committee adjourned at 11.55pm and reconvened at 2pm)

***15 Minutes**

The minutes of the Development Management Committee meeting held on 2 August 2016 were confirmed and signed as a true record.

***16 Declarations of interest**

Cllr Ben Ingham; 15/2466/FUL; Applicant was known to the Councillor

Cllr Mark Williamson; 16/1585/FUL; Pecuniary Interest; Applicant

Cllr Mark Williamson; 16/1340/VAR & 16/1585/FUL; Personal Interest; Exmouth Town Councillor

Cllr Paul Carter; 15/2466/FUL; Personal interest; Has a family connection to the applicant

Cllr Mike Howe; 15/2466/FUL; Personal Interest; Applicant was known to the Councillor through the Councillor's (business supplies newspapers to the site)

Cllr Colin Brown; 16/1085/FUL; Personal Interest; Chairman of Monkton Parish Council

In accordance with the Council's constitution, the Vice-Chairman took over Chairmanship of the meeting during consideration of application 16/1085/FUL (Land to south east of Fairhaven, Monkton) as the application was in the Chairman's Ward.

***17 Appeal statistics**

The Committee received and noted the Development Manager's report setting out appeals recently lodged and thirteen appeal decisions notified, which twelve had been dismissed and one had been a split decision.

The Development Manager drew Members' attention to the appeal dismissed for a proposed dwelling on land to the rear of Chestnut House, Bunts Lane, Seaton. The Committee had visited the site and refused the application on highway safety grounds, which was upheld by the Inspector.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 4 – 2016/2017.

Attendance list

Present:

Committee Members

Councillors:

David Key (Chairman)

Mike Howe (Vice Chairman)

Brian Bailey

David Barratt

Susie Bond

Colin Brown (left the room during consideration of application 16/1085/FUL)

Peter Burrows

Paul Carter (left the room during consideration of application 15/2466/FUL)

Simon Grundy

Ben Ingham

Helen Parr

Mark Williamson (left the room during consideration of application 16/1585/FUL)

Officers

Chris Rose, Development Manager

Shirley Shaw, Planning Barrister

Hannah Whitfield, Democratic Services Officer

Also present for all or part of the meeting

Councillors:

Megan Armstrong

Jill Elson

Geoff Jung

Rob Longhurst

Philip Skinner

Pauline Stott

Apologies:

Committee Members

Councillors:

Matt Coppell

Alan Dent

Steve Gazzard

Chris Pepper

Non-committee Members

Councillors

Steve Hall

Andrew Moulding

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL
Development Management Committee
Tuesday 6 September 2016; Schedule number 4 – 2016/2017

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:

<http://eastdevon.gov.uk/media/1836413/060916-combined-dmc-agenda-compressed.pdf>

AM session

(Cllr Paul Carter left the Chamber during consideration of the application)

Woodbury and
Lypstone
(WOODBURY)

15/2466/FUL

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)

RESOLVED: APPROVED with conditions as per recommendation

Exmouth Halsdon
(EXMOUTH)

16/1340/VAR

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

RESOLVED: APPROVED with conditions as per recommendation and subject to two additional conditions:

- That notwithstanding the submitted plans the Juliet balcony and double doors in the dormers to be replaced with a window, details to be submitted for approval.
- That the permitted development (PD) rights be removed for any further works to the roofs.

Members considered that the additional conditions were required in order to reduce the perception of overlooking and to ensure a suitable design of building.

Raleigh
(COLATON
RALEIGH) 16/0798/FUL

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.

RESOLVED: APPROVED with conditions as per recommendation

(Cllr Mark Williamson left the Chamber during consideration of the application)

Exmouth Littleham
(EXMOUTH) 16/1585/FUL

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)

RESOLVED: APPROVED with conditions as per recommendation

PM session

Yarty
(CHARDSTOCK) 16/1366/FUL

Applicant: Mr Geoffrey Sims

Location: Land Adjacent Peartree Cottage Chardstock

Proposal: Erection of detached house and double garage

RESOLVED: APPROVED with conditions as per recommendation.

Newbridges
(MUSBURY) 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

RESOLVED: REFUSED as per recommendation.

(Cllr Colin Brown left the Chamber during consideration of the application)

Otterhead
(MONKTON) 16/1085/FUL

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

RESOLVED: APPROVED with conditions as per recommendation

Tale Vale
(AWLISCOMBE) 16/0951/OUT

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.

RESOLVED: REFUSED as per recommendation.

Budleigh Salterton
(BUDLEIGH
SALTERTON)

16/0839/FUL

Applicant: Mr Alan Pratt

Location: Lily Farm Vineyard Dalditch Lane

Proposal: Construction of manager's accommodation and extension

Withdrawn from the agenda

East Devon District Council
List of Planning Appeals Lodged

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:

Ref: 16/0307/FUL **Date Received** 23.08.2016
Appellant: Mr Paul Versey
Appeal Site: Franklyn The Strand Lypstone Exmouth EX8 5EX
Proposal: Alterations to dormer window to create juliet balcony
Planning APP/U1105/D/16/3157122
Inspectorate
Ref:

Ref: 16/0022/OUT **Date Received** 02.09.2016
Appellant: Mr S Wimms
Appeal Site: The Elms London Road Whimple Exeter EX5 2PH
Proposal: Outline application for the erection of 4 dwellings (All Matters Reserved)
Planning APP/U1105/W/16/3157845
Inspectorate
Ref:

East Devon District Council List of Planning Appeals Decided

Ref:	15/2008/FUL	Appeal Ref:	16/00027/REF
Appellant:	Ms J Lambert		
Appeal Site:	Meadow Lea Boughmore Road Sidmouth EX10 8SH		
Proposal:	Demolition of garage and greenhouse and construction of dwelling house and garage and new garage for existing dwelling house.		
Decision:	Appeal Allowed (with conditions)	Date:	26.08.2016
Procedure:	Written representations		
Remarks:	Delegated refusal, conservation reasons overruled (EDLP Policies D1 & EN10 and Strategies 6, 26, 48 & 49).		
BVPI 204:	The Inspector concluded that the proposed dwelling would not cause any harm to the street-scene of Boughmore Road and would therefore preserve the character and appearance of the Conservation Area. This would comply with LP Policies D1 and EN10 as well as LP Strategies 26, 48 and 49.		
Planning Inspectorate Ref:	Yes APP/U1105/W/16/3150512		

Ref:	14/F0640	Appeal Ref:	16/00029/ENFAPP
Appellant:	Mr John Andrew Sheil		
Appeal Site:	41 East Budleigh Road Budleigh Salterton EX9 6EW		
Proposal:	Appeal against the serving of an enforcement notice in respect of an unauthorised raised platform and associated staircase.		
Decision:	Appeal Dismissed	Date:	31.08.2016
Procedure:	Written representations		
Remarks:	Enforcement notice varied and upheld.		
BVPI 204:	No		
Planning Inspectorate Ref:	APP/U1105/C/15/3137732		

Ref: 16/0504/FUL **Appeal Ref:** 16/00045/HH

Appellant: Mr Mark Hannaford
Appeal Site: Tanglewood 3 East Croft New Road Beer Seaton
Proposal: Retention of existing decking (in part) and alteration to upper decking area (amendments to refused planning application 15/2182/FUL)

Decision: **Appeal Allowed (no conditions)** **Date:** 05.09.2016

Procedure: Written representations

Remarks: Officer recommendation to approve, Committee refusal, amenity reasons overruled (EDLP Policy D1).

The Inspector acknowledged that due to the proximity of the appeal site with the adjacent property combined with the minimal boundary treatment and the local topography, there is a degree of overlooking from both rear gardens to the adjacent properties.

He concluded that whilst there would be some views from the decked area into the adjacent garden, this would not be greater than could be reasonably expected in this area where a degree of mutual overlooking would be inevitable.

BVPI 204: **Yes**
Planning Ref: APP/U1105/D/16/3154276
Inspectorate

Ref: 15/2358/LBC **Appeal Ref:** 16/00009/LBCREF

Appellant: Mr P Eastburn
Appeal Site: Bridge Cottage Dalwood Axminster Devon EX13 7EH

Proposal: Installation of 2 no. rooflights

Decision: **Split Decision** **Date:** 06.09.2016

Procedure: Written representations

Remarks: Delegated refusal, appeal allowed in respect of rooflight on western elevation and dismissed in respect of rooflight on east elevation (EDLP Policy EN9).

The Inspector considered that whilst a new roof light in the western roof slope would weaken the design quality of the extension it would not result in the loss of any important historic building fabric. It would also be seen in association with the glazed roof panels and living room windows. This element of the proposals accords with the objective of policy EN9 of the East Devon Local Plan (LP) and national planning policies.

In contrast, the eastern roof slope of the extension is seen in association with the main roof to the cottage. The proposed roof light on this part of the enlarged building would be a fussy addition that would detract from the simple appearance of the main roof to the cottage and be at odds with its pleasing vernacular qualities. This would conflict with LP Policy EN9 and national policies for heritage assets.

BVPI 204: **No**
Planning APP/U1105/Y/16/3144700
Inspectorate
Ref:

Ref: 15/2874/LBC **Appeal Ref:** 16/00036/LBCREF

Appellant: Cycle Service Ltd

Appeal Site: Cycle Services Ltd Old Post Office Vicarage Road
Sidmouth EX10 8TD

Proposal: Non illuminated painted aluminium sign on south elevation.

Decision: **Appeal Allowed (with conditions)** **Date:** 06.09.2016

Procedure: Written representations

Remarks: Delegated refusal, conservation reasons overruled (EDLP Policies EN8 & EN9).

The Inspector considered that the sign would not be unduly large or harmfully obscure or compete with the building's important architectural features. The use of metal, which is a traditional material for signs, would respect the significance of this heritage asset. It is common to see signs on public buildings, especially post offices, and the proposal would not detract from the design qualities of the listed building.

He concluded that the sign accords with the objectives of national and local planning policies that are aimed at safeguarding the heritage interest of listed buildings.

BVPI 204: **No**
Planning APP/U1105/Y/16/3150432
Inspectorate
Ref:

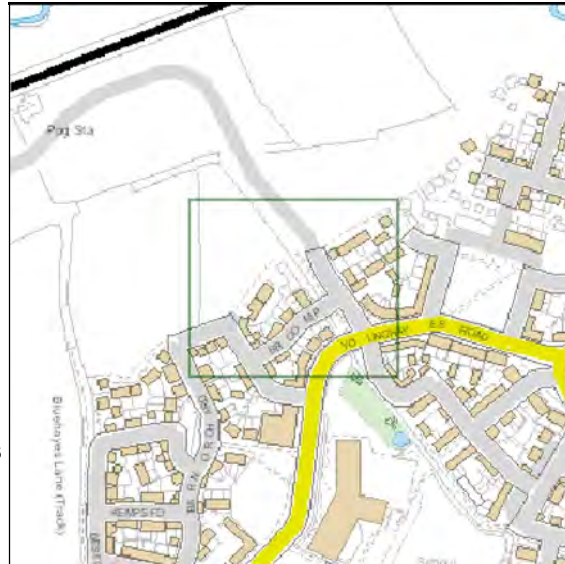
Ward Broadclyst

Reference 16/1701/FUL

Applicant Berry Brook Community Interest Company

Location 7 Long Orchard Cranbrook Exeter Devon EX5 7BA

Proposal Temporary change of use of existing dwelling (Use Class C3) to start-up business facility (Use Class B1) for a period of 3 years.



RECOMMENDATION: Approval with conditions

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		Committee Date: 4th October 2016
Broadclyst (CRANBROOK)	16/1701/FUL	Target Date: 14.09.2016
Applicant:	Berry Brook Community Interest Company	
Location:	7 Long Orchard Cranbrook	
Proposal:	Temporary change of use of existing dwelling (Use Class C3) to start-up business facility (Use Class B1) for a period of 3 years.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the proposal benefits, and is mainly funded by, East Devon District Council

The proposed development is located within the New Community at Cranbrook, as part of the Phase 1 development of 2,900 dwellings (with associated infrastructure) approved in October 2010 (03/P1900).

The application seeks permission for the temporary change of use of the dwelling to form a business use (class B1 offices) for a period of three years.

Despite the temporary loss of this property from residential use, the economic benefits from the provision of the business space outweigh this harm and as such the proposal is supported in principle.

It is considered that the concerns of the neighbouring residents with regard to the parking issues and neighbouring amenity has been addressed within the application by providing alternative parking at the train station car park. It is also expected that the majority of users of Enterprise House will be local residents who will be able to walk or cycle to the property. The degree of separation between the neighboring properties is considered to lessen any harm to an acceptable standard, by which the Local Planning Authority is unable to reasonably refuse this proposal.

Taking into account the policies of the Adopted Local Plan and guidance set out in the NPPF, the Cranbrook Economic Development Strategy and other policy documents, the application is considered to be acceptable and is recommended for approval.

CONSULTATIONS

Local Consultations

Broadclyst - Cllr C Pepper

At this moment I do not have any problems with this application, and welcome the extra work space.

Parish/Town Council

Cranbrook Town Council supports planning application 16/1701/FUL. We are aware of at least one objection to the application by a resident but the Town Council, on balance, feels that the town needs business space urgently.

The Town Council appreciates the concerns expressed in relation to car parking, especially in light of the existing and well-documented car parking problems in Phase 1 (for example, see the Town Council's response to planning application 16/1007/MRES). The Town Council would urge East Devon District Council to establish measures which would result in no increase in on-street car parking.

In order to minimise any disruption to existing residents, the Town Council would also be in favour of stipulating specific access hours in consultation with adjacent residents.

Technical Consultations

Environmental Health

I would hope that the houses have been built to a high enough standard that noise from telephone conversations and normal speech etc cannot be heard from one house to another. On most days I am sure there will only be a few people working there on an individual basis, and of course there will be little or no activity outside of normal working hours; it is during evenings and weekends that other residents tend to be most affected by noise from either active households or commercial premises. We have never received any complaints from any other "managed office" type environments. I daresay that the occasions when there are many people at a meeting will be rare, and they are not likely to be unreasonably noisy because of course they also have the potential to affect other people working in the offices. I cannot anticipate that there will be any unreasonable noise from this proposal and therefore do not have any objection in relation to potential noise impacts. We would of course be able to follow up any future enquiries relating to unreasonable noise within the Environmental Protection team and are confident that any proven issues would be resolvable.

With regard to vehicle issues I would recommend that a condition is included in any rental/leasing agreement for each individual user that they arrive to work on foot or by bike (are there to be bike racks in the rear garden perhaps?). They should direct any visitors to public car parking facilities and be clear to advise that there are no parking facilities on or near the site. Again as these will tend to be individual people working on a self-employed basis I do not anticipate that they will expect many visitors.

Building Control

No comments to make

County Highway Authority

Highways Standing Advice

Other Representations

4 letters of objection have been received and can be summarised as follows:

1. Parking Issues including lack of parking
2. Amenity Impact from noise and parking and activity
3. Pre-determining the consultation process of the Issues and Options report
4. Better suited locations elsewhere

PLANNING HISTORY

03/P1900

Outline Planning Permission was granted for Cranbrook new community on 29th October 2010 as follows: "A new community comprising up to 2,900 residential dwellings: a town centre and a local centre including retail, residential and employment; assembly and leisure uses; non-residential institutions (including two primary schools and one secondary school); sports and recreation facilities; a Country Park; a railway station; landscaping; engineering works, associated infrastructure and car parking for all uses.

A comprehensive legal agreement prepared under Section 106 of the Town and Country Planning Act has been attached to the outline planning permission to ensure key infrastructure that is required to meet the needs of the new community is provided.

11/0053/MRES

11/0053/MRES is the detailed application following the outline, for phase 1 of Cranbrook. This consisted of 6 land parcels split between Taylor Wimpey, Persimmon, and Bovis. The application involved 1120 dwellings and associated strategic infrastructure.

11/1294/MRES

This permission was a re-work of parcel 1 (Taylor Wimpy) and supersedes the 11/0053/MRES details.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 2 (Scale and Distribution of Residential Development)

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 30 (Inward Investment, Communication Links and Local Benefits)

E2 (Employment Generating Development in Built-Up Areas)

EN14 (Control of Pollution)

D1 (Design and Local Distinctiveness)

Strategy 12 (Development at Cranbrook)

Strategy 31 (Future Job and Employment Land Provision)

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 relates to 7 Long Orchard, a two storey property located within the first phase of the new town of Cranbrook (parcel 1). This area has been developed by Taylor Wimpey. The property is a four bedroom detached house which fronts onto Burrough Fields; the main road leading up to the train station. The dwelling is set back from the road enclosed by hedge planting which screens part of the building from the road. The property has a parking space and a garage to the rear which leads to the rear of the property. The front of the property is accessed via a footpath.

Proposed Development

The application seeks permission for the temporary change of use of the dwelling to form a business use (Class B1 offices) for three years. The application states that after the 3 year period has ceased, the building will be put back to its original condition as a dwelling.

Background

The vision for Cranbrook, as set out within the Economic Development Strategy, seeks to develop Cranbrook as an enterprise town.

The Cranbrook Community Survey in 2014 identified shops as the most sought after service that local residents wished to see. There is also evidence of a number of different clubs and societies being set up, including several small businesses. In

addition to this, the age profile for Cranbrook is different from an average town in the UK and has a larger majority of the younger age group (aged between 25-34 years). As a result, there is great opportunity to support smaller enterprises within the town. Whilst the delivery of housing has maintained a steady flow, no employment land has yet been made available and the town centre which will eventually support the local community has not yet been delivered.

It is understood and acknowledged within the Carter Jonas Workshop Demand and Delivery Appraisal 2014, that there is a high level of unmet demand for employment premises across East Devon and in particular in the West End of East Devon. The reason for the demand being concentrated within the West End development area is because of its strong digital and transport connectivity ["where strategic access to existing centres, road, rail and air infrastructure offer an outstanding business environment" (Pg. 22)].

The different types of space should include office (B1) light industrial workspace (B2) and warehousing uses (B8), as they have not been designed within the Science or Sky Park and therefore Cranbrook itself is in a prime position to accommodate the need for such spaces.

Recognising this need, in the interim, the Consortium of house builders have offered EDDC the use of a house for a period of three years in order to provide office space for small businesses. The application states that it is the intention that the consortium will buy the house from the main developer (Taylor Wimpey), who will then lease the property to EDDC, whose intention is to then lease to Berrybrook CIC.

ASSESSMENT

The application relates to the change of use of a dwelling to a business use within a residential area. When determining this application, the main issues to consider are the principle of the change of use, the impacts on residential amenity and highways issues.

Principle of the change of use

The proposal will result in the temporary loss of a residential dwelling for a period of 3 years. However, the proposal will provide much needed business space that is also in accordance with the NPPF and Local Plan policies for Cranbrook, as well as being in accordance with other evidence on the need for employment floorspace in Cranbrook.

The need, and economic and social benefits, from the provision of the employment floorspace outweigh the temporary loss of 1 residential property.

The Impact of the Proposal on Residential Amenity and Character of the Area

It is stated within the submitted documents, that the property is proposed to be used between the hours of 8 am to 8pm Monday to Friday and 8am to 2pm on Saturdays. The property will not be used on Sundays or bank holidays. It is considered that the hours of use could be reasonably conditioned to help restrict any impact in terms of

noise or other disturbance for the adjoining neighbours. The maximum occupancy of the building would be 20 people. However, the application refers to an expected daily amount to be approximately 5 people. There will be 11 office work stations/desks and a small conference room for a further 6 persons.

Environmental Health have considered that on most days there would only be a few people working there on an individual basis, with little or no activity outside of normal working hours; it is during evenings and weekends that other residents tend to be most affected by noise from either active households or commercial premises. The EHO concluded that there would not be any unreasonable noise from the proposal and therefore did not have any objection in relation to potential noise impacts. Any future enquiries relating to unreasonable noise would be dealt with by the Environmental Protection team and they are confident that any proven issues would be resolvable. The property in question is a detached property and as such, the activity associated with the business use, internal noise generated by B1 activity is likely to be unobtrusive due to the degree of separation between the building and the neighbouring properties.

Access into the property would be expected via the main entrance which is an independent access at the front of the property which is sloped. The access at the back of the property through the rear garden is stepped and would be through the kitchen or conference/meeting room. The access to the front is acceptable for all users and is considered to be compliant with Policy D1 of the adopted East Devon Local Plan, as it provides a convenient access for the whole community, including disabled users. The parking space at the rear of the property is allocated as a disabled space. It is considered that this space would not be used frequently and would therefore limit the potential car movements that would impact on the adjoining neighbours. Access for a person using this space would need to be from the front entrance which is sloped and is a level, short walk from the rear parking space.

Discussions have been had with Building Control, who have advised that there are no building regulation requirements to make the building Part M compliant/fully accessible. However, it is expected that proposals should make reasonable physical adjustments in respect of the Equalities Act. It has been noted that the downstairs WC is not suitably sized for wheelchair users at present. The proposals do not include improvements to create an accessible WC on the ground floor as it was considered there was not the physical space to do so and nor would the cost be justifiable for a facility that is only going to be in operation for 3 years.

There will be no external changes to the property in question, only internal alterations to the rooms to allow each room to be used as an office space, and to be fully accessible. The existing layout of the building on both the ground floor and first floor will not change and there are no proposed structural alterations. The internal changes involve power and data connections suitable for office use, fire detection and emergency lighting system, fire extinguisher, blinds, lamp shades, carpets and office furniture. The proposal also involves the closing off of the two en-suite shower rooms on the first floor of the property, Grab rails are also proposed to be installed on the walls in the ground floor to assist ambulant disabled persons.

It is therefore not considered that the proposal would have any adverse impact on neighboring amenity or character of the area.

Highway Safety

The proposal involves the provision of one disabled space to the rear of the property and cycle parking which is to be located within the garage or shed. It is considered that the majority of movements would be via foot or bicycle therefore eliminating the need to use the car and reducing pressure on the local road network.

If clients were to drive, then 6 number parking spaces have been offered for use within the station car park which is less than a 5 minute walk away from the property. An agreement with EDDC will shortly be reached with Devon County Council on this. The parking issues within phase 1 of Cranbrook are acknowledged, and therefore the impact on the highway network is an important consideration when determining an application of this nature.

A condition is proposed to be included by EDDC within the rental/lease agreement for each individual user to arrive to work on foot or on bike. Any users that drive to the building can be directed to the parking facilities provided at the train station car park. This will be managed by Berry Brook CIC or whoever is appointed to run the premises. It is considered that the majority of users will be working on a self-employed basis and therefore it is not anticipated that there will be many visitors.

In any case, the traffic generation will be low and the site is located within walking distance of the neighbourhood centre (214 metres, which equates to less than a 5 minute walk), the local bus stop (150 metres, which equates to approximately a 2 minute walk) and the train station (460 metres, which equates to a 5 minute walk) and is therefore easily accessible by a range of public transport. It is also considered likely that people using this office space would come from within Cranbrook and be able to walk, thus helping to promote and encourage healthy modes of travel in line with the recent Healthy New Town status and not adding to on-street parking.

In light of the above, it is not considered that the proposal would result in any adverse impact on highway safety and a refusal of permission on the basis of any impact upon the amenity of surrounding residents from demand for parking could not be sustained, even without an agreement within the lease.

Comments Received

A number of comments have been received from local residents. Many of the issues raised are addressed in the assessment above, however those that are not are discussed below:

The Council has been made aware that there was an intended purchaser for the property, where the £500 deposit fee had been paid to reserve the plot. However, the purchasers were subsequently told by Taylor Wimpey that they were unable to purchase the property because EDDC were buying it. This caused significant concern and inconvenience to the purchasers. The Council were offered this property in April 2016 on the understanding that it would be bought by the consortium to lease to EDDC. This has been explained to the previous potential

purchasers. It is acknowledged that this has caused considerable inconvenience to the previous potential purchasers; however this remains a separate issue between the individuals and Taylor Wimpey and is not a material planning issue that can be given consideration in this case.

Conclusion

Given the assessment above, and with the safeguards proposed to be imposed by condition on any planning permission granted, it is considered that the proposal would not give rise to the loss of amenity to the neighbouring residents and would not have adverse highway safety implications. Therefore the application is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. 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.)
2. 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).
3. The premises shall not be open for business outside the hours of 08.00 and 20:00 Monday to Friday, 08:00 and 14:00 on Saturdays and any time on Sundays and Bank Holidays.
(Reason - To protect adjoining occupiers from excessive noise in accordance with Policy EN14 (Control of Pollution) of the adopted East Devon Local Plan 2013-2031).
4. No signage shall be installed on any elevation on the premise without obtaining written approval from the Local Planning Authority.

(Reason - To protect the character and appearance of the local area in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)
5. No later than the expiry of three years from the date of this permission, the temporary use of the building and its curtilage for purposes included in Class B1 of the Use Class Order 1987 (as amended) shall cease and the site shall resume as a single residential unit.

(Reason - To ensure that the period of non-residential use of the site is limited to that needed to meet the identified interim commercial need and to enable the occupation of the site in the long term for the purpose for which it was constructed in accordance with Strategies 2 and 12 of the East Devon Local

Plan 2013-2031. The permission is only justified for a limited period because the proposed temporary business use is required to relieve the demand in the short term.)

6. The premises shall be used for B1 office use and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
(Reason - To protect adjoining occupiers from noise, disturbance in accordance with the requirements of Policy EN14 – Control of Pollution 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	20.07.16
16/11/01/01	Existing Floor Plans	20.07.16
16/11/01/02	Proposed Floor Plans	20.07.16

List of Background Papers

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

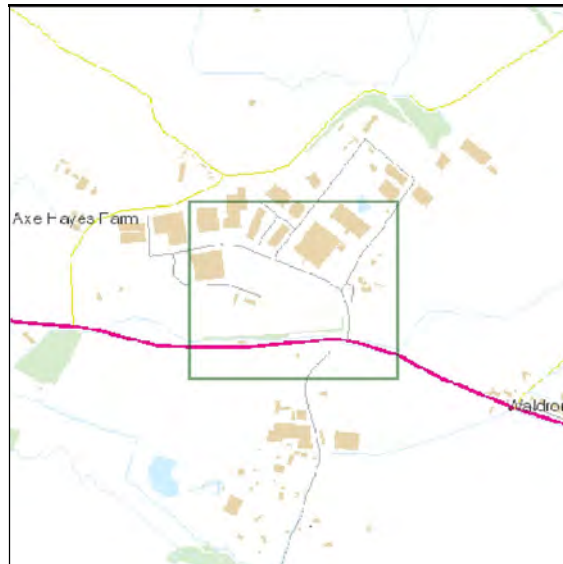
Ward Clyst Valley

Reference 16/1265/MFUL

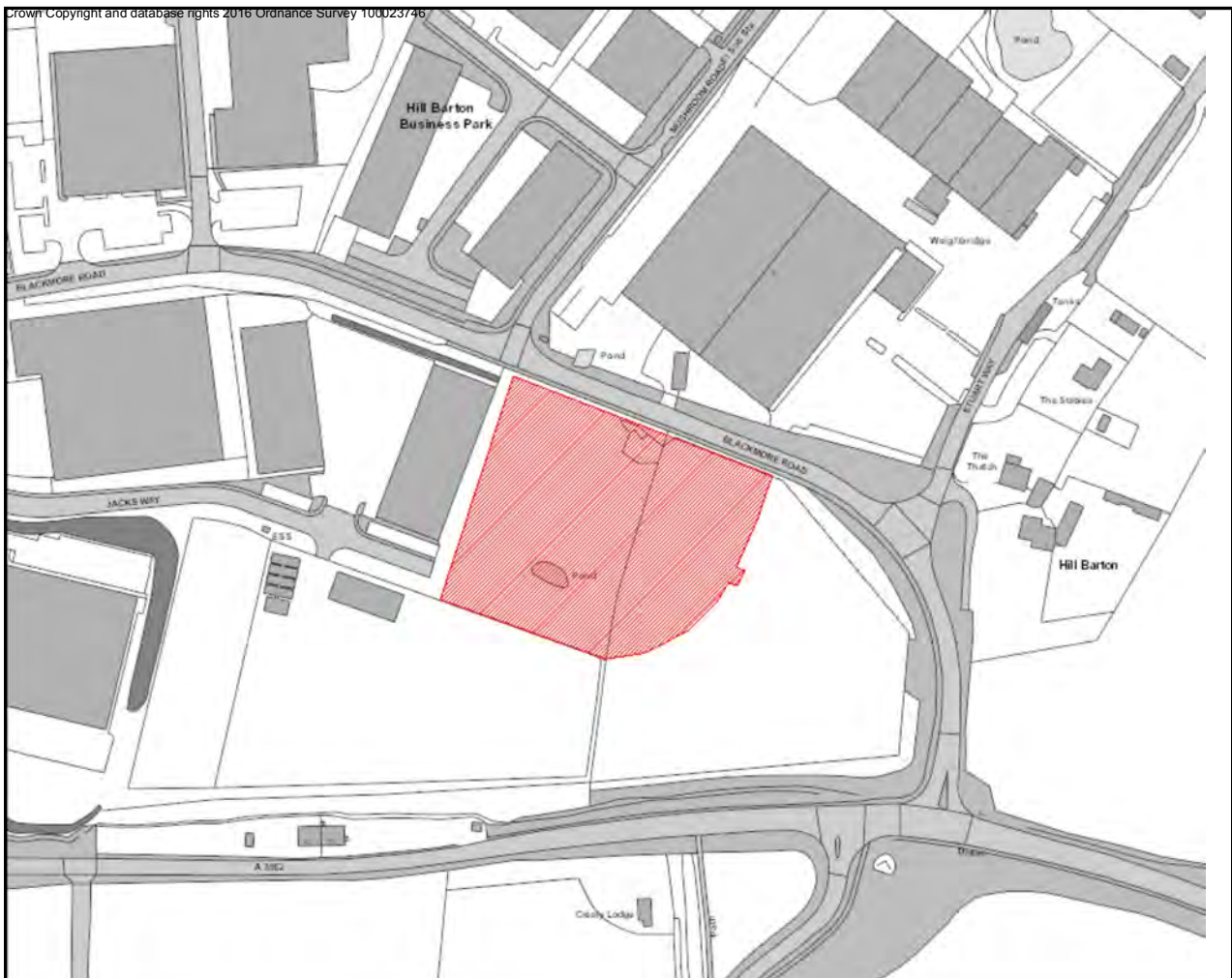
Applicant Stuart Property Holdings Ltd

Location Land Off Blackmore Road Hill Barton Business Park Sidmouth Road Clyst St Mary Exeter EX5 1DR

Proposal Proposed warehouse and office building, car parking, landscaping and new roadway to link Blackmore Road with Jacks Way



RECOMMENDATION: Approval with conditions



		Committee Date: 4 October 2016
Clyst Valley (FARRINGDON)	16/1265/MFUL	Target Date: 27.09.2016
Applicant:	Stuart Property Holdings Ltd	
Location:	Land Off Blackmore Road Hill Barton Business Park	
Proposal:	Proposed warehouse and office building, car parking, landscaping and new roadway to link Blackmore Road with Jacks Way	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

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

The proposal is to provide a new unit comprising a warehouse and office building for storage and distribution. This is proposed on part of the area of land which was subject to the outline consent. Now that the outline consent has lapsed the application falls to be considered under policy E7 (Extensions to Existing Employment Sites) of the East Devon Local Plan. This states that the expansion policies will not apply at Hill Barton and Greendale Business Parks.

In this regard the proposal is considered to be contrary to adopted policy and the application has been advertised as such. Policy E7 states that Hill Barton will have its own separate inset map within the local plan, but at this stage it is unclear whether Hill Barton will have a boundary or where this boundary will go as the DPD has not be finalised or adopted.

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

roads to the east, south and north. The site would be deliverable and supply economic benefits. It is considered that the site, when it benefitted from the outline consent, was included in strategy 1 of the Local plan which included an allocation of 150 hectares of employment. It is not considered the proposal would result in harmful impact to traffic movements; it is not considered the proposal would result in any adverse neighbouring impacts.

On balance and having weighed up the impact of the development it is considered that the development is acceptable and is recommended for approval, subject to conditions.

CONSULTATIONS

Local Consultations

No comments have been received

Technical Consultations

County Highway Authority

The application site is within Hill Barton Business Park. Hill Barton Business Park is an allocated site for employment with in the East Devon District Council's Local Plan 2013 - 2031. Hill Barton Business Park is accessed of the A3052 with a dedicated right turn lane.

The planning application has been supported by a Transport Statement which considers the impact that the proposed development will have on the adjoining highway network. I am satisfied that the impact of the additional traffic generated will have an acceptable impact on the adjoining carriageways as detailed in the Technical Note.

Contaminated Land Officer

I have considered the application which is in close proximity to an active inert landfill site. I do not anticipate any contaminated land issues of concern as this is a commercial development unlikely to be affected by adjacent activities.

Aerodrome Safety

While the CAA has a duty to provide aviation safety advice when requested, it is not a statutory consultee for planning applications (unless its own property is affected).

Environmental Health

I have considered the application and recommend the following conditions which will be reasonable for the intended use whilst being broadly consistent with nearby premises:

1. No machinery shall be operated, no processes carried out and no deliveries accepted or despatched except between the hours of 7am and 7pm Monday to Saturday, and not at all on Sundays or Bank Holidays. Site lighting (other than low level, low height security lighting) shall also only operate within these time periods.
Reason: To protect the amenities of local residents from noise and light pollution.

2. Should any plant be proposed (including ventilation, refrigeration and air conditioning units) or ducting system be used in pursuance of this permission it shall be so installed, retained and operated that noise from the plant measured at the boundary of the nearest residential property shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Service Engineers Environmental Design Guide. Details of any scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the plant.
Reason: To protect the amenity of local residents from noise.

To date a lighting scheme has not been submitted and I recommend that a condition similar to nearby premises is included on any approval requiring the submission of a scheme which will ensure no unacceptable levels of lateral or upwards overspill which might cause light pollution.

Other Representations

At the time of writing this report no third party letters of representation have been received about the planning application.

PLANNING HISTORY

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

from Blackmore Road.
(Renewal of outline planning
permission 09/0282/MOUT)

POLICIES

Government Planning Documents

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

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN14 (Control of Pollution)

EN22 (Surface Run-Off Implications of New Development)

E7 (Extensions to Existing Employment Sites)

Site Location and Description

Hill Barton Business Park is located on the A3052 on the western side of the District within the parishes of Farringdon and Clyst Valley. The main access into the business park, Blackmore Road, is opposite the access drive to Crealy Adventure Park. To the south west of the application site lie residential properties numbers 43 and 44 Sidmouth Road. To the north of Blackmore Lane are a series of modern industrial units which form part of the existing industrial estate. To the east of the site is a small group of dwellings. There is also a caravan park which lies to the rear of a property known as Hillpond to the west corner of the site.

The application site is a corner area surrounded by two sides with existing roadways and a line of existing mature trees on the northern boundary adjacent to Blackmoor Road. The application site forms part of a larger 10 acre site which is subject to a lapsed outline planning consents (09/0282/MOUT and 12/2597/MOUT).

The application site lies within Flood Zone 1.

Proposed Development

This full planning application seeks planning permission for a warehouse and office building with a floor area of 2788m², on site car parking and lorry turning area and a new roadway to link the estate road, Jacks Way, with Blackmoor Road. The application forms state that 2488m² of the floor space will be storage or distribution

(Class B8). The proposed building features a pitched roof, 7m to eaves level with an overall height of 10.5m. Above the brick plinth of the building (450mm in height) the building will be vertically clad with a Merlin Grey colour up to the heads of the ground floor windows. Above the ground floor windows the building will feature horizontal cladding in Silver Metallic (as per adjacent units). The fascias, gutters, doors, windows and a band between the cladding as shown on elevations will be in green to match company colours. The roof of the building is proposed to be clad in grey. A 45m length of the building will feature a rundown overhang roof to protect the lorry unloading area. The eaves height of this section will be 5m. The overall length of the proposed building is 82m with a width of 42m (including the roof overhang).

Part of the ground floor would be allocated to offices and a trade counter. The main ground floor area would be for storage. At the front of the building there would be an area of fenced open storage and the delivery area would also be fenced in Green Weld Mess fencing around 2.4 meters high. The storage area would be 5m high. Lorry turning would be provided at the front within the fenced delivery area. The new lorry access would be 7.5m wide and the car park access 6m wide. An external storage area 5m high is proposed.

The Design and Access Statement that accompanies the planning application states that the proposed building will allow the occupier to expand and guarantee the future of their growing business with further employment on this site for approx. 20 people. The application forms state that 25 full-time employees are proposed.

The floor area of existing units (Kandy Toys, Still UK, unoccupied office) combined with that of the proposed building is 16760m².

ANALYSIS

The main issues in the determination of this application relate to:

- o The principle of the proposed development;
- o Layout & design
- o Highways Impact
- o Impact on Residential Amenity

The principle of the proposed development

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

Development is proposed on part of the area of land which was subject to the outline consent. Now that consent has lapsed the application falls to be considered under policy E7 (Extensions to Existing Employment Sites) of the East Devon Local Plan. This states that the expansion policies will not apply at Hill Barton and Greendale business Parks.

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

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

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

In this respect Policy E7, allows for other employment sites to expand, but does not apply to Hill Barton, and this exclusion from policy does not give Hill Barton a policy presumption in favour of development.

The proposal is considered to be contrary to adopted policy and the application has been advertised as a departure. Policy E7 states that Hill Barton will have its own separate inset map within the local plan, but it is unclear whether Hill Barton will have a boundary or where this boundary will go as the relevant DPD has not be finalised or adopted.

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

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

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

Use

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

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

It is noted that a trade counter is proposed within the building. Given its size and scale, this is considered to be an ancillary element to the building and is acceptable in planning terms on this basis.

Employment benefits

The proposal would provide for approximately 20 people. It is also considered that this site would be deliverable and brought forward within a short time frame and therefore employment benefits would be provided.

Visual impact

Whilst the building would be high at nearly 10.4 metres it is considered that this is comparable with other buildings on the site; the units next door measure around 10.1, Kandy Toys measures around 12.2m and Still UK measures around 11.4m. In terms of the footprint of the building this is also comparable with the other buildings on the site as illustrated on the submitted plans.

The building would be visible, particularly in a westerly direction but there would not be any visual harm given its context within the estate. There would be no where left for Hill Barton to expand in this direction because of the access roads that surround the site and would form a logical infill. The development would be 'inside' the site and would be set back from the A3052 to the south by the Mercedes parking area. The boundary planting on its eastern side shown to be a mix of Hornbeam, field maple, wild cherry ,and alder trees and would help to soften the visual impact.

The proposal includes the provision of external storage which would be for storage up to 5 metres in height. It is considered that given the landscaping around the site and that it would be sited within the site and not to more public viewpoints, that although tall, there would not be any adverse harm. The overall height of the building would be around 10 metres and the storage would be read within this context. The original outline application did have a condition limiting storage to no more than 4 metres and it is considered that the addition of a metre in this location would not be harmful.

Given these considerations it is not considered that the proposal would cause unacceptable visual harm.

Traffic

The Highways Authority is satisfied that the impact of the additional traffic generated will have an acceptable impact on the adjoining carriageways.

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

Conclusion

It is considered that the principle of development is finely balanced.

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

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

The situation is very similar to application 16/0781/FUL for a vehicle storage compound adjoining the site that was approved on the basis that the benefits outweighed the harm from departing from adopted policy. The same arguments and material considerations are considered to apply to the current application.

Other matters are discussed below:

Neighbouring amenity

Given the separation to neighbouring properties it is not considered that there would be any detrimental harm in terms of overbearing impact. The site is within the confines of the estate and residential properties would be located around 130m to the east and 170 m to the south. No representations have been received from neighbouring properties.

The Environmental Health Officer has advised that conditions should be applied relating to operation of machinery and deliveries but as other units of the estate have unrestricted hours, such request is considered to be unreasonable. They have further recommended a condition regarding ventilation of the building and that any details for noise details from any plant, should it be installed.

Aerodrome safety zone

The site is located just within the aerodrome safety zone where consultation with Exeter Airport is mandatory. The airport have raised no safeguarding objections to this development subject to conditions.

Ecology

The application has been accompanied by an ecological survey. The ground now consists of bare earth and hardcore and has been found to be of negligible ecological value with no evidence of protected species.

Lighting and noise

No lighting details have been submitted, but it is considered that this can be appropriately conditioned as part of any approval.

Contaminated land

The application has been considered by the contaminated land officer who has noted that the application which is in close proximity to an active inert landfill site. No contaminated land issues of concern are raised as this is a commercial development unlikely to be affected by adjacent activities.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Prior to first occupation of the industrial units hereby approved, the access, parking areas, cycle store and pedestrian crossing shall be provided in accordance with the details shown on drawing no 1315-09A2Plan revision m. These elements shall thereafter be retained and maintained for their purpose in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
(Reason: To ensure adequate provision of parking and turning within the site in the interests of highway safety in accordance with policies TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan).
4. Prior to first use of any external lighting, full details of any external lighting shall be submitted for the written approval of the Local Planning Authority. The submitted details shall include full details of the design and appearance of the lighting standards and shall include full details of the levels of illumination. The development shall only be carried out in accordance with the approved details and the external lighting of the development shall not subsequently be altered without the prior written approval of the Local Planning Authority.

(Reason – In the interests of the visual amenity and character of the area and to prevent excessive light pollution to residential properties and to comply with the provisions of Policy EN14 (Control of Pollution) of the East Devon Local Plan.)

5. Any lighting of the site external to the building shall only operate between the hours of 7am and 7pm.
(Reason - To control light pollution and to protect the amenity of nearby residents in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no works within Schedule 2 Part 8 Class A for the extension or alteration of the existing buildings, other than work that does not materially affect the external appearance of the buildings, shall be undertaken. (Reason - To protect the visual amenity and character of the area and the surrounding landscape from extensions of an inappropriate design or using inappropriate materials in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan).

7. There shall be no external storage within the site above a height of 5 metres unless otherwise agreed in writing with the Local Planning Authority.
(Reason - In the interests of the visual amenities and character of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

8. Should any plant be proposed (including ventilation, refrigeration and air conditioning units) or ducting system be used in pursuance of this permission it shall be so installed, retained and operated that noise from the plant measured at the boundary of the nearest residential property shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Service Engineers Environmental Design Guide. Details of any scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the plant.
(Reason: To protect the amenities of local residents from noise and light pollution in accordance with policy D1(Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan.)

Plans relating to this application:

	Design and Access Statement	31.05.16
GEOTECHNICAL REPORT	General Correspondence	31.05.16
	Proposed Site Plan	31.05.16

1315 - 09A2PLAN REV M	Proposed Floor Plans	31.05.16
1315 - 10A2PLAN REV I	Layout	31.05.16
1315 - 13A2ELEVS REV G	Proposed Elevation	31.05.16
1315 - 14A2PLAN REV C	Layout	31.05.16
PDL-103 REV B PRELIMINARY	Other Plans	31.05.16
PDL-100 REV BPOTH	Other Plans	15.06.16

List of Background Papers

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

Ward Exmouth Littleham

Reference 16/1022/MOUT

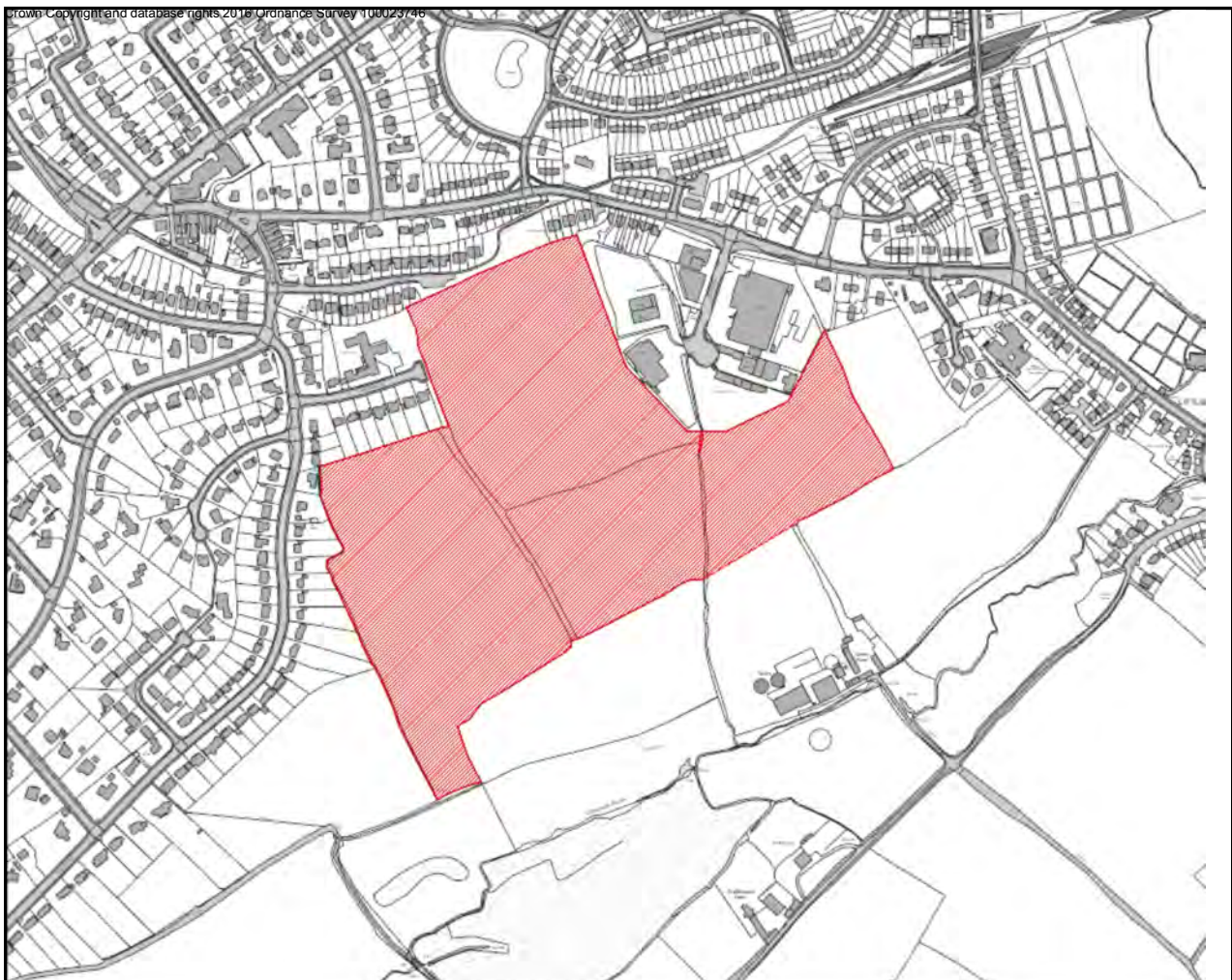
Applicant Littleham 2012 & Taylor Wimpey

Location Land Adjacent To Buckingham Close (Plumb Park) Buckingham Close Exmouth

Proposal Hybrid application for full planning permission for 264 houses and outline planning permission for 86 houses (all matters reserved)



RECOMMENDATION: Approval with conditions



		Committee Date: 4 October 2016
Exmouth Littleham (EXMOUTH)	16/1022/MOUT	Target Date: 29.07.2016
Applicant:	Littleham 2012 & Taylor Wimpey	
Location:	Land Adjacent To Buckingham Close (Plumb Park)	
Proposal:	Hybrid application for full planning permission for 264 houses and outline planning permission for 86 houses (all matters reserved)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

The site known as Plumb Park is located within the built up boundary for Exmouth within the Ward of Littleham, and is currently agricultural land in the countryside including a large mound known as Donkey Hill.

