

# Agenda for Development Management Committee Tuesday, 7 February 2017; 10.00am



## [Members of the Committee](#)

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

[View directions](#)

**Contact:** [Hannah Whitfield](#)

01395 517542, Issued 26 January 2017

East Devon District Council

Knowle  
Sidmouth  
Devon  
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

[www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)

## [Speaking on planning applications](#)

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

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

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

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

**Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting.** One representative can be registered to speak on behalf of the Council from 10am on Monday 30 January up until 12 noon on Thursday 2 February by leaving a message on 01395 517525 or emailing [planningpublicspeaking@eastdevon.gov.uk](mailto: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](mailto: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 10 January 2017 (page 4 - 8)
- 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 9 - 15)  
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.**

**16/2077/FUL (Minor)** (Page 16 - 22)

Clyst Valley

Blue Ball Inn, Sandygate, Exeter EX2 7JL

**16/2409/MFUL (Major)** (Page 23 - 45)

Exmouth Littleham

Davey Court, Buckingham Close, Exmouth EX8 2JB

**16/2631/FUL (Minor)** (Page 46 - 53)

Exmouth Withycombe Raleigh

28 Holland Road, Exmouth EX8 4BA

**16/2532/FUL (Minor)** (Page 54 - 59)

Otterhead

Monkton Court Hotel, Monkton, Honiton EX14 9QH

**16/2338/MRES (Major)** (Page 60 - 80)

Seaton

Land north of Rowan Drive, Seaton

**16/2751/FUL (Minor)** (Page 81 - 86)

Seaton

56 Harepath Road, Seaton EX12 2RX

**16/2795/FUL (Minor)** (Page 87 - 108)

Seaton

Seaton Beach (Trebere), East Walk, Seaton EX12 2NP

**16/2230/FUL (Minor)** (Page 109 - 122)

Woodbury and Lympstone

Land adjoining Woodbury Post Office, Broadway, Woodbury EX5 1NY

**16/2697/FUL (Minor)** (Page 123 - 128)

Yarty

Beacon House, Beacon, Yarcombe, Honiton EX14 9LU

**Please note:**

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

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

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

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

[Decision making and equalities](#)

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

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 10 January 2017**

#### **Attendance list at end of document**

The meeting started at 10.45am and ended at 12.15pm.

#### **\*31 Minutes**

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

#### **\*32 Declarations of interest**

Cllr Steve Gazzard; 16/0835/FUL; Personal Interest; Exmouth Town Councillor

Cllr Brian Bailey; 16/0835/FUL; Personal Interest; Exmouth Town Councillor

Cllr Mark Williamson; 16/0835/FUL; Personal Interest; Exmouth Town Councillor

Cllr Peter Burrows; 16/2728/FUL; Personal Interest; Seaton Town Councillor

Cllr David Barratt; 16/2526/FUL & 16/1971/FUL; Personal Interest; Sidmouth Town Councillor

Cllr Paul Carter; 16/1709/FUL; Personal Interest (left the Chamber during consideration of the application); Related to the applicant

Cllr Paul Carter; 16/2633/FUL; Personal Interest; Ottery St Mary Town Councillor

#### **\*33 Appeal statistics**

The Committee received and noted the report presented by the Development Manager setting out appeals recently lodged and outlining the four decisions notified – three had been allowed, including one following a Committee Site Inspection, and one had been dismissed.

The Development Manager drew Members' attention to the appeal allowed for the construction of a detached dwelling at West Hayes, West Hill. The Inspector concluded that the Built-up Area Boundary (BUAB) for West Hill carried no weight as it was carried over from the old Local Plan and further stated that the BUAB for West Hill should be determined through the emerging East Devon Villages Plan DPD.

The Development Manager advised the Committee that the consideration of the BUAB for the villages was not going to change immediately because of a single appeal decision as applications would be considered on their merits. However, Members were advised that a publication draft of the Villages DPD would hopefully be presented to the Strategic Planning Committee in February 2017 and that if endorsed by Members, would become a material planning consideration of weight that would be used for the determination of future applications and potentially replace the BUAB's established through the old Local Plan.

#### **\*34 Applications for Planning Permission and matters for determination**

##### **RESOLVED:**

that the applications before the Committee be determined as set out in Schedule 8 – 2016/2017.

**Attendance list**

**Present:**

Committee Members

Councillors:

David Key (Chairman)

Mike Howe (Vice Chairman )

Brian Bailey

David Barratt

Susie Bond

Colin Brown

Paul Carter

Steve Gazzard

Simon Grundy

Ben Ingham

Helen Parr

Mark Williamson

Officers

Henry Gordon Lennon, Strategic Lead – Governance and Licensing

Chris Rose, Development Manager

Hannah Whitfield, Democratic Services Officer

Also present for all or part of the meeting

Councillors:

Iain Chubb

Geoff Jung

Marianne Rixson

**Apologies:**

Committee Members

Councillors

Peter Burrows

Matt Coppell

Alan Dent

Chris Pepper

Chairman .....

Date.....

**EAST DEVON DISTRICT COUNCIL**  
**Development Management Committee**  
**Tuesday 10 January 2017; Schedule number 8 – 2016/2017**

**Applications determined by the Committee**

Committee reports, including recommendations, can be viewed at:

<http://eastdevon.gov.uk/media/1963801/100117-combined-dmc-agenda-compressed.pdf>

(Application was deferred for a site visit on 6 December 2016 – the Committee carried out a site visit in advance of the meeting.)

**Exmouth Littleham** 16/0835/FUL  
**(EXMOUTH)**

**Applicant:** Mr B Griffiths  
**Location:** 12 Stevenstone Road, Exmouth EX8 2EP  
**Proposal:** Construction of detached dwelling  
**RESOLVED:** REFUSED as per recommendation

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**Newbridges**  
**(MUSBURY)** 16/2506/OUT

**Applicant:** Mr & Mrs C H Corbett  
**Location:** Castlewood Farm, Musbury, Axminster EX13 8SS  
**Proposal:** Construction of agricultural workers' dwelling (outline with all matters reserved)  
**RESOLVED:** REFUSED as per recommendation

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

**Raleigh  
(OTTERTON)**

16/1709/FUL

**Applicant:** Ladram Bay Holiday Park

**Location:** Land Northwest Of Ladram Bay Holiday Park, Ladram Bay,  
Otterton EX9 7BX

**Proposal:** Construction of new service yard and building

**RESOLVED:** APPROVED with conditions as per recommendation subject to an additional informative to advise the applicant that the inclusion of the grass roof was key to the granting of the planning permission and as such any further application that involved the loss of the grass roof would be unlikely to be supported. Members also requested that the Council's Arboricultural Officers be asked to give future consideration to placing Tree Preservation Orders on the trees secured as part of the landscaping scheme to ensure their long-term survival/screening of the building.

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**Sidmouth Town  
(SIDMOUTH)**

16/1971/FUL

**Applicant:** Mrs Caroline Harrison

**Location:** Workshop At Rear Of 69 Temple Street, Sidmouth

**Proposal:** Conversion of workshop to dwelling

**RESOLVED:** APPROVED with conditions as per recommendation

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**Tale Vale  
(AWLISCOMBE)**

16/2551/FUL

**Applicant:** Mr & Mrs M Summers

**Location:** Kains Park Farm, Awliscombe, Honiton EX14 3NN

**Proposal:** Expansion of existing storage and distribution site including revisions to planning permission 07/1903/COU to allow storage of caravans, boats, trailers, machinery and vehicles ; caravan wash bay; 25no storage containers for self store use; and associated works including re-cladding of existing storage building.

**RESOLVED:** APPROVED with conditions as per recommendation

**Ottery St Mary  
Rural  
(OTTERY ST MARY)**

16/2633/FUL

**Applicant:** Mr & Mrs Coppell

**Location:** 20 Eastfield, West Hill, Ottery St Mary EX11 1XN

**Proposal:** Extension to existing garage to provide car port and store and construction of porch.

**RESOLVED:** APPROVED with conditions as per recommendation

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**Seaton  
(SEATON)**

16/2728/FUL

**Applicant:** Mrs R Davey

**Location:** Conifers, 2 Wessiters, Seaton EX12 2PJ

**Proposal:** Single storey side extension and alterations

**RESOLVED:** APPROVED with conditions as per recommendation

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**Sidmouth Sidford  
(SIDMOUTH)**

16/2526/FUL

**Applicant:** East Devon District Council

**Location:** The Council Yard, Manstone Avenue, Sidmouth EX10 9TN

**Proposal:** Construction of single storey office building.

**RESOLVED:** APPROVED with conditions as per recommendation



## East Devon District Council List of Planning Appeals Lodged

**Ref:** 16/2227/VAR                      **Date Received** 21.12.2016  
**Appellant:** Blue Cedar Homes  
**Appeal Site:** Rolle College Playing Field Douglas Avenue Exmouth  
**Proposal:** Variation of condition 5 of approval granted under 16/0787/MOUT to change the wording from a pre-commencement of development condition to a condition requiring submission and agreement of the CUA (Community Use Agreement) before the playing pitches first come into use and not later than the first occupation of the first dwelling  
APP/U1105/W/16/3165906  
**Planning Inspectorate Ref:**

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**Ref:** 16/0263/MOUT                      **Date Received** 22.12.2016  
**Appellant:** AEI Online Ltd  
**Appeal Site:** Land Adjacent To Main Yard Lodge Trading Estate Broadclyst  
**Proposal:** Construction of 44 dwellings, including provision of access road and parking areas and laying out of recreational and amenity space, cycle path and bridge over railway and flood bunding (Outline application seeking approval of details of access, layout and scale reserving details of appearance and landscaping)  
APP/U1105/W/16/3164631  
**Planning Inspectorate Ref:**

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**Ref:** 16/2106/FUL                      **Date Received** 11.01.2017  
**Appellant:** Ms Susan Munt  
**Appeal Site:** 1 Normandy Close Exmouth EX8 4PB  
**Proposal:** Construction of new dwelling  
**Planning Inspectorate Ref:**

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**Ref:** 16/0867/MFUL      **Date Received** 19.01.2017  
**Appellant:** Churchill Retirement Living  
**Appeal Site:** 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.  
**Planning** APP/U1105/W/17/3167556  
**Inspectorate**  
**Ref:**

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East Devon District Council  
List of Planning Appeals Decided

**Ref:** 15/2408/OUT                      **Appeal Ref:** 16/00048/REF

**Appellant:** Mr Robert Walmsley

**Appeal Site:** 1 Meadow Close Budleigh Salterton EX9 6JN

**Proposal:** Outline application with all matters reserved for the erection of a single dwelling to the rear of 1 Meadow Close.

**Decision:** **Appeal Dismissed**                      **Date:** 20.12.2016

**Procedure:** Written representations

**Remarks:** Delegated refusal, amenity reasons upheld (EDLP Policy D1)

**BVPI 204:** **Yes**

**Planning Inspectorate Ref:** APP/U1105/W/16/3155015

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**Ref:** 15/2497/MFUL **Appeal Ref:** 16/00055/REF  
**Appellant:** FA & EM Hill Ltd (Mr J Hill)  
**Appeal Site:** Land South Of New House Farm Clyst Honiton Exeter EX5 2HS  
**Proposal:** Erection of grain storage and machinery building and associated hardstanding  
**Decision:** **Appeal Allowed (with conditions)** **Date:** 21.12.2016  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, amenity and countryside protection reasons overruled (EDLP Strategy 7 and Policies D1 & D7).

The Council considered that the proposed building should have been sited closer to the existing farm building group and as the siting is remote from those buildings, the proposal would have a detrimental impact on the character and the appearance of the area.

The Inspector acknowledged that the proposed building is large in size, however, given its relationship to the nearby Hill Barton Business Park and the group of farm buildings at Denbow Farm, he considered that the building would be viewed in the context of the nearby buildings and sit comfortably within the local landscape. He concluded that the proposal would not harm the character and appearance of the area.

**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/16/3156828  
**Inspectorate**  
**Ref:**

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**Ref:** 15/2637/FUL **Appeal Ref:** 16/00057/REF

**Appellant:** Mr D Blackmore  
**Appeal Site:** Land North West Of Fernleigh Offwell Honiton EX14 9SE  
**Proposal:** Alterations to barn (including removal of existing roof and upper part of elevations, installation of replacement roof and new front elevation and cladding of exterior of resulting building in natural stone) to form a single storey dwelling and associated works

**Decision:** **Appeal Dismissed** **Date:** 21.12.2016  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, sustainability and countryside protection reasons upheld ( EDLP Strategy 7 & Policy D8)

**BVPI 204:** **Yes**  
**Planning Inspectorate Ref:** APP/U1105/W/16/3157073

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**Ref:** 16/0022/OUT **Appeal Ref:** 16/00059/REF  
**Appellant:** Mr S Wimms  
**Appeal Site:** The Elms London Road Whimble Exeter EX5 2PH  
**Proposal:** Outline application for the erection of 4 dwellings (All Matters Reserved)  
**Decision:** **Appeal Allowed (with conditions)** **Date:** 21.12.2016  
**Procedure:** Written representations  
**Remarks:** Delegated refusal, Countryside protection reasons overruled (EDLP Strategy 7).

The Council considered that as the site is outside of the defined settlement boundary for Cranbrook, the land subject of the application is within the countryside.

The Inspector agreed that full weight should be given to the policies in the newly adopted Local Plan. However, he considered that the proposed development would effectively form part of the new built up area of Cranbrook because it would be located in the large garden of a house within a pocket of development surrounded by the new allocated development. It would not therefore harm the local landscape, amenity and environmental qualities within which it would be located.

He concluded that the proposed development would be acceptable in this particular location and would not undermine the Council's position in restricting unplanned development in the countryside.

**BVPI 204:** **Yes**  
**Planning** APP/U1105/W/16/3157845  
**Inspectorate**  
**Ref:**

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**Ref:** 15/2907/FUL **Appeal Ref:** 16/00051/REF

**Appellant:** RM Greenfields Ltd

**Appeal Site:** Land To The West Of Catalpa Bendarroch Road West Hill Ottery St Mary EX11 1JX

**Proposal:** Construction of detached dwelling and new access to Catalpa.

**Decision:** **Appeal Allowed (with conditions)** **Date:** 04.01.2017

**Procedure:** Written representations, amenity and plot size reasons overruled (EDLP Strategies 6 & 48 and Policies D1& D3).

**Remarks:** The Council considered that the proposal would result in a cramped form of the development on the edge of the existing settlement and that the proposed access would not allow for the safeguarding and future growth of a mature Scots Pine tree on the roadside boundary.

The Inspector acknowledged that the separation distance between the proposed dwelling and Catalpa would be less than that which is currently present between Catalpa and its neighbour Maggie Tosh and less than that which is currently present between various other properties nearby. However, he considered that given the mixture of scale and design of properties nearby, the proposal would not be incongruous in respect of its scale, design, or relationship to neighbouring properties. He concluded that the proposal would not have an unacceptable effect on the character and appearance of the area and accordingly the proposal would not conflict with the relevant provisions of strategy 6, strategy 48 and policy D1 of the Local Plan, nor with relevant elements of the Framework.

Having regard to the tree on the site frontage, the Inspector concluded that provided the development is carried out in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan, the proposed development would not have an unacceptable effect on the wellbeing of trees and consequently the proposal would not conflict with the relevant provisions of policy D3 or strategy 46 of the Local Plan.

**BVPI 204:** **Yes**

**Planning Inspectorate Ref:** APP/U1105/W/16/3155797

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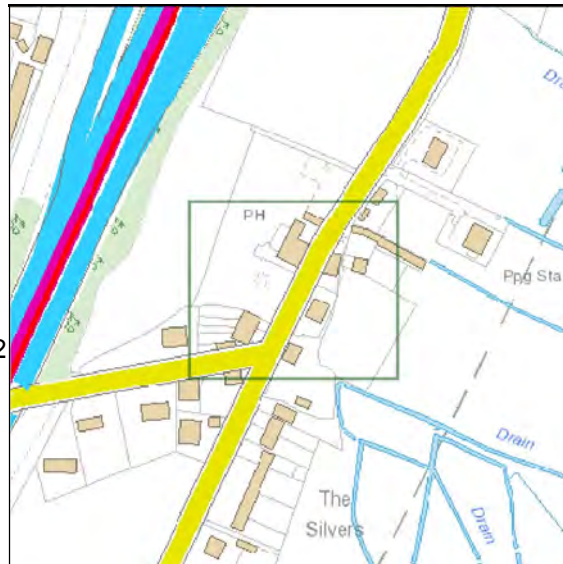
**Ward** Clyst Valley

**Reference** 16/2077/FUL

**Applicant** Mr Stephen Goss

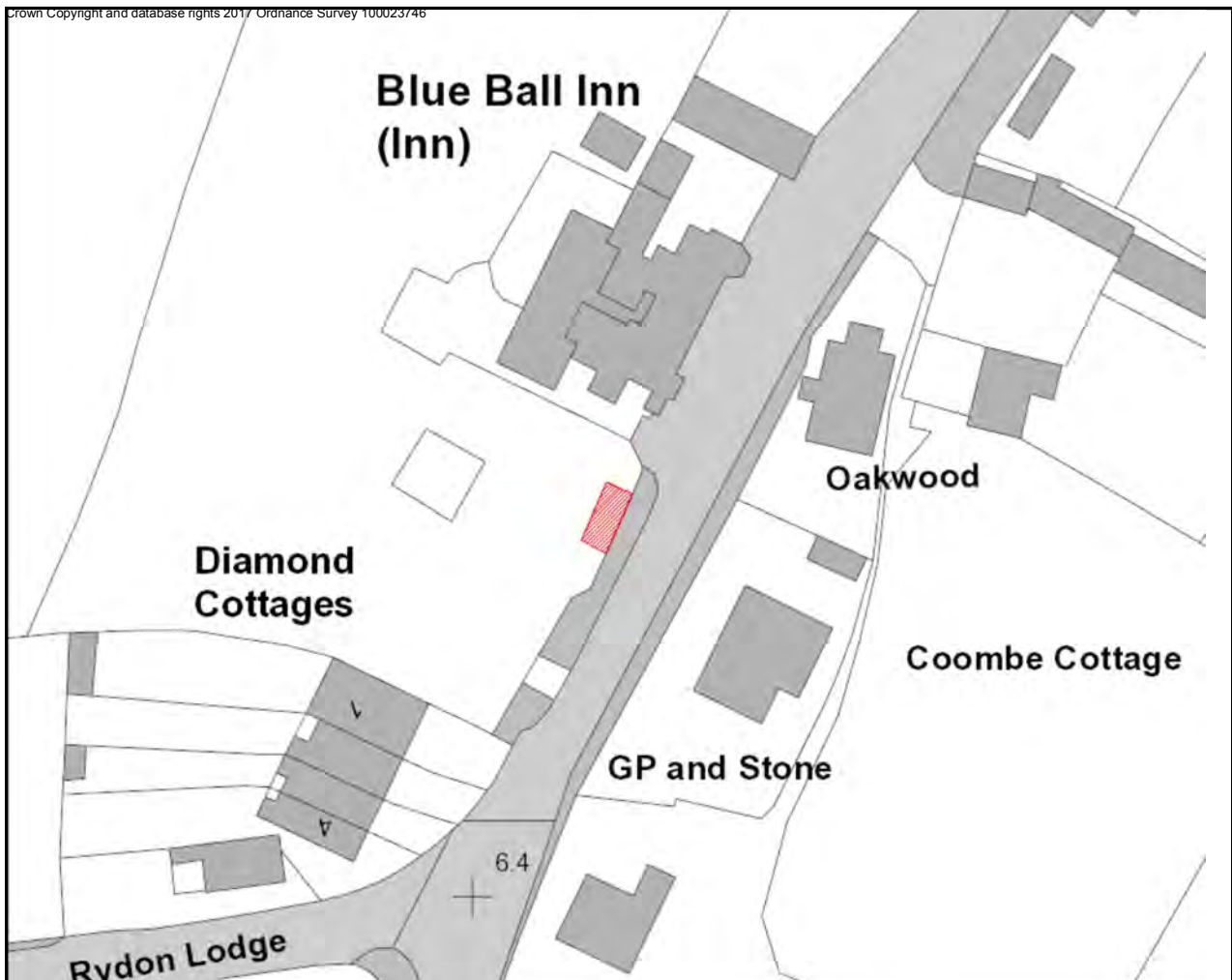
**Location** Blue Ball Inn Sandygate Exeter EX2 7JL

**Proposal** Retention of timber outbuilding for use as a bar



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 7<sup>th</sup> February 2017</b>
<b>Clyst Valley (CLYST ST GEORGE)</b>	<b>16/2077/FUL</b>	<b>Target Date: 03.11.2016</b>
<b>Applicant:</b>	<b>Mr Stephen Goss</b>	
<b>Location:</b>	<b>Blue Ball Inn Sandygate</b>	
<b>Proposal:</b>	<b>Retention of timber outbuilding for use as a bar</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

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

**The site refers to a timber structure that is used as a bar and been constructed within the beer garden of the public house “The Blue Ball Inn”, which is located near Sandy Gate roundabout near Exeter. The pub is near residential properties and popular on Exeter Chiefs match days as it is used for parking and is in a popular through route to the rugby ground.**

**The structure is set above the road and forward of the pub, and consequently is in a prominent position and visible when driving along the road. The applicants state that the intention is to use the structure as an additional bar for home matches and other home rugby events such as cup matches and is therefore likely to be used on 15-20 occasions per year.**

**Given the proximity of neighbouring properties and the position of the structure the main considerations relate to visual amenity and noise concerns.**

**It is acknowledged that the building is in a prominent position, but it is relatively small and read in the context of the public house and its beer garden. Whilst it is stark at present, the building could be stained to a darker colour through condition. Landscaping is also proposed to the front of the building which would help to mitigate the visual impact.**

**Environmental Heath originally raised an objection regarding music being played from the structure, but on the basis that music can be prevented by condition, this concern is overcome and the objection removed. As a beer garden, it is considered that ambient noise caused by people speaking would and could be similar to the garden being used by drinkers within the public**

**house itself, and given activity on match days, it would be difficult to justify that the addition of the bar in itself causes additional demonstrable harm to residential amenity. It is therefore considered on balance that the application is acceptable and is recommended for approval.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Clyst Valley - Cllr M Howe**

Object; This is a 3 sided bar with no sound insulation, It also provides no toilets for all the extra drinkers that it would provide for, as the problems with parking, urinating, and other antisocial behaviour in the locality is increasing, I cannot at present see how this will help the situation at all.

