

Agenda for Development Management Committee Tuesday, 1 November 2016; 11.15am



[Members of the Committee](#)

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

[View directions](#)

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01395 517542, Issued 20 October 2016

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[Speaking on planning applications](#)

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

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

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

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

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Monday 24 October up until 12 noon on Thursday 27 October 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 4 October 2016 (page 4 - 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 - 17)
Development Manager

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

16/1022/MOUT (Major) (page 18 - 58)
Exmouth Littleham
Land adjacent to Buckingham Close (Plumb Park), Buckingham Close, Exmouth
Application was deferred for a site inspection on 4 October 2016 – the Committee will have carried out a site visit in advance of the meeting.

16/1978/MFUL (Major) (page 59 - 84)
Exmouth Halsdon
Exebank and Danby House, Mudbank Lane, Exmouth EX8 3EG

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.

16/0839/FUL (Minor) (page 85 - 95)

Budleigh Salterton

Lily Farm Vineyard, Dalditch Lane, Budleigh Salterton EX9 7AH

6/1292/MFUL (Major) (page 96 - 118)

Honiton St Michaels

Land off Gloucester Crescent, Heathpark Industrial Estate, Honiton

16/1377/FUL (Minor) (page 119 - 129)

Ottery St Mary Rural

Stonehill Quarry, Lancercombe, Sidmouth

16/1786/FUL (Minor) (page 130 - 141)

Raleigh

11 – 23 Hogsbrook Units, Woodbury Salterton EX5 1PY

16/0867/MFUL (Major) (page 142 - 162)

Sidmouth Sidford

Green Close, Drakes Avenue, Sidford EX10 9JU

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 4 October 2016

Attendance list at end of document

The meeting started at 10am and ended at 4.30pm (the Committee adjourned for lunch at 12.30pm and reconvened at 2pm and adjourned at 2.25pm and reconvened at 2.30pm).

In the absence of the Chairman, Cllr Mike Howe, chaired the meeting. The Committee agreed to the appointment of Cllr Alan Dent to the position of Vice-Chairman for the meeting.

***19 Minutes**

The minutes of the Development Management Committee meeting held on 6 September 2016 were confirmed and signed as a true record.

***20 Declarations of interest**

Cllr Matt Coppel; 16/0218OUT and 16/1688/FUL; Personal Interest; Newton Poppleford and Harpford Parish Councillor

Cllr Paul Carter; 16/1265/MFUL; Personal Interest; Applicant was known to the Councillor

Cllr Paul Carter; 16/0622/OUT; Personal Interest; Ottery St Mary Town Councillor

Cllr Brian Bailey; 16/1022/MOUT; Personal Interest; Exmouth Town Councillor

Cllr Mark Williamson; 16/1022/MOUT; Personal Interest; Exmouth Town Councillor

Cllr Mike Howe; 16/1701/FUL; Personal Interest; Applicant was known to the Councillor

Cllr Peter Burrows; 16/1506/OUT; Personal Interest; Acquaintance of the applicant

In accordance with the Council's constitution, the Vice-Chairman took over Chairmanship of the meeting during consideration of application 16/1265/MFUL (Land off Blackmore Road, Hill Barton Business Park, Clyst St Mary) as the application was in the Chairman's Ward.

***21 Appeal statistics**

The Committee received and noted the report presented by the Service Lead – Strategic Planning and Development Management setting out appeals recently lodged and outlining the five appeal decisions notified. Members noted that despite the three appeals allowed and one split decision the Council maintained a good performance in respect of appeal decisions for the year to date.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 5 – 2016/2017.

Attendance list

Present:

Committee Members

Councillors:

Mike Howe (Chairman for the meeting)
Alan Dent (Vice Chairman for the meeting)

Brian Bailey
David Barratt
Colin Brown
Peter Burrows
Paul Carter
Matt Coppel
Simon Grundy
Ben Ingham
Helen Parr
Mark Williamson

Officers

James Brown, Principal Planning Officer (Central Team) (AM only)
Jessica Crellen, Planning Officer (AM only)
Ed Freeman, Service Lead – Strategic Planning and Development Management (AM only)
Darren Roberts, Principal Planning Officer (Western Team) (AM only)
Shirley Shaw, Planning Barrister
Gavin Spiller, Principal Planning Officer (Eastern Team) (PM only)
Hannah Whitfield, Democratic Services Officer

Also present for all or part of the meeting

Councillors:

Megan Armstrong
Iain Chubb
Geoff Jung
Andrew Moulding
Geoff Pook
Val Ranger

Apologies:

Committee Members

Councillors:

Susie Bond
David Key
Steve Gazzard
Chris Pepper

Non-committee Members

Councillor Peter Bowden

Chairman Date.....

EAST DEVON DISTRICT COUNCIL
Development Management Committee
Tuesday 4 October 2016; Schedule number 5 – 2016/2017

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:

<http://eastdevon.gov.uk/media/1859781/041016-combined-dmc-agenda-compressed.pdf>

AM session

Exmouth Littleham
(EXMOUTH)

16/1022/MOUT

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)

RESOLVED: INSPECT

Reason: To consider the impact of the proposed development on the amenity of properties in Douglas Avenue and the impact of the scale and form of the proposed development on the landscape.

Clyst Valley
(FARRINGDON)

16/1265/MFUL

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

RESOLVED: APPROVED with conditions as per officer recommendation subject to an additional condition requiring the building and roof to be a dark colour.

Newton Poppleford
And Harpford
(NEWTON
POPPLEFORD AND
HARPFORD)

16/0218/OUT

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)

RESOLVED: APPROVED with conditions as per recommendation subject to a Section 106 Agreement to secure the delivery of an offsite affordable housing contribution, with a final viability report to be submitted upon completion of the development to ensure that overage is addressed.

Ottery St Mary Rural
(OTTERY ST MARY)

16/0622/OUT

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).

RESOLVED: APPROVED with conditions as per recommendation

Members requested that the Arborcultural Officer re-visit the site to consider the need to impose TPOs on trees around the boundary of the site, with particular reference made to those on the west boundary.

Broadclyst
(CRANBROOK) 16/1701/FUL

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.

RESOLVED: APPROVED with conditions as per recommendation

Newton Poppleford
and Harpford 16/1688/FUL
(NEWTON
POPPLEFORD AND
HARPFORD)

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.

RESOLVED: APPROVED with conditions as per recommendation

PM session

Trinity
(UPLYME) 15/2424/MOUT

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)

RESOLVED: APPROVED with conditions as per recommendation

Beer and
Branscombe
(BRANSCOMBE)

15/1291/MOUT

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

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

Members requested that, due to the sites location in the AONB and proximity to heritage assets, that an informative be added to the permission to ensure that the design and appearance of the dwellings at reserved matters stage closely follows that shown on the indicative plans submitted with the application.

Axminster Rural
(AXMINSTER)

16/1856/VAR

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)

RESOLVED: APPROVED as per officer recommendation

Axminster Rural
(AXMINSTER)

16/1857/VAR

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

RESOLVED: APPROVED as per officer recommendation

Axminster Town
(AXMINSTER) 16/1506/OUT

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

RESOLVED: REFUSED as per officer recommendation

Axminster Town
(AXMINSTER) 16/1622/FUL

Applicant: Mr Mark Hurford

Location: Land North Of Westwater, Westwater, Axminster

Proposal: Change of use of barn to dwelling

RESOLVED: REFUSED as per officer recommendation

Newbridges
(SHUTE) 16/1963/FUL

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)

RESOLVED: REFUSED as per officer recommendation

Exmouth
Withycombe Raleigh
(EXMOUTH) 16/1705/FUL

Applicant: No 10 Developments Ltd

Location: Land Adjoining 28 Holland Road Exmouth

Proposal: Demolition of garage and erection of two storey attached dwelling

WITHDRAWN from the agenda by the applicant

East Devon District Council
List of Planning Appeals Lodged

Ref: 16/1759/FUL **Date Received** 28.09.2016
Appellant: Mr & Mrs G Sweetland
Appeal Site: Boveys Down Farm Farway Colyton EX24 6JD
Proposal: Conversion of lean-to agricultural barn to form tea room with associated ground engineering works and relocation of stores to extend existing car parking area
Planning Inspectorate Ref: APP/U1105/W/16/3159651

Ref: 16/0655/FUL **Date Received** 09.10.2016
Appellant: Persimmon Homes - South West
Appeal Site: Land Opposite 7 Copseclose Lane Cranbrook Exeter EX5 7AP
Proposal: Retrospective application for the retention of a parking space on land opposite 7 Copseclose Lane Cranbrook.
Planning Inspectorate Ref: APP/U1105/W/16/3160503

East Devon District Council List of Planning Appeals Decided

Ref: 15/2242/FUL **Appeal Ref:** 16/00023/REF
Appellant: Mrs Lindsey Talbott
Appeal Site: Land At Bucknole Wood Offwell
Proposal: Retention of wooden storage building for forestry, conservation and artistic/therapeutic uses
Decision: **Appeal Dismissed** **Date:** 19.09.2016
Procedure: Written representations
Remarks: Delegated refusal, countryside protection reasons upheld (EDLP Strategies 7 & 46).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/16/3148089

Ref: 15/F0395 **Appeal Ref:** 16/00023/REF
Appellant: Mrs Lindsey Talbott
Appeal Site: Land At Bucknole Wood Offwell
Proposal: Retention of wooden storage building for forestry, conservation and artistic/therapeutic uses
Decision: **Appeal Dismissed** **Date:** 19.09.2016
Procedure: Written representations
Remarks: Appeal against the serving of an enforcement notice in respect of the unauthorised development. Enforcement notice varied and upheld.
BVPI 204: **No**
Planning Inspectorate Ref: APP/U1105/C/16/3148322

Ref: 14/2952/MFUL **Appeal Ref:** 16/00010/REF
Appellant: Solstice Renewables Limited
Appeal Site: Land Surrounding Walnut Cottages Oil Mill Lane Clyst St Mary
Proposal: Installation of ground mounted photovoltaic solar arrays together with power inverter systems; transformer stations; internal access tracks; landscaping; CCTV; security fencing and associated access gate.
Decision: **Appeal Dismissed** **Date:** 21.09.2016
Procedure: Written representations
Remarks: Delegated refusal, loss of best and most versatile agricultural land reason upheld (EDLP Policy EN13).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/16/3144419

Ref: 15/0748/FUL **Appeal Ref:** 16/00034/REF
Appellant: WIMS (UK) Ltd
Appeal Site: Unit B Block 19 Flightway Dunkeswell Business Park Dunkeswell
Proposal: Change of use to form a live/work unit with B1 use on the ground floor and part of the first floor and a flat on the remainder of the first floor (partially retrospective); retention and extension of balcony on rear elevation; and retention of cladding and canopy on front elevation.
Decision: **Appeal Dismissed** **Date:** 23.09.2016
Procedure: Written representations.
Remarks: Delegated refusal, countryside protection, employment and amenity reasons upheld (EDLP Strategies 7 & 32 and Policy D1).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/16/3150317

Ref: 16/0589/FUL **Appeal Ref:** 16/00040/HH
Appellant: Mr Saul Tyler
Appeal Site: 1 Raddenstile Lane Exmouth EX8 2JH
Proposal: Loft conversion including front dormer windows
Decision: **Appeal Dismissed** **Date:** 29.09.2016
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Strategy 48 & Policy D1).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/D/16/3152862

Ref: 15/1936/FUL **Appeal Ref:** 16/00037/REF

Appellant: F W S Carter And Sons

Appeal Site: Units 7 - 9 Hogsbrook Units Woodbury Salterton Exeter EX5 1PY

Proposal: Retention of conversion of building to 3 no. industrial units (use class B8 Warehouse & Distribution)

Decision: **Appeal Allowed (with conditions)** **Date:** 30.09.2016

Procedure: Written representations

Remarks: Officer recommendation to approve, Committee refusal.

Sustainability reasons overruled (EDLP Strategy 7 and Policies E4, E5, E7, D8, TC2, TC7 & TC9).

The Inspector acknowledged that, given the location, it is highly likely that the occupiers and employees are heavily reliant on private car use to and from the site and delivery and other associated vehicles would add to the use of the local highway network. However, the relatively small scale of the development and associated individual uses is unlikely to materially add to the use of that network.

The Inspector concluded that he was satisfied that the proposal can be considered a small scale economic development that is likely to support local businesses and the local economy generally, including the provision of jobs. The current level of occupancy indicates a demand, and there was no substantive evidence to indicate that this has, or would be likely to, materially lessen the demand for space elsewhere in the District, including on those allocated sites in the East Devon Local Plan.

BVPI 204: **Yes**

Planning APP/U1105/W/16/3151311

Inspectorate

Ref:

Ref:	15/1950/FUL	Appeal Ref:	16/00038/REF
Appellant:	FWS Carter & Sons Ltd		
Appeal Site:	1 - 5 Hogsbrook Units Woodbury Salterton Exeter EX5 1PY		
Proposal:	Retention of conversion of building to 5 no. industrial units (Use Class B2 General Industry, B8 Warehouse and Distribution and B1 Office and Light Industry)		
Decision:	Appeal Allowed (with conditions)	Date:	30.09.2016
Procedure:	Written representations		
Remarks:	<p>Officer recommendation to approve, Committee refusal. Sustainability reasons overruled (EDLP Strategy 7 and Policies E4, E5, E7, D8, TC2, TC7 & TC9).</p> <p>The Inspector acknowledged that, given the location, it is highly likely that the occupiers and employees are heavily reliant on private car use to and from the site and delivery and other associated vehicles would add to the use of the local highway network. However, the relatively small scale of the development and associated individual uses is unlikely to materially add to the use of that network.</p> <p>The Inspector concluded that he was satisfied that the proposal can be considered a small scale economic development that is likely to support local businesses and the local economy generally, including the provision of jobs. The current level of occupancy indicates a demand, and there was no substantive evidence to indicate that this has, or would be likely to, materially lessen the demand for space elsewhere in the District, including on those allocated sites in the East Devon Local Plan.</p>		
BVPI 204:	Yes		
Planning Inspectorate Ref:	APP/U1105/W/16/3151307		

Ref: 15/2484/PDQ **Appeal Ref:** 16/00024/REF
Appellant: Mr & Mrs R Estcourt
Appeal Site: Land East Of Longbrook Lane Longmeadow Road
Lymstone
Proposal: Prior approval of proposed change of use of agricultural
building to a dwelling house and associated development
Decision: **Appeal Dismissed** **Date:** 05.10.2016
Procedure: Written representations
Remarks: Delegated refusal. The Inspector agreed with the Council that
there was insufficient evidence to demonstrate that the
building fell within the definition of an agricultural building.
BVPI 204: **No**
Planning APP/U1105/W/16/3148091
Inspectorate
Ref:

Ref: 14/2994/FUL **Appeal Ref:** 16/00031/REF
Appellant: Mrs S Sargent
Appeal Site: Land Rear Of 19 - 20 Fore Street Sidmouth EX10 8AL
Proposal: Demolition of outbuilding and construction of a pair of semi
detached houses and construction of a boundary wall.
Decision: **Appeal Dismissed** **Date:** 14.10.2016
Procedure: Written representations
Remarks: Officer recommendation to refuse, Committee refusal.
Flooding, conservation and amenity reasons upheld. (EDLP
Policies EN9, EN10, EN21 & D1).
BVPI 204: **Yes**
Planning APP/U1105/W/16/3151800
Inspectorate
Ref:

Ward Exmouth Littleham

Reference 16/1022/MOUT

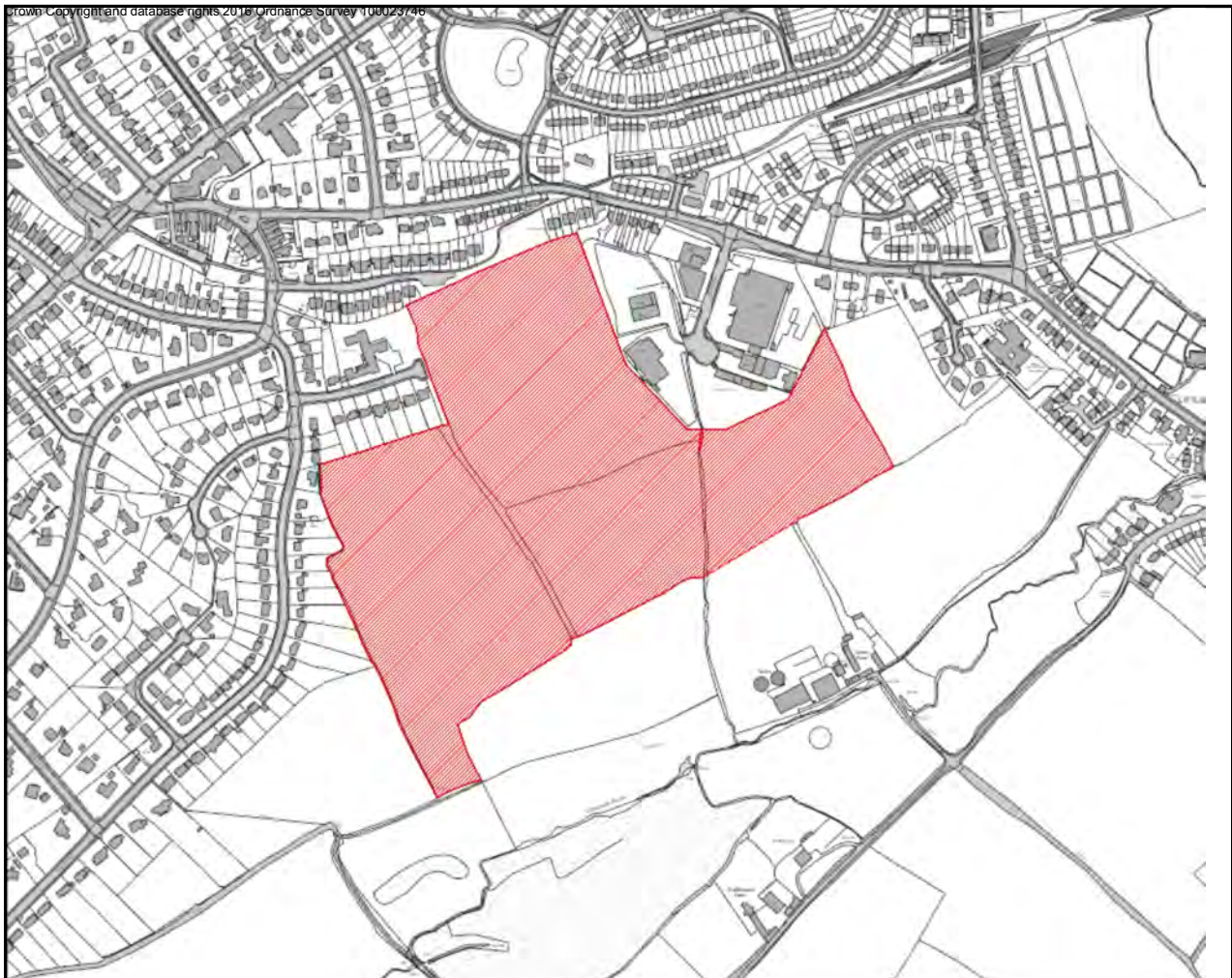
Applicant Littleham 2012 & Taylor Wimpey

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: 1 November 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 Poppleford). 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 and a legal agreement to secure a affordable housing, contributions towards sewage upgrade and public transport, and maintenance of on-site open space:

:

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 each phase 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 each phase 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 each phase 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 each phase 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
20977-L 02 01 REV AD	Other Plans	19.08.16

20977-L 02 02	Other Plans	19.08.16
AMENDED	Design and Access Statement	19.08.16
20977-L 01 02 REV F	Other Plans	19.08.16
15171-302 REV H	Other Plans	19.08.16
15171-303 REV C	Other Plans	19.08.16
20977-L 02 03 1 OF 3	Block Plan	19.08.16
20977-L 02 03 2 OF 3	Block Plan	19.08.16
20977-L 02 03 3 OF 3	Block Plan	19.08.16
15171-001 REV G 1 OF 3	Other Plans	19.08.16
15171-002 REV G 2 OF 3	Other Plans	19.08.16
15171-003 REV G 3 OF 3	Other Plans	19.08.16
140206-L 03 01 1 OF 14	Other Plans	19.08.16
140206-L 03 02 2 OF 14	Other Plans	19.08.16
140206-L 03 03 3 OF 14	Other Plans	19.08.16
140206-L 03 04 4 OF 14	Other Plans	19.08.16
140206-L 03 05 5 OF 14	Other Plans	19.08.16
140206-L 03 06 6 OF 14	Other Plans	19.08.16

140206-L 03 07 OF 14	Other Plans	19.08.16
140206-L 03 08 8 OF 14	Other Plans	19.08.16
140206-L 03 09 9 OF 14	Other Plans	19.08.16
140206-L 03 10 10 OF 14	Other Plans	19.08.16
140206-L 03 11 11 OF 14	Other Plans	19.08.16
140206-L 03 12 12 OF 14	Other Plans	19.08.16
140206-L 03 13 13 OF 14	Other Plans	19.08.16
140206-L 03 14 14 OF 14	Other Plans	19.08.16
140206-L 04 01	Landscaping	19.08.16
140206-L 04 02	Landscaping	19.08.16
140206-L 04 03	Landscaping	19.08.16
140206-L 04 04	Landscaping	19.08.16
140206-L 04 05	Landscaping	19.08.16
140206-L 04 06	Landscaping	19.08.16
140206-L 04 07	Landscaping	19.08.16
140206-L 04 08	Landscaping	19.08.16
140206-L 04 09	Landscaping	19.08.16
140206-L 04 10	Landscaping	19.08.16
140206-L 04 11	Landscaping	19.08.16
140206-L 04 12	Landscaping	19.08.16
140206-L 04 13	Landscaping	19.08.16

140206-L 04 14	Landscaping	19.08.16
PLANTING SCHEDULES	General Correspondence	19.08.16
APARTMENTS TYPE D REV A	Sections	19.08.16
20977-HT-APT D REV C PLAN 1	Proposed Floor Plans	19.08.16
20977-HT-APT D REV C PLAN 2	Proposed Floor Plans	19.08.16
20977-HT-APT D REV C PLAN 1	Proposed Elevation	19.08.16
20977-HT-APT D REV C PLAN 2	Proposed Elevation	19.08.16
140206 D02 03	Landscaping	19.08.16
140206 D02 04 REV A	Landscaping	19.08.16
140206 D03 03	Landscaping	19.08.16
140206 D03 06	Landscaping	19.08.16
140206 D03 07	Landscaping	19.08.16
140206 SK 10 REV A	Landscaping	19.08.16
140206 D03 01 REV C	Landscaping	19.08.16
140206 D03 04	Landscaping	19.08.16
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	26.07.16

	Plans	
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

List of Background Papers

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

Ward Exmouth Halsdon

Reference 16/1978/MFUL

Applicant DCH Group

Location Exebank And Danby House
Mudbank Lane Exmouth EX8 3EG

Proposal Demolition of existing buildings and erection of 36 dwellings (of which 50% are to be affordable and 50% open market).