The application is in hybrid form, with an application in outline (all matters reserved) for 86 dwellings in the South East corner of the site, and an application in full for the remainder of the site for 264 dwellings. It proposes the construction of up to 350 dwellings and approximately 5.83ha of green space on a site area of approximately 15.32ha. The application is accompanied by a Masterplan, detailed layouts and elevations for the full application.

Given the sites location within the built up area boundary, the need for housing in the district, lack of significant constraints to development, highly sustainable location of the site, and the lack of an objection from the highway authority it is considered that the principle of development can be supported. The application follows the grant of outline consent on the site for 350 dwellings that expired earlier this year.

A single point of access is proposed off Buckingham Close and County Highways are in agreement with the Transport Assessment submitted with the application and consider access off Buckingham Close to be safe and suitable and that even though some impact upon the local highway network will result, this would not be considered to be severe enough to justify refusal of planning permission.

Matters of flood risk, ecology, archaeology, noise, foul drainage, amenity of surrounding residents and contamination can be adequately addressed through conditions.

The proposal will deliver through a planning obligation 25% affordable housing, upgrading of the local sewer network and safeguarding of areas of open space in addition to the necessary contribution towards the Community Infrastructure Levy.

CONSULTATIONS

Local Consultations

Exmouth Littleham - Cllr M Williamson 16.05.16

I have serious reservations about this application and recommend that it be REFUSED.

1. The proposed location of the affordable housing does not comply with Strategy 34 which requires it to be 'pepper-potted' or dispersed throughout the scheme. This has now been further clarified as an essential requirement by the Planning Inspectorate in relation to planning application 15/1022/MOUT (King Alfred Way, Newton Popleford). In the application under consideration the affordable housing is not dispersed as evidenced in the submitted plans. Indeed the Design and Access Statement states that the affordable homes will be 'clustered in two groups'.

2. The Transport Assessment is deeply flawed:

a). It relies on an outdated assessment by DCC Highways which preceded the approval of a housing development in Pankhurst Close and the enlargement of the Sandy Bay Holiday Park. It remains at variance with the daily experience of commuters at Littleham Cross particularly during the peak hours.

b). The accompanying documentation includes bus and train timetables dated 2011 and 2012! Given that the Local Plan indicates that 44.8% of Exmouth's economically active population commutes out of Exmouth to work of which half commute to Exeter, no evidence has been provided on bus connectivity from Plumb Park to centres of employment (e.g. Exeter and East Devon's Growth Point). The inference has to be that this road-locked site will be heavily car-dependent at variance with the sustainability principles set out in the NPPF.

c). There is an extraordinary statement in the Transport Assessment which actually promotes the use of 'rat runs', tacitly accepting that there are congestion problems at Littleham Cross and motorists are encouraged to use non-traffic light controlled residential roads to avoid this. I quote (8.2.6) 'There are a number of routes that would be available for the residents of the development to travel to and from Buckingham Close. It would be possible to utilise a number of roads in the immediate vicinity of the site to access the wider highway network. Residents would utilise the routes that they find the easiest and most convenient to use'.

d). Para 8.2.5 asserts that 'affordable' dwellings generate less traffic than open market dwellings. This is unevicenced. Workers in affordable dwellings will need to travel to work as will workers in open market dwellings as no employment is to be provided on site.

3. The driving principle underlying the adopted Local Plan is that every new dwelling should be accompanied by one new job. No evidence has been presented in this application showing where 264 new jobs are to be provided.

4. In assessing the Outline Application (13/0297/MOUT) Environmental Health noted the 'considerable impact', 'inconvenience and distress' to the residents of Buckingham Close. It added 'I do not consider this road suitable for construction traffic by way of noise, dust and health and safety'. I have yet to see adequate evidence of how the impact on residents of Buckingham Close is to be mitigated.

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

Further comments 18.08.16:

I remain opposed to this development on environmental grounds and also because the concerns of Environmental Health have not been addressed. I would wish this application to be debated in Committee so that, if necessary, an inspection could take place to assess the environmental impact. I acknowledge that the affordable housing is now pepper potted in accordance with Policy 34 and that Highways continue to raise no objection.

However I reserve my position until all the relevant facts and arguments pertaining to this application are before me.

Further comments 14.09.16:

I wish this application to be debated in Committee. If approved this would have irreversible consequences for The Maer Valley, one of the few green open spaces remaining in Exmouth. It is the most unpopular application I have ever had to deal with in my Ward. The officer's report does not address the Refusal by the Planning Inspectorate of the application for a much smaller development adjacent to this one on Environmental grounds, following an inspection by DMC. The overwhelming evidence from the Exmouth Neighbourhood Plan consultation period is that Exmouth wants to protect The Maer Valley from any further development, to revise the BUAB and to have The Maer Valley designated as protected Green Open Space.

I wish these comments to be included in the Committee report. They represent also the views of my two District colleagues.

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

Exmouth Littleham – Cllr B de Saram 15.09.16

There is a local group forming in the Littleham area with a view to proposing a strategy for the Maer Valley which will protect its natural beauty, preserve and improve its bio-diversity and increase the opportunities for local people and visitors to enjoy it. As its in my Ward I have been asked to lead on this matter. The meeting will take place on Tuesday 11th October-venue to be confirmed. Its linked to the proposed Plumb Park development due to its location.

Parish/Town Council

Meeting 16.05.16

As agreed by EDDC time limit for comments extended to 3 June. Comments from Exmouth Town Council will follow before this date.

Meeting 31.05.16

Objection on the grounds of:-

- That it was contrary to strategy 34 of the Local Plan which required affordable housing to be pepper potted around the site.
- That no Construction and Environment Plan has been submitted in respect of the development on the residents of Buckingham Close.
- That an up to date traffic management plan needed to be redone which took into consideration the approved application for Pankhurst (50 dwellings) and the expansion of Sandy Bay.
- Consideration should be given for a 2nd access to the site.

Meeting 08.08.16

No Objection to amended plans

Technical Consultations

Devon County Council Joint Response

Thank you providing the opportunity to comment on this planning application. This response provides the formal views of Devon County Council in relation to:

Local transport provision
Local education provision (including early years)
Library services
Waste planning
Potential historic environment impacts
Surface water flooding

This response is separated into sections relating to each of the subject areas set out above. As highlighted in previous correspondence, please note further comments will be provided by the County Council as the Highways Authority after the 14th June 2016.

Local transport provision

Walking and cycling

The planning application refers to linking the development to existing walking and cycling infrastructure via Jarvis Close. This cycle route (NCN2) functions as a key route to local schools, including Exmouth Community College and Littleham Primary School. The route also connects to workplaces in Exmouth and Dinan Way and is a popular leisure cycling route connecting Exmouth to Budleigh. However, this section of the cycle route is currently disjointed and inadequate to accommodate increased users and will therefore require upgrading as part of this development. In addition, the cycle and pedestrian crossing across Cranford Avenue will need to be improved to accommodate this development proposal.

In addition to the improvements which are required to existing walking and cycling infrastructure, it is necessary to improve the cycling connections within the development site as follows:

1. Existing footpath through the development site to be upgraded to shared use walking and cycle route, which will mean changing its status and upgrading the path surface and possibly widening the surface to 3mtrs.
2. A high quality cycle route to be created to connect points 21 (Jarvis Close walking and cycle exit and start of the PROW footpath)
3. Connecting point 22 to point 19 with a suitable shared use walking or cycle lane.
4. Children's play areas (both points 22) to include cycle parking (Sheffield stands).

Reference to points 19, 21, 22 above relate to the plan displayed on page 21 of the Design and Access statement submitted as part of this application.

Public transport

In public transport terms the Transport Assessment overstates the availability of bus services in the vicinity of the development. In particular:

Service 7 is a small bus (normally 20 seats) due to the nature of the roads served. It already has occasional capacity problems and would not be able to accommodate additional capacity on all journeys.

Only 2 of the journeys on the 58 service serve Salterton Road in the vicinity of the development. The nearest stop for the other journeys would be Dinan Way, approximately 1.3 km from the development.

Service 95 only operates from Easter to October.

Although not confirmed Stagecoach has indicated that the 98 service is not performing satisfactorily commercially and they will be reviewing it.

Service 99 operates evenings and Sunday only.

Service 357 is also a small bus (normally 25 seats) due to the nature of roads served. Several morning journeys have capacity problems and would not be able to accommodate additional capacity.

In view of the actual availability of bus services in the area, the County Council requests a contribution of £350,000 (£70,000 per year for 5 years) to provide additional capacity. The most likely solution for enhancing capacity is to extend service 95 to operate all year round; however, the County Council may alternatively consider an extension to the 98 service as an appropriate solution. This contribution is necessary to satisfactorily mitigate the impact of this development.

Local education provision (including early years)

An assessment of education requirements directly related to the proposed development has been undertaken using the standard methodology set out in the County Council Education s106 document (available at: <http://www.devon.gov.uk/education-section-106-policy-jan-2013.pdf>). This policy has been used to calculate the number of primary and secondary aged pupils likely to be generated by the development.

The proposed 350 family-type dwellings, will generate an additional 87.5 primary pupils and 52.5 secondary pupils. Existing education facilities in the surrounding area are at capacity and therefore it is necessary for this development to contribute towards extending existing provision in order to accommodate the additional pupils generated as a result of this development.

Our Primary contribution request is £994,131 (based on the current DfE extension rate of £11,361.50 for Devon) and the Secondary education contribution is £957,652 (based on the current DfE extension rate of £18,241 for Devon). These contributions totalling £1,951,783 will be used to provide additional education facilities at local schools for those living in this development. It is anticipated that this contribution would be provided for through CIL.

Library services

The current public library at Exmouth is significantly smaller than the MLA standard (see reference below) and the inflexible design of the building makes it hard to respond to current demand. An increase in the population of the library catchment area will require additional provision to meet the increased need.

The Museum, Library and Archive Council (MLA) Standard Charge approach recommends for libraries a minimum standard space of 25m per 1000 population or 0.025 m² per person. The MLA also sets out that there is a standard cost of £3,514 per m² of additional library provision¹.

The Department for Communities and Local Government publishes data about household size and occupancy. In East Devon the average housing occupancy is 2.2 persons per dwelling.

It is assumed that the occupancy will be the same across the proposed development. Applying the occupancy rate for the District, the 350 dwellings included within the development are likely to be home to 770 people. This will result in the need for approximately 19.25m² of library floor space. Applying standard library costs, the developer contribution towards library facilities provision which is required is £67,645.

This contribution will need to be secured through a s106 agreement. Discussions will need to be held between the County and District Council to align the requirements and delivery of suitable provision to ensure effective use of potential community building and library funds (including developer contributions) to support the relevant services.

Waste Planning

This element of the response is provided in the context of the County Council's role as Waste Planning Authority. Chapter 7 (Relevant Planning Policies) of the Planning Statement submitted with this application fails to acknowledge the Devon Waste Plan as part of the Development Plan under which this application should be assessed. It also fails to address any relevant policies within the Waste Plan. The planning statement also fails to identify National Planning Policy for Waste (NPPW)

as a material consideration, with paragraph 8 of that policy being relevant to this application.

Given that the application fails to acknowledge the Devon Waste Plan as part of the Development Plan, it is unsurprising that the application fails to meet the requirements of Policy W4 of that Plan by not providing a waste audit statement. Such a statement is required to explain:

- a) the sustainable procurement measures that will minimise the generation of waste during the construction process;
- b) the types and quantities of waste that will be generated during the construction phase and the measures to ensure that all waste is managed in accordance with the waste hierarchy; and
- c) the types and quantities of waste that will be generated when the development is occupied and measures for its management, including provision of sufficient segregated storage facilities.

In light of the above, the County Council as the Waste Planning Authority objects to this planning application for failing to meet the requirements of Waste Plan Policy W4. This objection can be overcome through the submission of a waste audit statement in accordance with the guidance outlined in Devon County Council's Waste Management and Infrastructure SPD available at <https://new.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document>.

Historic environment

The supporting information submitted with this planning application includes a Written Scheme of Investigation (prepared by AC Archaeology, document ref: ACD1090/1/1 dated 19th April 2016) that sets out the scope of the archaeological mitigation required for the impact of the development upon any heritage assets with archaeological interest that may be present on the site.

This document is acceptable to the Devon County Council Historic Environment Team (DCCHET), and the DCCHET would advise, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and with paragraph 141 of the National Planning Policy Framework (2012), that the following worded condition was applied to any consent that may be granted by your Authority.

'The development shall take place in accordance with the programme of archaeological work as set out in the Written Scheme of Investigation, prepared by AC Archaeology - document ref: ACD1090/1/1 dated 19th April 2016 that has been submitted to and approved by the Local Planning Authority.'

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

Reason

To ensure, 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.

Surface water flooding

At this stage, the County Council objects 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.

Regarding the full application, insufficient information has been provided with regard to the surface water management for the site. Although drawings 15171-300-B, 15171-301-C and 15171-302-D, indicate the proposed surface water strategy, no detail is provided to support this detailed design. Further information should be supplied to support the surface water management plan, in particular:

- o Calculations of the current surface water runoff from the site together with calculations of the proposed surface water runoff to support compliance with the agreed outline Flood Risk Assessment; Drawing No. 151711-302-D suggests that the current site is draining to three catchments however the derivation of the proposed discharge rates are not provided.

- o Calculations to support the surface water attenuation storage volume required for the site up to the 1 in 100 (+30% allowance for climate change) year rainfall event. Details should also be provided to demonstrate that, unless an area is designed to hold or convey water, flooding within the development must not occur under the following circumstances:

- o On any part of the development for a 1 in 30 year (+30% allowance for climate change) rainfall event;

- o In any part of a building or any utility plant susceptible to water for a 1 in 100 year (+30% allowance for climate change) rainfall event;

- o Flows resulting from events in excess of the 1 in 100 year (+30% allowance for climate change) rainfall event must be managed by exceedance routes which minimise the risk to life and property.

- o Where infiltration is not used, long-term storage must be provided to store the additional volume of runoff caused by the increase in impermeable area (as identified within section 6.3 of the approved FRA), which is in addition to the attenuation storage required to address the greenfield runoff rates. Long-term storage should therefore be included within the surface water drainage management plan to ensure that each element is appropriately sized, and this should discharge at a rate not exceeding 2 litres/second/hectare.

- o Exceedance route plans should be provided to demonstrate that there is no residual risk of property flooding during events in excess of the return period for which the surface water drainage management system is designed;

o Detailed operation and maintenance plan and timetable for the proposed surface water drainage management system over the entire lifetime of the development should be provided.

It appears the current surface water management strategy has been designed in accordance with SWW adoption criteria. However, in accordance with the SuDS Management Train, surface water should be managed at source in the first instance. The applicant will therefore be required to explore the use of above-ground source control features to avoid managing all of the surface water at one concentrated point. A variety of SuDS features should be employed across the whole site and the ponds and below ground storage could form one element of this system. Other additional features could include permeable paving (which could be underdrained), swales, filter strips, or bio-retention areas/raingardens, for example.

The locations of pond together with the ground investigation report suggests that groundwater could be an issue particularly in the eastern catchment therefore it is likely that the ponds will need to be protected against groundwater ingress.

Regarding the outline application, the submitted FRA (dated February 2013) should be amended and updated with regard to the preliminary ground investigation which has been undertaken, which indicates infiltration is not viable at this location.

The updated FRA should provide an outline 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. Appropriate sizing of attenuation features should be identified together with appropriate discharge rates. The application should also consider the use of the SuDS management train within the proposed development, as above, and identify the likely surface water drainage management system for the site.

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/>.

Legal costs and adjustment for inflation

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 s106 agreement which will most likely be required.

The financial contributions requested in this response should be index linked to adjust for inflation on the date of payment, where relevant, in accordance with any increase in Building Cost Information Service (BCIS) all in tender price index.

Devon County Council Flood and Coastal Risk Management Position 26.08.16

Following the additional information regarding the Full Planning permission for 264 houses provided within the revised Drawing No. 15171-302-H - Proposed Drainage Strategy (dated 18/08/2016), revised Drawing No, 156171-303-C - Flood Exceedance Route (dated 18/08/2016) and the inclusion of water butts within the

proposed development we have no further objection to the proposals for the disposal of surface water.

Regarding the outline planning permission for 86 houses, further information has been submitted in the form of Addendum to the approved Flood Risk Assessment (Reference No. 5002-UA004760-WX-R-02) and the submitted TWP Flood Risk Assessment Addendum (dated 20th June 2016). The information provided is acceptable and proposes acceptable discharge rates and volume of attenuation which required in the proposed outline application. The detailed design should be in accordance to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found here:

<https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/>.

Therefore if the Planning Case Officer is minded to grant planning permission for the outline section of the application in this instance, I request that the following pre-commencement planning condition is imposed:

No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan is submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. This detailed permanent surface water drainage management plan will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment (Reference No. 5002-UA004760-WX-R-02, dated February 2013), TWP Flood Risk Assessment Addendum (dated 20th June

2016) and TWP Flood Risk Addendum - Outline Application (Reference JP/15.171, dated 18th August 2016).

Reason: To ensure that surface water from the development is managed in accordance with the principles of sustainable drainage systems.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance

Devon County Highways 19.07.16

I have reviewed the application and in Jeremy Upfield's absence I have discussed it with Brian Hensley, Development Manager, Highways and Transport. The application is substantially similar to the previous hybrid application considered in 2013. There will have been marginal changes to traffic flows as a consequence of permitted development and changes to the economy in the intervening period but given the findings of the Transport Assessment I agree with Mr Upfield's assessment that the application is acceptable in transport terms. I do not consider that any such changes in flows will have shifted the application in to the realms of having a 'severe' impact on the local transport network.

Please attach similar conditions and/or legal agreement elements as per the previous applications.

South West Water 12.05.16

I refer to the above application and attach for your information a S106 Agreement referencing the need for foul drainage improvements drawn up in respect of an

earlier application (13/0297) for this proposal which needs to be applied to the latest and current application.

Further Comments:

I refer to the above and would advise South West water has no further comments to those already given.

Natural England 14.06.16

Planning consultation: Hybrid application for full planning permission for 264 houses

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 in close proximity to the Exe Estuary Special Protection Area (SPA) and Ramsar site¹ and the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and East Devon Heaths Special Protection Area (SPA), which are European wildlife sites. The sites are also notified at the national level as Sites of Special Scientific Interest (SSSIs).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have.

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.

Exe Estuary SPA and Ramsar Site

East Devon Pebblebed Heaths SAC and East Devon Heaths SPA

The application site is approximately 1.1km from the Exe Estuary Special Protection Area (SPA) and Ramsar Site and approximately 2.5km from the East Devon Pebblebed Heaths SAC and East Devon Heaths SPA. This is within the 10km zone within which impacts of residential development on the aforementioned sites could reasonably be expected to arise in the absence of appropriate mitigation.

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 that Natural England is a statutory consultee at the Appropriate Assessment stage of the Habitats Regulations Assessment process.

We therefore recommend you secure confirmation of the following to assist you in reaching a positive conclusion to your Habitats Regulations Assessment:

1. From the information available, it appears that the applicant proposes to offer land within the development boundary to provide Suitable Alternative Natural Greenspace (SANGS). This needs to conform with the South East Devon European Sites Mitigation Strategy (SEDESMS) and the Joint Approach of your authority, Teignbridge and Exeter to implementing that strategy. Natural England has previously advised the applicant that, in our view, based on the SANGS criteria established for Thames Basin Heaths and recent (unpublished) research, this 'on-

site' land would not, alone, provide a SANGS of sufficient size or quality to be effective. This is primarily because it is small and almost completely surrounded by housing. Research from monitoring of existing SANGS suggests that a minimum area of 8-10ha is required to be effective as a stand-alone SANGS, particularly in meeting the criteria for length and variety of walking routes available. We therefore consider that it will be necessary to include additional land linking to the proposed core area of open space within the development for it to be acceptable. For example, the land included in the application as outline for the additional 86 houses could work alongside the existing open space to create a larger SANG with better linkages to the wider countryside.

2. For any SANGS which is to be delivered as part of the mitigation package, whether by the applicant or your Authority, the site must be identified and confirmed as suitable and

deliverable prior to granting of permission.

3. A condition must be included on the permission preventing occupancy of any dwellings until an appropriate quantum of SANGS has been provided and an appropriate financial contribution to on-site mitigation measures (i.e. a Grampian Condition).

The suggested SANGS circular walk is very convoluted, another indication of the small size and detached nature of the areas proposed.

We welcome the proposals to provide for an overall net biodiversity gain. The measures contained in the Ecology Mitigation and Enhancement Plan (and associated documents); SANGS Compliance Plan and Curlew Management Plan need to be assessed by the Authority. We are also pleased to see the changes to site plan which open up space and make linkages between the main 'hill top park' south into open countryside.

SITES OF SPECIAL SCIENTIFIC INTEREST (SSSIs)

Providing appropriate mitigation is secured to avoid impacts upon the European sites occurring there should be no additional impacts upon the SSSI interest features of the Exe Estuary and East Devon Pebblebed Heaths.

PROTECTED LANDSCAPES

The proposed development is for a site approximately 300m from the boundary of a nationally designated landscape, namely the East Devon Area of Outstanding Natural Beauty (AONB). Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained in Appendix 1.

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.

OTHER ADVICE

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- o local sites (biodiversity and geodiversity)
- o local landscape character
- o local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

SSSI 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.

APPENDIX 1: Protected Landscapes - Policy and Statutory Framework

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the East Devon AONB Partnership. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the

planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Contaminated Land Officer 26.05.16

I have considered the application and the report prepared by Geoconsulting Engineering Ltd dated March 2015. The writer notes an infilled Marl Pit, the contents of which were evaluated. It appears that the infill material was inert but there are elevated levels of CO₂ in this area and I recommend that further investigation is required in order to satisfy the Contaminated Land Officer that this area is suitable as it is for housing. I also note that there is an area of "difficult ground" in the East of the site - near to the scrapyards. Again elevated levels of CO₂ are noted and further comment is needed in order to confirm that this is also suitable ground on which housing should be constructed. In the event that this application is recommended for approval without this further information, I recommend the following condition is included:

Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated.

Environmental Health 26.05.16

The comments of Environmental Health at outline stage were:

I have considered the proposal and have the following initial comments:

1. I note that access to the site is proposed via the residential roads leading to and including Buckingham Close. This will cause considerable impact on the residents in this area and a similar situation in Dukes Way Axminster caused no end of impact, inconvenience and distress to residents. I do not consider this road suitable for construction traffic by way of noise, dust and health and safety. A better and more considerate solution should be proposed for such a major development which does not impact on existing residents.

2. I note that there has been no Environmental Statement and no consideration of construction site impacts. I consider that both should be prepared and submitted at this stage in order that more detailed comments can be made if necessary.

A summary of what is required which can be forwarded to the applicant is as follows:

Prior to determination of the application the applicant must provide an Environmental Statement to the satisfaction of the Local Planning Authority detailing the way in which environmental impacts will be addressed and incorporated into the design, layout and management of the site. The Statement shall consider the impacts of noise (including low frequency noise), traffic and light on the local environment, and the way in which these impacts will be mitigated. The Statement shall also include details of the foul and surface water drainage systems, and arrangements for the prevention of pollution of any nearby watercourse.

Reason: To protect the amenity of local residents and to ensure compliance with Local Plan policy EN15.

and:

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

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

Updated comments:

I note also that the applicant has not considered the potential impact of noise from the adjacent industrial estate on new residents. Some of the development in the north east area of the site is adjacent to an operating scrapyards. We know these uses to be potentially extremely noisy and with the potential to cause localised odour from exhaust pollution and the like. Residents in other authorities have been severely affected by noise from scrapyards, which are often inherently noisy operations, and it would be unreasonable to expect the scrapyards to finance any noise mitigation. I recommend that a noise and air quality survey is carried out to specifically consider the potential impacts of this industrial estate on new residents, and to recommend effective mitigation. Elsewhere in the country officers have recommended a considerable separation distance between scrapyards and residential premises, together with substantial boundary noise barriers.

I have not seen a full Environmental Statement which clearly addresses all the points previously raised about access impacts, transport, lighting, construction noise etc. A brief noise report has been submitted which confirms our original concern that the

adjacent scrapyards is significantly audible, particularly at the eastern end of the site. The consultant noted 134 loud impulsive noise events in 1 hour which were clearly audible on site. He concludes that noise from the scrapyards would have a significant adverse effect. He suggests a timber fence boundary but provides no details of the construction or mitigation properties of this fence. In our experience ordinary timber fences have little impact on impulsive tonal noises. He suggests that a bund might also be required but again provides no details. We consider this noise report to be unacceptable as, although the data confirms our predictions that the adjacent scrapyards is significantly noisy, he does not satisfy our requirement to specify mitigation that will be effective.

In our view the application should not be determined until these noise concerns are adequately addressed, if this is possible. We would recommend increasing the separation distance between the scrapyards and the closest housing, perhaps by incorporating green space in this area, and the provision of a properly designed bund and acoustic boundary fence, located as close to the scrapyards as possible. We recommend that the conditions relating to the ES and CEMP are retained if in the future approval is recommended.

Housing Strategy Officer Paul Lowe 10.06.16

This application is seeking full planning permission for 264 houses and outline planning permission for 86 houses.

In accordance with strategy 34 of the new Local Plan we will be seeking 25% affordable housing on this site. For the full application area this will amount to 66 units and for the outline area, 21.5 units.

The applicants are proposing to provide 66 units for the full application area, 47% (31 units) 2 bedroom apartments, 27% (18 units) 2 bedroom houses and 26% (17 units) 3 bedroom houses. This mix does not reflect the housing need for East Devon. To meet the identified need and to create a balanced and sustainable community we would prefer to see 30% 1 bed flats and houses, 53% 2 bedroom houses and flats, 10% 3 bedroom houses, 4% 4 bedroom houses together with 3% of properties suitable for disabled use.

The affordable housing should be dispersed throughout the scheme and not concentrated in one area. There is a large concentration of affordable units in the northern part of the site which will be phase 1 of the development. In subsequent phases, phase 2 will only provide 3 units of affordable housing and phase 3 will provide 8 units.

We expect to see a tenure mix of 70/30% in favour of rented accommodation, the remaining as shared ownership or similar affordable housing product as defined in the National Planning Policy Framework document or relevant policy at that time. We have not been provided with details of the tenure split for the proposed affordable units and would like to see a tenure breakdown.

We expect all the affordable homes to be constructed to the relevant local and national standards at the time of completing a Section 106 Agreement.

Once completed the affordable homes should be transferred to and managed by a preferred Registered Provider. In accordance with strategy 36, all affordable homes should be constructed to Building Regulations M4 (2) or the relevant standards at the time of determination (or any comparable updated nationally set standards) unless viability evidence indicates it is not possible.

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 Exmouth, then cascading to the district.

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.

Other Representations

A total of 20 representations have been received against the application. 19 of these are objections and raise the following issues:

- Inadequate junction at Littleham Cross
- Lack of pepperpotting
- Single access from Buckingham Close
- Housing is too close to the industrial estate
- Housing exceeds two storeys
- Area cannot cope with additional traffic
- Specific issues raised against the close proximity of houses to existing properties
- Development should wait until the neighbourhood plan
- Loss of agricultural land
- High density development
- Rat running through neighbouring streets
- Impact on local infrastructure
- Sewage treatment works cannot cope
- Design will be dull and uniform
- Loss in affordable housing
- Loss of fields enjoyed by generations

One letter of support has been received which states that the additional housing will help secure the future of the primary school.

Additional objections have been received to the revised plans, acknowledging that the change of two plots to bungalows is an improvement, but this does not overcome concerns regarding overlooking.

PLANNING HISTORY

13/0297/MOUT – Development of 350 houses (outline, all matters reserved except access) – Permission granted 2014 and now expired.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 2 (Scale and Distribution of Residential Development)

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5 (Environment)

Strategy 7 (Development in the Countryside)

Strategy 22 (Development at Exmouth)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 43 (Open Space Standards)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN21 (River and Coastal Flooding)

EN13 (Development on High Quality Agricultural Land)

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

RC2 (New Open Space, Sports Facilities and Parks)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

ANALYSIS

Site Location and Description

The site is located on land south of Littleham, within the built up area boundary of Exmouth. It lies between the residential roads of Jarvis Close, Buckingham Close, Douglas Avenue and the Pankhurst Industrial Estate accessed from Littleham Road.

The site is currently Greenfield agricultural land in the open countryside as defined by the East Devon Local Plan. It is not in any particular designation but land to the south east around 300 metres away is land designated as Area of Outstanding Natural Beauty (AONB). The area to the west of the site is known as 'The Avenues' area of Exmouth. A public right of way runs through the site, splits into two and then runs between Littleham and Douglas Avenue. Between the footpath and the AONB is Prattshayes Farm where there is a flood zone 2 and 3.

Part of the north easterly corner of the site rises to a large mound which is known locally as 'Donkey Hill'.

Exmouth town centre is located approximately 2km to the south-west of the site, with Littleham village centre around 0.6km to the east. To the north-west around 200m away are a parade of shops.

Access to the proposal is taken off Buckingham Close to the west of the site which leads from Douglas Avenue.

Relevant Planning History

Permission was granted in 2013 for outline consent for 350 homes. The permission granted access as a reserved matter. Indicative layouts and a Masterplan were submitted with the scheme. This consent expired earlier this year.

Proposed Development

The application has been submitted as a 'hybrid' comprising 264 dwellings to be considered in full, and 86 dwellings to be considered in outline. All access and landscaping details are to be determined and the application also gives details of a community orchard, open space and drainage features. Overall there are 5.83 ha of green space over a site area of 15.32 ha.

A single point of access into the site is proposed off the end of Buckingham Close, leading into the northern part of the site, linking to a primary loop which follows the contours around the open space on Donkey Hill. Further residential streets extend from this loop to provide access to the south-western and south-eastern parts of the site.

The scheme has been designed with the landscape and public realm at the centre of the proposal, with the layout shaped around the existing landscape features such as Donkey Hill, topography, hedges, trees, existing ecology and existing paths.

The scheme would involve a mixture of detached, semi-detached and terraced housing, and flats. 25% of which would be affordable. A broad range of house types and styles would be provided, to include 1 and 2 bedroom apartments and town houses, 3 bedroom terraced house and 4/5 bedroom 'villas' and detached family homes. Two of the plots are now proposed as bungalows, in response to concerns from residents and officers.

The height of the dwellings would be mainly 2 storeys, with a range of designs. The development would comprise a carefully chosen palette of materials using the locally distinctive architecture and landscaping of the nearby Avenues area of Exmouth as a clear reference point for architectural features and materials. As such they are largely a mix of brick or rough cast render with clay tile roof finishes.

Pedestrian routes are located alongside roads and laid out through the open space within the centre of the development, connecting with the road network where appropriate. Connections to the existing built-up area have been located at Buckingham Close and Jarvis Close. Footpaths also connect with existing public rights of way, linking the south-west corner of the site with Douglas Avenue and the southern part with Green Farm.

Within the site cycle routes have been located to run on the street network, connecting all areas of the development with the existing national cycle route to the north and providing opportunities for cycle access into Exmouth and along the leisure routes to the east.

The layout includes generous parkland open space within and around the buildings, with a high quality landscape setting throughout, shaped around existing features such as Donkey Hill, existing mature trees, hedges and landforms. A new park would be at the centre of the scheme based around Donkey Hill with a copse and informal viewpoint at the summit. To the south of the hill a gap has been maintained as open grassland to link to the wider landscape. Allotments and community orchards have been included to provide a rural edge to southern boundary.

The proposed layout closely follows the Masterplan layout approved as part of the 2013 outline application.

Issues and Assessment

The main issues to consider in determining this application are in terms of the principle of the development; access and highway safety; layout and appearance of dwellings; relationship with existing development; landscape impact; impact upon ecology; impact upon local amenity; flood risk and drainage; archaeology and contamination.

Principle of Development

An assessment as to the acceptability (or otherwise) of the principle of development in this case turns on consideration of the current planning policy context at both

national and local levels and the weight that may be attributed to this in the overall balancing of considerations that are material to determination of the proposal.

The application site is within the 'Built Up Area Boundary' of Exmouth as defined in the current Local Plan (2013-2031). Provision for 350 homes had been included within the calculations for 'Strategy 2' on the Local Plan which defines a total of 1,229 homes within the Built-up Area Boundary of the town on the basis of the 2013 outline consent. Because of this consent the Local Plan Inspector removed the site as an allocation in the Local Plan with the BUAB extended to include the site to reflect the consent and principle for 350 dwellings on the site. This is different to an adjoining site to the south that was refused with an appeal dismissed earlier this year which was outside of the BUAB.

The most recent Annual Monitoring Report includes the site within 'Appendix 1' as a list of completions and projections. The figure is included within the supply element expected to deliver before 2020. The principle of 350 dwellings in this location is therefore established.

The site is also itself largely free of any significant material constraints. It is not within an area that is the subject of any landscape designations, nor is it recognised for its nature conservation value.

Part of the site is located on grade 3 agricultural land, but much of the site, estimated at around 2/3rds is located on grade 1 agricultural land (the best and most versatile quality farmland (BMV)). Under the Local Plan policy EN13 non agricultural development is only permitted on BMV where there is an over-riding need for the development in that location which outweighs the need to protect such land. However, it is considered that the inclusion of the land within the BUAB, the 2013 outline consent and Local Plan Inspectors support for the site are material considerations; provision of this land for residential development is important in delivering the Council's objectives of providing sufficient homes, whilst safeguarding the more rural areas from development. A refusal of permission on the grounds of loss of agricultural land would therefore be very difficult to justify.

The agents' submissions also point to a number of other factors that are considered to weigh in favour of the case in support of the principle of the development having regard to the three main dimensions of sustainable development as defined in the Framework.

The affordable housing offer of 25% (88 dwellings) provided within the scheme, represents a clear benefit to which weight should be attached in the balance of considerations and one of the three key dimensions to sustainable development. It would provide a development that will meet the needs of the community through a balance of affordable and open market housing within a sustainable location. Secondly, this site has been identified within the Local Plan would represent a substantial investment in social and community facilities and a public park. 25% affordable housing provision is in accordance with adopted local plan policy.

It is thought that all of these factors overall weigh significantly in favour of the release of the site and the principle of the proposed development, notwithstanding the

location of the site on existing BMV land. Notwithstanding the landscape impact which will be discussed later in the report it would secure the wider objective of securing sustainable development, whilst providing for additional housing, including affordable housing, consistent with the social objectives that also partly underpin the sustainable development definition set out in the Framework. Moreover, there are economic benefits derived from the development in the form of the provision of land of the right type in the right location to support growth that are thought to fulfill the economic role of the planning system and comply with the third dimension of sustainable development.

Affordable Housing

The affordable housing is located in 12 separate blocks. The majority of these blocks are located closer to the Buckingham Close entrance, in order to enable these units to be occupied as early as possible within the scheme. None of the blocks of affordable housing exceed 15 in number. The affordable housing is a mixture of units, being flats, and houses. It is considered that the units are adequately 'pepper-potted' throughout the site and that the proposal conforms to Strategy 34 of the Local Plan.

The Housing Officer has commented on the need for a greater percentage of 1 and 2-bed affordable units but this represents approximately 60% of the affordable units. Following further discussions with the Housing Officer they confirmed that whilst they would ideally like to see even more 1 and 2-bed units, the proposal is acceptable and supported as submitted.

Access and Highway Considerations

There is concern in the proposal to access the entire 350 houses off the end of the Buckingham Close cul-de-sac. The existing turning head at the end of the Close would be extended eastwards into this part of the site, before looping around the central hill feature and providing access to the housing around the perimeter of the site and along its southern and western sides.

Objectors consider that Buckingham Close is inappropriate as the sole point of access into the site and that its present low key cul-de-sac status serving only a limited amount of housing and the currently vacant Davey Court, its junction with Douglas Avenue and the surrounding road network are all incapable of accommodating the quantity of traffic movements that would be associated with a development of this scale. Particular references have been made to the inadequacy of the Littleham Cross junction to cope with such an increase in traffic movements.

In response to the request to consider the highway implications of the proposed development the County Highway Authority has no objection to the development but recommends the imposition of suitable highway related conditions in the event that the planning authority is minded to grant planning permission. These conditions are incorporated into the recommendation and on the basis of the lack of objection from County Highways, a refusal of planning permission on the grounds of the access or highways impact would not be sustainable.

The access arrangement is identical to that proposed and approved as part of the 2013 outline planning application and County Highways have considered the application and do not consider that there have been any material changes in circumstance since 2013 to change their recommendation or to justify refusal of permission. Whilst Littleham Cross in particular is busy at times, there are a number of alternative routes via Douglas Avenue that enable the site to be accessed that avoid the need to use Littleham Cross. It was this argument that partly led to support of the application on highway grounds in 2013.

Landscape Impact

The supporting information indicates that the Masterplan for development of the site has been designed with the landscape and public realm at its heart, creating and shaping the layout of the development. In this respect the landscape environment of the development itself, shaped around existing features, would contribute towards achieving a high quality housing development.

A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application; this was originally submitted with the 2013 application and therefore contains many out-of-date policies and descriptions. The LVIA includes reference to the applicants intention to carry out 'off-site' mitigation in a number of arrears of land within their control, in order that the wider visual impacts could be further reduced from surrounding viewpoints and from areas used by the public, such as Prattshayes Farm camping site, described in the Assessment as 'receptor groups'. In detail that off-site mitigation would include:

- Enhancement of the existing hedgebanks to the south of the development through the incorporation of standard trees and infilling of gaps with appropriate native deciduous and evergreen species.
- The addition of a woodland belt running along the southern boundary from the orchard and attenuation pond, east towards the existing right of way which runs north-south through the site. This has been designed to mitigate visual impacts from Prattshayes Farm whilst retaining mid-distance views north. The proposals within this area include the incorporation of semi mature trees to provide instant visual mitigation from completion of the development.
- Off site hedge planting to the north of Green Farm linking two existing hedgerows and providing significant screening in public viewpoints at this location.

However, the following concerns are raised in respect of this application compared to the 2013 approval as originally submitted:

- The LVIA is based on out-of-date guidance
- It fails to acknowledge that over 1/3 of the site is Grade 1 Agricultural land
- It refers to information submitted in the 2013 application, which has since been superseded
- The hedgerow which crosses the site, is now backed on to by private gardens. This raises issues with the management of the hedgerows, and would allow the lopping and removal of hedgerows to be undertaken without recourse to the Hedgerow

Regulations. The hedgerows should therefore be maintained as part of the overall management strategy of the site.

- There is a reduced quantum of public open space from the previous application
- The allotment and community orchard are located behind private properties

There are also concerns regarding the planting scheme proposed and some recommendations on changes to species.

However, whilst there are these changes from the 2013 application, amended plans have been submitted which address a number of these concerns that now result in an acceptable landscape impact and layout subject to conditions.

In terms of the landscape impact, the proposal will now be similar to the 2013 outline consent and given that the site is within the BUAB, these matters have been satisfactorily addressed and result in an acceptable landscape impact.

Ecology

The application site lies within 1.1 km of the Exe Estuary Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site) and 2.9km of Dawlish Warren Special Area of Conservation (SAC). It is also within 2.5 km of the East Devon Pebblebed Heaths SAC/SSSI, and East Devon Heaths SPA.

An Appropriate Assessment has been produced for the applicant as the project is not directly connected with, or necessary to, the management of a European site. Subsequently, the Appropriate Assessment has been reviewed by an additional independent Ecologist.

This Appropriate Assessment has been adopted by the Local Planning Authority.

The Appropriate Assessment details the mitigation required to ensure that the proposal will be unlikely to have a significant effect on the interest or features for which the Exe Estuary SPA and East Devon Pebblebed Heaths SAC/East Devon Heaths SPA have been classified, in combination with other residential development around the site. The mitigation is as follows:

- On-site mitigation of 6.53ha protected and managed in perpetuity through a legally binding agreement to deliver long-term informal public recreation and benefits for wildlife;
- Off-site natural greenspace of 1.5ha;
- A management plan for the establishment and long-term management of the area which sets out how the new and enhanced habitats and public access will be created and managed into the future;
- Curlew/winter stubbles management strategy. The wintering Curlew population in this area is part of SPA population and as such the area can be considered as supporting habitat for that SPA feature. Natural England therefore agree with the

findings of the submitted Ecological Mitigation and Enhancement Plan that the proposal to mitigate the impacts resulting from the loss of rotational winter stubbles and ploughed land through development of a curlew and winter stubble management strategy should be secured. Further assurances will need to be secured to ensure the deliverability of such a proposal. There should be no new public access/increased disturbance to areas included within this proposed curlew management strategy as a result of any off-site SANGS provision.

With regard to protected species present on the site, the application is supported by an Ecological Survey and accompanying Ecological Mitigation and Enhancement Plan. The later of these documents identifies a number of mitigation measures required to avoid impacts on the bat and badger populations on site, e.g. the outline lighting plan in Annex 4 and the badger refuge/buffer zone. These measures will need to be secured through conditions at this stage to enable the detail to be implemented at reserve matters stage. This approach has been suggested and agreed with Natural England.

Subject to the mitigation identified through the Appropriate Assessment, and securing of the mitigation within the Ecological Mitigation and Enhancement Plan, the proposal will have an acceptable impact upon ecology and the estuary.

In addition to the above on-site requirements, the proposal will be subject to CIL of which a proportion will be top sliced towards Habitat Mitigation to satisfy the Habitat Regulations.

Impact upon local amenity

The site is bordered on its northern and western sides by the gardens of houses in Jarvis Close, Buckingham Close and Douglas Avenue. As a result there will be a loss of many of the views enjoyed by existing residents of fields and open areas. However, the planning authority has to consider whether such amenity is adversely affected by such development and the loss of view does not weigh heavily in the consideration of loss of amenity.

Concerns were raised by residents to the original plans, which showed a number of new properties being constructed close to the boundary. As a response to this, revised plans have been submitted which show bungalows in place of houses for Plots 200 and 210. In addition, sections have been submitted which detail the impact that Plot 210 in particular will have on existing properties. These sections show that the new plot is at a higher level than existing properties on Douglas Avenue, and that the bungalow will be 500mm higher than these properties.

It is considered that this amendment ameliorates any adverse impact on properties in Douglas Avenue; furthermore distances between boundaries are sufficient to protect properties from adverse overlooking from the new properties.

Many of the objectors have pointed to the potential disruption arising from works and associated traffic using Buckingham Close whilst the development is under construction. That concern is shared by the Council's Environmental Health Officer who considers that an Environmental Statement and Construction and Environment

Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site. It is considered that these requirements could and should be dealt with by way of detailed conditions imposed upon any permission. Such conditions are set out in the recommendation.

The eastern and southern part of the application site wraps around the industrial development centred on Pankhurst Close, and the Masterplan layout indicates that there will be new houses close to the noise generating commercial uses around the Close. This potentially un-neighbourly relationship between new houses and industrial activities was identified by the Environmental Health Officer. However, it is now understood that the scrapyards are no longer in operation, and therefore it is likely that noise from this site will be limited. In any case, to address noise matters should the scrap yard become operational again, a noise attenuation fence/bund is proposed on this boundary at the rear of the new properties to ensure a suitable relationship which is not too dissimilar to the relationship previously granted outline consent.

Substantial tree and shrub planting has also been planned for the boundaries to the industrial estate to provide a visual barrier. A mature and tall tree belt already exists and this will be supplemented with additional tree planting to infill any gaps. All of this new boundary tree planting will also help to improve the general visual appearance when looking into the site from the coastal footpath for example.

Flood Risk and Foul Drainage

Whilst the site is located within flood zone 1 and is not therefore itself likely to be vulnerable to flooding from rivers and streams, owing to the fact that the site area exceeds 1 ha, the application is accompanied by a flood risk assessment that incorporates a proposed sustainable strategy for surface water drainage.

The FRA identifies a range of available techniques and construction materials that encourage infiltration drainage which include:

- Porous paving- allowing runoff to infiltrate through gaps between surfacing blocks
- Drainage blankets- large shallow excavations backfilled with coarse stone which provide storage and encourage infiltration.
- Swales- shallow, linear, grassed depressions that collect runoff which can discharge into the ground via infiltration.

Devon County Council Flood Management raised concerns in relation to the exceedance rates shown, and that those along the eastern portion of the site has the potential to affect adjacent properties; and therefore requested further information on this basis.

This information has not been provided and is acceptable and proposes acceptable discharge rates and volume of attenuation and Devon County Flood Management have withdrawn their previous objection.