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

#### **Parish/Town Council**

The Parish Council objects to the application. There are a number of issues with the facility:

1. Appearance. The building is not in keeping or sympathetic to the existing pub. It is also very close to the road in a prominent position.
2. Amenity. Its proposed location close to the road and the noise emanating from the facility affects the amenity of the surrounding neighbours.
3. Noise. The facility has no soundproofing and is open on both sides, this results in significant noise being generated by patrons and music from loud speakers.
4. Associated facilities. The outside bar generates significant additional trade on rugby days without any additional toilet provision. There is anecdotal evidence of unsociable behaviour occurring which could be as a result of the lack of additional provision.

### **Technical Consultations**

#### **Environmental Health**

I have considered this application and discussed the location of the structure and the usage with the applicants barrister on site.

I have real concerns that this structure shall not only cause noise nuisance from any music that may be played from the speakers in the bar but also the closeness to residential properties which will cause people noise nuisance. The closest property is only 16 metres away and the other properties in the vicinity are only 22 metres, 31 metres and 39 metres. The structure does not contain any acoustic properties, and I have recommended to them that it should be relocated further away from residential premises. Therefore I cannot recommend approval to this application as it stands at present.

Further comments:

I have considered this application further and recommend that a condition is attached to any permission granted stating.  
No recorded music to be played at any time outside the premises.

County Highway Authority  
Does not wish to comment

#### Other Representations

4 letters of objection have been received

- Fully understand and appreciate the need for the outside structure to accommodate the increased custom on rugby days and support the pub and the Exeter Chiefs rugby, however the timber structure is a bit of an eye sore and should be put towards the back of the garden rather than right next to the road side.
- It ruins the view of the pub garden and encourages customers to congregate closer to the roadside which increases the noise levels to local residents.
- The large red American burger style van however is totally out of keeping with the atmosphere of the pub
- The outbuilding is to be used as a platform for loudspeakers.
- There are other positions away from the surrounding properties where it could hopefully be less of a noise nuisance.
- For example it could be placed at the back of the property so it can be accessed via the current outside bar and up the steps.
- Do not want any additional disruption especially to our child's sleep and we believe in its current position the noise will be an issue.
- View of the pub has been spoiled
- Proposed hedgerow would not be well received
- Loudspeakers are used as a platform for broadcasting music

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

Strategy 7 (Development in the Countryside)

EN14 (Control of Pollution)

E5 – Small Scale Economic Development in Rural Areas

### Site Location and Description

The site refers to a timber detached outbuilding that has been constructed within the grounds of the public house Blue Ball Inn, near Sandygate Roundabout, Exeter. It is set forward but to the side of the public house and within a prominent position as it is set above the level of the road. It is open on its western side facing into the beer

garden and mostly enclosed by timber on the three remaining sides. It has a mineral felt roof. Within the building are beer pumps. The building measures 6m x 3.1m with a pitched roof measuring around 3m in height.

To the south west of the site around 30m away is Diamond Cottage, part of a terrace of properties. To the east around 24m away on the opposite side of the road is Coombe Cottage and Oakwood. To the south east around 32m away on the opposite side of the road is Marsh View.

## **ANALYSIS**

The main considerations relate to the visual appearance of the building and impact upon neighbouring amenity. The principle of an expansion to the business is supported by Policy E5 – Small Scale Economic Development in Rural Areas subject to no detrimental impacts.

### **Visual Impact**

As noted the building is within a prominent position as it is set above the level of the road that runs in front of it and set forward of the public house.

Such structures are not always unusual within beer gardens and it is considered that it is read in conjunction with the public house as an outbuilding.

The building is of a similar form to a bus shelter given its size and design. Whilst the proposal is considered to be 'stark' at the present time, it is considered that the building itself could be stained to a less conspicuous colour. It is also considered that with landscaping, the building would be partially screened to alleviate the visual impact.

The staining of the building and provision of landscaping can be secured by condition.

### **Amenity Impact**

The Blue Ball is a popular destination on Exeter Chief match days as it is within easy walk of the rugby ground whilst offering car parking on match days. The pub therefore attracts a significant number of people on match days that park on the site and use the pub facilities before heading towards the ground.

The proposed bar is located within the existing beer garden, and it is noted on site that there are a number of residential properties in close proximity. Concerns have been raised that the building has not been insulated and is currently open. Further, it would appear that there are concerns relating to the usage of the site particularly the days the Exeter Chiefs are playing, given its proximity to the ground. There is little doubt that the proposal seeks to enhance the facilities for customers on match days by providing this additional bar facility.

The proposed plans show that the building would be enclosed on 3 sides which would help to alleviate noise concerns with the open aspect facing into the beer

garden and a condition can be imposed to ensure that the building is completed as per the submitted plans. Whilst the Environmental Health Officer initially objected to the application, on discussion this objection has been withdrawn. This is because it is considered that music could be appropriately conditioned to be restricted from the building and it was the playing of music that led to the original objection from Environmental Health. It should be further noted that the current licence would allow for bands to play outdoors, but not recorded music.

Regards ambient noise from patrons, whilst people would gather in the garden this can already occur and should be expected of a beer garden. On sunny days the beer garden is already popular on match days. The proposal would add to activity through the provision of the outside bar but it is considered that as it has a lawful use as a public house garden, it would be difficult to argue on appeal that the presence of the bar itself, that will have its greatest potential for impact for a limited time immediately before and after the rugby match, detrimentally adds to noise and activity to an extent that could justify refusal on the basis of additional harm to local residents amenity, particularly in the absence of any objection from Environmental Health.

The hours of use of the structure could be controlled through planning condition. It has been suggested by the applicant that the use would be 11am until 9pm although a restriction to 8pm in the evening in the winter. It is recommended that in order to keep any impact upon residents to a minimum that a condition be imposed to ensure that the building is not used after 8pm throughout the year.

Concerns have been raised regards anti social behaviour, but Environmental Health has not raised any concerns in this regard. It would appear that people are still going to walk along this route to the ground, in any event, regardless of whether this facility was in situ or not.

## **RECOMMENDATION**

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 September 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. Within 2 months of the date of this decision the building shall have its side elevations enclosed in accordance with drawing number 118-3 hereby approved with the building stained to a colour specification agreed in writing with the Local Planning Authority. Thereafter the building shall be retained in full accordance with the approved details.

(Reason – In the interests of the visual amenity of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.)

4. Within two months of the date of this decision a landscaping scheme shall have been submitted to and approved in writing by the Local Planning Authority. The landscaping works shall be carried out in the first planting season after the date of this permission 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.)

5. There shall be no live or amplified music or announcements played within or outside the building.

(Reason: To ensure the amenities of local residents are protected against music and other amplified noise in accordance with policy D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan.

6. The building hereby approved shall not be used outside of the hours 11am until to 8pm.

(Reason - In the interests of neighbouring amenity in accordance with Policy D1 (Design and Local Distinctiveness) 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.

##### Plans relating to this application:

118 - 1A	Location Plan	01.09.16
118 - 2A	Proposed Floor Plans	01.09.16
118 - 3	Proposed Elevation	01.09.16

##### List of Background Papers

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

**Ward** Exmouth Littleham

**Reference** 16/2409/MFUL

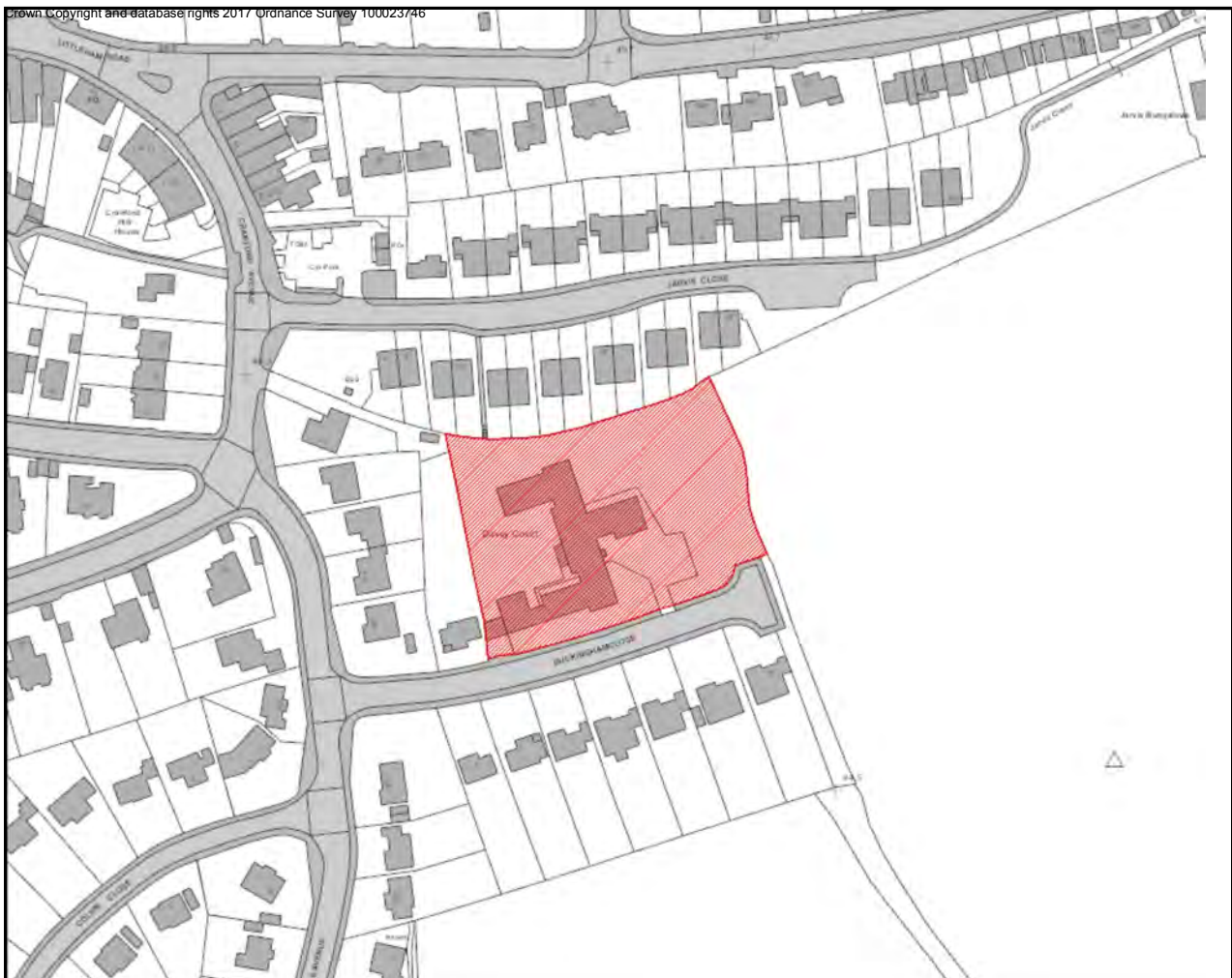
**Applicant** McCarthy & Stone Retirement Lifestyles Ltd

**Location** Davey Court Buckingham Close Exmouth EX8 2JB

**Proposal** Construction of three-storey retirement living apartment block, comprising 30 no. age exclusive retirement apartments with associated communal facilities, new access and landscaping.



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 7<sup>th</sup> February 2017</b>
<b>Exmouth Littleham (EXMOUTH)</b>	<b>16/2409/MFUL</b>	<b>Target Date: 12.01.2017</b>
<b>Applicant:</b>	<b>McCarthy &amp; Stone Retirement Lifestyles Ltd</b>	
<b>Location:</b>	<b>Davey Court, Buckingham Close, Exmouth</b>	
<b>Proposal:</b>	<b>Construction of three-storey retirement living apartment block, comprising 30 no. age exclusive retirement apartments with associated communal facilities, new access and landscaping.</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before committee as the officer recommendation differs from the view of Exmouth Town Council. This application seeks planning permission for the re-development of Davey Court (formerly run as a residential care facility by Devon County Council) with a two and three storey retirement block comprising 30 age restricted apartments and a new vehicular access onto Buckingham Close.**

**The application proposes the demolition of the existing vacant former care facility with a contemporary apartment block with a flat roofed design. Concerns have been raised about the building's design and the impact it would have on the character and appearance of the area and whilst it is accepted that 3 storey buildings are uncharacteristic of Buckingham Close and would depart from the urban grain and pattern of surrounding development, the proposed scheme would seek to utilise the existing levels of the site such that it would appear more as a two storey building, residential in scale when viewed from Buckingham Close and in views from outside the site.**

**The flat roof design and its arrangement in blocks, coupled with its design and articulation would help to reduce the overall height, bulk and massing of the building such that when viewed from public vantage points outside of the site, it would not appear unduly prominent or intrusive within the streetscene to a degree that would cause harm to the character and appearance of the area. The existing building which is to be replaced makes no positive contribution to the visual amenity of the site and its replacement with the proposed apartment buildings would see the re-use of a brownfield site which would enhance the visual amenity of the site and the character and appearance of the area.**

**The building has been carefully designed to ensure that its impact on the**



**residential amenities of the occupiers of surrounding properties would be acceptable. Again in utilising the existing site levels, it is considered that the building would form an acceptable relationship with surrounding properties and would not result in significant harm to amenity in terms of its physical impact, over bearing or over dominant nature, loss of light or loss of privacy.**

**Technical issues such as surface water drainage, access, parking provision and highway safety, ecology and impact on trees have been satisfactorily addressed in the application and a financial contribution will be secured towards affordable housing.**

**The proposal would be in a highly sustainable location and would utilise a brown field site which is encouraged by planning policy. On balance, and subject to the applicant entering into a S106 agreement to secure the financial contributions towards affordable housing, the application is recommended for approval.**

## **CONSULTATIONS**

### **Local Consultations**

#### Exmouth Littleham - Cllr M Williamson

Although I have no in principle objection to this application it is important that the scale of the build is carefully assessed to avoid a detrimental impact on the amenity of adjacent properties. There must also be a Travel Plan in view of the congestion problems at Littleham Cross and, in view of the concerns of Environmental Health in relation to 'Plumb Park', a CEMP. In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

Further comments 18.01.17:

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

#### Parish/Town Council

Meeting 31.10.16

Objection on the grounds that granting permission for further development of this type would contribute to creating an unbalanced community towards the elderly. The flat roof was out of keeping with the streetscene. The proposed layout with 18 balconies would over look living spaces of house Nos. 2, 3 & 4 and bedrooms of bungalows Nos. 6,8,10,12 & 14 and that the proposed building should be placed further back on the plot.

Further comments 11.01.17

Objection as the amended plans landscape plans did not include the retention of the historic ponds. Previous objections to the original application also had not been addressed.

## **Technical Consultations**

### **Housing Strategy Officer Melissa Wall**

In accordance with strategy 34 we will be seeking 25% (7.5 units) for affordable housing. We are disappointed to note that the applicants are not intending to provide any on-site affordable housing and are instead proposing a commuted sum payment.

Strategy 34 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 providers being willing to manage the new affordable units or other planning reasons'

The applicants claim that the provision of on-site affordable housing within specialised housing for the elderly is both problematic and unviable. They also claim that the site is too small and that it is unviable and inefficient to create 2 separate blocks, one for affordable housing the other for open market units. As far as we are aware the applicants have not submitted any viability evidence to support this claim. Nor have they submitted evidence or confirmation that different registered providers have been approached and subsequently declined, giving reasons why. Instead reliance is placed on the assumed opinions of registered providers. Furthermore the applicants have not considered or explored alternative forms of affordable housing for this scheme which may work better.

Providing supporting information on the assertions made would enable us to make a decision on whether an off-site contribution would be more suitable in this instance.

The applicant's further claim that in East Devon the acute need for affordable homes is identified in Starter Homes and young workers. There is no evidence to substantiate this claim. On the housing register (Devon Home Choice) 24% of applicants registered (bands A-D) are over 55.

If, after evidence has been provided, it is agreed that on-site provision is unsuitable or unviable a commuted sum of £177,810 will be sought.

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.

### **DCC Flood Risk SuDS Consultation**

Recommendation 7.12.16:

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.

#### Observations:

I would note that I have engaged in correspondence with the applicant's appointed Consulting Drainage Engineer and accepted the use of an underground attenuation tank in this instance, complemented by the underdrained permeable paving which has been provided across the site. I also accepted the proposed maximum off-site discharge rate of 5 l/s, given the significant betterment it represents over the current brownfield conditions.