RECOMMENDATION: Approval with conditions



		Committee Date:
Exmouth Halsdon (EXMOUTH)	16/1978/MFUL	Target Date: 24.11.2016
Applicant:	DCH Group	
Location:	Exebank And Danby House Mudbank Lane	
Proposal:	Demolition of existing buildings and erection of 36 dwellings (of which 50% are to be affordable and 50% open market).	

RECOMMENDATION: Approval Subject to Legal Agreement

EXECUTIVE SUMMARY

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

This site is located within the built up area boundary for Exmouth, within the Ward of Halsdon, and is currently occupied by two large buildings, Exebank which provided intermediate residential care for older people, and Danby Housem, a residential home for adults with physical disabilities and acquired brain injuries.

The application is to demolish all existing buildings and construct 36 no. new dwellings within the site. 18 of these dwellings are proposed to be affordable, managed by Devon and Cornwall Housing Association. Housing is three storey at the front of the site, facing Mudbank Lane and the Exe Estuary, whilst at the rear it is two storey, facing Halsdon Avenue and looking towards the Sports Ground.

Given the site's location within the built up area boundary close to the town centre and all services within Exmouth, the need for housing and in particular affordable housing, and the lack of an objection from the highway authority it is considered that the principle of development can be supported.

Concerns have been raised regarding the relationship of a number of plots with existing development, the removal of trees and the proposed drainage. Revised plans have been received which it is considered address the majority of these issues, and whilst it is still considered that there is a loss of high quality trees and there will be some impact on the amenity of residents surrounding the site, this would not be considered to be severe enough to justify refusal of planning permission. Matters of drainage, landscaping, design, environmental health and

highways can be adequately addressed by conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council
Meeting 19.09.16

The Committee accepted in principle to development of the site but deferred to comment in full pending further assessment reports eg. Habitat & Highways. There were concerns regarding the design of the houses & the footprint of the affordable housing. Also the impact on neighbours in particular highway issues.

Exmouth Halsdon - Cllr J Elson

I support this application by DCH as the Halsdon Councillor and as the Cabinet Member for sustainable Homes and Communities. It has 50% 'open market' and 50% 'affordable' homes. 8 Shared Ownership and 10 'Affordable Rent'. DCH (formerly Devon and Cornwall Housing Association) had an exhibition and a meeting with the owners of the 2 private properties within the site. Danby House was closed by DCC in 2008 and Exebank later which has meant the site has been derelict for some time and subject to vandalism. This caused insecurity to the residents in the bungalows behind owned by Spectrum Housing.

Exmouth Halsdon - Cllr M Armstrong

As District Councillor for Exmouth Halsdon Ward I am writing following communication expressing concerns about this development from various neighbouring residents.

This site on Mudbank Lane has been gradually deteriorating for many years, following the closure of Danby House and Exebank. I think it is fair to say that most people in the nearby area will be glad to see the site redeveloped and that some of the housing will be 'affordable', which is much needed in Exmouth.

However, from comments I have received, there are some serious concerns about this proposed development, which are as follows:

1. The numbers and density of the proposed housing.
The Principal Planning Officer wrote to the Architect in April this year, stating that 'the current level of development may be deemed excessive and it may be necessary to reduce the number or size of some of the dwellings.'
He said this when 35 homes were proposed, and there are now 36, therefore no reduction but an increase.
2. The design and height of the housing, which will be three storeys along the frontage of Mudbank Lane, with garages underneath and two further storeys on top.

These would also have flat roofs which are not in keeping with the rest of the immediate neighbourhood, which have pitched roofs and are only two storeys high. People seem to have been misinformed about the height of some of these new buildings and they are very unhappy about it.

3. There will be a huge increase in vehicular movement, with two parking spaces for each property, plus garages which could be at least 72 extra vehicles in this relatively small site, requiring access via Carter Avenue or Halsdon Avenue, both of which are quiet residential areas. This is particularly relevant on Mudbank Lane itself, which is already a busy cycle route, with parking for walkers and bird watchers and at one point is one lane only. There have already been some near-miss accidents between cars and cyclists along this stretch.

4. With particular reference to the residents of the two cottages on Mudbank Lane, there are likely to be serious overlooking and overbearing issues regarding the proposed new adjacent house (no. 12), made worse by the removal of some mature trees. In addition, the loss of amenity and open aspects enjoyed for many years.

5. The loss of several mature trees, some of which may be replaced, but not by trees of similar maturity and size, therefore the protection afforded by them would be greatly reduced. I would question whether all these tree losses are actually necessary?

6. Close proximity to the Exe estuary with its various protective designations. Natural England has raised several concerns, including roosting birds and bats (a protected species) which currently use the site.

Finally, I and others in my ward consider the proposal as it stands to be serious overdevelopment which would mean a total change of character, from a relatively quiet riverside area to a major residential development, and I would propose that the size of this development is re-examined, along with the issues listed above.

Technical Consultations

Environmental Health

I have considered the application and do not anticipate any environmental health concerns. I recommend that the following condition regarding management of the construction site is included on any approval:

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

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

Environment Agency

We have no objection to this application provided that a condition is included in any planning permission which may be issued, to address concerns from the proximity of a former landfill site. We also have some comments on flood risk and the application of the flood risk Sequential Test to this proposal.

Contaminated Land

Whilst we have no in principle objection to the proposed development from the point of view of contaminated land, the application is not supported by an assessment of risk in relation to contamination. Given the proximity to a former landfill, we consider that any granted permission should include the following conditions.

Condition

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To protect controlled waters.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons

To protect controlled waters.

Flood Risk

Providing development proceeds in accordance with the submitted Flood Risk Assessment dated July 2016 there are no objections to the proposed development from the flood risk aspect.

Flood Risk Sequential Test - general advice

The application site during its lifetime will lie partly within Flood Zone 3 defined by the Environment Agency Flood Map / Strategic Flood Risk Assessment as having a high probability of flooding. Paragraph 101 of the National Planning Policy Framework requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'.

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

Natural England

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 just 20m from the Exe Estuary Special Protection Area (SPA) and Ramsar Site and approximately 3.2km 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. Clarification from the applicant regarding any mitigation they propose to offer, whether contributions and/or provision of Suitable Alternative Natural Greenspace (SANGS) in line with the South East Devon European Sites Mitigation Strategy (SEDESMS) and the Joint Approach of your authority, Teignbridge and Exeter to implementing that strategy.
2. For any SANGS which is to be delivered as part of the mitigation package, whether by the applicant or your Authority, a 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 (i.e. a Grampian Condition).

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 the East Devon Pebblebed Heaths.

PROTECTED SPECIES

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

We 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.

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.

Contaminated Land Officer

I have considered the application and the report submitted by Geoconsulting Ltd Dated October 2015. The applicant is aware that they will need to carry out some remedial works and further investigations post-demolition. They must discuss and agree any remedial works with the Contaminated Land Officer at EDDC. The EA have requested a standard condition which is essentially the same as the EDDC standard condition CT3. The intrusive survey does not at this stage indicate any unacceptable contamination of the ground water. It is normal practice for the CLO to be the main point of contact in the event of any remedial works becoming necessary. I recommend that standard condition CT3 is included in any approval which will cover the comments of the EA and ourselves. Part 1 of that condition has already been complied with.

South West Water

No objection

DCC Flood Risk SuDS Consultation 22.09.16

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013 to 2031). The applicant will therefore be required to submit additional information, as outlined below, to demonstrate that all aspects of the surface water drainage management plan have been considered.

Although it is accepted the development will represent a reduction of 3m² in impermeable area and un-attenuated discharge would be appropriate at this location. The applicant should also demonstrate the proposed connection into the existing private surface water sewer has sufficient capacity to accept the un-attenuated flows. Consideration should also be given to the tide locking potential of the outfall and the impacts on the proposed surface water strategy.

Following the publication of the Flood Risk Assessments: Climate Change Allowances document (dated 19th February 2016) by central government, the applicant will be required to use a climate change uplift value of 40% when sizing the proposed surface water drainage management system for this development.

The applicant will also be required to submit MicroDrainage model outputs, or similar, in order to demonstrate that all components of the proposed surface water drainage system have been designed to the 1 in 100 year (+40% allowance for climate change) rainfall event.

The proposed surface water drainage is purely a traditional drainage system with limited sustainable source control features. Although the ground conditions preclude certain drainage features, 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 a variety of above-ground source control features across the whole site. Examples of these source control features could include underdrained permeable paving, formalised tree pits or other bioretention features such as rain gardens, as well as green roofs, swales and filter drains. This is particularly important given the receiving watercourse's SSSI and SPA status and maintaining water quality standards.

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

The applicant will be required to submit an operation and maintenance plan for the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

I would be happy to provide a further substantive response when the applicant has formally submitted the additional information requested above to the Planning Case Officer.

DCC Flood Risk SuDS Consultation 17.10.16

Observations:

Following my colleague's previous correspondence (FRM/942/2016, dated 22nd September 2016), the applicant has provided additional information in respect of the surface water drainage aspects of the above planning application, in an e-mail dated 14th October 2016, for which I am grateful.

The applicant has provided MicroDrainage model outputs which demonstrate that existing private surface water sewer has sufficient capacity to convey the surface

water runoff generated from this proposed development in a 1 in 100 year (+40% allowance for climate change) rainfall event.

The applicant has also provided a Proposed Drainage Layout (Drawing No. 15204-300, Rev. C, dated 28th September 2016) which shows that areas of underdrained permeable paving are now proposed throughout the site. This underdrained permeable paving will provide storage for surface water runoff in the event of the outfall becoming tide locked, as well as providing benefits to water quality before it is discharged off-site.

Furthermore, the applicant has provided a Flood Exceedance Plan (Drawing No. 15204-304, Rev. A, dated 28th September 2016) which shows that there are acceptable overland flow routes across the site, including the existing central route which has been retained.

Finally, the applicant has provided a Drainage & SuDS (Sustainable Drainage Systems) Maintenance Plan (Report Ref. jp/15.204, Rev. -, dated 28th September 2016) which outlines the maintenance requirements of the proposed surface water drainage management system

Recommendation:

Assuming that the documents referred to below are formally submitted to the Planning Case Officer and registered with the above planning application, our objection is withdrawn and we have no in-principle objections to the proposals at this stage.

Housing Strategy Officer Melissa Wall

We have worked hard over the last 18 months to facilitate and enable this site to be brought forward which strongly favours the delivery of affordable housing.

The site lies within the development boundary for Exmouth and therefore under Strategy 34 of the Local Plan would need to provide 25% (9 units) affordable housing. The applicants are however proposing to provide 50% (18 units) as affordable housing and we very much welcome this opportunity to provide much needed affordable homes in Exmouth.

The applicants are providing 10 units available for affordable rent (55%) and 8 for shared ownership (45%). Policy states that a tenure mix of 70/30% in favour of rented accommodation will be sought however due to the uplift in the number of affordable units being provided on site we are satisfied with the proposed tenure split. This tenure mix has meant that the scheme remains viable and enables a high percentage of affordable units to be delivered. The 4 year rent reduction introduced by the Government in last year's summer budget which sees rents being reduced year on year for the next four years and the lack of grant available for rented units has meant that in a number of cases the tenure mix on sites is changing due to viability concerns.

The proposed unit types meet the recognised housing need for smaller properties and we welcome the provision of 1 bedroom houses.

The units are being delivered by DCH (formerly Devon & Cornwall Housing), one of our preferred registered providers. All affordable homes should be constructed to

Building Regulations M4(2) or the relevant standards at the time of determination. A nomination agreement should be in place that enables the Local Authority or the Register Provider to nominate individuals from the Common Housing Register, preference going to those with a local connection to Exmouth, then cascading to East Devon.

As detailed in the Affordable Housing Statement the applicants acknowledge that the affordable units are not dispersed throughout the development as policy suggests they should. The site has many constraints and in order to provide the additional 9 units the applicants are reliant upon the cross subsidy with the open market units. We are supportive of this application and recognise that the site constraints could cause viability issues however the applicants are trying to maximise rather than reduce the number of affordable units and as a consequence dispersing the affordable units has not been feasible. There is a high demand for affordable units to rent and buy in Exmouth and these additional 9 units will help to meet the need.

Landscape Architect

The submitted application is unacceptable in landscape and visual terms due to the following reasons:

1. The scheme constitutes a significant loss of trees (e.g. a net loss of 13 trees)
2. It is currently unclear which planting is located within the private or public realm; therefore its longevity cannot be guaranteed
3. The scheme represents a change in density conflicting with the surrounding area and causing issue with overlooking
4. The change in density also impacts upon the relationship between the roads and development on site due to a loss of green frontage which also changes the setting of the East Devon Way, NCN Route and Exe Estuary
5. The location of the sub-station conflicts with existing trees and creates an unattractive frontage onto Halsdon Avenue.
6. Stepped access to dwellings is not Part M compliant
7. Open space provision needs to be clarified
8. The drainage strategy does not comply with the SuDs management train as set out in DCC's draft SuDs manual and CIRIA's SuDs manual
9. The current proposed layout does not respond well to River Court courtyard
10. The submitted photomontages are not fully representative of the proposals
11. The drawing set is not fully co-ordinated and they include some minor technical issues

Tree Officer

The proposed scheme includes an Arboricultural survey reporting to accord to BS5837:2012. Given this has been produced based around an established site layout it immediately does not conform to the stated standard. The site layout if following the British standard be informed by the quality and significance of site trees based around the TCP.

Issues relating to the proposed scheme and trees removals:

The assessment of the London planes (T11 and T12) are A and B category tree but their assessment is incomplete within the arboricultural impact assessment (AIA). Whilst the report correctly states they are obscured by the existing building when viewed from Mudbank Lane to the west; these trees are seen above the roofline of the bungalows on Mudbank Lane to the east, the playfields at Warren View and the properties elevated ground at Bellevue Road and Halsdon Avenue.

The London Plane (T15) is B category tree shown as removed in the southern corner of the development (Image 1). This is an individually significant tree and retained within the new scheme.

The quality of the trees and current amenity of trees T11, T12 and T15 is such that the southern half of the site will require redesigning to retain these trees.

Issues relating to the proposed scheme and tree retention:

- To facilitate development the proposed scheme will need to be constructed within the Root Protection Area of T38, T40 and T41 to allow space for grading or the actual footprint of units 18, 19 and 20.
- An electrical substation is also proposed adjacent to or possibly in the RPA of T40.
- The access road to units 13 through 14 intersects the RPA of T30.
- The parking for Riverside Cottage and Brick Field Cottage is within the RPA of T28 and T29.
- There is a footpath constructed within the RPA of T49.
- Unit 36 is shown abutting the RPA of T10 and within less than 1 meter of the trees crown spread which is an early mature liquidambar with scope for considerable growth.
- This is contrary to the recommendation in BS5837:2012 where structures should be positioned outside the RPA of retained trees unless it can be demonstrated the trees can remain viable, that the loss of RPA can be offset and that a series of mitigation measures to improve the soil for tree growth are used.
- Issues relating to the proposed scheme and new tree planting:
 - The mitigation planting along the southern boundary with Mudbank Lane does not provide sufficient space for any significant trees to establish. The indicative tree planting is between three and six meters from the adjacent dwellings and two meters from car parking spaces. As these trees grow they will require pruning back from parking spaces and buildings, drop debris onto parked cars, be the cause of increasing levels of shade and obscure estuary views from the new dwellings.

- These trees unless small insignificant species are unlikely to be appropriately spaced from the dwelling. Planting in the space available along this boundary would not be a harmonious juxtaposition with the adjacent dwellings.
- The proposed tree planting between the open market and affordable housing is undertaken at between 3 and 13 metres from the adjacent dwelling. The location of the planting as it matures will shade not only the gardens of the open market housing but also the garden and living rooms within the affordable housing units.

Conclusion

The submitted scheme appears to have been laid out with no regard to the quality or importance of the site trees. The layout of the site has not been informed by the principles of BS5837:2012 Tree in relation to design, demolition and construction - Recommendations.

Numerous good quality A and B category trees which are publicly visible are shown as removed as part of the submitted scheme. Insufficient space is made available for meaningful tree planting and without those trees coming into conflict to the nearby new dwellings, parking space, views or blocking natural light. Those trees that have been retained are so close to the development that their RPA have been compromised without the taking account of the requirements of BS5837:2012.

The current submitted scheme is contrary to the following adopted local planning policies and should be refused:

D1 Design and local distinctiveness.

The proposal is not well designed in terms of trees, failing to retain trees worthy of retention. The scheme does not deliver appropriate greening measures.

D2 Landscape requirement.

The design process set out in BS5837:2012 has not been followed and the design results in the loss of natural landscape features with insufficient space allocated for replacement planting.

D3 Trees and Development

The proposed scheme has not followed the recommendation of BS5837:2012. Those retained trees are compromised within construction within their RPA. It has not been demonstrated that the trees can remain viable, that the loss of RPA can be offset and no mitigation measures have been proposed to improve the soil for tree growth where the RPA have been compromised.

Devon County Highways

The application site has historically been used as a residential care home which is now redundant. The application site is surrounded by residential highway on 3 sides, Halsdon Avenue running along the top of the site and continuing north on the eastern side. Mudbank Lane on the western side.

Mudbank Lane is a part of the National Cycle Route 2 this is used by commuters and leisure cyclist to get from Exmouth to Exeter.

It is proposed that there will be four accesses in to the site. Two of these are existing accesses. One of which is the existing vehicular access to Riverside and Brick Field Cottage and this is proposed to have a pedestrian through route from Halsdon Avenue to Mudbank Lane and will not be used as vehicular access to the proposed development. Two new accesses are proposed off of Mudbank Lane. One to serve 6 dwellings the other access is proposed to serve 4 dwellings.

The visibility from these new accesses are technically substandard for the regulatory speed limit, and Riverside and Brick Field Cottage protruding out in to the highway. However there is an existing 'Give and Take' traffic flow system by Riverside and Brick Field Cottage which controls the traffic successfully through the road narrowing.

Traffic speeds are low along Halsdon Avenue and Mudbank Lane, there is also reasonably low numbers of traffic movements as most trips are to the few dwellings in Mudbank Lane. From examination of the CHA collision data it shows there haven't been any reported collisions on Mudbank Lane with in the last five years and even though the proposed accesses are technically substandard the CHA does not believe they will create any undue safety hazard on the highway due to the slow traffic speeds and low traffic numbers.

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. 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;
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 10 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) The footway on the public highway frontage required by this permission has been constructed up to base course level
 - D) 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. The site access shall be constructed, laid out and maintained thereafter in accordance with the attached diagram 7164 -323.
- REASON: To provide a satisfactory access to the site and to protect the pedestrian priority on the footway

Other Representations

11 representations have been received, 6 of which are objections to the development.

The principle reasons for objection are:

- Poor design, unsympathetic to the surroundings
- Overdevelopment
- Building Height
- Insufficient parking
- Loss of trees and greenery
- Poor sustainability
- Loss of light and privacy
- Location of substation

There are a number of natural commitments which refer to:

- Concerns over visibility
- Need for reduced speed limits
- Requirement for a bat survey

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 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

National Planning Policy Framework

Site Location and Description

The site is characterised by two ex-local authority residential properties, Exebank and Danby House, which are two storey properties. The site is to the East of Mudbank Lane, between the Exe Estuary and Halsdon Avenue, a residential area, and the Warren View Sports ground.. The site has a number of mature trees and grassed areas, hardstanding and boundary features.

The site surrounds two properties, Brickfield Cottage and Riverside Cottage, which are two storey residential dwellings in separate ownership.

ANALYSIS

Proposal

The proposal is to demolish the two existing buildings and construct 36 residential units in two lines. It is proposed that there will be 18 'market' units facing Mudbank

Lane, which would be three storey and three or four bedroom units, with 18 'affordable' units, which are two storey and between one and three bedroom units.