Foul drainage would be discharged to the existing public sewer system. South West Water have advised that they have no objection to the proposed development

subject to an appropriate planning condition or Section 106 planning obligation terms in respect of the public sewerage network improvements which would be required to support the development.

South West Water has carried out a high level review of the public foul sewer network and have advised that it is unlikely to have sufficient capacity to serve the proposal without causing the public sewer network to surcharge, with resultant flooding. It is understood that this has been made known to the applicant/their consultants previously, together with the fact that the sewer network would require detailed investigations to establish the level and cost of improvements which may be necessary to accommodate the foul flows generated by their particular development.

South West Water have advised that should the Council be minded to approve the planning application, a suitable planning obligation within the S106 agreement would need to be imposed (e.g. requiring no development to proceed on site until such time as a detailed sewerage evaluation, as noted above, has been completed and funding provided for improvements identified as necessary. It would be essential that no building shall be occupied, and no connection to the public sewerage system take place, until all improvements to the public sewerage network, rendered necessary by the development, have been completed to the satisfaction of the Local Planning Authority.

Archaeology

The application has been considered by Devon County Council's Historic Environment Service and assessed in terms of its potential archaeological impact. The archaeologist has advised that the area under consideration lies in an area of archaeological potential and occupies a prominent location in the landscape. The 19th century field name for the field containing the highest part of the site was 'slagbury', the '-bury' element is derived from the Old English word beorg or burh and can indicate the prehistoric activity in the vicinity. Alternatively it may refer to the natural mound in this part of the site, though given the prominence of this mound in the landscape it may have acted as a focus for early human activity in the area. Prehistoric activity in this area is hinted at by a findspot of a flint tool in the valley floor to the south of the proposed development site but other than a SWW water main laid across the site in the early 1990s, little in the way of archaeological work has been undertaken in this area. Groundworks for the construction of this development have the potential to expose and destroy any archaeological deposits or features that may be present here.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) the archaeologist has requested that any consent should carry a condition requiring the applicant to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which would be submitted by the applicant and approved by the Planning Authority.

Contamination and Waste

A Stage 1 Contaminated Land Assessment has now been submitted which identifies the potential for contamination in the north east corner of the site near to the adjacent industrial estate. In this respect it is considered that a condition should be imposed upon any permission dealing with the need for measures to be carried out to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

Devon County Council as Waste Authority have objected to the application on the basis of a lack of a submitted waste audit detailing how waste will be dealt with both during and after construction. This can however be conditioned for submission and approval prior to the commencement of development.

Planning Obligations

The application was submitted prior to the introduction of the Community Infrastructure Levy, and was therefore accompanied by a draft heads of terms for a Section 106 agreement that the applicants would be required to enter into, in the event of it being resolved to grant planning permission for the development. This acknowledges the requirement for the payment of financial contributions towards open space provision/enhancement in accordance with requirements of the Council's policies for open space provision in new developments, education infrastructure and habitat mitigation in view of the location of the site within the 10 km. radius of the Exe estuary SPA, SAC and SSSI within which the current joint interim approach towards such requests are applied by the Authority in common with both Exeter City and Teignbridge District Councils.

Devon County Council, as Local Education Authority, has stated that they would seek a contribution towards the provision of both primary and secondary school infrastructure. The primary contribution request is for £994,131.25 and the secondary education request is £957,652.50, totalling £1,951,783.75. This is based on the projected primary and secondary shortfall in spaces over future years. This sum has been agreed by the applicant. Devon County Council have also recommended improved pedestrian and cycle links/routes.

The Section 106 agreement also proposed to secure the provision of 25% of the proposed dwellings as affordable housing.

With regard to habitat mitigation, as detailed above, there are a number of mitigation measures proposed to be incorporated into the S.106 Agreement, in addition to the requirement for on off site contribution of £749 per dwelling.

Finally, South West Water has suggested that financial contributions or works would be required in respect of the public sewerage network improvements which will be required to support the development. South West Water has carried out a high level review of the public foul sewer network and has advised that it is unlikely to have sufficient capacity to serve the proposal without causing the public sewer network to surcharge, with resultant flooding. This has been made known to the applicant/their consultants previously, together with the fact that the sewer network will require detailed investigations to establish the level and cost of improvements which may be necessary to accommodate the foul flows generated by this particular development.

The cost of any improvements to the sewerage network to support the proposed development is currently being evaluated and once identified would need to be met by the developer.

However, the imposition of CIL from the 1st September 2016 means that the Heads of Terms have now altered. Regulation 123 of the Regulations restricts the use of planning obligations for infrastructure to those stated on the 123 list approved by the Council. With respect to the matters above, the list includes Education, off-site Exe Estuary and Pebblebed Heaths Mitigation, Library facilities, off-site open space/recreation provision, and strategic transport infrastructure.

It does not include affordable housing, connections/improvements to the sewage network, on-site open space/allotments required as a result of the development, and local improvements to public transport that would still need to be secured through a Section 106 agreement.

CONCLUSION

The application is within the development boundary and complies with policies in the Local Plan which allow for housing, subject to detailed design, layout, access arrangements etc. The proposal allows for the delivery of affordable houses and is considered to provide houses of high quality design and good landscaping, a good level of public open space including allotments and orchards, and allowing access to 'Donkey Hill'. Concerns about new housing in proximity to existing development, and detailed design of units have been overcome by the submission of revised plans. Whilst it is acknowledged that there are a significant number of objections to the proposal due to concerns over the highway network, in the absence of an objection from the Highways Authority this does not represent a reason for refusal.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Development granted full permission (264 dwellings) 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 County Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. Application for approval of the reserved matters for that part of the development in outline shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).
3. In respect of that part of the application where outline consent is granted, approval of the details of the layout, scale and appearance of the building (s) and the landscaping of the site (hereinafter called "the reserved matters") shall be

obtained from the Local Planning Authority in writing before any development is commenced.

(Reason - The application is partly in outline with one or more matters reserved.)

3. The details to be submitted as part of the reserved matters shall adhere to the key design principles set out within the Design & Access Statement (including the Masterplan Strategy set out within it) and indicative Masterplan drawing number 20977-L02 01 Rev AB
(Reason - To ensure that the development proceeds in accordance with the design principles established at the outline stage in the interests of ensuring a development that is compatible with and appropriate for the area and to accord with Policies D1 (Design and Local Distinctiveness) and EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031)
4. All future reserved matters applications submitted pursuant to condition 2 of this permission shall be accompanied by a Statement to the satisfaction of the Local Planning Authority, detailing the way in which environmental impacts will be addressed and incorporated into the design, layout and management of the site. The Statement shall consider the impacts of noise (including low frequency noise), traffic and light on the local environment, and the way in which these impacts will be mitigated.
(Reason - To protect the amenity of local residents and to ensure compliance with Local Plan Policy EN14 (Control of Pollution) and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031)
5. A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. The plan shall also consider construction vehicle routing and delivery arrangements. Construction working hours and all site deliveries shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.
(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.)
6. Prior to the commencement of development the applicant must provide an Environmental Statement to the satisfaction of the Local Planning Authority detailing the way in which environmental impacts will be addressed and incorporated into the design, layout and management of the site. The Statement shall consider the impacts of noise (including low frequency noise), traffic and light on the local environment, and the way in which these impacts will be mitigated. The Statement shall also include details of the foul and surface water drainage systems, and arrangements for the prevention of pollution of any nearby watercourse.

(Reason: To ensure from the start of works that the amenity of local residents is protected and to ensure compliance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-31)

7. The development shall take place in accordance with the programme of archaeological work as set out in the Written Scheme of Investigation, prepared by AC Archaeology - document ref: ACD1090/1/1 dated 19th April 2016 that has been submitted to and approved by the Local Planning Authority.
The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
(Reason: To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan 2013-2031 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.)
8. 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 in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031)
9. No part of the development hereby approved shall be commenced until:
 - A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 30 metres back from its junction with the public highway
 - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - C) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority
(Reason - To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents in accordance with Policies TA7 (Adequacy of Road Network and Site Access) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031)
10. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
 - A) The main road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and

constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

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

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

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

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

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

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

(Reason - To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with Policies TC7 (Adequacy of Road Network and Site Access) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)

11. Before any of the operations which involve the movement of materials in bulk to or from the site are commenced, facilities shall be provided as must be agreed with the Local Planning Authority, in order that the operator can make all reasonable efforts to keep the public highway clean and prevent the creation of a dangerous surface on the public highway. The agreed measures shall thereafter be retained and used whenever the said operations are carried out.
(Reason - In the interest of highway safety in accordance with Policies TC7 (Adequacy of Road Network and Site Access) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031)
12. Prior to the commencement of the development a Travel Plan shall be submitted for the written approval of the Local Planning Authority in general accordance with the Outline Residential Travel Plan document submitted as part of the application and then the approved travel plan shall be implemented prior to first occupation and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.
(Reason - To promote the use of sustainable modes of transport in accordance with Policies TC7 (Adequacy of Road Network and Site Access) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)
13. Prior to the commencement of the development hereby permitted, details of materials to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area and to accord with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031)
14. The details of the landscaping and layout to be submitted as part of the reserved matters shall include all fences, gates, walls and retaining structures.

The development shall be carried out in accordance with the approved details. Thereafter and notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further fences, gates or walls shall be erected within the curtilage of any dwelling house.

(Reason - In the interests of the character and appearance of the area and to maintain open landscaped areas where necessary to accord with Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031)

15. The development hereby approved shall be carried out in full accordance with the Ecological Survey and Assessment Report dated 11th January 2013 and associated reports submitted with the application, unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the development proceeds in accordance with the approved details and in the interests of ensuring that the development is sympathetic to the character and appearance of the area and mitigates its landscape and ecological impact in accordance with Policies D1 (Design and Local Distinctiveness) and EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031)

16. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).

17. Prior to the commencement of the development a waste audit statement in accordance with the guidance outlined in the Devon County Council's Waste Management and Infrastructure SPD shall be submitted for the written approval of the Local Planning Authority and shall be implemented prior to first occupation and for each and every subsequent occupation of the development.

(Reason – To ensure the development minimises waste from the commencement of development in accordance with Policy W4 of the Devon Waste Plan and Strategy 38 – Sustainable Design and Construction of the East Devon Local Plan 2013-2031.)

18. The development hereby approved shall be carried out in full accordance with the submitted surface water drainage strategy.

(Reason – To ensure that the site adequate drains and does not result in flood risk elsewhere in accordance with Policy EN22 – Surface Run-Off Implications of New Development of the Adopted East Devon Local Plan 2013-2031.)

19. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (add as appropriate i.e. 1, 2, 3 and/or 4) have been complied with. If unexpected contamination is found after

development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- o human health,
- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- o adjoining land,
- o groundwaters and surface waters,
- o ecological systems,
- o archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning

Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the requirements of Policy EN16 - Contaminated Land of the Adopted East Devon Local Plan 2013-2031.)

Plans relating to this application:

L 01 01 B	Location Plan	26.07.16
LANDSCAPE CHARACTER	General Correspondence	26.07.16
GTC-E-SS-0012_R1-7_1_OF_1	Combined Plans	28.07.16

20977 - L 02 02 AB	Layout	28.07.16
20977 - L 02 01 AB	Layout	28.07.16
20977 - L 01 02 E	Other Plans	28.07.16
20977 - L 02 03 Z	Proposed Block Plan	28.07.16
20977 - L 02 03 Z	Proposed Block Plan	28.07.16
20977 - L 02 03 Z	Proposed Block Plan	28.07.16
20977 - SE 02 01 A	Sections	26.07.16
20977 - SE 02 02 A	Sections	26.07.16
L 01 02 D	Location Plan	26.07.16
L02 01 Z	Location Plan	26.07.16
L02 02 AA	Other Plans	26.07.16
1 OF 3 L02 03Y	Block Plan	26.07.16
2 OF 3 L02 03Y	Block Plan	26.07.16
3 OF 3 L02 03Y	Block Plan	26.07.16
D 02 01A	Landscaping	26.07.16
D 02 02A	Landscaping	26.07.16
D 02 03A	Landscaping	26.07.16
D 02 04A	Landscaping	26.07.16
D 02 05A	Landscaping	26.07.16
D 02 06A	Landscaping	26.07.16
D 03 01C	Landscaping	26.07.16

D 03 02A	Landscaping	26.07.16
D 03 03A	Landscaping	26.07.16
D 03 04A	Landscaping	26.07.16
D 03 05A	Landscaping	26.07.16
D 03 06A	Landscaping	26.07.16
D 03 07A	Landscaping	26.07.16
HT PP01 V1 D	Proposed Combined Plans	26.07.16
HT PP01 V2 E	Proposed Combined Plans	26.07.16
HT PP02 V1D	Proposed Combined Plans	26.07.16
HT PP02V2D	Proposed Combined Plans	26.07.16
HT PP03 V1D	Proposed Combined Plans	26.07.16
HT PP04 V1D	Proposed Combined Plans	26.07.16
HT PP04 V2C	Proposed Combined Plans	26.07.16
HT PP04 V3E	Proposed Combined Plans	26.07.16
HT PP05 V1D	Proposed Combined Plans	26.07.16
HT PP 06 V1C	Proposed Combined Plans	26.07.16
HT PP 06 V2E	Proposed Combined Plans	26.07.16
HT PP 07 V1D	Proposed Floor Plans	26.07.16
HT PP 07 V1F	Proposed Elevation	26.07.16

HT PP 07 V3C	Proposed Combined Plans	26.07.16
HT PP 07 V4O	Proposed Combined Plans	26.07.16
HT PP08 V1D	Proposed Combined Plans	26.07.16
HT PP09 V1D	Proposed Floor Plans	26.07.16
HT PP09 V1E	Proposed Elevation	26.07.16
HT PP10 V1E	Proposed Combined Plans	26.07.16
HT PP10 V2D	Proposed Combined Plans	26.07.16
HT PP11 V1C	Proposed Floor Plans	26.07.16
HT PP11 V1E	Proposed Elevation	26.07.16
HT PP14 V1D	Proposed Combined Plans	26.07.16
HT PP16 V1O	Proposed Combined Plans	26.07.16
HT PP17 V1O	Proposed Combined Plans	26.07.16
HT PP18 V1O	Proposed Combined Plans	26.07.16
HT APTA A	Proposed Elevation	26.07.16
HT APTA A	Proposed Floor Plans	26.07.16
HT APTA A	Proposed Elevation	26.07.16
HT APTA A	Proposed Floor Plans	26.07.16
HT APTB C (1)	Proposed Elevation	26.07.16
HT APTB C (2)	Proposed Elevation	26.07.16
HT APTB C (3)	Proposed Elevation	26.07.16
HT APTB C (4)	Proposed Elevation	26.07.16

HT APTB C (1)	Proposed Floor Plans	26.07.16
HT APTB C (2)	Proposed Floor Plans	26.07.16
HT APTB C (3)	Proposed Floor Plans	26.07.16
HT APTD B (1)	Proposed Elevation	26.07.16
HT APTD B (2)	Proposed Elevation	26.07.16
HT APTD B (1)	Proposed Floor Plans	26.07.16
HT APTD B (2)	Proposed Floor Plans	26.07.16
L04 01E PLANTING	Other Plans	26.07.16
L04 02E PLANTING	Other Plans	26.07.16
L04 03E PLANTING	Other Plans	26.07.16
L04 04E PLANTING	Other Plans	26.07.16
L04 05E PLANTING	Other Plans	26.07.16
L04 06E PLANTING	Other Plans	26.07.16
L04 07E PLANTING	Other Plans	26.07.16
L04 08E PLANTING	Other Plans	26.07.16
L04 09E PLANTING	Other Plans	26.07.16
L04 10E PLANTING	Other Plans	26.07.16
L04 11E PLANTING	Other Plans	26.07.16
L04 12E PLANTING	Other Plans	26.07.16

L04 13E PLANTING	Other Plans	26.07.16
L04 14E PLANTING	Other Plans	26.07.16
L04 00E PLANTING	Other Plans	26.07.16
L03 00C	Landscaping	26.07.16
L03 01C	Landscaping	26.07.16
L03 02C	Landscaping	26.07.16
L03 03C	Landscaping	26.07.16
L03 04C	Landscaping	26.07.16
L03 05C	Landscaping	26.07.16
L03 06C	Landscaping	26.07.16
L03 07C	Landscaping	26.07.16
L03 07C	Landscaping	26.07.16
L03 08C	Landscaping	26.07.16
L03 09C	Landscaping	26.07.16
L03 10C	Landscaping	26.07.16
L03 11C	Landscaping	26.07.16
L03 12C	Landscaping	26.07.16
L03 13C	Landscaping	26.07.16
L03 14C	Landscaping	26.07.16
140206 HT APT BLOCK A 01	Proposed Elevation	25.04.16
140206 HT PP2 01 REV C	Proposed Combined Plans	25.04.16
15.171	Travel Plan	25.04.16

List of Background Papers

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

Ward Exmouth Withycombe Raleigh

Reference 16/1705/FUL

Applicant No 10 Developments Ltd

Location Land Adjoining 28 Holland Road
Exmouth EX8 4BA

Proposal Demolition of garage and erection
of two storey attached dwelling



RECOMMENDATION: Refusal



		Committee Date: 4th October 2016
Exmouth Withycombe Raleigh (EXMOUTH)	16/1705/FUL	Target Date: 06.10.2016
Applicant:	No 10 Developments Ltd	
Location:	Land Adjoining 28 Holland Road Exmouth	
Proposal:	Demolition of garage and erection of two storey attached dwelling	

RECOMMENDATION: REFUSAL

EXECUTIVE SUMMARY

This application is before Members because the officer recommendation differs from the view of two Ward Members.

The application seeks planning permission for the construction of an attached two storey, 3 bedroom dwelling.

Whilst the proposal is located within Exmouth, in a sustainable location where the principle of new residential development is acceptable, and would not result in significant harm to the character and appearance of the area, or give rise to any parking or highway safety concerns, it would result in an unacceptable relationship with adjoining properties with an unduly harmful impact on residential amenity in terms of an over bearing and over dominant impact and through overlooking and loss of privacy. Furthermore, owing to the limited amount of space within the site, it is not considered that the proposed dwelling would be provided with a sufficient amount of private amenity space for a dwelling of this size.

The application is therefore considered to be contrary to the provisions of Policy D1 (Design and Local Distinctiveness) of the Local Plan which seeks to ensure proposals do not adversely affect the amenity of occupiers of adjoining residential properties or the amenity of occupants of proposed future residential properties in-line with one of the core principles of the NPPF which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. The application is therefore recommended for refusal on this basis.

CONSULTATIONS

Local Consultations

Exmouth Withycombe Raleigh - Cllr B Bailey

No objections

Exmouth Withycombe Raleigh - Cllr S Gazzard

NO OBJECTION.

Having undertaken a site inspection I support the application. The plot is large enough for the development.

Parish/Town Council

Meeting 22.08.16

No Objection

Technical Consultations

County Highway Authority

Highways Standing Advice

Other Representations

There have been 6 letters of objection received at the time of writing this report raising concerns which can be summarised as the following:

- Parking and congestion problems
- The application does not address concerns about Party Walls, or issues associated with, the asbestos roofing or the safe demolition of the garage
- Issues for emergency services access to properties along this road due to parking problems;
- Materials would be out of keeping with the area
- Overlooking and loss of privacy
- Increased demands on local sewers
- Noise and disturbance during construction
- Highway safety concerns about car parking spaces
- Overdevelopment of the site

PLANNING HISTORY

Reference	Description	Decision	Date	
87/P1972 Full Application	Extension.	Approval with conditions	01/02/1988	

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Site Location and Description

The site is located to the north east of Exmouth town centre with access off Bradham Lane via Holland Road. The property is a detached mid 20th century dwelling house built with brick faced walls with rendered inset panels, UPVC windows and doors and interlocking concrete tiles. The land includes a detached dwelling house with a double garage to the side south and a low brick boundary wall to the eastern boundary with a low wall with hedging above and a fence on the northern boundary.

Proposed Development

The proposal is for the demolition of the garage and part of the two storey extension of the existing dwelling house and the construction of a two storey dwelling house attached to no. 28 Holland Road. The dwelling would provide a kitchen/diner, lounge, WC and staircase at ground floor with three bedrooms and a bathroom above. It would be finished with brick corner walls with horizontal hardiplank cladding infill with white UPVC windows and doors and concrete tiles for the roof to be agreed.

Issues and Assessment:

The main issues to be considered in determining this application are terms of the principle of development, the impact of the development on the character and appearance of the area, the impact upon the residential amenities of occupiers of neighbouring properties and whether there are any implications for parking and highway safety.

ANALYSIS

Principle:

The site is located within the built-up area boundary of Exmouth where the principle of new residential development is acceptable because of its proximity and

accessibility to a range of services and facilities and public transport links. Strategy 6 (Development within Built-up Area Boundaries) states:

'Built-up area boundaries are defined around settlements of East Devon and are considered appropriate through strategic policy to accommodate growth and development. Within the boundaries development will be permitted if:

- 1. It would be compatible with the character of the site and its surroundings.*
- 2. It would not impair highway safety or traffic flows*

Character and Appearance:

Whilst residential development in this location is acceptable in principle, it is necessary to consider the size and configuration of the site and whether it can accommodate the proposed dwelling without having an adverse impact on the character and appearance of the surrounding area.

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that proposals will only be permitted where they:

- 1. Respect the key characteristics and special qualities of the area in which the development is proposed.*
- 2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.*
- 3. Do not adversely affect:*
 - e) The amenity of occupiers of adjoining residential properties*
 - f) The amenity of occupants of proposed future residential properties, with respect to open space.*

The proposed two storey dwelling would form a semi-detached property with the existing dwelling with a front projection gable to match the gable on no 28. The estate is characterised by two storey dwellings and the proposed design of the building would be in keeping with the style and appearance of neighbouring properties, with the exception of timber cladding infill rather than render, this is not considered to be sufficiently harmful to character and appearance of the local area to sustain an objection. It is considered that the proposal would comply with policy D1 of the Local Plan in so far as it would ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.

Residential Amenity

Owing to the limited depth of the plot and its relationship with the garden of no 26 Holland Road, it is considered that the proposed dwelling would have a significantly harmful impact on the residential amenities of the occupiers of this property. The site plan demonstrates that the proposed dwelling would be positioned just 2.6 metres from the boundary of no 26 at its nearest point and 3.2 metres at its further point owing to the stepped design of the building.

The proposed dwelling would be positioned along the entire boundary of the garden of no 26 and at such a short distance from the boundary would have a significant

impact on the occupiers of this property in terms of being unduly over bearing and over dominant. This is an impact that would be significantly exacerbated by virtue of the fact that the site sits at a higher level in relation to no 26.

A further concern is that the rear elevation of the proposed dwelling would contain 3 bedrooms at first floor level which would allow direct views into the garden of no 26 resulting in a significantly harmful level of overlooking and loss of privacy and which would be detrimental to residential amenity. Whilst an existing bedroom window overlooks the site, this has been provided contrary to the approved plans - although it may be immune from any further action due to the time this window has been in place.

It is considered that the proposed dwelling would result in an unacceptable relationship with no 26 Holland Road with significant harm to the amenity of the occupiers of this property in terms of an over bearing and over dominant impact and through loss of privacy. As such it is not considered to comply with the provisions of policy D1 (Design and Local Distinctiveness) of the Local Plan which seeks to ensure that proposals do not adversely affect the amenity of occupiers of adjoining residential properties as reflected in one of the core principles of the NPPF which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. The application is therefore recommended for refusal on these grounds.

In addition to concerns about the impact on existing occupiers, there are concerns that the proposal would not provide sufficient private amenity space for a dwelling of the size. Whilst the Local Plan policies do not provide space standards for new dwellings, Policy D1 does states that proposal will be permitted where the amenity of occupants of proposed future residential properties, with respect to access to open space. The rear garden of the property measures 2.5m widening 3.2m by 11m in length and this is considered to be a cramped and restrictive proportion of private amenity space (garden) to a 3 bedroom dwelling house which would not provide a good standard of amenity space for future occupiers of the proposed 3 bedroom dwelling. The application is therefore recommended for refusal on this basis.

Parking

The proposal details that the existing boundary wall would partly removed with a dropped kerb to provide two off street car parking spaces on the front garden of the property for the existing dwelling house. The proposed dwelling house would also have two off street car parking spaces in front of the property utilising the existing driveway. Therefore the application provides sufficient off street parking for both dwellings.

The concerns raised regarding the new access and parking in respect to its proximity to the bend is noted though there is sufficient visibility to ensure that safe manoeuvres can be undertaken in compliance with standing highways advice. It is noted that the majority of vehicles within Holland Park have to park on the pavement due to the narrow width of the road, however it is not considered that this application would give rise to significant harm to users of the highway and would not exacerbate parking problems as adequate parking provision would made.

RECOMMENDATION

REFUSAL:

1. The proposed development by reason of its size, elevated position and proximity to the boundary would result in an unduly over bearing and over dominant impact and an unacceptable level of overlooking and loss of privacy to the detriment of the residential amenity of the occupiers of adjoining properties. Furthermore, the proposal would fail to provide sufficient private amenity space for a dwelling of this size to the detriment of the amenity of future occupiers. The proposal is therefore considered to be contrary to the provisions of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031 and one of the core principles of the National Planning Policy Framework which seeks to provide a good standard of amenity for all existing and future occupants of land and buildings.

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:

2915.4.	Proposed Combined Plans	18.07.16
2915.5. + LOCATION	Proposed Elevation	18.07.16

List of Background Papers

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

Ward Newton Popleford And Harpford

Reference 16/0218/OUT

Applicant Mr Julian Henchley

Location Waterleat High Street Newton Popleford Sidmouth EX10 0DU

Proposal Demolition of the existing dwelling and construction of 9no. dwellings and highway alterations (outline application with all matters reserved except for access)



RECOMMENDATION: Approval with conditions



		Committee Date: 4th October 2016
Newton Poppleford And Harpford (NEWTON POPPLEFORD AND HARPFORD)	16/0218/OUT	Target Date: 13.04.2016
Applicant:	Mr Julian Henchley	
Location:	Waterleat High Street	
Proposal:	Demolition of the existing dwelling and construction of 9no. dwellings and highway alterations (outline application with all matters reserved except for access)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

The proposal seeks outline planning permission for the demolition of the existing building and the construction of nine dwellings with associated gardens and parking areas. All matters are reserved except for access and the plans show that adjustments would be required to the alignment of the A3052 in front of the site.

The site is located within the built-up area boundary where residential development is acceptable in principle and the indicative layout submitted demonstrates that the site is capable of accommodating nine dwellings in a layout which would be compatible with the character and appearance of the area and would create a satisfactory relationship with neighbouring properties.

The scheme would provide two parking spaces for each dwelling and would therefore comply with the requirements of the Local Plan. The layout also demonstrates that development could be achieved without needing to build on the parts of the site that are at risk of flooding.

Subject to various conditions and a legal agreement in relation to affordable housing contributions, the proposal is acceptable.

CONSULTATIONS

Local Consultations

Newton Poppleford & Harpford - Cllr V Ranger

18/03/2016-

I object to this application on the following grounds:

Too many houses on the site - this forms the basis for most of the points listed below:

- The proposal brings houses in front of the building line compared to houses either side.
- The comments from Julian Hunt, re land ownership of land in front of the plot.
- TC9 Insufficient parking spaces - The new Local Plan states there should be two car parking spaces per home with two or more bedrooms. I am not clear where the bicycle parking spaces are proposed to be?
- Too close to flood Zone 3 at the rear of the plot - this area historically floods and new guidance from the EA (Feb 2016) states that river levels are set to rise.
- Lack of detail on flood management and drainage proposals
- Lack of affordable housing on site - this site lacks the correct proportion of affordable housing. In addition council records show there is a very urgent need for 1 bedroom homes in the parish and this plan makes no attempt to provide any of these. We need affordable housing in the village and it should meet to needs of local residents who need a smaller home eg 1 bedroom.
- Loss of amenity to adjacent homes - particularly Grasmere and Langsford Farm.
- The whole site is overcrowded and impacts on surrounding properties.

These are my initial comments, I am in favour of development on this brownfield site in principle but this application is not acceptable in its current form.

15/07/2016 -

Whilst I am in favour in principle of development on this site, I object to this application in its current form on the following grounds:

Too many houses on the site – this forms the basis for most of the points listed below:

Strategy D1 - Although it is not my role to provide a solution for the developer, I would prefer to see a layout more along the lines of Langsford Mews which is a small row of 3 terraced houses on the same side of the road, these sit back from the road which improves the amenity for the occupants and have gardens of a reasonable size and parking behind. This would also have an aesthetically pleasing street view, would fit in better with the existing building line and impact less on surrounding properties Collipriest and Grasmere.

The need to have two parking places for each house impacts on the aesthetics of the development and the practicalities of entry and exit of the site and is another reason for limiting the number of houses on site.

I agree with Highways - plans to remove the footpath opposite the site will put existing residents at risk. This certainly does not fulfil the criteria of sustainable – not impacting adversely on current or future generations. The A3052 is a very busy road with well over 12,000 traffic movements per day and pedestrians do not need to lose yet more pavements in Newton Poppleford, quite the contrary.

I am extremely puzzled by Devon County Councils suggestion that 9 family homes of 2.5 storeys high will only generate 2 secondary pupils and 1.2 primary pupils – where will the 1.2 primary pupils go when they reach 11 years of age? This is where DCC formulae and practical matters collide and some common sense must be allowed to come into play. The primary school is already under pressure and there are also 40 homes with outline planning permission in KAW which will generate more pupils for the school.

There is a need in the village for smaller properties and for those with adaptable living which is always neglected in new developments where developers claim viability excludes this.

I completely agree with recommendations that trees are retained on site.

I completely agree that a condition should be put on the properties with regard to flooding - I am not overly reassured by the statement in the FRA (para 5.18) that in the event of flooding from sewers the sewerage would flow into the road and the watercourse. I do not understand statement 6.4 which states that building 9 houses on the site, including driveways and parking areas would increase permeability in the area given the amount of land that is currently laid to grass at the rear of the existing property.

The site visit on the application took place in 2011 and the FRA makes reference to documents dated 2008 – the entire FRA is out of date, particularly given the flooding events in 2012. Environment Agency has revised this to:

- 85% increase (rainfall) for the South West and 40% (surface water) by 2080.

I appreciate that EDDC have to accept the recommendations of the EA but that is without the benefit of local knowledge.

Strategy 48 Local Distinctiveness in the Built environment states – where towns or villages are or have been despoiled we will seek to have qualities reinstated through good design.

Strategy D1 – Design and Local Distinctiveness – refers to scale, mass, height, trees worthy of retention, amenity of adjoining residential properties, amenity of occupants of the development INCLUDING DISABLED USERS.

It is hard to accommodate the above strategies at Reserved Matters if the site is overdeveloped and that is why it is so important to be cautious at Outline stage with regard to housing numbers.

These are my initial comments, I am in favour of development on this brownfield site in principle but this application is not acceptable in its current form.

Parish/Town Council

23/03/2016

Whilst the council would welcome development of this disused Brownfield site in principle, we object to this application for the following reasons:

- Overdevelopment of the site
- Lack of affordable housing provision
- Loss of amenity to neighbouring properties
- Car parking provision does not meet policy requirements
- Deviates from the existing building line

In addition, the parish council would like the following considerations to be taken into account:

- The village is in desperate need of 1/2 bed affordable homes, we would therefore wish that any future plans for this site address this
- Visibility at the access point in both directions of the A3052 is limited so some measures to address this would be welcomed
- New evidence from the Met Office indicates that river levels are rising and that as a consequence flood zone boundaries will need to be redrawn; this needs to be taken into account in any future plans
- Any flood mitigation measures should not exacerbate problems experienced down stream
- We would like to see any S106 monies contribute to open green space in the eastern end of the village where it is currently seriously lacking

Further comments 13/07/2016:

Members carefully considered the revised Planning Application & noted the reduction in number of Properties proposed. The Parish Council still considers that we cannot support this due to the reasons set out below:

Overdevelopment of the site creating very small properties, the gardens are too small for the 3-bed family properties proposed. An aerial view of the site demonstrates this clearly compared to other developments that line the street.

The access is too narrow for two vehicles to pass and would cause danger to all road users, pedestrians and vehicles alike.

Road safety concern - visibility is restricted by the hedge on the neighbouring property which obstructs a clear view of traffic coming from the Sidmouth direction.

The proposal to alter the Pedestrian footpath opposite the site is not supported due to the proposed development at King Alfred way and the visibility required for emerging vehicles onto the A3052. Road safety is of paramount importance in this already congested area.

There are still strong concerns in respect of flooding on site and the parish council disagree that the site is too advanced to take account of EA guidance on flood levels. The parish council wish to see the condition below applied to any permission given:

- a) that all habitable floor levels be established at a level to be agreed with us and not as advised in the FRA (para5.22) "a minimum of 150mm above surrounding ground levels". This reflects concerns about flows in the Back Brook exceeding the anticipated water levels for reasons associated with climate change as set out in government guidance published on 19th February 2016.

The parish council has a responsibility to ensure this development is sustainable and does not impact adversely on existing or future residents of properties on this plot and the wider area either now or in the future.

There are no affordable houses proposed and the introduction of properties of two & a half storeys does not fit into the street scene in that locality.

Concerns were raised that 3 bedroom houses were likely to be occupied by families with school children. In addition to the 40 houses that already have outline planning permission in KAW, the cumulative effect of more children in the area could have an adverse impact on the local school where some classes are at capacity.

Technical Consultations

County Highway Authority

The CHA has visited the site and is generally content with the proposed access arrangements and considering the existing use as a tea room/cafe with parking for 20 and the number of vehicle trips that could attract, I do not believe that the proposed 12 dwellings would be likely to increase the number of vehicle movements much above that which could occur now. This said it is likely that the pattern of vehicle movements will change more to the peak travelling hours in the morning and afternoon. But even with this change in pattern, I do not think that the impact on the existing network could be classed as severe.

With regard to the proposed maintained carriageway width of 6.5m at the access which would require a reduction of the available footway width on the opposite side of the road. I remain to be convinced that this is the correct thing to do. Firstly, by maintaining a 6.5m carriageway width it would have the effect of straighten the kerbline opposite the junction which could induce traffic to go faster on the main road than it already does. Secondly, taking approximately 500mm off the width of the footway, which is already constrained by the legs of the advance highway direction sign, would leave very little serviceable footway for pedestrians, especially those with children in buggies or those with disability problems.

Therefore I would ask that further exploration of the proposed carriageway width and future footway amenity are examined more closely before any planning decision is made.

Because of the above observations, unfortunately in the interests of highway safety the CHA is likely to recommend refusal of the application in the absence of further justification for the changes on the existing highway.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION

Further comments 12.09.16

It has become apparent that the application is now for 9 houses rather than the original 12 units. Also after discussions with the former HDMO for East Devon, Phil Townsend it has become clear that the maintained carriageway width of 6.5m was agreed at pre-application stage with him. Therefore I would not want to change the advice previously given by the county highway authority.

With regard to the existing direction sign, whilst the signs position will remain in the same place, the legs will be adjusted to allow 900mm clear opening with the edge of the signage board to be at least 400mm set back from the edge of carriageway.

Therefore with this new information I am happy to change my recommendation to one of recommended conditions.

Recommendation:

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

1 The site access shall be constructed, laid out and maintained thereafter in accordance

with the attached diagram XGAZ2459-01.

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

Environment Agency

Providing development proceeds broadly in accordance with the submitted Flood Risk Assessment dated January 2016 we have no objection. However we do ask that any planning permission be conditional upon the following;

a) that all habitable floor levels be established at a level to be agreed with us and not as advised in the FRA (para 5.22) "a minimum of 150mm above surrounding ground levels ". This reflect concerns about flows in the Back Brook exceeding the anticipated water levels for reason associated with climate change as set out in government guidance published in 19th February 2016.

b) that details of the proposed re-profiling (lowering) of ground beside the "main river" Back Brook are agreed in detail with your council and obtain the necessary flood defence consent.

DCC Flood Risk SuDS Consultation

We have no in-principle objection to the proposed surface water management strategy.

The applicant should submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed SuDS features.

Percolation tests in accordance with BRE Digest 365 should be undertaken at the detailed design stage to provide evidence that infiltration is a suitable means of disposing of surface water from this site. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the intended soakaways or permeable surfaces.

The provision and approval of a detailed drainage design should be considered as a condition in any granted planning permission. This detailed drainage design should be in accordance with , which should contain the information attached to this letter and should be designed in accordance with Devon County Council's draft Sustainable Drainage Design Guidance, which can be found here: <https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/>.

South West Water

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

Asset Protection

Please find enclosed a plan showing the approximate location of a public sewer in the vicinity. South West Water will need to know about any building work over or within 3 metres of a public sewer or lateral drain. We will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed.

The applicant/agent is advised to contact the Developer Services Planning to discuss the matter further.

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal.

Foul Sewerage Services

South West Water advises a Planning Condition to emphasise that: Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.

Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.

Surface Water Services

The statutory Water and Sewerage Undertaker supports the Planning Policy Guidance for Flood Risk & Coastal Change statement. To accompany its planning

application, the applicant must demonstrate how its proposed development will have separate foul and surface water drainage systems and not be detrimental to existing infrastructure, the public and environment (and that any provisions for protecting infrastructure have been agreed with SWWL as service-provider). The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable, Provide written evidence as to why Infiltration devices, including Soakaways, Swales, Infiltration Basins and Filter Drains do not meet the design standards as specified in either H3 Building Regulation standards for areas less than 100m². Soakaways serving larger areas must meet the design standard specified in BS EN 752-4 (para 3.36) or BRE Digest 365 Soakaway Design.
2. Discharge to a surface waterbody; or where not reasonably practicable, Provide written evidence for refusal of discharge consent from owner of water body (Environment Agency, Local Authority, Riparian Owner etc)
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable, Provide written evidence for refusal of discharge to drainage system (Highway Authority, Environment Agency, Local Authority, Private ownership)
4. Discharge to a combined sewer.(Subject to Sewerage Undertaker carrying out capacity evaluation)
South West Water will carry out a hydraulic capacity review of the combined sewerage network before permission will be granted to discharge to the combined sewer.

Housing Strategy Officer Paul Lowe

08/03/2016

In line with the recently adopted East Devon Local Plan 2013 -31. We believe that this development should provide a 50% on-site affordable housing provision.

We note that the applicant proposes 16.6% (2) affordable dwellings, comprising two bedroom flats / maisonette, and ten open market dwellings. We are aware that a housing need survey was completed in 2011. Although considered dated it identified a local need for twenty one affordable homes. The greatest need identified is accommodation suited to single people and couples. Although mention is made for the need of family homes.

Typically we would expect the housing needs survey to reveal a higher need for rented accommodation, compared to affordable home ownership. In either case any affordable homes should meet the definition for affordable housing in the National Planning Policy Framework document or other relevant policy at the time.

We understand that the reason for such a low number of affordable homes is that the applicant has had a viability assessment, it suggests that only two affordable homes

could be provided. The conclusions of this viability assessment should be corroborated.

If planning permission is granted the completed affordable homes should be transferred to, and managed by a preferred Registered Provider. All the affordable homes should be tenure blind, constructed to the relevant local and national standards at the time of construction.

It appears that the application site is located within a Designated Protected Area and therefore stair casing should be restricted to 80%.

We also expect a nomination agreement is in place that enables the Local Authority or a preferred Register Provider to nominate individuals from the Common Housing Register, preference going to those with a local connection to the parish, then cascading to adjoining parishes and finally the district.

05/07/2016

Amendments to the National Planning Practice Guidance (NPPG) on planning obligations have introduced changes to the way that affordable housing contributions can be sought from development. In designated rural areas, of which Newton Poppleford applies, there is a threshold of 5 units or less where no affordable housing or tariff-style contributions should be sought. For developments of between 6 and 10 units in rural areas a tariff style contributions should be sought in the form of cash payments which are commuted until after the completion of the units.

The revised proposal for this scheme is for 9 market units and therefore a contribution towards affordable housing will be required. The net gain in dwellings for this revised application is 8 units. We will be seeking a contribution of £178,768 towards affordable housing.

However, we understand that the applicant is claiming that vacant building credit should be applied.

Guidance states that where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided. The existing floorspace of a vacant building should be credited against the floorspace of the new development. In calculating the vacant building credit the total number of dwellings will be considered so in this instance 9 units rather than 8 as above.

This is an outline application and the sizes of the proposed dwellings are unknown at this time. Therefore it is difficult to quantify what vacant building credit will be applicable without more detailed information and detailed plans. We suggest that a

condition should be attached to any approval which will make it clear that the contribution to affordable housing will be calculated at reserved matters stage.

EDDC Trees

The tree numbering on the Grainge Architects plan, for the proposed site layout (Drawing Number 834/SK105) does not match the tree numbering contained within the Advanced Arboriculture tree report (Dated 7 January 2016). The tree numbering in these two documents needs to be consistent to avoid any ambiguity.

The proposed site layout also shows the removal of the B category Mulberry tree (T6) which the arboricultural report suggests should be retained, given there appears to be sufficient space for the tree, it should be reinstated on the indicative plan.

In principle there is no objection to the scheme with regards to trees, as the outline scheme demonstrates there is space to accommodate trees at the stated development density.

However prior to approval the tree number should be corrected and the Mulberry (T6) reinstated on the plans. Any future reserved matters application will need to take account of the arboricultural constraints as outlined in the Arboricultural report.

Devon County Archaeologist

I refer to the above application. The proposed development lies in an area of archaeological potential within the historic core of Newton Poppleford. The mid-19th century Tithe Map shows two buildings on the street frontage of the application area and they are described as 'House and Garden' in the Tithe Apportionment. These buildings are undated and appear from the map evidence to have been demolished in the late 19th or early 20th century. The field boundaries aligned on High Street are medieval in date and these buildings could be contemporary with the establishment of these property boundaries and represent elements of the earlier settlement at Newton Poppleford. Groundworks associated with the demolition of the extant buildings and for the construction of the new dwellings have the potential to expose and destroy archaeological and artefactual material associated with the early settlement in Newton Poppleford.

For this reason and in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

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

Reason

To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 141 of the National Planning Policy Framework (2012), that an appropriate record is made of archaeological evidence that may be affected by the development.

I would envisage a suitable programme of work as taking the form of the archaeological supervision of all groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. We can provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

Devon County Council Education Dept

The proposed increase of 8 family-type dwellings, will generate an additional 2 primary pupils and 1.2 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 Sidmouth College. The costs required are as follows: -

2.00 secondary pupils

£5.04 per day x 190 academic days x 5 years = £4,788

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.

Other Representations

7 contributors raised concerns about the original development of 12 houses:

Lack of affordable housing

Too close to the road and dominant

Out of character

Smaller developments are preferred

It would add to the volume of traffic

There is a risk of flooding

There is pressure on local services

Loss of privacy

Light and noise pollution

Too many houses have already been approved in the village

Only one of those contributors commented on the reduced scheme, maintaining objections to the scale of development and the impact on services, highway safety and character.

PLANNING HISTORY

Reference	Description	Decision	Date
12/2162/MFUL	Demolition of existing buildings and erection of 17 no. dwellings including alterations to access onto High Street (A3052)	Refusal on grounds of flood risk, design and layout, loss of privacy and lack of affordable housing provision.	09.01.2013

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

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

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

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

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

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

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The site is located on the north side of Newton Poppleford High Street. The site and the entire village is within the East Devon Area of Outstanding Natural Beauty. The rear of the site adjoins Back Brook and is in flood zones 2 and 3.

Waterleat House is a two storey building dating from the early C20 which has had substantial two storey and single storey side extensions in the latter part of the century. Its full history is not known but the site was occupied as a small nursery/market garden with associated greenhouses until permission was granted to convert part of the single storey element to a tea room in 1994. Permission was granted in 2002 to subdivide the house into two dwellings comprising a five bedroom unit in the main house and a one bedroom unit over the tea room. It is not clear whether this was implemented but it appears that a B&B use commenced at some point using two of the bedrooms. In 2006 permission was granted for a driver's agency for vehicle deliveries to share use of the office associated with the tea room and to use part of the car park for parking of associated cars and transporter vehicles. All of these business activities have now ceased and the property is empty.

The site is fronted by a large parking area although there is a grassed strip of land between the site and the pavement which is in separate ownership. The building runs across the centre of the site, occupying almost its full width. Behind the building there is a large open garden which is separated from Back Brook at the rear by a boundary hedge.

ANALYSIS

Outline planning permission is sought to demolish the existing building and redevelop the site to provide 9 houses with associated gardens and parking areas. In order to improve visibility the site entrance would be altered and the kerbs realigned at the front of the site and on the opposite side of the carriageway.

An indicative plan has been submitted showing the dwellings arranged in two rows: two pairs of semi-detached houses at the front of the site and a terrace of five dwellings at the rear. In this layout parking spaces for 18 cars would be provided in the area between the two rows.

The main issues to consider in the determination of this application are: the principle of development; the risk of flooding; density of development; the amenities of the occupiers of adjoining properties; access and parking; and affordable housing.

Principle of Development

The site is located within the built up area of Newton Poppleford and within easy walking distance of local amenities and public transport. Therefore there is no fundamental objection to development on the site. However the site is in a prominent location and the impact of the proposal on the character and appearance of the area must be considered, as well as matters such as access and the risk of flooding.

While housing development would be considered appropriate for the site given its sustainable location within the village, this must be weighed against the loss of employment that would result from the proposal. There has been a small employment use within Waterleat House and this proposal would result in its loss without any replacement. Nevertheless, the sustainable location within an existing settlement makes this a suitable site for housing development and it is considered that the provision of housing in a sustainable location outweighs the very small loss of employment floorspace.

Risk of Flooding

The majority of the site is in flood zone 1 (lowest risk), which is compatible with residential development. The only land in flood zones 2 and 3 is at the rear of the site and the indicative plan shows that this area would be used as gardens for the proposed dwellings. While only indicative, the plan demonstrates that 9 dwellings can be accommodated on the site without needing to build in flood zones 2 or 3.