Although the applicant has submitted a Proposed Foul and Surface Water Drainage Layout (Drawing No.07077-300, Rev. 02, dated 4th October 2016), we require the full details of the proposed surface water drainage management system to be submitted because this is a full planning application:

Description of the type of development;

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

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

Detailed site survey showing the existing topography;

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

Calculations of the current surface water runoff for the site;

Calculations of the proposed surface water runoff for the site;

Calculations of the surface water attenuation storage volume required for the 1 in 100 (+40% allowance for climate change) year rainfall event;

Calculations of the long term storage volume required to store the additional volume of surface water runoff caused by any increase in the site's impermeable area;

Evidence that the site has an agreed point of discharge;

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

1. Discharge into the ground (infiltration);

2. Discharge to a surface water body (with written permission from the riparian owner);

3. Discharge to a surface water sewer, highway drain, or other drainage system (with written permission from South West Water Ltd., Devon County Council Highways, or the riparian owner, respectively);

4. Discharge to a combined sewer (with written permission from the riparian owner).

Infiltration testing results for each proposed infiltration system;

Groundwater monitoring over a 12 month period, taking account of seasonal variations, to demonstrate that the base of any infiltration component is at least 1 metre above the maximum anticipated groundwater level;

Evidence that the capacity of any receiving watercourse is sufficient to receive concentrated flows from the site;

Detailed explanations and plans of flood risk mitigation measures;  
Technical summary of the proposed surface water drainage management system;  
Detailed plans of the proposed surface water drainage management system, demonstrating that the proposed system fits within the proposed site layout, and is practical and sustainable;  
Residual risk assessment to account for a failure of any part of the proposed surface water drainage management system;  
Detailed exceedance route plans 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;  
Detailed operation and maintenance plan and timetable for the proposed surface water drainage management system over the entire lifetime of the development;  
Details of the proposed community signage and engagement activities for each proposed surface water drainage management components.

I would also note that the applicant will be required to clarify how the long term operation and maintenance of the proposed attenuation tank will be secured given that it is in very close proximity to the foundations of Plot 01 and Plot 02.

Further comments 03/01/2017:

Recommendation:

At this stage, I am unable to withdraw our objection, but would be happy to provide a further substantive response when the applicant has formally submitted the additional information requested below to the Local Planning Authority.

Observations:

Following my previous consultation response (FRM/ED/2409/2016, dated 6th December 2016), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

The applicant has submitted a Preliminary Calculation document (Report Ref. 07077, Rev. 01, dated 7<sup>th</sup> July 2016) which outlines the sizing of the proposed surface water drainage management system. This is acceptable in-principle, but the figures contained within this document must be shown on the Proposed Foul and Surface Water Drainage Layout (Drawing No. 07077-300, Rev. 02, dated 4th October 2016) in order to demonstrate that the underground attenuation tank has been sized in accordance with the Preliminary Calculation document.

Furthermore, the aforementioned drawing must also be revised in order to show the new position of the proposed underground attenuation tank, which I understand will be moved further into the car park, away from Plots 01 and 02.

Further comments 10/01/2017:

Observations:

Following my previous consultation response (FRM/ED/2409/2016, dated 3rd January 2017), the applicant has provided additional information in relation to the

surface water drainage aspects of the above planning application, in an e-mail dated 6th January 2017, for which I am grateful.

The applicant has provided a revised Proposed Foul and Surface Water Drainage Layout (Drawing No. 07077-30, Rev. 03, dated 5th January 2017), which now shows the proposed underground attenuation tank as being located beneath the proposed car park. This arrangement is acceptable because the adoption and maintenance aspects of the proposed surface water drainage management system can be easily secured. Furthermore, the aforementioned plan now shows the sizing of the proposed underground attenuation tank, which accords with the information submitted in the Preliminary Calculation document (Report Ref. 07077, Rev. 01, dated 7th July 2016).

Assuming that works proceed in accordance with the Proposed Foul and Surface Water Drainage Layout (Drawing No. 07077-30, Rev. 03, dated 5th January 2017) and the Preliminary Calculation document (Report Ref. 07077, Rev. 01, dated 7th July 2016), I am happy to confirm that our objection is withdrawn and we have no in-principle objections to the planning application at this stage.

**DETAILS OF APPLICATION:** Construction of three-storey retirement living apartment block, comprising 30 no. age exclusive retirement apartments with associated communal facilities, new access and landscaping  
**LOCATION:** Davey Court, Buckingham Close, Exmouth, EX8 2JB

#### Environmental Health

I have re-assessed the application and still recommend the following condition:

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.

#### Contaminated Land Officer

I have considered the site and application and do not anticipate any contaminated land concerns. However I recommend that the following condition is included on any approval in the event of unforeseen circumstances arising:

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.

#### County Highway Authority

The planning officer will be aware that the CHA has been in consultation with the applicant regarding the visibility requirement at the proposed access onto Buckingham Close. This has resulted in the submission of revised visibility splays of 2.4m (X) by 25.0 (Y) in both directions which is acceptable to the CHA.

With regard to the proposed number of parking spaces (38) it would be for the LPA to comment on this number as the CHA does not have any parking standards of its own.

Recommendation:

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

1. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram SW-2361-03-LA-003 Revision C where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway/drive level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 25.0 metres in both directions.

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

#### Other Representations

6 letters of objection have been received raising concerns which can be summarised as the following:

- Mature trees on the site have been felled.
- The modern flat roof style of the building would be out of character
- Appearance of the building would be closer to a secure barracks or prison block rather than a semi-rural domestic residence.
- Inadequate provision for parking and access which would create congestion and parking problems when coupled with the increased traffic generation from Plumb Park.
- Effect of construction traffic, noise and dust when combined with construction at Plumb Park.
- Loss of value to properties.

- There is no need for retirement housing in Exmouth and will create an unbalanced community and lead to extra pressure on services.
- No notice has been taken of the community consultation exercise.
- Overlooking from balconies and an overbearing impact from the building.

## **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 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 34 (District Wide Affordable Housing Provision Targets)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN14 (Control of Pollution)

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

### Site Location and Description:

The site refers to Davey Court, a site within the Littleham ward of Exmouth. The site has an area of 1.3 acres with its main frontage onto Buckingham Close. It is currently occupied by a large two storey building and car park which was formerly run as a residential care facility by Devon County Council. The building is predominantly two storey with a pitched roof and has a number of flat roofed extensions which are set down into the site. The grounds of the site present a marked difference in levels especially along the northern and eastern boundaries. The existing building is visible from Buckingham Close and sits within a residential area largely characterised by a mix of bungalows and 1.5- 2 storey properties of varying forms and architectural styles.

The site is bound by Buckingham Close to the south, by the garden of no 1 Buckingham Close to the west, by the rear gardens of the bungalows on Jarvis Close to the north and by agricultural fields to the east.

The site is located within the built-up area boundary of Exmouth and is not the subject of any national or local landscape or townscape designations.

#### Planning History:

There is no recent planning history for this site that is relevant to the determination of this application. It should be noted that land to the east of the site benefits from a resolution to grant planning permission (subject to the completion of a S106 agreement) for a hybrid application for full planning permission for 264 houses and outline planning permission for 86 houses (all matters reserved) under planning application reference 16/1022/MOUT.

#### Proposed Development:

This application seeks planning permission to demolish the existing buildings on the site and for the construction of a three storey retirement block which would provide 30 two bedroom age restricted apartments. The building would be laid out in an 'L' shape providing a frontage onto Buckingham Close and creating a semi-private shared amenity space at the side/rear of the development. Utilising the existing levels of the site the building would have a contemporary flat roof design ranging between 2 and 3 stories in height. It would be constructed using a palette of materials which includes red brick and two tone render to highlight the varied elements of the building. The brick and render would be broken up with glazed balcony areas.

The proposal also includes the creation of a new vehicular access onto Buckingham Close which would be positioned in the south west corner of the site which would lead to a car park that would provide 38 car parking spaces within the site. A refuse and bicycle store would be provided in the north western corner of the site. The development proposes communal gardens to the frontage and rear and includes the provision of a boules court in the north eastern corner.

#### Issues and Assessment:



The main issues to consider in determining this application are in terms of the principle of development in this location, the design, size and scale of the proposed development and the impact it would have on the character and appearance of the area, the relationship with and impact upon the residential amenities of the occupiers of adjoining properties, the suitability of the proposed access and level of parking provision and the impact this would have on highway safety, the arboricultural and ecological impacts, drainage and flooding and whether the proposal makes adequate provision for affordable housing.

## **ANALYSIS**

### **Principle:**

The site is located within the built-up area boundary of Exmouth, as defined by the East Devon Local Plan 2013-2031, where the principle of this type of development would normally be acceptable in settlement policy terms (Strategy 6- Development within Built-Up Area Boundaries refers). The site has good access to services, facilities and to public transport such that it is considered to be a sustainable location for residential development.

This is a brownfield site in Exmouth where the building is vacant and no longer in use and where its re-development should be encouraged in line with one of the core principles of the NPPF which encourages the effective use of land by reusing land that has been previously developed (brownfield land).

Whilst the concerns of Exmouth Town Council about this proposal contributing to creating an unbalanced community towards the elderly are noted, it is not considered that a policy objection could be reasonably sustained on these grounds. The advice within the Planning Practice Guidance points to a critical need for housing for the elderly stating 'the need to provide housing for older people is critical given the projected increase in the number of new households aged 65 and over'. It further advises that 'supporting independent living can help reduce costs to health and social services and providing more options for older people to move could also free up houses that are under occupied'.

Whilst the apartments will be age restricted to persons over 55, this development would be immediately adjacent to Plumb Park where it is intended to provide 350 dwellings including affordable housing which would contribute to wider choices of home ownership and help to create inclusive and mixed communities in this area. Furthermore there is limited over-55 accommodation in the immediate area and allocations for housing in Exmouth (Goodmores Farm) would provide for further housing choices over the Local Plan period. So whilst the concerns of the Town Council are noted, the provision of retirement living housing would widen the housing choices for older persons from the area and help to meet the positive aspirations identified in the PPG. Furthermore, there is likely to be a benefit of widening the choice of accommodation for older people which could in-turn free up under occupied units.

### Character and Appearance:

The existing site is occupied by a large two storey building with a pitched roof and flat roofed extensions which is set down into the site. The existing building is visible from Buckingham Close and sits within a residential area largely characterised by a mix of bungalow and 1.5- 2 storey properties of varying forms and architectural styles.

The existing building itself by virtue of its size, scale and massing is uncharacteristic of Buckingham Close which is mainly a residential area. The building and the site makes no positive contribution to the streetscene or the character and appearance of the area. It is of no architectural or historic merit such that it is not considered that there would be any planning reasons to object to its demolition.

The proposal is for a part two storey and three storey building with a contemporary flat roofed design arranged in separate blocks. It is accepted that the delivery of a 3 storey development on the site would be uncharacteristic of the prevailing pattern and character of the development in Buckingham close and therefore careful consideration must be given to the design, form and massing of the building to ensure that it does not adversely affect the character and appearance of the area.

Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan seeks to ensure that 'new developments respect the key characteristics and special qualities of the area in which the development is proposed and that the scale, massing, density, height, fenestration and materials of buildings relate well to their context'.

Whilst 3 storey buildings are not characteristic of this part of Exmouth and would depart from the urban grain and pattern of surrounding development, it is noted that the proposed scheme would seek to utilise the existing levels of the site such that it would appear more as a two storey building residential in scale when viewed from Buckingham Close. In addition, the flat roof design and arrangement in blocks would help to reduce the overall height, bulk and massing of the proposed development such that when viewed from public vantage points outside of the site, the building would not appear unduly prominent or intrusive within the streetscene to a degree that would cause harm to the character and appearance of the area.

The existing building which is to be replaced makes no positive contribution to the visual amenity of the site and its replacement with the proposed apartment buildings would enhance the character of the site. Whilst concerns about the height, scale and design of the building are noted, it is considered that the proposal has been carefully designed to ensure that its mass, bulk and does not dominate the streetscene. In utilising the existing levels between the road and the site, the number of stories on each block would be discernible which would be assisted by the stepping in and out of the building's footprint, variations in roof heights between the blocks of the building, the use of red brick and render, the balconies and the projecting features on the building not only add character and articulation to the building but assist in breaking up its overall mass and bulk such that it is not considered that it would significantly harm the streetscene or the character and appearance of the area.

The building has been carefully designed to ensure that height, bulk and massing of the building responds to its immediate context and the streetscape. Whilst a 3 storey building is not characteristic of this part of Buckingham Close, it is considered that due to the levels difference between Buckingham close and the site, the building would be perceived as being two storeys in height which would be appropriate for its residential context. The front elevation would present an active frontage to the close and would positively contribute to the streetscene.

The application is accompanied by a comprehensive landscape strategy which includes details of soft and hard landscaping within the site. The landscape strategy is centred around the provision of a communal garden and includes groups of trees on the sites frontage and appropriate boundary treatment which includes a low hedge along the frontage, retention of conifers at the eastern end of the site and a small section of railings. The landscaping also includes seating, timber pergolas and a boules court. It is considered that the landscape strategy is appropriate for the type of development proposed and which once well established would help to soften the impact of the development and assimilate it into the streetscene and its environs.

#### Residential Amenity:

The site is bounded by residential properties on its north and west sides and therefore it is important to carefully assess the impact of the development on the residential amenities of the occupiers of these properties. To the north of the site are bungalows on Jarvis Close which occupy an elevated position and whose rear gardens back on to the northern boundary. Immediately to the west is no 1 Buckingham Close, a two storey dwelling with a long rear garden which runs along the entire western boundary.

It should be noted that the footprint of the existing building in some parts of the site projects significantly close to the northern boundary of the site and that there are a number of windows on the northern elevation of the building which afford views directly towards the rear gardens of the properties on Jarvis Close. The existing building forms a close relationship with the surrounding properties.

In terms of an assessment of the impact of the development on the occupiers of the properties on Jarvis Close, it is noted that the existing building on the north western side would be removed in its entirety and would be replaced by a parking court which would certainly improve the outlook from the rear of some of the properties. The proposal would however introduce a three storey building into the site where there is an existing car park and therefore this would have a degree of additional physical impact on other properties within Jarvis Close. Whilst this would be the case, section drawings through the site demonstrates that the buildings would be set at a lower level, utilising the existing ground levels of the site such that whilst projecting closer to the northern boundaries of the site (at its closest approximately 22m), it is not considered that there would be significant harm to residential amenity in terms of an overbearing or over dominant impact to sustain an objection. This part of the building block has been designed to ensure there are no habitable windows facing the northern boundary where the only windows would be to serve stairwells. Where openings are proposed on the northern elevation, this would be on part of the building that would be set back a considerable distance from the boundary with the

gardens on Jarvis Close. Whilst these windows and balconies would face towards the northern boundary, at a distance in excess of 40 metres, and given the improvement on the existing relationship, it is not considered that this would result in significant levels of overlooking or loss of privacy to sustain an objection.

The proposal has been designed to carefully respect the amenities of the occupiers of no 1 Buckingham Close, whose large rear garden runs along the western boundary of the site. The proposal would remove a two storey section of the existing building close to the boundary of no 1 which would improve the relationship between the two properties. The proposed vehicular access would introduce a wider buffer between the development and no 1 which has been designed to be two storey in height which would ensure that the physical impact of the development in terms of an over bearing or over dominant impact on the occupiers of this property would not be significantly harmful. Windows on the western elevation facing number 1 would serve en suites and secondary bedrooms windows and would be fitted with obscure glass so as not to create any overlooking or loss of privacy. A condition is recommended to this effect.

Windows and balconies on the western elevation of the 3-storey building would be set well back from the boundary with no 1 by over 35 metres such that whilst facing in a westerly direction, it is not considered that there would be significant harm in terms of overlooking and loss of privacy.

Concerns about the impact of the development on the occupiers of the properties on the opposite side of Buckingham Close are noted. Whilst the proposal would introduce a series of small balconies on the front elevation which would face towards the front gardens of these properties, at a distance of 17.0 metres across a main road to the front boundaries and over 30.0 metres to the front of the properties, it is not considered that this would be at a distance that would be significantly harmful in terms of overlooking and loss of privacy to sustain an objection. Windows and balconies would face towards front gardens which are already open to views from within the close and which are not particularly private amenity spaces.

The introduction of a new building that would provide age restricted retirement apartments would result in an intensification of the use of the site and it is acknowledged that the proposed new access would be located alongside no 1 Buckingham Close with some of the car parking being provided along the western boundary. Whilst Introducing activity on this side of the site would have a degree of additional impact in terms of noise and disturbance from car doors etc but the proposal includes the installation of a new timber fence along the boundary and allows sufficient space for the planting of a hedgerow along the boundary such that it is not considered that there would be significant harm to the amenity of the occupiers of no 1 to sustain an objection.

Overall, it is considered that the proposal has been designed so as not to cause significant harm to the residents of the occupiers of surrounding properties. The Council's Environmental Health Officer has raised no objections and has recommended a condition requiring the submission of a Construction Environment Management Plan to ensure that the construction of the scheme does not adversely affect the amenity of local residents in terms of hours of working, dust and noise etc.

A condition is also recommended to control noise from a proposed sub-station to the north-eastern corner of the site. The application is therefore considered to comply with the provisions of Policy D1 and is recommended for approval on this basis.

#### Highway Safety:

The proposal includes the creation of a new vehicular access on the south western side of the site which would lead to an internal access road and a car parking court with 38 spaces. The existing access on the south eastern side would be blocked up.

The County Highway Authority has advised that the visibility splays for the new vehicular access at 2.4 metres by 25.0 metres in both directions would be acceptable. These revised visibility splays have been produced at the request of the CHA owing to the likely change in the character of the road from increased traffic from the 350 dwellings at Plumb Park which is pending a decision. The application is therefore considered to comply with the provisions of policy TC7 (Adequacy of Road Network and Site Access) of the Local Plan.

Local Plan policy TC9 (Parking Provision in New Development) states that as a guide two car parking spaces per home with two or more bedrooms should be provided. Whilst it is acknowledged that 38 spaces for 30 units does not comply with this policy, it is accepted that parking levels have been put forward by the applicants which reflect the specialised nature of the retirement accommodation that is being proposed and that parking demands for retirement schemes do not correlate with traditional car parking standards for open market residential proposals.

The transport statement accompanying the application has been prepared by Paul Basham Associates which sets out how parking provision for the development has been informed by the applicant's own research whereby it is highly unlikely that occupiers of each 2 bedroom unit would have two cars. In addition, in having due regard for the fact that the site is in a location which is easily accessible by bus, bicycle, and pedestrian links it is not considered that it would be necessary to ensure that 60 car parking spaces are provided within this development. Whilst the concerns of local residents are noted, having due regard for the previous use of the site as a care home, it is considered that the 38 car parking spaces that would be provided would be sufficient to ensure that all parking demand is met on site with no overspill parking onto Buckingham Close which in any event is unrestricted for car parking. The proposal also makes provision for on-site bicycle storage which would encourage other modes of transport for staff and visitors in particular. It is not considered that the proposal would give rise to any highway safety concerns as either a standalone development or cumulatively with the approved development at Plumb Park that would be considered to be severe as the test within the NPPF. In this case, the lower level of on-site parking provision is justified by the restricted occupancy of the development to over 55's and therefore it is considered necessary to impose a condition to this effect.

#### Drainage:

Due to infiltration rates of the site, drainage would be managed by underground attenuation tanks which would be complemented by under drained permeable paving

which would be provided across the site. Whilst the use of swales and other ground planting water systems would have been preferred, the County Council's Flood Risk Management Team have advised that the attenuation tanks and permeable paving with a maximum off-site discharge rate of 5 l/s would be acceptable given the significant betterment it represents over the current brownfield conditions. A condition is recommended to ensure that the development is carried out in accordance with the foul and surface water drainage details that have been submitted. The proposal would therefore comply with the provisions of Policy EN22 (Surface Run-Off Implications of New Development) of the Local Plan.

#### Arboricultural Impact:

It is disappointing that a number of semi-mature trees along the sites southern boundary have been felled prior to the submission of the application. However, the trees were not protected and therefore no further action can be taken over their removal. The application is accompanied by an Arboricultural survey undertaken by Aspect Tree Consultancy which identifies one Oak tree on the north eastern side of the site which has been assessed as a B1 category tree and will be retained as part of the development.