Parking will be provided in front of all dwellings, with accesses directly on to the road or a service road.

The open space to the rear of River Court is proposed to be retained and additional planting to replace some of the trees lost in order to construct the properties.

Principle of Development

The site lies within the Built-up Area Boundary (BuAB) of Exmouth. The spatial strategy for the District requires significant housing to take place within these boundaries, with the seven main towns (of which Exmouth is one) forming focal points for development. In addition, Strategy 22 requires moderate new housing development to take place within Exmouth, in addition to the stated allocations.

Strategy 36 of the Local Plan requires the provision of an additional 150 Care/ Extra Care Home Spaces in Exmouth. It is acknowledged that this proposal represents a loss of care, however a care statement was submitted with the application which states that the homes are no longer appropriate for care needs. Exebank was de-registered in 2011, with the introduction of the 'Hospital at Home' service, and Danby House was last occupied in 2007, as it failed to meet essential accommodation criteria. The increased use of small group home accommodation has been introduced since 2007 in order to better serve those in need.

Strategy 34 of the Local Plan requires 25% of housing within Exmouth to be affordable, with a mix of 70% social or affordable rent and 30% intermediate or other affordable housing.

The proposal is therefore policy compliant in terms of the principle of development.

Design and Layout

The dwellings at the front are proposed to be three storey buildings with shallow monopitch roofs, to a total of 8.3 metres in height. They are shown to be constructed of blockwork with white facing render, grey aluminium windows and small amounts of fibre cement boarding. The majority of the units will have an enclosed terrace on the first floor, and a balcony on the second floor (this is omitted on dwellings where there is the potential for overlooking neighbouring properties).

Eight of the dwellings at the rear are two storey, one bedroom dwellings with white rendered facing and monopitch roofs. The remaining dwellings to the rear are two storey with red facing brick and white render, with concrete tiles to pitched roofs.

The houses at the front are designed to take advantage of views over the estuary. It is acknowledged that immediately adjacent to the site the predominant dwelling type is bungalows, however there are some houses with front balconies and large amounts of glazed areas at Kingslake Rise, and Riverside Cottage is a two storey property with a similar overall height to the proposed houses on the front.

The houses proposed to the rear are similar in height to the existing home. The proposed development presents a more attractive frontage onto Halsdon Avenue and overall the scheme reflects the pattern of residential development better than the existing use of the land, which faces away from the road.

Impact on neighbouring amenity

The site lies largely within a residential area and there are a number of properties which face towards or back on to the site. It is considered that there is the potential for impacts particularly on Riverside and Brickfield Cottages, no. 6 Mudbank Lane and properties on River Court. These impacts are described in detail below:

Riverside Cottage and Brick Field Cottage

Riverside Cottage is situated directly on Mudbank Lane and Brick Field Cottage forms the other half of this 'semi', with a large garden to its side. This currently is currently looked over from the existing building. The houses to the side, Plots 12 and 13, do not have any windows which look towards this garden, and are considered to have a sufficient distance and orientation to existing properties so as not to result in overshadowing, or have an overbearing impact. The proposal includes parking for these houses within the site, and proposes to stop up the existing access way which means that vehicular through traffic will not go past these properties. The houses to the rear (Plots 27-30) are also a sufficient distance from any rear windows to prevent any overlooking.

6 Mudbank Lane

This bungalow is situated directly on the Southern boundary of the site, also backing onto the football pitch. There is presently a two storey part of the building close to this boundary, albeit there are trees between the building and the boundary which mitigates any overlooking.

The proposal is to remove these trees and to construct two pairs of semi-detached three storey town houses, set back from the road with parking in front.

The closest of these dwellings, Plot 1, would be some 12.5 metres from the rear of 6 Mudbank Lane. Revised plans have been submitted after discussion with the applicant; these have changed Plot 1 to show high screening to the boundary with 6 Mudbank Lane, and removal of glazed panels so that there is no overlooking from this Plot.

River Court

These are five existing units at River Court are single storey and accessed from a drive which would be shared with the affordable units at the rear. These currently face on to an area of open space, which contain trees which are proposed to be retained. The existing buildings of Danby House contain windows which look over the area to the rear.

Plots 1 and 2 of the proposed scheme will introduce three storey development within 17 metres of the nearest unit. This is close development. However, revised plans

have been submitted which amend the windows on the top floor. This now shows the bedroom window facing the side of Plot 3, rather than overlooking River Court, and a high level obscure glazed window to the en-suite.

It is therefore considered that, in respect of Plots 1 and 2, that the amendments have reduced the impact of the new buildings on the existing single storey buildings to an extent that refusal cannot be warranted.

Trees

The site has a large number of mature trees on site, however it is proposed to remove over half of these due to redevelopment. An arboricultural assessment has been produced which accompanies the application. This categorises the trees and shows the proposed location of replacements.

There are a number of trees surrounding the site which are mainly silver birch trees of low quality; their removal is supported subject to the replacement of similar trees. However a Category A tree is proposed to be removed to the side and the arboricultural officer raises concerns regarding the removal of a prominent tree which is proposed for removal.

There is also concern regarding the maintenance of the replacement trees, and how over time they would come under pressure for removal due to their proximity to houses and parking areas.

This is therefore an issue which has to be addressed prior to any demolition or removal of trees on site.

The applicant has agreed to conditions which provide on-site replacement for the London Plane tree at the front, this would be included as part of a wider revised landscaping scheme.

The prominent trees at the rear of Brickfield Cottage will be retained and the root protection areas protected from the new parking areas by a 'no'dig' construction.

Ecology

The application is accompanied by a Phase 1 Ecological Assessment. The results of the study suggested a low level of bird breeding, and minimal impact on protected species with the exception of bats. As a result of this a bat roost and activity assessment has also been produced. This recorded three species of bat on site, with bat activity dominated by low numbers of Common Pipistrelle bats, which emerged from the western side of Exebank House. It is considered that this roost is transitional.

A licence from Natural England is therefore required and any mitigation required before the bat roost is disturbed. There are strict timings regarding demolition, which cannot take place in the sparrow breeding season and outside of the coldest winter months.

Appropriate Assessment

The site lies in close proximity to the Exe Estuary SPA, which is an important habitat for internationally important numbers of wintering and passage waterfowl; breeding birds and nationally important rare plants and invertebrates.

The site is also within 10 km of the internationally important East Devon Pebblebed Heaths, which is a designated Special Area of Conservation.

Residential development within proximity of these sites is required to contribute towards mitigation to reduce the impact of increased residents within the area. At East Devon the appropriate solution is for developers to pay for mitigation through the Community Infrastructure Levy (CIL); a proportion of which will be given to identified projects.

Highways

The proposal uses the existing roads, Mudbank Lane and Halsdon Avenue. Parking for cars is by way of private driveways, shared driveways and integral garages. The new access drives will be surfaced with concrete block paving and tarmac. Open market dwellings have two external parking space and one integral space within a garage. The affordable units have two parking spaces, except for the one bedroom units which have one space each. The parking spaces are shown to be 5m x 2.5m, and integral garages have internal dimensions of 6m x 3m, and therefore meet adopted standards.

The parking numbers are within the standards set out in Policy TC9 of the Local Plan.

The garages enable spaces for cycles to be stored, and there are bike stores for the dwellings to the rear.

The road adjacent to Brickfield Cottage will not be used as an access, due to poor visibility to the right when exiting.

The Highway Authority raise no objections to the scheme and recommend a condition that the access road is laid out as shown and that the applicant constructs a site compound.

Affordable Housing and Planning Obligations

The proposal is for 18 houses to be affordable, or 50% of the total. The policy position is that within Exmouth, 25% is the requirement. The applicant will therefore enter into a Section 106 agreement to provide 9 units (25%) of affordable housing on site, with the additional 25% being provided with the assistance of grant funding.

The new market housing would also be liable under the Community Infrastructure Levy, to make contributions towards infrastructure including education, off-site Exe Estuary and Pebblebeds Heath mitigation, open space, and strategic transport infrastructure.

Drainage

The site lies within Flood Zone 1 (the zone with least risk of flooding) and currently contains a number of impermeable buildings and surfaces and is served by an unattenuated discharge into the tidal Estuary via a private pipe. The proposed surface water drainage is purely a traditional drainage system with limited

sustainable source control features..The drainage strategy is to reduce the amount of impermeable areas.

The County flood team requested additional information to demonstrate that surface systems have been considered and a maintenance plan is in place.

The applicants have submitted these plans and the flood team are content with this information.

Other matters raised

Housing Density- The site falls within the guidelines on density set within the NPPF. In taking into account whether the site is overdeveloped a number of factors are considered, these include the relationship with other dwellings, the amount of parking and amenity space, and the heights of buildings. These matters have been considered elsewhere in the report.

The Environment Health Officer has requested a Construction Environmental Management Plan (CEMP). However, one has been submitted with the application and it includes sufficient detail in order to satisfy this aspect, subject to a condition.

In relation to the location of the proposed substation, this has been agreed with Western Power and replaces an existing substation within the site. Because access is required to the substation without entering residential properties, there are limited locations to site this substation, and it is considered that its positioning between trees minimises the visual impact to Halsdon Avenue.

It is considered that the application would be Part M compliant.

Conclusion

The application is within the development boundary close to the town centre of Exmouth and complies with policies in the Local Plan which allow for housing, subject to detailed design, layout, landscaping etc. The proposal allows for the delivery of affordable housing and is considered to provide houses of high quality design and adequate space for parking and amenity, it allows for the redevelopment of a site which has been vacant for a number of years, due to changes in arrangements for the provision of care services.

Concerns have been raised in respect of the design of the buildings and their relationships with existing housing, the removal of trees and the lack of sustainable drainage. It is considered that these matters have been overcome by the submission of revisions during the scheme or can be adequately mitigated by way of a planning condition.

RECOMMENDATION

APPROVE subject to the following conditions and a legal agreement to secure affordable housing within the site:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. Prior to the commencement of the construction of the dwellings hereby permitted, details of materials to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
3. The Construction and Environment Management Plan submitted with the application from DCH and dated July 2016 shall be implemented and remain in place throughout the construction process. Any amendments to the CEMP must be agreed with the planning authority prior to any further works taking place.
(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution and to ensure compliance with Local Plan Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).
4. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - 1) A preliminary risk assessment which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors
 - o potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

(Reason: To protect controlled waters and to comply with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

This condition is required prior to commencement of development because of the need to established the likelihood of contamination at an early stage.

5. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

(Reason: To protect controlled waters and to ensure compliance with Policy EN19 (Contaminated Land) of the East Devon Local Plan 2013-2031)

6. The development hereby approved shall be carried out in full accordance with the Extended Phase 1 Ecological Assessment dated July 2015 and the Bat Roost and Activity Assessment dated November 2015, unless otherwise agreed in writing with 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 mitigates its landscape and ecological impact in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031)

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

(Reason - To ensure that the site adequately 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.)

8. The proposed planting scheme is not approved. Additional plans and details shall be submitted which show additional planting of trees and hedges. The plans shall include the replacement of the existing London Plane tree at the front of the site with a comparable specimen. The scheme shall also include details of how the trees will be managed. No development other than demolition shall commence until the new planting and management scheme has been submitted to and approved in writing by the local planning authority.

(Reason - - In the interests of preserving and enhancing the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D3 (Landscape Requirements) of the East Devon Local Plan 2013-2031)

The details are required prior to commencement of development jdue to the importance of ensuring that the trees on site will be adequately replaced and can be successfully integrated into the development.

9. No part of the development (other than demolition and the construction of the access road) 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 10 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) The footway on the public highway frontage required by this permission has been constructed up to base course level

D) 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 Policy TC7 (Adequacy of Road Network and Site Access) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031)

10 The site access shall be constructed, laid out and maintained thereafter in accordance with the attached diagram 7164 -323.

(Reason: To provide a satisfactory access to the site and to protect the pedestrian priority on the footway and in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031)

Plans relating to this application:

	Location Plan	25.08.16
LANDSCAPE & VISUAL APPRAISAL	General Correspondence	19.08.16
ECOLOGICAL ASSESSMENT PHASE 1	Protected Species Report	19.08.16
BAT ROOST ACTIVITY ASSESSMENT	Protected Species Report	19.08.16
7164-300- REV Q	Proposed Site Plan	17.10.16
7164-309 REV C	Proposed Combined Plans	23.08.16
7164-310 REV C	Proposed Combined	23.08.16

	Plans	
7164-311 REV C	Proposed Combined Plans	23.08.16
7164-312 REV C	Proposed Combined Plans	23.08.16
7164-313 REV B	Proposed Combined Plans	23.08.16
7164-314 REV C	Proposed Combined Plans	23.08.16
7164-315 REV B	Proposed Elevation	23.08.16
7164-316 REV E	Proposed Elevation	23.08.16
7164-329	Proposed Combined Plans	17.10.16
7164-330 REV A	Proposed Combined Plans	17.10.16
7164-323	Other Plans	23.08.16
15204-001 REV B	Other Plans	23.08.16
15204-003 REV B	Other Plans	23.08.16
LETTER	General Correspondence	04.10.16
MICRO DRAINAGE	General Correspondence	04.10.16
15204-304 REV A	Other Plans	04.10.16
15204-300 REV C	Other Plans	04.10.16

List of Background Papers

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

Ward Budleigh Salterton

Reference 16/0839/FUL

Applicant Mr Alan Pratt

Location Lily Farm Vineyard Dalditch Lane
Budleigh Salterton EX9 7AH

Proposal Construction of manager's
accommodation and extension



RECOMMENDATION: Refusal



		Committee Date: 1 November 2016
Budleigh Salterton (BUDLEIGH SALTERTON)	16/0839/FUL	Target Date: 23.06.2016
Applicant:	Mr Alan Pratt	
Location:	Lily Farm Vineyard Dalditch Lane	
Proposal:	Construction of manager's accommodation and extension	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

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

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

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

The applicants consider that the business has grown to an extent that a dwelling is now required and that its provision would enable the more efficient operation and expansion of the business. In submitting financial accounts to demonstrate their assertion it is noted that in the last two years a small profit has been made. To accord with policy there needs to be a functional and essential need for the occupiers to be housed on site and for the business to be viable with clear prospects for remaining so.

In assessing this proposal officers are not satisfied that the applicant has satisfactorily demonstrated that there is a functional need for a dwelling on the site. In addition while accounts have been submitted which demonstrate that the a profit can now be generated this is without any evidence that a regular

income forms part of the accounts. The level of profits fall substantially short of the level expected for a single worker and as such it is not considered that the business meets the test for viability.

The proposal is, therefore, unacceptable as it would be tantamount to the creation of a new dwelling in an unsustainable location in the open countryside for which there is no demonstrated functional need and which fails to show an adequate level of profit to allow a realistic income and therefore a viable income.

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

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

CONSULTATIONS

Local Consultations

Parish/Town Council

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

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

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

Budleigh - Cllr A Dent

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

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

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

Budleigh - Cllr T Wright

I have thought long and hard about this application, and have tried to balance the protection of the AONB with the need to encourage a thriving economy. The vineyard is proving to be a successful that has potential to be a significant contributor to the tourism offer of Budleigh and to provide skilled employment. Just over the hill, also in the AONB we have a successful caravan site and have allowed construction of a new building to accommodate staff and other facilities.

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

Budleigh - Cllr S Hall

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

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

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

Technical Consultations

County Highway Authority

Does not wish to comment

Environment Agency

We have no objections in principal to this application.

Reason

This application is in two parts:

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

a) The new dwelling.

The dwelling appears to be located in Flood Zone 1 "Low Probability" of flooding and as such falls within our Flood Risk Standing Advice. We strongly advise that floor

levels be raised at least 600mm above the lower parts of the site to minimise future risks of flooding.

b) The extension to the existing vineyard building.

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

Other Representations

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

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

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

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

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D7 (Agricultural Buildings and Development)

E5 (Small Scale Economic Development in Rural Areas)

EN21 (River and Coastal Flooding)

H4 (Dwellings for Persons Employed in Rural Businesses)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Site Location and Description

The site is a small section of agricultural land, currently used as a small family run vineyard, comprising approximately 1.5 hectares (3.7 acres) which is located approximately 150 metres north-east of the Budleigh Salterton's built-up area boundary. The site is accessed via a field gate onto Dalditch Lane opposite to Badgers Den.

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

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

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

ANALYSIS

Planning History

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

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

Need for the proposed dwelling

The supporting information submitted by the applicant identifies that the site has been used as a small holding by the applicants who first rented the land in 1992 before purchasing it 1996. More recently the site has been used a small family run vineyard with the first vines established in 2005. The applicants state that the business has grown to such a level that they now consider it not possible to operate or further expanded the business without living on the site.

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

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

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

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

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

and additional space to accommodate visitors and for offices for administration purposes of the business.

Since the original committee report was prepared, additional justification and financial information has been submitted. This has attempted to meet the policy requirement to satisfactorily demonstrate the commercial viability of the business, its future prospects of remaining so, as well as the essential need for a new dwelling.

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

Functional Need

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

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

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

Financial assessment

Since the original report was prepared detailed profit and loss accounts have now been submitted for assessment although as these by their nature contain financial information remain confidential. However in assessing these it is noted that they demonstrate that while a loss was made in the first year, the two most recent years demonstrate a modest profit.

As a headline figure this sounds like a success and certainly it is encouraging that the business is stable and has the potential to make a contribution to the local economy. However the accounts do not indicate that any salary or staff costs have been taken out of the business by the owners. The level of profit shown falls far below the expected minimum wage for a single worker in the rural economy. As such it is not considered that the business is therefore viable in the current circumstances as even a modest salary is an expected cost which should be shown within the business accounts. If such a cost was recognised the accounts would demonstrate a significant and ongoing loss.

Impact on the surrounding landscape

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

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

Extension to the existing agricultural building

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

Policy E5 (Small Scale Economic Development in Rural Areas) supports small scale economic development (not including retail use classes/other uses in Classes A1-A4) and expansion of existing business designed to provide jobs for local people

provided, among other things, where they are related in scale and form and in sustainability terms to the village and surrounding areas.

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

The applicants have also requested that a split decision notice be issued. However, applications have to be considered on the basis of the whole submission and it would not be possible to provide a split decision on this type of application where the manager's accommodation is the substantial element of the scheme for which planning permission is sought.

RECOMMENDATION

REFUSE for the following reasons:

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

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

3514.2	Existing Site Plan	11.04.16
3514.3	Proposed Elevation	28.04.16
3514.6	Combined Plans	28.04.16
3514.7	Proposed Site Plan	11.04.16
3514.8	Proposed Elevation	11.04.16
3514.9	Proposed Site Plan	11.04.16
3514.10	Proposed Elevation	11.04.16

List of Background Papers

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

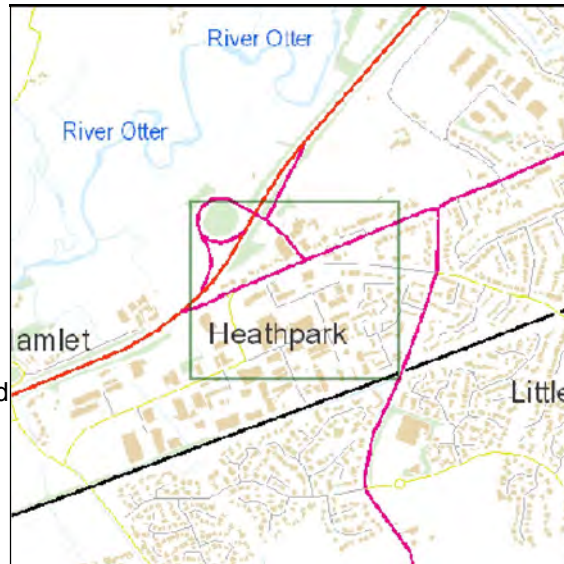
Ward Honiton St Michaels

Reference 16/1292/MFUL

Applicant Mr Stephen Pratten (East Devon District Council)

Location Land Off Gloucester Crescent
Heathpark Industrial Estate Honiton

Proposal Construction of new office block and associated car parking, for new East Devon District Council headquarters



RECOMMENDATION: Approval with conditions



		Committee Date: 01/11/2016
Honiton St Michaels (HONITON)	16/1292/MFUL	Target Date: 07.09.2016
Applicant:	Mr Stephen Pratten (East Devon District Council)	
Location:	Land Off Gloucester Crescent Heathpark Industrial Estate	
Proposal:	Construction of new office block and associated car parking, for new East Devon District Council headquarters	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is referred to Members of the Development Management Committee as the application takes place on land owned by East Devon District Council.

The proposal seeks planning permission for creation of a three storey new office block, within Heathpark Industrial Estate, Honiton, for use by East Devon District Council as their new headquarters.

The proposed offices are acceptable as a matter of principle as the site is on an allocated employment area within the Local Plan which permits B1 use. The proposal would be in a sustainable location in terms of transport linkages and would be centrally placed within the district meaning that there are good transport links for the wider community.

The simple form of the proposed office building would not conflict with the established surrounding character which is largely of functional industrial buildings. It is considered that the design while of reasonable quality and attractiveness is a missed opportunity to establish a truly high quality public building on this site. Design is however highly subjective and public finances limit what can be achieved in this case. Overall the design is considered to be acceptable and the redevelopment of this currently unused vacant site would be a significant planning gain and provide a substantial economic benefit to the town.

A sensitive landscaping plan would help to assimilate the development within this context and the scheme has demonstrated suitable systems for foul and surface water.