The Environment Agency has made two stipulations. First, that the floor levels should be agreed with the EA and should reflect the February 2016 guidance. Second, that details of the lowering of the ground beside Back Brook should be agreed in advance (similar to the works that were agreed on the adjacent site, 'Brook Farm'). Any future reserved matters application can be designed to comply with these requirements and compliance can be secured by condition.

The Devon County Council Flood Risk and Coastal Management Team have indicated that the reserved matters application would need to be accompanied by more information about the effects of excessive rainfall and the suitability of infiltration as a means of disposing of surface water. Subject to these details, they have no objection to the proposal.

Density

The first indicative plan submitted with the application showed twelve dwellings arranged in two terraces with only 20 parking spaces (1.66 spaces per dwelling). In that plan the front terrace was shown very close to the front boundary and significantly forward of the dwellings on the adjacent plots. The rear terrace was also less than 5 metres from the windows of Grasmere, a dwelling adjacent to the west boundary of the site. This scheme failed to demonstrate that 12 dwellings could be accommodated on the site without harming the character and appearance of the area and the neighbours' amenities. It also provided fewer than 2 parking spaces per dwelling in an area where there is very limited on-street parking to accommodate any extra vehicles.

Through negotiation, the scheme has been reduced to 9 dwellings and 18 parking spaces (2 per dwelling). The new indicative layout reduces the rear terrace to 5 dwellings and allows for a gap of about 10 metres between the end of the terrace and Grasmere. The terrace of 4 houses and 2 flats at the front has been reduced to 4 dwellings arranged as two pairs of semi-detached houses. They have also been moved further into the site so that they are more in alignment with the dwellings on the adjacent plots.

The revised scheme demonstrates that 9 dwellings can be accommodated on the site without harming neighbour amenity. The splitting up of the front block and moving it back also results in a form of development which is more compatible with the pattern of dwellings on that side of the road. Although tandem development is not a characteristic of the area, it represents an efficient use of the land and is not dissimilar to the way in which King Alfred Way and Capper Close have been developed on land behind the road-fronting development.

The amenities of the occupiers of adjoining properties

Reducing the number of dwellings has improved the relationship with Grasmere such that the outlook from the windows in the side of that property would no longer be dominated by a view of the end of the suggested terrace. Similarly, there is an appropriate amount of space between dwellings at the front of the site.

The indicative layout would also achieve a satisfactory level of privacy for the occupiers of the new dwellings and those on adjacent plots. While the final layout may differ, the indicative plan clearly shows that an acceptable layout can be achieved.

Access and parking

The scheme has been developed in consultation with the highway authority and comments have been received on the submitted scheme which confirms that it is acceptable from a highway point of view. Some work to the road alignment would be required to achieve the necessary visibility but this can be secured by condition.

Comments made by local residents regarding the level of parking and the suitability of the access have been noted but with the scheme having the support of the

highway authority and being compliant with adopted parking standards, there is no justification for refusal on the basis of the objections.

Affordable housing

A scheme for 9 dwellings is not required to provide any affordable housing on site according to the latest Government guidance and Local Plan policy. However, a financial contribution towards the provision of affordable housing off-site is required where it is viable to do so, taking account of the non-negotiable Community Infrastructure Levy.

The applicant has provided an open book viability assessment including several scenarios which raise concerns about the viability of the site if the full off-site contribution for affordable housing were required.

However, as all of the scenarios are based on an indicative scheme this only demonstrates that the indicative scheme may have viability problems. The final scale of the development will not be pinned down until reserved matters stage. As such, the viability of the final scheme may be significantly different to the viability of the indicative scheme.

If it is accepted that at the moment the indicative viability indicates that there may be a viability issue with the scheme, this could only be confirmed when full details of the scheme are known at reserved matters stage.

In the meantime, a Section 106 agreement could be drafted for this outline application that sets out the mechanisms by which the current viability appraisal could be tested, or adjusted, or redone, as required at reserved matters stage to reflect the actual scheme being developed. This would ensure that a contribution towards affordable housing would be secured if it were viable for the scheme to provide it at the point that it is developed.

As there would, in any case, be a policy requirement for overage to be applied, the Section 106 agreement could also then set out the requirement for a viability appraisal of the completed scheme, and how the assessment of any overage payment would be undertaken.

Other matters

An extended phase 1 habitat survey was undertaken in July 2011, updated in September 2013 and again in February 2016. It is also supplemented by a bat and breeding bird update survey, carried out in February 2016. Some recommendations are made in these reports which would ensure that the development could be carried out without harming wildlife and these could be secured by condition.

A tree survey has been carried out but there are few constraints to development of the site. The main interest is in the hedgerows and a single tree on the boundaries of the site, as well as some small trees at the rear. The submitted tree survey indicates that these can be retained and the relationship between the dwellings and the trees is considered to be sustainable.

The site is considered to have some archaeological potential and ground investigation is required during development. This can be secured by condition.

South West Water have not raised any concerns regarding the adequacy of the local foul drainage network. They have advised that surface water should be separately drained and a scheme for sustainable drainage can be secured by condition.

Habitat mitigation, open space and education contributions are all now secured through the Community Infrastructure Levy which has been introduced since the application was submitted. Separate contributions are no longer required.

CONCLUSION

Following the reduction in the number dwellings proposed, the scheme successfully demonstrates that development can be achieved which would be compatible with the local area. To comply with affordable housing policy it is necessary to secure a S106 agreement which would allow for a reassessment of viability at a future date when viability might have improved to the extent that a contribution towards affordable housing could be made. Subject to this and a number of conditions, the proposal is considered to be sustainable and appropriate for its location.

RECOMMENDATION

APPROVE subject to the following conditions and a legal agreement to secure a review of the viability of the scheme and affordable housing contribution at reserve matters stage:

1. Approval of the details of the layout, scale and appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline with one or more matters reserved.)
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
3. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
4. Any landscaping scheme approved as part of a reserved matters application shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority

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

(Reason - To preserve and enhance the character and appearance of the area in accordance with policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)

5. 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 in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)

6. (a) Notwithstanding the submitted details, 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 and shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide 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. No development or other operations shall take place except in complete accordance with the approved protection scheme.

(b) 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.

(c) 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.

(d) 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 retention and protection of trees on the site during and after construction in the interests of amenity and to preserve and enhance the

character and appearance of the area in accordance with policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031.)

7. No development above foundation level shall take place until a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)
8. Notwithstanding condition 3, details of the scale and site layout shown in the approved drawings, with the exception of the access layout, shall be treated as indicative.
(Reason - For the avoidance of doubt.)
9. Foul drainage from the development (and no other drainage) shall be connected to the public foul or combined sewer.
(Reason - To ensure the discharge of drainage from the development will not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment in accordance with Policy EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems) of the East Devon Local Plan 2013-2031.)
10. No development shall take place until a written scheme of investigation securing the implementation of a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
(Reason - To ensure, 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.)
11. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Drainage Systems. Percolation tests in accordance with BRE Digest 365 shall be undertaken prior to the design of the drainage scheme to provide evidence that infiltration is a suitable means of disposing of surface water from this site. A representative number of tests shall be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the intended soakaways or permeable surfaces. The scheme shall include details of the exceedance pathways and overland flow

routes across the site in the event of rainfall in excess of the design standard of the proposed SuDS features. The development shall be carried out in accordance with the approved scheme.

(Reason - To protect water quality and minimise flood risk in accordance with Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013-2031 and the guidance contained with the National Planning Policy Framework.)

12. Notwithstanding the submitted Flood Risk Assessment, details of finished floor levels in the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The levels shall take account of the Government guidance 'Flood risk assessments: climate change allowances' published on 19 February 2016 (or any subsequent replacement guidance). Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the development is adapted to the effects of climate change in accordance with policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2031.)

13. No development shall take place until details of the re-profiling of the northernmost part of the site adjacent to the watercourse and a timetable for the implementation of the work 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 provide and maintain a flood corridor to limit the risk of potential flood impacts within the vicinity of the site in accordance with Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2031.)

14. Prior to the occupation of the dwellings hereby permitted, details, including the height, design and materials, of the boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the boundary treatments are positioned and designed so as not to obstruct the flow of water in accordance with Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2031.)

15. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting the order with or without modification) no development of the types described in Schedule 2, Part 2, Class A, shall take place without the prior express consent of the Local Planning Authority.

(Reason - To maintain the flood flow paths in accordance with Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2031.)

16. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting the order with or without modification) no development of the types described in Schedule 2, Part 1, Class E, shall take place within the area of land which is subject to re-profiling in accordance with condition 13 without the prior express consent of the Local Planning Authority.

(Reason - To maintain the flood flow paths in accordance with Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2031.)

17. Development shall be carried out in accordance with the recommendations of the 'Update of Extended Phase 1 Habitat Survey' and the 'Bat and Breeding Bird Update Survey' prepared by JG Ecological Surveys Ltd dated February 2016.

(Reason - To ensure that the ecological status of the site is maintained in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031.)

18. No dwelling hereby permitted shall be occupied until the site access and highway works have been constructed, laid out and thereafter maintained in accordance with drawing number XGAZ2459-01 rev C.

(Reason - To provide a satisfactory access to the site and to protect the pedestrian priority on the footway in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)

19. No dwelling hereby permitted shall be occupied until two car parking spaces have been provided for that dwelling in accordance with plans to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with the requirements of Policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) 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:

834_SK106	Layout	20.06.16
834/100	Location Plan	27.01.16
XGAZ2459-01	Additional Information	06.05.16

List of Background Papers

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

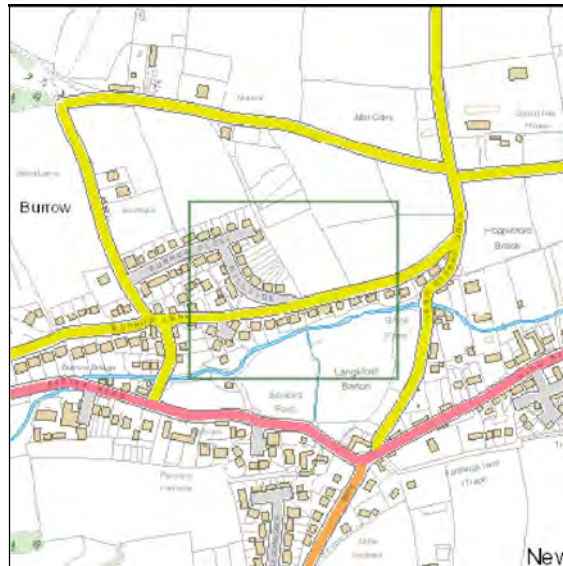
Ward Newton Popleford And Harpford

Reference 16/1688/FUL

Applicant Mr & Mrs Cordery

Location 1 Hillside (land Adjoining) Burrow
Newton Popleford Sidmouth EX10
0BR

Proposal Construction of 2no. semi-detached
dwellings including the creation of
new access and parking spaces.



RECOMMENDATION: Approval with conditions



		Committee Date: 4th October 2016
Newton Poppleford And Harpford (NEWTON POPPLEFORD AND HARPFORD)	16/1688/FUL	Target Date: 12.09.2016
Applicant:	Mr & Mrs Cordery	
Location:	1 Hillside (land Adjoining) Burrow	
Proposal:	Construction of 2no. semi-detached dwellings including the creation of new access and parking spaces.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is brought before the Committee because the Ward Member view is different to the officer recommendation.

The proposal seeks full planning permission for the construction of a pair of semi-detached dwellings along with the provision of off-road parking spaces for the existing and new dwellings.

Outline planning permission for a single dwelling has previously been granted on the site and details of the reserved matters are currently under consideration. This application for two dwellings would be implemented as an alternative to the single dwelling. Although the new Local Plan has been adopted since outline planning permission was granted, Newton Poppleford has retained its built-up area boundary and therefore development on the site remains acceptable in principle.

In the streetscene the proposal would preserve the important characteristics of scale and layout which define the regular layout of Hillside. While the gardens would be smaller this would not impact on the streetscene or create poor amenity areas for the occupants. Furthermore, in design terms, the dwellings would be sympathetic to their neighbours and finished in matching materials. Furthermore, the parking area would be appropriately landscaped and would not harm the open character of the frontage.

The proposal would not harm the AONB or the amenity of the occupiers of surrounding properties and the parking arrangement would comply with the standing advice and policy requirements. In the absence of any demonstrable

harm to the character and appearance of the area, the proposal is recommended for approval.

CONSULTATIONS

Local Consultations

Newton Poppleford & Harpford - Cllr V Ranger

I agree with the parish council that this is over development of the site, having attended a meeting with the parish council and the architect and visited the site and therefore object to this application. The aerial view on Google maps puts into perspective just how cramped this site will be, completely out of keeping with surrounding properties and with very poor outside space for both the existing house and in particular one of the two proposed properties.

D1 - this proposal does not respect the key characteristics and special qualities of the area in which the development is proposed and the scale, mass and density are out of keeping. The amenity of current and future occupants are not respected.

Clerk To Newton Poppleford & Harpford Parish Council

PC objects, overdevelopment of the site.

Other Representations

Three objections have been received raising concerns about access and parking, overlooking and the scale of the development.

Technical Consultations

County Highway Authority
Highways Standing Advice

PLANNING HISTORY

Reference	Description	Decision	Date
13/1970/OUT	Outline planning application for erection of a detached dwelling (all matters reserved)	Approval with conditions	17.12.2013
16/1973/RES	Construction of detached dwelling and formation of vehicular access and 2no. parking spaces (approval of details of access, appearance, landscaping, layout and scale reserved by outline planning permission 13/1970/OUT).	Pending Consideration	

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The site is located within the Built-up Area Boundary of Newton Poppleford. Hillside is a small estate of two-storey semi-detached and terrace properties of a similar design.

The site forms the large side garden to number 1 and is raised above road level adjoining an open field to the east. The site is located within the AONB.

Proposal

The proposal seeks full planning permission for the construction of a pair of semi-detached dwellings in the side garden of 1 Hillside along with the provision of off-road parking spaces for the existing and new dwellings.

Outline planning permission for a single dwelling has previously been granted on the site and details of the reserved matters are currently under consideration. This proposal for two dwellings would be implemented as an alternative to the permission for the single dwelling.

ANALYSIS

The site is located within the built-up area of Newton Poppleford where development is acceptable in principle, subject to a number of considerations. In this instance the main considerations are: whether the development would be compatible with the character of the site and its surroundings; whether it would conserve the East Devon AONB; whether it would adversely affect the amenity of the occupiers of adjoining residential properties; and whether the access and parking arrangements would be appropriate.

Character

Being on the end of the row of houses in Hillside, no. 1 has a relatively large area of garden to the side, which is currently used for parking and storage. The main amenity area is directly behind the house and this area would be retained for the host dwelling. The proposed site plan demonstrates that there is adequate space for a pair of dwellings in the same alignment as no. 1, albeit with smaller rear gardens than others in Hillside and a slightly smaller gap between the next pair of semis. In the streetscene the proposal would preserve the important characteristics of scale and layout which define the regular layout of Hillside. While the gardens would be smaller this would not impact on the streetscene or create poor amenity areas for the occupants. Furthermore, in design terms, the dwellings would be sympathetic to their neighbours but not faithful reproductions owing to their smaller size and footprint. With the use of matching materials, as is proposed, the dwellings would be compatible with the established streetscene.

Most of the properties in Hillside do not have off-street parking but at the lower end of the road near the junction with Burrow, the provision of parking on site is an advantage. While this is not a characteristic feature of the streetscene, it would be appropriately landscaped and would not harm the open character of the frontage given a similar arrangement to the adjoining properties.

AONB

The site is on the edge of the built-up area adjacent to an open field. In the context of the development to the west and south, the additional dwellings would not appear unduly prominent or intrusive in the surrounding countryside. Furthermore, there is strong boundary between the built-up area and the adjacent countryside which would contain the development and clearly define the edge of the settlement. On that basis there would be no harm to the AONB.

Amenity

The host dwelling has its main windows facing the front and rear and would not therefore suffer a loss of outlook or loss of light as a result of the development. The new dwellings would be in the same alignment and would also have their main outlook to the front and rear. Consequently the relationship between properties would be typical of terraced properties and would create a reasonable degree of privacy for all parties.

Access and Parking

Policy TC9 of the Local Plan encourages the provision of 2 parking spaces per dwelling, which this proposal would provide. Hillside is an unclassified road where there is no requirement to provide on-site turning facilities so the proposed layout is acceptable. The spaces are also slightly larger than the required standard and would be surfaced in porous materials to avoid surface water run-off. Concern has been raised about adding to the traffic making the tight turn from Hillside into Burrow Lane. This manoeuvre needs to be executed carefully but is not a danger to highway safety on this lightly used road.

Conclusion

The proposed dwellings would each have less space than the permitted single dwelling on the plot but they would still have reasonable outdoor amenity space, sufficient parking space and would be similar in appearance to their neighbours in Hillside. Although the plots would be smaller than the majority of those in Hillside, the position, scale and appearance of the dwellings would reinforce the established pattern of development and the smaller footprint will not result in any detrimental visual impact. For these reasons it is considered that the proposal would not result in overdevelopment of the site and approval is recommended.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Notwithstanding the submitted details, no development shall take place above foundation level until a schedule of materials and finishes to be used in the construction of the external surfaces of the dwellings, including windows, doors and rainwater goods, and samples of the roof slates and ridge tiles have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)
4. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and

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

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)

5. The surface of the parking spaces shall be made of porous materials, or provision shall be made to direct run-off water from the parking spaces to a permeable or porous area or surface within the site.
(Reason - To ensure that surface water is managed appropriately in accordance with policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013-2031.)
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road other than any agreed as part of the landscaping scheme.
(Reason - To retain the open character of the landscaped frontage in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)
7. The dwellings hereby permitted shall not be occupied until the parking spaces shown on the approved plan have been provided in accordance with the approved details. These shall thereafter be retained and kept available for those purposes at all times.
(Reason - To ensure that adequate provision is made for the occupiers and in the interests of highway safety in accordance with the requirements of Policy TC7 (Adequacy of Road Network and Site Access) of the 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	18.07.16
HNR PL-02	Existing Site Plan	18.07.16
HNR PL-03	Proposed Site Plan	18.07.16
HNR PL-06	Proposed Elevation	18.07.16
HNR PL-05	Proposed Elevation	18.07.16
HNR PL-04	Proposed Combined Plans	18.07.16

List of Background Papers

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

Ward Ottery St Mary Rural

Reference 16/0622/OUT

Applicant Mr & Mrs B and L Morris

Location Land Between The Star And
Shenne West Hill Road West Hill

Proposal Demolition of existing bungalows
and construction of 3no dwellings
(outline application with all matters
reserved).



RECOMMENDATION: Approval with conditions



		Committee Date: 4th October 2016
Ottery St Mary Rural (OTTERY ST MARY)	16/0622/OUT	Target Date: 15.07.2016
Applicant:	Mr & Mrs B and L Morris	
Location:	Land Between The Star And Shenne West Hill Road	
Proposal:	Demolition of existing bungalows and construction of 3no dwellings (outline application with all matters reserved).	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

The Star and Shenne comprise a pair of vacant detached bungalows of 1960s/70s construction that occupy sizeable plots located on the edge of the built-up area of West Hill. They are laid out in a broadly tandem arrangement at the rear of other detached residential properties in West Hill Road and Needlewood Close and served by a shared private driveway off the former. Both plots house a number of poorly managed trees and there are significant numbers of further trees on and close to the site boundaries.

The application seeks outline planning permission, with all detailed matters reserved, for the removal of the existing dwellings and their outbuildings from the site and its redevelopment with three detached dwellings. However, indicative layout details accompanying the application and information set out in the design and access statement shows that 4/5 bedroom houses are envisaged.

An arboricultural report containing a tree protection plan satisfactorily demonstrates that the site is capable of accommodating three units laid out in a manner that would pay appropriate regard to the constraints presented by the presence of the more important trees within the site that it is proposed be retained. It also sets out proposals for both tree and ground protection during the course of development.

Equally, it is considered that the site is of sufficient size to provide three development plots of a size and configuration that would be largely in keeping with both those of adjacent and nearby dwelling plots specifically and the intrinsic low density character of West Hill more widely. Furthermore, it is

thought that individual dwellings of acceptable scale and design are capable of being provided for each plot in a manner that would pay regard to the need to ensure that the balance between buildings and greenery is adequately maintained.

Although the opposition to two storey development is noted, it should be emphasised that the application is in outline only with the scale, including the height, of each unit to be considered in greater detail at a later stage. Indeed, it is not considered necessary to seek to restrict the scale, height or form of any of the dwellings at this stage as it is thought that the site is capable of being laid out sensitively in terms of the need to safeguard as far as possible the amenities of existing neighbouring occupiers whilst recognising both the below and above ground constraints created by the trees on the site.

CONSULTATIONS

Local Consultations

Parish/Town Council

TOWN COUNCIL COMMENTS: The Town Council does not support this application for the following reasons:

- o Three 5 bed homes on this site would be over-bearing in this location and would dominate the other dwellings in Needlewood Close
- o The access road is too narrow and there are flood implications for the house called 'Needlewood' along this road, as there is a raised area part way down the road to stop any potential flooding onto the property. Increased traffic could cause damage to this flood protection
- o The proposed dwellings are out of keeping with the 'bungalow builds' in the area

The site would be suitable for 3 bungalows providing the problems with access could be resolved.

Ottery St Mary Rural - Cllr M Coppel

Whilst I believe new development on this site would be a welcome improvement on what currently exists, my initial thoughts are that this particular application represents over development and would also cause a loss of amenity to neighbouring residents due to one of the proposed houses potentially overlooking nearby gardens.

I also understand the access to the site is narrow, and that in order for heavy site vehicles to gain access two trees on neighbouring properties would need to be felled. Whilst I appreciate the consent for this to happen is not a material consideration, it does bring into question the viability of the scheme overall.

I am therefore objecting to this application at this stage in the hope that the applicant returns with a more modest, and therefore more acceptable, proposal.

However, should officer's be minded to approve I will remain open minded until the matter has been discussed fully in committee.

Technical Consultations

EDDC Trees

I have reviewed the submitted plans and Arboricultural Report and have visited the site. I have following observations to be taken into account.

Arboricultural report (rowse tree services)

The report has accurately identified, located and categorised the trees growing within the site. However there appears to be some uncertainty about the alignment of the ownership boundary and the trees outwith or thereon in relation to the SW and SE boundaries, with the result that several significant trees are missing from the submitted report and plans. Notwithstanding this anomaly the constraints and requirements for protection for the additional trees along these boundaries will be no more significant than those shown for the trees identified in the report.

The report identifies a number of C category trees growing internally on the site for removal. These are all of poor or moderate quality and not suitable for retention or further protection through a TPO. The report has correctly identified five individual trees growing within the site for retention and demonstrates how the indicative layout takes account of their presence.

Submitted plans

The submitted plans show an indicative layout of three detached dwellings. The layout appears to match that shown in the Arboricultural Report and can therefore be considered to not be a threat to the sustainable retention of the better quality trees on the site.

I do not consider there to be any arboricultural reasons to oppose the proposed outline application for three dwellings. However the reserved matters need to be informed and guided by a new Arboricultural assessment in accordance with the principles of BS 5837:2012 which identifies and includes the trees on and adjacent to the SE and SW boundaries. I suggest that the following condition be attached to any forthcoming consent:

Tree Survey and Report, Tree Protection Plan and Arboricultural Method Statement
Prior to the commencement of any works on site (including demolition and site clearance or tree works), a tree survey and report to include an Arboricultural Impact Assessment (AIA), a Tree Protection Plan (TPP) and Arboricultural Method Statements (AMS) for the protection of all retained trees, hedges and shrubs on or adjacent to the site, shall be submitted to and approved in writing by the Planning Authority.

The layout and design of the development shall be informed by and take account of the constraints identified in the survey and report.

The tree survey and report shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. The development shall be carried out in accordance with the approved details.

Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

Reason: To ensure the continued well being of retained trees in the interests of the amenity of the locality.

County Highway Authority
Highways Standing Advice.

Other Representations

11 representations have been received, 9 raising objections (including a representation from the West Hill Residents Association) and 2 setting out other observations.

Summary of Objections

1. Overlooking/loss of privacy.
2. Increase in vehicular use of the access driveway which will also be the only access for construction traffic with potential for damage to boundary hedges and trees, underground services and foundations.
3. Scale of development would be incongruous with the surroundings and would result in overdevelopment of the site that would be harmful to the setting of the area.
4. The driveway is very narrow, not suited to an increase in car movements and likely to be problematic for emergency and delivery vehicles.
5. Mature native trees at approximately 4 metres high should be planted in place of the Lawson Cypress trees to be felled rather than a hedge planted as proposed.
6. Loss of trees would be detrimental to the wooded character of the site and would expose the adjacent bungalows to the development.
7. Replacement bungalows, not 5 bedroom houses, should be chosen for the site as they would be more in keeping with the area and conditions should be imposed to this effect.
8. A previous application submitted in 1981 for a dwelling on a plot between The Star and Shenne was refused and a subsequent appeal dismissed on grounds relating to the inadequacy of the access lane to serve additional development and the backland nature of the scheme being out of character.
9. Further deterioration in condition of access lane which is already poor.
10. Two storey dwellings would be overbearing and dominating resulting in loss of amenity for neighbours in Needlewood Close.
11. Concerns about surface water runoff.
12. Trees at the entrance to the site might need to be felled or pruned to permit access for construction vehicles.

Summary of Other Observations

1. Would be helpful if tree preservation orders could be applied to trees on south western boundary that are in third party ownership to ensure that they are not harmed during the course of development.
2. Pleased with the sympathetic approach to trees as shown and hope that these proposals will form an integral part of the planning permission.
3. All surrounding development is made up of bungalows and houses would not be in keeping.
4. Developers' parking needs to be looked at closely; unless there is on site parking, vehicles parked on West Hill Road would cause danger to road users due to the proximity of a bend and would disrupt residents in Needlewood Close.

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

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

Strategy 43 (Open Space Standards)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

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

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Relevant Planning History

An application for outline planning permission (ref. 81/P1782) relating to the construction of a bungalow on a plot formed between The Star and Shenne, was refused in January 1982 on grounds relating to the inadequate size of the plot, the scheme amounting to undesirable tandem backland development, inadequate sewerage infrastructure, the inadequacy of the access to serve further development owing to its unmade state and poor alignment and conflict with the policy permitting no more than three dwellings off a private drive.

A subsequent appeal against the Council's decision was dismissed in August 1982 with the Inspector upholding the grounds relating to the inadequacy of the access track and the inappropriate backland nature of the development.

Site Location and Description

The Star and Shenne comprise two detached bungalows with garages/outbuildings located on the southern side of West Hill Road at the rear of detached residential properties fronting both that road and Needlewood Close. Positioned on the edge of but within the built-up area of the village, both occupy plots of generous size and are accessed by way of an unmade shared private driveway of single vehicle width that also serves Needlewood, a detached property with boundaries with both West Hill Road and Needlewood Close.

The cumulative area of both plots is around 0.49 hectares. The Star was constructed in 1964 with Shenne completed around ten years later. However, both properties are now understood to be currently vacant having been within the same ownership since construction. However, with the comparatively recent passing of the owner, family members are now tasked with their sale.

Difficulties in maintaining the two properties over a period of a number of years have meant that many of the mature and semi mature trees, both deciduous and coniferous, that are both located within and closely border the site have been allowed to get out of control. None are formally protected by way of a tree preservation order.

Proposed Development

The application seeks outline planning permission for the demolition of the two bungalows and garages/outbuildings and the redevelopment of the site in the form of the construction of three detached dwellings. All detailed matters, comprising the layout and landscaping of the site, the scale and appearance of the development itself and the means of access, are reserved for later approval.

The submission does however include indicative site layout and section details of what are described in the design and access statement (that also accompanies the application) as '4/5 bedroom houses' with attached garages/car ports. These show three plots of broadly equivalent area served by the existing access driveway and laid out with individual parking and turning facilities.

ANALYSIS

Considerations/Assessment

The proposal falls to be considered having regard to the material issues set out below that are discussed in turn as follows.

Principle of Development

As stated above, the site is wholly located within the built-up area of West Hill as currently set out in the new local plan which, pending the progression of the village development boundaries development plan document that will eventually accompany it, applies the defined boundary of the village taken from the former plan. As such, the broad principle of additional residential development of the site is acceptable in strategic settlement policy terms subject to the more detailed considerations set out below.

Impact upon Character and Appearance of Area

The submitted design and access statement advises that both existing properties are poorly insulated and unsuitable, by modern day standards, to meet the needs of potential occupiers without the need for major alterations and additions. Moreover, it is thought that with this in mind the best option would be to demolish them and redevelop the site. This would in turn represent an opportunity to improve the area through a good quality design.

Neither of the existing properties are of any particular distinction visually or architecturally and it is not considered that they contribute especially positively towards the character or appearance of this part of West Hill. Indeed, owing to the presence of significant levels of tree and hedge screening coupled with the distance that both are set back from West Hill Road, they are not readily visible within the wider public domain. Furthermore, it is equally unlikely that any new development would impact to any great extent upon the street scene of either West Hill Road or Needlewood Close.

The West Hill Village Design Statement, adopted by the Council as supplementary planning guidance, sets out a series of key design principles that should be applied to all new development. Principal among these in the context of this outline application proposal are that: the special low density and green character of the village should be retained; the scale of developments should seek to retain the existing balance between buildings and greenery (which is also part of this distinctive character); houses should be placed within plots so as to maintain separation and privacy; new development should be designed to prevent loss of trees and retain individual trees, groups of trees and hedges as a boundary between the countryside and the village.

These principles essentially support the relevant provisions of both Strategy 6 and Policy D1 of the local plan.

On the basis of the illustrative detail submitted, it is considered that a development of three residential properties is capable of being accommodated on the site without necessarily resulting in the essential low density character of the area being unduly compromised or harmed. There is some agreement with the submitted argument in favour of the development that both existing bungalows are relatively modest for the sizes of their individual plots and, taken together with the generous space that exists within the site (particularly between the two properties) it is accepted that, subject to appropriate consideration being given to arboricultural issues (which are discussed in greater detail below), the site is of sufficient area to house three units.

Whilst likely to be individually slightly more modest in area than the great majority of existing dwelling plots along West Hill Road and Needlewood Close, it is maintained that the prospective plots for each of the three units would compare reasonably favourably with prevailing plots sizes and configurations in the locality such that development need not create an inappropriate imbalance between buildings, open space and greenery. Moreover on this point, subject to detailed design and scale matters, alongside neighbour amenity impact issues, it is also thought that the site could potentially house either bungalows, chalet style units or two storey dwellings without necessarily resulting in an overdevelopment of the site or adversely detracting from its low density character or that of the surrounding area.

Impact upon Neighbour Amenity

The submitted illustrative layout details show that the northern and central of the three prospective dwellings could be positioned so as to achieve a separation distance from the eastern site boundary with the rear and rear gardens of neighbouring properties in Needlewood Close of a minimum of 20 metres. Coupled with the generous plots sizes of these properties themselves, it is considered that sufficient separation between existing and prospective new dwellings within the site can be achieved so as to avoid any significant detrimental impact upon the living conditions of the neighbouring occupiers, even with the intended removal of the row of Lawson Cypress between the existing/proposed shared driveway and the site boundary with these which would potentially open the site up to mutual views between the development and the Needlewood Close properties.

The southern unit is shown with a possible principal aspect to the north towards the shared access driveway and in part across the front of the dwelling on the central plot. In addition, the majority of the individual trees along and adjacent to the southern section of the eastern site boundary with no. 6 Needlewood Close are shown to be retained, with some minor pruning of lower branches, and as such would help to provide significant screening of this part of the development.

It is not anticipated therefore, subject to consideration of the details of individual dwelling details at the reserved matters stage, that the proposal would give rise to any issues with regard to any amenity/privacy impact upon the occupiers of these or any other adjacent or nearby residential properties.

Impact upon Trees

The submission includes a detailed arboricultural report that, in the main, correctly locates, identifies and categorises the trees within the site. It is also accepted that those identified for removal are all of the poor or moderate quality appropriately reflected by the 'C' category that they are assigned and therefore unsuitable for retention or formal protection through a tree preservation order.

In addition, importantly the report also correctly identifies five individual trees within the site for retention and satisfactorily demonstrates, through a tree protection plan, how the indicative layout takes their presence, alongside those on or adjacent to the site boundaries, into account. Indeed, this has been clearly and positively designed around the identified arboricultural constraints. It also sets out appropriate proposals for both tree and ground protection during the course of development.

There is however a measure of uncertainty regarding the alignment of the boundary and trees in relation to the south western and south eastern site boundaries with the result that a number of significant trees are not referred to in the report or shown on the submitted plans. Notwithstanding this, it is not anticipated that the constraints and requirements for protection for the additional trees along these boundaries will be no more significant than those shown for the trees identified in the report.

In the circumstances therefore, it is thought that the submission of site layout details at reserved matters stage along the lines of those submitted at this stage, which are replicated in the layout set out in both the tree protection and tree planting plans accompanying the arboricultural report, would not unduly threaten the retention of the better quality trees on the site. There are therefore no objections to the proposed development on arboricultural grounds subject to the reserved matters being informed by a fresh arboricultural assessment which includes the trees on and adjacent to the south eastern and south western boundaries.

Highways/ Access

Owing to the modest scale of the scheme, the County Highway Authority (CHA) has advised that its standing advice should be applied in this case.

Clearly, the proposed development would result in an extra dwelling being served by the present access and shared private driveway off West Hill Road with the attendant increase in vehicular movements that this would generate. However it is considered that there are more than adequate levels of visibility both from and of vehicles emerging from the access driveway onto West Hill Road, not least owing to the presence of reasonably wide roadside verges, such that it is not envisaged that the proposal would result in a situation where there would be an increased risk of danger to motorists or pedestrians. Equally, although the access track is unmade, narrow and devoid of any provision for pedestrians, traffic speeds are low and there is not thought to be any sustainable objection to a modest increase in its use that would arise from the accommodation of a net gain of one dwelling.

Ecology

The application is also accompanied by an ecological scoping assessment report in the form of a bat and protected species survey and Great Crested Newt eDNA analysis.

The principal conclusions set out in this report are that the loft spaces of both The Star and Shenne reveal accumulations of bat droppings that indicate the roofing layers and loft spaces as confirmed bat roosts. That of Shenne supports a Natterer's bat roost while the roof space of The Star supports a pipistrelle bat and brown long-eared bat roost. The proposed demolition would result in their destruction and potentially cause disturbance and/or injury to any roosting bats upon commencement of works. It will therefore be necessary to obtain a European Protected Species License from Natural England.

The report suggests that mitigation may need to take the form of appropriate timing of commencement of works, hand striping of bat roosts with ecological supervision and reinstatement of suitable bat roosting provision within the development.

In addition the survey established the presence of two badger setts within two of the site boundaries. Although that located within the south western boundary would remain outside of part of the site that would be subject to development activity, a subsidiary sett on the north eastern boundary is located within proximity of development works and would need to be either temporarily or permanently closed off. This would also require a license from Natural England. Mitigation and compensatory measures would need to include monitoring, agreement of a closure period and ecological supervision of sett excavation.

The eDNA test for great crested newts indicates that there are none present within ponds on the site. However, the report does recommend that the removal of scrub, grassland and bracken habitats and log and vegetation piles should be phased and timed on a precautionary basis to avoid any potential disturbance or injury to dormice, active bird nests, amphibians and reptiles. Specific recommendations include the coppicing of wooded vegetation and subsequent strimming of ground vegetation.

No objections are therefore raised to the proposed development from the perspective of the impact upon ecological interests. However, it is considered necessary to seek further specific details of mitigation proposals, more particularly in respect of the reinstatement of bat roosts and management of the affected badger sett, by means of a condition.

CIL

The proposed development would be liable for payment of the Community Infrastructure Levy (CIL). The appropriate form setting out the required additional information that confirms liability has been supplied in line with the Council's recently adopted validation checklist.

Other Matters

Application 81/P1782, refused by the Council with an appeal subsequently dismissed in 1982, referred to in Planning History above, involved the creation of a development plot for a single dwelling on the land between the two properties.

Whilst the Inspector's conclusions regarding this proposal are recognised, and there is an acknowledgement that both of the existing properties themselves arguably occupy a backland position in relation to the detached dwellings that directly front onto West Hill Road and Needlewood Close, it is not agreed that the current application proposal would itself be of a backland layout or character. The proposed shared access driveway would extend along the front of the three units that are proposed, by contrast with access along the side of one or more dwellings that is more typically characteristic of backland tandem development.

In addition, modern day highway standards allow for an element of greater flexibility in relation to the number of dwellings that are served by private driveway arrangements. As such, it is not considered that the fact that the existing driveway would serve more than three dwellings as a result of the development would represent a sustainable ground upon which to resist the current proposal.

Equally, having regard to the foregoing points set out above, it is not thought that the limitations of the access track in terms of its unmade surface and modest width are so severe as to be able to justify objection given the net addition of only one dwelling that would result from the scheme.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline with one or more matters reserved.)
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).
3. The approved landscaping scheme shall be carried out in the first planting season after commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced

during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the adopted East Devon Local Plan 2013-2031.)

4. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a tree survey and report to include an Arboricultural Impact Assessment (AIA), a Tree Protection Plan (TPP) and Arboricultural Method Statements (AMS) for the protection of all retained trees, hedges and shrubs on or adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority.

The layout and design of the development shall be informed by and take account of the constraints identified in the survey and report.

The tree survey and report shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. The development shall be carried out in accordance with the approved details.

Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

(Reason - To ensure the continued well being of retained trees in the interests of the amenity of the locality in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the adopted East Devon Local Plan 2013-2031.)

5. Before any development commences details of final finished floor levels and finished ground levels in relation to a fixed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

6. A Construction and Environment Management Plan (CEMP) shall be submitted to and approved by the Local Planning Authority prior to any works commencing on site and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no

working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

(Reason: To ensure that the details are agreed before the start of works to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted New East Devon Local Plan 2016.)

7. The development hereby permitted shall be carried out in accordance with the mitigation measures for protected species set out in the Ecological Scoping Assessment, Bat and Protected Species Survey and Great Crested Newt eDNA Analysis report dated September 2016 prepared by EcoLogic Consultant Ecologists and in accordance with further details of the specific mitigation measures to be carried out in relation to roosting bats and badgers that shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development (including the demolition of any buildings from the site).

(Reason - To ensure that appropriate mitigation measures are approved and incorporated into the development at the earliest opportunity in the interests of the conservation of protected species and in accordance with Policy EN5 - Wildlife Habitats and Features of the adopted East Devon Local Plan 2013 - 2031.)

8. No development shall take place until satisfactory details as to the means of disposal of surface water from the development, including the access driveway, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before any dwelling on the site is occupied.

(Reason - To avoid flooding during and after development in accordance with the requirements of Policy EN14 - Control of Pollution 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

14.03.16

List of Background Papers

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

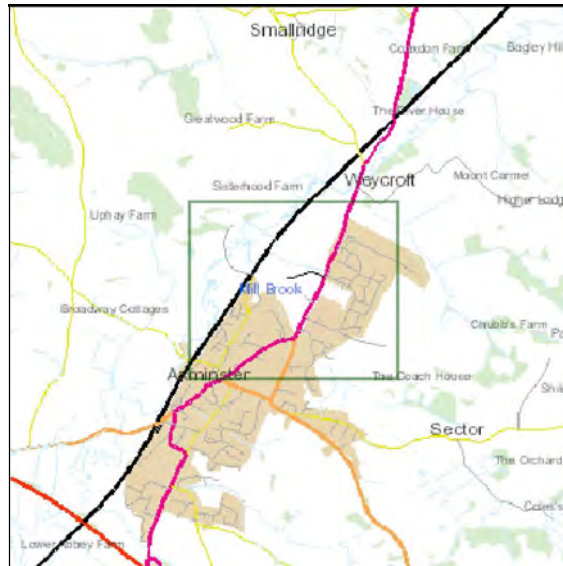
Ward Axminster Rural

Reference 16/1856/VAR

Applicant Bovis Homes Ltd (Mr Andrew Deans)

Location Cloakham Lawn Sports Centre
Chard Road Axminster EX13 5HW

Proposal Variation of condition 2 of application 14/0774/MRES to amend house types on plots 363-386 (inclusive)



RECOMMENDATION: Approval with conditions

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		Committee Date: 4 October 2016
Axminster Rural (AXMINSTER)	16/1856/VAR	Target Date: 08.11.2016
Applicant:	Bovis Homes Ltd (Mr Andrew Deans)	
Location:	Cloakham Lawn Sports Centre Chard Road	
Proposal:	Variation of condition 2 of application 14/0774/MRES to amend house types on plots 363-386 (inclusive)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the officer recommendation is contrary to the view of the Town Council.

The site is located on the northern fringe of Axminster, approximately half a mile from the town centre. The site lies within the built up area boundary of Axminster as defined within the Local Plan.

Outline and reserve matters permissions have previously been granted for the site for approximately 400 dwellings to be built in two phases. This application concerns plots on the second phase of development which is currently being constructed on site.

The proposed dwellings on plots 363-386, when viewed from the south would appear not appear any different to those previously approved under application 14/0744/MRES, with the height, scale and use of materials remaining constant. The amendment to the design sought would provide a retaining wall set 1 metre back from the rear elevation of each dwelling as opposed to the rear elevation of the dwelling forming the retaining wall on the previously approved application. The change is required due to changes in requirements from the National House Builders Council (NHBC) and the fact that 'tanking' of the rear wall is not longer supported through their warranties. The amendment would only alter the rear elevation although the part amended would not be visible other than within the curtilage of each respective dwelling.

The Town Council has raised concerns relating to the sub-urban nature of the basement feature on the proposed dwellings and concerns over the slippage of foundations. As the proposal is not far departed from the existing consent and required to address land stability/warranty issues, these concerns are not considered to justify refusal of permission.

The impact of revised design of dwellings is considered to be un-noticeable from the public perspective and is an amendment required due to a change in legislation that would still ensure that the dwellings are built in accordance with Building Regulations requirements. The proposal is considered to be acceptable not impacting unreasonably on its surroundings or the amenity of other surrounding plots on the same development.

CONSULTATIONS

Local Consultations

Parish/Town Council

AXMINSTER TOWN COUNCIL OPPOSES THIS APPLICATION ON THE GROUNDS THAT THE PROPOSED CHANGES INTRODUCE A SEMI-SUB-TERRANEAN ELEMENT (AKIN TO AN URBAN BASEMENT) WHICH IS NOT APPROPRIATE TO THIS RURAL LOCATION. COUNCILLORS ARE CONCERNED, FURTHER, REGARDING THE STABILITY OF THE LAND ON WHICH THE HOUSES ARE LOCATED, GIVEN THAT THEY ARE TO BE CONSTRUCTED ON TOP OF THE GRAVEL USED TO COVER THE ATTENUATION PIPES, AS THEY WOULD NOT LIKE TO SEE AN 'ABERFAN' LIKE SLIPPAGE OF THE FOUNDATIONS.

Axminster Rural – Cllr I Hall

Firstly I declare a personal interest, as I am Chairman of Cloakham Lawns Sports Centre and Bovis Holmes are the landlord of the Sports Centre. As well as this there are connected '106' contributions from this development towards Cloakham Lawns Sports Centre.

I do understand Axminster Town Council's concerns.

Also I feel the officers recommendations are balanced and any planning appeal would probably go in favour of the developer.

It may seem like I am sitting on the fence.

The DMC have a decision to make.

Technical Consultations

County Highway Authority

Does not wish to comment

Other Representations

One representation has been received raising the following concerns:

- Subsidence from so many properties built in such a small area;
- Noise pollution from so many people living in such a small area

PLANNING HISTORY

Relevant Planning History

10/0816/MOUT - Outline application for a mixed use urban extension to provide 400 dwellings (maximum), 10-12,000 sq.ft. of managed employment floor space, provision of public open space, retention of existing recreational facilities and access. - Approved

13/1489/MRES - Reserved Matters approval for erection of 63 dwellings including associated works (approval of details of Appearance, Landscaping, Layout and Scale) pursuant to Outline application 10/0816/MOUT - Approved

14/1435VAR - Variation of condition 2 of planning application 13/1489/MRES to amend the design of the contemporary dwellings - Approved

14/2891/VAR - Variation of condition 3 of planning consent 14/1435/VAR to amend the house type and site layout relating to plot 50 – Approved

14/0774/MRES - Reserved matters application for the erection of 360 dwellings and employment development (approval of appearance, landscaping, layout and scale) pursuant to outline application 10/0816/MOUT. - Approved

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

EN14 (Control of Pollution)

TC7 (Adequacy of Road Network and Site Access)

D2 (Landscape Requirements)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Site Location and Description

The site is located on the northern fringe of Axminster, approximately half a mile from the town centre. The site lies within the built up area boundary of Axminster as defined within the Local Plan.

The wider site which has the benefit of outline permission has an area of 18.9 hectares, previously in use as rough agricultural grassland but does include the Cloakham Lawns Sports Centre towards the western half of the site which has a single track access running centrally through the site to the A358 Chard Road and

which is also a public footpath. To the northern end of the site there are a group of agricultural buildings on a raised plateau with an access directly to the Chard Road. There is a small watercourse running east west across the site from the Chard Road (close to the point where First Avenue intersects with the A358) which drains down through the site towards the railway line. The southern boundary of the site is bounded by the Millbrook and its flood plain extends over part of the southern portion of the site. The western boundary is marked by the railway line and on the other side of this is the River Axe. To the north of the site is open agricultural land. Residential development abuts the south western and south eastern boundaries of the site. Along the south western boundary there is development backing on to the Millbrook principally from Millbrook Dale and North Street. The land to the east of the A358 Chard Road is principally residential and predominantly two storey but there is also a cemetery and playing fields together with an industrial estate further to the north east. There are also a series of residential properties forming a ribbon of development to the west side of the A358 Chard Road and abutting the north eastern boundary of the application site.