The application is accompanied by a detailed planting scheme which proposes a number of Mountain Ash/ Rowan trees in front of the proposed building which would help to soften its impact within the streetscene. Further planting is proposed around the sites access and elsewhere within the communal grounds. The details have been considered by the Council's Landscape Architect who raises no objections to the planting scheme. A condition is recommended to ensure the development is carried out in accordance with these details.

#### Ecological Impact:

The application is accompanied by a Bat and Reptile survey report undertaken by a qualified Ecologist. The report concludes that there was no evidence of bats following detailed dusk emergence and pre-dawn re-entry bat surveys. As the building is potentially accessible to bat species through gaps between roof tiles or damage soffits, new permanent roosting opportunities would be provided within the new building and it is recommended that a condition is imposed to this effect.

Small numbers of slow worms were recorded within areas of rank grassland on the periphery of the site and it is noted that site clearance and excavating ground works have the potential to harm reptiles. The report recommends a strategy to protect reptiles being implemented prior to any works taking place and to ensure that measures are undertaken to ensure reptiles are not harmed during construction.

The report also concludes that house sparrows and starlings were entering gaps within the soffits of the building and that it is likely that these species are using or have used the building for nesting. Demolition works therefore have potential to harm nesting birds and therefore the report recommends that works are only undertaken during periods when birds are least likely to be nesting.

The report is accompanied by a Conservation Action Statement which sets out a series of mitigation measures and recommendations to ensure that bats, reptiles and birds are adequately protected during the development. A condition is recommended to ensure that the development is carried out in accordance with these details. The proposal is considered to comply with the provisions of Policy EN5 (Wildlife Habitats and Features) of the Local Plan.

#### Contributions:

The proposal is considered to be a C3 use and therefore will be CIL liable at £80 per square metre. CIL payments will include contributions towards habitat mitigation for the Exe Estuary and the East Devon Pebble Bed Heaths Special Protection Areas (SPA's) which will ensure that this development would not have significant effects on these habitats.

#### Affordable Housing:

In accordance with Strategy 34 (District Wide Affordable Housing Provision Targets) this application would attract 25% (7.5 units) affordable housing. In this case the applicants are not intending to provide any on-site affordable housing and are instead proposing a commuted sum payment.

Strategy 34 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 providers being willing to manage the new affordable units or other planning reasons.

The applicants claim that the provision of on-site affordable housing within specialised housing for the elderly is both problematic and unviable. They also claim that the site is too small and that it is unviable and inefficient to create 2 separate blocks, one for affordable housing the other for open market units.

The applicant's supporting statement refers to the inherent difficulties of integrating other forms of housing within private retirement housing for the elderly. Due to the nature of retirement housing as a communal age restricted scheme with service charges and management issues etc, number of units involved and lack of willingness for an RSL to take on a small number of units within a large block outside of their control, in this case it is agreed that on-site affordable housing provision would be unsuitable for this development and that it would therefore be appropriate to secure a commuted sum for an off-site contribution of £177,810. This figure is calculated on the basis of the difference in the cost to a development of providing affordable housing compared to open market housing with this approached agreed at DMC in April 2015.

On the basis, that an off-site contribution towards affordable housing is justified by the age restricted nature and type of development, it is considered necessary and reasonable to condition the occupation of the units to over 55's only. In the event that this scheme was not put forward as retirement accommodation, the policy

requirement would be for affordable housing to be provided on-site as part of the scheme.

National planning guidance provides an incentive for brownfield development on sites containing vacant buildings (Vacant Building Credit (VBC)). Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floor space of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

Davey Court is a brownfield site which has not been abandoned but which has been vacant for nearly 2 years. The building could no longer meet its original purposes and neither has there been an extant permission or recently expired permission to re-develop the site. It is a genuinely vacant building and site which has the opportunity to be brought back into economic and viable use. The VBC provides an incentive for that process to move forward and is considered to be relevant to be applied in this case. In calculating the increase in floor space it is considered that the affordable housing contribution should be reduced to £89,083 and that this would be secured through a S106 agreement.

#### Contaminated Land:

The application has been considered by the Council's Environmental Health Officer who does not anticipate any contaminated land concerns. A condition has been recommended that in the event of any contamination of soil and/ or ground or surface water being discovered during construction that the LPA is contacted immediately and remediation measures agreed upon.

### **RECOMMENDATION**

APPROVE subject to the following conditions and to the completion of a S106 agreement to secure of-site contributions towards affordable housing:

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. With the exception of demolition, no construction of the building hereby permitted shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been



submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

4. The occupation of the units of accommodation hereby permitted shall be restricted, so that at least one of the occupiers of each unit shall be 55 years of age or over.  
(Reason: The development fails to make adequate provision for a proportion of the dwellings created within the scheme to be affordable under the terms of Strategy 34 (District Wide Affordable Housing Provision Targets) and parking spaces in accordance with policy TC9 (Parking Provision in New Development) of the East Devon District Local Plan 2013-2031)
5. The landscaping of the site shall be carried out in accordance with the details shown on drawing SW-2361-03-LA-009-B-Rev C, SW-2361-03-LA-010-Tree Pits details, SW-2361-04-LA-002 General Arrangement, SW-2372-03-LA-007-B-Planters,seating & Street furniture, SW-2361-02-LA-006-Fences Steps and Rails. 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 Adopted East Devon Local Plan 2013-2031.)
6. The development shall be carried out in accordance foul and surface water drainage layout shown on drawing 07077-30 Rev 3 dated 5th January 2017 and the preliminary calculation document report 07077 Rev 01 dated 7th July 2016. (In the interests of the drainage of the site in accordance with policy EN22 Surface Run Off Implications of New Development of the Adopted East Devon Local Plan 2013-2031)
7. The development shall be carried out in accordance with the finished floor levels and ground levels shown on drawing numbers SW-2361-03-AC-025 Rev E, SW-2361-03-AC-040 Rev A and SW-2361-03-AC-029-Rev A.  
(Reason - In the interests of the character and appearance of the site and surrounding area and to protect residential amenity in accordance with policy D1(Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031.)
8. The development hereby permitted shall not be occupied until the access and all the parking shown on drawing SW-2361-03-AC-026 Rev E has been

provided in accordance with the approved details. These shall thereafter be retained and kept available for those purposes at all times.

(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with the requirements of Policy TC7 - Adequacy of Road Network and Site Access of the Adopted New East Devon Local Plan)

9. Development shall be carried out in accordance with the refuse and cycle store details shown on drawing SW-2361-03-AC-045-A and shall be made available before any of the approved flats are occupied and retained thereafter.  
(Reason - To ensure the adequate refuse provision for the residents is in the interest of health and hygiene in accordance with Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) and to ensure cycle provision is provided in accordance with policy TC9 (Parking Provision in New Development) of the Adopted New East Devon Local Plan )
10. Prior to first occupation of unit 12 the western side windows shown on drawing numbers SW -2361-03-AC-29 Revision A and SW-2361-03-037 Revision D Elevations 2 , shall be obscure glazed and retained as such.  
(Reason - In the interests of neighbouring amenity in accordance with policy D1(Design and Local Distinctiveness) of the East Devon Local Plan.
11. A Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.  
(Reason: To ensure that the details are agreed before the start of works to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted New East Devon Local Plan 2016.)
12. The development shall be carried out in accordance with the results and recommendations contained within the Bat and Reptile Survey Report received 10th October 2016.  
(Reason- In the interests of ecology in accordance with policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031.)
13. The development shall not be occupied until all external lighting has been installed in accordance with a scheme that shall be submitted to and approved in writing by the local planning authority. The development shall be carried in accordance with the approved details and thereafter retained.  
(Reason - In the interests of the character and appearance of the site and surrounding area in accordance with policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031.)

14. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram SW-2361-03-LA-003 Revision C where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway/drive level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 25.0 metres in both directions.  
(Reason - To provide adequate visibility from and of emerging vehicles in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan 2013-2031.)
15. 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 in accordance with Policy EN16 – Contaminated Land of the East Devon Local Plan.)
16. 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 – In order to protect the amenity of surrounding residents in accordance with Policy EN14 - Control of Pollution of the East Devon Local Plan.)

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

TREE SURVEY	Archaeological Report	10.10.16
04683 TCP REV A_2016 REV B	Other Plans	10.10.16

07077-300 REV 02	Layout	10.10.16
068	Other Plans	10.10.16
026- REV D	Layout	10.10.16
025- REV B	Layout	10.10.16
A	Protected Species Report	10.10.16
028-REV A	Proposed Floor Plans	10.10.16
29-A	Proposed Floor Plans	10.10.16
030 REV A	Proposed Floor Plans	10.10.16
034-REV A	Proposed roof plans	10.10.16
037-REV C	Proposed Elevation	10.10.16
045-REV A	Proposed Combined Plans	10.10.16
038-REV B	Proposed Elevation	10.10.16
040- *	Sections	10.10.16
039- *	Sections	10.10.16
SW-2361-03-LA- 008	Other Plans	10.10.16
001 REV B	Location Plan	10.10.16
16- 75729/BG/SI&CA R/REV 1	Additional Information	10.10.16
	Ecological Assessment	10.10.16
BAT & REPTILE SURVEY	Protected Species Report	10.10.16
STORM WATER ATTENUATION	General Correspondence	15.12.16
ACOUSTIC	Additional Information	15.12.16

## INFO

POC-SS-0001	Other Plans	15.12.16
SW-2361-04-LA-002	Layout	02.12.16
SW-2361-03-003 REV C	Other Plans	02.12.16
SW-2372-03-LA-007-B REV C	Other Plans	02.12.16
SW-2361-02-LA-006 REV C	Other Plans	02.12.16
SW-2361-03-LA-009-B REV C	Other Plans	02.12.16
SW-2361-03-LA-010	Other Plans	02.12.16
SW-2361-03-AC-025 REV E	Proposed Floor Plans	02.12.16
SW-2361-03-AC-026-REV E	Proposed roof plans	02.12.16
SW-2361-03-AC-037-REV D	Proposed Elevation	02.12.16

### List of Background Papers

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

**Ward** Exmouth Withycombe Raleigh

**Reference** 16/2631/FUL

**Applicant** No 10 Developments Ltd

**Location** 28 Holland Road Exmouth EX8 4BA

**Proposal** Demolition of garage, and construction of two storey attached dwelling



**RECOMMENDATION: Refusal**

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		<b>Committee Date: 7<sup>th</sup> February 2017</b>
<b>Exmouth Withycombe Raleigh (EXMOUTH)</b>	<b>16/2631/FUL</b>	<b>Target Date: 30.12.2016</b>
<b>Applicant:</b>	<b>No 10 Developments Ltd</b>	
<b>Location:</b>	<b>28 Holland Road Exmouth</b>	
<b>Proposal:</b>	<b>Demolition of garage, and construction of two storey attached dwelling</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

**This application is before Members of the Development Management Committee because the officer's view differs from that of two Ward Members. The application seeks planning permission for the construction of an attached two storey dwelling.**

**Whilst the proposal is located within Exmouth, in a sustainable location where the principle of new residential development is acceptable and would not result in significant harm to the character and appearance of the area, or give rise to any parking or highway safety concerns, it would result in an unacceptable relationship with adjoining properties with an unduly harmful impact on residential amenity in terms of over-looking and an over-bearing and over-dominant impact to the rear garden of no 26 Holland Road which runs parallel to the application site.**

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

## **CONSULTATIONS**

### **Local Consultations**

#### **Exmouth Withycombe Raleigh - Cllr S Gazzard**

Demolition of garage and construction of 2 storey attached dwelling.

Apologies for the lateness of my views on this application.

I believe that this is an amended plan to the previous application.

I have undertaken a site visit and in my opinion I believe that the site can take this building.

Should my views be different to Officers as a Ward Member I would request that this application goes to Full DMC.

Should there be a Chairman's Delegation meeting on this application I would be most grateful if you will let me know and could you also confirm receipt of this email.

#### **Exmouth Withycombe Raleigh - Cllr B Bailey**

No objections

#### **Parish/Town Council**

Meeting 28.11.16

No Objection

### **Other Representations**

There have been 2 letters of objection received at the time of writing this report raising concerns which can be summarised as follows:

- Parking and congestion problems
- Issues for emergency services access to properties along this road due to parking problems;
- Noise and disturbance during construction
- Highway safety concerns about car parking spaces

### **Technical Consultations**

#### **County Highway Authority**

Highways Standing Advice

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
87/P1972	Extension.	Approval with conditions	01.02.1988



16/1705/FUL	Demolition of garage and erection of two storey attached dwelling	Withdrawn	28.09.2016
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## **POLICIES**

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

D1 (Design and Local Distinctiveness)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### Government Planning Documents

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

### Site Location and Description

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

### Planning History:

Planning permission was granted in 1988 (ref 87/P1972) for a two storey side extension.

A planning application was withdrawn (ref 16/1705/FUL) for the demolition of a garage and erection of a two storey attached dwelling.

### Proposed Development:

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

The application seeks to overcome officer's previous concerns (expressed during the life of the withdrawn application) about the impact a proposed dwelling on the site would have on the residential amenities of the occupiers of no 26 Holland Road by:

1. A reduction in the footprint of the proposed dwelling and setting it back further from the boundary with no 26.
2. No habitable windows are proposed at first floor level of the new build section of the dwelling.
3. Increasing the size of the private garden for the development.

#### Issues and Assessment:

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

### **ANALYSIS**

#### Principle:

The site is located within the built-up area boundary of Exmouth where the principle of new residential development is acceptable because of its proximity and accessibility to a range of services and facilities and public transport links. Strategy 6 (Development within Built-up Area Boundaries) states:

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

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

#### Character and Appearance:

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

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

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

f) The amenity of occupants of proposed future residential properties, with respect to open space.

The proposed two storey dwelling would form a semi-detached property attached to the two storey side extension of the existing dwelling. The estate is characterised by two storey dwellings and the proposed design of the building would be in keeping with the style and appearance of neighbouring properties, with the exception of timber cladding infill rather than render, although this is not considered to be sufficiently harmful to character and appearance of the local area to sustain an objection. It is considered that the proposal would comply with policy D1 of the Local Plan in so far as it would ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.

#### Residential Amenity:

Whilst the above steps that have been taken to overcome previous concerns are acknowledged, and that a reduction in the footprint of the development and moving it further away from the boundary with the garden of no 26 Holland Road would result in less of an impact than previously proposed as part of the withdrawn application, it is still considered that the proposal would adversely affect the amenities of no 26 to an unacceptable level.

Owing to the limited depth of the plot and its relationship with the garden of no 26 Holland Road, it is considered that the proposed dwelling would have a significantly harmful impact on the residential amenities of the occupiers of this property. The site plan demonstrates that the new build section of the proposed dwelling would be positioned just 4.0 metres from the boundary of no 26 partly over the footprint of the existing single storey garage.

The rear building line of the proposed dwelling would run parallel to the boundary of the garden of no 26 and at such a short distance from the boundary it is considered that a two storey development in this part of the plot would have a significant impact on the occupiers of this property in terms of being unduly over bearing and over dominant. This impact would be significantly exacerbated by virtue of the fact that the site sits at a higher level in relation to no 26.

The proposed dwelling has been re-designed to ensure that there are no habitable windows at first floor level on the rear elevation of the new build element. There is however already an existing first floor window on the rear elevation of the two storey extension which is to form part of the dwelling and whilst this window is technically in breach of a condition imposed on the 1988 planning permission (which specifically stated that no windows should be installed on the rear elevation at first floor level), on the basis that this window has been in-situ for more than 10 years it would now be immune from enforcement action. With the exception of this first floor window, only two small windows would be positioned at first floor level on the rear elevation which would serve a landing and could be conditioned to be fixed shut and obscured. This would ensure that the proposal would not result in any significant levels of overlooking or loss of privacy to the garden of no 26 from the first floor.

However, it is considered that the ground floor kitchen window and increased reliance on the amenity area to the rear of the new dwelling will create an uncomfortable relationship with the first floor windows to the rear of number 26, and to its garden area, with direct overlooking to the detriment of the amenities of occupiers. The new kitchen window would provide intervisibility between the first floor of number 26 and the new occupiers with a similar impact from the small amenity area and to the rear of the new dwelling that would also afford raised views over the garden to number 26 and beyond. This would result in a very tight relationship and loss of amenity to the occupiers of both properties.

Whilst the amendments to the previous scheme in an attempt to reduce the impact on the residential amenities of the occupiers of no 26 are noted, it is still considered that the proposed dwelling would result in an unacceptable relationship with no 26 Holland Road and its rear garden resulting in an unacceptable level of harm to the amenity of the occupiers of this property and the new property in terms of overlooking and an over bearing and over dominant impact. As such it is not considered to comply with the provisions of policy D1 (Design and Local Distinctiveness) of the Local Plan which seeks to ensure that proposals do not adversely affect the amenity of occupiers of adjoining residential properties as reflected in one of the core principles of the NPPF which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. The application is therefore recommended for refusal on these grounds.

#### Parking:

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

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

### **RECOMMENDATION**

REFUSE for the following reason:

1. The proposed development by reason of its size, elevated position and proximity to the boundary would result in an unacceptable loss of privacy and unduly over bearing and over dominant impact to the detriment of the

residential amenity of the occupiers of adjoining properties. In addition, the close relationship to number 26, position of the kitchen window and small amenity area would result in a poor standard of amenity for the occupiers of the proposed dwelling. The proposal is therefore considered to be contrary to the provisions of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031 and one of the core principles of the National Planning Policy Framework which seeks to provide a good standard of amenity for all existing and future occupants of land and buildings.