Therefore the proposal is recommended for approval, subject to conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council

22.06.2016 - The Town Council unanimously supports this application but requests that consideration be given as to whether the number of car parking spaces is sufficient and whether it would be possible to provide a shuttle bus from Sidmouth. The Town Council would also like to see the full Registry Office service re-opened.

08.09.2016 (Amended Plans) - The Town Council unanimously supports this application.

Honiton St Michaels - Cllr M Allen

09.06.2016 - Fully support this development

26.08.2016 (Amended Plans) - Delighted to see this application coming forward and will scrutinise the details

Honiton St Michael - Cllr P Twiss

10.06.2018 - I have studied the plans at length and am very happy to support approval of the plans for this functional building.

31.08.2016 (Amended Plans) - I am happy to support use of renewable energy infrastructure whenever possible and practical, which is the case with this application, with no obvious, adverse visual impact.

Technical Consultations

County Highway Authority

Observations:

The proposals have been the subject of extensive discussions with the highway authority at the pre-application stage and there are no objections in principle to the proposals from a highway point of view. The content and conclusions of the Transport Assessment (TA) produced in support of the application are broadly agreed and it has been prepared in accordance with the scoping which had been previously accepted.

There are a couple of minor details which the highway authority would require clarification or amendment before the plans are completely acceptable and these are as follows:-

1. The stub of Border Road is publicly maintained highway (shown within the red edging on the application plans), as mentioned in the TA, but it is not clear from the plans that have been provided how the proposals compare directly with what exists on the ground currently. It would be useful if there could be an overlay showing how the proposed access arrangements (along Border Road) relate to the existing publicly maintained highway, particularly with respect to the proposed 'bollards'.

There is also a need for clarification on how these 'bollards' will operate and confirmation that no part of their operating mechanism will be on the publicly maintained highway.

2. As there is no footway or margin on the north side of Gloucester Crescent the staff car park access to the east of the proposed building will need to be provided with appropriate visibility splays, 2.4 m X 33 m in both directions. It would also be beneficial to have some clarification of the method of control at this access too, because it would appear that there are 'bollards' but no indication as to how drivers of vehicles entering the site operate them. If they are smart card operated, there is no indication of a smart card receiver (this also applies to the 'bollards' at the Border Road access too).

3. The highway authority would be prepared to consider, if constructed to a suitable standard, the adoption the shared cycleway / footway from Gloucester Crescent along Border standard, the adoption the shared cycleway / footway from Gloucester Crescent along Border Road to Exeter Road as publicly maintained highway.

The highway authority reserve the right to make further comments upon the receipt of this additional or revised information.

10th October 2016

The CHA has been informed that an amended plan, 15051_L93_01 Revision T8 has been produced which gives greater clarity of the proposed access and parking arrangements proposed. Also the intention to create a connecting footway/cycleway to Exeter Road through the site is shown.

It would appear that the intended use of the telescopic bollards would mean that during "working hours" the bollards would be lowered but at all other times "non-working hours" the bollards would be raised to keep the site secure and to stop unauthorised vehicle parking on site.

With regard to the proposed new footway/cycleway, this would be unaffected by the times of office use and would give suitable access between Exeter Road and Gloucester Crescent at all times. This amenity would need to be adopted by the county highway authority and therefore a suitable agreement (S38/278) will need to be entered into and the CHA would require that this element is suitably street lit.

Historic England

Thank you for your letter of 8 June 2016 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 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.

Highways England

Referring to the notification of a planning application dated 9 June 2016 referenced above, in connection with the A30 and construction of a new office block and associated car parking for new East Devon District Council headquarters on land off Gloucester Crescent, Heathpark Industrial Estate, Honiton, Devon, notice is hereby given that Highways England's formal recommendation is that we:

- a) offer no objection;

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

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

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2015, via transportplanning@dft.gsi.gov.uk.

DCC Flood Risk SuDS Consultation

28.09.2016 - Following my recent correspondence (FRM/900/2016, dated 22nd August 2016), the applicant has submitted additional information in respect of the surface water drainage aspects of the above planning application, for which I am grateful.

The applicant has submitted a "Response to Devon County Council Floods Consultation Reply" (Ref. -, dated 8th September 2016) which provides sufficient justification for the absence of underdrained permeable paving, bioretention features and green roofs from the proposed surface water drainage management plan.

The aforementioned letter also confirms that the proposed off-site discharge point for this proposed development will utilise an existing manhole. However, although the applicant has stated that the existing surface water network is not a Highway asset, they must still formally submit their evidence to demonstrate this, and also confirm its true ownership.

If this receiving system is a culverted ordinary watercourse, it is unlikely that the proposals will require Land Drainage Consent because a connection has already been established, but it is nonetheless important to clarify who has responsibility for this network.

Furthermore, the applicant has confirmed the inspection and maintenance schedule for the proposed surface water drainage management system, which is acceptable. I would be happy to provide a further substantive response when the applicant has formally submitted the additional information requested above to the Planning Case Officer.

13.10.16 - Our objection is withdrawn and we have no in-principle objections to the proposals at this stage.

Observations:

Following my previous correspondence (FRM/981/2016, dated 27th September 2016), the applicant has provided additional information in respect of the surface water drainage aspects of the above planning application, in an e-mail dated 6th October 2016, for which I am grateful.

The applicant has provided evidence which suggests that the proposed discharge point is into a culverted ordinary watercourse which is the riparian responsibility of East Devon District Council, which is acceptable. It is important to note that because the existing surface water drainage management system serving the brownfield site is already connected into this system, the proposed development will provide betterment to the receiving watercourse because the post-development off-site discharge rates will be limited to greenfield performance.

Contaminated Land Officer

I have considered this application for an office building and car park on a site formerly used as a bus garage and repair depot. This land is also known to have been used historically for military uses but we have no evidence that any potentially contaminated land consequences have resulted from this. There will always be potential for near surface contamination where vehicle repair has been carried out and the contaminated land report indicates that some voids within the site have been backfilled with a variety of materials. Any surface or near surface contaminants will be removed during oversite and re-contouring works. I have been in contact with the consultants and requested that they involve the Contaminated Land Officer in discussions regarding an appropriate way to deal with anything encountered. I recommend that the following condition is included in any approval to ensure that the correct procedures are followed in the event of unexpected contamination being encountered:

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

I have considered this application and recommend the following conditions are 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."

I accept the Technical Note submitted by AECOM on Mechanical Ventilation Design which states that dampers and attenuators (Acoustic report Notes 9) are required therefore I recommend that a detailed noise report is submitted and agreed with the local planning authority before any commencement of works. The report must detail:

Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring 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 the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises.

I accept the Technical Note submitted by AECOM lighting scheme and recommend that the scheme for Environment Zone 3 is implemented as detailed in the document.

Environment Agency

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

It is a proposal that falls outside the list of matters for which we are a statutory consultee under the DMPO 2015 and our Development Management Consultation Checklist.

Natural England

Natural England has no comments to make on this application.

South West Water

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

Other Representations

No third party representations received to date.

PLANNING HISTORY

Reference	Description	Decision	Date
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84/P1176	Change of use of part from office to light industrial	Temporary Approval	28/08/1984
85/ P1579	Light Electronics Industry	Approval	08/10/1985
91/P0275	Portable Office Unit	Temporary approval	09/04/1991
94/P0746	Renewal Of Permission For Portable Office Unit	Temporary Approval	13/06/1994
04/P2062	Portable Cabins For Storage And WC Facility	Approved	02/11/2004
07/0803/MFUL	Erection of warehouse/maintenance building	Approved	21/03/2007
12/2322/COU	Temporary use of land for coach parking	Temporary Approval	10/01/2013
14/0875/COU	Temporary use of land for coach parking	Temporary Approval	05/06/2014

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)
 D2 (Landscape Requirements)
 Strategy 23 (Development at Honiton)
 EN14 (Control of Pollution)
 EN9 (Development Affecting a Designated Heritage Asset)
 EN8 (Significance of Heritage Assets and their setting)
 Strategy 6 (Development within Built-up Area Boundaries)
 D3 (Trees and Development Sites)
 Strategy 1 (Spatial Strategy for Development in East Devon)
 Strategy 3 (Sustainable Development)
 Strategy 5 (Environment)
 Strategy 5B (Sustainable Transport)
 Strategy 30 (Inward Investment, Communication Links and Local Benefits)
 Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)
 Strategy 38 (Sustainable Design and Construction)
 Strategy 48 (Local Distinctiveness in the Built Environment)
 EN5 (Wildlife Habitats and Features)
 EN14 (Control of Pollution)

EN16 (Contaminated Land)
EN21 (River and Coastal Flooding)
EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)
EN22 (Surface Run-Off Implications of New Development)
E2 (Employment Generating Development in Built-Up Areas)
Strategy 31 (Future Job and Employment Land Provision)

Government Planning Documents

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

Site Location and Description

The site lies immediately adjacent to the south of Exeter Road approaching Heath Park at the west side of the town but still within the built-up area boundary of Honiton. This site and those to the south and east are included within the employment zone of Heathpark Industrial Estate which consists of both employment and retail units.

The site broadly consists currently of two levels, with the highest section to the south. The former buildings have all been demolished leaving an unkempt and overgrown site. To the west of the application site is the East Devon Business Centre which is also owned by the Council.

Access to the existing site is via a convoluted approach from Exeter Road, via Heathpark Way and Gloucester Road and Gloucester Crescent.

Proposed Development

The proposal seeks planning permission for the creation of a new office block, to serve as the new East Devon District Council headquarters. The proposal involves the creation of up to 135 parking spaces, including bike storage. The main access point would be off Gloucester Crescent with one entrance serving the majority of the parking area with an additional access point serving a smaller parking area. A shared surface is proposed for pedestrian and cyclists, which will allow access from the north west corner of the site.

The proposed office building would comprise of two large blocks, each of three stories in height, connected with a smaller link building. Pitched roofs are proposed on the two larger blocks with solar panels attached to the south elevation.

There is a gentle slope to the land down from south to north and as a result some cut and fill of the site would be required in order to produce a level site. From the immediate proposed ground levels the building would be approximately 11.0 metres to eaves level with a height to the ridgeline of approximately 17.0-17.5 metres (dependant on the slope).

Procedural Matters

The procedures dealing with development undertaken by local authorities are contained within the Town and Country Planning General Regulations 1992. The principle underlying these Regulations is that local authorities must make planning applications in the same way as any other person and must follow the same procedures as would apply to applications by others. Any grant of planning permission by an interested planning authority for development falling within regulation 3 shall enure only for the benefit of the applicant interested planning authority.

Accordingly where the local planning authority determines its own application and where the authority concerned is the developer the permission shall only be for the benefit of the applicant i.e. 'East Devon District Council' in this instance.

ANALYSIS

The main issues concerning this planning application are;

- The principle of the proposed development;
- The design of the office building and the impact on the character and appearance of the area;
- Landscaping;
- The impact on trees;
- Sustainable Construction;
- The impact of the development on highway safety and transport links, including the ability of the existing infrastructure to accommodate the development proposed;
- The impact on the amenity of nearby residents;
- The impact of the proposed foul and surface water;
- The impact on listed buildings; and
- Other matters.

The principle of the proposed development

The proposal seeks planning permission for the creation of a new office block and associated parking within Heathpark Industrial Estate, Honiton. Although the end user of this office block would be East Devon District Council, this does not affect the consideration of the planning issues.

For the avoidance of doubt, the issues surrounding the loss of East Devon District Councils offices from its current site within Sidmouth are not material to this application. The relevant considerations for this planning application relate only to the impact of the proposed office development within Honiton.

Strategy 23 of the East Devon Local Plan states that Honiton will see a moderate scale of development, and help to sustain a vibrant and economically active town, meeting its own needs and those of the wider countryside. It is an aspiration of Honiton to remain compact enough to minimise car travel and not to extend into a ribbon development. In terms of jobs Strategy 23 aims to make provision for additional employment land through a site allocation for B class uses only. Within the

accompanying local plan map of Honiton the application site is within the allocated employment area, which forms part of the Heathpark Industrial Estate. Therefore, as a matter of principle the proposed office use, which would fall within a B class use, would comply with this strategy to focus employment land within suitable and sustainable locations in Honiton.

A thrust of the National Planning Policy Framework (NPPF) is to recognise that town centres are the heart of communities and to promote competitive town centre environments. Paragraph 24 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date local plan. However, in this instance the office use is not specifically a town centre use being a B1 use that would be an acceptable use within the boundaries of the established industrial estate. Furthermore, the local plan adopted in January 2016 in light of the NPPF, is considered up to date and specifically establishes a spatial vision for Honiton. Accordingly, with this up to date plan in place and the use proposed, there is not the requirement for a sequential test to be applied in this instance.

The design of the office buildings and the impact on the character and appearance of the area

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Policy D1 of the adopted East Devon Local Plan requires development to respect key characteristics and the special quality of the area, ensure that the scale, massing, density, fenestrations and materials of buildings relate well to their context and ensure that development does not adversely affect the urban form, in terms of significant street patterns, groups of buildings and open spaces. General planning standards should be applied sensitively in the interests of harmonising the new development with its neighbours in the surrounding area and to protect the setting of this part of Honiton.

The design of the office building broadly consists of two main blocks with pitched roofs. This overall massing is broken up by a linking flat roofed element featuring glazing which would contain the main Council chamber and reception area. As the purpose of the building is to serve as the new EDDC headquarters the building should be reflective of its status, whilst accepting the need to use public money efficiently.

Whilst it is claimed that a contemporary modern approach is taken, as evidenced most prominently within the linking structure, the two main blocks either side with pitched roofs cannot be appropriately described as such. The traditional roof form in particular detracts from what could have been a bold contemporary design. However, it is noted that the adjacent industrial buildings are largely industrial steel sheds and generally form has followed function in this locality. Consequently the simple and functional form of the proposed office building would not conflict with this established surrounding character, notwithstanding the missed opportunity to

establish a truly high quality public building. The NPPF is clear that it is not for the planning system to impose architectural styles and tastes and so while officers would have liked to have seen a braver and more contemporary design and the creation of a landmark public building the proposal is reasonably attractive and appropriate for its location. The existing site is also under utilised and a highly unattractive feature of the business park. Bringing the site back into use and the erection of a modern building of significantly higher quality than many of those found elsewhere on the business park are considered to be significant benefits arising from the proposal.

Landscaping

The proposal is accompanied by a landscaping scheme which goes into some detail regarding the planting offered. There has been ongoing dialog between the applicant and the Council's Landscape Architect during the consideration of this planning application in order to ensure that an appropriate landscape scheme was submitted.

During the consideration of the planning application a 'hardworks' layout plan has been submitted as well as site levels illustrating what works are required. This plan illustrates that there would be a shared cycleway/footpath surface with boundary treatment consisting of a mixture of brick faced retaining wall and chain link fence. This hard surface treatment would be mixed with a soft landscaping scheme which, for the most part, has been agreed with the Councils Landscape Architect. Some larger tree species are required along the southern perimeter in order to provide better screening of the smaller car parking area. This can be secured via condition.

The landscaping details submitted would be a significant enhancement of the current site and would make a positive contribution to the street scene and also aid integration of the development within its surroundings and setting. As such the proposal is considered to comply with Policies D1 and D2 of the adopted local plan.

Impact on trees

There are notable trees along the northern boundary of the site (trees T19 to T23) and all of these are worthy of retention given their contribution to the street scene on one of the main arterial routes through the town. An arboricultural survey report has been submitted which illustrates the constraints that these trees present. The report surveys the existing situation and as part of its recommendations suggest that a Tree Protection Plan and Arboricultural Method Statement will be required, and these can be conditioned. Whilst trees around the site perimeter are not protected they would offer screening of the proposed development and aid its assimilation into the landscape from immediate view points. Therefore it is necessary for the retention of these trees to be incorporated as part of the scheme.

Sustainable construction

In terms of the sustainable construction of the building, the literature submitted with the planning application does not make explicit what standard the construction would be built towards. The NPPF expects Local Planning Authorities when setting any local requirement for a building's sustainability to do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally prescribed

standards. Local requirements should form part of a Local Plan following engagement with appropriate partners, and will need to be based on robust and credible evidence and pay careful attention to viability. If considering policies on local requirements for the sustainability of other buildings, Local Planning Authorities will wish to consider if there are nationally prescribed standards and the impact on viability of development. Strategy 38 of the local plan states that encouragement is given for proposals for new development involving sustainable design and construction methods. Until the adoption of nationally prescribed standards, 1,000 m² of commercial floor space should be assessed using the BREEAM standard of at least 'very good'. Therefore this issue, in the absence of any evidence that this BREEAM standard would be fulfilled, weighs against the scheme within the planning balance. However, without nationally prescribed standards in place to date for development other than for housing development, the weight of this conflict with Strategy 38 is limited.

The impact of the development on highway safety and transport links; including the ability of the existing infrastructure to accommodate the development proposed.

The NPPF seeks to promote sustainable transport. The NPPF explains that the smarter use of technologies can reduce the need to travel and that people should be given a real choice about how they travel. Additionally, encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. The NPPF further states that development should only be refused where the residual cumulative impact of the development is severe, and therefore this is a relatively high threshold.

The issue of whether there is sufficient parking within the site to accommodate staff is a primary concern of the Town Council. The 135 parking spaces are proposed within the site, including 7 disabled spaces and accommodation for motorcycles and pedal bikes. The Local Plan through Policy TC9 seeks to accommodate car parking provision commensurate with the type, size and location of development occurring. However, it does not explicitly state what parking provision should be provided for B1 uses. This issue also concerns Policy TC2 of the Local Plan which states that where proposals are likely to attract large numbers of visitors they must be accessible by public transport available to all sectors of the community. Accordingly, whether the amount of parking provided is acceptable will depend on the distance to the town centre and the accessibility of wider public transport links.

Paragraph 32 of the NPPF sets out that all developments that generate significant amounts of transport movement should be supported by a Transport Statement or Transport Assessment. A Framework Travel Plan and Transport Assessment has been submitted with the planning application. The documents submitted state that the office accommodation proposed would serve around 400 council staff working on a flexible rotation and therefore it is assumed that a 70% occupancy rate, which equates to approximately 220 staff at any one time. However, the working practices

of the end users; be they flexible working hours or working from home practices, are given very limited weight.

In terms of accessibility the Chartered Institution of Highways and Transportation (CIHT) 'Guidelines for Providing for Journeys on Foot' states that 2km is the preferred maximum distances that people will walk for commuting purposes. However, a simple maximum distance does not infer how easy a route maybe to traverse. That said the surrounding pedestrian network benefits from pavements and footpaths, is well lit, and is relatively flat in the main. The pedestrian access along Exeter Road is well provided for with Beggars Lane also able to accommodate pedestrians. Further, there are other transport links, including bus and rail, within 2km of the site, as well as many residences. In terms of cycling the majority of the surrounding highway network is usable with a dedicated shared footway/cycleway on the southern side of Gloucester Crescent which extends from the pedestrian route off Heathpark Road to the junction of Gloucester Crescent/Devonshire Road.

There are no objections in principle to the proposals from the Highway Authority who agree with the conclusions of the Transport Assessment (TA) produced in support of the application. The Transport Assessment identifies 10 bus services on Heathpark Industrial Estate and Beggars Lane (most at the frequency of one an hour). There are five bus stops within 400 metres of the site providing links to Axminster, Ottery St Mary, Sidmouth and Exeter. Therefore, it is considered that the proposal would benefit from suitable wider transport links.

In terms of rail travel Honiton Train Station is around 2km to the east of the site and benefits from an hourly service of the Exeter to Waterloo service. Overall the pedestrian, cycle and bus services are adequate to serve the proposed office use, however distance to the train station is on the boundaries of what could reasonably be expected for pedestrians and it is disappointing that the travel action plan does not suggest providing additional bus services to improve this link. However, taking all of the above into account the proposed office would be situated within reasonable distance to services/facilities so that the building is positioned in a location accessible to employees and the community.

The Highway Authority has not raised any concern over the proposed access points within regard to highway safety. The proposal would incorporate telescopic bollards that would only be placed in an up position outside of office hours to control parking access, as these are all positioned off the adopted highway these would not harm highway safety.

One of the main highway impacts would be on the A30 Honiton to Exeter road, as this link to the main regional centre would be one of the main travel routes for employees. Highway England has been consulted on the proposal and do not raise any objection, the recent works to the 'Turks Head Junction' through provision of a roundabout has improved access into and out of Honiton from the A30.

The impact on the amenity of nearby residents

The distance to the nearby neighbouring properties is noted with the closest residential properties situated on the opposite side of Exeter Road and situated to

the east, along Beggars Lane. Given the distance to these properties (in excess of 50 metres at the closest point) and the fact that there are other features such as the road and other employment buildings in close proximity, the proposal would not result in significant harm to the amenities of occupiers of these properties. Therefore the proposal complies with Policy D1 in this regard.

The impact of the proposed foul and surface water

With regard to foul water treatment this would link to an outlet from an existing manhole on the site of the Councils Business Centre to the immediate west of the application site. South West Water has no objection to the proposal. There is no evidence to suggest that the existing system is at or near capacity such that the creation of the new office would create an issue.