The application concerns the southernmost part of the site with views over the public open space to the south and served by the estate road towards its junction with Chard Road. Development is currently taking place around the application site implementing the reserved matters approval for the site.

ANALYSIS

Proposed Development

The proposal seeks to vary the design of plots 363-386 inclusive. As approved the properties were three storey at the front and two storey at the back with the rear elevation built into the existing ground levels. However, due to change in the requirements from NHBC who provide warranties for the finished dwellings, tanking of the internal walls is no longer supported and therefore a retaining wall must be built and a three storey dwelling erected at the back as well as at the front. There would not be a net increase or decrease in the number of residential units.

Assessment

The principle of the proposed development and all other matters were dealt with under applications 10/0816/MOUT, 13/1489/MRES and 14/0774/MRES, therefore the main consideration in the determination of this application is the appropriateness of the amended design on the street scene.

Amended design and impact on the character and appearance of the area

The proposed dwellings, when viewed from the south would not appear any different to those previously approved under application 14/0744/MRES, with the height, scale and use of materials remaining constant. The amendment to the design sought would provide a retaining wall set 1 metre back from the rear elevation of each dwelling as opposed to the rear elevation of the dwelling forming the retaining wall on the previously approved application. The change is required due to changes in requirements from the National House Builders Council (NHBC) and the fact that

'tanking' of the rear wall is not longer supported through their warranties. The amendment would only alter the rear elevation although the part amended would not be visible other than within the curtilage of each respective dwelling. A bridge would be provided at ground floor level from the rear garden into the dwelling.

The Town Council have raised two main concerns, firstly regarding the suburban nature of the proposal impacting upon the rural character of the area - the amendment sought would not be visible from the public perspective only within each individual curtilage and in any event the dwellings would be built on an established residential estate where permission has previously been granted for a very similar scheme. Secondly, that there is potential for the foundations to 'slip' given that the land is made up on top of drainage pipes - the dwellings on this part of the site would be piled in terms of their foundations, this remains as approved on the previous permission, the retaining wall built 1 metre back from the dwelling would perform the same role as the rear elevation on the previous approval would and is therefore considered acceptable.

The impact of the revised design of dwellings is considered to be un-noticeable from the public perspective and is an amendment required due to a change in legislation that would still ensure that the dwellings are built in accordance with Building Regulations requirements. The proposal is therefore considered to be acceptable not impacting unreasonably on its surroundings.

There are no neighbouring dwellings in close proximity to the site to be impacted upon given that the front elevations of the dwellings face towards existing properties (albeit some distance away), this elevation of the proposed dwelling remains unchanged.

RECOMMENDATION

APPROVE subject to the following conditions:

1. East Devon District Council as Local Planning Authority HEREBY APPROVE THE FOLLOWING RESERVED MATTERS of the above described development proposed in the application numbered as shown above and in the plans and drawings listed at the end of this decision notice, relating to:-
 - a) Appearance
 - b) Landscaping (Subject to adherence to requirements of condition 5 on the outline planning permission)
 - c) Layout
 - d) Scale

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. no. 10/0816/MOUT) granted on 28th March 2011.

The following Conditions attached to the Outline Planning Permission referred to above are discharged

- 1 (Submission of reserved matters within 3 years of the date of Outline approval)
- 2 (Approval of details of layout, scale and appearance of the building and landscaping)
- 3 (Materials)
- 4 (Adherence to the design and access statement and plan IMP/100F)
- 5 (Adherence to the design and access statement and plan IMP/103)
- 6 (Adherence to the design and access statement, general principles of landscape strategy and plan IMP/100F)
- 7 (Landscape management plan)
- 8 (Finished floor levels and sections)
- 10 (Construction management plan)
- 11 (Travel plan)
- 12 (Road layout and gradient details)
- 13 (Flood risk assessment)
- 16 (Noise)
- 18 (Boundary treatment details)
- 20 (Mitigation measures for protected species)
- 21 (Bird and owl boxes)
- 22 (Archaeology written scheme of investigation)

The following conditions attached to the Outline Planning Permission referred to above remain to be discharged in so far as the second phase of development is concerned:-

- 9 (Contaminated land)
- 14 (Works to watercourse)
- 19 (Construction management plan)
- 23 (Tree references and protection)

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

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Development shall proceed in accordance with the Flood Risk Assessment Addendum dated March 2014 and the Drainage Strategy Addendum report dated 26th March 2014.
(Reason - In the interests of flood risk and pollution control to accord with advice given in the National Planning Policy Framework and Policy EN15 (Control of Pollution) of the East Devon Local Plan.)
4. The landscaping scheme hereby approved shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

SLB2/01 A	Proposed Floor Plans	08.08.16
SLA2/01 A	Proposed Floor Plans	08.08.16
SW3043/01 A	Proposed Floor Plans	08.08.16
SLA2/02 A	Proposed Elevation	08.08.16
SLB2/02 A	Proposed Elevation	08.08.16
SW3043/02 A	Proposed Elevation	08.08.16
JBA 14/97-01 F	Layout	08.08.16
JBA 14/97-02 F	Landscaping	08.08.16

JBA 14/97-10 G	Landscaping	08.08.16
JBA 14/97-11 F	Layout	09.08.16
0101_2_203 G	Other Plans	08.08.16
SF101 P1 REV A	Proposed Combined Plans	28.03.14
SF101 P2 REV A	Proposed Combined Plans	28.03.14
SH325 WF REV A	Proposed Combined Plans	28.03.14
SLB A	Proposed Combined Plans	28.03.14
SH421 REV A	Proposed Combined Plans	28.03.14
SLA A	Proposed Combined Plans	28.03.14
SF101 E REV A	Proposed Combined Plans	28.03.14
P307 T REV A	Proposed Combined Plans	28.03.14
P401 T REV B	Proposed Combined Plans	15.09.14
P202 T REV A	Proposed Combined Plans	28.03.14
P303 T REV A	Proposed Combined Plans	28.03.14
P403 C REV B	Proposed Combined Plans	28.03.14
P404 TB REV B	Proposed Combined Plans	15.09.14
AGS2 (PLANS) REV C	Other Plans	27.03.14
AGD2 (PLANS) REV A	Other Plans	27.03.14
AGS2 (ELEVS) REV B	Other Plans	27.03.14
P402 T REV A	Proposed Combined Plans	28.03.14
SH203 REV A	Proposed Combined Plans	28.03.14
SH309 REV A	Proposed Combined Plans	28.03.14
SH309 GF REV A	Proposed Combined Plans	28.03.14

P302 T REV A	Proposed Combined Plans	27.03.14
SF102 E 1 REV A	Proposed Elevation	28.03.14
SF102 E 2 REV A	Proposed Elevation	28.03.14
SF102 P 1 REV A	Proposed Floor Plans	28.03.14
SF102 P 2 REV A	Proposed Floor Plans	28.03.14
SF102 P 3 REV A	Proposed Floor Plans	28.03.14
E O, P 1 REV A	Proposed Floor Plans	28.03.14
E O P 2 REV A	Proposed Floor Plans	28.03.14
E O E 1 REV A	Proposed Elevation	28.03.14
E O E 2 REV A	Proposed Elevation	28.03.14
2501 T01 (SHEET 1)	Other Plans	27.03.14
2502 T01 (SHEET 2)	Other Plans	27.03.14
2503 T01 (SHEET 3)	Other Plans	27.03.14
2504 T01 (SHEET 4)	Other Plans	27.03.14
2505 T01 (SHEET 5)	Other Plans	27.03.14
2506 T01 (SHEET 6)	Other Plans	27.03.14
2601 T01 (SHEET 1)	Other Plans	27.03.14
2602 T01 (SHEET 2)	Other Plans	27.03.14
2603 T01 (SHEET 3)	Other Plans	27.03.14
2611 T01 (SHEET 1)	Other Plans	27.03.14

2641 T01	Other Plans	27.03.14
2651 T01 (SHEET 1)	Other Plans	27.03.14
2652 T01 (SHEET 2)	Other Plans	27.03.14
2653 T01 (SHEET 3)	Other Plans	27.03.14
2661 T01 (SHEET 1)	Other Plans	27.03.14
2691 T01	Other Plans	27.03.14
0101-3003B	Landscaping	27.03.14
AGD2 (ELEVS 1) REV A	Other Plans	27.03.14
0076-2-252	Other Plans	27.03.14
0076-2-253	Other Plans	27.03.14
0076-2-251	Other Plans	27.03.14
0101-2-250	Other Plans	27.03.14
P401 C REV B	Proposed Combined Plans	15.09.14
P404 C REV B	Proposed Combined Plans	15.09.14
P202 C REV B	Proposed Combined Plans	15.09.14
P302 C REV B	Proposed Combined Plans	15.09.14
P303 C REV B	Proposed Combined Plans	15.09.14
P307 C REV B	Proposed Combined Plans	15.09.14
2_303 REV B	Street Scene	10.12.14
2_305 REV B	Street Scene	10.12.14
2_304 REV B	Street Scene	10.12.14
0101-2_702 REV A	Sections	10.12.14

SWF037 E SOUTH	Proposed Elevation	27.01.15
SWF037 E EAST/WEST	Proposed Elevation	27.01.15
SWF037 E NORTH	Proposed Elevation	27.01.15
SWF037 GROUND FLOOR	Proposed Floor Plans	10.12.14
SWF037 1ST FLOOR	Proposed Floor Plans	10.12.14
SWF037 2ND FLOOR	Proposed Floor Plans	10.12.14
SWF037 3RD FLOOR	Proposed Floor Plans	10.12.14
SWF035 V2 E1 REV D	Proposed Elevation	27.01.15
SWF035 V2 E2 REV D	Proposed Combined Plans	27.01.15
SWF035 V2 PLANS 1 REV D	Proposed Combined Plans	27.01.15
SWF035 V2 PLANS 2 REV C	Proposed Combined Plans	10.12.14
SWF035 V2 PLANS 3 REV C	Proposed Combined Plans	10.12.14
SW3043	Proposed Combined Plans	10.12.14
SW3042 E1 REV A	Proposed Combined Plans	10.12.14
SW3042 E2 REV A	Proposed Combined Plans	10.12.14
SW4052 ELEVATIONS 2	Proposed Elevation	10.12.14
ELEVATIONS 1	Proposed Combined Plans	10.12.14
P308 -	Proposed Combined Plans	10.12.14

ELEVATIONS 2		
P308 - ELEVATIONS 3	Proposed Combined Plans	10.12.14
P308 - ELEVATIONS 1	Proposed Combined Plans	10.12.14
SWF035 E+W ELEVATIONS	Proposed Elevation	10.12.14
SWF035 N+S ELEVATIONS	Proposed Elevation	10.12.14
SWF035 - GR FLOOR REV B	Proposed Floor Plans	10.12.14
SWF035 FIRST FL PLANS REV B	Proposed Floor Plans	10.12.14
SWF035 SECOND FL REV B	Proposed Floor Plans	10.12.14
2_302 REV B	Street Scene	10.12.14
0101_2_701 A	Location Plan	10.12.14
SWF901 REV D- ELEVATIONS	Proposed Elevation	27.01.15
SWF901 REV D - FLOOR PLANS 1	Proposed Floor Plans	27.01.15
SWF901 REV D - FLOOR PLANS 2	Proposed Floor Plans	27.01.15
AF05	Proposed Combined Plans	10.12.14
AF05A2 REV B PLOT 133 ONLY	Proposed Combined Plans	10.12.14
AF05A2-2 TRAD REV B	Proposed Combined Plans	10.12.14
0101-2-201 REVF	Proposed Site Plan	27.01.15
0101-2-301 REVC	Street Scene	27.01.15
JBA 14/97-03 REVD	Landscaping	28.01.15

JBA 14/97-04 REVD	Landscaping	28.01.15
JBA 14/97-05 REVD	Landscaping	28.01.15
JBA 14/97-06 REVD	Landscaping	28.01.15
JBA 14/97-07 REVD	Landscaping	28.01.15
JBA 14/97-08 REVD	Landscaping	28.01.15
JBA 14/97-09 REVD	Landscaping	28.01.15
JBA 14/97-12	Landscaping	28.01.15
0_101	Location Plan	27.03.14
PLANS 1 REVA	Proposed Floor Plans	28.03.14

List of Background Papers

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

Ward Axminster Rural

Reference 16/1857/VAR

Applicant Bovis Homes Ltd (Mr Andrew Deans)

Location Cloakham Lawn Sports Centre
Chard Road Axminster EX13 5HW

Proposal Variation of condition 2 of application 14/0774/MRES to enable amended house types on plots 236-252, 316-330 and 344-350 inclusive



RECOMMENDATION: Approval with conditions



		Committee Date: 4th October 2016
Axminster Rural (AXMINSTER)	16/1857/VAR	Target Date: 08.11.2016
Applicant:	Bovis Homes Ltd (Mr Andrew Deans)	
Location:	Cloakham Lawn Sports Centre Chard Road	
Proposal:	Variation of condition 2 of application 14/0774/MRES to enable amended house types on plots 236-252, 316-330 and 344-350 inclusive	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the officer recommendation is contrary to the view of the Town Council.

The site is located on the northern fringe of Axminster, approximately half a mile from the town centre. The site lies within the built up area boundary of Axminster as defined within the Local Plan.

Outline and reserve matters permissions have previously been granted for the site for approximately 400 dwellings to be built in two phases. This application concerns plots on the second phase of development which is currently being constructed on site.

The proposed dwellings on plots 236-252 and 316-330, when viewed from the south would not appear any different to those previously approved under application 14/0744/MRES, with the height, scale and use of materials remaining constant. The amendment to the design sought would provide a retaining wall set 1 metre back from the rear elevation of each dwelling as opposed to the rear elevation of the dwelling forming the retaining wall on the previously approved application. The change is required due to changes in requirements from the National House Builders Council (NHBC) and the fact that 'tanking' of the rear wall is not longer supported through their warranties. The amendment would only alter the rear elevation, although the part amended would not be visible other than within the curtilage of each respective dwelling.

The dwellings on Plots 344-350 would also appear very similar from the front elevations as above. However, the decking proposed would have views towards, in the most part, a parking courtyard to the north, however, there would be views towards the rear amenity space of plot 343. This plot has not yet been built and

is therefore not occupied. The views into the garden would be from an elevated position and at a distance of 12.5 metres away, this impact is not considered detrimental, furthermore the purchaser of this plot would be aware of the property to be built looking towards its garden.

The Town Council has raised concerns relating to the sub-urban nature of the basement feature on the proposed dwellings and concerns over the slippage of foundations. As the proposal is not far departed from the existing consent and required to address land stability/warranty issues, these concerns are not considered to justify refusal of permission.

The impact of revised design of dwellings is considered to be un-noticeable from the public perspective and is an amendment required due to a change in legislation that would still ensure that the dwellings are built in accordance with Building Regulations requirements. The proposal is considered to be acceptable not impacting unreasonably on its surroundings or the amenity of other surrounding plots on the same development.

CONSULTATIONS

Local Consultations

Parish/Town Council

AXMINSTER TOWN COUNCIL OPPOSES THIS APPLICATION ON THE GROUNDS THAT THE PROPOSED CHANGES INTRODUCE A SEMI-SUB-TERRANEAN ELEMENT (AKIN TO AN URBAN BASEMENT) WHICH IS NOT APPROPRIATE TO THIS RURAL LOCATION. COUNCILLORS ARE CONCERNED FURTHER REGARDING THE STABILITY OF THE LAND ON WHICH THE HOUSES ARE LOCATED AS THEY WOULD NOT LIKE TO SEE AN 'ABERFAN' LIKE SLIPPAGE OF THE FOUNDATIONS.

Axminster Rural – Cllr I Hall

Firstly I declare a personal interest, as I am Chairman of Cloakham Lawns Sports Centre and Bovis Holmes are the landlord of the Sports Centre. As well as this there are connected '106' contributions from this development towards Cloakham Lawns Sports Centre.

I do understand Axminster Town Council's concerns.

Also I feel the officers recommendations are balanced and any planning appeal would probably go in favour of the developer.

It may seem like I am sitting on the fence.

The DMC have a decision to make.

Technical Consultations

County Highway Authority

Does not wish to comment

Other Representations

No third party representations received

PLANNING HISTORY

10/0816/MOUT - Outline application for a mixed use urban extension to provide 400 dwellings (maximum), 10-12,000 sq.ft. of managed employment floor space, provision of public open space, retention of existing recreational facilities and access. - Approved

13/1489/MRES - Reserved Matters approval for erection of 63 dwellings including associated works (approval of details of Appearance, Landscaping, Layout and Scale) pursuant to Outline application 10/0816/MOUT - Approved

14/1435/VAR - Variation of condition 2 of planning application 13/1489/MRES to amend the design of the contemporary dwellings - Approved

14/2891/VAR - Variation of condition 3 of planning consent 14/1435/VAR to amend the house type and site layout relating to plot 50 – Approved

14/0774/MRES - Reserved matters application for the erection of 360 dwellings and employment development (approval of appearance, landscaping, layout and scale) pursuant to outline application 10/0816/MOUT. - Approved

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

EN14 (Control of Pollution)

D2 (Landscape Requirements)

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 located on the northern fringe of Axminster, approximately half a mile from the town centre. The site lies within the built up area boundary of Axminster as defined within the Local Plan.

The wider site which has the benefit of outline permission has an area of 18.9 hectares, predominantly in use as rough agricultural grassland but does include the Cloakham Lawns Sports Centre towards the western half of the site which has a single track access running centrally through the site to the A358 Chard Road and which is also a public footpath. To the northern end of the site there are a group of agricultural buildings on a raised plateau with an access directly to the Chard Road. There is a small watercourse running east west across the site from the Chard Road (close to the point where First Avenue intersects with the A358) which drains down through the site towards the railway line. The southern boundary of the site is bounded by the Millbrook and its flood plain extends over part of the southern portion of the site. The western boundary is marked by the railway line and on the other side of this is the River Axe. To the north of the site is open agricultural land. Residential development abuts the south western and south eastern boundaries of the site. Along the south western boundary there is development backing on to the Millbrook principally from Millbrook Dale and North Street. The land to the east of the A358 Chard Road is principally residential and predominantly two storey but there is also a cemetery and playing fields together with an industrial estate further to the north east. There are also a series of residential properties forming a ribbon of development to the west side of the A358 Chard Road and abutting the north eastern boundary of the application site.

The application concerns amendments to houses on three parts of the site which are all integrals to the wider development site. Development is currently taking place around the application sites implementing the reserved matters approval for the site.

ANALYSIS

Proposed Development

The proposal seeks to vary the design of plots 236-252 and 316-330 inclusive. As approved the properties were three storey at the front and two storey at the back with the rear elevation built into the existing ground levels, however, due to change in the requirements from NHBC who provide warranties for the finished dwellings, tanking of the internal walls is no longer supported and therefore a retaining wall must be built and a three storey dwelling erected at the back as well as at the front.

It is also proposed to amend the design of plots 344-350 inclusive. As approved the properties were two storey at the front and three storey at the rear to take account of land levels, it is proposed to erect a standard two storey dwelling with under build that would not be part of the dwelling and therefore will not require tanking to overcome the change in NHBC requirements. A decked area and steps would be required at the rear of the dwelling to access the garden area which would be set lower than the dwelling it serves.

There would not be a net increase or decrease in the number of residential units.

Assessment

The principle of the proposed development and all other matters were dealt with under applications 10/0816/MOUT, 13/1489/MRES and 14/0774/MRES, therefore the main consideration in the determination of this application is the appropriateness of the amended design on the street scene.

Amended design and impact on the character of the area

The proposed dwellings, when viewed from the front would not appear any different to those previously approved under application 14/0744/MRES, with the height, scale and use of materials remaining constant. The amendment to the design sought on plots 236-252 and 316-330 would provide a retaining wall set 1 metre back from the rear elevation of each dwelling as opposed to the rear elevation of the dwelling forming the retaining wall on the previously approved application. The change is required due to changes in requirements from the National House Builders Council (NHBC) and the fact that 'tanking' of the rear wall is no longer supported through their warranties. The amendment would only alter the rear elevation, although the part amended would not be visible other than within the curtilage of each respective dwelling. A bridge would be provided at ground floor level from the rear garden into the dwelling.

The dwellings on Plots 344-350 would also appear very similar from the front elevations, it is the rear elevations that would be amended and would witness the largest change in that the lower ground floor windows and doors would be removed and replaced with a decked area at ground floor level effectively creating a basement that was not part of the habitable living space of the dwelling. The decking proposed would have views towards, in the most part, a parking courtyard to the north, however, there would be views towards the rear amenity space of plot 343. This plot has not yet been built and is therefore not occupied. The views into the garden would be from an elevated position and at a distance of 12.5 metres away, this impact is not considered detrimental, furthermore the purchaser of this plot would be aware of the property to be built looking towards its garden.

The Town Council have raised two main concerns, firstly regarding the suburban nature of the proposal impacting upon the rural character of the area - the amendment sought would not be visible from the public perspective only within each individual curtilage and in any event the dwellings would be built on an established residential estate where permission has previously been granted for a very similar scheme. Secondly, that there is potential for the foundations to 'slip' given that the land is made up on top of drainage pipes - the dwellings on this part of the site would be piled in terms of their foundations, this remains as approved on the previous permission, the retaining wall built 1 metre back from the dwelling would perform the same role as the rear elevation on the previous approval would and is therefore considered acceptable.

The impact of revised design of dwellings is considered to be un-noticeable from the public perspective and is an amendment required due to a change in legislation that

would still ensure that the dwellings are built in accordance with Building Regulations requirements. The proposal considered to be acceptable not impacting unreasonably on its surroundings.

RECOMMENDATION

APPROVE subject to the following conditions:

1. East Devon District Council as Local Planning Authority HEREBY APPROVE THE FOLLOWING RESERVED MATTERS of the above described development proposed in the application numbered as shown above and in the plans and drawings listed at the end of this decision notice, relating to:-
 - a) Appearance
 - b) Landscaping (Subject to adherence to requirements of condition 5 on the outline planning permission)
 - c) Layout
 - d) Scale

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. no. 10/0816/MOUT) granted on 28th March 2011.

The following Conditions attached to the Outline Planning Permission referred to above are discharged

- 1 (Submission of reserved matters within 3 years of the date of Outline approval)
- 2 (Approval of details of layout, scale and appearance of the building and landscaping)
- 3 (Materials)
- 4 (Adherence to the design and access statement and plan IMP/100F)
- 5 (Adherence to the design and access statement and plan IMP/103)
- 6 (Adherence to the design and access statement, general principles of landscape strategy and plan IMP/100F)
- 7 (Landscape management plan)
- 8 (Finished floor levels and sections)
- 10 (Construction management plan)
- 11 (Travel plan)
- 12 (Road layout and gradient details)

13 (Flood risk assessment)

16 (Noise)

18 (Boundary treatment details)

20 (Mitigation measures for protected species)

21 (Bird and owl boxes)

22 (Archaeology written scheme of investigation)

The following conditions attached to the Outline Planning Permission referred to above remain to be discharged insofar as the second phase of development is concerned:-

9 (Contaminated land)

14 (Works to watercourse)

19 (Construction management plan)

23 (Tree references and protection)

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

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Development shall proceed in accordance with the Flood Risk Assessment Addendum dated March 2014 and the Drainage Strategy Addendum report dated 26th March 2014.
(Reason - In the interests of flood risk and pollution control to accord with advice given in the National Planning Policy Framework and Policy EN15 (Control of Pollution) of the East Devon Local Plan.)
4. The landscaping scheme hereby approved shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

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

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SLB2/02 A	Proposed Elevation	08.08.16
SW3043/01 A	Proposed Floor Plans	08.08.16
SW3043/02 A	Proposed Elevation	08.08.16
SW4052/01 A	Proposed Floor Plans	08.08.16
SW4052/02 A	Proposed Elevation	08.08.16
SW4052/03 A	Proposed Elevation	08.08.16
0101/P401/01 A	Proposed Floor Plans	08.08.16
0101/P401/02 A	Proposed Floor Plans	09.08.16
0101/P401/03 A	Proposed Elevation	08.08.16
0101/P401/04 A	Proposed Elevation	08.08.16
JBA 14/97-02 F	Landscaping	09.08.16
JBA 14/97-06 F	Landscaping	09.08.16
JBA 14/97-07 F	Landscaping	09.08.16
JBA-14/97-10 G	Landscaping	08.08.16
JBA-14/97-03 F	Layout	09.08.16
JBA-14/97-11 F	Layout	08.08.16
0101_2_203 G : MATERIALS	Other Plans	08.08.16

PLAN

SF101 P1 REV A	Proposed Combined Plans	28.03.14
SF101 P2 REV A	Proposed Combined Plans	28.03.14
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AGS2 (PLANS) REV C	Other Plans	27.03.14
AGD2 (PLANS) REV A	Other Plans	27.03.14
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P402 T REV A	Proposed Combined Plans	28.03.14
SH203 REV A	Proposed Combined Plans	28.03.14
SH309 REV A	Proposed Combined Plans	28.03.14
SH309 GF REV A	Proposed Combined Plans	28.03.14
P302 T REV A	Proposed Combined Plans	27.03.14
SF102 E 1 REV A	Proposed Elevation	28.03.14
SF102 E 2 REV A	Proposed Elevation	28.03.14

SF102 P 1 REV A	Proposed Floor Plans	28.03.14
SF102 P 2 REV A	Proposed Floor Plans	28.03.14
SF102 P 3 REV A	Proposed Floor Plans	28.03.14
E O, P 1 REV A	Proposed Floor Plans	28.03.14
E O P 2 REV A	Proposed Floor Plans	28.03.14
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2503 T01 (SHEET 3)	Other Plans	27.03.14
2504 T01 (SHEET 4)	Other Plans	27.03.14
2505 T01 (SHEET 5)	Other Plans	27.03.14
2506 T01 (SHEET 6)	Other Plans	27.03.14
2601 T01 (SHEET 1)	Other Plans	27.03.14
2602 T01 (SHEET 2)	Other Plans	27.03.14
2603 T01 (SHEET 3)	Other Plans	27.03.14
2611 T01 (SHEET 1)	Other Plans	27.03.14
2641 T01	Other Plans	27.03.14
2651 T01 (SHEET 1)	Other Plans	27.03.14
2652 T01 (SHEET	Other Plans	27.03.14

2)

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SWF037 2ND FLOOR	Proposed Floor Plans	10.12.14
SWF037 3RD FLOOR	Proposed Floor Plans	10.12.14
SWF035 V2 E1 REV D	Proposed Elevation	27.01.15
SWF035 V2 E2 REV D	Proposed Combined Plans	27.01.15
SWF035 V2 PLANS 1 REV D	Proposed Combined Plans	27.01.15
SWF035 V2 PLANS 2 REV C	Proposed Combined Plans	10.12.14
SWF035 V2 PLANS 3 REV C	Proposed Combined Plans	10.12.14
SW3043	Proposed Combined Plans	10.12.14
SW3042 E1 REV A	Proposed Combined Plans	10.12.14
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SW4052 ELEVATIONS 2	Proposed Elevation	10.12.14
ELEVATIONS 1	Proposed Combined Plans	10.12.14
P308 - ELEVATIONS 2	Proposed Combined Plans	10.12.14
P308 - ELEVATIONS 3	Proposed Combined Plans	10.12.14
P308 -	Proposed Combined Plans	10.12.14

ELEVATIONS 1

SWF035 E+W ELEVATIONS	Proposed Elevation	10.12.14
SWF035 N+S ELEVATIONS	Proposed Elevation	10.12.14
SWF035 - GR FLOOR REV B	Proposed Floor Plans	10.12.14
SWF035 FIRST FL PLANS REV B	Proposed Floor Plans	10.12.14
SWF035 SECOND FL REV B	Proposed Floor Plans	10.12.14
2_302 REV B	Street Scene	10.12.14
0101_2_701 A	Location Plan	10.12.14
SWF901 REV D- ELEVATIONS	Proposed Elevation	27.01.15
SWF901 REV D - FLOOR PLANS 1	Proposed Floor Plans	27.01.15
SWF901 REV D - FLOOR PLANS 2	Proposed Floor Plans	27.01.15
AF05	Proposed Combined Plans	10.12.14
AF05A2 REV B PLOT 133 ONLY	Proposed Combined Plans	10.12.14
AF05A2-2 TRAD REV B	Proposed Combined Plans	10.12.14
0101-2-201 REVF	Proposed Site Plan	27.01.15
0101-2-301 REVC	Street Scene	27.01.15
JBA 14/97-01 REVE	Landscaping	28.01.15
JBA 14/97-04 REVD	Landscaping	28.01.15
JBA 14/97-05 REVD	Landscaping	28.01.15

JBA 14/97-08 REVD	Landscaping	28.01.15
JBA 14/97-09 REVD	Landscaping	28.01.15
JBA 14/97-12	Landscaping	28.01.15
0_101	Location Plan	27.03.14
PLANS 1 REVA	Proposed Floor Plans	28.03.14

List of Background Papers

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

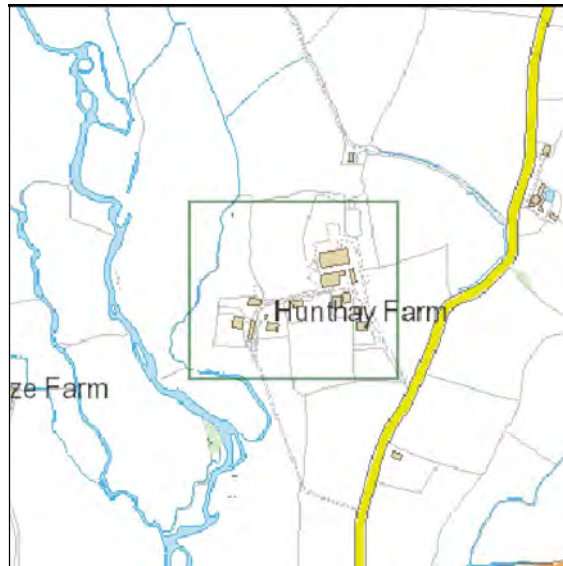
Ward Axminster Town

Reference 16/1506/OUT

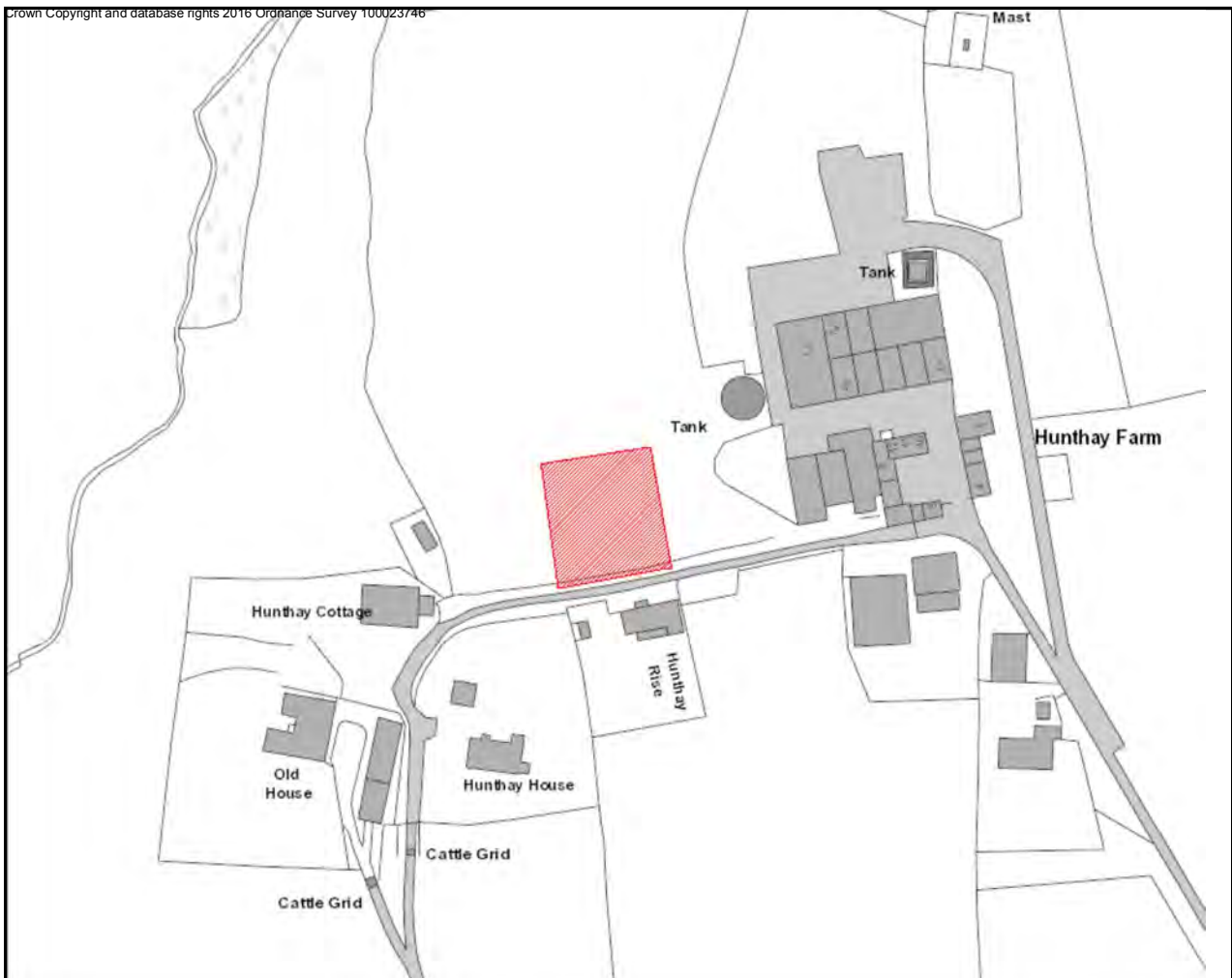
Applicant W R Newbery Hunthay Business Park

Location Hunthay Farm Axminster EX13 5RJ

Proposal Outline application with all matters reserved for the construction of a dwelling for a site manager



RECOMMENDATION: Refusal



		Committee Date: 4 October 2016
Axminster Town (AXMINSTER)	16/1506/OUT	Target Date: 22.08.2016
Applicant:	W R Newbery Hunthay Business Park	
Location:	Hunthay Farm Axminster	
Proposal:	Outline application with all matters reserved for the construction of a dwelling for a site manager	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

Hunthay Business Park is located in open countryside approximately 1 kilometre west of Axminster. A former dairy farm, it has diversified over the past 12 years, or so, through the conversion of former farm buildings and provision of outside storage. The business park now comprises of 21 manufacturing and assembly workshops with permission for a further 27 small business start-up units and 4 no. offices, as well as for storage of over 100 caravans and motor homes and a similar number of storage containers.

The management of the business park is currently overseen by the applicants who live on site in the original farm bungalow and which is subject of an agricultural tie. It is understood that the applicants are looking to reduce their involvement in the day to day management of the business park and as such are seeking permission for a new dwelling dedicated to serve the business.

The application states that the need for an on-site presence is for security purposes and to deal with emergencies, as well as the unsociable hours involved in the management and running of the business park. It is further noted that aside from the tied farm bungalow there is an existing residential property immediately opposite the application site which is in the applicant's ownership and which would appear to be suitable to meet the need, if such a need were to be established. In the absence of any information to demonstrate why this property would not be suitable to meet any need, or why it is not available to do so, even were the principle to be accepted the application would fail on this ground also.

The application is submitted for consideration under Policy H4 of the Adopted Local Plan. This relates to applications for dwellings for persons employed in rural businesses and sets out the criteria to be met in such cases, amongst which are requirements to demonstrate; an essential need for a dwelling for

functional reasons and relating to at least one full-time worker, and; that there are no other buildings on the holding that could fulfil this need.

However, the accompanying text to the policy defines rural workers as ‘...those people whose place of work is located in, and related to, the countryside, typically comprising farm workers and others involved in rural-based enterprises’. In this instance the dwelling is proposed in relation to a business that happens to be located in a rural area but where that rural location is not required for, or related to the countryside. This being the case, it is considered that Strategy 7, as opposed to policy H4, is the determinant policy. In light of this, and the proposal not being supported by any other policy of the Adopted Local Plan, it falls to be considered as development in the countryside contrary to the requirements of Strategy 7 and as such is recommended for refusal.

CONSULTATIONS

Local Consultations

Axminster Town - Cllr A Moulding

I recommend that this application is approved

Parish/Town Council

AXMINSTER TOWN COUNCIL SUPPORTS THIS APPLICATION BUT RECOMMENDS THAT A CONDITION BE ATTACHED WHICH TIES THE USE OF THIS DWELLING TO THE RUNNING OF THE BUSINESS PARK.

Technical Consultations

County Highway Authority

Highways Standing Advice

Other Representations

None received

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

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)

SITE LOCATION AND DESCRIPTION

Hunthay Business Park lies in the open countryside to the west of the settlement of Axminster. It is accessed from Hunthay Lane by means of a private driveway around 185 metres in length that joins Hunthay Lane approximately 330 metres to the north of its junction with the B3261. Hunthay Lane is of single vehicle width for much of its length with only one passing bay.

The Business Park site itself occupies a relatively elevated position within the landscape on a saddle of land that falls away to the south, east and west. The site benefits from a number of planning permissions which has led to the development of the site, as a form of agricultural diversification, as a small industrial complex which provides units for B1 and B8 uses as well as container storage and winter storage area for caravans.

The application site adjoins a part of the existing business park which is currently used for outside parking/storage but for which permission has recently been granted land for the siting of 27 no. storage containers that would be adapted for use as B1 and B2 work/storage pods. The current application site is separated from this area and from the access track to the south by hedgerow. The remaining site boundaries are undemarcated from the wider agricultural field of which it forms part. The land on site slopes down from east to west. To the south of the site is the residential bungalow, Hunthay Rise, which appears to be in the applicant's control and beyond this to the west a further smaller group of residential properties unrelated to the site.

PROPOSED DEVELOPMENT

The application seeks outline consent (with all matters reserved) for the construction of a dwelling to serve a site manager for the business park.

ANALYSIS

BACKGROUND

The existing business park has established itself over the last 12 years, since the applicant's decision to cease dairy farming. The business park now comprises of 21 manufacture and assembly workshops with permission for a further 27 small business start-up units and 4 no. offices, as well as for storage of over 100 caravans and motor homes and a similar number of storage containers. It is understood that the applicants also still farm the surrounding land for grazing and cereal production. The applicant's agent estimates that *'in excess of 50 people work out of the business*

park each day' with a similar number visiting the site everyday in relation to businesses operating out of the site.

At present the overall management of the site is overseen by the applicants who reside in Hunthay Farm bungalow, an agriculturally tied dwelling on the site which it is suggested the applicant's still comply with and would continue to do so on their retirement due to the wording of the restrictive condition on their property (discussed further below). It is suggested that as the applicants are nearing retirement age and wishes to take a less active role in the management of the business going forward that alternative, dedicated accommodation is required from which the business park can be managed going forward. It is understood that this site manager role would be fulfilled by another family member.

It is considered that the main issues in the determination of the application relate to:

- Principle of development
- Design and Impact on the character and appearance of the area
- Impact on the wider landscape
- Amenity Impact
- Ecological Impacts
- Access Issues
- Economic Benefits/Impacts

PRINCIPLE OF DEVLEOPMENT

Strategy 7 of the Local Plan relates to development in the Countryside, this being defined as all areas covered by the plan that lie outside the defined built-up area boundaries or site specific allocations as shown on the Proposals Map. It states that development will only permitted in such areas where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity or environmental qualities of the area in which it is located.

The applicant's agent has submitted the application for consideration under policy H4 of the Local Plan. This policy sets out the criteria to be satisfied in relation to dwellings for persons employed in rural businesses and reflects the guidance at para. 55 in the NPPF in relation to isolated homes in the country only being permitted in special circumstances, one of which being, '...the essential need for a rural worker to live permanently at or near their place of work in the countryside...'

Policy H4 sets out the following criteria to be satisfied:

1. There is a proven and essential agricultural or forestry or rural business need for the occupier of the proposed dwelling to be housed permanently on the unit or in the specific rural location for functional reasons and the size of the proposed dwelling is commensurate with the scale of the established functional need. Where this need is unproven or a new business is being established a temporary dwelling (such as a mobile home) may be permitted to allow time to establish that there is a genuine functional and financial need for a permanent dwelling. A temporary dwelling will

normally be permitted for a period of three years, subject to meeting relevant criteria detailed below.

2. In the case of a permanent dwelling, the rural business has been operational for a minimum of three years, it is demonstrable that it is commercially viable and has clear prospects for remaining so.

3. In the case of a temporary dwelling, a financial assessment, specifically in the form of a business plan setting out projected future operations, must demonstrate future operational viability.

4. The qualifying test of occupancy must involve at least one occupant being employed full time in the relevant rural business. Two occupants in partnership can meet the condition so long as their joint weekly hours equate to a full working week

5. There are no buildings on the operational holding suitable for conversion to meet the residential need or existing dwellings available now or likely to be available within a nearby location or settlement. Sale within the last three years of any dwellings or buildings suitable for conversion will be taken into account and will count against 'need' in the assessment carried out.

6. Any permission granted will be subject to an occupancy condition tying it to the relevant business on the proposed dwelling and where appropriate, any existing dwelling on the farm holding.

However, the proposal seeks to secure permission for a site manager relating to the business park. It is not considered that the application therefore relates to a 'rural business' in the sense that the business is located in a rural area due to necessity, in the same way that a farming, forestry, or potentially a rural tourism based enterprise would be. It is acknowledged that the business began as a farm diversification project but its operation no longer appears to be related to the farm business, from which it appears to operate independently. The location of the business is therefore a result of its origins and not to any particular need for it to occupy a rural site or where the business is in some other way reliant on its countryside location. It is clear from the supporting text to Policy H4 that the policy is designed to be meet the needs of businesses which are located in rural areas through necessity, where such a location is an intrinsic element of the business. The policy defines rural workers as:

'...those people whose place of work is located in, and related to, the countryside (*author's emphasis*), typically comprising farm workers and others involved in rural-based enterprises'.

In this instance the dwelling is proposed to serve a worker whose place of work is in, but not related to, the countryside and as such the policy is not considered to be relevant to the determination of the application. This is reflected in the NPPF that states that a special circumstance to allow an isolated home in the countryside is where there is an essential need for a rural worker.

Putting aside the fact that it is considered that the proposal is not for a rural worker, the following is an assessment of whether there is a need for the dwelling to serve the business.

The applicant's agent suggests that the functional need relates to the need for someone to be available at most times as part of the operational and management of the business centre which involve long and unsociable hours, including a need for a 24 hour presence. The specific duties referred to as requiring an on-site presence include: security; dealing with lost keys and faulty locks, power failures and day to day management during the opening hours of the park (07.00 to 21.00, 7 days a week, 52 weeks of the year).

It is recognised that this is a successful local enterprise which has seen fairly rapid growth in the last 12 years, however the supporting information refers to all the business units being individually secure and surveillance equipment operating constantly throughout the site. It is suggested that the requirement to monitor such equipment and to be able to rapidly respond to emergencies would require a 24 hour presence. It is understood that this requirement is currently met by the applicants who reside in the agriculturally tied bungalow. It would appear that there is something of a conflict here. The condition relating to the agricultural tie on the applicant's home, Hunthay Farm, states,

"The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, locally in agriculture as defined in Section 290 of the Town and Country Planning Act 1971, or in forestry, or a dependent of such person residing with him (but including a widower of such a person.)"

However it would appear that the applicants are also working long hours in the day to day management of the business park. This raises the question, if the applicants are solely or mainly employed in agriculture how do they also manage the long and unsociable hours involved in the management of the business park and if they are mainly involved in the management of the business park how do they comply with the agricultural tie? It may be that the day to day management of the business park is carried out by another person who lives off-site and that the applicant's function relates more to the out of hours element but this is not made explicit in the applicants submissions.

Therefore, even were the policy considered to be applicable there would be a question mark over whether the functional need requires a full time on-site presence, or whether the management of the site could be carried out by a manager/management team who reside off-site and the out of hours elements, which appear to relate primarily to security issues could not be managed in some other way. It is not therefore considered that the functional test, if it were necessary to apply it, would be met.

The actual functional requirement for a site manager is not clear nor are the likely hours of work and whether such a post relates to a full-time role, or not, particularly if this role is currently being fulfilled on (presumably) a part time basis by the applicants who are still mainly employed in agriculture, it is not therefore considered that this case has been met.

In addition to the above, the supporting information advises that there are no other suitable buildings to meet the identified need. It is accepted that if a need were to be identified that this could not currently be met by the existing farm bungalow, Hunthay Farm, due to the agricultural tie on this dwelling restricting its occupation. However, the site location plan shows and the supporting information refers to another dwelling immediately adjacent to the Business Park and directly to the south of the application site which is in the ownership of the applicant. This property, Hunthay Rise, is not encumbered by any occupancy restriction and no justification has been given as to why this dwelling, which is in the control of the applicant, couldn't meet any need if such need were to be established. If Policy H4 were to be applicable, the application would also fail to satisfy the criteria.

In conclusion on this issue it is not considered that Policy H4 is applicable given that the suggested need relates to a manager for a business park which whilst located in the countryside is not related to the countryside. Even if considered against Policy H4, the essential need for a dwelling has been assessed against what are considered to be relevant criteria and where no essential need has been established. Finally, in the event that an alternative view were to be taken on the 'essential need', there would appear to be an existing dwelling immediately adjacent to the site and within the control of the applicant which could meet any such need.

DESIGN AND IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA AND WIDER LANDSCAPE

The site is located in the southeast corner of an agricultural field and on the upper parts of a small rise in the land and where views towards the site are likely to be possible, over some distance, from public vantage points (including footpaths) to the north and west of the site. Such views would see any development in conjunction with and against backdrop of the wider business park and as such are not likely to result in any significant landscape harm. Nevertheless, the proposal would clearly alter the character of the site eroding the open and undeveloped nature of the site as part of a larger agricultural field and where in the absence of any justification that might override this, would result in harm contrary to Strategies 7 and 46 of the Adopted Local Plan.