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

2915.4.B.	Proposed Combined Plans	04.11.16
2915.5.B	Proposed Combined Plans	04.11.16

##### List of Background Papers

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

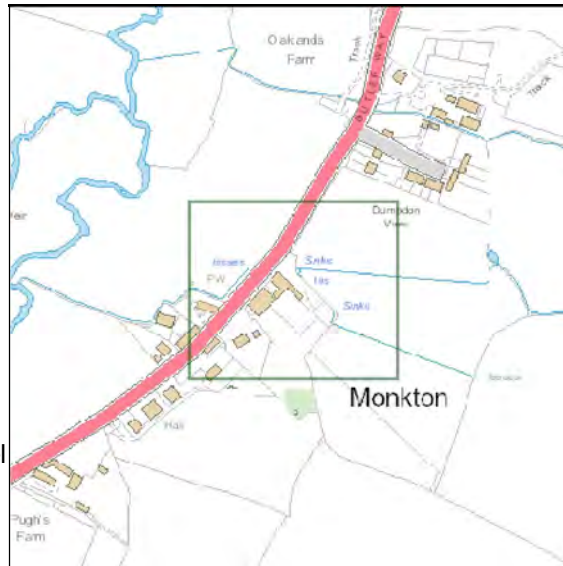
**Ward** Otterhead

**Reference** 16/2532/FUL

**Applicant** Mr & Mrs C Brown

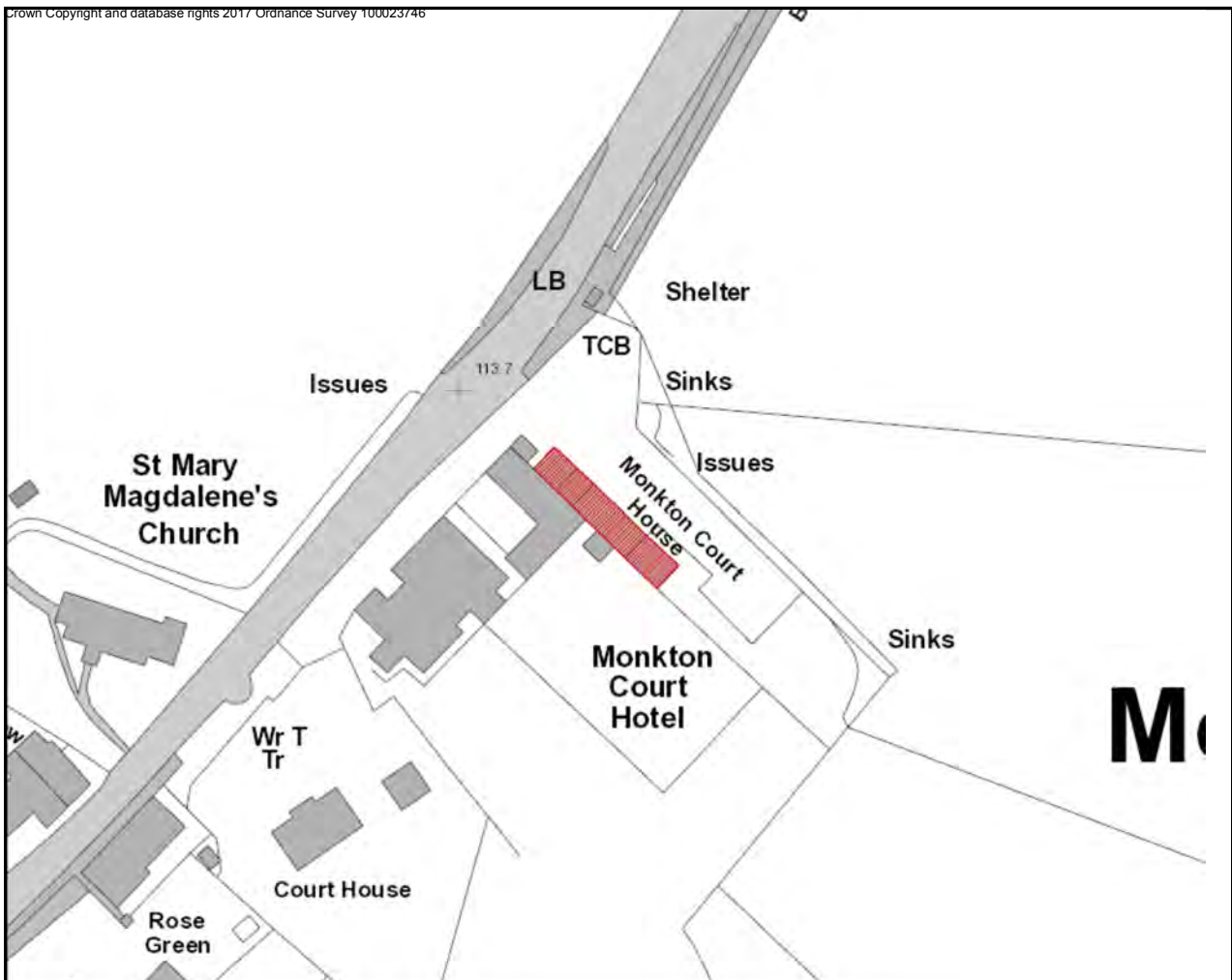
**Location** Monkton Court Hotel Monkton  
Honiton EX14 9QH

**Proposal** Change of use and conversion of  
garages and stores to create 7 hotel  
bedrooms



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 7<sup>th</sup> February 2017</b>
<b>Otterhead (MONKTON)</b>	<b>16/2532/FUL</b>	<b>Target Date: 15.12.2016</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs C Brown</b>	
<b>Location:</b>	<b>Monkton Court Hotel Monkton</b>	
<b>Proposal:</b>	<b>Change of use and conversion of garages and stores to create 7 hotel bedrooms</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

The proposal is referred to Members of the Development Management Committee as the applicant is a Councillor.

The proposal seeks planning consent to convert existing garages into additional hotel accommodation to create 7 hotel bedrooms.

There have, in recent years, been several planning permissions granted for the expansion of the accommodation in the form a two storey structure. However, the conversion of the existing garage outbuilding would be single storey only, use the existing buildings and have less of a visual impact on the character of the area. Moreover, the increased number of rooms would represent a boost for the rural tourism economy in accordance with Policy E16.

As Highway England and Devon County Highway authority have not objected to the proposal there are no objections raised in relation to the increase in traffic frequency. The proposal would utilise an existing access point onto the main A30 road, and again, no issues are raised in this regard.

Accordingly the proposal is recommended for approval.

#### **CONSULTATIONS**

##### **Local Consultations**

Otterhead - Cllr D Key

I have no objection on this application and so fully support

Parish/Town Council  
Support

### **Technical Consultations**

Highways England  
No objections

### Other Representations

1 letter of objection has been received to date;

- Inadequate access with harm to highway safety

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
12/2288/FUL	Replacement of extant planning permission 09/1698/FUL- extensions to hotel to create additional letting bedrooms, function room, ancillary storage and kitchen facilities and revised parking and access	Approved	28.11.2012
09/1698/FUL	Extensions to hotel to create additional letting bedrooms, functions room, ancillary storage and kitchen facilities and revised parking and access arrangements	Approved	20.10.2009
15/2170/FUL	Proposed garage	Approved	11.12.2015

### **POLICIES**

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

TC2 (Accessibility of New Development)

E16 (Proposals for Holiday or Overnight Accommodation and Associated Facilities)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

TC7 (Adequacy of Road Network and Site Access)



TC9 (Parking Provision in New Development)

EN14 (Control of Pollution)

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

### Site Location and Description

Monkton Court Hotel is an established business which is positioned on the eastern side of Monkton village. This settlement does not benefit from a built up area boundary within the adopted East Devon Local Plan and as such for planning purposes the proposal is considered to be situated within the open countryside.

The whole area is within the Blackdown Hills Area of Outstanding Natural Beauty. The existing hotel building itself is constructed of stone with a slate roof and has a rather imposing appearance and presence sited as it is close to the main road.

### Proposed Development

The proposal seeks planning consent for the creation of 7 bedrooms, by converting a linear existing garage building positioned to the immediate east of the main building.

Planning consent 12/2288/FUL (a renewal of 09/1698/FUL) granted a two storey expansion of the hotel although this has not yet been implemented. These previous applications establish the principle of expanding the accommodation of the existing hotel however a new East Devon local plan has since been adopted, which was not a consideration under the previous planning applications. These permissions extended the hotel to increase the number of letting bedrooms from 7 to 30.

According to the applicants extensive refurbishment took place in 2008 and as such the hotel offers accommodation in the form of 7 double rooms, a restaurant, a venue for cooperate functions and parking for approximately 50 vehicles. The applicant submits that the need for additional bedrooms derives from the continuing demand. If permitted the proposal would facilitate 7 additional rooms in the short term, while the applicants await the outcome of the consultation process regarding the planned realignment of the A30 route, which could impact on the long-term investment of the business.

### **ANALYSIS**

The main issues concern the principle of the development, the impact on the character of the area and the issues raised by increased traffic frequency and impact on parking capacity.

Policy E16 (Proposals for Holiday or Overnight Accommodation) of the East Devon Local Plan establishes that conversion of existing buildings in the open countryside, within close proximity to the main farm house or country house, for small scale holiday accommodation uses will be permitted provided the scale, level and intensity of proposals are compatible with the surrounding area. Further, that onsite parking

facilities are commensurate with the level of proposed use and the proposal is accessible by public transport and will not impair road safety or free flow of traffic.

The expansion of the existing hotel by 7 rooms would be a boost to the rural economy. Local plan policy E19 facilitates the re-use of existing building and the proposal would clearly be in-line with this. The development would be within the envelope of the existing building with existing openings and features retained. When taking into account the comparatively larger extensions previously permitted the proposed scheme is more modest and would have less of a visual impact on the surrounding character of the area and AONB. These factors weigh heavily in favour of the proposal.

Due consideration must be taken of any increase in traffic flow onto the main road, and indeed a letter of objection has raised such issues.

Both Highway England and the Devon County Highway department have been consulted on this proposal and neither has raised any objection to the proposal. Therefore the increase in traffic generated by the proposal is not considered to either be significant or severe. The proposal would utilise an existing access point, which had previously been considered under the previous planning applications for a greater number of rooms and where no highway safety objections were raised. Although a plan of the current parking layout has not been submitted, from a site inspection it has been concluded that car parking spaces were available across the site to cater for the increased accommodation.

The position of the hotel in relation to the A30, and position of an adjacent bus stop, means that it is situated within an accessible location.

Due to the distances involved and the single storey nature of the development proposed there are no nearby neighbours whose amenity would be harmed as a result of the proposal.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. Prior to their installation samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be

carried out in accordance with the approved details. (Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan).

4. The development hereby approved shall not be brought into place until details of the means of disposal of surface and roof water from the site have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details shall ensure that clean surface and roof water is kept separate from the foul drainage. The development shall be carried out in accordance with the approved details. (Reason - In the interests of flooding and drainage of the site in accordance and Policy EN14 (Control of Pollution) of the East Devon Local Plan).

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

1:2500	Location Plan	20.10.16
TW16/84/1	Existing Combined Plans	20.10.16
TW16/84/02	Proposed Combined Plans	20.10.16

##### List of Background Papers

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

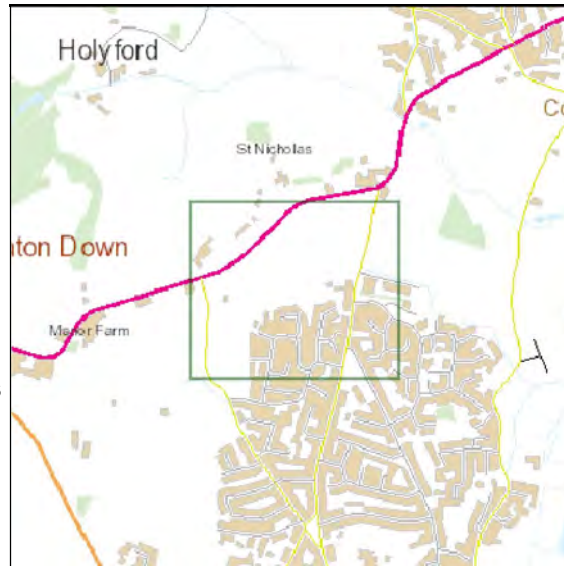
**Ward** Seaton

**Reference** 16/2338/MRES

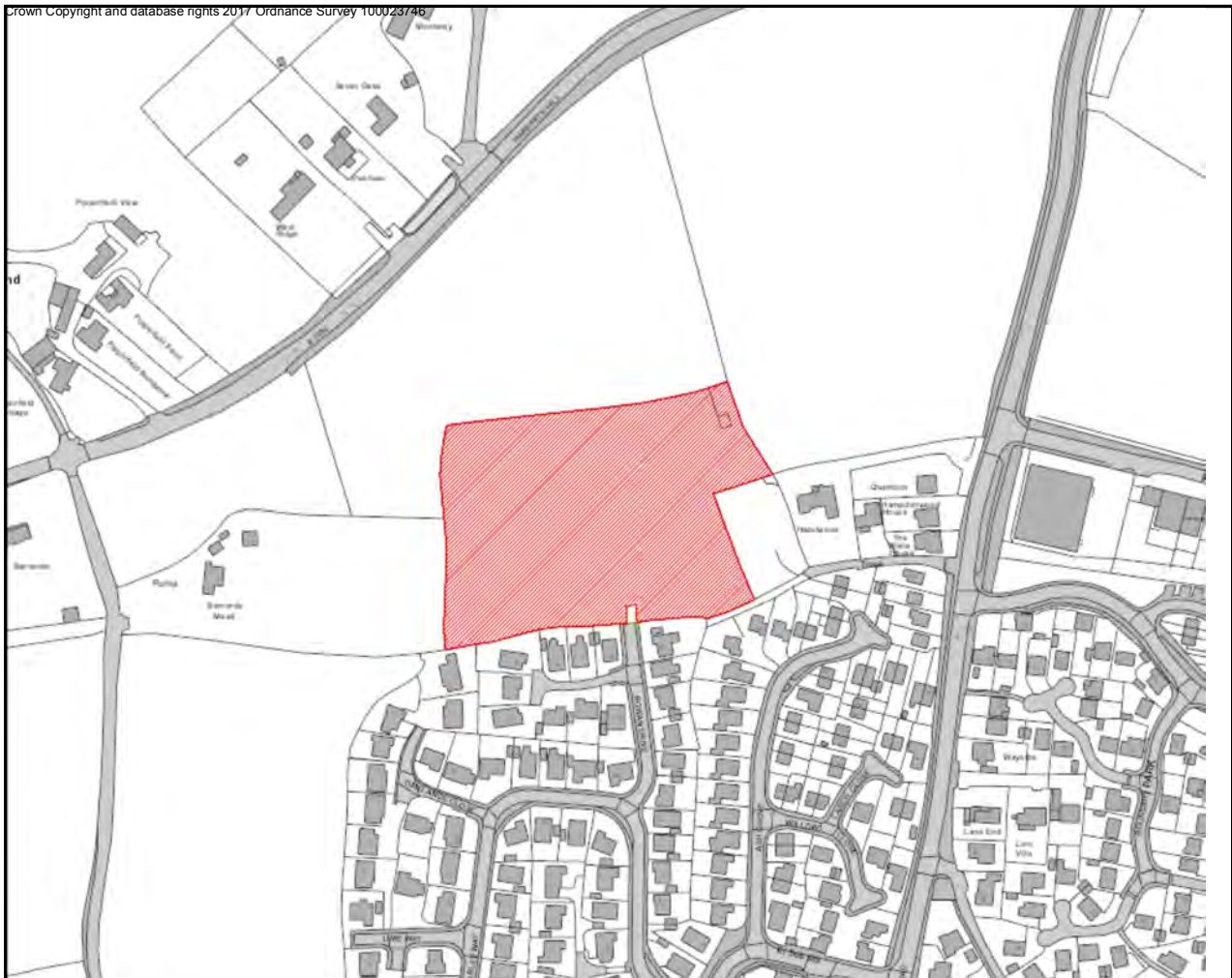
**Applicant** Baker Estates Ltd

**Location** Land North Of Rowan Drive Seaton

**Proposal** Erection of 36 no. dwellings and associated works (reserved matters application for all matters pursuant to planning permission 13/1091/MOUT)



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 7<sup>th</sup> February 2017</b>
<b>Seaton (SEATON)</b>	<b>16/2338/MRES</b>	<b>Target Date: 11.01.2017</b>
<b>Applicant:</b>	<b>Baker Estates Ltd</b>	
<b>Location:</b>	<b>Land North Of Rowan Drive Seaton</b>	
<b>Proposal:</b>	<b>Erection of 36 no. dwellings and associated works (reserved matters application for all matters pursuant to planning permission 13/1091/MOUT)</b>	

**RECOMMENDATION: APPROVE** subject to Secretary of State not wishing to invoke their powers to 'call in' the application for determination and subject to conditions.

#### **EXECUTIVE SUMMARY**

This application is before Members as the Town Council's view is contrary to the recommendation.

The site lies within the built up area boundary for Seaton and forms an allocation in the Local Plan. Outline planning permission has been granted under reference 13/1091/MOUT for up to 36 dwellings with a requirement for 25% affordable housing. Other requirements secured by a legal agreement at the outline stage include the need for a bat corridor to be provided on the southern, western and northern boundaries of the site to be managed by a management company and for a 400 square metre equipped play area to be provided.

Concerns have been raised by the Town Council and local residents regarding the number of houses proposed for the site as the site is allocated in the Local Plan for 30 houses. A separate outline permission has been granted on part of the site for an additional 4 houses; therefore, 40 houses have been approved on the allocated area. However, rather than simply looking at numbers it must be determined at the outline stage whether the amount of dwellings proposed would detrimentally impact on the surroundings, the outline permissions were advertised as departures from the development plan and approved for 'up to' 36 dwellings on the basis that it was considered that the site could take up to this number of dwellings. It is a matter for this application to determine whether the layout of the site and the design of the 36 dwellings can reasonably be accommodated on the part of the allocation this application concerns. It is considered that the layout, design and landscaping are acceptable and ensure a suitable development that will not be harmful.

**A wildlife corridor to safeguard the flight paths of protected bat species across the site would be provided which is acceptable to Natural England. The plans submitted are considered acceptable in respect on the layout of the site, the scale of the dwellings, the access arrangements, the design and appearance of the dwellings and the landscaping of the site.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Final comments 13.01.17:

Seaton Town Council objects to this latest amended planning application relating to a revised site plan removing reference to conservatories on the same grounds as previously submitted those being:-

1. The East Devon Local Plan 2013-2031 (Adopted - 28th January 2016) Strategy 25 - Development at Seaton states under 'Land Allocation at Seaton' that 'Land North of Rowan Drive is allocated for 30 new homes'. Four dwellings have, or are planned to be built on part of the site, therefore the application exceeds the number of dwellings allocated for this site and is contrary to Strategy 25 - Development at Seaton of the Adopted East Devon Local Plan 2013-2031.
2. As more dwellings are proposed in this application than are allocated for the site in the Local Plan it will be contrary to Policy D1 - Design and Local Distinctiveness of the Local Plan as it does not comply with the Seaton Design Statement for that area of the town which, amongst other things says, that any additional development should follow existing heights and roof lines. The dwellings in this area are predominantly single storey and two storey dwellings will adversely affect the amenity of occupiers of adjoining residential properties which is contrary to Policy D1 - Design and Local Distinctiveness.
3. The layout of the development should take into consideration the parts of the site which abut open fields. The density of housing here should be low and gradually build up towards the centre of the site. If the application sought to provide the correct number of dwellings which accords with the Local Plan this requirement could be accommodated. Again this is contrary to Policy D1 - Design and Local Distinctiveness as the strategy states that 'Proposals will only be permitted where they ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context'.
4. The layout of the site shown on Document Nos. 2450586 and 2450587 clearly shows that the Affordable Housing is situated on Plots 7 to 12 comprising of 3 x 2 bedroom and 3 x 3 bedroom dwellings. Plots 13 and 14 are shown as one bedroom flats. Strategy 34 - District Wide Affordable Housing Provision Targets clearly states that ' On any development site affordable housing should be 'pepper potted' or dispersed throughout the scheme. Therefore this application is contrary to this policy

in the Local Plan. The Housing Strategy Officer has raised concerns relating to a 2 bedroom affordable bungalow as there is no mention of this being built to a Lifetime Homes standard. Even though the bungalow is step free and would be suitable for a wheelchair it appears to be on a slope which could cause problems for a resident bearing in mind that the parking space allocated for the bungalow is not within the curtilage of the property, but in an adjoining parking bay which is at a lower level and it is questionable whether the rear access would be accessible for a wheelchair user. Members have raised concerns about the number of parking spaces proposed for the 3 bedroom properties and also the size of the gardens to some of the plots which appear to be on the small side.

5. Land North of Rowan Drive is an important site for bat species connected with the Beer Quarry and Caves Special Area of Conservation (SAC). The quarry and caves support important populations of hibernating bats. Its use as a hibernation site by the Bechstein's bat is the primary reason for its designation as a SAC. The area also supports a significant presence of both the Lesser horseshoe bat and the Greater horseshoe bat. There were conditions attached to the granting of planning permission for the outline application relating to the protection of wildlife habitat. This Reserved Matters application has been submitted with a number of documents including a Bat Activity Assessment and Mitigation Strategy. Under 'Recommendations and Mitigation' of the strategy it states 'Mitigation has been designed into the development plan proposed to allow for the continued maintenance of bat foraging and commuting across the application site both in the form of habitat retention, habitat enhancement and creation in the form of specific commuting bat corridors around the development area'. Even though mitigation measures were shown in the outline application of a 5 metre buffer corridor on the edge of the development for bats to use for commuting purposes this was not shown in this Reserved Matters application. Another of the conditions attached to the granting of outline planning permission for application 13/1091/MOUT to help mitigate against the development was that prior to the commencement of development details of the proposed 'lighting cowls' to be fitted on the existing lamp posts in Rowan Drive shall be submitted to the Local Planning Authority'. No lighting plan has been submitted with this application. Therefore it is impossible to tell what effect the development will have upon the activity of the bats which are a European protected species. This is contrary to Policy EN5 - Wildlife Habitats and Features.