With regard to surface water treatment an underground attenuation tank is proposed which then flows towards a discharge point to the north of the site. However, such underground tanks are not truly sustainable as they do not provide the required water quality, public amenity and biodiversity benefits which underpin the principles of sustainable drainage systems or SuDs. In response to the issues raised by the Devon County Council SuDs team the applicant has submitted information to demonstrate that infiltration rates within the site are not viable, that above ground solutions (such as swales) are not viable due to the reduction in parking spaces and that sufficient justification for the absence of underdrained permeable paving, bio-retention features and green roofs has been submitted. The applicant has confirmed that this watercourse falls under the ownership of East Devon District Council.

Taking the above into account the proposal is considered to accord with Policies EN19 and EN22 of the adopted local plan.

The impact on listed buildings

The legislation requires that special attention is paid to the desirability of preserving listed buildings and their setting. In this instance there are grade II listed buildings to the east of the application site, known as St Margaret's and the Chapel. The Conservation Officer has been consulted on the proposal and confirms that any impact would be minimal and so the proposal would not lead to any further harm of these heritage assets, which are already enveloped within existing commercial development.

Other matters

Ecology – An ecological appraisal of the site has been conducted with several surveys conducted. As a result of this appraisal the site is assumed, due to habitat features and records, to contain a bat roost and flight lines; and the presence of slow worms was also recorded. Both of these species are protected and so it is necessary to mitigate the potential impact on these species in accordance with Policy EN5 and the NPPF which aim to enhance biodiversity. As such the appraisal makes recommendations to incorporate bat roosting units/tubes and to install habitat piles. These recommendations can be enforced via conditions, however as the submitted plans for the site do not appear to illustrate the location of the habitat piles a

condition should also seek the submission of plans clarifying their exact location; there is considered to be sufficient space within the site to accommodate this feature.

Land Contamination – The applicant has carried out a geo-environmental interpretative report of ground conditions during which samples of soils were recovered for laboratory analysis. Positive identification of asbestos fibres was made within the ground, although levels indicated a very low risk. As a precautionary measure a suitable cover system is recommended to act as a barrier to prevent the potential uncontrolled disturbance and potential release of fibres post construction. Chemical tests on ground water identified elevated levels of metals and polycyclic Aromatic Hydrocarbons (PAHs). The site has been characterised as CS1 in accordance with BS8485:2015 with a very low hazard potential of ground gases and no gas protected measures are required. The Councils Contaminated Land Officer has assessed the proposal and is content with the proposal, but wish to impose a condition so that in the event of contaminated land, being found that activities in the area are temporarily suspended and that suitable methods and procedure are put in place.

Environmental Health – The Environmental Health Officer has no objections to the proposal but suggests that a Construction and Environmental Management Plan (CEMP) be required by condition to ensure that the construction phase of the development does not harm the amenity of surrounding occupiers and also a condition to ensure noise levels from any plant and machinery are acceptable.

Planning Balance

Paragraph 7 of the framework outlines that there are three dimensions to sustainable development: economic, social and environmental. Paragraph 8 explains that these dimensions should be undertaken together in order to achieve sustainable development.

Economic

The proposed office use is compatible with the identified strategy for Honiton within the recently adopted East Devon Local Plan. By virtue of the lands allocation for an employment use this identifies that this is the right place and the right type of land to support economic growth within the district. The employment allocation, as part of the spatial vision of Honiton, forms part of the overarching coordination of development in line with the other dimensions of sustainable development.

Social

By providing potential employment opportunities and the subsequent likely expenditure within Honiton this in turn would aid support for a strong, vibrant, healthy community.

Environmental

The information submitted has demonstrated that the ecological potential of the site would not be harmed as a result of the development. Furthermore, that the development can be accommodated within the site without harm to potential land contaminates within the site and demonstrated a capability to deal with foul and surface water. Bringing into use this redundant parcel of land would enhance the built environment through a suitable design, with opportunities to enhance the landscaping within this locality.

For the reasons outlined within this report the development would bring appropriate economic growth in a sustained and coordinated manner. As such the proposal would meet all three dimensions and thus constitute sustainable development.

Conclusions

The proposal would result in the appropriate employment use of the existing Brownfield land, within the designated employment area of Honiton. The design is compatible with the surrounding area and the development would result in the considerable visual improvement of the existing site. The location is suitably close to a range of services and facilities, with adequate transport links to the rest of the district. Therefore the proposal is considered to comply with the development plan with no material considerations indicating otherwise.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development shall take place, including site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) loading and unloading of plant and materials;
 - ii) storage of plant and materials used in constructing the development;
 - iii) construction and delivery times;
 - iv) the erection and maintenance of any security fencing;
 - v) means to prevent mud being deposited on the highway
 - vi) measures to control the emission of dust and dirt during construction; and,
 - vii) a scheme for recycling/disposing of waste resulting from site clearance and construction works.

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 construction phase of the development does not result in harm to amenity of employees and occupiers of adjacent properties, in accordance with policy EN14 (Control of Pollution) of the adopted East Devon Local Plan, and the National Planning Policy Framework).

4. 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 land contamination issues are satisfactorily dealt with, in accordance with policy EN16 (Contaminated Land) of the East Devon Local Plan, and the National Planning Policy Framework).
5. Prior to their installation samples of the external materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason - In order to ensure that the development maintain the character and appearance of the area, in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan and the National Planning Policy Framework).
6. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details. The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS. The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition. (Reason - To ensure the well being of retained trees in the interest of the amenity of the locality and to provide suitable screening of the development, in accordance with Policies D1 (Design and Local Distinctiveness), D2 (Landscaping Requirements) and D3

(Trees and Development Sites) of the East Devon Local Plan, and the National Planning Policy Framework).

7. Notwithstanding the details shown on the submitted detail planting plan, drawing number 60445019-EDDC-LA-002 Rev B, a further detail planting plan shall be submitted prior to the implementation of the development hereby approved for larger plant species to be planted along the southern boundary along Gloucester Crescent. The development shall be carried out in accordance with the agreed details. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development whichever is the sooner, or in accordance with a programme to be agreed in writing with the Local Planning Authority. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. (Reason - To ensure that the development is assimilated within the surrounds and to mitigate the visual impact of the development, in accordance with policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the adopted East Devon Local Plan and the National Planning Policy Framework).
8. The development hereby approved shall be carried out in accordance with the Ecological Appraisal conducted by Devon Wildlife Consultants and dated October 2015.
(Reason: to ensure that no protected species are harmed during site preparation, in accordance with Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan and the National Planning Policy Framework).
9. Notwithstanding the requirements of condition 8, prior to the commencement of the development hereby approved details plan to illustrate the position of the habitat piles for any invertebrates, amphibians, reptiles and small mammals shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with such agreed details.
(Reason – To ensure that there is no loss or damage to the conservation value of the site. The additional details requested are required prior to commencement to ensure that no protected species are harmed during site preparation, in accordance with policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan and the National Planning Policy Framework).
10. Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring 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 the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises. (Reason – To ensure that the development does not have a detrimental impact on the amenity of the occupiers of the adjacent properties, in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the adopted East Devon Local Plan and the National Planning Policy Framework).

11. Prior to the building being brought into first use the surface water drainage scheme identified on drawing number 604450-ACM-00-00-DR-C-0500 T2 received on 22.07.2016 shall be implemented in full and be capable of dealing with all surface water emanating from the site and thereafter retained and maintained for such purposes.
(Reason: To ensure that all surface water emanating from the site is dealt with in an appropriate manner in accordance with Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan.
12. Prior to the building being brought into first use the foul water drainage scheme identified on drawing number 60445019-ACM-00-00-DR-C-0501 T2 received on 13.09.2016 shall be implemented in full and be capable of dealing with all foul water emanating from the site and thereafter retained and maintained for such purposes.
(Reason: To ensure that all foul water emanating from the site is dealt with in an appropriate manner in accordance with Policy EN19 (Adequacy of Foul Sewers and Adequacy of Sewerage Treatment Systems) of the East Devon Local Plan.
13. The site access shall be constructed, laid out prior to first use of the building and maintained thereafter in accordance with the attached diagram 15051_L93-01 Revision T8.
(Reason: To provide a satisfactory access to the site and to protect the pedestrian priority on the footway in accordance with Policies TC7 (Adequacy of Road Network and Site Access) and TC4 (Footpaths, Bridleways and Cycleways) of the East Devon Local Plan).
14. The existing accesses shall be effectively and permanently closed in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the new access is capable of use.
(Reason: To prevent the use of a substandard access and to minimise the number of accesses on to the public highway in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan).
15. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, unloading area, visibility splays, turning areas, 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 Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.

NOTE FOR APPLICANT

Informative:

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

With regards to conditions 7 it is recommended that the following species are included; *Alnus cordata*, *Carpinus betulus* 'Frans Fontaine' and *Sorbus aucuparia* 'Sheerwater Seedling'.

Plans relating to this application:

15051 L92_01 T1 : HARDWORKS	Additional Information	16.08.16
15051 L92_02 : HARDWORKS 2	Additional Information	16.08.16
15051 L_93_01 T8 : HARDWORKS	Additional Information	07.10.16
15051 L97_01 : BIN+CYCLE STORE	Additional Information	16.08.16
02-02 P5 : 2ND FLOOR/ROOF	Amended Plans	26.08.16
04.01 T4 (1 OF 2) : ELEVATIONS	Amended Plans	26.08.16
APLS-0146-001 : SHEET 1 OF 3	Survey Drawing	03.06.16
APLS-0146-002 : SHEET 2 OF 3	Survey Drawing	03.06.16
APLS-0146-003 : SHEET 3 OF 3	Survey Drawing	03.06.16
APLS-0146-004 :	Survey Drawing	03.06.16

TOPOGRAPHIC

60775019-EED- LA-002B	Landscaping	20.09.16
60445019 - LHC - 04.02	Proposed Elevation	01.06.16
LHC L 01 05 P1	Location Plan	03.06.16
02.01 P5: GROUND/1ST FLOOR	Proposed Floor Plans	03.06.16
LHC 00 XX DR A 03.03	Sections	01.06.16
LHC 00 XX DR A 03.06	Sections	01.06.16
15051 L0104 P2	Block Plan	07.06.16
LHC L0310 P1 : SITE SECTIONS	Sections	03.06.16
60445019ACM- 00-GF-DR-M- 1001	Other Plans	01.06.16
60445019-ACM- 00-03-DR-M- 1031	Other Plans	01.06.16
60445019-ACM- 00-01-DR-M- 1011	Other Plans	01.06.16
60445019-ACM- 00-02-DR-M- 1021	Other Plans	01.06.16
60445019-ACM- 00-XX-DR-E- 9001	Other Plans	01.06.16
60445019-ACM- 00-00-DR-C-0501 -T2	Foul Water Layout	13.09.16

604450-ACM-00 Surface Water layout 22.07.16
-00-DR-C-0500
T2

60445019-ACM- Visibility Splay 07.10.16
00-00-DR-C-
0105-T1

List of Background Papers

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

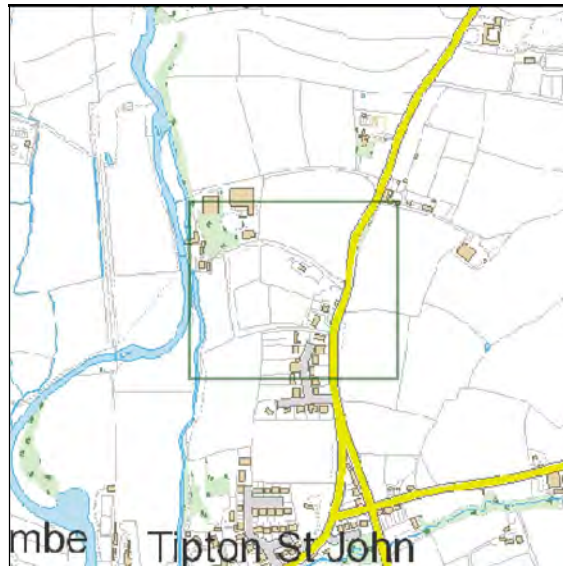
Ward Ottery St Mary Rural

Reference 16/1377/FUL

Applicant Sandgate Developments Ltd

Location Stonehill Quarry Lancercombe Sidmouth

Proposal Change of use for the siting of 6no. glamping accommodation pods, a reception pod and picnic shelter including associated works and uses.



RECOMMENDATION: Refusal



		Committee Date: 01.11.2016
Ottery St Mary Rural (OTTERY ST MARY)	16/1377/FUL	Target Date: 22.08.2016
Applicant:	Sandgate Developments Ltd	
Location:	Stonehill Quarry Lancercombe	
Proposal:	Change of use for the siting of 6no. glamping accommodation pods, a reception pod and picnic shelter including associated works and uses.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before members as the recommendation of planning officers differs to that of the Ward Member. Any support for the proposal would also be a departure from the Adopted Local Plan.

The application site has an extensive planning history relating to its previous commercial, industrial, mineral extraction and landfill uses. More recently permission was granted under permission 10/1261/FUL for the construction of 11 industrial workshops, together with a new yard area, parking space, turning provision and associated site drainage on land adjacent to the application site.

The site is located in open countryside beyond any built-up area boundaries defined by the Adopted Local Plan. It is surrounded by agricultural fields although a short distance to the east is a collection of buildings serving a feed mill and a removal/storage company and Tipton Mill. The nearest settlement is Tipton St John which is located approximately 600 metres to the south of the site.

While the site is in relatively close proximity to the village in terms of distance there are no footpaths or cycle ways that link the application site to the village.

While there is claimed support by the applicant from Policy E19 (Holiday Accommodation Parks) and Policy E5 (Small Scale Economic Development in Rural Areas) these require the sites to be amongst other things well related to existing villages to ensure that they have good access to the necessary range of shops and services and to ensure an appropriate landscape impact.

In this instance the site is considered to be divorced from the settlement of

Tipton St John and would not be able to provide satisfactory pedestrian or cycle access to the village. In particular and as there is no access down onto the riverside footpath from the site, the only available route would require use of the Ottery St Mary to Sidmouth road which in this location does not provide a safe or convenient route for cyclists or pedestrians. The proposal would, therefore, give rise to the need for additional travel by private motor vehicles due to the lack of suitable access to alternative sustainable means of transport.

The proposal is also considered unacceptable as it would extend into an area of open countryside which is primarily rural in its nature resulting in visual intrusion that would harm the landscape character of the surrounding area. The proposal would, therefore, fail to conserve and enhance the landscape character of the area, and would undermine landscape quality.

While the potential economic and social benefits of the proposal are noted they are considered insufficient to outweigh the harm to the landscape and override the concerns regarding the scheme's impact on sustainability.

CONSULTATIONS

Local Consultations

Ottery St Mary Rural - Cllr P Carter

In the event of you not being able to give the same weight as planning already given on site and not being able to support the economic benefits with Tourism with a well proportioned proposed siting of 6 clamping pods, I would like this application to go before DMC for consideration.

In the view of trying to support this type of tourism and with current and very resent applications it is unfortunate if we cannot see this application as a positive one.

Parish/Town Council

TOWN COUNCIL COMMENTS: The Town Council Supports this application providing the following restrictions are included:

- o The EDDC's current restrictions on long term holiday lets are a condition
- o The EDDC's current policy on noise are a condition
- o The EDDC have in place an appropriate inspection regime to ensure the applicants adhere to these conditions

Technical Consultations

County Highway Authority

The site is accessed off a C Classified County Route which is restricted to 60 MPH. The number of personal injury collisions which have been reported to the police in this area is three slight between 01/01/2010 and 31/12/2015 although none of these accidents are related to the access to Stone Hill Quarry.

The Access Statement with this application supplied by Mr M Bellamy of Bellamy Transport Consultancy is a robust Statement and the estimated trips figure taken from TRICS database which is nationally accepted database. The number of trips this development could generate will not be a severe affect on the Highway. The access and junction visibility is acceptable for this use and the parking and turning geometry proposed on site is also adequate for the proposed needs. Therefore the County Highway Authority would have no objections to the proposal

EDDC Trees

I have no objections to this application

Contaminated Land Officer

I have considered the application for removable structures on this former quarry site. Although the site has a known former commercial use I do not anticipate any contaminated land concerns in view of the type of development proposed which will involve minimal intrusion and ground works. If however contaminated material is encountered the applicant is advised to contact the Contaminated Land Officer within the Environmental Health team for advice.

Other Representations

5 letters of representation have been received raising the following concerns:

- The impact on the character of the area and landscape
- The impact of noise and disturbance
- The impact on the amenity of neighbouring residents
- The safety of the adjacent road network for pedestrians and cyclists
- Lack of public transport options
- The history of the site as a former quarry
- The proposal's impact on wildlife and light pollution
- The impact on the peace and quiet of the area
- The potential impacts of further expansion of the site

A letter of support was received from Cllr J Brown (Honiton St. Michaels) raising the following comments:

I support this application as it further enhances and regenerates what was a former quarry, and with the planned correct screening and landscaping to the boundaries will further enhance the site.

As Councillor for Tourism for East Devon I support SME's, the rural economy and tourism and this scheme will bring much needed additional economic benefits to the area.

PLANNING HISTORY

The application site has an extensive planning history relating to its previous commercial, industrial, mineral extraction and landfill uses. More recently permission was granted under permission 10/1261/FUL for the construction of 11 industrial

workshops, together with new yard area, parking space, turning provision and associated site drainage on land adjacent to the application site.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN16 (Contaminated Land)

E5 (Small Scale Economic Development in Rural Areas)

E19 (Holiday Accommodation Parks)

TC2 (Accessibility of New Development)

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 in open countryside beyond any built-up area boundaries defined by the Adopted Local Plan. It is surrounded by agricultural fields although a short distance to the east is a collection of buildings serving a feed mill and a removal/storage company and Tipton Mill. The nearest settlement is Tipton St John which is located approximately 600 metres to the south of the site. A residential cul-de-sac, Otter Close is also located approximately 150 to the south-east of the site although neither can be accessed directly from the site.

The site is accessed along a private gravel track which joins the main road running between Bowd and Ottery St. Mary approximately 200 metres east of the site. While the site is in relatively close proximity to the village in terms of distance there are no footpaths or cycle ways that link the application site to the village.

Principle of development and policy

The site has had various previous uses including industry and manufacturing, minerals extraction and more recently has been used for waste disposal by means of landfill. The National Planning Policy Framework (NPPF) excludes from its definition of 'previously development land' land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made. In this instance the site has been subject to a restoration scheme, which has included extensive landscaping, in accordance with the requirements of the County Waste Authority.

The application site is located in an area of open countryside beyond any of the Built-up Area Boundaries identified under the Adopted Local Plan. It is noted Tipton St John had a Built-up Area Boundary under the previous Local Plan, however, it was among a number of settlements which have had their built-up area boundaries removed as they were considered, during the Local Plan examination process, to be unsustainable locations for new development.

The site would, therefore be classified as agricultural/greenfield land in the countryside where Strategy 7 (Development in the Countryside) highlights that development should only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits the development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

In terms of relevant policy found elsewhere in the Plan, Policy E19 requires new holiday accommodation proposals to be located within, or in close proximity, to an existing settlement and not to have an adverse impact on the character or setting of the settlement or the amenities of adjoining residents. The policy's requirement in this regard is two-fold to ensure proposed holiday accommodation sites are located in sustainable locations as well as not having an adverse impact on the character or setting of the settlement or the amenities of its residents.

Policy E5 (Small Scale Economic Development in Rural Areas) of the Adopted Local Plan permits small scale economic development designed to provide jobs for local people on a greenfield site whether they are well related in scale and form and in sustainability terms to the village and surrounding areas.

Further, Strategy 5B (Sustainable Transport) of the Adopted Local Plan states that development proposals should contribute to the objectives of promoting and securing sustainable modes of travel and transport. It goes on to add that development will need to encourage and allow for efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra low emission vehicles, car sharing and public transport.

The identified issues will therefore be discussed in more detail.

Location and Access

In terms of accessibility it is important to note at the outset that the County Highway Authority has raised no objections to the proposal on transport grounds. However, the CHA has for sometime now not provided advice on the sustainability of schemes as this is a matter for the Local Planning Authority to consider.

The Access Statement submitted in support of the application contends that "The local public rights of way network provides an opportunity for occupants of the proposed glamping site to walk to Tipton St John...". However, there are no public rights of way which directly connect the application site to the public footpaths in the surrounding area. While the Access Statement identifies there is a public footpath which runs east to west from Sidmouth Road down to Tipton Mill there is no public right of way from the application site to the public footpath. In addition Tipton Mill

which provides intervening land between the site and the footpath along the Oter valley is privately-owned land preventing direct access.

To access Tipton St John and its services via the public footpath network future occupants of the proposed glamping units would therefore have to walk from the site east along the private lane towards Sidmouth Road, then walk north along Sidmouth Road, for approximately 200 metres, until the junction where the footpath can be accessed. While this route would provide access to Tipton St John the overall route length would be approximately 1500 metres, of which 200 metres would require walking along Sidmouth Road where this is no footpath and limited verges to provide safe refuge for pedestrians. The only other way to access the village would be to walk approximately 500 metres along Sidmouth Road to the south which represents an unsatisfactory and unsafe pedestrian route with steeply sloping banks and limited refuge for pedestrians. Further, given the countryside location of the application site the routes to Tipton St John are not lit and, therefore, could only be used safely during daylight hours.

The Access Statement comments that cycling along Sidmouth Road would represent a reasonable and realistic travel option for more experienced cyclists and that the route is regularly used by cyclists for both commuting to work and also on a recreational basis. However, no supporting evidence has been included to support the assertions about the routes suitability or that it is used regular by commuter or recreational cyclists.