As an outline application with all matters reserved it is not possible to assess matters of layout, scale or appearance at this stage, these would be considered at reserved matters stage in the event of an approval. The supporting information however suggests that either a bungalow or a two storey property could be appropriate in this location and that the applicants favour a contemporary design. Whilst consideration is reserved it is suggested that were the principle of development considered acceptable a single storey building is likely to be more appropriate in terms of visual impact and relationship with existing dwellings, in particular Hunthay Rise.

AMENITY IMPACT

Apart from Hunthay Rise there are no existing dwellings immediately adjacent or opposite the site. Hunthay House lies diagonally southwest of the site but the house itself is set back from the lane, over 40 metres from the site and where there is good

tree screening on the property boundary such that amenity would be unlikely to be affected. Hunthay Cottage is also on lower land to the west of the site with sufficient separation distance from it.

ECOLOGICAL IMPACTS

The site lies in the corner of a field laid to pasture and therefore of low ecological potential. The boundary hedge separating the site from the track to the south has higher ecological potential and development would require the removal of a short section of this to form an access, however there is no reason why the rest of the hedge would need to be removed and this could be controlled by condition if considered necessary.

ACCESS ISSUES

The site would be mainly served by an existing access road that serves the 2 no. existing dwellings (Hunthay Rise and Hunthay Farm) and the wider business park. This access already carries a relatively high volume of traffic which is safely accommodated on the local road, Hunthay Lane which links to the south with Trafalgar Way and on to join the A35 to the southwest. Road improvements undertaken on Hunthay lane have provided passing places for vehicles and it is considered that the traffic generated by the development could be safely accommodated via the existing access and road network.

It is recognised that similar to a live-work unit the development has the potential to reduce/negate work associated travel for the residents of the proposed dwelling. However, the residential use would be located in a location outside the built-up area boundary of the town and at a distance of approximately 1.5 km to the train station and 2 km to the town centre. Although there is a pavement along the northern side of Trafalgar Way and street lighting exists for at least part of this route (closest to the town) the remainder of the route is unlit and partially via a narrow rural lane. Whilst it is accepted that walking would be an option for some journeys, the distance, nature of the roads and lack of street lighting for some of the route are unlikely to make this a realistic option for most journeys and as such future residents would be likely to be reliant on private transport for the majority of their journeys.

ECONOMIC BENEFITS/IMPACTS

The premise of the application is to provide a residence to support the management of this growing business. The supporting information outlines a number of reasons for the proposed dwelling including the unsociable hours involved in managing the business, the need for a 24 hour presence for business purposes and to satisfy the insurers of the applicant and their tenants. It is acknowledged that an on-site resident manager would be of benefit in overseeing the park out of hours, although it is understood that other security measures are also in place. In addition it is further accepted that such a presence may be seen as desirable by insurers and tenants. Whilst recognising these potential benefits the application does not purport to result in any direct job creation or to realise any tangible economic benefits. It is accepted that a dedicated dwelling on the site may be desirable for the management of the business but it is not considered that there is an essential need for this.

RECOMMENDATION

REFUSE for the following reasons:

1. The application site lies in a rural location where future occupiers are likely to be largely reliant on private transport to access the services and facilities required to support day to day living and where, in the absence of any special justification, it would represent an unsustainable form of development, located remotely from adequate services, employment, education, and public transport, and where it would therefore increase the need for travel by private vehicles contrary to Strategy 7 (Development in the Countryside) and TC2 (Accessibility of New Development) of The East Devon Local Plan 2013 - 2031 and guidance contained in the National Planning Policy Framework.
2. In the absence of any exceptional justification the proposal would represent an unsustainable and unnecessary form of development which through the addition of a permanent structure on an otherwise open and undeveloped site would result in detrimental visual impact of and harm to the character of the local area. The proposal is therefore contrary to the provisions of Strategies 7 (Development in the Countryside) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013 - 2031 and guidance contained 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:

AMENDED Location Plan 05.07.16

List of Background Papers

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

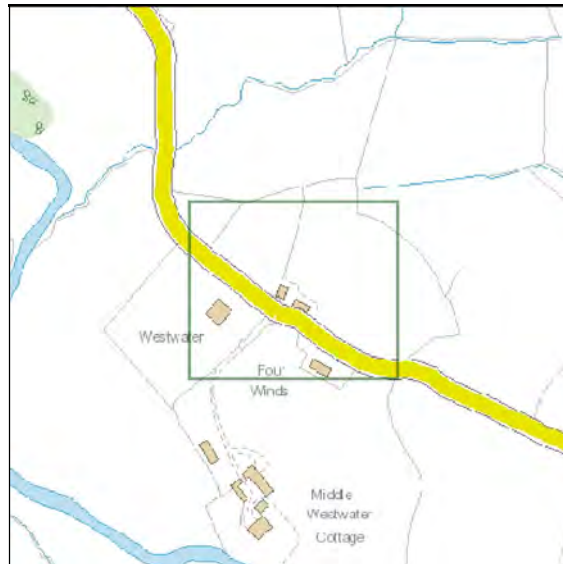
Ward Axminster Town

Reference 16/1622/FUL

Applicant Mr Mark Hurford

Location Land North Of Westwater
Westwater Axminster

Proposal Change of use of barn to dwelling



RECOMMENDATION: Refusal

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		Committee Date: 4th October 2016
Axminster Town (AXMINSTER)	16/1622/FUL	Target Date: 06/10/2016
Applicant:	Mr Mark Hurford	
Location:	Land North Of Westwater, Westwater, Axminster	
Proposal:	Change of use of barn to dwelling	

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 the conversion of an agricultural barn to a two storey dwelling. The site is on agricultural land and lies approximately 2km northwest of Axminster, adjacent to a narrow unclassified road. The site is within the AONB and outside of any Built-Up Area Boundary (BUAB) and although there are a few existing residential buildings nearby, in planning terms the site lies in open countryside.

Strategy 7 (Development in the Countryside) of the adopted Local Plan, resists development in the countryside except where this is explicitly supported by other planning policy. In this case Policy D8 (Re-Use of Buildings Outside of Settlements) is the only policy which would potentially support the proposal. Policy D8 permits the conversion of a rural building, outside of a settlement, to a residential use provided that it is redundant for agriculture or agricultural diversification and that its conversion would enhance its setting. It also requires that the building to be converted be located close to a range of accessible services and facilities to meet the everyday needs of residents.

Whilst it is accepted that the building is redundant and the proposed design of the conversion raises no concerns, it is considered that the use of the building as a dwelling would introduce domestic paraphernalia to the site, which would be clearly visible from the public highway. It is not considered that this could be acceptably screened, and therefore this would harm the building's agricultural and undeveloped setting and have a harmful impact upon the character and appearance of the AONB.

The building is not close to a range of services and facilities which a resident requires in everyday life and nor would there be convenient or safe access to services and facilities on foot or by public transport from the site, such that the development is likely to generate a need to travel by private motor vehicle, in

conflict with Policy D8.

Whilst support has been expressed for the proposal and the creation of a rural dwelling would generate minor economic and social benefits, the in-principle conflict relating to development in the countryside, the detrimental impact on the setting of the building and on the AONB landscape and its unsustainable location considerably outweigh these benefits, such that it is not considered that the proposal represents sustainable development.

CONSULTATIONS

Local Consultations

Parish/Town Council

AXMINSTER TOWN COUNCIL OPPOSES THIS APPLICATION ON THE FOLLOWING GROUNDS:

- a) THE PROPOSED DWELLING DOES NOT APPEAR TO BE SUSTAINABLE BY VIRTUE OF ITS LOCATION ON A NARROW, SINGLE TRACK RURAL LANE.
- b) THE ACCESS IS ON A NARROW SECTION OF THE ROAD WITH LIMITED VISIBILITY.
- c) THE PROPOSED CURTILAGE WOULD APPEAR TO CUT OFF ACCESS TO THE LARGER BARN TO THE RIGHT OF THE EXISTING ACCESS.
- d) NO DETAIL HAS BEEN PROVIDED REGARDING DISPOSAL OF RAINWATER OR FOUL DRAINAGE

Parish/Town Council

RE:AMENDED PLANS DATED 3RD AUGUST 2016

AXMINSTER TOWN COUNCIL OPPOSES THIS APPLICATION ON THE SAME GROUNDS AS PREVIOUSLY SUBMITTED. SHOULD THE DISTRICT COUNCIL BE MINDED TO APPROVE THIS APPLICATION THE TOWN COUNCIL RECOMMENDS THAT A CONDITION IS ATTACHED PRECLUDING ANY USE AS HOLIDAY ACCOMMODATION.

Axminster Town - Cllr A Moulding

I recommend that this application is approved

Technical Consultations

County Highway Authority

Highways Standing Advice

Other Representations

No objections have been received to the proposal. 5 statements of support have been received raising the following relevant planning considerations:

- The conversion of the barn to a dwelling would not harm an agricultural operation because the barn is redundant. It is unsuited to modern farming practices, being as it is too small for machinery and insufficiently ventilated or spacious for housing livestock.

- The conversion of the barn would make the building useful, providing a house in the countryside without new building, in accordance with the Government aspirations.
- The barn is in a discrete location and close to existing houses and a farm, thus its conversion would not adversely impact the surrounding area, and as the building is already visible from the gateway, its conversion would not change the current situation.
- The barn has no merit warranting its preservation in its current form and its conversion would create a characterful dwelling.
- The dwelling would be occupied by a person employed locally in agriculture and as an important Devon industry, agricultural enterprises should be supported.
- It is efficient for a farmer to live on the site of his farm and with a reduced need to transport large machinery on local narrow highways, which causes inconvenience for other road users.
- Neighbouring dwellings would not be adversely affected.

PLANNING HISTORY

Application 10/0851/FUL was for the construction of an agricultural building near the site. Application 02/P1033 for outline permission for an agricultural workers dwelling at the site was refused and a subsequent appeal was withdrawn.

POLICIES

Strategy 7 (Development within the Countryside)

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)

D8 (Reuse of Rural Buildings Outside of Settlements)

EN5 (Wildlife Habitats and Features)

EN13 (Development on High Quality Agricultural Land)

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

EN22 (Surface Run-Off Implications of New Development)

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 approximately rectangular and covers an area of approximately 580 m². It is located immediately to the north of a C-classified public highway, 2 km to the northwest of the town of Axminster. The site contains a small agricultural barn and a yard, set within a wider agricultural field. The barn is open fronted with brick and timber clad walls. It has a steep duo pitched roof, with a ridge orientated approximately northeast southwest. The site is currently accessed via an existing agricultural field gate to the south. A larger agricultural barn lies immediately to the southeast of the site. The ground within the site is level, although surrounding land to the north, through to the east, slopes up to form a ridge. The site is bounded to the south by a low brick wall adjacent to the highway, and to the immediate west by a wooden fence. A small tree is located close to the southwestern corner of the barn building. The site is within the AONB and lies outside of any Built-Up Area boundary. The nearest neighbouring dwellings are Westwater House 41m to the southwest and Four Winds, 56m to the southeast. The land is Grade 4 agricultural land.

Proposed Development

Planning permission is sought for the conversion of the existing barn to a single, two storey dwelling. The conversion would involve the addition of a wall to the open side of the barn which faces southeast, and the extension of walls on the north-eastern and south-western elevations, below the existing roof overhang. All the new walls would be externally clad with timber board above a low brick plinth. Full length timber framed windows and a door would be installed within the new south-eastern wall. 6 no. rooflights would be installed. The dwelling would use the existing access point from the highway and within its curtilage parking for over 2 cars would be provided, although no details of the layout of any driveway or parking spaces have been provided. It is stated that foul drainage would be provided by a septic tank and that soakaways would be constructed to deal with surface water.

The application is accompanied by a Design and Access Statement, a Foul Drainage Assessment form, an Ecological Appraisal, and Community Infrastructure Levy (CIL) information form.

ANALYSIS

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

- the principle of development;
- the effect of the development on the character and appearance of the area;
- sustainable travel, parking, and highway safety impacts
- impact on wildlife

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 any Built-Up Area Boundary designated in the previously adopted Local Plan and Strategy 27 (Development at the Small Towns and Larger Villages) of the recently adopted LP does not identify the area around or near the site as a settlement where a new Built Up Area Boundary would be designated. Therefore, in accordance with Strategy 7 (Development in the Countryside), this site is regarded as being in open countryside (as it would have been under the previous Local Plan).

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. The site is not an area designated for housing in the Local Plan and there is no Neighbourhood Plan for this area, and thus there is no Neighbourhood Plan policy which supports housing development at this site. Policy D8 (Re-use of Rural Buildings Outside of Settlements) does however support the principle of the re-use of rural buildings outside of settlements for residential use, with certain provisos. One proviso is that the building should no longer be required for agricultural use or diversification purposes and that the viability of any existing agricultural enterprise would not be undermined, or replacement buildings needed as a result of the re-use. In this case no diversification use of the building is apparent and the applicant's assertion that the building is too small for modern farming purposes and that the existing modern barn to the south renders the application building redundant for agriculture, seems reasonable. The other provisos set out in Policy D8 are discussed under relevant headings below.

Effect of the development on the character and appearance of the area

The site is clearly visible from the public highway, although it is not considered that the proposed conversion of the barn would significantly alter the style and character of the building. The residential use of the barn would however be likely to introduce domestic paraphernalia around the dwelling (e.g. parked vehicles, a washing line, amenity space etc.) which would be visible through the access opening adjacent to the highway and over the existing low boundary wall, and this would alter the undeveloped and agricultural character of the site to one which is more domestic and developed. Although it would be theoretically possible to screen the external areas around any dwelling by installing tall solid gates across the access opening and tall boundary screening (such as a hedge, wall or fence) adjacent to the highway, a tall hedge would take many years to establish and given that views into open countryside are currently afforded through the access opening, the installation of tall wall or fence screening and tall solid gates would alter the existing open character of the site. Therefore it is considered that the residential development of the site would be unsympathetic to the quality and local distinctiveness of the natural landscape character of East Devon at this location, and that this could not be acceptably mitigated, in conflict with Strategy 46. It is also considered that residential development would not enhance the setting of the rural building, as required by LP Policy D8.

Sustainable travel, parking and highway safety impacts

The nearest settlements providing the goods and services a future resident at the site would need would be Axminster or Kilmington. As noted by the Parish Council, the highways linking the proposed dwelling to these settlements are largely narrow, unlit and lack pedestrian footways and there is no regular bus service which would provide access to larger settlements within easy reach of the dwelling. Taking all these factors into account it is considered that the goods and services required for everyday life would not be conveniently accessible by sustainable modes of transport, such that a need to travel by car is likely to be generated due to this development, in conflict with Policy TC2 (Accessibility of New Development) and . that the siting of a dwelling at this remote location would fail to accord with Policy D8.

It is considered that sufficient parking could theoretically be provided on site to meet the requirements of Policy TC9 (Parking Provision in New Development). With regard to the suitability of the access to the site and impacts upon the local highway network, the comments of the Parish Council concerning poor visibility from the access are noted, however the highway authority have not raised any concerns and recommend that standing advice be applied. The Parish Council also raise a concern that the development would cut off access to the larger barn. It would be preferable if the existing access to the large barn could be retained as any additional access opening would be likely to have a visual impact. If permission were to be granted conditions should be applied to require details of parking provision on site and the access layout, including details of how access to the barn would be retained via the existing access opening.

Impact on wildlife

The ecological survey submitted with the application indicates that there is a bat roost used by Pipistrelle bats at the southern gable end of the building (bats were found roosting beneath timber cladding) and that Swallows have also previously also nested at the barn. The survey indicates that there is no proposal to alter the existing gable end of the building and no lighting would spill onto bat access points such that the roost and dark flight corridors to and from it would not be affected by the proposed conversion. It recommends that works should be undertaken outside of nesting season to avoid potential impact on any nesting birds within the building and states that the large adjacent barn nearby will continue to provide opportunities for nesting Swallows, and therefore no mitigation is recommended in relation to the loss of the nest site that would result from the barn's conversion.

Other issues

The proposal would not sterilise agricultural land classed as 'best and most versatile' or harm important trees.

With regard to surface water drainage, which is raised as a concern by the Parish Council, the conversion would not entail any addition to the roof surface of the barn and no new impermeable ground surfacing is illustrated on the submitted plans. However in converting the barn to a dwelling it is possible that an area around the building may need to be surfaced with impermeable material. This would have the

potential to generate a surface water runoff impact, and it is therefore recommended that if permission is granted, a condition be imposed to require details of the area to be surfaced together with measures to adequately deal with surface water drainage, and the installation of those measures prior to the installation of impermeable surfacing. The Parish Council also raise a concern that no details of foul drainage are provided. It is noted that the installation of septic tank is proposed and it is recommended that a condition be imposed to require further details of the foul drainage measures, should permission be granted.

It is not considered that the proposed dwelling would have a harmful impact upon the amenity of neighbouring residents due to the intervening distance between the barn and those residences.

The creation of a rural dwelling would add to the housing supply in the area, however as a single dwelling, the social benefit would be minimal. The economic activity associated with the building works required for the conversion would bring a economic benefit to the locality although as the works required are not extensive this benefit would be similarly minimal, and only temporary.

Conclusion

The site is located outside of a Built-Up Area Boundary and the proposal represents development in the countryside which is resisted by Strategy 7 except where specifically supported by other Local Plan or neighbourhood plan policy. Whilst the development does not raise concerns in relation to the design of the converted building, highway safety or ecological impacts, the location of the development is remote from the goods and services required by a resident and would generate a need to travel by private motor vehicle such that the development would be environmentally unsustainable and would not satisfy the provisions of Policy D8. In addition, the proposal would detract from the agricultural and undeveloped character of the site and would have a detrimental impact on the AONB, in conflict with Strategy 46 and Policy D8. Taking into account all relevant Strategies, Policies and the guidance contained within the NPPF, it is considered that the minimal social and economic benefits associated with the creation of a new dwelling in the area would be strongly outweighed by the environmental harms of the development 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 of any Built Up Area Boundary in an area of countryside which is not allocated for housing development within the East Devon Local Plan or any Neighbourhood Plan, in a location remote from public transport and lacking safe and convenient walking and cycling routes to the nearest sustainable settlement such that 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 certain criteria are required to be met for

residential development which re-uses rural buildings. The proposal fails to meet those criteria in that it would not be sited close to a range of accessible services and facilities to meet the everyday needs of residents in conflict with part c) of Policy D8 (Re-use of Rural Buildings Outside of Settlements) and Strategy 7 (Development in the Countryside) of the East Devon Local Plan 2013 - 2031.

2. The site of the proposed dwelling is outside of any Built-up Area Boundary and forms part of the open countryside within an Area of Outstanding Natural Beauty where great weight must be given to the conservation and enhancement of natural beauty. The site has a largely agricultural character and appearance and this, together with the setting of the existing building, would be detrimentally and irreversibly altered by residential development which would introduce domestic paraphernalia. This cannot be effectively and acceptably and screened from view by boundary screening without altering the open and undeveloped character of the site and thus the proposal would have a detrimental impact on the character and appearance of the setting of the building and on the Area of Outstanding Natural Beauty. The development is therefore considered to be contrary to the provisions of Strategy 7 (Development in the Countryside); Part b) of Policy D8 (Re-use of Rural Buildings Outside of Settlements), 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.

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:

1852/01	Combined Plans	11.07.16
1852/02A	Combined Plans	12.07.16
1852/03 GROUND+1ST FL	Proposed Floor Plans	11.07.16
1852/04 SITE+ROOF	Proposed Combined Plans	12.07.16

List of Background Papers

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

Ward Beer And Branscombe

Reference 15/1291/MOUT

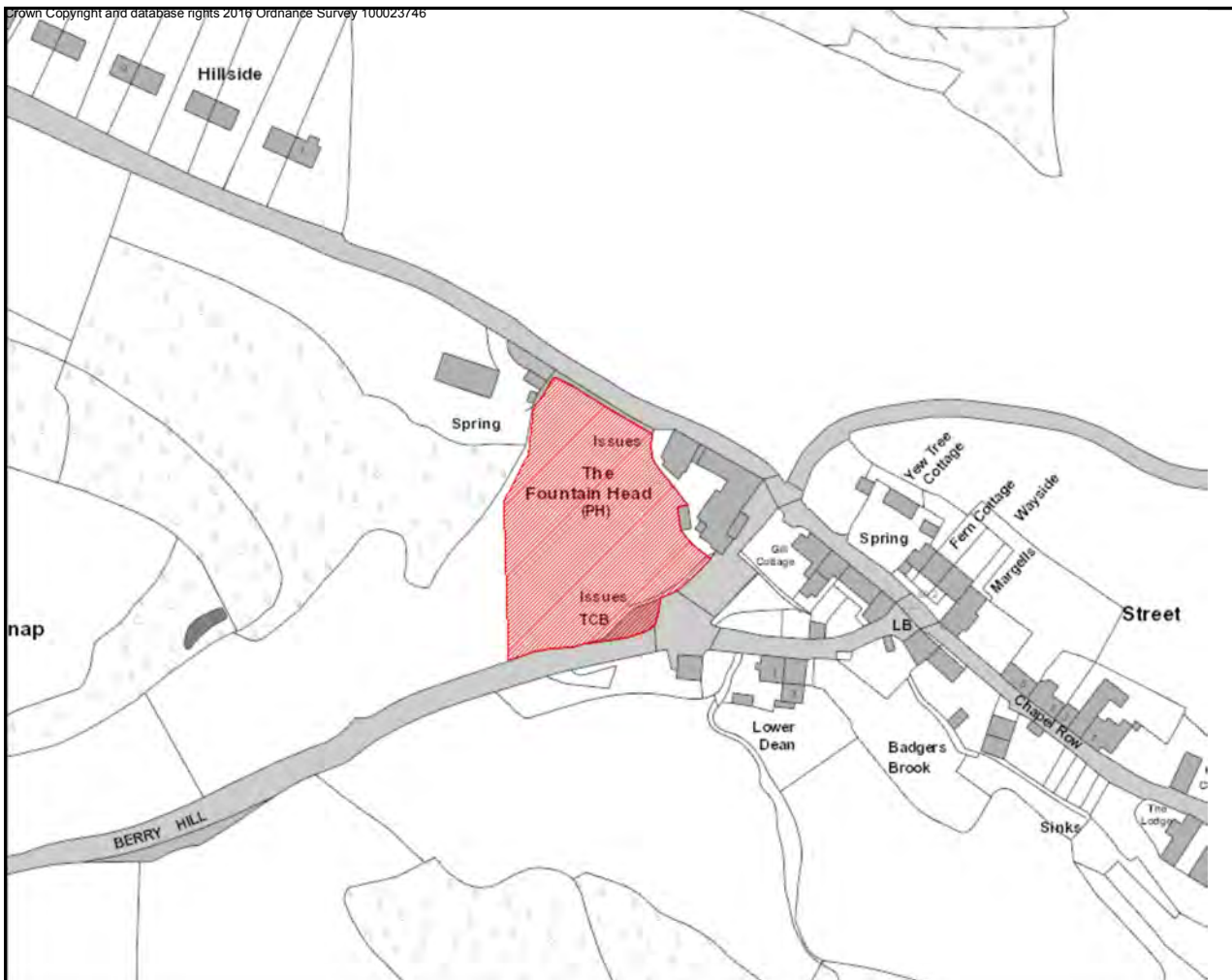
Applicant Mr A R Gibbins

Location Land Adjacent The Fountain Head
Berry Hill Branscombe

Proposal Outline application with all matters reserved for construction of 10 no. dwellings (6 affordable, 4 open market) including site access and service road, parking turning areas and footpaths



RECOMMENDATION: Approval with conditions



		Committee Date: 4th October 2016
Beer And Branscombe (BRANSCOMBE)	15/1291/MOUT	Target Date: 07.10.2015
Applicant:	Mr A R Gibbins	
Location:	Land Adjacent The Fountain Head Berry Hill	
Proposal:	Outline application with all matters reserved for construction of 10 no. dwellings (6 affordable, 4 open market) including site access and service road, parking turning areas and footpaths	

RECOMMENDATION: Approval subject to conditions and the completion of a S106 legal agreement.

EXECUTIVE SUMMARY

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

The proposal seeks outline planning permission for the creation of 10 dwelling (6 affordable and 4 open market) with all matters reserved. The site benefits from a resolution from Members to approve 9 affordable dwellings and 1 open market dwelling in 2010. However, this planning permission has not been issued as the legal agreement has not been signed as the scheme is unviable.

The application represents a departure from adopted policy as the proposal does not fully accord with the local plans exceptions policy in that a lower than 66% affordable provision is proposed. Instead the affordable housing is set at a lower threshold (of 60%) in this instance due to the viability of the scheme. The District Valuer has independently assessed the submitted finances and has agreed that 66% provision is unviable. Accordingly officers do not consider that these viability issues should preclude allowing the development to proceed, given the social benefits that the proposal would provide through securing much needed affordable housing in the area.

The proposal takes place within a sensitive setting that is within the AONB landscape and close to listed buildings. On balance the site is considered to be a natural expansion of the existing settlement with any visual impacts being localised and not threatening the wider character of the landscape. In response to additional information received, officers do not raise objections to the proposal or its close relationship with a number of listed buildings.

As such the officer recommendation is to approve the proposal, subject to an appropriate legal agreement and necessary planning conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council

Branscombe Parish Council supports this application for the following reasons:

The application will be helpful to the community as a whole in terms of the welfare of the local school and other local businesses in the village.

Growth is required for the village to survive and to encourage young families to live in this area and offset the number of second homes which are currently in existence in Branscombe.

Beer And Branscombe - Cllr G Pook

I am happy to support the application on the basis it provides 6 affordable homes.

This site has been the subject of past applications that have been approved but did not come to fruition due to viability issues. On this occasion I fully accept the viability issues with a 9:1 and therefore am happy to support the 6:4 the main concern now is to envelop the site and to provide much needed affordable housing for Branscombe.

Technical Consultations

Historic England

Thank you for your letter of 6 August 2015 notifying Historic England of the scheme for planning permission relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

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

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

Devon County Archaeologist

I refer to the above application. The proposed development lies in an area of archaeological potential on the edge of the historic core of Street and in an area that had been settled by the 16th century. Deems Cottage to the north-west is a grade II listed building dating to the 16-17th centuries, while nos. 1, 2 and 3 Berry Hill to the south also date to this period. The proposed development occupies the frontages

onto Berry Hill and the road leading north-west from Street. These frontages are where any early post-medieval dwellings would have previously been located. The land to the rear would also have potential to contain archaeological features, deposits and artefactual material associated with the early settlement at Street. The information submitted in support of this application does not consider the impact of the proposed development upon the archaeological resource.

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

The additional information required to be provided by the applicant would be the results of a programme of intrusive archaeological investigation, consisting of a the excavation of a series of evaluative trenches to determine presence and significance of any heritage assets on the site, as well as providing an understanding of the impact of the development upon such assets.

I would recommend that the applicant or their agent contact this office to discuss the scope of works required and obtain contact details of professional archaeological consultants who would undertake these investigations. I would expect to provide the applicant with a Brief setting out the scope of the works required.

15.12.205 – Additional Information

I refer to the above application and your recent consultation. I have now received the report on the archaeological evaluation of the site. This has demonstrated the presence of medieval archaeological deposits dated to between the 11th and 15th centuries within the proposed development site. While these deposits are not of such significance to merit preservation in situ they contain evidence of medieval settlement in Branscombe and will be affected by the groundworks associated with the construction of the development.

For this reason and in accordance Policy EN7 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

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

Reason

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

I would envisage a suitable programme of work as taking the form of the archaeological excavation of all areas affected by the proposed development that may contain archaeological or artefactual deposits to ensure an appropriate record is made of the heritage assets prior to their destruction by the proposed development. Further evaluative trenching may be required to refine the areas of archaeological sensitivity. 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.

County Highway Authority

The application is an outline application for 10 no. dwellings. The location for the site is Branscombe Seaton. The proposed access is off of Berry Hill, the proposed access is towards the bottom of Berry Hill. Berry Hill is signed at a 20% gradient; it is also restricted in width with limited passing places.

The existing access is proposed to be widened to 4.8 metres which would help to improve visibility in each direction. Berry Hill has a national speed limit in line with DMRB 215 metres of visibility is required in each direction 2.4 metres back from the kerb. Due to vehicles travelling at an estimated 15 - 20 MPH a 25 metre visibility splay in each direction will be required.

An internal footpath link is being proposed to connect Berry Hill to parallel road, this connects to the proposed parking bays as part of the development.

The roads from the A3052 are narrow with limited passing places, these are all national speed limit roads.

Recommendation:

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

1. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide intervisibility between any points on

the X and Y axes at a height of 0.6 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 25 metres in both directions.

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

2. No part of the development hereby approved shall be commenced until:

A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway

B) The ironwork has been set to base course level and the visibility splays required by this permission laid out

C) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.

3. 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;

4. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, visibility splays, turning area and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

REASON: To ensure that adequate facilities are available for the traffic attracted to the site.

Environment Agency

We have no objection to this application.

If a private sewage treatment and disposal system is to be used, we have the following advice for the applicant regarding Environmental Permits:

The sewage treatment and disposal system associated with this development will require an Environmental Permit from the Environment Agency under the Environmental Permitting Regulations 2010, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted. Additional 'Environmental Permitting Guidance' can be accessed via our main website <https://www.gov.uk/government/publications/environmental-permitting-guidance>

Natural England

European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features.

- Sidmouth to West Bay Special Area of Conservation (SAC)

- Beer Quarry & Caves Special Area of Conservation (SAC)

The site is also notified at a national level as Beer Quarry & Caves Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have.

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 information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out.

It has been established through radio tracking that bats from Beer Quarry and Caves SAC also use roosts and flyways within the Branscombe area. Natural England is working with the AONB to establish some planning guidance and consultation zones for Bats in East Devon similar to that produced for the South Hams Bat SAC. The ecology report identifies evidence of Bat occupation at the site and East Devon AONB have Identified that this development falls within one of the proposed consultation zones.

In the absence of specific East Devon planning guidance for Bats we recommend you obtain the following information to help undertake a Habitats Regulations Assessment:

1. Review the following guidance <http://webarchive.nationalarchives.gov.uk/20150603000001/http://publications.naturalengland.org.uk/publication/142010>
2. Consider the implications of this development identified in the ecology in line with the above guidance.

SSSI

Providing appropriate mitigation is secured to avoid impacts upon the European site occurring there should be no additional impacts upon the SSSI interest features of the site.

Landscape

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

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 includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present.

02/09/2016 – Additional information (In summary) –

Our previous response dated 24th September 2015, advised that you, as a competent authority under the provisions of the Habitats Regulations, 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. It also advised that the South Hams SAC Greater horseshoe bat consultation zone planning guidance should be followed in the absence of specific planning guidance for bats in East Devon. That advice still stands.

Your authority must be clear that sufficient specific measures to provide mitigation for Beer Quarry & Caves SAC are secured before granting permission. If the mitigation proposed in the Mitigation and Opportunities Plan and the proposed Construction and Ecological Management Plan can be secured through an appropriate condition, Natural England would not have difficulty in concurring with a view that a Likely Significant Effect upon the Beer Quarry & Caves SAC can be avoided.

If appropriate mitigation is secured to avoid impacts upon the Beer Quarry & Caves SAC there should be no additional impacts upon the SSSI interest features of this site.

Housing Strategy Officer Paul Lowe

At a recent planning appeal in the District the Planning Inspector and the Secretary of State have both advised that Strategy 34 of the emerging Local Plan can be given a considerable degree of weight and is to be preferred to Local Plan Policy H4, which is out-of-date, when determining appropriate levels of affordable housing provision. The application site falls outside the built-up area boundary for Branscombe and therefore should be considered as an exception site where the Council's proposed Mixed Market and Affordable Housing Policy would apply a requirement of 66% affordable housing. We will therefore be seeking an affordable housing provision of 66% (7 units) and not the 60% as proposed.

We note that the Design an Access Statement (DAS) does not reflect the proposed site plan. The plan proposes No.3, 3 bedroom affordable houses and No.3, 2 bedroom affordable houses, whereas the DAS states No.4, 2 bedroom houses and No.2, 3 bedroom houses.

The Housing Needs Survey (HNS) undertaken in 2009 is considered to be out of date and should be refreshed. The survey results will establish the need and the property types required as well the tenure. The DAS states that the HNS undertaken recently in Beer would be sufficient evidence of need in Branscombe. This is not the case as the survey was only undertaken in the Parish of Beer.

Assuming the proposal satisfies planning requirements we would expect to see a tenure split of 70 / 30% in favour of affordable rent the remainder as shared ownership, however this tenure split will be ultimately determined by the HNS results. All nominations to come from the Common Housing Registers, be available as affordable housing in perpetuity, with a nomination cascade mechanism in place giving preference to people who have a local connection to the Parish, then cascading to named adjoining Parishes and finally the District. Staircasing to be restricted to 80%.

All affordable housing will be transferred to and managed by a Registered Provider, or other local community based group to be approved by the Council. The affordable dwellings should be constructed to both the Registered Providers / community group's own design standards and to the Homes and Communities Agency Design and Quality Standards.

All affordable housing should be tenure blind and meet the relevant Code level for Sustainable Homes, or equivalent build standards at the time of construction.

East Devon AONB

The site is located on the slope of a steep combe valley side of the Branscombe valley. Mainly pastoral with a backdrop of woodland it is bounded by high, unmanaged hedgerows. There are some views from the site to the opposite side of and along the valley in both directions, limited by intervening trees/hedgerows. Winding lanes adjoin the site to the north, east and south. The site can be seen from the side of the steep valley opposite. Historic development is located adjacent to the site.

The site is located in the Coastal slopes and coombes landscape character type (LCT) and is in close proximity to the coastal plateau (LCT) to the south. It is located on a seasonally busy road and immediately adjacent to an operational pub.

Branscombe Village Landscape Assessment confirms SHLAA site as E327; the site falls within Local Plan proposed coastal preservation area.

Natural England National Character Area Assessment
NCA No : 147 NCA Name: Blackdowns

Key Statements of Environmental Opportunity relevant to this site

SEO 4: Protect the relatively unsettled, rural character of this nationally important landscape, maintaining open skylines and historic settlement form. Reflect the local vernacular and geodiversity in new development and encourage provision of high-quality green infrastructure.

- Protecting locally distinctive building styles and the use of local materials, where appropriate and sustainable, and encouraging their integration into new development as well as sustainable technologies

Devon Landscape Character Area Assessment

DCA Name: Sidmouth and Lyme Bay Coastal Plateau

Key management guidelines relevant to this site

Protect

- Protect the historic character of the combe villages and their settings, ensuring limited new development or property extensions that incorporate local buildings styles (whilst seeking to incorporate sustainable and low carbon construction and design).
- Protect the villages' contained form, resisting linear spread or coalescence.

Landscape Character Assessment details

LCT No :

2B LCT Name

Coastal slopes and coombes

Key Landscape Characteristics of the LCT(s) within which the site is located

- Narrow, steep valleys or more open shallow systems
- Coastal influence in exposure, vegetation and extensive views
- Mix of unenclosed woodland, especially along watercourses, and small to medium irregular fields
- Mainly pasture, with wet pasture and scrub
- Earth banks
- Old settlements in combes, with stone as dominant building material
- Narrow winding roads and limited vehicle access to coast
- Extensive coastal rights of way with steep paths down to beaches
- High, open and exhilarating on top slopes, grading to intimate and enclosed in lower valley
- Remnant orchards

Landscape Management Guidelines

Recommendations relevant to this site/application

Settlement and development: conserve by

1. Maintaining the inherent pattern of sparse settlement.

2. Ensuring that recreation and leisure-related infrastructure along the coast and at the mouth of combes are of a scale, size and type that contribute to the unspoilt character and tranquillity of the cliff landscapes in the adjacent Landscape Character Type.

Landscape Character Assessment details

LCT No :

1B LCT Name

Coastal plateaux

Key Landscape Characteristics of the LCT(s) within which the site is located

- High, open plateaux, separated by river valleys and dissected by combes
- Windblown vegetation
- Regular medium to large field pattern
- Dense low hedges (often elm) with occasional hedgerow oaks
- Mixed land use, mainly arable
- Little woodland
- Few roads but many rights of way
- Very low settlement density
- Influence of geology on soil colour
- Extensive views along coast

Landscape Management Guidelines

Recommendations relevant to this site/application

Settlement and development: conserve by

1. Maintaining the inherent pattern of isolated farms and small hamlets
2. Discouraging development that extends to the edges of Land Description Units, where it is more visible in the wider landscape.
3. Discouraging development in unsettled areas and ensuring that development around existing coastal settlements enhances local landscape character and contributes to screening recent development.

Further Comments

NPPF calls for valued landscapes to be protected and enhanced (NPPF 109) with the greatest weight being given to conserving landscape and scenic beauty in National Parks and Areas of Outstanding Natural Beauty (AONBs) (NPPF 115). Taking this and the fact that the development is within the proposed coastal protection area, a clear justification and rationale is required for this site in preference to any others in the village identified through the SHLAA process.

The village landscape assessment for Branscombe makes the following assessment in respect of SHLAA site E327 to which this site relates

- Development would be less visible if it were located on the flatter northern section of the site, rather than the sloping valley side. Despite its proximity to the 'main' lane to the north, it would have a greater visual impact if it were further away from it.
- Development on the north eastern part of the site would also be adjacent to the Fountain Head pub, so would have a backdrop of built rather than natural form
- From public access (bridleway) on the opposite side of the valley the development would be visible against trees/sky and again this would increase if development was built further up the valley slope

The landscape assessment for the site suggests an overall medium high impact on the character but does not go on to rank the site amongst other SHLAA sites in the village.

Any development in close proximity to the existing historic/vernacular buildings, many of which are listed, would need to respect this form and structure as the landscape assessments at all levels require. The form of the village development in Branscombe is strip/ribbon, with buildings nestled alongside the road and not spreading up the slope. Retaining this form is important and to that extent development to the north and not to the south, on rising slopes, would have a less significant impact on the character of the area provided it met the local design form. It would also contain development away from the edges of the land description units of this LCT and reduce impact on the coastal plateau LCT.

We are aware there are flooding issues in this location and would anticipate drainage and surface water issues to be raised by EA.

East Devon AONB Management Strategy Policy Reference(s)

P2- provide advice and support on planning policy and development to enable the special qualities of the historic and landscape character of the AONB to be protected, conserved and enhanced.

Further references

Landscape Character Assessment & Management Guidelines (2008)

East Devon AONB Management Strategy (2009-14)

Devon Landscape Policy Group (DLPG) Advice Note 2. "Accommodating wind and solar pv developments in Devon's landscape" (2013)

National Planning Policy Framework (NPPF)

EDDC Trees

The submitted Arboricultural Report dated 2010 is out of date. Not only are the trees individual characteristics and parameters likely to have changed, but also the British Standard 5837 2005 has been updated and replaced by BS5837:2012. The Arboricultural Implications Assessment (AIA) refers to the layout submitted for the previous application 10/0921/MFUL in 2010 and is therefore irrelevant to this application.

Notwithstanding the above the indicative layout does not appear to have considered the constraints presented by the trees identified in the report. Specifically those on the southern boundary with Berry Hill.

The amended layout for the previous application 10/0921/MFUL demonstrated that 10 dwellings could be accommodated within the site but only if a terraced style was adopted. If unacceptable tree loss is to be avoided a similar approach will be necessary.

Should the application be approved I would ask that the following condition be applied:

Tree Survey and Report, Tree Protection Plan and Arboricultural Method Statement Prior to the commencement of any works on site (including demolition and site clearance or tree works), a tree survey and report to include a Tree Protection Plan (TPP) and Arboricultural Method Statements (AMS) for the protection of all retained trees, hedges and shrubs on or adjacent to the site, shall be submitted to and approved in writing by the Planning Authority.

The layout and design of the development shall be informed by and take account of the constraints identified in the survey and report.

The tree survey and report shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. The development shall be carried out in accordance with the approved details

Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

Reason: To ensure the continued well being of retained trees in the interests of the amenity of the locality.

Devon County Council Education Dept

Further to your recent correspondence regarding the above planning application I write to inform you that a contribution towards school transport via a Section 106 agreement is sought.

The proposed 10 family-type dwellings will generate an additional 2.5 primary pupils and 1.5 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. We will however require a contribution towards both primary and secondary school transport costs due to the development site being further than 2.25 miles from Sidmouth College. The costs required are as follows: -

2.00 secondary pupils

£111.80 per day x 190 academic days x 5 years = £111,210

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.

Should you require any further information regarding either of the above please do not hesitate to contact me.

*These contributions should be adjusted on the date of payment in accordance with any increase in Building Cost Information Service (BCIS) all in tender price index.

Other Representations

At the time of writing the report, there have been 8 letters of objection and 11 letters of support (in summary);

Object

- The development is outside the Built Up Area Boundary
- Over development, cramped and too dense
- Lack of parking, dangerous access and harmful impact on the wider highway network
- Out of character and scale
- Impact on listed buildings
- Effect water table, increased run off and flooding risk
- Not a suitable site due to close proximity of the pub
- Effect on wildlife
- Would compromise the village as a tourist destination
- Not enough 3 bedroom homes to meet the need
- Need to ensure affordable housing to meet a need.
- Housing is removed from suitable services and facilities.
- Increased light pollution
- High development cost of constructed on sloping site could lead to cost cutting measures elsewhere on the site.
- Impact on the AONB and CPA
- The 2010 planning application had a high proportion of affordable housing
- Could give rise to more second home ownership

Support

- Support for low cost housing
- Proposal would fulfil a need for local, younger, families.
- Would retain younger people in the area
- Would support a younger demographic

- Would support the local pub
- Preferable development to holiday homes

PLANNING HISTORY

Reference	Description	Decision	Date
10/0921/MFUL	Construction of 9 no affordable dwellings and one open market dwelling	Resolution to approve by the Development Management Committee, but not issued to date as pending the completion of a S106 agreement	

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

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

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

EN9 (Development Affecting a Designated Heritage Asset)

EN8 (Significance of Heritage Assets and their setting)

EN5 (Wildlife Habitats and Features)

EN6 (Nationally and Locally Important Archaeological Sites)

TC2 (Accessibility of New Development)

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

EN21 (River and Coastal Flooding)

D3 (Trees and Development Sites)

TC9 (Parking Provision in New Development)

Strategy 47 (Nature Conservation and Geology)

RC2 (New Open Space, Sports Facilities and Parks)

EN14 (Control of Pollution)

H2 (Range and Mix of New Housing Development)

EN22 (Surface Run-Off Implications of New Development)

D2 (Landscape Requirements)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

NPPG (National Planning Policy Guidance)

Site Location and Description

The site lies in a sensitive position on the edge of the attractive hamlet of Branscombe within the AONB and open countryside. Whilst there are some post-war properties in the vicinity by far the majority are vernacular historic buildings which give this part of the valley a strong distinctive character.

The site comprises 0.3 ha of part of a field of pasture immediately to the rear of the Fountain Head public house and Fountain Head House. A field gate offers direct access from Berry Barton Lane close to the parking area for the adjoining public house.

Proposed Development

The proposal seeks planning consent for the creation of 10 dwellings, with 6 affordable units and the remainder 4 units as open market. The proposal is made in outline with all matters reserved.

An indicative layout plan has been submitted to illustrate how the site can accommodate the quantum of development proposed. This illustrates a proposed new access point on to Berry Hill with 13 parking spaces serving 2 four bed, 1 three bed and 1 two bed open market dwelling and 3 three bed and 3 two bed affordable units.

ANALYSIS

The main issues concerning this proposal are;

- The principle of development
- Design and impact on heritage assets
- Highway considerations

- The impact on the AONB landscape
- Flooding/Drainage
- Effect on Neighbours
- Ecology

Addressing each issue in turn:

The Principle of Development

The settlement of Branscombe, as defined within the East Devon Local Plan, is not identified as having the level of services or facilities to accommodate future growth and is therefore not recognised as a village or town under Strategy 27. Accordingly the proposal takes place within the open countryside, where open market housing alone is not compliant with general planning policy. Branscombe are not currently preparing a Neighbourhood Plan.

Strategy 7 of the East Devon Local Plan limits development in the countryside to that which only accords with a specific Local Plan Policy. Strategy 35 of the local plan 'Exception Mixed Market and Affordable Housing at Villages, Small Towns and Outside Built-up Area Boundaries' facilitates mixed affordable and open market housing schemes outside of built up area boundaries. This is to allow a balance between to the lack of affordable housing in the District and the low levels of affordable housing constructed in recent years. This policy facilitates securing affordable provision by permitting development in locations where ordinarily residential development would not be acceptable. The plan points out that development of such sites will not be regarded as creating a precedent for future expansion to meet other housing needs. All sites will need to be close to a range of facilities, meet a proven local need and have at least 66% of all houses built being affordable.

Strategy 35 seeks to ensure that sites are close to a range of community services and facilities (including four or more of a school, pub, village hall, shop/post office, doctors surgery, place of worship or public transport service). Branscombe has a primary school, Church, public house and village hall meaning that this criterion is fulfilled.

The new development should aim to integrate the open market and affordable housing, making the best use of land and the development should be well related to and complement and be compatible with the built form of a settlement. Rural departure sites (beyond Local Plan Built-up Area Boundaries) should be physically very well related to the built form of the village. In this instance the application site would relate well to the built form of the existing settlement, and is the most likely site available if expansion of the existing built form is to take place. Due to the steep land surrounding the settlement, and prominence of other sites in the AONB, the opportunities for expansion of Branscombe are limited.

Paragraph 54 of the NPPF states that in rural areas authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through exceptions sites where appropriate. Within the local plan it states that the parishes of Beer and Branscombe

are grouped together for the purposes of establishing the affordable requirements. The local plan states that account will be taken of the specific need within the Parish in which the application land is sited and in addition regard will also be paid to need in surrounding parishes. Therefore it is clear that meeting the need within the parish itself takes priority with regard to addressing any wider affordable housing need. A Housing Needs Assessment conducted in 2013 has identified an affordable housing need which to date, still has not been fulfilled. This assessment identified a need for 27 affordable homes within the next 5 years (from 2013). Whilst there is an identified need for affordable housing within the parishes, the proposal would not meet the 66% affordable requirement expected of an exception site policy, instead only a contribution of only 60% is offered. The mix proposed would help meet the identified needs.