6. As the site is on a slope there is the potential for flooding to occur. Policy EN22 - Surface Run-Off Implications of New Development of the Adopted East Devon Local Plan 2013-2031 states that 'Planning permission for new development will require that:

1. The surface water run-off implications of the proposal have been fully considered and found to be acceptable, including implications for coastal erosion.
2. Appropriate remedial measures are included as an integral part of the development, and there are clear arrangements in place for ongoing maintenance over the lifetime of the development.
3. Where remedial measures are required away from the application site, the developer is in a position to secure the implementation of such measures.

4. A Drainage Impact Assessment will be required for all new development with potentially significant surface run off implications.

5. Surface water in all major commercial developments or schemes for 10 homes or more (or any revised threshold set by Government) should be managed by sustainable drainage systems, unless demonstrated to be inappropriate.

DCC Flood Risk SuDS Consultation have raised objections to this application as they feel it does not comply to this policy. A Flood Risk Assessment was submitted with the outline application, but has not been updated to take account of this more detailed Reserved Matters application. Therefore this application does not comply with Policy EN22 - Surface Run-Off Implications of New Development.

The amended plans still fail to address the previous objections that the site should only provide for 26 dwellings in accordance with the adopted East Devon Local Plan 2013-2031. The roof lines and height are not in accordance with the Seaton Design Statement, which was adopted for Development Management purposes in March 2009, and is therefore contrary to Policy D1 (Design and Local Distinctiveness); that the density of the site is still not graduated to take account of the adjacent open fields and is therefore contrary to Policy D1 (Design and Local Distinctiveness); that the affordable housing, instead of being in two blocks, as now proposed, should be pepper potted across the site which is contrary to Strategy 34 (District Wide Affordable Housing Provision Targets) of the adopted East Devon Local Plan; that the site is on an important bat flight path and proper bat surveys have not been undertaken nor adequate mitigation measures proposed; that the proposed development will contribute to flooding; that the number of houses will put an unacceptable level of pressure on the town's infrastructure, i.e. medical facilities and school, it already having been acknowledged that the latter has reached capacity.

In addition the Town Council objects to these latest amended plans as they state a revised site plan has been submitted which removes reference to conservatories, but does not state that conservatories will not be allowed at a future date. Permitted development rights should be removed for all dwellings constructed on this site to ensure that extensions are not constructed which would have a detrimental impact on the bat population. The Council still objects to the reference to rooflights which will cause light spill into what should be a darkened area. Natural England, in their response dated 5th December 2016, states that 'It is necessary to ensure that light spill from the development is mitigated to avoid having a detrimental impact on this key strategic bat commuting area. The extent to which the proposed mitigation is enforceable and can be secured in perpetuity is a key factor to consider'. Even though a bat mitigation strategy was submitted in October 2016 it is Natural England's view that ensuring that delivery of all the proposed mitigation is enforceable, is essential if there is to be any security regarding future management of the mitigation proposed. There are still no mitigation measures to protect against any lighting spill from the development. With planning application 14/0677/MFUL - Construction of 2 storey 12 bedroom hotel; 38 units of holiday accommodation; central amenities building for restaurant/leisure club and associated parking and access at Seaton Heights, Harepath Hill, Seaton conditions were attached to the granting of planning permission requiring extensive bat mitigation measures and one of the reasons for the refusal of planning application 15/2188/MOUT - Outline



planning application for a mixed use development providing for class B1 (a) (offices up to 5050sqm), class B1(c) and B2 light/general industrial units (up to 3500sqm), open space and the erection of up to 150 no. dwellings (21 no. affordable) and associated roads and infrastructure including a main spine road (all matters reserved) | Land East Of Harepath Road, Seaton was the ecological information that was submitted with the application failed to demonstrate that significant harm resulting from the development would not occur and this was contrary to several strategies and policies of the Adopted East Devon Local Plan and the National Planning Policy Framework. Surely the same principles should apply to this planning application.

Seaton Town Council continues to be concerned that East Devon District Council are still allowing more dwellings for this site than that permitted in the Adopted East Devon Local Plan 2013-2031.

In conclusion as this amended application is still contrary to several policies and strategies of the adopted East Devon Local Plan 2013-2031 as detailed above, Seaton Town Council objects to this Reserved Matters planning application; in respect on the amended application to remove reference to conservatories to ensure that conservatories will NOT be allowed at a future date, permitted development rights should be removed for all dwellings constructed on this site to ensure that extensions are not constructed which would have a detrimental impact on the bat population.

In the event that the recommendations of Seaton Town Council and that of the planning officer differs, the Town Council wish the application to be referred to the Development Management Committee.

### **Technical Consultations**

#### Natural England

It is necessary to ensure that light spill from the development is mitigated to avoid having a detrimental impact on this key strategic bat commuting area. The extent to which the proposed mitigation is enforceable and can be secured in perpetuity is a key factor to consider.

The removal of the roof terraces on the garages (as detailed in the revised plans submitted with the consultation dated 30th November 2016) is welcomed and addresses some of our concerns around external lighting impacts that we had with the original garage design submitted with the consultation dated 13th October 2016.

The potential construction effects are addressed in paragraphs 4.1.2 and 4.1.3 of the 'Statement to inform Habitats Regulations Assessment' and the post construction effects are addressed in paragraphs 4.1.4 and 4.1.5. The external lighting layout is detailed in figure 4.

Paragraph 4.1.5 of the aforementioned document indicates that a dark corridor (0.5 Lux) would be maintained along the western boundary and the majority of the southern boundary and that any change in light levels on the southern boundary

near the site entrance would be offset by a reduction in existing light spill from Rowan Drive.

Paragraph 1.3.3 of the 'Statement to inform Habitats Regulations Assessment' also details proposed restrictions on outdoor lighting to the rear of properties backing onto the southern, western and northern boundaries and that this requirement would be included within the deeds of each property. As a result Paragraph 4.14 also states that the dark corridor along the northern boundary would maintain a dark east west commuting route. However in Natural England's opinion, this is clearly subject to the extent to which the proposed mitigation can be secured and enforced if necessary

Therefore Natural England recommends that this should be secured through an appropriately worded condition. A further condition requiring that lighting levels as a result of the development will not impact upon the habitats which are to be retained, or enhanced to provide an adequate foraging and commuting route for bats is also recommended.

#### Proposed Mitigation

Paragraph 1.3.3 of the 'Statement to inform Habitats Regulations Assessment' also details the level of other mitigation proposed as part of this reserved matters application. In our view ensuring that delivery of all the proposed mitigation is enforceable, is essential if there is to be any security regarding future management of the mitigation proposed. Provided the mitigation detailed in the aforementioned paragraph is enforceable and can be secured in perpetuity through appropriate planning conditions and/or deeds of covenants, Natural England accepts that the mitigation described is sufficient to avoid a Lightly Significant Effect on Beer Quarry Caves (SAC) from this development alone.

#### EDDC Trees

I have no objection in principle to this development on tree grounds

#### East Devon AONB

The East Devon AONB have responded to this application as it is concerned about its potential impact upon bat populations contained within the AONB at Beer Quarry and Caves SAC. The importance of this site for bat species connected with the SAC was well established during the previous application for this site 13/1091. Outline planning permission was granted for this site subject to many conditions.

The current application has been submitted on the basis of the same Bat Activity Assessment and Mitigation Strategy as for the previous application 13/1091 however there are no mitigation measures included within the current application. In addition the application does not include a lighting plan without which it is impossible to determine what effect the proposal will have on the activity of these internationally important and protected species.

The application is contrary to Policy EN5 as it has failed to demonstrate that they have adequately proposed mitigation work for protected bat species that is appropriate for the level of rare bats that potentially could use this site as it forms a link between the rare bats associated with Beer SAC and their foraging areas at Axe Valley marshes. The LPA has a responsibility under the Habitats Regulations to

ensure that this development will not have a significant impact on the population of bats associated with Beer Quarry Caves SAC.

Devon County Archaeologist

I refer to the above application. I have previously received the reports detailing the results of the geophysical survey and archaeological evaluation of the above proposed development site. These investigations have, despite the proximity of known prehistoric activity in the vicinity, demonstrated that the development of this area will have no archaeological impact.

In the light of this information the Historic Environment Team have no comments to make on this planning application.

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.

DCC Flood Risk SuDS Consultation

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

Observations:

Although the Flood Risk Assessment has been submitted in support of the application, this assessment is still in reference to the outline application and as such does not represent the detail of the reserved matters application.

The applicant must therefore submit a detailed surface water drainage management plan (in accordance to the approved outline FRA) which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. The applicant is therefore advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found here:

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

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.

01.12.2016 Further comments

Observations:

Further to the submission of the Flood Risk Assessment ADDENDUM & Drainage Strategy (Report Ref: V01, dated September 2016), the detail presented is acceptable and is in accordance with the approved Flood Risk Assessment submitted under 13/1091/MOUT. The applicant has also submitted a maintenance schedule for the private attenuation system which will be maintained by a private management company which is also acceptable.

Housing Strategy Officer Melissa Wall

The 9 affordable units should be delivered in accordance with the signed Section 106 agreement.

The S106 stipulates that the development should provide 3 units for social rent (1 at Lifetime Homes standard), 3 units for shared ownership and 3 units for affordable rent. In addition, the properties should be constructed to Code for Sustainable Homes Level 3 standard.

The property which is to be provided at Lifetime Homes standard should be available for social rent and comprise a 2 bedroom single storey bungalow. Plot 15 is a 2 bedroom affordable bungalow however there is no mention of building this to Lifetime Homes standard instead the drawings show this to comply with Building Regulations Part M Category 3 - Wheelchair user dwelling. This unit is step free but appears to be on sloping ground which may cause issues for the user given the parking space is not immediately within the curtilage of the property but in the adjoining parking bay at a lower level. It is also questionable whether the rear access to the property is accessible for a wheelchair user.

The applicants are proposing to provide 3 x 3 bedroom houses, 3 x 2 bedroom houses, 2 x 1 bedroom flats and 1 x 2 bedroom bungalow. This provides a good mix of house types and sizes and the units are adequately sized. Schedule 3 of the S106 sets out the following mix of house types and tenures to be provided:

Flats: 1 x social rent & 1 x affordable rent

2 bedroom houses: 1 x social rent, 1 x affordable rent & 1 x shared ownership

3 bedroom houses: 1 x affordable rent & 2 x shared ownership.

Lifetime Home: 1 x social rent

The tenures of the units have not been marked on the layout plan but will need to comply with the S106 requirements detailed above.

The plans show 1 car parking space per property with 5 visitor spaces. We would expect a 3 bedroom property to have more than 1 car parking space. All the units have rear access to their gardens which is welcomed. The gardens for plots 7 and 11 are on the small side.

The layout shows all the affordable units concentrated in one area on the edge of the development. The affordable units should be dispersed better throughout the development in small clusters rather than located all in one area.

A nomination agreement will be entered into with the preferred Registered Provider for this site that enables the Local Authority or the preferred Register Provider to nominate individuals from the Common Housing Register, preference going to those with a local connection to Seaton, then cascading to surrounding Parishes and finally the district. The site is located in a Designated Protected Area therefore staircasing will be restricted to 80%.

#### County Highway Authority

The proposed development is generally acceptable in terms of layout although I would like to bring attention to Drawing 1059/100 Rev P3 in the application pack, this drawing indicates the proposed extent of highway adoption under Section 38 Agreement. It appears to show that the shared surface road emanating from Road 4 that serves plots 07 to 15 would not be put forward for adoption to the local highway authority? This would be against DCC policy where the number of dwellings (9) exceed that which requires the road to be adopted. I'm also sure that any probable Housing Association, for the affordable housing element in this road, will require this road to be adopted. However this may not be that case for the proposed car parking element, which incidentally is not shared surface in design?

I would also call attention to Road 3 which serves plots 01 to 04, whilst this road would be suitable to be a private drive in numbers of dwellings proposed, its layout however gives the impression that it could continue outside of the application boundary to the land to the east in the future. If this was the case then this road would also be subject to adoption by the local highway authority and would need to be built to the adoptable standard at the outset.

The CHA will require further information on the matters raised above before I could recommend acceptance of the application.

#### Additional Information

The CHA has been informed of additional information regarding amended layout, highway layout , vehicle swept path, highway long sections and proposed highway adoption area.

The CHA believes that all proposed additional details are acceptable in highway safety terms. It is also understood that Road 3 of the development, although not proposed for adoption, will be built to adoptable standard in case of further development to the east.

Therefore the CHA is happy to amend its previous recommendation to one of recommended conditions below

#### Other Representations

12 representations have been received as a result of this application, nine of which raise the following issues:

- Seaton has exceeded the number of homes it has been allocated, there are no need for additional homes
- Has the archaeology on site been taken into account
- The site is a haven for wildlife
- Protected bat species fly across the site
- The application is in breach of the Local Plan Strategy 25 states that only 30 dwellings should be built on this site and the adjacent site and 40 have been approved
- Contravenes Seaton Design Statement there should only be bungalows on this site
- Additional traffic - safety concerns
- Flooding of adjacent properties
- The play area should be located away from the entrance
- Encroachment into the AONB is a step too far
- Insufficient infrastructure to deal with additional inhabitants
- Potential for increase in crime
- Inappropriate design

One letter of support has been received from a local business.

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
13/1091/MOUT	Erection of up to 36 no. dwellings (25% affordable) with associated access and parking (outline application with all matters reserved)	Approval with conditions	04.02.2016
16/0912/OUT	Construction of 4 no. dwellings - outline application with all matters reserved	Approval with conditions	23.08.2016

### **POLICIES**

#### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 25 (Development at Seaton)

D1 (Design and Local Distinctiveness)

EN14 (Control of Pollution)

TC7 (Adequacy of Road Network and Site Access)

D2 (Landscape Requirements)

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

EN22 (Surface Run-Off Implications of New Development)

EN5 (Wildlife Habitats and Features)

D3 (Trees and Development Sites)

Strategy 43 (Open Space Standards)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Other relevant documents

Seaton Town Design Statement 2009

Site Location and Description

The application site lies in the built up area boundary to the north of Seaton and relates to an agricultural field to the north side of and accessed from Rowan Drive. The site extends to approx 1.6 hectares. To the south of the site is the residential cul-de-sac of Rowan Drive, to the north is open countryside, to the east residential development fronting onto Harepath Road and to the west open countryside. The site boundaries are all formed by hedgerows and mature trees. The site falls steadily from west to east. The residential development in the vicinity is of mixed character with 2 storey properties fronting Harepath Road and more recent estate housing primarily of single storey construction to the south.

The field is currently accessed by a field off Rowan Drive and by a narrower entrance to the south east. The surrounding area is designated as Green Wedge and is located approximately 1 km north of the town centre.

**ANALYSIS**

Proposed Development

This application seeks reserved matters permission for the erection of 36 dwellings, 9 of which would be for affordable occupation. The dwellings would be a mixture of single storey, room in the roof and two storey properties. Matters of access, layout, scale, appearance and landscaping are to be determined in this application.

A play area, wildlife corridor and footpath link would be provided which are matters secured at the outline stage through a legal agreement.

Background

The site has the benefit of outline planning permission (13/1091/MOUT) which was granted in February 2016. The outline permission granted up to 36 dwellings on site after the illustrative plans for the development were considered acceptable to justify that this number of dwellings and all relevant infrastructure could be provided without

impacting detrimentally on its surroundings. The application was advertised as a departure from the existing and emerging development plans that were in existence at the time. The old Local Plan did not allocate the site for any housing and the emerging plan (now Adopted Local Plan) allocated the site for 30 dwellings. It will be a matter for this application to determine whether the 36 dwellings proposed can reasonably be accommodated on site in the design and layout proposed.

During the determination of this application, the Council received notification from the government that they wish to review the Council's resolution prior to any decision being issued. As such, before the Council can issue a decision on the application, the Government Office needs to be consulted.

### **Assessment**

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

- Principle of the proposed development
- Proposed layout
- Scale of the proposed development
- Access and highway implications
- Design and appearance
- Landscaping
- Drainage
- Play area

### **Principle**

Outline planning permission was granted for up to 36 dwellings under application reference 13/1091/MOUT on 4th February 2016 and therefore remains extant. The principle of development of the site for up to 36 dwellings has therefore already been established.

### **Layout**

The site is relatively uniform in shape although the topography is the major constraint to the layout sloping down from west to east which has implications for how the dwellings are arranged and the road layout.

The outline permission required a range of infrastructure to be provided, 25% affordable housing (9 units), a play area (LEAP) and a wildlife corridor on the southern, western and northern boundaries. The affordable houses which are provided on site are now in two main blocks (one of 6 and one of 3 dwellings) so that they are not all in one pace and the requirements of pepper potting are realised. The play area would be situated at the entrance to the site and have natural surveillance from the passing highway, existing houses and proposed dwellings. The wildlife corridor has been decreased in width since the outline application, the applicant has been in discussions with Natural England who have agreed that the reduced width but with enhanced planting would be acceptable to serve the same purpose and safeguard flight paths across the site for protected bat species. A deed of variation to the Legal Agreement accompanying the Outline application is currently being



negotiated between the applicant's solicitor and the Council's solicitor to facilitate this.

The plans adequately demonstrate that Plot 15 will be the Lifetime Home and will have access that is DDA compliant allowing use for a wheelchair user. The provision to Lifetime Homes standard is also secured through the original S.106 Agreement.

Overall the layout of the site is considered to be acceptable taking into account the topographical constraints and providing for all matters secured at the outline stage without impacting unreasonably, from a layout perspective, on the surroundings.

## **Scale**

This application proposes to erect 36no. dwellings in accordance with the outline permission.

The site forms an extension to an existing estate of houses that were built in the 1990s/2000s, there are a mixture of single storey, room in the roof and two storey properties on the existing estate. Similarly, the topography of the site means that on some parts of the site only single storey or room in the roof type dwellings are possible to prevent the development being visible from wider vantage points. This has been acknowledged by the applicant's in their proposed development, however, in the eastern most part of the site there are two storey properties proposed where the land is lower and less visible in the wider surroundings.

The foremost existing properties to be impacted upon as a result of this application are those bordering the site to the south, these dwelling are predominantly single storey in nature and to echo this the applicant proposes single storey properties to the west of the access road . To the east of the access road would be the play area and further east 3no. two storey properties, however they would boarder an existing two storey property.

The two houses on the northern boundary have been reduced in height to ensure that the development steps down the hill following the natural contour of the land. It is not considered that these two dwellings would be prominent or have a detrimental visual impact, particularly given the intervening hedges between the site and closest roads to the north and north-east of the site.

A number of the representations received raise concerns regarding the scale of some of the properties. They consider that only single storey properties would be appropriate on this site and reference that the 2009 Seaton Town Design Statement indicates this. However, the Seaton TDS does not specifically state that the dwellings should be single storey only; instead it recommends that the scale of dwellings are consistent with the existing environment. This document is considered to hold some weight in the decision making process but due to its age and fact that the NPPF advises Local Planning Authorities to not attempt to impose architectural styles or stifle particular designs but that it is important to reinforce local distinctiveness, it would be difficult to justify refusal of permission on the basis of the TDS and inclusion of two-storey dwellings in this instance. The scale of the proposed development is very similar to the neighbouring dwellings being a mixture of single

storey, room in the roof and two storey dwellings and is therefore considered acceptable and consistent with the adjoining environment.