Further the Access Statement identifies that Sustran's network is accessible to the south of Tipton St John. While the statement identifies the Route 248 as one of these networks it should be noted that most of the route that will connect Honiton to Sidmouth is still under development. A section has been completed which runs south-east from Tipton St John via Harpford connecting with Sidmouth Road near the Bowd. However, currently there is no established connectivity between Route 248 and Route 2 of the Sustran's National Cycle Network. The reference to the use of Sidmouth Road forming a section of Stage 6 Tour of Britain (and the benefits that can be derived from this in respect of the current application) is considered tenuous given that this is an international cycling race run on closed roads for full time professional cyclists rather than recreational cyclists that would use the route to access the surrounding area should permission be granted

In terms of public transport options the Access Statement identifies the 382 bus service operated by Dartline Coaches which runs a number of services during the week and weekend and the 387 service operated by Hatch Green Coaches. While the 387 service is operated on a Monday and Thursday it should be noted that only the Thursday service operates along Sidmouth Road stopping at Tipton St John (the Monday service only operates between Feniton and Taunton and would not be accessible by future users of the application site). However, both services are accessible from within the village and not within close walking distance of the site.

It is noted the applicant has identified cases where the Local Planning Authority has granted permission for the extension of holiday parks such as at land adjacent to Grindlebrook Farm, Sidmouth Road, Aylesbeare (ref. 16/0798/FUL). While each application is considered on its individual merits it is worth noting the application at

Grindlebrook Farm was for the extension of an existing caravan site where the tourism and economic benefits outweighed the harm arising from the location away from a settlement.

In this instance the proposal is for an entirely new site for tourism that in sustainably terms is not sufficiently close to the settlement to provide satisfactory pedestrian or cycle routes and access to services and public transport available in the village. As such by virtue of the site's location the proposal is likely to create the need for travel by private car due to the lack of suitable access to more sustainable modes of travel. While there would be some economic and tourism benefits from the proposal these will be weighed in the overall assessment but the above is considered to weigh significantly against the proposal.

Scale of development and its landscape impact

The site is located on elevated ground to the east side of the River Otter to the north of Tipton St John. The surrounding area is open countryside and while not a designated landscape it is characterised as lower rolling farmed and settled slopes under the Council's Landscape Character Assessment. The site of the proposed glamping units occupies a prominent position on higher ground where there are expansive views across the Otter Valley. The elevated nature of the site, which lies on top of the ridge and while partially screened by existing vegetation, is also prominent from vantage points from the playing fields and footpaths adjacent to the River Otter to the west of the site. There are also wider landscape views back towards the application site from public vantage points along the road from Tipton St John to the Sewage Works as well as locations within the East Devon Area of Outstanding Natural Beauty to the south-east and south-west of the site.

It is noted that Otter Close which is a cul de sac of housing development is also prominent in the surrounding landscape. This area of housing is of linear form and although set adjacent to Sidmouth Road results in an awkward projection of built form that extends into the countryside and which is read from the land to the west. While the relatively small nature and scale of the proposed scheme along with the sustainable construction credentials of the proposed timber framed pods is acknowledged, it is considered that the proposal would further extend into an area of open countryside which would result in visual intrusion and would harm the landscape character of the surrounding area. In this regard Otter Close should not be regarded as setting any form of precedent for an extension of built form to the north. Further, while there has been substantial planting/landscaping as part of the restoration of the site and partly in advance of the current proposal, it is considered that further conditioning of a landscaping scheme would fail to mitigate the concerns identified without resulting in further uncharacteristic landscape impact. As such this element weighs heavily against the proposal.

Impact on amenity of neighbouring residents

The closest residential properties to the proposed development would be over 100 metres away and it is, therefore, unlikely to have an adverse amenity impact on any residential properties.

Loss of agricultural land

While the application site is classified as grade 3 agricultural land its previous land uses including use as a landfill site which has since been restored means it is unlikely to comprise best and most versatile agricultural land. Therefore, there are no objections to the proposal on the grounds of the loss of agricultural land.

Traffic generation and impact on highway safety

Policies E19 and TC7 (Adequacy of Road Network and Site Access) require that traffic generated by the proposal to be accommodated safely on the local highway network and safe highway access to the site to be achieved.

The Local Highway Authority identifies three accidents in the area between 2010 and 2015 but not related to the access to Stonehill Quarry. The Local Highway Authority raises no objections to the proposal and it considers the Access Statement to be a robust Statement in its calculation of estimated trips using the TRICS database and the number of trips this development could generate would not be a severe affect on the Highway. It also considers the access and junction visibility is acceptable for this use and the parking and turning geometry proposed on site is also adequate for the proposed needs.

Therefore, the proposal in terms of the likely traffic generated by the development would not have a detrimental impact on the safe and satisfactory operation of the highway network.

Conclusion and overall assessment

The proposed change of use to site 6 glamping accommodation pods, a reception pod and picnic shelter including associated works and uses is considered to represent a development that would generate economic benefits to the rural environment. As such this benefit weighs in the applications favour.

However the site is in an unsustainable location in open countryside which is divorced from the settlement of Tipton St John and where there is no satisfactory pedestrian or cycle access to services and public transport available in the village. The proposal would, therefore, give rise to the need for additional travel by private motor vehicles due to the lack of suitable access to alternative sustainable means of transport.

The proposal would also extend into an area of open countryside which is primarily rural in its nature resulting in visual intrusion that would harm the landscape character and appearance of the surrounding area. The proposal would, therefore, fail to conserve and enhance the landscape character and appearance of the area, and would undermine landscape quality.

Overall therefore while the potential economic and social benefits of the proposal are noted they are considered insufficient to outweigh the harm to the landscape and override the concerns regarding the scheme's impact on sustainability.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development by virtue of its location which is divorced from the settlement of Tipton St John without the provision of satisfactory pedestrian or cycle access to the services and public transport available in the village results in the proposal failing to be considered within, or in close proximity, to an existing settlement. As such it represents unsustainable development in the open countryside giving rise to the need for additional travel by private motor vehicles. As such it is not considered that the economic and tourism benefits would be sufficient to outweigh the identified harm and therefore the proposal is considered contrary to Strategies 3 (Sustainable Development), 5B (Sustainable Transport) and 7 (Development in the Countryside), Policies D1 (Design and Local Distinctiveness), E5 (Small Scale Economic Development in Rural Areas) and E19 (Holiday Accommodation Parks) of the Adopted East Devon Local Plan 2013-2031 and policy contained in the National Planning Policy Framework.

2. The proposed development by virtue of its scale and siting would extend into an area of open countryside which is rural in its nature, resulting in visual intrusion that would harm the landscape character and appearance of the surrounding area. The proposal would, therefore, fail to conserve and enhance the landscape character and appearance of the area, and would undermine landscape quality for which there is insufficient economic and social benefits to outweigh the harm. The proposal is therefore considered contrary to Strategies 7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement and AONBs), Policies D1 (Design and Local Distinctiveness), E5 (Small Scale Economic Development in Rural Areas) and E19 (Holiday Accommodation Parks) of the Adopted East Devon Local Plan 2013-2031 and policy contained in the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

A4	Location Plan	27.06.16
TW15/115	Location Plan	27.06.16
TW15/115/2	Proposed Combined Plans	10.06.16

List of Background Papers

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

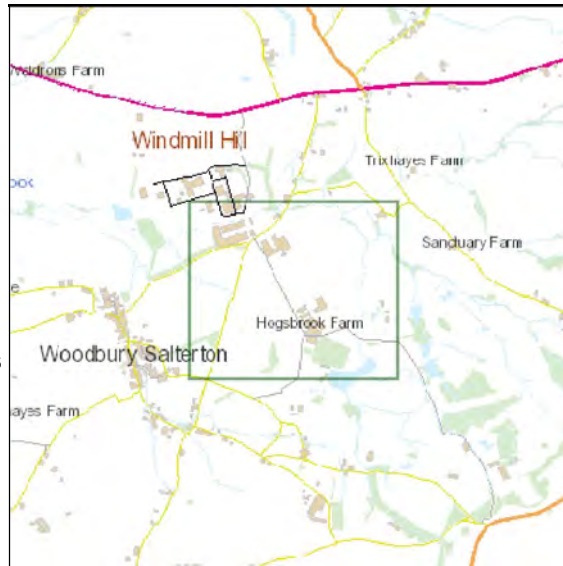
Ward Raleigh

Reference 16/1786/FUL

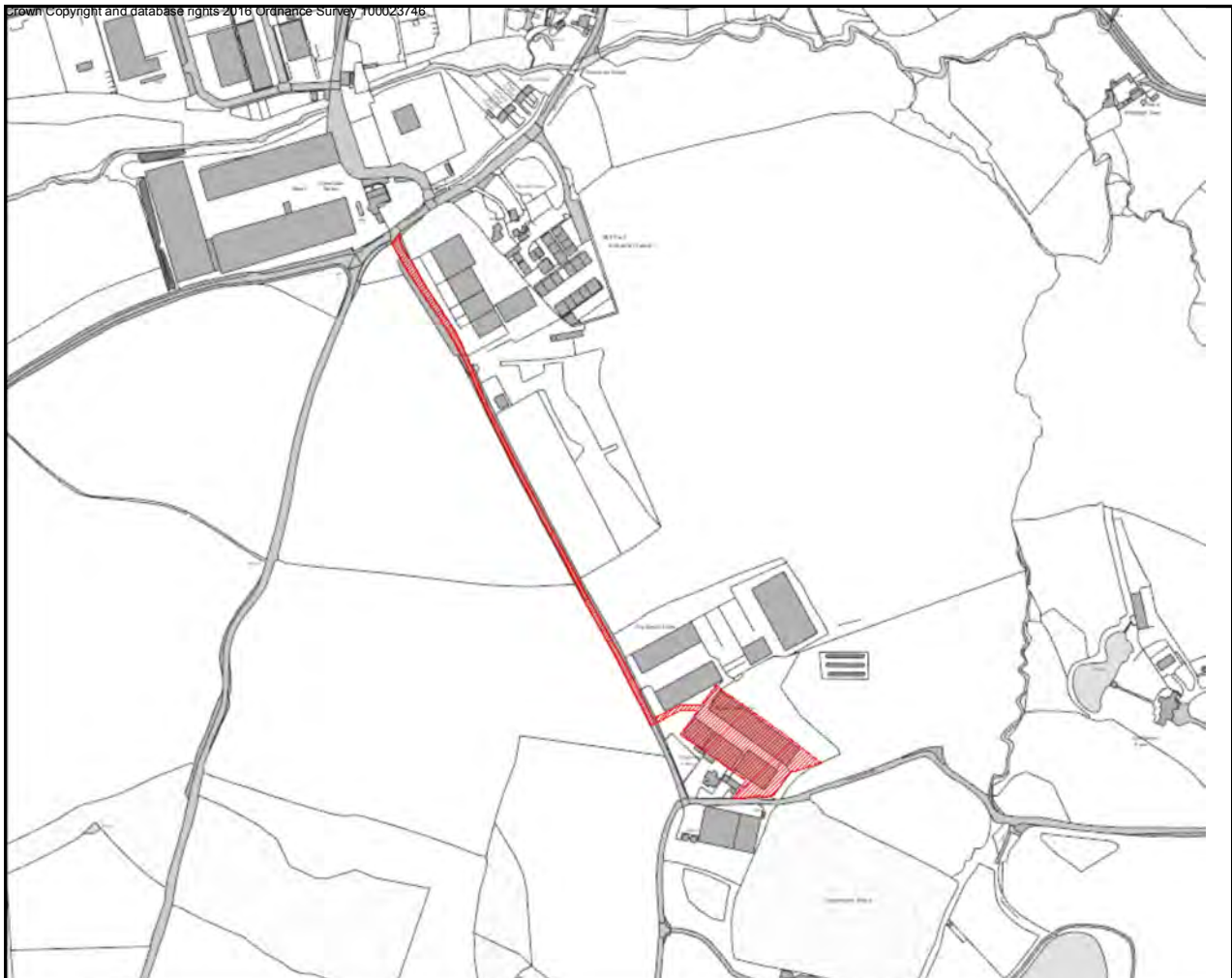
Applicant FWS Carter And Sons

Location 11- 23 Hogsbrook Units Woodbury Salterton Exeter EX5 1PY

Proposal Retention of conversion of buildings to 13 no. industrial units (Use Class B1 (c) light Industrial, B2 General Industry and B8 Storage and Distribution)



RECOMMENDATION: Approval with conditions



		Committee Date: 01.11.2016
Raleigh (WOODBURY)	16/1786/FUL	Target Date: 03.10.2016
Applicant:	FWS Carter And Sons	
Location:	11- 23 Hogsbrook Units Woodbury Salterton	
Proposal:	Retention of conversion of buildings to 13 no. industrial units (Use Class B1 (c) light Industrial, B2 General Industry and B8 Storage and Distribution)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application seeks retrospective planning permission for the conversion of two former agricultural buildings into 13 no industrial units for B1 (Office and Light Industrial, B2 (General Industrial) and B8 (Warehouse & Distribution) uses. The application is being reported to Development Management Committee because the view of the Ward Member differs to officer recommendation.

The application site comprises a number of units located at Hogsbrook Farm. They have the appearance of modern industrial buildings and have already been subdivided into a number of individual units and are occupied small scale local businesses.

Whilst the site is located in open countryside, it is considered that the development complies with Policy E5 (Small Scale Economic Development in Rural Areas) of the Local Plan, the NPPF and NPPG which seeks to support small scale economic development in rural areas where it involves the conversion of existing buildings provided that the development is acceptable in terms of highway safety, residential amenity, wildlife and landscape or historic impacts.

Material to the assessment of this application is a recently allowed appeal for Hogsbrook units 1-5 and 7-9 which are located to the north of this application site. Within this appeal decision, the Inspector considered the industrial uses to represent small scale economic development which complied with the provisions of Policy E5 of the Local Plan. Within this appeal decision the Inspector comments in detail about the location of the site, the accessibility and sustainability of the location, the impacts on the highway network, the residential amenity of existing residents and on the character and appearance of the area.

Whilst each application must be determined on its own merits, having regard for the conclusions of the Inspector for units 1-5 and 7-9, it is considered that a number of direct comparisons can be made with this application. The scale and nature of the individual businesses within units 11-23 is such that the proposal can be considered as being small scale economic development which is providing a number of local jobs for local people thus benefitting the economy of East Devon. Furthermore, owing to the fact that the majority of the units are already occupied, is an indication of the demand for these smaller units which are not provided within Greendale Business Park or Hill Barton Business Park.

In-line with the aforementioned appeal decision, it is considered that this application complies with the provisions of Policy E5 (Small Scale Economic Development in Rural Areas) and D8 (Re-use of Rural Buildings Outside of Settlements) of the Local Plan. The industrial uses are considered to be acceptable in terms of their location, accessibility and sustainability, their impacts on the countryside and the rural character and appearance of the area, the residential amenities of existing properties and highway safety. The application is therefore recommended for approval.

CONSULTATIONS

Local Consultations

Raleigh - Cllr G Jung

I have viewed the documentation supplied by the applicant regarding this Planning Application 16/1786/FUL Units 11-23 Hogsbrook Units EX5 1PY. Retention of conversion of buildings to 13 no. industrial units (Use Class B1 (c) light Industrial Storage, B2 General Industrial and B8) Retrospective.

I note the comments from the Parish Council and the Residents Association together with comments from other residents who all do not support this application.

I list a number of points.

1. This application is contrary to the East Devon Local Plan.
2. This application together with other Industrial Planning Applications at Hogsbrook Farm (6/1258/FUL 16/1257/FUL and 16/0568/FUL) would if approved constitute a substantial industrial complex within the open Countryside annexed next to Greendale Business Park.
3. The eastern unit in this application was built in or around 2004 as an agricultural barn. I note in the documentation that landscaping was required in the form of tree screening. However there is no evidence of this landscaping being provided, and recently a new barn was built partially on land which was intended for landscaping cover.

The landscaping was required as a condition because of its prominent position.

4. The western unit in this application is formed partly from a barn built around 2002/04 although I cannot find any reference to a planning application, and a unit built retrospectively in 2015 after a barn that was alleged to be condemned was demolished.

The Documents provided by the Applicant states

"1.3 The units have not been used for agricultural and therefore were converted for further use."

Policy D8 of the Adopted Local Plan states.

"The re-use or conversion of buildings in the countryside outside of built-up area boundaries will be permitted where:

1. The new use....
2. The building is structurally sound and capable of conversion"

The previous buildings have, as stated in 1.3 not been used for agriculture at this site and part of the western barn clearly were not capable of conversion.

5. DCC Highways comment to this present application.

"The A3052 is a County Primary Route and part of the Strategic Road network and therefore the development proposals should not adversely affect the road network in terms of traffic and road safety. The visibility at this junction does meet the DMRB specification for visibility."

This comment refers to the Greendale Business Park Junction off the Sidmouth Road (A3052). As this proposal is dependent on this approved access to the Business Park it therefore follows that the proposed development is dependent on and part of the existing Business Park.

As Policy E7 of the East Devon Local Plan "Extensions to Existing Employment Sites" excludes Greendale Business Park from expansion from its present boundaries.

6. This Application is at a similar location as 15/2592/MOUT, 16/0568/FUL 15/1936/FUL and 15/1950/FUL which have previously not been supported by the Local Planning Authority and refused.

Conclusion.

I consider that this application, similar to other previous retrospective applications at this location should not be supported as they are against a number of Local Plan Policies.

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

Parish/Town Council

The Parish Council note that this application is at the same location as 15/1950/FUL Units 1-5 Hogsbrook Units and 15/1936/FUL Units 7 - 9 Hogsbrook Units which the Parish Council did not support in Sept 2015. These applications were recently re-applied under planning application 16/1257/FUL and 16/1258/FUL which again the Parish Council did not support. 'The Parish Council does not support intensification of industrial use in an agricultural setting nor extension of industrial use close to Greendale Business Park which is contrary to the Emerging Local Plan in the open countryside.'

The Parish Council note that the Local Plan has now been adopted and also note that the previous applications submitted in 2015 were refused by the Planning Authority because the applications did not comply with Policies E4, E7, TC2, TC7, and TC9 of the Local Plan. The Parish Council also note that the first application for an Agricultural Unit in 2005 05/0900/MFUL was refused by the Planning Authority.

Quote from the refusal Notice

'The proposed development by reason of its size and positioning would appear over prominent and harmful to the character and appearance of the open landscape and agricultural land.'

In consideration of the comments to the previous applications and the relevance of the Planning Authorities 'Local Plan' now agreed policy together with the emerging proposed Planning Authorities 'Village Plan' which again does not support further expansion on land at and around Greendale Business Park, the Parish Council have considered this new application:

The development is also adjacent to Hogsbrook Wood a 'semi ancient woodland' which has a Tree Preservation Order Ref No LP11/776/GCG Order No 15/2002 and adjacent to 'Walkidons Way' an ancient right of way popular for walkers, cyclists and horse-riders to access Woodbury Common. Development in such close proximity to these important heritage assets would have a serious adverse impact on these important historic features. The position on rising ground would appear over prominent and harmful to the character and appearance of the open landscape and agricultural land close to the AONB of Woodbury Common.

The Parish Council therefore does not support this new Planning Application 16/1786/FUL because of the intensification of industrial use in an agricultural setting adjacent to Greendale Business Park.

Technical Consultations

Environmental Health

I have considered the application and note that this site is close to nearby residents who may be impacted during the construction process. We would request the applicant to consult and follow the council's Construction Sites Code of Practice prepared by Environmental Health and adopted by the council in order to ensure that any impacts are kept to a minimum. This is available on the council's website:

<http://eastdevon.gov.uk/noise/noise-guidance-and-advice/guidance-and-advice-for-developers-builders-and-contractors/>

County Highway Authority

Observations:

The proposed development is for the retention of conversion of buildings to 13 no. industrial units, light Industrial, general industry and storage and distribution. A number of planning applications have been made for adjoining units. As part of these applications a footway and passing bay have been constructed.

The A3052 is a County Primary Route and part of the Strategic Road network and therefore the development proposals should not adversely affect the road network in terms of traffic and road safety. The visibility at this junction does meet the DMRB specification for visibility.

Recommendation:

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

Other Representations

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

- Contrary to Local Plan policies
- Similar applications have already been refused at Hogsbrook
- Expansion of Greendale Business Park
- Flouting of planning rules
- Impacts on residents from noise and disturbance
- Impact on character of the area
- Increased traffic and congestion
- Buildings should be removed if not required for agriculture
- Controls over lighting and reversing alarms is required
- No need for these units
- Sets a dangerous precedent for other agricultural buildings to be converted
- Confusion as to why the buildings are no longer required for agriculture when applications are being made by the applicant for more agricultural buildings.

POLICIES

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

D1 (Design and Local Distinctiveness)

EN14 (Control of Pollution)

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

E5 (Small Scale Economic Development in Rural Areas)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Government Planning Documents

National Planning Practice Guidance

Site Location and Description:

The application site comprises two parallel, former agricultural buildings which are situated within a cluster of buildings at Hogsbrook Farm.

The units have the appearance of modern industrial buildings and have been subdivided into a number of individual units. The site is accessed via a private road from White Cross Road which leads to the units.

The site is in open countryside and is not the subject of any landscape designations.

Planning History:

Members of the Committee may recall planning applications 15/1950/FUL and 15/1936/FUL which were reported to the February committee meeting in 2016. These applications related to units 1-5 and 7-9 for the retention of conversion of the buildings to industrial units (Use Class B2 General Industry, B8 Warehouse and Distribution and B1 Office and Light Industry).