It has been claimed by the applicant that build costs would not make provision of the full affordable housing provision a viable option. As such considerable time has been invested into gaining viability information which has then been independently assessed by the District Valuer. The District Valuer is of the view that a planning policy compliant scheme is not considered to be financial viable in current market conditions, however a scheme including 6 units of affordable housing (60%) generates a residual land value sufficiently close to the benchmark land value to consider it financially viable. This was however calculated before the introduction of CIL.

The introduction of CIL adds approximately £28,000 to the build costs over and above the S.106 obligations previously factored into the viability. The District Valuer has advised that in order to make the proposal viable under CIL, one of the affordable units proposed (3 three-beds and 3 two-beds) would need to lose a bedroom. This would reduce build costs to aid viability. In response to this the applicant has stated that they wish to retain the additional bedroom as the loss of a bedroom would have a greater impact upon viability and as such they can make the proposal work as submitted despite the need to find £28,000 in build cost savings or increased sales values. Given this, and given that the introduction of CIL results in a relatively small increase in build costs compared to overall costs, it is considered that this relatively small shortfall can be made up within the development to an extent that will make 60% provision of affordable housing viable. This position is supported by the applicant.

In light of this, given the affordable housing need, and subject to the site/proposal being suitable in all other considerations, officers consider that the level of affordable housing proposed, i.e. 60%, is acceptable in this instance even though it represents a departure from adopted policy.

Consideration has been given as to whether an overage clause would be reasonable to impose in order to allow recourse should general market conditions raise profit levels, such that a contribution can then be submitted. This would be in accordance with adopted Policy and given that the scheme is not providing the full 66% affordable housing provision, an overage clause is considered necessary.

Design and impact on heritage assets

Whilst layout is a reserved matter the impact of developing the site for residential development on the existing settlement can still be taken into account.

The existing built environment along this valley close to the site has a strong vernacular character and a significant number of listed buildings at the core of the settlement. Most buildings are of natural stone and comprise traditional slate or tile roofing. There is also some render and some colour washing of the stone which gives some variety to the grain of materials. There is a small amount of small scale post war development which fronts the street. The most obvious characteristic is the relatively small scale of the buildings which lead up through the valley. The pattern of development generally follows a linear pattern due in main to the topography of the land.

Residential development of this site would be a read from public vantage points and expansion of the existing settlement, the built form of which is broadly situated along an east to west axis. Whilst the ground levels of the site are sloping (down to the east) the gradient is not a steep as other fields surrounding the settlement. Approaching Branscombe from the west the site would form part of the 'gateway' development which allows for the transition from open countryside to the built form of the village. Travelling in this direction the majority of the site would be screened by significant boundary hedges, with the eye generally drawn towards the roofscape of the tighter knit configuration of the historic part of the village further to the east. When the site is views from the east, back toward the pub, it is likely that any terraced dwellings would be read against the existing built form and whilst the proposed ridge levels of the roof would most likely be higher than that of the Fountain Head pub this would not punctuate the skyline. Accordingly when taking into account the existing context the proposed development is unlikely to comprise the local character and distinctiveness.

Whilst the new housing sits behind the street/pub somewhat its impact could still be significant on nearby heritage assets. Section 66 of the Listed Building and Conservation Area Act, 1990 requires that special regard should be had to the preservation of the setting of listed buildings. The conservation officer originally had reservations over the development with regard to the impact on nearby grade listed II star buildings. Additionally, Historic England were also consulted due to the listed status of these building. In response an additional assessment of the heritage value of the site and its context was provided by the agent. This additional assessment is considered to be proportionate to the significance of heritage assets and the nature of the outline planning application. The setting of listed buildings will need to be more rigorously looked at in the event of a reserved matters application as the built form, position and massing can then be considered in the light of principal views from and into the site. There is no reason at outline stage why a detailed design would not come forward which would incorporate local building styles. On the basis of the existing outline approval officers consider it would be difficult to resist the principle of additional dwellings on the site.

Highway Considerations

Access to the site would be achieved from the Berry Lane. The proposal indicates a short cul-de-sac with turning area and arrangements for the parking of 13 vehicles. Objections have been raised with regard to the increase in traffic and the limited ability of the adjoining lanes to cater for this. The Highway Authority has no fundamental objection to the amount of development or to the details of the construction and has recommended mitigating conditions. Although there would be an increase in vehicle movements this is unlikely to severely compromise highway manoeuvrability or highway safety given the relatively low volume of traffic currently experienced.

As some of the suggested conditions related to layout, which is a reserved matter, it is not necessary to include these conditions at this outline stage. However, it is both reasonable and necessary to conditions a construction management scheme to ensure that the construction phase does not unduly restrict vehicle movements or have an impact on the amenity of nearby residents.

The impact on the AONB landscape

Strategy 46 of the local plan states that development will need to be undertaken in a manner that is sympathetic to and helps conserve and enhance the local quality and local distinctiveness of the natural landscape character.

The visual introduction of the proposed development would continue the generally low density of the surrounding development pattern and would not be seen as a significant invasion of the rural character of the wider area. The site is a natural expansion of the existing settlement that would maintain the villages contained form. The views of the development would be available from immediate receptors within and along the sides of the valley; however some of the immediate views are limited due to the winding character of the lanes and the intervening tree and hedgerows which diminishes the visual impact. Medium and long range views of the site are precluded due to the topography of the surrounding landscape.

The development would, however, result in the intrinsic change of the land to a residential use, which in turn would affect the existing character and this weighs against the scheme. However, many of the mature trees around the site are likely to remain which would conserve the established field pattern.

If permission is to be granted the manner in which the development is assimilated into the rural character of this valley is of the utmost importance. As landscaping would be a reserved matter the subsequent application would determine whether the landscaping proposed is deemed acceptable.

Whilst the site was considered under the SHLAA process, this process was used to aid local plan formation and does not replicate the in depth landscaping considerations that a planning application takes into account. Due regard is also had to the 2010 planning application which benefits from a resolution to approve subject to the completion of a S106 agreement. This also found that the impact on the AONB landscape was acceptable.

There should be no reason why a sympathetically designed residential development should not visually conserve the AONB, notwithstanding the intrinsic change in character of the field itself. Paragraph 115 of the framework requires that great weight be given to conserving the landscape and scenic beauty in AONBs. As such in this regard a residential scheme with suitable landscaping would achieve this.

Due to the limited scale of the development in relation to the existing settlement and the relatively restricted impact on the designated landscape the proposal is not considered to constitute 'major development' for the purpose of paragraph 115 of the NPPF.

Flooding/Drainage

A number of the representations received concern the existing drainage of the fields on which the development would occupy. Nearby residents have suggested that there have been flooding and drainage problems locally in the past and that this development may exacerbate those problems. The proposed development should be served by a drainage system to accommodate the existing run off rates and those created by the proposed dwellings, roads and additional hardstanding. There is no reason why a sustainable urban drainage system could not be accommodated within the site, which would mimic the natural run off conditions. Accordingly such details can be secured via condition.

Given the site area there is no evidence that at outline stage the site cannot accord with SUDs principles required under policy EN22.

The site takes place within flood zone 1 and is not in an area of historic surface water flooding. The Environment Agency have not raised any objections to the proposal on flooding.

Effect on Neighbours

Policy D1 (Design and Local Distinctiveness) is of particular importance and is designed to ensure that new development has regard to its context and does not adversely affect the amenity of occupiers of adjoining residential properties.

The immediate properties most affected by the development are Fountain Head House and flat, Fountain Head Cottage, Deems and the Fountain Head Public House itself. Although layout is a reserved matter the illustrative plan shows that the terrace of 4 dwellings is set back approx. 5 metres from the Fountain Head House, with a terrace of 4 dwellings set oblique to the pub and would front on to the main road. The development could affect on the outlook of properties which overlook the field at present but this would be unlikely to harm occupiers amenity. The two most dominant end walls when viewed in this alignment would not comprise any windows and therefore would not be overlooked or result in overbearing. Whilst the new buildings could impair the outlook from these surrounding existing properties to a degree it is not considered to be harmful to a warrant refusal of this outline planning permission. It is considered that a reserved matters planning application could bring forward a design which would satisfactorily prevent overlooking and harmful impact

on the levels of amenity. For the purposes of this outline consent the illustrative plan demonstrates that the quantum of the development proposal can be accommodated within the site without harm the amenity of occupiers of the adjacent properties.

Ecology

An ecological survey report was conducted in August 2014 by Ecologic which appears to satisfactorily assess and make appropriate on site mitigation measures for the development.

In terms of onsite mitigation measures the following is proposed (in summary);

Bats - Compensatory habitat mitigation provided within roof of new building (with fly in access) the new buildings and control external site lighting so that it does not detrimentally discourage bats from using the site. The site is considered to represent a 'medium to high' value habitat for bat species. This aspect will be considered further in the Beer Quarry Caves section of this report.

Reptiles - Great Crested Newt surveys were carried out on an adjacent pond at Berry Barton. This found that whilst the pond had good potential for supporting a great crested newt no traces of their DNA were found. The site itself does not afford the suitable habitats in this regard.

Nesting Birds - Overall the mitigation measures proposed could be integrated with the proposal in order to produce a development the preserves the ecological value of the site, in accordance with guidance contained within the NPPF and Policy EN6 of the East Devon Local Plan.

Badgers – No badger setts were present at the site.

Impact on SAC and SSS - Beer Quarry Caves

The application is situated within 3.1 KM of the Beer Quarry Caves which is Special Areas of Conservation (SAC). This site is also a notified Site of Special Scientific Interest (SSSI). Natural England, as a consultee, has advised that there was not enough information to determine whether the likelihood of significant effects on the European site can be ruled out. In such circumstance the competent authority will be required to screen and record the proposal for 'likely significant effect' in order to identify the requirement for an appropriate assessment. Natural England has identified that the development falls within one of the proposed consultation zone of forthcoming planning guidance (which is stated in strategy 47 of the emerging Local Plan).

Covering the habitats/environments which have received such European designations is a set of Regulations, enshrined in law and which must be observed. The Conservation of Species and Habitats Regulations 2010 (as amended) (more commonly known as the Habitats Regulations) clearly set out the step by step process for considering projects that are likely to have a significant effect on the SAC and SPA. Regulation 61(1) of the Habitats Regulations requires this Authority (as the competent authority) to make an appropriate assessment of the implications for the

SAC in view of their conservation objectives. Regulations 61(5) and (6) further require the Authority to consider whether it can be ascertained that the project will not, alone or in combination with other plans or projects, adversely affect the integrity of the SAC, having regard to the manner in which it is proposed to be carried out, and any conditions or restrictions subject to which that authorisation might be given. The net result of the Regulations is that the Authority must only agree to the proposals when satisfied that they will not adversely affect the integrity of the SAC, alone or in combination with other plans or projects.

The opinion of the general public and other consultees was taken under Regulation 61(4) by way of public advertisement of the planning application and direct consultation with stakeholders.

The conservation objectives of the SAC are ensuring the integrity of the site is maintained or restored as appropriate and ensuring Favourable Conservation Status of its qualifying features by maintaining and restoring;

- The extent and distribution of the habitats of qualifying species.
- The structure and function of the habitats of qualifying species.
- The supporting processes on which the habitats of qualifying species rely.
- The populations of qualifying species; and,
- The distribution of qualifying species within the site.

Qualifying features;

Rhinolophus hipposideros; Lesser horseshoes bat
Rhinolophus ferrumequinum; Greater horseshoe bat
Myotis bechsteinii; Bechstein's bat

Although there is no specific guidance for bat habitat within East Devon, Natural England has advised that similar guidance issued within South Hams would help.

The applicant does not have control over part of the designated areas in order to apply direct mitigation measures, and instead they consider that mitigating measures could be installed so that harm to the SAC does not occur.

The procedure for assessing whether or not a proposal would have a significant effect is set out within Circular 06/2005 (still extant). Permission can only be granted where it can be ascertained that the proposal would not adversely affect the integrity of the site, or such harm could be mitigated through the imposition of conditions or a planning obligation. A precautionary approach is advocated in accordance with Circular 06/2005.

The point raised by the applicant in this regard is that the demonstrable lack of Great Crested Newt presence within the site means that the residential development of this land would not result in a loss of foraging land for Bats. Any the use the site to travel to suitable foraging area could be mitigated via a suitable light management scheme and accommodation within the building's design.

As a means of mitigating the potential impact the applicant has submitted a 'mitigation and opportunities plan' which facilitates a bat corridor around the perimeter of the site. This would consist of hedge bank planting between 1 metre and 3 metres in height. Although a planning condition could potentially secure such facilities it could not secure the long term maintenance/management of such features, which can only be appropriately secured within a legal agreement. In response to this mitigation and opportunities plan Natural England have stated that 'they would not have difficulty in concurring with a view that a likely significant effect upon the Beer Quarry caves SAC can be avoided'.

Strategy 47 of the local plan states on site mitigation measures are likely to be the most appropriate in the very early years of the local plan's life – as the plan was adopted in January 2016 it is still considered to be within the early period of adoption. The application, made in outline, still has the reserved matters stage to include mitigating features either within the design or layout of the proposal.

Other matters

Contributions have been requested by consultees for education and open space, in order to mitigate the impact of the proposal on this infrastructure. However, this would now be covered under the CIL regulation and considered as part of a reserved matter application, when the floor space is confirmed.

It is important to retaining trees within and immediately adjacent to the site given their contribution to the local character. It is necessary to ensure that suitable arboricultural reports are submitted to assess their value and protect as necessary during the construction phase.

CONCLUSION

The three dimensions to sustainability are identified by the NPPF as economic, social and environmental. These dimensions will be discussed separately in context of this application below:

Economic

In respect of the economic role, one of the key elements is to ensure that sufficient land of the right type is available in the right places at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

The construction of 10 houses would support, in a small way, to the local economy and local businesses through its construction and generated local expenditure (although direct expenditure into the local services/facilities cannot be guaranteed).

Social

The proposal should, in order to be policy compliant and giving weight to the built up area boundary, seek to provide at least 66% affordable housing. Although the proposal could not deliver this percentage in light of the viability argument, which has

been found sound by the District Valuer, the level offered will nonetheless go towards meeting an identified local need, and this is given significant weight in the planning balance.

The proposal fulfils this dimension of sustainable development.

Environmental

The site lies within an Area of Outstanding Natural Beauty and there would be a distinct change in the character of this triangular field – from agricultural to residential. The site is a natural area for the expansion of the settlements built form, and as such would be viewed from the public realm as continuing the existing pattern of surrounding residential development. In addition the retention of the original field shape, features and boundaries would help to maintain this defined character. It is noted that there is some harm in the intrinsic change in character of the site, however, due to the precluded views, lack of wider impact on the AONB landscape and when balanced against the social benefits of providing social housing - this issue is not sufficient to warrant refusal of the planning application. Whilst there were originally concerns expressed with regards to the impact on the European designated site by Natural England, given the mitigation measures that can be controlled the proposal is not considered to conflict with the Habitat Regulations. As such, and on balance, the proposal would meet the environmental dimension.

Therefore in terms of sustainability, it is considered that the three elements of economic, social and environmental would all be achieved through this development. Under paragraph 8 of the NPPF it is clear that these roles should be undertaken in concert meaning that in this instance the proposal constitutes sustainable development.

A legal agreement to secure the appropriate contributions with regard to the impact on infrastructure and the SAC has not been received to date. Therefore the recommendation is subject to such a legal agreement being secured.

RECOMMENDATION

APPROVE subject to the completion of a S106 agreement and the following planning conditions:

Details of the S106;

- Ensuring the retention of 60% affordable units in perpetuity, secure tenure split and local list criteria for selection.
- Ensuring that the size of the open market and affordable units reflect the inputs into the viability appraisal.
- Inclusion of an overage clause.
- Ensuring the creation, management and monitoring of a wildlife corridor and bat house required in order to mitigate the impact on the European designated site in line with submitted 'Mitigation and Opportunities Plan' received by the Local Planning Authority 23rd August 2016.

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).
2. Approval of the details of the layout, scale and appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline with one or more matters reserved.)
3. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
4. 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 – In order to ensure that the construction phase of the development does not harm the amenity of the nearby neighbours

and to mitigate the impact on the wider highway network, in accordance with policies D1 (Design and Local Distinctiveness) and TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan).

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order, with or without modification), no development of the types described in Class A of Part 2 of Schedule 2 to the Order for the erection of any fences, gates or walls other than those agreed as part of the landscaping scheme submitted as part of the reserved matters application shall be undertaken. (Reason - To retain the open character of the communal areas of the site and to ensure the future use of appropriate and sympathetic boundary treatments in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan).
6. Any landscaping scheme approved as part of a reserved matters application shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority. (Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the adopted East Devon Local Plan).
7. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, visibility splays, turning area and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times. (Reason: To ensure that adequate facilities are available for the traffic attracted to the site, in accordance with policy TC7 (Adequacy of road network and Site Access) of the adopted East Devon Local Plan).
8. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority. (Reason - To ensure, in accordance with Policy EN7 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 141 of the National Planning Policy Framework (2012), that an appropriate record is made of archaeological evidence that may be affected by the development).

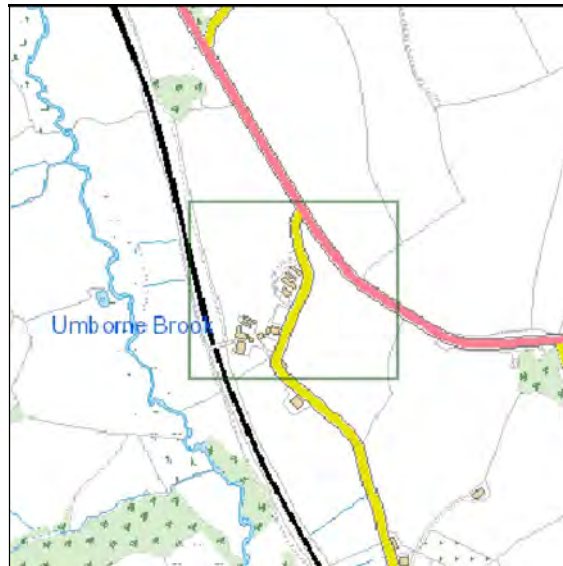
Ward Newbridges

Reference 16/1963/FUL

Applicant Mr & Mrs P Rugg

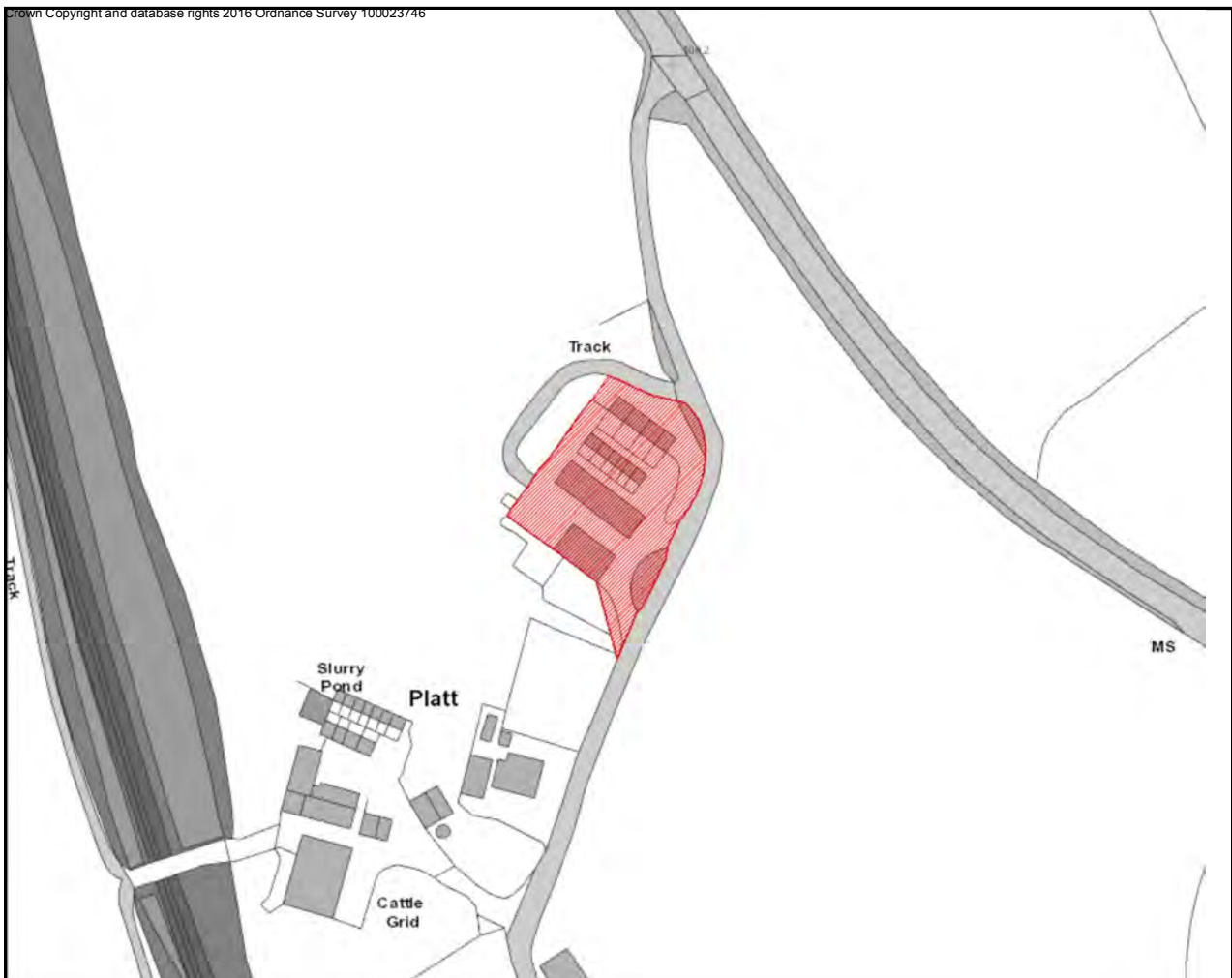
Location Platts Farm Shute Axminster EX13 7QQ

Proposal Demolition of agricultural buildings and change of use of part of agricultural building to a single residential dwelling (re-submission of application 16/1320/FUL)



RECOMMENDATION: Refusal

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		Committee Date: 4th October 2016
Newbridges (SHUTE)	16/1963/FUL	Target Date: 12.10.2016
Applicant:	Mr & Mrs P Rugg	
Location:	Platts Farm Shute	
Proposal:	Demolition of agricultural buildings and change of use of part of agricultural building to a single residential dwelling (re-submission of application 16/1320/FUL)	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

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

The site is located to the south east of Wilmington and to the north west of Shute with access take off the A30 via Colyhayne Lane. The land is sited in an elevated position on the hillside and has a collection of agricultural buildings, which are built with concrete walls, and corrugate tin roofs and concrete hard surfaced yards that previously provided housing for animals, storage of feed and silos. The site is within the East Devon Area of Outstanding Natural Beauty (AONB).

The proposed conversion and extension of this agricultural building is not considered to represent an enhancement of the setting, simply removing disused buildings from the site does not immediately enhance the setting of the building, especially as a large curtilage would be provided with associated domestic paraphernalia which can be viewed from distant vantage points and the parking of domestic vehicles when viewed from the passing highway. The setting of the building would therefore not be enhanced merely changed in character from a rural to domestic which would be at odds with the prevailing character of this part of the district. Furthermore, as it is sited within an isolated location that would be heavily reliant upon the motor vehicle to travel to and from the site it is considered to lie in an unsustainable location and therefore does not comply with local plan policies or with the NPPF.

The site lies in the AONB where the associated domestic paraphernalia and parking of motor vehicles would harm the character and appearance of the Area of Outstanding Natural Beauty (AONB) where there is no overriding justification for the conversion of the building.

Therefore for these reasons this application is not considered to be acceptable and is recommended for refusal.

CONSULTATIONS

Local Consultations

Newbridges - Cllr I Chubb

I would like to support this application of conversion and re-use of an unused animal building to a single dwelling, with the removal of the surrounding unused buildings, which currently create a blot on the landscape.

The innovative re-use of the existing building with a green "living roof" and its low profile will significantly enhance its immediate setting and be sensitive to defining characteristics of the local landscape which will also benefit from this proposal. The application is also in line with paragraph 55 of the NPPF, it provides the reuse of redundant and disused rural buildings as dwellings where there is an enhancement of the building's immediate setting, which is the case in point with this application.

Technical Consultations

County Highway Authority

Does not wish to comment

Other Representations

None received

POLICIES

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

The New East Devon Local Plan (2013 – 2031)

Strategy 7: Development in the Countryside

Strategy 38: Sustainable Design and Construction

Strategy 46: Landscape Conservation and Enhancement and AONB's

Policy D1: Design and Local Distinctiveness

Policy D2: Landscape Requirements

Policy D3: Trees and Development Sites

Policy D8: Re-Use of Rural Buildings Outside of Settlements

Policy EN14: Control of Pollution

Policy TC2: Accessibility of New Development

Policy TC9: Parking Provision in New Development

Site Location and Description

The site is located to the south east of Wilmington and to the north west of Shute with access take off the A30 via Colyhayne Lane. The land is sited in an elevated position on the hillside and has a collection of agricultural buildings, which are built with concrete walls, and corrugate tin roofs and concrete hard surfaced yards that previously provided housing for animals, storage of feed and silos. The site is within the East Devon Area of Outstanding Natural Beauty (AONB).

Planning History

An almost identical application was refused on the 22nd July 2016 under reference 16/1320/FUL for the following reasons:

1. The proposal takes place in an isolated position within the open countryside isolated from services and facilities 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 residential conversions. The proposal fails to provide such special justification and thus is contrary to the provisions of Strategy 7 (Development in the Countryside), Strategy 46 (Landscape Conservation and Enhancement and AONBs) and policy D8 (Re-use of Rural Buildings Outside of Settlements) of the Adopted East Devon Local Plan 2013 - 2031 and the National Planning Policy Framework.
2. The site lies in an isolated elevated position when viewed from the south and east, the demolition of the redundant buildings would improve the setting of the building, however, the introduction of a large curtilage with associated domestic paraphernalia and domestic vehicles would change the character to domestic and be readily visible from a number of distant public vantage points, the site would be at odds with the character of the Area of Outstanding Natural Beauty contrary to Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan and the National Planning Policy Framework.

Proposed Development

This application is a re-submission of 16/1320/FUL that was recently refused due to it being sited within an isolated location and therefore unsustainable as it would be heavily reliant upon private motor vehicle to meet everyday needs. It was further refused as the associated domestic paraphernalia would and domestic vehicles would harm the character and appearance of the Area of Outstanding Natural Beauty (AONB).

This current proposal is for the retention and conversion of the agricultural building to the north of the site to a dwelling house with two bedrooms one with en-suite, living area and kitchen and bathroom with two parking spaces. The existing building would have its lean-to roof raised by 0.8m rising to 1.2m with a green flat roof, the walls clad with timber boarding and the insertion of timber doors and windows.

The application also proposes the demolition of the remaining agricultural buildings and the removal of existing concrete hardstanding areas with the entire area being returned to grass, thereby improving the overall character and appearance of the AONB.

ANALYSIS

The main issues concerning this proposal is whether the location is sustainable, the impact on the character of the Area of Outstanding Natural Beauty (AONB) landscape, the impact on neighbouring properties and traffic.

Principle

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

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

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

- The essential need is for a rural worker to live permanently at or near their place of work. The applicant is not employed in agriculture and therefore has no required need for such a dwelling in this remote location.
- Where such development would represent the optimal viable use of a heritage asset and secure the future of securing future heritage assets. The barns are traditional in appearance though not considered to be heritage assets and therefore being an overriding reason to convert to residential accommodation.
- Where the development would re-use redundant or disused buildings and lead to the enhancement to the immediate setting. Whilst these buildings are disused and therefore redundant their use for residential accommodation would be contrary to the adopted Local Planning Policies.

- The exceptional quality or innovation nature of the design is truly innovative, reflects high standards in architecture, significantly enhance its immediate setting and is sensitive to designing characteristics of the local area. The proposed conversion is noted being of good quality and has a sensitive approach though it would not be considered to be of innovative and high quality design.

Policy D8 (Re-use of Rural Buildings Outside of Settlements) of the Adopted East Devon Local Plan 2013 – 2031 contains a number of criteria for the reuse or conversion of buildings in the countryside to be assessed under of which the following are relevant to this case:

1. The new use is sympathetic to, and will enhance the rural setting and character of the building and surrounding area and is in a location which will not substantively add to the need to travel by car or lead to a dispersal of activity or uses on such a scale as to prejudice village vitality.
2. The building is structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction and any alterations protect or enhance the character of the building and its setting;
3. The form, bulk and general design of the building and its proposed conversion are in keeping with its surroundings, local building styles and materials;
4. The proposed use would not harm the countryside by way of traffic, parking, storage, pollution or the erection of associated structures;
5. The proposal will not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfill a similar function.

Whilst the existing building is considered to be structurally sound and could be converted with minimal visual impact upon the landscape, it would fail to comply with part of Policy D8 (Re-use of Rural Buildings Outside of Settlements) of the local plan due to the distance to local services would result in the reliance of the need to access the site by means of private motor vehicles. The walking distance to the built area boundary of Wilimington, is approximately 2.8km. This route could only be accessed via a national speed limit road does not benefit from pavements and has no street lighting. Taking this into account it is considered that the proposal is positioned in a location that would invite occupiers of the dwelling to use private vehicles to travel to and from Wilimington. The proposal would add to the need to travel by car in conflict with Policy D8. The proposal would therefore conflict with the NPPF aim to manage patterns of growth and contribute towards a low carbon future.

Furthermore, simply removing disused buildings from the site does not immediately enhance the setting of the building, especially as a large curtilage would be provided with associated domestic paraphernalia which can be viewed from distant vantage points and the parking of domestic vehicles when viewed from the passing highway, the setting of the building would therefore not be enhanced merely changed in character from a rural to domestic which would be at odds with the prevailing rural character of this part of the district.

Whilst it is noted the agent states that Strategy 46 (Landscape Conservation and Enhancement and AONB's) aims to protect the countryside and any development should conserve and enhance the landscape and its setting the principle of a dwelling house in the countryside is contrary to Local Plan policies and NPPF.

Highways

Concern is raised to the increased number of privately generated vehicle trips to and from the site for trips such as education, leisure, shopping and medical needs as there is no public transport and therefore would create an unsustainable site that would be contrary to local plan policies. However, the highways officer has stated standing advice would be applied to this proposal.

Therefore the proposed change of use should be refused on sustainability grounds with the site being isolated and with no means of access by public transport.

Character

The site is situated within the Area of Outstanding Natural Beauty (AONB) and whilst the proposed conversion together with the use of materials and removal of existing agricultural buildings and hardstanding has been argued by the applicant to improve the character and appearance of the AONB and local landscape character, concern is raised to the associated residential cartilage and its domesticating impact. Due to its proposed size and combined with its highly visual location in a rural setting and placement of garden sheds, tables and chairs and other associated residential paraphernalia, the proposal would harm the character and appearance of the AONB and local landscape character and therefore would be contrary to Local Plan Policy and NPPF.

Neighbour amenity

The proposal would not adversely impact upon neighbouring properties being some 80m from the farm house of Platts Farm and therefore it is not considered to result in any significant harm.

Protected Species

An accompanying Bat & Protected Species survey has been submitted with the application and no bat roosts were found in the building though it has previously supported nesting birds. A series of mitigation and good practice measures have been proposed and if any permission is granted a condition would be placed on any permission granted to be carried out in accordance with the recommendations as set out in the report.

Conclusion

The proposed conversion and extension of this agricultural building is not acceptable as it is sited within an isolated location that would be heavily reliant upon the motor vehicle to travel to and from the site for a range of everyday activities and therefore

in an unsustainable location and therefore does not comply with local plan policies or with the NPPF.

The site lies in the AONB where the associated domestic paraphernalia and parking of motor vehicles would harm the character and appearance of the Area of Outstanding Natural Beauty (AONB) where there is no overriding justification for the conversion of the building. The proposal would not therefore enhance the rural setting contrary to local plan policy and the NPPF.

Therefore for these reasons this application is not considered to be acceptable and is recommended for refusal.

RECOMMENDATION

1. The proposal takes place in an isolated position within the open countryside isolated from services and facilities 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 residential conversions. The proposal fails to provide such special justification and thus is contrary to the provisions of Strategy 7 (Development in the Countryside), Strategy 46 (Landscape Conservation and Enhancement and AONBs) and policy D8 (Re-use of Rural Buildings Outside of Settlements) of the Adopted East Devon Local Plan 2013 - 2031 and the National Planning Policy Framework.
2. The site lies in an isolated elevated position when viewed from the south and east, the demolition of the redundant buildings would improve the setting of the building, however, the introduction of a large curtilage with associated domestic paraphernalia and domestic vehicles would change the character to domestic and be readily visible from a number of distant public vantage points, the site would be at odds with the character of the Area of Outstanding Natural Beauty contrary to Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan and the National Planning Policy Framework.

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:

Location Plan

Drawing No TW15/107/2

Drawing No TW15/107/3

List of Background Papers

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

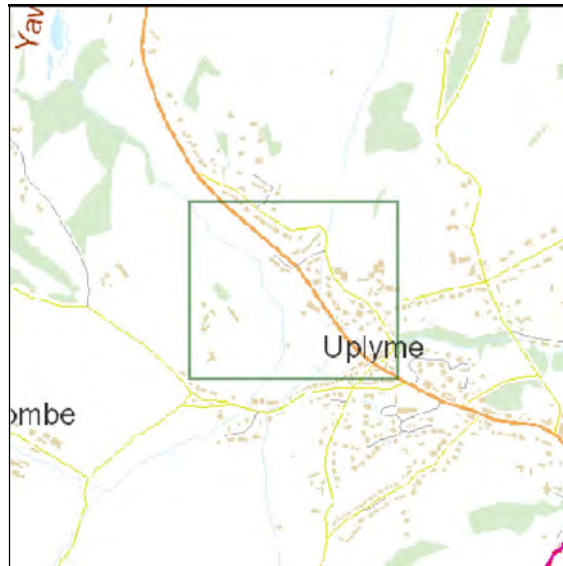
Ward Trinity

Reference 15/2424/MOUT

Applicant Bestic Ethelston School Foundation

Location Land Adjacent To Lyme Road
(Adjoining Uplyme Village Hall)
Uplyme

Proposal Construction of two storey school building : improvements to an existing access off Lyme Road, car parking, all weather play and sports area, grassed playing field and associated infrastructure (outline application with matters of appearance and landscaping reserved)



RECOMMENDATION: Approval with conditions



		Committee Date: 4th October 2016
Trinity (UPLYME)	15/2424/MOUT	Target Date: 22.01.2016
Applicant:	Bestic Ethelston School Foundation	
Location:	Land Adjacent To Lyme Road (Adjoining Uplyme Village Hall)	
Proposal:	Construction of two storey school building : improvements to an existing access off Lyme Road, car parking, all weather play and sports area, grassed playing field and associated infrastructure (outline application with matters of appearance and landscaping reserved)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is before members as the officer recommendation differs from the view of the Parish Council and as the proposal represents a departure from the local plan.

The application seeks to provide a new school building on a new site to serve the educational needs of the local community and surrounding area. At present the existing school buildings are old and unsuitable to provide appropriate modern teaching conditions and occupy a cramped site with little potential to expand. The current application follows the grant of an earlier outline permission for essentially the same development as now proposed (albeit without the additional overflow parking now proposed). That earlier permission, 12/2399/MOUT time expired earlier this year. Both applications represent the culmination of a lengthy process to find a suitable alternative site on which to build a new school and subsequently in gaining funding for the construction of it. The site is outside of any built-up area boundary.

The application site is not ideal as it lies within a high risk flood zone but this site is the result of a site selection process which has considered a number of other potential sites within, or on the edge of, the village but all of which have been dismissed as unavailable or unsuitable for a variety of reasons. It is considered that the sequential test for site selection has been met in this instance and given that the Environment Agency are content that the development could proceed without causing undue flood risk to users of the building or increasing flood risk off site the principle of developing the site for this purpose is considered to be acceptable. Additionally Devon County Council

as the Local Lead Flood Authority has raised no objection subject to the requirement for a detailed drainage scheme.

In relation to highway matters the application has been the subject of concern from various parties as to the impact the additional traffic associated with the school would have on the safe operation of the highway and in particular the potential for conflict with traffic (including emergency access) using the petrol filling station opposite. A number of alternative access and road safety improvements have been suggested and the County Highways Authority has given consideration to these, however the alternative proposals are for a number of reasons set out in the report considered to be inappropriate and the highways authority is satisfied that the access and parking proposals proposed (which have been amended to include additional overflow parking) are satisfactory.

In other respects including landscape impact, access and relationship with existing community buildings the proposal site is considered to be acceptable. Although the application is in outline matters of scale, layout and access are to be considered at this stage. Due to the low lying nature of the site and the fact that part of it is designated as functional flood plain the developable areas of the site are constrained to the northern and western parts of the site. As a result the potential footprint of the building is limited and this has resulted in the need for a two storey building with an increased mass than might otherwise be achieved by breaking up the building into smaller blocks. The reasons for this are understood and it is accepted that in these circumstances there is little alternative to a two storey building on the site. The actual appearance of the building and materials to be used would be determined at reserved matters stage.

In conclusion the proposed development is considered to be acceptable and is recommended for approval subject to the conditions set out below.

CONSULTATIONS

Local Consultations

Trinity - Cllr I Thomas

Subject to the usual caveat...

Application 15/2424/MOUT Land Adjacent Lyme Road, Uplyme. Outline application for a new primary school.

In 2012, outline planning for the construction of a new Mrs Ethelstons school was approved. As work has not commenced, the approval lapsed on 10th January 2016. This further outline application has a number of modifications, but broadly reflects the application from 2012.

The proposal is for a two storey school building to accommodate 210 pupils, effectively one class of 30 pupils, per year group, over seven school years. I believe

this to be the minimum size which should be considered in new primary school construction.

The original application attracted 34 representations, 29 in support. This community support has been maintained, with the current application receiving 35 contributions, 30 in support.

However, I note that whilst the Parish Council supported the original application it has objected to the new application, primarily on highways grounds. The view has been strongly expressed that the access and egress from the site should be by separate entrance and exit. I have some sympathy with this view, and indeed suggested that approach myself at an earlier stage of the development of plans for the proposed school.

I chaired a meeting on 21st January with representatives of Devon County Council Highways, East Devon District Council Planning, Uplyme Parish Council, Mrs Ethelstons School, Uplyme Village Hall and Uplyme Filling Station. All parties agreed the need for active management of traffic and parking, particularly at 'drop-off' and 'collection' times, to mitigate larger car numbers entering and leaving school car park, at the same time that school buses and commuters pass on the B3165.

In note that the consultee response from the County Highways Authority, is content with the solution proposed in the application as revised, including access arrangements and car parking provision. It has considered, but could not see an acceptable way to achieve, the Parish Council's preference for a one-way (two access) system for school traffic.

The flood plain restricts the position of the school and hence any extra roads, and access to the Masters Close exit road and mini roundabout would be too steep. I believe that a refusal on these grounds would not be sustainable but the need for a school crossing patrol would be investigated as part of the detailed planning to ensure that all pupils and guardians could enter and leave the school safely.

In this context, I note the comments of the County Highways Authority and support their proposed conditioning of any possible approval, detailed below for ease of reference;

"1.No part of the development hereby approved shall be commenced until the improved access including alterations to road markings, parking facilities, visibility splays, turning area, 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 and retained for that purpose at all times.

REASON: To ensure that adequate facilities are available for the traffic attracted to the site.

2.No development shall start until a Method of Construction Statement, to include details

of:

(a) parking for vehicles of site personnel, operatives and visitors

- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones (shall be/has been) submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

REASON: To ensure that vehicles parked on the site are able to enter and leave in forward gear.

3 Before the proposed development is brought into its intended use a School Travel Plan to include details relating to mode of travel to school, pupils preferred method of travel to school, measures and targets and proposed control of on-site parking shall be submitted to and approved in writing by the Local Planning Authority

REASON: To ensure safe and sustainable travel to Uplyme School"

Uplyme is considered a sustainable village in the East Devon Local Plan. This is based on the availability of specific facilities within the community and specifically includes its shop and school.

Concern has been raised about the potential impact on the filling station of the nearby proposed school entrance/exit. My personal view, based on a conversation with the County Highways Authority representative is that measures can be taken which remove this concern and can ensure that vehicles can safely enter and leave the forecourt at all times.

Specifically, double yellow lines and keep clear zig-zags were favoured, to prevent obstruction of filling station entrances during busy periods.

Whilst I do not believe it is appropriate to delay the application further at this point, I ask that the East Devon HATOC (Highways & Traffic Orders Committee) be approached to consider the section of Lyme Road from the mini roundabout to the north to the Talbot Arms to the south to deliver these or any other road management measures, markings and/or signage deemed necessary. I would also like to see a formal assurance from the DCC Environmental Health representatives added to that already given by Devon County Council Highways representatives, to provide the necessary comfort to the owner/operator of the filling station and shop that it's evacuation procedures and continued activities are considered safe.

I note the Environment Agency comment dated Monday 27th June, suggesting that he application not be determined at present. It appears however that the requested arrangements have actually been provided?

I would appreciate confirmation that the Environment Agency requirements have been accommodated.

Assuming that to be the case....

I strongly support the application and look forward to the new school being established to meet the future needs of 'younger' residents of Uplyme and their families.

Parish/Town Council

Original Comments:

The Parish Council Planning Committee objects to this application. It has profound concerns over the danger and congestion that may be caused by the single access on the B3165 to the site crossed by pedestrians. The currently unacceptable traffic situation in Pound Lane is proposed to be transferred to a busy main road, which is madness. Anything other than a double access (in and out) will almost inevitably cause a serious or fatal accident, for which the design of this application will be responsible. Either a way to construct the one way flow of traffic must be found, or the school must not be built.

Comments 28.01.16:

(The Council supports the need for a new school, but cannot support these dangerous access proposals.)

As part of its deliberations on the above application, the Planning Committee heard a statement from the committee chairman who was unavoidably absent. I have been asked to see if this can also be appended to the formal response on the web site - as the date has passed, I was unable to do that myself.

"Planning chairman's statement re 15/2424/MOUT plans as amended

The Chairman - who cannot attend the meeting - asked that the following statement regarding the proposed access arrangements for the new school site be read out to the meeting. If the Committee agrees, he would like it to be adopted as (part of) the Council's response to the application.

Following the meeting on 21st January, the Planning Committee strongly feels that a single in/out entrance to the school will cause problems on the B3165, causing traffic to back up past Cooks Mead roundabout and the chicane by the Talbot Arms; and also problems for people trying to get in and out of the filling station especially on the way to work in the morning.

As members pointed out on 21st, the Council holds the School and the Trustees entirely responsible for managing the traffic to avoid such conflicts, and the safety of pedestrians crossing the access.

As discussed at the meeting on 21st, members felt that a one way flow of traffic through the school site, with an exit onto the Masters Close slip road, is both vastly preferable, and necessary, despite the professed objections of DCC Highways to this. If measures are not taken, the concern is that a serious accident involving pedestrians will be almost inevitable.

Comments made at the meeting that "the B3165 is not busy" are inaccurate and unhelpful - it is the traffic at school start and end times that is critical, not the average.

I understand that a new traffic survey has been requested by Jeremy Upfield. If this is done, it must be at school start and end times when parents and school buses are using the road.

Cllr Andrew Turner, Uplyme Parish Council Planning Committee Chairman"

Comments 23.06.16:

The Parish Council Planning Committee object to the application, On the grounds of the highway safety and inconvenience to other road users.

Other Representations

The application has attracted 30 no. representations of support and 5 no. objections (note: multiple letters from the same party are recorded as one representation).

Summary of Reasons for support:

- There is a clearly defined need for a relocated school in Uplyme
- There is clear community support, as evidenced by the consultation work undertaken by the school's Trustees in connection with the consented application.
- EDDC has previously granted planning permission for an identical proposal, which remains extant. There have been no material changes in planning circumstances in the meantime.
- No technical objections were received from statutory consultees - especially in respect of access, traffic and flood risk in respect of the consented scheme.
- The new school needs to be built and the chosen location is the best solution, the school as it stands is too small.
- The size restraints of the current school limits the teaching possible in certain subject areas.
- A new school will help to give the children in Uplyme the best opportunities possible and can only be considered as an advantage for the village.
- This new building will have a positive impact on the learning potential of the children, as there will be increased opportunities for creativity, outdoor learning, and exploration.
- The location makes complete sense on all counts: Currently, due to the extremely poor access and lack of any parking to the school parents park at both the front and rear of the village hall, so there will be no increase in the amount of traffic, we park there already.
- The current school is very over crowded with a lack of outdoor play area. There is no 'hall' for morning assembly.

Summary of Objections:

- Uplyme is not big enough to need or want a primary school this size
- The roads are not safe as it is without all the extra traffic and parking.
- The flooding in the past years to all the houses below has got worse with the 8 houses having been added onto the same site.
- At present there are no pavements past the garage, houses and the playing fields. There is none past the public house for children walking to school.
- There will be severe traffic interference at school arrival/departure times.
- When we had the July storm two years ago, the water coming down Lyme Road was at least 3 inches deep. The cricket pitch and the fields which will now form part of the school grounds were flooded.
- The application utilizes part of the village hall car park and would result in a resulting loss of spaces and access difficulties for village hall patrons.
- There are discrepancies with the submitted plans in terms of the access position and ability to achieve the required visibility splays.
- The required visibility splays would require the removal of a section of roadside hedge and where the ownership of this (and therefore the ability of the applicant to secure the required visibility splays) is unclear.
- The proposed car parking layout is unworkable and would actually result in fewer spaces being delivered than proposed.