Amendments have been made during the determination of this application which have altered the scale of some of the dwellings to a lesser extent and are considered to be acceptable.

### **Access and highway implications**

The site would be accessed through an existing field gate access on the southern boundary of the site, It is proposed to widen the access to allow an adoptable standard highway to be provided. The main spine road into the site would be adopted by the County Council and some of the spurs off it would be shared surfaces and not be adopted.

Each of the dwellings would be served by at least 1no. parking space, however the majority of plots would have at least 1no. parking space and a garage, there would also be an additional 7no. visitor spaces to serve the development.

A hardened footpath would be provided running eastwards from the access road down towards Harepath Road, further to the east, this was a requirement of the legal agreement secured at the outline stage.

Devon County Highways Engineer initially raised objections to the layout of the proposed development, however, amended plans have been received from the applicants which now satisfy the County Council's requirements and they raise no objections to the proposal subject to conditions.

The proposal is therefore considered to be acceptable in relation to Policy TC7 of the East Devon Local Plan.

### **Design and appearance**

Rowan Drive has its own character of render/buff and grey brick built properties with tiled roofs and white upvc windows and rainwater goods of a fairly uniform design. It is proposed to provide brick gate piers to signify a change in the character and creation of a different urban edge character where a different palette of materials would be used.

The dwellings would all be constructed using the same design ethos of red brick elevations under a tiled roof with timber boarding and render on parts of the elevations and grey upvc windows/doors and rain water goods. The majority of the dwellings would have angular gable roof protrusions which would further unify the design across the site. All garages would have flat roofs.

The views from Rowan Drive would be at an extended distance as the first property visible would be plot 22 which is 27 metres into the proposal site behind soft landscaping. Other views into the site would be from a far greater distance, Harepath Hill being the closest of these at 71 metres to the nearest property with two existing

mature hedges between these views, the roofscape would be the only visible factor as with the existing development in Rowan Drive albeit at a greater distance away.

Whilst the character and use of the materials would be darker than the existing development in Rowan Drive and beyond, amended plans have been received incorporating render and as Seaton has a varied form and materials, the design and materials proposed are considered to be acceptable in this instance not impacting unreasonably on the surroundings in accordance with guidance in the NPPF and Policy D1 of the East Devon Local Plan.

### **Impact on residential amenity**

The minimum separation distances between existing and proposed properties would be 16.5 metres and with the majority being single storey properties backing onto single storey properties it is considered that this distance is acceptable to prevent any undue overlooking or creating a dominant or overbearing impact.

The two storey properties (Plots 2-4 inclusive) would back onto two storey properties in Ash Grove, there is a strong boundary hedge between the site and Ash Grove which provides good screening. The distances between the properties (minimum 17m at an angle) are considered to be acceptable in accordance with Policy D1 of the East Devon Local Plan.

### **Landscaping**

The site is surrounded on all sides by mature hedging with sporadic mature trees (except for no trees on the northern boundary). It is not proposed to provide any additional landscaping on the boundaries of the site, save for the enhancement of the wildlife corridor, instead there would be planting of trees, native and ornamental hedges and amenity grasses within the development site.

The majority of the hedging and trees to be planted would be around the play area, along the main spine road and around the visitor parking area adjacent the northern boundary of the site. The Council's Landscape Architect has verbally agreed that the proposed species are acceptable in this location. The planting continues the low level planting evident in Rowan Drive but adds additional trees within the street scene and public areas to enhance the sense of place and amenity of the area.

The Council's Arboricultural Officer raises no objection on tree grounds, the existing trees on the boundaries of the site would be protected by fencing and on the western boundary re-enforced outside their root protection areas with a crib lock retaining wall.

Overall it is considered that the proposed landscaping is acceptable in relation to Policy D2 of the East Devon Local Plan.

### **Drainage**

A flood risk assessment was submitted at the outline stage as the development site exceeded 0.5 hectares in flood zone 1. An addendum report to identify the detail of

how the surface water and foul water would be dealt with has been submitted with this application. There would be some private systems on site including the 1 in 100 year attenuation tank which would be under the control of the management company but the majority of the sewers would be adopted by South West Water.

Devon County Council's Flood Risk Engineer initially raised objections to the proposed drainage strategy, however, on receipt of a maintenance schedule for the private attenuation system which would be maintained by a private management company the objections are withdrawn and they recommend approval subject to the addendum report being condition to be implemented in accordance with.

### **Play area**

A 400 square metre equipped play area (LEAP) was secured as part of the legal agreement relating to the outline approval (13/1091/MOUT), this is proposed to be sited adjacent to the access road on its eastern side. Concerns have been expressed by existing residents that the location of the play area would give rise to increased noise and disturbance. However the area would be enclosed by a new native hedge, 4 additional trees (minimum 3.5 metres high each) and be separated from the nearest residence by a new footpath link. The site of the play area at the entrance to the new development would have natural surveillance from existing and proposed properties and be closer to existing properties whose inhabitants may wish to use the play equipment. It is considered that the proposed siting is acceptable to serve the wider area rather than just the new houses and is sufficiently screened and separated from existing and proposed dwellings.

### **Conclusion**

In light of the above it is considered that the application demonstrates that 36 dwellings in the layout and of the design proposed are acceptable and would not be out of character with the area of cause harm to an extent that justifies refusal of planning permission.

### **RECOMMENDATION**

APPROVE subject to Secretary of State not wishing to envoke their powers to 'call in' the application for determination and subject to the following conditions:

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

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. No. 13/1091/MOUT) approved on 06.02.2016

The following reserved matters have yet to be approved:

None.

The following Conditions attached to the Outline Planning Permission (ref 13/1091/OUT) referred to above are discharged :

1, 3, 4, 5, 6, 7, 8, 10,

The following Conditions attached to the Outline Planning Permission referred to above remain to be discharged:

13, 16

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. Notwithstanding the requirements of condition 12 of outline approval 13/1091/MOUT, development shall also proceed with Technical Note P724/TN/V1 received on 29.09.2016  
(Reason: In the interests of the continued protection of protected species and biodiversity enhancement and in accordance with Policy EN5 (Wildlife and Habitat Features) of the East Devon Local Plan).
4. Development shall proceed in accordance with the Flood Risk Assessment Addendum and Drainage Strategy V01 dated September 2016  
(Reason: To ensure that the drainage works are carried out in accordance with the agreed details and in accordance with Policies EN19 (Adequacy of Foul Sewers and Adequacy of Sewerage Treatment Systems) and EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan.

Plans relating to this application:

	Location Plan	06.10.16
01 REV H : SITE PLAN	Amended Plans	20.01.17
10 REV B : PLOTS 30+31	Amended Plans	20.01.17
11 REV B : PLOT 26	Amended Plans	20.01.17

12 REV A : PLOT 15	Amended Plans	20.01.17
13 REV B : PLOT 24	Amended Plans	20.01.17
14 REV B : PLOT 7	Amended Plans	20.01.17
15 REV A : PLOT 1	Amended Plans	20.01.17
16P REV A : FLOOR PLOTS 35+36	Amended Plans	20.01.17
16E REV A : ELEVATIO NS PLT35+36	Amended Plans	20.01.17
16 REV C : PLOT 9	Amended Plans	20.01.17
17 REV C : PLOT 9	Amended Plans	20.01.17
18 REV B : PLOTS 13+14	Amended Plans	20.01.17
19 REV A : PLOTS 10,11,12	Amended Plans	20.01.17
20 REV A : PLOTS 2,3,4	Amended Plans	20.01.17
21 REV A : ELEVATIO NS PLOT 16	Amended Plans	20.01.17
22 : PLOT 16	Amended Plans	20.01.17
23 : ELEVATIO NS PLOT	Amended Plans	20.01.17

17

24 : FLOOR PLOT 17	Amended Plans	20.01.17
25 : ELEVATIO NS PLOT 18	Amended Plans	20.01.17
26 : FLOOR PLOT 18	Amended Plans	20.01.17
27 REV A : ELEVATIO NS PLOT 22	Amended Plans	20.01.17
28 : FLOOR PLOT 22	Amended Plans	20.01.17
29 REV A : ELEVATIO NS PLOT 23	Amended Plans	20.01.17
30 : FLOOR PLOT 23	Amended Plans	20.01.17
31 : ELEVATIO NS PLOT 25	Amended Plans	20.01.17
32 : FLOOR PLOT 25	Amended Plans	20.01.17
33 REV B : ELEVATIO NS PLOT 33	Amended Plans	20.01.17
34 REV A : FLOOR PLOTS 33+34	Amended Plans	20.01.17
35 REV A : PLOT 5	Amended Plans	20.01.17

36 : PLOT 29	Amended Plans	20.01.17
37 : PLOT 19	Amended Plans	20.01.17
38 : PLOT 27	Amended Plans	20.01.17
39 : PLOT 28	Amended Plans	20.01.17
41 REV B : PLOT 32	Amended Plans	20.01.17
42 REV A : PLOT 8	Amended Plans	20.01.17
43 REV B : GARAGE BLOCKS SHEET 1	Amended Plans	20.01.17
44 : GARAGE BLOCKS SHEET 2	Amended Plans	20.01.17
45 : PLOT 6	Amended Plans	20.01.17
46 : PLOT 21	Amended Plans	20.01.17
47 : PLOT 34	Amended Plans	20.01.17
40 REV B : PLOT 20	Amended Plans	20.01.17
1059/001 P3 : IMPERMEABLE AREA P	Additional Information	30.11.16
1059/100 : P6 : HIGHWAY LAYOUT	Additional Information	30.11.16
1059/110 : P3 : VEHICLE PATH ANA	Additional Information	30.11.16

List of Background Papers

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



**Ward** Seaton

**Reference** 16/2751/FUL

**Applicant** EDDC Housing Dept (Mr G Baker)

**Location** 56 Harepath Road Seaton EX12 2RX

**Proposal** Ground floor extension



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 7th February 2017</b>
<b>Seaton (SEATON)</b>	<b>16/2751/FUL</b>	<b>Target Date: 12.01.2017</b>
<b>Applicant:</b>	<b>EDDC Housing Dept (Mr G Baker)</b>	
<b>Location:</b>	<b>56 Harepath Road Seaton</b>	
<b>Proposal:</b>	<b>Ground floor extension</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

The application is brought to Committee as the applicant is the Housing Department of the Council and an objection has been received to the proposal.

The application seeks planning permission for a single storey flat roofed extension 1.5m by 4m in footprint on the eastern side of the block of flats at ground floor level; its purpose is to provide a larger kitchen and bathroom suitable for the needs of the proposed tenant of the ground floor flat. A confidential assessment has been provided setting out the circumstances and individual needs.

It is considered that whilst the extension would be constructed alongside the entrance door to the first floor flat above and also close to the rear extension of the flat opposite, the effect arising to neighbouring properties would not be significantly harmful from the proposed extension.

The application is recommended for approval.

### **CONSULTATIONS**

#### **Local Consultations**

##### **Parish/Town Council**

Seaton Town Council supports this application.

## **Technical Consultations**

### County Highway Authority

Does not wish to comment

### Other Representations

One letter of objection from neighbour occupying the first floor flat above No 56 has been received raising the following concerns:

- use of garden area for the extension that is already used by occupant of No 80 as a small garden and area for drying clothes
- reduction in light to entrance hall and staircase to first floor flat.
- nuisance from seagulls using flat roof and noise in wet weather
- noise during construction
- need not proven

## **PLANNING HISTORY**

There is no planning history for this property.

## **POLICIES**

Strategy 6 – Development within Built-up Area Boundaries

Strategy 25 – Development at Seaton

Policy D1 – Design and Local Distinctiveness

### Site Location and Description

No 56 Harepath Road is a ground floor flat with entrance from the west. The block is two storey with first floor flats above each ground floor flat and separate entrances to these on the east side of the block. The west frontage presents a 1930s style facade with brick detailing with the main walls of pebbledash and roof in pantiles. The eastern side is in a more severe somewhat modern style with flat roofed two storey elements; both elements of the building however appear to have been constructed contemporaneously.

There are no specific designations covering the site. Neighbouring flats are alongside at both levels within the block; there are additionally 2 storey neighbouring dwellinghouses to the east at a distance separated by the rear areas behind the block as well as the rear gardens to these dwellings and a narrow walkway in between the Council property and neighbouring dwellings from which the rear of the whole block is visible from.

## Proposed Development

The application proposes a single storey flat roofed extension to be added onto the existing part of the ground floor flat to allow for the special health requirements of the proposed tenant. A justification including confidential health information for the need for the extension has been provided.

The extension proposed is approximately 1.5 by 4m in footprint with a flat roof of approximately 2.8m at its maximum. It is proposed to be constructed in render with uPVC openings and a roof of felt; with the exception of the roof material the render and opening materials would match those used on the existing building.

The plans detail the provision of a shallow ramp to the front of the property but this in itself does not require planning permission and does not cause any harm to neighbours or the visual amenity of the area.

## **ANALYSIS**

### Considerations

The matters to consider are the policy environment; rationale behind the proposal; format and materials proposed; the amenity of neighbouring properties including those flats alongside No 56; the character of the area; highways and any other matters arising.

## **ASSESSMENT**

### Policy environment

The proposal falls to be considered under Strategies 6 and 25 for sites within built-up area boundaries and within the town of Seaton where extensions to properties is generally allowed in principle. Policy D1 covers design, materials, the amenity of neighbouring properties as well as in this particular case layouts and access for all the community including disabled users. As such, the principle of the development is acceptable.

### Rationale behind the proposal

The extension is required to enable the proposed tenant to occupy the ground floor flat independently given individual care needs; a confidential report is provided setting out the need for the extended kitchen and bathroom and the plans show ramped access and space for a wheelchair user.

### Format and materials proposed / character of the area

Given the existing character of the block on this eastern elevation it is considered the addition of a further flat roof element on this less visible aspect of the overall building of this modest size would not be significantly harmful to the existing appearance of the building nor the wider character of this part of the town. In the event of approval a

matching materials condition would be appropriate to ensure the finish of the extension would complement the existing building.

#### The amenity of neighbouring properties including those flats alongside No 56

Whilst the proposed extension would be immediately alongside the entrance door and stairs up to the first floor flat (No 80) it is not thought that there would be a significant loss of light to this entrance-way given that light would still fall on to it; additionally this door which is glazed does not lead directly to a liveable room.

In terms of the current use of the space by the occupant of the first floor flat as a garden area and external area for drying clothes, it is understood that tenants of the flats have no external private space specifically allocated to them in their agreements with the Council. However the Housing Dept of the Council are aware of the neighbour's concern and it would be for that part of the Council to agree an alternative area with the neighbour as opposed to this being required under a condition in the event of approval of this application. There is a large amenity area retained to the rear of the dwellings that can be used by all residents.

With regard to noise during wet weather and use of the roof by seagulls raised by the same neighbour it is not considered that the proposal would substantially add to these concerns given its location and small area. Likewise although noise during construction cannot normally be taken into account for planning applications the Council operates a code of construction, notice of which is added to all decision notices which sets out times of normal construction hours and other limitations to reduce impact to the occupants of neighbouring properties where development takes place.

In light of this, and despite the concerns of the neighbour, a refusal of permission on these grounds could not be sustained on appeal and are outweighed by the benefits from the extension to the future occupier.

#### Highways and any other matters arising

County Highways do not wish to comment on the application and there are no highway safety implications and no other matters have arisen.

### **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those of the existing building.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the existing building in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

D144-16-100	Location Plan	17.11.16
D144-16-102	Proposed Combined Plans	17.11.16

##### List of Background Papers

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

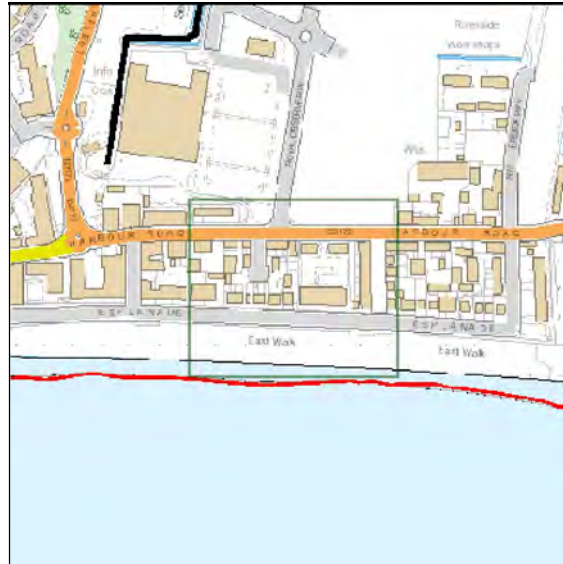
**Ward** Seaton

**Reference** 16/2795/FUL

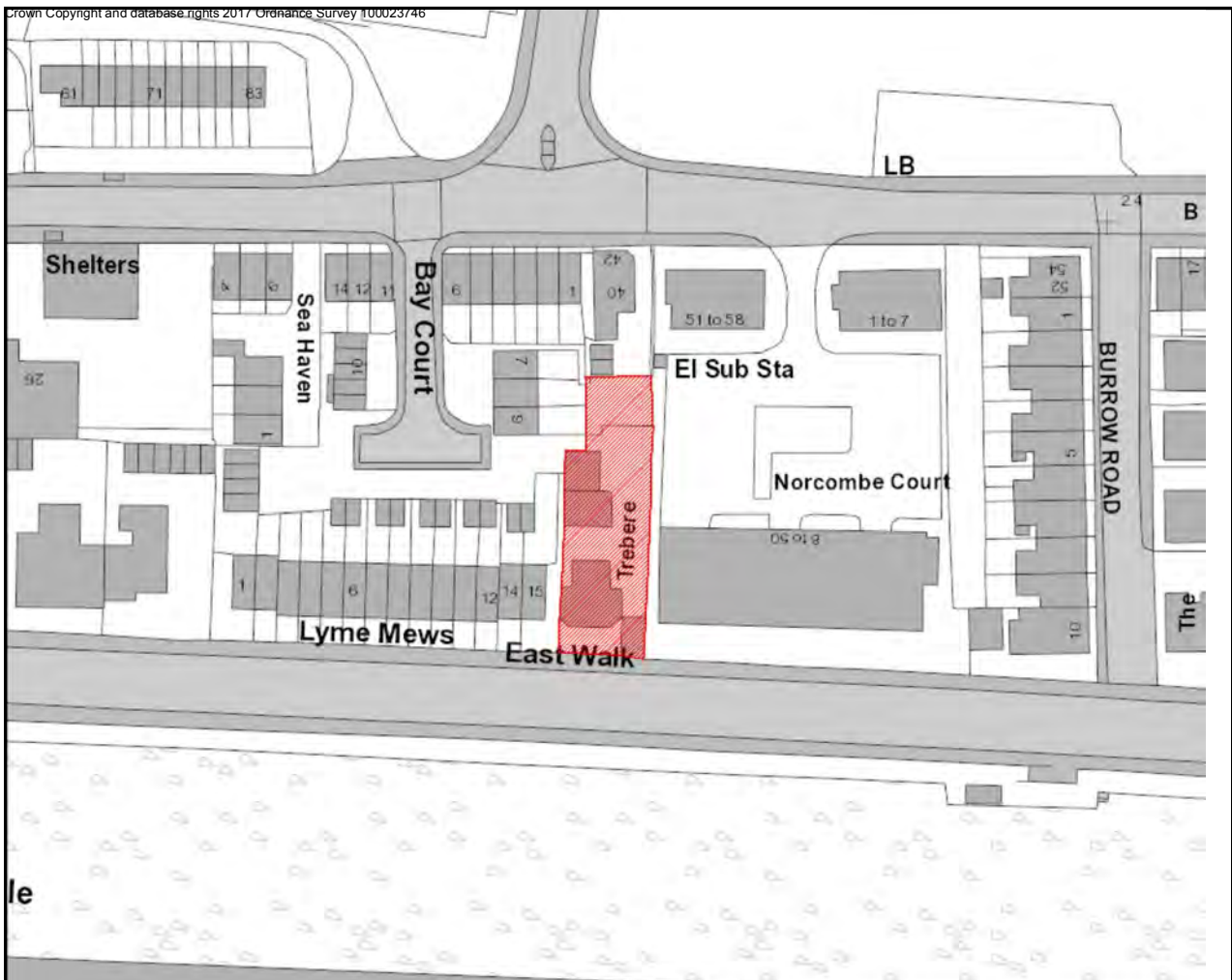
**Applicant** Seaton Beach Developments Ltd  
(Mike Dowling)

**Location** Seaton Beach (Trebere) East Walk  
Seaton EX12 2NP

**Proposal** Demolition of 2 no. dwelling houses and replacement with an 8 unit five storey apartment building



**RECOMMENDATION: Refusal**



		<b>Committee Date: 7<sup>th</sup> February 2016</b>
<b>Seaton (SEATON)</b>	<b>16/2795/FUL</b>	<b>Target Date: 09.08.2016</b>
<b>Applicant:</b>	<b>Seaton Beach Developments Ltd (Mike Dowling)</b>	
<b>Location:</b>	<b>Seaton Beach (Treberre) East Walk, Seaton</b>	
<b>Proposal:</b>	<b>Demolition of 2 no. residential properties and replacement with a 8 unit five storey apartment building</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

The application is before committee as the officer recommendation differs from the view of the Town Council.