Members of the committee overturned officer recommendation and refused the two applications for the following reason:

The proposed development, by virtue of the creation of a new complex of industrial units and its relationship to Greendale Business Park, does not represent small scale economic expansion or development as permitted by the Adopted East Devon Local Plan 2013-2031. In addition, the location of the site isolated from services and facilities would add to the need to travel by car with resultant increase in traffic off narrow lanes and with inadequate on-site provision for vehicle parking to serve the units to the detriment of the amenity of the area and occupiers users of the units. As such, the proposal is contrary to Strategy 7 - Development in the Countryside, Policy E4 (Rural Diversification), Policy E5 (Small Scale Economic Development in Rural Areas), Policy E7 (Extensions to Existing Employment Sites), Policy D8 (Re-use of Rural Buildings Outside of Settlements), Policy TC2 (Accessibility of New Developments), TC7 (Adequacy of Road Network and Site Access) and TC9

(Parking Provision in New Development) of the Adopted East Devon Local Plan 2013-2031.

The Council's refusal was the subject recent appeal decisions (ref APP/U1105/W/16/3151307 and 3151311) in which the Planning Inspectorate allowed both appeals on the basis that he considered the development to be in a suitable location having regard to the principles of sustainable development and that it was in accordance with Policy E5 of the Local Plan. This appeal decision will be explored in more detail within the main body of this report.

Proposed Development:

Retrospective planning permission is sought for the conversion of the two sets of former agricultural buildings into 13 no. industrial units in a mix of B1, B2 and B8 uses. It is understood that a number of the units are already occupied with the accompanying planning statement stating:

Unit 11 is occupied by Synchro Plant (B1/ B2) which employs 3 people

Unit 12 is occupied by All Metal Welding Ltd (B1/ B2) which employs 2 people

Unit 13 is occupied by Countryside Logs (B8) which employs 3 people

Unit 14 is occupied by Peco (B8) which employs 2 people

Unit 15 is occupied by Advanced Decking Solutions (B1) which employs 6 people

Unit 16 is occupied by Original Style (B8) which employs 2 people

Unit 17 is occupied by Country and Coast Homes (B8) which employs 1 person

Unit 18 is occupied by A1 Removals (B8) which employs 6 people

Units 19 to 23 are currently vacant

The buildings are industrial in their appearance with roller shutter and pedestrian doors having been provided to the front of each of the units in combination with vertical wall cladding.

Issues and Assessment

The main issues to consider in determining this application are in terms of whether the principle and the industrial uses are appropriate for this location within the context of national and local plan policies relating to economic growth in rural areas; the impact of the use on the character and appearance of the area through increased activity associated with the change in use of the buildings; the impact on the residential amenities of the occupiers of nearby properties; and whether there are any implications for highway safety. Whilst each application is to be determined on its own merits, it is considered that the aforementioned appeal decisions for units

1-5 and 7-9 are a material planning consideration and pertinent points from these decisions will be drawn upon in the remaining sections of this report.

Principle:

In terms of planning policy, the NPPF states that 'planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, Local and Neighbourhood Plans should:

'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.'

The site is located within the open countryside defined by Strategy 7 (Development In the Countryside) of the East Devon Local Plan as being those parts of the plan area that are outside of the Built-up Area Boundaries and outside of site specific allocations. Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

Policy E5 (Small Scale Economic Development in Rural Areas) of the Local Plan states in villages and rural areas small scale economic development (not including retail use classes/ other uses in Classes A1) and expansion of existing businesses designed to provide jobs for local people will be permitted where:

1. It involves the conversion of existing buildings

Provided that all the following criteria are met: a safe highway access, the local highway network is capable of accommodating the forecast increase in traffic established by a Traffic Assessment, no detrimental impact upon the amenities of neighbouring properties, wildlife, landscape or historic interests.

Policy D8 (Re-use of Rural Buildings Outside of Settlements) of the Local Plan states that the re-use or conversion of existing buildings in the countryside outside of Built-up Area Boundaries will be permitted where:

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 fulfil a similar function.

In the previous appeal decision, the Inspector was satisfied that the industrial uses could be considered as small scale economic development on the basis that they did not represent an extension to Greendale business park and because they provided smaller units to those generally seen on the business park or that at Hill Barton.

The Inspector was also satisfied that the proposal was likely to support local businesses and the local economy generally including the provision of jobs, that the current level of occupancy indicated a demand and that no substantive evidence had been provided to suggest that industrial development at Hogsbrook would materially lessen the demand for space elsewhere within the District, including those on allocated sites in the Local Plan.

Much the way in which the Inspector considered units 1-5 and 7-9 to be small scale economic development, officers are of the opinion that this application should also be considered as small scale economic development for which there is policy support within the Local Plan under the provisions of Policy E5 of the Local Plan. This policy supports small scale economic development involving conversions of buildings in rural areas which would also apply to this proposal such that it is considered that the principle of development is acceptable.

Highway Safety:

In the previous appeal decision the Inspector noted that given the location of the site, occupiers and employees are highly likely to be heavily reliant on private car use for travel to and from the site and delivery and associated vehicles would add to the use of the local highway. However owing to the relatively small scale of the development and associated individual uses it wasn't considered that the uses would materially add to the use of the road network. Comparisons can be drawn between the appeal and this application, in so far as each of the units are relatively small in size and are occupied by small companies which are unlikely to generate significant amounts of traffic which would give rise to highway safety concerns. No objections have been received from the County Highway Authority and the Inspector previously considered that there is a direct and clear route from the site via the Greendale Business Park to the A3052 to the north which would reduce the need or likelihood of a material increase in the use of the narrow and winding surrounding lanes and would therefore be unlikely to cause a material increase in noise and general disturbance from traffic travelling past nearby residential properties.

In addition, the Inspector was satisfied that the lane immediately serving the site and the road junctions along the route were adequate to serve the traffic from the development and would therefore be unlikely to pose a risk to highway safety. On this basis, it is not considered that an objection could be sustained to this application on the grounds of highway safety.

Sustainability:

In assessing the previous applications, the Inspector acknowledged that the units at Hogsbrook were not ideally located in terms of accessibility on foot or cycle but acknowledged that the relatively small scale of the development and the individual uses is unlikely to attract a large number of visitors. The Inspector also acknowledged the presence of a bus stop within the Greendale Business Park allowing the potential for access to the units by bus from a wider area and which was considered to be within reasonable walking distance along the wide business park estate road and private road leading to the Hogsbrook units. On this basis, despite the location of units 11-23, it is not considered that an objection could be sustained on the grounds of accessibility and sustainability because of the small scale nature of the industrial units and the individual uses within them. The application is considered to comply with the provisions of Policy TC2 (Accessibility of New Development) of the Local Plan.

Character and Appearance:

Despite the countryside location of these industrial units and their separation from Greendale Business Park, the Inspector was satisfied that the industrial development did not detract from the rural landscape character and appearance of the area noting that the units were set well away from the public highway being accessed by a long private road, of a nature, form and design and in close proximity to other large retained farm buildings so as not to appear out of place within the wider landscape. Much the same as the units that were the subject of the appeal, it is considered that units 11-23 have a negligible impact on the character and appearance of the area. These units are also set a considerable distance back from the public highway and of a form and design which sit reasonably discretely within the site and the wider area. These units are also orientated such that the roller shutter doors that have been introduced and the associated external parking and storage areas around the units are largely screened by the existing buildings. On this basis, it is not considered that an objection could be sustained on the grounds that these industrial units give rise to significant harm to the visual amenity of the site and the rural character and appearance of the area.

Residential Amenity:

On the subject of residential amenity and in particular in respect of noise disturbance, the Inspector noted that the site is well away from residential properties generally albeit fairly close to those associated with the farm. The Inspector was satisfied that given the small scale nature of the industrial uses that it was unlikely to cause levels of noise, disturbance and activity that would materially change that relating to the combination of the farm and other industrial and business type operations in the wider area subject to a need to control the hours of operation and the nature of vehicle reversing alarms so as to prevent high frequency audible alarms which would have the potential to be heard over a long distance. Again direct comparisons can be drawn between the appeal and units 11-23 and it is considered that subject to the same conditions to prevent the use of high frequency audible alarms on site vehicles, restricting hours of operation and controlling lighting on the site, that an objection could not be sustained on the grounds of an unacceptable impact on residential amenity.

CONCLUSION

Having regard to the all of the above factors, it is considered that the industrial units are in a suitable location having regard to the principles of sustainable development and that the proposal is in accordance with Strategy 7 and Policies E5, D8, TC7 and TC9 of the Adopted East Devon Local Plan. The application is therefore recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Notwithstanding the time limit to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission being retrospective as prescribed by Section 63 of the Act shall have been deemed to have been implemented on the 8th August 2016.
(Reason - To comply with Section 63 of the Act.)
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No high frequency audible reversing alarms shall be permitted on any site vehicle or vehicle based at the site (white noise alarms are permitted).
(Reason - To protect the amenities of local residents from high frequency alarm noise which is audible over considerable distances in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031)
4. No machinery shall be operated, no processes carried out and no deliveries accepted or dispatched except between the hours of 6am and 6pm Monday to Friday, or 6am and 1pm on Saturdays, and not at all on Sundays or Bank Holidays.
(Reason - To protect the amenities of local residents from noise in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031)
5. All site lighting shall be turned off between 7pm and 6am and any low level security lighting shall be selected so that there is no upwards or lateral light overspill. Temporary lighting required during the occasional out of hours activity shall be operated by movement sensors.
(Reason - To protect the local environment from light pollution and in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031 and the provisions of the National Planning Policy Framework.)

List of Background Papers

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

Ward Sidmouth Sidford

Reference 16/0867/MFUL

Applicant Churchill Retirement Living

Location Green Close Drakes Avenue
Sidford Sidmouth EX10 9JU

Proposal Demolition of former residential care home and construction of 36 sheltered apartments including communal facilities, access, car parking and landscaping.



RECOMMENDATION: Approval with conditions



		Committee Date: 01.11.2016
Sidmouth Sidford (SIDMOUTH)	16/0867/MFUL	Target Date: 20.09.2016
Applicant:	Churchill Retirement Living	
Location:	Green Close Drakes Avenue Sidford	
Proposal:	Demolition of former residential care home and construction of 36 sheltered apartments including communal facilities, access, car parking and landscaping.	

RECOMMENDATION: Approval subject to conditions and the completion of a Section 106 legal agreement

EXECUTIVE SUMMARY

This application is brought before the Committee in view of its status as a 'Major' application and the fact that the officer recommendation differs from the views of the town council. It also differs from the views expressed by one of the ward members in respect of the weight that it is considered can be given to the issue of a financial contribution towards the provision of a pedestrian crossing at Sidford Cross.

The scheme involves the demolition of the currently vacant former Green Close Residential Care Home premises that are being marketed by Devon County Council, the former operators, and the redevelopment of the site to provide a scheme comprising 36 sheltered apartments for occupation by elderly persons, incorporating integral communal facilities, in addition to the laying out of a car parking area providing 23 spaces and a landscaped garden.

The details show an essentially L-shaped building of variously single, two and two and a half stories height in place of the existing mainly two storey building. However, although there would be an increase over the existing roof ridge height throughout parts of the development, these would not be substantial. The development would also be positioned largely on the footprint area of much of the present building but laid out so as to achieve sufficient separation from neighbouring and nearby residential properties on all sides as to avoid any materially greater harmful impact upon occupiers relative to the existing structure. It would also safeguard the more important and visually semi-mature trees around the building.

The design approach envisages mainly red brick and painted brick wall finishes with plain roof tiles coloured grey and red. The form and elevation treatment of

the development takes cues from the red brick with yellow brick detailing that characterises the terrace of older houses along the northern side of South Lawn to the north of the site. In particular it would incorporate two storey bay elements and contrasting brick detailing to window and door openings that reflect these dwellings. Ground and roof ridge levels would also be designed to reflect and respond to the gradients of the site and the adjacent Sidford Road and Drakes Avenue.

Vehicular access would be taken from the existing site entrance from South Lawn whilst a second access from Drakes Avenue would be closed off. The County Highway Authority accepts that the level of traffic generation from the site would not be significantly different to that from the former care home and raises no objection on highway safety grounds or with regard to the adequacy of the proposed level of on site parking provision.

There are no particular concerns with regard to the effect of the proposals upon drainage or ecological interests subject to confirmation of details and compliance with submitted mitigation measures respectively.

The scheme makes no provision for on site affordable housing and offers a comparatively modest off site financial contribution in lieu - on account of its marginal viability and against the level that would ordinarily be sought by the Authority. Although the case for not providing an affordable element on site is not as developed as it could be, there is an acceptance that there are practical and operational difficulties in seeking to provide a mixed residential scheme within the proposed building, and indeed on the site as a whole, that weigh against an insistence on direct provision in this case.

Equally, whilst the submitted viability report has undergone considerable scrutiny and there is agreement with its main conclusions, in line with policy as set out in the relevant local plan strategy it is considered necessary that, in addition to securing the contribution that has been offered, the requisite legal agreement should also include an overage clause in respect of any future excess profits.

CONSULTATIONS

Local Consultations

Town Council

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

- o Members had reservations regarding the proposed access from South Lawn which is a narrow road and in close proximity to the traffic junction at Sidford Cross.
- o Members were of the view that Sidmouth would benefit more from affordable housing on the site rather than additional sheltered accommodation.
- o Members were of the view that any application should include either affordable housing on site or a financial contribution towards offsite affordable housing, neither of which were being proposed by the Applicant.

Note: Members supported the design of the proposed development.

Sidmouth Sidford - Cllr S Hughes

Whilst in principle I support this application which ticks all the boxes laid down by the County Council when disposing of the former Green Close site, I do have some concerns over the increased vehicle movements on South Lawn and the access and egress from the on site parking and also the busy A375.

There is land available for improving the access to South Lawn and this would certainly be welcomed by local residents.

If the application is to be approved then I should also like to see a 106 contribution towards providing a pedestrian crossing phase at the Sidford Cross junction to improve the quality of life and safety of those crossing the busy A3052

Technical Consultations

Housing Strategy Officer

The applicants are not proposing to provide any affordable housing citing viability grounds, which is very disappointing. The Council's Development Enabling and Monitoring Officer will be reviewing the viability evidence submitted and will make her recommendation.

An overage clause will be sought in respect of future profits and affordable housing provision, where levels of affordable housing fall below policy targets.

Should it be found that the development could support affordable housing strategy 34 of the new Local Plan should apply, namely 50% (18 units) affordable housing should be provided on site.

Vacant building credit

Amendments to the National Planning Practice Guidance (NPPG) on planning obligations have introduced changes to the way that affordable housing can be sought from development. 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.

Applying vacant building credit to the scheme reduces the amount of affordable housing from 18 units to 7.92 units.

A tenure mix of 70/30% in favour of rented accommodation, the remaining as shared ownership or similar affordable housing product as defined in the National Planning Policy Framework document or relevant policy at the time will be sought. Once completed the affordable homes should be transferred to and managed by a

preferred Registered Provider. All affordable homes should be constructed to Building Regulations M4(2) or the relevant standards at the time of determination. 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 Sidmouth, then cascading to East Devon.

Our preference is for the affordable housing to be provided on-site with a commuted sum for the 0.92 of a dwelling. The applicants are stating that this would not be possible due to the proposed development comprising one large block and the service charge requirements associated with retirement living would make it costly for a registered provider. We would have hoped that at the design stage this could have been factored in and a separate building designed. However if there is a planning reason why this is not possible a commuted sum payment would have been sought.

EDDC Trees

No objection to the proposed scheme subject to a condition requiring submission and implementation of AMS and TPP based on build drawings, and which also makes provision for site monitoring. In addition any approval should be subject to detailed landscape planting scheme which provides for replacement tree planting for those lost to facilitate the proposed scheme.

Environmental Health

I have considered the application and recommend the following conditions:

For the construction phase:

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.

For the operational phase:

Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring 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 the scheme shall be submitted to and approved by the Local Planning Authority prior to the first use of the premises.

Reason: To protect the amenity of local residents from noise.

South West Water

I refer to the above application and whilst there are no objection in principle the point of connection to the public foul sewer will need to be agreed.

The drainage report indicates the site currently makes use of a private 4"/100mm sewer which may or may not be considered adequate by your Building Control Department for the increased demand.

This current private drainage no doubt connects to a previously private but now public sewer serving the properties in South Lawn to the east and if this now public sewer is also only a 4"/100mm sewer (we have no record of it) this will not have sufficient capacity to accept the foul flows from the redevelopment.

County Highway Authority

A representative from the highway authority has visited the application site, and all representations received by the planning authority at the time of writing this response have been noted.

The application has been supported with a Transport Statement with which the highway authority is generally in agreement, but there are two specific issues that are worthy of specific mention in this response.

Firstly no reference appears to be made to the footpath link from South Lawn to the footpath behind the Spar, which provides a preferable link from the site to the Spar and other facilities in Sidford itself. This route is more likely to be the route of choice for residents from the applications site visiting the facilities in Sidford village.

Also, the analysis of the trip generation of the proposed development compared to the existing seems to imply that there will be a reduction in trip generation potential, when the figures indicate a small increase. The highway authority accept that a small increase, as outlined in the Transport Statement, can be adequately accommodated in the existing highway network, notwithstanding the constraints of South Lawn's junction with the A375, which is lightly substandard with respect to geometry, but acceptable with respect to visibility.

The number of parking spaces proposed to serve a new development is a matter for the planning authority to consider. Having said that, from experience of dealing with similar applications, a parking provision of 0.5 per unit is not unusual and will accommodate adequately the car ownership from such a development as this. Residents of this type of development in this sort of location review their need to actually own a car and frequently choose not to. Suitable conditions are recommended to be imposed on any planning permission granted.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTIONS TO THE PROPOSAL AND RECOMMENDS THAT THE FOLLOWING CONDITIONS BE IMPOSED ON ANY PLANNING PERMISSION GRANTED:

1. No part of the development hereby approved shall be brought into its intended use until the parking facilities and turning area have been provided and maintained in accordance with the application drawings and retained for that purpose at all times
REASON: To ensure that adequate facilities are available for the traffic attracted to the site.

2. The existing access from the site to Drakes Avenue shall be effectively and permanently closed to vehicles in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority as soon as the new access and parking area is capable of use
REASON: To minimise the number of accesses on to the public highway.

Enabling And Monitoring Officer

The applicant has provided a detailed open book viability assessment which seeks to demonstrate that there are viability issues affecting this site. The methodology used seeks to establish an Alternative Use Value (AUV) for the site, which recognises the likelihood that permission for residential development could be achieved. Despite some concerns around the methodology and Residual Land Value (RLV) used, the resulting AUV seems reasonable when considered against recent market engagement, and the comparative sites which, in the absence of other easily available information, do serve to give an indication that the AUV arrived at may be at about the right level.

There are various issues and concerns in relation to both the methodology and some of the assumptions and values used in the RLV for the proposed scheme. However, as there would, in any case, be a policy requirement for overage to be applied, the Section 106 agreement will need to set out the requirement for a viability appraisal of the completed scheme, and how the assessment of any overage payment will be undertaken. This offers a mechanism to address the concerns about the viability appraisal and ensure the parameters against which the new appraisal will be considered are agreed in advance. The revised appraisal can then be informed by actual costs and values.

The report currently concludes that £41,208 is all that is left to pay towards for affordable housing, and this amount should be secured for such purposes.

Other Representations

Six representations have been received, only one of which is expressed as an objection to the scheme. The remaining five representations set out a number of both positive and negative observations but have not been registered, through online submission, as either objections to the proposed development or expressions of support.

Summary of Objections

- Exacerbation of existing parking problems in the area through under provision of visitor parking within the proposals.
- Heavy machinery during the demolition and rebuilding of the site will impact upon the roads around the site.

- Noise pollution that will have an impact on day to day living.

Summary of Observations

- Concerned that development is accompanied by provision of a pedestrian light phase at Sidford Cross junction to the benefit of elderly occupants which is a key safety requirement in the area for pedestrians to safely access local facilities to avoid becoming isolated from them.
- Question the need for more elderly persons accommodation and consider land would be better used for affordable housing.
- Inadequate provision of parking for residents, visitors and carers who would park in the nearby streets.
- Condition of permission should require that all contractors' vehicles must be parked on site.
- Overgrown hedge and trees should be lowered and a fence constructed so that light to neighbouring property can be improved and greater garden area returned.
- Improvement for the village.
- Developer contributions could be used to widen the junction at South Lawn to make access safer and easier.
- Pavement that runs along Sidford Road to the crossroads is very narrow.
- Unable to locate the 'construction phase plan'.
- Concerns about the entrance to the development being on South Lawn when access from Drakes Avenue would be a better option.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 26 (Development at Sidmouth)

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

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes)

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)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

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

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Relevant Planning History

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

Site Location and Description

The site comprises the former Green Close residential care home premises and its grounds, amounting to around 0.38 hectares in area, located on the eastern side of Sidford Road (the A375) within the built-up area of Sidmouth. Although located within close proximity of services and facilities at Sidford, the immediate surrounding area is entirely residential in character.

Formerly operated by Devon County Council as a 23 bedroom community rehabilitation unit, the building and site have been vacant since October 2014.