Technical Consultations

Natural England

Original Comments:

Thank you for your consultation on the above dated 26 October 2015 which was received by Natural England on 26 October 2015.

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

The Wildlife and Countryside Act 1981 (as amended)

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

The National Park and Access to the Countryside Act 1949

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

Statutory nature conservation sites - no objection

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

Protected landscapes

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

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

Protected species

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

Natural England has published Standing Advice on protected species.

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

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

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

Local sites

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

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4,

w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

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

Comments 14.06.16

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 30th October 2015.

The advice provided in our previous response applies equally to this proposal although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

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

Environmental Health

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

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

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

DCC Flood Risk Management Team

Original Comments:

Thank you for referring the above application which was received on 26/10/2015.

Devon County Council Flood and Coastal Risk Management Position.

At this stage, we object to this application because we believe it does not satisfactorily conform to Policy EN21A of the Draft New East Devon Local Plan (2006-2026), which relates to the consideration of SuDS when designing developments to manage surface water runoff.

The surface water management strategy proposes the use of a green roof and rainwater harvesting, which represent excellent source control features on the site. However, cellular storage has also been proposed, despite the mentioning of a small pond which could be provided. These underground crates cannot be considered a truly sustainable means of drainage as they do not provide the required water quality, public amenity and biodiversity benefits, which are some of the underpinning principles of SuDS. Above-ground attenuation features should be utilised unless the applicant can robustly demonstrate that they are not feasible. The provision of a pond would provide an excellent teaching resource, improve local biodiversity and provide surface water attenuation.

The proposed surface water strategy proposes the playground area will be constructed with permeable asphalt/concrete and the use of permeable paving within the parking areas. Due to the fact that infiltration is assumed to be an unviable option for this site, the use of infiltration within the calculations should be removed unless ground conditions are thought to be favourable. The applicant will also need to provide greater detail as to how the surface water from the playground area will be disposed of.

The surface water strategy should mimic Greenfield performance (for rates and volumes of surface water); currently in the proposals it is not clear if this performance has been met. Details of runoff rate and volume for the site from each of the corresponding 1, 10, 30 and 100 year storms should be provided together with confirmation of long term storage requirements.

We note that the proposal utilises an entrance to the new school in a location that is above an old, existing stone arched culvert. This culvert has been identified as being a point of restriction in the watercourse system that results in flooding on the main road, toward the village hall and development site. A proposal has been suggested that will reduce the flood risk in the area by upsizing this culvert as it crosses under the main road in Uplyme in order to convey a flow equivalent to the 1% AEP event in a 1000mm diameter pipe. However there is currently a funding shortfall in order to facilitate this.

In order to ensure the protection of this school development site, including the safe access and egress of those using it, we recommend that the development does not proceed until this funding gap has been filled and improvements to the culvert have been carried out.

Comments 14.01.16:

With regard to the letter received from WSP Ref 11031532 (dated 22nd December 2015) we are in a position to remove our objection with regard to the surface water

management strategy subject to the amendments proposed in the above letter being implemented.

The provision and approval of a detailed drainage design should be considered as a condition in any granted planning permission. This detailed drainage design should be in accordance with the approved FRA and WSP letter Ref 11031532 (dated 22nd December 2015), which should be designed in accordance with Devon County Council's draft Sustainable Drainage Design Guidance.

However we still have concern regarding the location of the proposed access above the existing culvert. It should be noted that we have identified the culvert as a point of restriction in the watercourse system resulting in flooding in the area. This has resulted in a study being undertaken by Devon County Council to investigate this further. Physical works will be required to replace this in the very near future and should be taken into consideration although this will not prevent safe access or egress but works should not compromise this replacement.

The recently submitted drawing suggests that a visibility splay will be close proximity to the culvert and open channel, this should not comprise maintenance of the existing situation or proposals for its replacement.

Comments 23.06.16

Thank you for referring the above application which was received on 07/06/2016.

Devon County Council Flood and Coastal Risk Management Position.

We have no objection to the proposed extension car park in terms of surface water management from the site; the proposed extension should conform to the proposed discharge rates proposed in the Flood Risk Assessment and the submitted WSP Letter (Ref 11031532 (dated 22nd December 2015)).

The provision and approval of a detailed drainage design should be considered as a condition in any granted planning permission. This detailed drainage design should be in accordance with the approved FRA and WSP letter Ref 11031532 (dated 22nd December 2015) and the Flood Risk Addendum (Ref:11031532-01 dated 24th May 2016) which should be designed in accordance with Devon County Council's draft Sustainable Drainage Design Guidance, which can be found here: <https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/>

The acceptability of locating this carpark within the functional flood plain should be confirmed with the Environment Agency, particularly given the flood compensation works within the adjacent play area and the proposed levels of the car park to protect the flood plain capacity at this location.

We still maintain our concern regarding the location of the proposed access above the existing culvert. It should be noted that we have identified the culvert as a point of restriction in the watercourse system resulting in flooding in the area. This has resulted in a study being undertaken by Devon County Council to investigate this further. Physical works will be required to replace this in the very near future and

should be taken into consideration although this will not prevent safe access or egress but works should not compromise this replacement. This access should also not comprise the ability to maintain the channel into the future.

The recently submitted drawing suggests that the visibility splay will still be close proximity to the culvert and open channel, this should not comprise maintenance of the existing situation or proposals for its replacement.

DCC Highways (Strategic)

Observations:

This is an identical scheme as the extant 12/2399/MOUT which is due to expire 10 January 2016. Therefore the County Highway Authority (CHA) makes the same recommendation as it did for the previous granted application.

I understand that previously the CHA looked at the possibilities of a formal crossing on Lyme Road for the new school location and discussed this with the County Councillor and others at the time when considering its response. It was and is considered that because of the roughly 50 / 50 split of pupils accessing the school from the west and east of Lyme road and the existing provision of a School Crossing Patrol (lollipop-man), that a new crossing was not a necessity as the number of pupil movements in both directions will in essence not change. I agree with this scenario.

Recommendation:

1. No part of the development hereby approved shall be commenced until the improved access including alterations to road markings, parking facilities, visibility splays, turning area, 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 and retained for that purpose at all times.

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

2. No development shall start until a Method of Construction Statement, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones

(shall be/has been) submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

REASON: To ensure that vehicles parked on the site are able to enter and leave in forward gear

County Highway Authority

Original Comments:

This is an identical scheme as the extant 12/2399/MOUT which is due to expire 10 January 2016. Therefore the County Highway Authority (CHA) makes the same recommendation as it did for the previous granted application.

I understand that previously the CHA looked at the possibilities of a formal crossing on Lyme Road for the new school location and discussed this with the County Councillor and others at the time when considering its response. It was and is considered that because of the roughly 50 / 50 split of pupils accessing the school from the west and east of Lyme road and the existing provision of a School Crossing Patrol (lollipop-man), that a new crossing was not a necessity as the number of pupil movements in both directions will in essence not change. I agree with this scenario.

Comments 14/12/2015:

The county highway authority is aware that there has been some conjecture by some objectors and others regarding the separation distance between the proposed access to the new school and the existing southern access to Lyme Road Petrol Station. This situation has been further confused by the posting of the WSP - drawing no. 31532/PHL/101 Revision D on the LPA's web site. This drawing appeared to show that the proposed school access was closer to the garage access and the scale of the plan did not appear to be correct. Having discussed this with the LPA, another plan, J. Larcombe - drawing no. 11/023/03 (validated 21/10/2015) was posted on the web site. This plan appears to be more accurate and it has been possible to measure the proposed separation distances relating to the existing electricity pole (EP) on the west side of the carriageway. This plan is also the plan contained in the Transport Statement submitted with the application.

From my latest site measurements, using drawing no. 11/023/03, I estimate the the separation distance, centre of school access to centre of existing southern garage access, to be approximately 22m. Considering the length of separation between the access on opposite sides of Lyme Road, I do not believe that proposed school access and the existing garage access will cause any undue conflict between traffic using these accesses or the highway. It has also been suggested that the post office within the garage shop creates a situation where there will be greater pressure on the garage accesses and therefore the proposed school access. Whilst it is accepted that the post office may not have been sited in the garage shop when permission for the school was granted. The CHA does not believe that the proposed school access, the school car park and the post office trade will unduly affect the safe working of both accesses. This has been the case for some time with the existing car park at the Village Hall, used for school drop-offs and collections, and the post office at present. If anything parking at the Village Hall would most likely have boosted post office numbers and I do not see that the new school and its car park should be any different. There has been questions regarding land ownership issues and the visibility splays required for the school access, whilst it is not the CHA's function to validate land ownership issues for planning applications, the recommended condition (1) below would be required to be complied with before a suitable agreement (Section 278) between the applicant and the CHA could be entered into.

Comments 26/01/2016:

After a meeting held on 21/01/2016 at the Village Hall with representatives of the Applicants Agent; Village Hall Committee & Trustees; School Governors; Parish Council; Mr Ostler (Uplyme Garage Proprietor); Councillor Jim Knight; Charlie McCullough (EDDC Senior Planning Officer) and others and myself. It was agreed that the CHA would amend its recommendation to include a condition to update the School Travel Plan for the application site and that measures within the School Travel Plan would be put forward to control 'parental' parking at the new site. This measure is aimed to control on-street parking in and around Uplyme at school drop-off & pick-up times and to ensure the best and safest use of the proposed parking provisions at the new school. Also to control the impact on the existing Village Hall car parking provisions and at the nearby Uplyme Filling Station.

Other items of parking restrictions on the highway were discussed and also possible overspill parking provisions at the new school.

Therefore I propose that the CHA recommendation is amended as below.

RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1.No part of the development hereby approved shall be commenced until the improved access including alterations to road markings, parking facilities, visibility splays, turning area, 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 and retained for that purpose at all times.

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

2.No development shall start until a Method of Construction Statement, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding behind any visibility zones
- (shall be/has been) submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

REASON: To ensure that vehicles parked on the site are able to enter and leave in forward gear

3. Before the proposed development is brought into its intended use a School Travel Plan to include details relating to mode of travel to school, pupils preferred method of travel to school, measures and targets and proposed control of on site parking shall be submitted to and approved in writing by the Local Planning Authority

REASON: To ensure safe and sustainable travel to Uplyme School

Comments 05/08/2016:

The CHA has received amended site plan 11/023/03 Revision B showing additional car parking for Staff Parking/Overspill. This proposed amendment is acceptable to alleviate pressure on the Village Hall Car Park. Adequate traffic simulation has shown that the car parks will be accessible for the type of vehicles that it will be attracted to the school.

I also have seen the letter, dated 17/06/2016, from Hydrock on behalf of Mr Ostler regarding access to the Uplyme Petrol Filling Station and the proposed new access to the school. In this letter it is proposed that the Village Hall access is used with internal alterations to the layout; Yellow Box junctions are installed on Lyme Road and reassurances are given by the school in relation to the 'education' of parents regarding keeping the Petrol Filling Station access clear.

To use the Village Hall access and alter the layout of their access to accommodate school traffic would not be acceptable because it would require consent of the Village Hall Committee who at the meeting were apposed to this as school function and Village Hall function could overlap each other.

The Yellow Box suggestion would not be acceptable to the CHA as it would be against the policy where yellow box's are used to allow access onto a main traffic routes where there are signalled or controlled junctions close by and they would not suitable in this location. The school access would probably require standard school access 'Zig-Zag' no waiting road markings and it may be appropriate for 'Keep Clear' road markings at the filling stations accesses. I do not think that 'Double Yellow' parking restrictions on Lyme road, as parking on the carriageway has not been observed as a particular problem on this road. The pedestrian crossing point at the raised platform near the Village Hall is a little indistinct and a study by the CHA should be undertaken to see if could be improved and made more visible.

Contribution

I therefore propose that a sum of £4,000 is sought from the Developer (£3,00 for the Zig-Zag and 'Keep Clear' road markings and £1,000 for a crossing study) held and to be used within three years of any planning permission.

The proposed 'education' of parents will be covered by a School Travel Plan as requested below.

Recommendation:

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

1. No part of the development hereby approved shall be commenced until the improved access including alterations to road markings, parking facilities, visibility splays, turning area, 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 and retained for that purpose at all times.

REASON: To ensure that adequate facilities are available for the traffic attracted to the site.

2. No development shall start until a Method of Construction Statement, to include details of:

(a) parking for vehicles of site personnel, operatives and visitors

(b) loading and unloading of plant and materials

(c) storage of plant and materials

(d) programme of works (including measures for traffic management)

(e) provision of boundary hoarding behind any visibility zones (shall be/has been) submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

REASON: To ensure that vehicles parked on the site are able to enter and leave in forward gear.

3. Before the proposed development is brought into its intended use a School Travel Plan to include details relating to mode of travel to school, pupils preferred method of travel to school, measures and targets and proposed control of on site parking shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure safe and sustainable travel to Uplyme School

Environment Agency

Original Comments:

We have no objection to the proposed development subject to a condition and informative, as detailed below, being attached to any permission granted:-

CONDITION:

The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment (WSP, Report 01, dated 6 July 2015) and the following mitigation measures detailed therein:

1. The provision of compensatory flood storage at the site to a 1 in 1000 year standard as detailed in chapter 8.

2. The finished floor levels shall be set no lower than 53.3 metres above Ordnance Datum (AOD) as set out in chapter 4.

REASON:

1. To prevent the increased risk of flooding elsewhere by ensuring that compensatory storage of flood water is provided.

2. To reduce the risk of flooding to the proposed development and future occupants.

The Flood Risk Assessment also sets out a surface water drainage strategy. Consideration of this strategy rests with the Lead Local Flood Authority (LLFA), in this case Devon County Council. If not already done so, we recommend you formally consult the LLFA on this matter.

INFORMATIVE:

We wish to remind the developer that Land Drainage Consent for the proposed outfall to the Yawl Stream may be required, over and above the need for planning permission. Given the status of the watercourse, consent will need to be obtained from the Lead Local Flood Authority, in this case Devon County Council (Tel. 01392 381909).

The Flood Risk Assessment explains the flooding mechanism at Lyme Road in chapters 3 & 6, and includes photographs showing the flood event of July 2012. It also explains the provision for safe access and egress in chapters 4 & 8. In summary the proposed development will incorporate a remodelled access from Lyme Road and retain the existing raised entrance, and include a new pedestrian access connection to the footpath provided to facilitate access to the existing housing development to the north-west of the proposed school.

RECOMMENDATION:

Your Council's Emergency Planners should be consulted in relation to flood emergency response and evacuation arrangements for the site. We recommend that the applicant prepares a Flood Warning and Evacuation Plan for future users. Your Council may wish to secure this through an appropriate condition. The Environment Agency does not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to users. As you will be aware, the NPPF and Planning Practice Guidance places responsibilities on Local Planning Authorities to consult their Emergency Planners with regard to specific emergency planning issues relating to new development.

Comments 04.01.16:

Thank you for consulting us on the amended plans for the above proposal.

Environment Agency position:

Our earlier comments of 9th November 2015 remain unaltered. These are set out below:

We have no objection to the proposed development subject to a condition and informative, as detailed below, being attached to any permission granted:-

CONDITION:

The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment (WSP, Report 01, dated 6 July 2015) and the following mitigation measures detailed therein:

1. The provision of compensatory flood storage at the site to a 1 in 1000 year standard as detailed in chapter 8.
2. The finished floor levels shall be set no lower than 53.3 metres above Ordnance Datum (AOD) as set out in chapter 4.

REASON:

1. To prevent the increased risk of flooding elsewhere by ensuring that compensatory storage of flood water is provided.
2. To reduce the risk of flooding to the proposed development and future occupants.

The Flood Risk Assessment also sets out a surface water drainage strategy. Consideration of this strategy rests with the Lead Local Flood Authority (LLFA), in this case Devon County Council. If not already done so, we recommend you formally consult the LLFA on this matter.

INFORMATIVE:

We wish to remind the developer that Land Drainage Consent for the proposed outfall to the Yawl Stream may be required, over and above the need for planning permission. Given the status of the watercourse, consent will need to be obtained from the Lead Local Flood Authority, in this case Devon County Council (Tel. 01392 381909).

The Flood Risk Assessment explains the flooding mechanism at Lyme Road in chapters 3 & 6, and includes photographs showing the flood event of July 2012. It also explains the provision for safe access and egress in chapters 4 & 8. In summary the proposed development will incorporate a remodelled access from Lyme Road and retain the existing raised entrance, and include a new pedestrian access connection to the footpath provided to facilitate access to the existing housing development to the north-west of the proposed school.

RECOMMENDATION:

Your Council's Emergency Planners should be consulted in relation to flood emergency response and evacuation arrangements for the site. We recommend that the applicant prepares a Flood Warning and Evacuation Plan for future users. Your Council may wish to secure this through an appropriate condition. The Environment Agency does not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to users. As you will be aware, the NPPF and Planning Practice Guidance places responsibilities on Local Planning Authorities to consult their Emergency Planners with regard to specific emergency planning issues relating to new development.

Comments 27.06.16:

We have reviewed the further information which has been received and we advise that this application should not be determined at present as the Addendum to the Flood Risk Assessment (FRA) (prepared by WSP and dated 24 May 2016) is incomplete.

On page 1 of the Addendum it states that the purpose of the report is to outline the additional surface water attenuation needed to store the additional run-off generated as a result of the additional car park. Please note, as per our previous consultation response, any comments in respect of the management of surface water run-off is now a matter for Devon County Council is its role as the Lead Local Flood Authority (LLFA).

With the above comment in mind our focus is on the flood hazard associated with the proposed additional car park (the staff parking / overflow car park), and the proposed mitigation measures. The Addendum includes an 'Outline Flood Management Plan', which is good, because use of the land for car parking will require careful management in times of flood.

We believe there may be a typographical error on page 3 of the 'Outline Flood Management Plan'. It states that '1.25m of stationary water is considered a risk for some people, such as the young, elderly and infirm', however this depth of flood water is far too great to consider 'safe' for most people. We believe it should read '0.25m'; the plan should be amended as appropriate.

The final 'Outline Flood Management Plan' should be prepared using the outputs of a detailed appraisal of the flood hazard at the location of the proposed additional car park. Unfortunately, the Addendum to the FRA does not include any such assessment, hence we strongly advise the LPA should request the applicant to submit an updated Addendum to the FRA to include a full flood hazard appraisal. It is likely the full FRA, prepared in 2015, includes some of the details needed to carry out an appraisal at the location of the additional car park, which is positioned on lower ground closer to the river.

We advise this information is important to allow the LPA to make an informed decision about the appropriateness, in respect of flood risk, of the position and future use of that part of the site for an additional parking area. In support of the above comment we wish to highlight again our previous recommendation, which reads as follows:-

Recommendation

The Council's Emergency Planners should be consulted in relation to flood emergency response and evacuation arrangements for the site. We recommend that the applicant prepares a Flood Warning and Evacuation Plan for future users. The Local Planning Authority may wish to secure this through an appropriate condition. The Environment Agency does not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our

involvement with this development during an emergency will be limited to delivering flood warnings to users. The NPPF and Planning Practice Guidance places responsibilities on LPA's to consult their Emergency Planners with regard to specific emergency planning issues relating to new development.

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

Thank you for the recent consultation with regards to the above proposed development.

We have reviewed the email from Simon Coles dated 11th July 2016 and note his comments regarding the addendum to the FRA which was submitted in connection with the application earlier in the year.

However, the addendum to the FRA which we recently reviewed is dated 24th May 2016 and the 6th June 2016. Subsequently we would not have viewed the addendum to the FRA at the time of sending our response to the LPA in January 2016.

In addition, we have been unable to view any relevant LLFA comments on the councils website.

It would be useful to clarify what we are being asked to review . Alternatively we could arrange to speak in the hope we can quickly resolve the issues raised in Simon Coles email.

Comments 29.07.16:

I refer to the email dated 9 August 2016 from David Muirhead regarding the above application.

Environment Agency Position

We remove our holding objection to the proposed development (amended plan).

In making our comments we have reviewed the following documents:

- o Addendum to FRA, WSP / Parsons Brinckerhoff, ref 11031532-01, dated 24 May 2016 (updated to reflect our previous comments)
- o Uplyme School, Flood Risk Assessment, July 2015, Report No. 11031532

Therefore, we have no objection to the proposed development subject to a condition and informative, as detailed below, being attached to any permission granted:-

Condition

The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment (WSP, Report 01, dated 6 July 2015) and the following mitigation measures detailed therein:

1. The provision of compensatory flood storage at the site to a 1 in 1000 year standard as detailed in chapter 8.
2. The finished floor levels shall be set no lower than 53.3 metres above Ordnance Datum (AOD) as set out in chapter 4.

Reasons

1. To prevent the increased risk of flooding elsewhere by ensuring that compensatory storage of flood water is provided.
2. To reduce the risk of flooding to the proposed development and future occupants.

The Flood Risk Assessment, and Addendum to Flood Risk Assessment, sets out a surface water drainage strategy. Consideration of this strategy rests with the Lead Local Flood Authority (LLFA), in this case Devon County Council. If not already done so, we recommend you formally consult the LLFA on this matter.

Informative

We wish to remind the developer that Land Drainage Consent for the proposed outfall to the Yawl Stream may be required, over and above the need for planning permission. Given the status of the watercourse, consent will need to be obtained from the Lead Local Flood Authority, in this case Devon County Council (Tel. 01392 381909).

The Flood Risk Assessment explains the flooding mechanism at Lyme Road in chapters 3 & 6, and includes photographs showing the flood event of July 2012. It also explains the provision for safe access and egress in chapters 4 & 8. In summary the proposed development will incorporate a remodelled access from Lyme Road and retain the existing raised entrance, and include a new pedestrian access connection to the footpath provided to facilitate access to the existing housing development to the north-west of the proposed school.

Recommendation

Your Council's Emergency Planners should be consulted in relation to flood emergency response and evacuation arrangements for the site. We recommend that the applicant prepares a Flood Warning and Evacuation Plan for future users. Your Council may wish to secure this through an appropriate condition.

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to users.

As you will be aware, the NPPF and Planning Practice Guidance places responsibilities on Local Planning Authorities to consult their Emergency Planners with regard to specific emergency planning issues relating to new development.

PLANNING HISTORY

Reference	Description	Decision	Date
12/2399/MOUT	Two storey school building, improvements to existing access off Lyme Road, car parking, all weather play and sports area, grassed playing field and associated infrastructure.	Approval with conditions	10.01.2013

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D2 (Landscape Requirements)

EN5 (Wildlife Habitats and Features)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

RC5 (Community Buildings)

RC6 (Local Community Facilities)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

SITE LOCATION AND DESCRIPTION

The application site relates to part of an agricultural field to the south west side of Lyme Road between the village hall and the recent Guinness Trust Housing Development. On the opposite side of the road is a petrol filling station and residential development.

The site extends to 0.8 ha and is pasture land, there is a gentle slope from north to south across the site. There is a hedge boundary with the road and a further hedgerow beyond the open stream that forms the south/southwest boundary of the field. The boundary with the village hall overspill car park, to the south east of the site, is currently marked by post and wire fencing and the northwest boundary with the Guinness Trust Housing is currently undemarcated.

The site is low lying in the valley bottom and falls within a designated high risk flood zone.

The site lies outside of but adjacent to the designated built-up area boundary of the village and within a designated Area of Outstanding Natural Beauty.

PROPOSED DEVELOPMENT

Planning permission is sought for the construction of a new school building and associated works including the provision of an improved site access, a car park and playground and playing fields. The application is in outline only with matters of appearance and landscaping reserved and matters of access, scale and layout to be considered at this stage.

The school building would be located at the northwestern side of the site, to the immediate southwest of and parallel to the main road. The building would be two storey in height with accommodation arranged over two floors, The dimensions of the buildings would be as follows: the ground floor would be 25.5m wide at its widest point and 20m wide at its narrowest point by 32.1 m long; the first floor would be 25.5m by 32.1m; and the height of the building would be 9.31m to ridge and 6.29m to eaves height. The internal floor area would be 1534m² and would provide for 7 classrooms, a double height school hall and associated office, storage and reception facilities.

To the immediate southeast of the school building is a proposed car parking area with provision for 51 no. spaces and with a short section of new access road leading to an upgraded access onto Lyme road. In the southeast corner of the main car park access is provided through to an additional area of car parking for staff/overflow.

Running parallel to the northeast boundary with the road and inside the roadside hedge lies a footpath, this leads off the cul-de-sac serving the Guinness Trust Housing to the northwest to link through to the village hall to the southeast and forms part of that development. The remainder of the site is labelled as, 'Proposed team game field area'.

ANALYSIS

It is considered that the main issues in the determination of the application relate to:

- The principle of the proposed development
- AONB impact
- Flood risk and Drainage
- Impact on the character and appearance of the area and wider landscape impact
- Highway Safety
- Impact on residential amenity
- Wildlife Impact
- Other Issues

The application is effectively a resubmission of that previously submitted and approved under application 12/2399/MOUT. At the time of the earlier application however the New Local Plan was not adopted and there was no specific requirement to give consideration to Sustainable Urban Drainage (SUDs) mechanisms. In addition the current application also proposes additional parking provision.

THE PRINCIPLE OF THE PROPOSED DEVELOPMENT

The site lies within the designated East Devon Area of Outstanding Natural Beauty (AONB), in the open countryside and outside the Built-up Area Boundary (BUAB) of Uplyme. It also lies within a designated High Flood Risk Zone.

In accordance with prevailing planning policy, development would not normally be permitted outside the defined built up area boundary or within Flood Zones 2 and 3. Therefore there are three main matters of principle to be considered in relation to the site, policy and flood risk.

In relation to planning policy whilst this seeks to contain development within existing sites and/or built-up area boundaries there is provision within the Council's Local Plan to develop land outside of but adjacent to a built-up area boundary where this would be for the provision of community facilities. Policy RC6 of the Adopted East Devon Local Plan does permit new community facilities to be constructed on sites adjoining the BUAB subject to a number of criteria. These criteria refer to the compatibility of the development with the character of the site and its surroundings, the relation to the built form of the settlement, accessibility and highway safety, amenity impact and, for sites outside of the BUAB, that the need for the facility has been proven.

The need for a new school site has been identified for some time with the Uplyme Parish Plan and Design Statement (2005) identifying the application site as the preferred option for a new school. The Consultation Draft of The Uplyme Neighbourhood Plan 2016 also identifies the site.

The existing school is located on a constrained site with old buildings unsuitable for modern teaching, with accessibility issues and where there is little opportunity for extension or expansion either on, or adjoining the site. The location of the school and

lack of parking facilities also creates issues. The chosen site is considered to be well located in relation to the existing village and in particular existing community facilities (namely: garage/post office, village hall and sports fields). Although the site is an undeveloped agricultural field at present it does sit between existing development on this side of the main road, with the Guinness Trust Housing to the northwest and the village hall to the southeast. It is considered that the need for the facility has been established, and that the chosen site is well related to the built-up area boundary and existing development.

AONB IMPACT

The site lies within a designated Area of Outstanding Natural Beauty where local and national planning policy seeks to protect AONBs from inappropriate development and where development will only be permitted where it would support the conservation or enhancement of the AONB or would foster its social or economic well being. Para. 115 of the NPPF states that within AONBs 'great weight should be given to conserving their landscape and scenic beauty...' Major development in an AONB would also need to demonstrate exceptional circumstances, in accordance with para. 116 of the NPPF, in order to be considered appropriate. Whilst the development is not considered to represent 'major development' in an AONB the special justification and public benefit issues that would need to be demonstrated, were this to be the case, are similar to those required to pass the sequential test for site selection in relation to flooding and as discussed below.

In this case and setting aside any landscape impact which is considered separately below, it is considered that the proposal would foster social well being and as such the principle of development within the AONB for this purpose would be acceptable.

Subject to consideration of other issues, discussed separately below, it is considered that the principle of the development of the site for this purpose is acceptable and compliant with policies RC6 and Strategy 46 of the East Devon Local Plan and therefore also Strategy 7.

FLOOD RISK

The whole of the site lies within a designated high risk flood zone. Prior to the submission of the previous application the applicants had been in consultation with the Environment Agency for some time regarding this site. Accompanying the application a Flood Risk Assessment as well as information in relation to the need to carry out of a Sequential and Exceptions Test has been submitted.

The NPPF says that, inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. The technical guidance to the NPPF, referred to in relation to the previous application, has since been withdrawn and is replaced by Planning Practice Guidance (PPG). However, overall the aim of policy remains the same which is to steer new development to areas at lowest risk of flooding through the application of the sequential test. Where it is accepted that there are no reasonably available sites

in areas at lower risk of flooding, sites in Flood Zone 3 could be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test.

The submitted information relating to the sequential and exceptions tests has considered alternative sites for the proposal. The Strategic Flood Risk Assessment for the district reflects the Environment Agency flood zones and defines the site as Flood Zone 3, as such consideration needs to be given to sites in Flood Zones 1 and 2 prior to considering the application site.

The submitted sequential test information is the same as previously considered under the earlier application and establishes 3 alternative sites within or on the edge of the village (one of which is the existing school site). Each alternative site is considered in turn, in relation to their availability and appropriateness to accommodate the proposed development. Each is discussed below:

Site 1 - Existing school site

This site is clearly available but its limited size and inability to extend the site or accommodate new buildings on the existing site have led to the search for a new site and this site is therefore dismissed.

Site 2 - Land north of Pound Lane

This is existing agricultural land located east of the existing school site on the northern edge of the village. It is advised that the land owner has been approached and that the land is not available. The site is discounted in terms of appropriateness on the basis of its physical constraints (being steeply sloping); poor access from the local road network, and; visual prominence within the designated landscape,

Site 3 - Land of Tappers Knapp/Springhead Road

This site comprises of three adjoining fields located on elevated land to the east side of the village. Whilst the sites are considered to be reasonably available they are discounted on the basis of the one way and or poor nature of the access roads serving them and their distance from the village hub (centred around the village hall).

It is considered that the applicants have provided suitable evidence of searches into other potential sites in lower flood risk zones around the village and that the reasons for their dismissal are reasonably justified. The only other site within a lower flood risk area of which officers are aware is the land north of Sidmouth Road, to the south of the village, immediately adjacent the border with Lyme Regis and subject to a recent housing application. However, that site, although in a lower flood risk zone, is not considered appropriate for development due to amongst other things landscape constraints and distance from the village centre. Officers are not aware of any other alternative sites that might be considered and given the need for the school to serve Uplyme, it cannot reasonable be located in another part of the district not at risk of flooding.

In terms of the exceptions test, it is considered that the development would provide wider sustainability benefits to the community that outweigh the flood risk. The

development is for a use and purpose at the heart of the community and where there is an identified issue with the existing provision (in terms of physical constraints). The proposed location would also be highly accessible and be located where existing relationships and sharing of facilities with the village hall could be expanded upon. Although the site is considered acceptable in principle, to be considered as an exception site the specific impact of the development on existing flood potential and measures to mitigate these need to be considered as part of a site specific flood risk assessment.

The submitted FRA identifies the existing flood risks related to the site which is considered to be as a result of the low lying nature of the land, the proximity to the Yawl stream and specifically to the works undertaken to divert that stream when the village hall was constructed. The proposed school building itself would be located outside the 1 in 100 year flood level and set with a floor level 300mm above this, some earthworks would be required to accommodate this slab level and as a result a small amount of flood storage capacity would be lost. The loss of storage capacity would be compensated for by replacement capacity on the site of the proposed playground and a number of other flood mitigation measures and sustainable drainage solutions are proposed. However the vehicular site access and car park areas are indicated to be within areas at higher risk of flooding and in such an event access to the school would be restricted. In these circumstances safe access/egress would be available via the footpath leading northwest toward the Guinness Trust Housing Development.

Following concerns raised by the Parish Council and local residents in relation to the adequacy of parking at the site and traffic issues at school drop off/pick up times the application has been amended to include an area of additional staff/overflow parking. These highways matters are considered in more detail below but in terms of their potential impact on flood risk and flood storage capacity the Environment Agency has confirmed that, subject to certain conditions, they are content with the amendments proposed and with the addendum to the original FRA which covers this aspect of the scheme.

Devon County Council in their role as the Lead Local Flood Authority have also made comments on the application confirming that they have no objection to the proposed car park extension, again subject to the development conforming to the discharge rates proposed in the submitted FRA and the provision of a detailed drainage secured by condition. However, they maintain a concern with the location of the proposed access above an existing culvert. This culvert has been identified as a point of restriction in the watercourse system resulting in flooding in the area. It is advised that physical works will be required to replace the culvert in the very near future. Whilst this issue is acknowledged it is an existing problem that will require works regardless of the current application and DCC have confirmed that it will not prevent safe access or egress but that the proposed development should not compromise this replacement or ability to maintain it into the future. Whilst the visibility splays at the proposed site access are in close proximity to the existing culvert and open channel there is no reason to suggest these would be compromised by any replacement works.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA AND WIDER LANDSCAPE IMPACT

The detailed design of the building is for consideration at reserved matters stage but at this stage the scale and siting of the building needs to be considered. The proposal would clearly have some localised visual and character impact as the site is currently undeveloped. Nevertheless, the impact would be limited and the retention of the (majority of) roadside hedge would help to mitigate the impact, particularly of hard surfaced areas, from the primary public view. Although design and materials will be considered at a later stage a building of high green credentials is proposed (and indeed required to meet the requirements of the FRA) including the provision of a green roof.

The scale of the building proposed is to be considered and whilst it is disappointing that the rather bulky appearance of the building could not be broken up, the need to restrain the footprint of the development and the implications of this are understood. The building as indicated is considered to be commensurate with that of the existing village hall and the ridge height would be set several metres below that of the adjoining housing development to the northwest. The building and associated car parking proposals would be viewed in context with the Guinness Trust housing development, the existing community building and the development opposite. Whilst the development has extended since the previous approval was granted, through the enlargement of the proposed car parking area, this would have limited additional impact in relation to the development as a whole. The site is considered to be an appropriate infill of an existing gap in the built-up development along this side of Lyme road and as such and given its low lying location it is not considered that it would have any significant impact on the wider AONB landscape.

HIGHWAY SAFETY

The proposal looks to improve the existing vehicular access to the northwest of the village hall through the provision of an upgraded junction. This access currently serves the overflow car park associated with the village hall. Pedestrian access to the site would be via a new footway link from the Guinness trust housing development to the village hall and also from the existing footpath to the southwest across the village hall frontage.

In terms of traffic generation parents picking up and dropping off children from the current school site utilise the village hall car park, as well as the surrounding road network. The proposal would provide for 51 parking spaces in total, with 33 spaces within the main car park and a further 18 within a proposed staff/overflow parking area adjacent to the village hall service area. Survey information resulting from peak am and pm observations suggest that the combined parking provision across the school and village hall car parks will meet the parking need identified. It is also envisaged that the school parking will be available for users of the village hall outside of school hours/events, providing a knock on benefit to the wider community.

The Highways Authority has commented that they broadly agree with the contents of the Transport Assessment and accept that the proposed access to the school, once the visibility has been improved, will be acceptable.

There have been specific objections to the access proposals from both the Parish Council and on behalf of the owner of the petrol filling station opposite. These concerns relate to the perceived safety issues relating to the access arrangements as proposed and the potential for conflict with the safe operation of the petrol filling station. The parish council have indicated that they would favour a separate access off the no through road (Masters Close) to the northwest of the site which serves the recent 'Guinness Trust' housing development, The owner of the petrol filling station on the other hand, has suggested sharing the main access to the village hall and carrying out other measures to limit potential conflict with traffic associated with the use of the petrol filling station.

A meeting was convened earlier in the year with all relevant parties to understand these concerns and to see what measures might be taken to address the concerns raised. Despite the consideration that the proposed access is acceptable from a highway viewpoint the Highways Authority has considered the potential for the alternative access arrangements suggested. They have advised that access via Masters Close would not be suitable due to the positioning of the school building - which needs to be located at this highest point of the site for flood risk reasons - and the resulting lack of space and steepness for any access in this location. With regard to the access via the main village hall car park, this is land over which the Village Hall Committee have control and it is understood that there is no support for this due to potential conflicts between school and village hall related traffic.

The County Highways Authority has also given consideration to the other specific measures raised in relation to the potential impact on the petrol filling station, these matters are responded to in the highway authority's response but essentially focus on concerns relating to the perceived inadequacy of the parking and access arrangements which would result in traffic queuing/parking on the highway which would potentially restrict/prevent access or egress to/from the garage resulting in a health and safety concern.

The consultant acting on behalf of the petrol filling station owner has made suggestions for certain measures to be put into place to reduce the potential for conflict, these include: yellow hatched box junctions at the petrol filling station accesses. Again the highways authority has been asked to consider these which they have done in their response to the application where they advise that the use of yellow boxes would not be acceptable. Such use it is stated would be against the policy where such boxes - where they are used to allow access onto a main traffic routes where there are signalled or controlled junctions close by - and they would not be suitable in this location. However, they have suggested that the school access would probably require standard school access 'Zig-Zag' no waiting road markings and that it may be appropriate for 'Keep Clear' road markings at the filling stations accesses. This can be conditioned. In addition, it has been suggested that a crossing study be carried out in relation to the existing pedestrian crossing near the village hall to understand what improvements might be required to this as a result of the development. Such a requirement is considered to be reasonable and necessary in relation to the proposed development and the applicant has agreed to meet the requested contribution. This could be secured through a Travel Plan with mitigation agreed if the study identifies any such improvements.

A number of conditions have also been suggested requiring the completion of highways, access and parking works prior to commencement of development, submission of a construction management plan, and of a school travel plan. These requirements are considered reasonable and necessary and are included in the list of suggested conditions at the end of the report.

IMPACT ON RESIDENTIAL AMENITY

The application site is separated from properties to the north by the main road and being set down and back from the highway and orientated so that its primary aspect would be toward the village hall or over the sports field to the south, it is not considered that it would have any direct amenity impact on those properties. To the northwest of the site is a recent small development of housing which the proposed school site would immediately adjoin and the school building itself would come within 12 metres of the nearest neighbouring property. On plan this relationship does not appear particularly comfortable due to the differences in scale, but in reality the school building would be set on lower land and the juxtaposition of the building is such that the nearest terrace of properties is angled away from the proposed school building. Subject to detailed design and materials, which will be addressed at reserved matters stage, the resulting relationship is considered to be acceptable.

As well as the direct impact of the building itself there is the issue of general amenity to be considered and in particular the impact from noise and activity associated with the use. In this regard there will inevitably be some impact but given the position next to a main road and existing community activity associated with the village hall and recreation fields this would not be significant and would in any case displace a similar impact from the existing school site in Pound Lane.

WILDLIFE

An ecological impact assessment has been submitted with the application the report makes a number of recommendations in respect of precautionary measures to be undertaken and the need for any external lighting scheme to consider wildlife impacts. It is considered that these issues can be controlled by conditions.

OTHER ISSUES

The application is accompanied by a Statement of Community Involvement, which dates back to the time of the previous application in 2012. Whilst this Statement can no longer be considered to be up to date it does signify the consultation undertaken at the time of the earlier application and the local support for the school's proposed relocation. The previous application was approved and though no longer extant and it is clear from the response to the current application that there remains support within the community for the proposal. The Draft Neighbourhood Plan for Uplyme also supports the principle of the relocation of the school to the proposed site.

A summary of a Geotechnical and Environmental desk study has been submitted which suggests that further investigation is required into ground conditions as specialised foundations are likely to be required, this is likely to be required to inform

the design phase of the building prior to submission of any reserved matters application.

The principle of the new school appears to be well supported in the village and the provision of a modern building on a site with greater access to improved recreational facilities can only be of benefit to the teaching and learning environment for both pupils and staff. The existing old building, inadequate facilities and constrained site are a recognised constraint on the school's operation and therefore in terms of wider community benefits resulting from the scheme the proposal represents a significant positive.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).
2. Approval of the details of the appearance of the building and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline with one or more matters reserved.)
3. The landscaping scheme as approved under the subsequent reserved matters application shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)
4. 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.)
5. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local

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

(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with policy D1 (Design and Local Distinctiveness) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013-2031.)

6. The development shall not be brought into use until the following details of external and internal lighting have been submitted to and approved in writing by the Local Planning Authority:-
 - i) lighting strategy to include details to minimise energy use and lightspill/skyglow; and
 - ii) distance from area to be illuminated to adjoining buildings and spaces; and
 - iii) full luminaire specification; and
 - iv) monitoring position and height of all luminaires; and
 - v) details of any architectural, display, signage and way finding lighting.The development shall be carried out in accordance with the approved details.

(Reason - In the interests of the appearance of the area, to reduce energy demands and lightspill in accordance with policies D1 (Design and Local Distinctiveness), EN14 (Control of Pollution) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013-2031.)

7. No development shall commence until details of materials to be used for hard surfaced areas within the site including roads, paths, parking areas and play areas have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are considered at an early stage of the development are sympathetic to the character and appearance of the area and in the interests of sustainable drainage in accordance with policies D1 (Design and Local Distinctiveness), EN22 (Surface Run-off Implications) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013-2031.)
8. Floor levels shall be provided in accordance with the submitted site sections (drawing numbers 11/023/04) unless any variation is agreed in writing with the Local Planning Authority.

(Reason - In the interests of amenity, to preserve and enhance the character and appearance of the area and in the interests of flood prevention in accordance with National Planning Policy Framework and planning practice guidance relating to flooding and policies D1 (Design and Local Distinctiveness) and EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2031.)
9. No development shall commence until details for the disposal of surface and roof water from the site have been submitted to and approved in writing by the

Local Planning Authority. For the avoidance of doubt the details shall be in accordance with the approved FRA (dated July 2015) subsequent letter (dated 22nd December 2015) and the further Flood Risk Addendum (dated 24th May 2016) prepared by WSP, Parsons Brinckerhoff . The development shall be carried out in accordance with the approved details.

(Reason - In the interests of flood prevention and in accordance with National Planning Policy Framework and planning practice guidance relating to flooding and policies D1 (Design and Local Distinctiveness) and EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013-2031.)

10. Prior to their erection/construction on site details of all fences, walls and gates shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
(Reason - In the interest of the visual amenity of the development and the area in accordance with policy D1 (Design and Local Distinctiveness) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013-2031.)
11. The development shall be carried out in accordance with the recommendations contained within the submitted Ecological Appraisal, prepared by Devon Wildlife consultants and dated April 2015 unless any variations are agreed in writing by the Local Planning Authority.
(Reason - In the interest of biodiversity and minimising ecological impact in accordance with policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031.)
12. No part of the development hereby approved shall be commenced until the improved access including alterations to road markings, parking facilities, visibility splays, turning area, 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 and retained for that purpose at all times
(Reason - To ensure that adequate facilities are available for the traffic attracted to the site in accordance with policies TC7 (Adequacy of Road Network and Site Access) and TC9 (parking Provision in New Development) of the East Devon Local Plan 2013-2031.)
13. No development shall commence until a Method of Construction Statement, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding behind any visibility zoneshas been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

(Reason -To ensure that proper consideration is given from the outset of the development to the impacts of construction and to ensure vehicles parked on the site are able to enter and leave in forward gear in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 – 2031.)

14. Before the proposed development is brought into its intended use a School Travel Plan to include the details for the carrying out of a crossing study and implementation of any identified mitigation, details relating to mode of travel to school, pupils preferred method of travel to school, measures and targets and proposed control of onsite parking shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation identified as necessary and approved by the Local Planning Authority shall be provided and retained.
(Reason: To ensure consideration is given to the safe and sustainable travel to Uplyme School in the interests of highway safety and in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 -2031.)
15. Prior to the commencement of development a Construction and Environment Management Plan shall be submitted to and approved by the Local Planning Authority, development shall proceed at all times and for the duration of the development in accordance with the agreed details. The CEMP shall include at least the following matters: Air Quality, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements.
(Reason: To ensure consideration is given at an early stage to the environmental impacts of the development in order to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 -2031.)
16. Notwithstanding the requirements of the previous condition the following restrictions shall be adhered to for the duration of the development:
 - Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays
 - There shall be no burning on site.
 - There shall be no high frequency audible reversing alarms used on the site.
(Reason: To ensure consideration is given at an early stage to the environmental impacts of the development in order to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 -2031.)
17. The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment (WSP, Report 01, dated 6 July 2015) and the following mitigation measures detailed therein:
 1. The provision of compensatory flood storage at the site to a 1 in 1000 year standard as detailed in chapter 8.
 2. The finished floor levels shall be set no lower than 53.3 metres above Ordnance Datum (AOD) as set out in chapter 4.

(REASONS: To prevent the increased risk of flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the risk of flooding to the proposed development and future occupants. In accordance with policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2031.)

18. Prior to the initial use of the building the applicant shall prepare and submit to the Local Planning Authority for approval, a 'Flood Warning and Evacuation Plan' relating to the use of the site, once agreed any measures required shall be fully implemented prior to the initial use of the building and monitored and maintained as required thereafter.
(Reason - In the interests of the public safety and to ensure appropriate emergency procedures are in place in accordance with National Planning Policy Framework and guidance relating to flooding.)
19. No development shall take place until details of any earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details prior to the occupation of the development.
(Reason – To allow early consideration of such details in the interests of preserving and enhancing the character and appearance of the area and to ensure that landscaping proposals do not conflict with flood prevention/protection measures in accordance with National Planning Policy Framework and policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements), EN21 (River and Coastal Flooding) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) 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.

INFORMATIVE

The developer is advised that Land Drainage Consent for the proposed outfall to the Yawl Stream may be required, over and above the need for planning permission. Given the status of the watercourse, consent will need to be obtained from the Lead Local Flood Authority, in this case Devon County Council (Tel. 01392 381909).

Plans relating to this application:

11/023/01	Location Plan	21.10.15
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11/023/03	Proposed Site Plan	21.10.15
11/023/04	Existing Combined Plans	21.10.15
11/023/01 A	Location Plan	22.12.15
ATR-102 B	Other Plans	22.12.15
31532/PHL/101 C	Other Plans	22.12.15

List of Background Papers

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