The site occupies a sloping site with a fall from east to west. The floor levels of the main building, which is predominantly two storey in height with attached single storey elements on its northern side, mainly sit below that of Sidford Road and South Lawn, that border the site to the west and north respectively, but above that of Drakes Avenue, which runs alongside the site to the south. It has largely open frontages onto all three roads (with the exception of a length of brick retaining wall along part of the Sidford Road boundary immediately adjacent to a bus stop) but is bound to the east by residential properties in both Drakes Avenue and South Lawn as well as a residents car parking area that is accessed from the latter. This boundary itself is however defined by an established hedge.

The building is loosely laid out around three sides of a parking area with a gated entrance that is accessed from South Lawn. A second parking area that mostly occupies the north eastern corner of the site is accessed from South Lawn at a point approximately 25 metres east of its junction with Sidford Road. There are entrances to the building directly from both of these.

A number of deciduous semi-mature trees occupy the grassed landscaped areas around the Sidford Road and South Lawn-facing elevations of the building. In addition, a Horse Chestnut tree is positioned close to the north eastern corner of the site adjacent to the vehicular access from South Lawn and the parking area that it serves.

The nearest part of the boundary of the designated Sidford Conservation Area is around 60 metres to the north of the site. There are otherwise no designations or other material constraints that apply to either the site or the surrounding area.

Proposed Development

The application scheme involves the demolition of the building and the redevelopment of the site to provide 36 sheltered apartments for occupation by elderly persons alongside the provision of integral communal facilities in the form of a lodge manager's office, residents/guests lobby, lift, guest suite for relatives of apartment owners who wish to stay overnight, toilet and, externally, a bin store, car parking area and a landscaped garden.

The proposals also incorporate the laying out of 23 parking spaces and a service bay that would be accessed from South Lawn through the retention of the present vehicular access. The majority of the existing trees around the present building would be retained and supplemented by further planting. However, six trees across the site are proposed to be felled.

The proposed accommodation would be housed within an essentially L-shaped building of variously single, two and two and a half storey height. Indeed, the topography of the site facilitates a split level design with external ground level at the rear of the building effectively a whole storey lower than at the front where it runs parallel to Sidford Road. However, it would appear mainly as a two storey building, with some accommodation within the roof space, incorporating a series of stepped roof ridge and eaves lines that reflect the gradients of both Sidford Road and Drakes Avenue that fall to the north and east respectively.

In terms of scale and massing the building would exhibit eaves levels largely equivalent to those of the existing building with slightly steeper roof pitches resulting in higher maximum ridge levels by between, variously, 1 and 1.5 metres when compared against the appropriate corresponding ridge levels of each part of the present building.

The design approach is described as 'contemporary with a modern interpretation of details commonly used in the vicinity'. To this end it would feature elements including the use of red brick with yellow brick detailing to window and door openings and two storey brickwork bays, mainly to the 'outward' facing Sidford Road and Drakes Avenue elevations, which reflect the form, external appearance and rhythm of the terrace of older properties along the northern side of South Lawn. The remaining parts of the development, including further two storey bays, that feature mainly on corner at the Sidford Road/Drakes Avenue junction and at the two ends of the building would incorporate ivory painted brick with red brick detailing.

The predominance of gabled forms throughout the building is also designed to reflect that of many of the semi-detached pairs of dwellings that strongly characterise Drakes Avenue, Fleming and Lockyer Avenues and the lower part of South Lawn in close proximity of the site.

Windows and doors would mainly be of grey PVCu construction and set within reveals, the former comprising casements. Some larger doors to utility rooms would be formed in stained timber. The South Lawn elevation is to feature a series of flat-roofed dormers serving second floor level accommodation within the roof space, the cheeks and roofs of which be pre-fabricated units. Balconies, consisting of black

painted metal balustrades, would also feature on the South Lawn and east-facing elevations.

The roof finishes are to consist of plain concrete tiles, shown on the submitted elevation drawings in two colours, namely red and grey. However, exact details/samples of these and the proposed external wall finishes can be reserved for later approval.

The proposed driveway serving the parking area would be laid in tarmac with individual bays set out in block paving. Footpaths and patios are to be surfaced with concrete paving slabs.

The detail of soft landscaping of the site and boundary treatments would be the subject of a condition in the event that permission is granted. However, it is envisaged that the landscaping scheme could include informal grassed areas, lawns with hedges, shrubs, flowers and specimen planting together with new and replacement tree planting. In addition, it is intended that the current mainly open plan layout would be substituted for low brick walls and black painted railings along the South Lawn and Sidford Road boundaries to provide security whilst allowing for the retention of views into the site. However, the present soft landscaped banks that define the Drakes Avenue boundary would be retained as natural barriers between private and public land and the boundary itself kept open to reflect the open plan character of the adjacent street scene.

The scheme does not include any on site affordable housing provision.

A number of revisions to elements of the proposed design have been negotiated through the course of the application. At the time of writing the report, consultation responses from the town council and ward members and further third party representations in respect of these are awaited.

Considerations/Assessment

The proposal is required to be considered having regard to the following material issues that are discussed in turn:

Principle of Development

The fundamental principle of the scheme is inextricably linked to issues relating to the loss of the present former care home premises and affordable housing provision that are discussed separately later on in this report. As such, at this point it is not possible to set out any firm conclusion on this point.

However, it is acknowledged that the site occupies a sustainable location for new housing within the built-up area of Sidmouth and is close, and/or accessible, to the range of services and facilities that both the town itself and Sidford provide, including regular public transport services to the town, other parts of East Devon and Exeter. Furthermore, it is located in a predominantly residential area within which the provision of additional accommodation would not be out of character in broader land use terms.

Design and Impact upon Character and Appearance of Area

It is considered that the scheme would realise an opportunity to redevelop the site in a manner that would be largely sensitive to its built context whilst representing an improvement upon the rather utilitarian, bland and institutional character and appearance of the existing building that it would replace.

The present building exhibits a rather long and low appearance upon view from Sidford Road with no physical or visual breaks in either the ridge line of the roof or the elevation to the street to offer relief. By contrast, it is thought that the proposed design of the application scheme shows greater articulation and visual interest in the form of the depth created by the proposed two storey bay elements, the variation/stepping in roof ridge heights and finishes and the contrasting brick detailing around window and door openings.

It is also considered that this extends to the treatment of the remaining elevations. In particular, the double step in the ridge level exhibited on the Drakes Avenue elevation appropriately reflects the gradient of the road itself.

Although to all intents and purposes of greater height than the existing building throughout, it is not considered that this would result in a development that would appear unduly dominant within the site in a manner that would be physically or visually disproportionate in the context of the surrounding townscape or which would fail to retain some separation and spatial relief from surrounding dwellings. The manner in which the present building sits quite low within the site is such that it is accepted that there is the potential to develop a building of greater height without any material harm to the area's character or appearance or the living conditions of the occupiers of neighbouring properties.

The layout, position and orientation of the building within the site are also thought to respond more sympathetically to the need to create a development that is outward looking and positively addresses the street scenes of Sidford Road, Drakes Avenue and South Lawn. The present building does not achieve this in relation to either Drakes Avenue or South Lawn and is indeed quite weak in relation to both. By contrast, the broadly L-shaped footprint of the development is considered to result in a building that not only strongly addresses the public domain but is set back sufficiently from the less publicly prominent and more private gardens of residential properties in Drakes Avenue and South Lawn to the east so as to avoid having unduly physically overbearing or dominating impact upon them or causing overlooking and loss of privacy.

The proposal also enables the retention of the attractive landscaped setting of the current building, and many of the trees that contribute towards it, to the benefit of the character and appearance of the area more widely. Furthermore, with the proposed parking area being located to the east of the building, this represents an extension of the present arrangements. It is anticipated however that appropriate surface treatment and planting would improve the appearance of this part of the site when compared with the existing.

Overall it is considered that the form, scale, appearance and footprint of the development would be largely sympathetic to, and would not detract from, the

character or appearance of the street scene or wider area or result in an overdevelopment of the site on account of its site coverage or its height, bulk and massing.

Impact upon Neighbour Amenity

As alluded to in the previous section of the report, it is considered that the separation created by the existing highways that bound three sides of the site would assist in ensuring that the development would create no significant problems in terms of overlooking/loss of privacy of/to nearby residents. Furthermore, the level of physical separation between the proposed building and neighbouring properties to the east of the site would help to reduce the extent of any similar impact upon the living conditions of the occupiers.

Although the increased physical scale, bulk and massing of the development relative to that of the existing building is duly acknowledged, this would be offset by the distance that it would be set back from the site boundary with these properties and it is not thought that the level of impact rising from the scheme would be materially harmful to the amenities or privacy of occupiers that objection on these grounds could reasonably be supported.

Impact upon Trees

The application is accompanied by an arboricultural impact assessment, tree protection plan and method statement. The principal conclusions of these are that there are no Category A (according to B.S. 5837:2012) trees on the site and the scheme would allow for the retention of all but one Category B specimen with the remaining trees to be felled all within Category C and of low retention value.

The trees of particular importance to the character and appearance of the site, namely most of the group around the south western corner of the development adjacent to the junction of Drakes Avenue with Sidford Road, would be retained along with the Horse Chestnut within the north eastern corner adjacent to the existing and proposed vehicular access to the site off South Lawn. These would be afforded protection through the construction phase through the use of tree protection fencing and the undertaking of appropriate ground protection measures.

The single Category B tree, a Silver Birch, that would be felled is positioned adjacent to the eastern boundary of the site and set back by around 30 metres from Drakes Avenue and 45 metres from South Lawn. In spite of its identified future potential, its contribution towards the amenity of the site and surrounding area is therefore limited.

Additionally, as already stated, the development offers an opportunity to secure landscaping proposals, including the carrying out of replacement tree planting for those that are proposed for felling, that it is to be hoped would enhance the overall amenity of the site.

Highways/Access

The application is supported by a transport statement which mainly concludes that: the development would be in an accessible location in relation to bus stops, local shops and other services; it would generate a slight increase in trip generation potential, and the level of car parking provision proposed would equate to one space

per 0.64 units which is considered to be entirely appropriate given the sustainable location of the site and the likely car ownership levels of the prospective elderly occupiers of the development.

The County Highway Authority (CHA) is generally in agreement with these findings. There is an acceptance also that a small increase in traffic movements can be adequately accommodated in the existing highway network. Notwithstanding the substandard geometry of the junction of South Lawn with Sidford Road, it is otherwise satisfactory with regard to the level of visibility from and of vehicles emerging from it.

The CHA also suggest that the level of on site parking provision proposed, amounting to over 0.5 spaces per unit, would satisfactorily accommodate the expected car ownership that would be generated from a development of the type proposed since prospective residents, predominantly aged 70 plus, frequently choose not to own a car. In the event of approval therefore, conditions are recommended to secure the provision of the parking and turning facilities shown on the application drawings, and maintenance and retention thereafter. In addition it is also considered appropriate to require the closure of the present vehicular access off Drakes Avenue once the 'new' access and parking area becomes operational in accordance with details to be submitted for approval.

The request from the ward member for a financial contribution to be secured from the development, through a Section106 agreement, towards securing a pedestrian crossing at the junction of the A3052 with the A375 at the staggered crossroads at Sidford Cross to the north of the site is acknowledged. However, there is no programmed scheme for providing such a facility at present and, in any event, it is not considered that it would be reasonable to seek to secure a contribution from this development. It is noted that there are already pedestrian links between the site and many of the facilities at Sidford via Sidford Road and Church Street as well as via South Lawn and the public car park to the north which are sufficient to meet the needs of the development.

Ecology

The submission also includes a preliminary ecological appraisal report, based upon an extended Phase 1 habitat survey and desktop study, and a further Phase 2 bat survey of the principal former care home building. The latter has been submitted in the light of identification within the former that it has medium potential for supporting roosting bats owing to the presence of missing and lifted hanging wall tiles and damaged soffit boxes and bargeboards.

The former concludes that the site is of low ecological value with the only features of relatively greater ecological interest being the native species trees.

The bat survey, consisting of one dusk emergence and two dawn re-entry surveys, recorded two common pipistrelle bats re-entering the building during one of the latter surveys. The proposed demolition of the building therefore has the potential to result in long-term loss of bat roosts.

The survey also recorded low levels of pipistrelle and soprano pipistrelle bat utilising the site for foraging.

As there is a confirmed bat roost present within the building, a protected species licence will be required prior to commencement of works. Mitigation proposals would be expected to recognise the following:

- the appropriate timing of demolition works to minimise the impact on roosting locations following external inspection,
- the provision of two bat boxes on the Horse Chestnut trees within the south western and north eastern corners of the site to provide replacement roosting opportunities,
- careful removal of all identified bat roost areas and suitable roosting features by or under the supervision of a licensed bat worker and
- the installation of two modified roof tiles and two wall mounted bay shelters to provide roosting opportunities for crevice dwelling species.

It is further recognised that mitigation measures should include implementation of a sensitive lighting scheme in order to minimise potential impacts on foraging and commuting bats.

The report also recommends that mitigation measures for breeding birds (house sparrows and starlings) that have been identified as having nests within damaged soffit boxes on the existing building be incorporated within the development. These would comprise substitute nesting provisions in the form of a nest box on the Horse Chestnut tree at the north eastern corner of the site and a pair of sparrow terraces on the east elevation of the proposed building.

Drainage

The proposals envisage a mains connection for the discharge of foul drainage from the development. However, as will be evident from South West Water's consultation response, there is some concern regarding the capacity of the public sewer to serve it. While there is a need therefore to establish and agree the point of connection to it, this does not in this instance prevent the approval of the application.

Indicative proposals for surface water drainage disposal show the installation of an attenuation tank to control and regulate discharge rates to the existing public surface water sewer during storms up to and including the 1 in 100 year plus climate change event. This would be in the event that percolation testing shows that it is not possible to use an infiltration drainage system as a means of surface water runoff disposal.

A condition is therefore recommended to secure details as to the means of disposal of both foul and surface water drainage.

Loss of Existing Building and Affordable Housing

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the adopted Local Plan seeks to resist the loss of (among others) employment uses and presumes against the change of use of current or allocated employment land and premises harm business and employment opportunities in the area unless certain criteria are satisfied.

However, it stipulates that employment uses to which the provisions of the strategy apply include those falling within Class B of the Town and Country Planning (Use Classes) Order (the Order) or similar uses classified under planning legislation as 'sui generis' uses. The former residential care home use to which the application premises were put falls within the range of uses within Class C2 (Residential Institutions) of the Order and, as such, does not constitute an employment use that should be applied against the provisions of the strategy.

In the circumstances therefore, it is considered that little weight can be given to the loss of employment opportunities arising as a result of the proposed development that either an alternative employment/commercial use of the building and/or redevelopment of the site could provide.

Strategy 34 (District Wide Affordable Housing Provision Targets) requires, in this case, on site provision of affordable housing at a rate of 50%. It also states that 'affordable housing shall be provided on site unless it is exempted through Government Policy or Guidance, is not mathematically possible or where off site provision of equivalent value is justified by circumstances such as no registered provider being willing to manage the new affordable units or other planning reasons. In such cases a payment towards an off site contribution will be required in lieu of on site provision.'

The submission is accompanied by a viability report, the principal conclusions of which in relation to the absence of any proposed on site provision are that the site is incapable of meeting criteria that would enable it to be partitioned into two self contained developments. It considers that each parcel under separate ownership and management would require its own access parking and amenity space, whilst still being capable of containing an adequate number of apartments to satisfy the requirements for successful and sustainable stand alone development comprising an open market sheltered housing scheme for the elderly and an element of compatible affordable housing. Partitioning of the site in the manner described above would reduce overall site density and be likely to result in increased service charges to occupiers, prejudice the viability of the development of the site for sheltered housing and fail to make the most efficient use of a site located within a sustainable location.

In terms of accommodating elderly persons' sheltered housing and affordable housing within the same building, is not considered to be practical or appropriate. Even mixing affordable sheltered housing is thought likely to be problematic in view of the implications for the management of communal facilities and ongoing management and service costs.

Whilst it is considered that there are gaps in the case put forward against the provision of an element of affordable housing on site, it is thought on balance in this case that it would be impractical, and therefore unreasonable, to require it.

As stated above, notwithstanding the issues as to where and how an element of affordable housing should be accommodated on the application site, in any event there is no offer of direct provision. Equally, the offer of an off site financial contribution in lieu amounts to £41,208 which is substantially less than would ordinarily be sought.

However, the agents have provided a detailed open book viability assessment which seeks to demonstrate that there are viability issues affecting this site. The methodology used seeks to establish an Alternative Use Value (AUV) for the site which recognises the likelihood that permission for residential development could be achieved. Despite some concerns around the methodology and Residual Land Valuation (RLV) used, the resulting Alternative Use Value (AUV) is considered reasonable when assessed against recent market engagement and the comparative sites which, in the absence of other easily available information, do serve to give an indication that the AUV arrived at is likely to be at the right level.

There are various issues and concerns in relation to both the methodology and some of the assumptions and values used in the RLV for the proposed scheme. However, as there would in any case be a policy requirement for overage to be applied, any Section 106 agreement would need to set out the requirement for a viability appraisal of the completed scheme and how the assessment of any overage payment will be undertaken. This offers a mechanism to address the concerns about the viability appraisal and ensures that the parameters against which the new appraisal would be considered are agreed in advance. The revised appraisal would then be informed by actual costs and values.

The report currently concludes that when allowing for an appropriate developer profit £41,208 is currently all that is available to pay towards affordable housing and this amount should be secured through a legal agreement for such purposes.

RECOMMENDATION

APPROVE subject to the completion of a S106 agreement to secure the payment of a financial contribution of £41,208 towards affordable housing, with the inclusion of overage clauses, and the following planning conditions:

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

Policy D1 - Design and Local Distinctiveness of the adopted East Devon Local Plan 2013-2031.)

4. No part of the development hereby approved shall be brought into its intended use until the parking facilities and turning area have been provided in accordance with the details shown on the approved plans. These shall thereafter be maintained and retained for these purposes 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 adopted East Devon Local Plan 2013-2031.)
5. Prior to the parking area shown on the approved drawings first being brought into use, the existing vehicular access to the site from Drakes Avenue shall be effectively and permanently closed to vehicles in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.
(Reason - To minimise the number of accesses on to the public highway in the interests of highway safety in accordance with Policy TC7 - Adequacy of Road Network and Site Access of the adopted East Devon Local Plan 2013-2031.)
6. No development shall take place until a detailed scheme of hard and soft landscaping of the site 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 and hard surfaced. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)
7. No development shall take place until details of the means of disposing of foul drainage and surface water drainage 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 of the approved apartments within the approved development is first occupied.
(Reason - To avoid pollution of the environment and/or 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. The details are required pre-commencement as these works to provide the drainage will commence at an early stage of the development process.)

8. A Construction and Environment Management Plan (CEMP) shall be submitted to and approved in writing 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 East Devon Local Plan 2013 - 2031.)

9. Details of a scheme to limit the noise resulting from the development hereby permitted and to ensure that the noise generated at the boundary of the nearest neighbouring land or 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, shall be submitted to and agreed in writing by the Local Planning Authority prior to the first use of any plant and equipment (including ventilation, refrigeration and air conditioning units) or ducting system.

The agreed scheme shall be fully operational at all times during the use of the associated plant and equipment but in any event, any plant (including ventilation, refrigeration and air conditioning units) or ducting system used in conjunction with the development hereby permitted shall be so installed and be so retained and operated that the noise generated at the boundary of the nearest neighbouring property meets the above requirements.

(Reason - To ensure that any plant or equipment does not impact on the amenities of local residents in accordance with Policies EN14 (Control of Pollution) and D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

10. The development hereby permitted shall be carried out in all respects in accordance with the recommendations for mitigation measures for bats and breeding birds contained within the Phase 2 Bat Assessment report dated June 2016 and the recommendations contained within the Preliminary Ecological Appraisal prepared by Ecological Survey and Assessment Ltd.
(Reason - In the interests of nature conservation in accordance with Policy EN5 - Wildlife Habitats and Features of the adopted East Devon Local Plan 2013 - 2031.)

11. No development shall commence until full details of a arboricultural method statement (AMS) and tree protection plan (TPP) for the protection of all retained trees, hedges and shrubs based upon build drawings has been submitted to and approved in writing by the Local Planning Authority. The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate

exactly how and when the trees will be protected during the development process. All approved protection measures shall be implemented prior to the commencement of development 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. The details are required pre-commencement as trees will need to be protected from machinery and works as soon as the development commences.)

12. No part of the development hereby permitted shall be brought into use until a detailed scheme for the external lighting of the building and/or site 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 interests of the character and appearance of the development and to mitigate the potential impact of lighting upon bats in accordance with Policies D1 (Design and Local Distinctiveness) and EN5 (Wildlife and Habitats) of the adopted East Devon Local Plan 2013 - 2031).

NOTE FOR APPLICANT

Informative:

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

Informative re. Section 106 agreement.

Plans relating to this application:

PA01 REV A	Proposed Site Plan	06.10.16
10084SF-PA00	Location Plan	20.04.16
PA02 REV A	Proposed Floor Plans	27.09.16

PA03 REV A	Proposed Floor Plans		27.09.16
PA04 REV A	Proposed Floor Plans		27.09.16
PA05 REV A	Proposed roof plans		27.09.16
PA06 REV A	Proposed Elevation		27.09.16
PA07 REV A	Proposed Elevation		27.09.16
PA08 REV B	Proposed Plans	Combined	27.09.16
PA09 REV A	Proposed Plans	Combined	27.09.16

List of Background Papers

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