The application proposes the redevelopment of a seafront site that currently houses a traditional 2 storey house and additional single storey property to its rear. The proposal is to replace this with a 5 storey high apartment block of contemporary design. The application follows the refusal by Development Management Committee in August of last year of application 16/0997/FUL. That application was refused for two reasons. Firstly, on the basis of it representing development in a high risk flood zone where the appropriate sequential and exceptions tests had not been passed. The second reason related to the building's overbearing and oppressive impact on the amenity of neighbouring occupiers due to its height, overall scale and proximity to the site boundaries.

The current application follows a remodelling of the building in an attempt to address the second reason for refusal. The amended design has seen the rear elevation of the building significantly altered to provide a sculpted curved facade that reflects that employed on the front elevation. In so doing it has been possible to reduce the depth of the building on the western side, such that it projects a reduced distance beyond the rear elevation of the adjoining Lyme Mews whilst extending deeper along the eastern site boundary with Norcombe Court. These changes to the design of the building are considered to have reduced the impact of the development to a level where it is no longer considered to cause harm to an extent that justifies refusal.

As was previously the case, the site is considered to be well related to the town centre in terms of accessibility and lies within the built-up area boundary of the town where the principle of development is accepted. Furthermore, whilst the existing building on the site is reflective of its time and has some charm, it is of



no particular architectural merit and there is no objection in principle to its removal.

However, the site remains within a high risk flood zone where redevelopment (for residential purposes) is required to pass the sequential and exceptions tests relating to flooding. It remains the case that these tests have not been passed and that the application fails to demonstrate that there aren't other areas at lower risk of flooding within the District that could accommodate the development proposed (i.e. 8 open market dwellings) and even were this to be the case the proposal would not secure wider sustainability benefits that would outweigh the flood risk. This being the case the first reason for refusal has not been overcome and the application is again recommended for refusal on this ground.

As with the previous application the scale of development and its contemporary design have continued to produce mixed reactions from the local community and whilst the current proposal has not received independent design review, the concept of a contemporary building of this scale in this location has previously received the qualified support of a Design Review Panel.

In summary the proposed design is now considered to be acceptable and appropriately addresses previous concerns in relation to impacts on neighbouring occupiers amenity, however the flood risk issue and need to overcome the sequential and exceptions test has not been satisfactorily addressed and the application is therefore again recommended for refusal on flood risk grounds.

## **CONSULTATIONS**

### **Local Consultations**

#### Seaton - Cllr P Burrows

I would like this application to go to DMC if the officers are of a mind to refuse.

#### Parish/Town Council

Seaton Town Council noted that the previous proposal was considered to have had an overbearing effect on neighbouring properties but this amended plan addressed that issue. Members were supportive on the proposed design of the development and therefore had no objection to this application. They were, however, concerned that any insistence by East Devon District Council (EDDC) Members and Officers on a sequential and exception test being undertaken on any proposed development in this location would have a detrimental effect on the whole seafront enhancement plans by, in effect, preventing any future development on the Seafront.

#### Other Representations

At the time of writing 25 representations have been received in relation to the application, of these 14 raise objections to the scheme and 17 are in support. The concerns and reasons for support are summarised below.

Reasons for objection:

- Overdevelopment of site and inappropriate height in this context.
- Design out of keeping with distinctive character of Esplanade where existing properties are 2-4 stories in height.
- Excessive height and depth
- Noise pollution from development
- Impact of additional development in flood zone where the alternative area of search proposed is too narrow and the proposal would not result in any community benefits.
- Overshadowing of neighbouring buildings from increased height and depth
- Construction difficulties and impacts on such a small and constrained site
- Proposal would dwarf development to either side
- Overlooking of adjoining properties from projecting balconies
- Projection forward of established building line
- The balconies still project too far forward
- A modern approach has some merits but the proposal would stick out and appear incongruous in its setting
- Existing building is an attractive traditional seaside house and its loss would upset the balance with other buildings on the seafront.

Reasons for support

- The potential of the scheme to kickstart re-development of the sea front and compliment the regeneration strategy.
- Proposal would benefit Seaton and compliment the sea front
- Parts of the seafront are tired looking, including the application site and the proposal will build on regeneration schemes happening elsewhere in the town.
- Together with other recent developments in the town this would help to promote the wider regeneration of the town.

### **Technical Consultations**

#### **DCC Flood Risk SuDS Consultation**

We have no in-principle objections to the above planning application, from a surface water drainage perspective, at this stage.

Observations:

Following my previous consultation response FRM/ED/2795/2016, dated 12th December 2016), the Planning Case Officer approached me to confirm whether the previously submitted Flood Risk Assessment (Report Ref. 0425, Rev. -, dated 18th January 2016), including the appended Preliminary Drainage Layout (Drawing No. PDL-100, Rev. B, dated 18th January 2016), remains valid given the revised building footprint and parking layout.

I advised the Planning Case Officer that the aforementioned documents should be updated for clarity, and the applicant has now submitted a revised Flood Risk Assessment (Report Ref. 0425, Rev. B, dated 19th December 2016), including the

appended Preliminary Drainage Layout (Drawing No. PDL-100, Rev. C, dated 19th December 2016).

I am happy to confirm that these revised documents are acceptable.

#### Environment Agency

We have reviewed the revised Flood Risk Assessment dated 19 December 2016 and we have no objection to the application from the flood risk aspect providing the development conforms with that document.

#### Flood Risk Sequential Test - general advice

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

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

#### County Highway Authority Highways Standing Advice

### **POLICIES**

#### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 25 (Development at Seaton)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 38 (Sustainable Design and Construction)

Strategy 43 (Open Space Standards)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

### **SITE LOCATION AND DESCRIPTION**

Trebere is a traditional 2 storey residential property occupying a central location on Seaton seafront and sitting between adjoining residential development to either side. The site is broadly rectangular in shape occupying a narrow frontage but extending back to the north. Between Trebere and Norcombe Court, to the east side of the property, is a vehicular access leading to the rear of the site where there is a separate single storey annexe building, as well as associated hardstanding, garaging and garden areas. The site slopes down to the north with an overall fall in height from south to north of approximately 2.9 metres

To the west is a relatively recent terrace development of 3 storey properties (dropping to 2/12 storeys at either end) known as Lyme Mews and to the east is a large apartment block, Norcombe Court, which extends up to 4 storeys in height but again with lower sections at either end of the building. To the north the site adjoins the rear garden of another detached two storey building, Nos.40-42 Harbour road, this contains a restaurant at ground floor level with a number of flats above. To the west of the rear part of the site is further residential development with the rear elevations of Nos. 7-9 viewing toward the site. To the east the rear part of the site adjoins the parking court at the back of Norcombe Court.

The site is located to the east of the town centre and the town conservation area and to the south of the former Seaton Regeneration Area, which lies north of Harbour Road. The site lies within a designated high risk flood zone Flood Zone 3.

### **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
16/0997/FUL	Demolition of 2 no. residential properties and replacement with a 8 unit apartment building.	Refused	03.08.16

## **BACKGROUND**

The above referenced planning application, refused in August of last year, proposed a similar form of development as that now proposed. The reasons for refusal at the time were given as:

- 1. The development proposes a more intensive residential use of a site within Flood Zone 3 and as such represents more vulnerable development in a designated high risk flood zone where there is a requirement for the sequential and where appropriate exceptions tests for site selection to be applied. In this case the sequential test is not met as the area of search has been too narrowly applied in relation to the type and quantum of development proposed and therefore it has not been adequately justified that there are no alternative sites which could provide the development proposed on sites of lower flood risk. In addition and in relation to the exceptions test (were this to be engaged) it has not been demonstrated that the development provides wider sustainability benefits to the community that outweigh the flood risk. The development is therefore contrary to policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2031 and the guidance set out within the National Planning Policy Framework and National Planning Practice Guidance.*
- 2. The development by virtue of its height, proximity to and extent of projection along the western site boundary, together with its overall scale would result in an oppressive and overbearing impact on the occupiers of neighbouring properties which, coupled with the loss of light to rear gardens of properties to the west of the site, would have an unacceptable adverse impact on amenity of neighbouring occupiers contrary to policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031 and the core planning principles set out in the National Planning Policy Framework.*

As advised at the time of the earlier planning application, pre-application advice was given for the development of this site and as part of that process the concept of a contemporary apartment block on this site was considered by the Devon and Somerset Design Review Panel (DRP). At the time the proposal whilst very much at a concept stage, but was nevertheless given the qualified support of that panel. The DRPs response to the previous pre-application proposals was appended to the previous report to committee on the earlier application. As the current scheme raises very similar issues to the earlier report sections of that report are repeated here with additional commentary as necessary on the areas of change.

## **PROPOSED DEVELOPMENT**

Planning permission is sought for a contemporary design, five storey apartment block providing 8 no. 2 to 3 bed apartments.

The apartments would be contained within a single block constructed on the same part of the site as the existing building albeit with an increased footprint (to the existing main building) extending deeper into the site and extending up to 5 storeys in height (the upper storey being a recessed penthouse).

The building would be a single mass with a contemporary appearance featuring flowing lines to both the front and rear elevations, including projecting balconies to the front and large areas of glazing to both front and rear elevations. The ground floor of the building would be pebble clad with the middle floors (1 to 3) all being of the same appearance i.e. white render - in lieu of the white polished concrete panelling proposed on the earlier application - with some sandstone cladding detailing and large glazed balconies to the front of the building. The penthouse apartment would be set in from the elevations below, would feature large areas of glazing on all elevations and would have a low mono-pitch, pressed metal standing seam roof.

At ground floor level on the west side of the building would be a gated covered way leading under the building to the rear of the site. The rear of the site would be almost exclusively hardsurfaced with parking provision in the form of 1 no. space per apartment. The existing garage within the rear garden area is proposed to be retained but with the existing pitched roof replaced with a flat roof.

The application has been amended since the refusal of the previous application to address the second reason for refusal in relation to the impact upon the amenity of adjoining residents.

## **ANALYSIS**

It is considered that the main issues in the determination of the application relate to:

- The principle of the proposed development
- Flood Risk and Sequential/Exceptions Tests
- Design and impact on the character and appearance of the area
- The wider landscape/townscape impact
- Economic benefits of the scheme
- Impact on residential amenity
- Ecological Impact
- Access and Highways Issues
- S.106 Matters
- Other Matters

## **THE PRINCIPLE OF THE PROPOSED DEVELOPMENT**

The site lies within the built-up area boundary of the town close to and within level walking distance of a range of local facilities, shops, services and public transport options. The site is currently in residential use, lies within an area which is predominantly residential in character and a redevelopment of the site for such a use is, subject to other considerations set out below, considered to be acceptable.

## **FLOOD RISK AND SEQUENTIAL/EXCEPTIONS TESTS**

The previous application for the redevelopment of the site was refused on the basis of its failure to satisfy the sequential and exception tests on site selection, this issue is unchanged from the earlier proposal but the relevant section from the earlier report is repeated and updated here for ease of reference.

The application site lies on Seaton seafront located to the north side of the Esplanade on the opposite side of the Esplanade from the public walkway and beyond this the sea wall and beach. The site and indeed the entire seafront and much of the land to the north (with the exception of the regeneration site) is classified as Flood Zone 3 - High Risk. The main flood risk to the site arises from the potential for overtopping the sea wall in extreme weather events.

The application is accompanied by a Flood Risk Assessment which examines the potential flood risks in more detail and which considers that the development can be made safe from a flood risk point of view during the lifetime of the development. The proposed measures to ensure this include raising of internal floor levels above existing and improving the existing surface water drainage through the use of permeable surfacing to the rear parking court. These measures, it explains, would ensure future residents would be safe during any extreme flood event and would maintain/improve on existing overland flows to the north through which any flood waters would dissipate.

Residential development is classified as more vulnerable development, in accordance with flood risk vulnerability classification set out in the National Planning Practice Guidance (NPPG) which accompanies the National Planning Policy Framework (NPPF). As such, any such proposals within High Risk Flood Zones are required to pass two tests prior to them being considered acceptable in flood risk terms. These tests are known as the 'Sequential' and 'Exceptions' Tests.

### **Sequential Test**

In relation to the sequential test para. 101 of the NPPF states:

*"The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding."*

In order to pass the sequential test it must therefore be demonstrated that there are no reasonably available (and appropriate) sites which could provide the development proposed in an area of lower flood risk. The first stage of the sequential test is therefore to define the area over which it is appropriate to carry out an alternative site search. The NPPG in relation to the carrying out of sequential tests advises that, *'The developer should justify with evidence to the local planning authority what area of search has been used when making the application.'* para. 34.

In this case the submitted Flood Risk Assessment on the matter of the sequential test does not appear to explicitly consider a search area but instead states, *'It is not considered practical to abandon this part (the eastern part of town) of Seaton.'* However a separate Sequential and Exceptions Test Assessment submitted with the application does address this point. It suggests that due to the regeneration agenda in the town, the lack of architectural or historic merit of the existing building, the

prominent location of the site on the sea front and Local Plan policies that seek to support regeneration that the area of search should be restricted to the sea front.

It is accepted that the Vision for Seaton in the Local Plan is to seek to secure completion of the regeneration area (although a regeneration area is no longer formally designated in this Local Plan), look to secure improvements in design quality and to improve business opportunities in the town. However, in order to define the correct search area it is necessary to consider what development is being proposed. In this case the development proposes 8 no. open market dwellings, the case has not been made that there is a specific need for apartments and as such it is considered that there are numerous alternative sites within Seaton where such development could be delivered (including on consented residential sites on land to the north of Harbour Road, Seaton Quay, Land north of Rowans Drive and Land off Barnards Hill). All of these alternative sites are on land of lower flood risk and/or where the sequential test has been passed as they form part of a wider regeneration scheme for the town.

In relation to the area of search the submitted Sequential and Exceptions Test Assessment suggests that no other sites could deliver the same benefits as the proposal site. However, there is no reason to suggest that other prominent brownfield sites (such as those mentioned above) wouldn't equally deliver similar benefits albeit in a different location. Furthermore, as the development is not seeking to meet a specified local need i.e. for affordable housing there would be no need to restrain the search to Seaton and the development could potentially be delivered anywhere else in the district in a lower flood zone and subject to other planning criteria being satisfied.

In support of their view that the site should pass the sequential test reference is made to 2 no. recent developments in the town which are also located in the high risk flood zone, these being Fosseyway Court (14/0187/MFUL) at the western end of the sea front and the residential development to the north of Harbour Road (09/0022/MOUT and 13/2292/MRES). Whilst neither site is directly comparable and each application needs to be considered on its merits it is worth noting here the main difference between the application and these other schemes. The residential development north of Harbour road forms part of a wider regeneration site including land to the west adjoining the River Axe estuary and to the east where the Tesco superstore is located. As such the development of these sites were considered under a regeneration policy that covered the former holiday park and adjoining uses and where the sequential test was considered strategically to secure wider community benefits. In relation to the Fosseyway Court development this is arguably more similar but nonetheless still differs, that development was for a larger scheme and in that case the proposal involved development of existing apartment blocks through the extension of them to form additional apartments. The development did not involve any additional physical development in the flood zone, the proposals were to build over the existing car parks and apartment blocks and as such all existing and proposed residential units (and their main access points) were above flood risk levels and the footprint of that building was not changing. In addition there were clear wider benefits through the refurbishment of the existing highly prominent and tired buildings which would not otherwise have been viable.



In conclusion on the matter of the sequential test it is considered that this must be applied and the application acknowledges this. However, it is not considered that this test is passed as there are other sites at lower risk that could provide the development proposed. Whilst it is accepted that other sites would be located away from the sea front and would not have the potential to deliver the purported benefits of the application, those benefits are largely aesthetic and objective and are not for consideration under the sequential test but rather are matters for consideration under the exceptions test if the sequential test is passed.

## Exceptions Test

The requirements of this test are only engaged in the event that the sequential test is passed and in this case therefore it is considered the test need not be applied; however for completeness the relevant issues are considered.

Para. 102 of the NPPF states:

*"If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:*

- o it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and*
- o a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the test will have to be passed for development to be allocated or permitted."*

Taking the two matters in reverse order, it is considered that if the exceptions test were to be engaged that the development could be made safe for its lifetime without increasing flood risk elsewhere. The Environment Agency has responded on the application to the effect that they have no objections to the application subject to development proceeding in accordance with the submitted flood risk assessment. This being the case it is considered that the second part of the exceptions test could be met. However, it is worth noting that the Environment Agency has flagged up in their response the need to apply the sequential test to the development and that the failure of this is sufficient justification to refuse a planning application.

In relation to the first part of the test and the wider sustainability benefits to the community that outweigh flood risk the submitted Sequential and Exceptions Test Assessment summarises these as follows:

- o economic benefits through investment in and regeneration of the sea front and encouragement of further economic activity
- o economic benefits through jobs created from the construction project
- o environmental benefits through removal of a building of little architectural merit with a high quality design on a prominent site in need of substantial investment
- o environmental benefits through a more efficient use of a brownfield site
- o environmental benefits through raising the threshold by 500mm, meaning the new development would present a significantly lower flood risk to future inhabitants

o social benefits in terms of delivery of housing to help meet the requirements of the local plan (which includes a windfall requirement in Seaton)

These are considered in turn:

It is acknowledged that the Town Council are looking to bring forward regeneration works at the western end of the seafront and that there is some support in the Local Plan for this under Strategy 25. However, whilst investment in and regeneration of the sea front is recognised as a potential benefit, the specific benefits arising from this proposal would be limited only to this site as there is no guarantee that wider re-investment would follow.

It is recognised that the proposal would support the construction industry in terms of job creation or sustaining existing jobs, however, this would equally be true of development on an alternative site.

The existing building is not listed but is not without character, nor is it in such a state of disrepair that its re-use or rejuvenation could not in itself bring about some visual improvement to the site. The proposed design is considered further below but in general terms whether a particular design improves or detracts from the character of the area is a largely subjective judgement.

It is accepted that the more efficient use of a brownfield site would be a benefit that would arise from the proposal.

The raising of the development outside of the flood zone would reduce the potential for flooding to future occupiers however as the site lies within a designated high risk flood zone and is for a more intensive form of development it would also increase the number of occupiers that could potentially be affected by flooding.

The social benefits that could arise through delivery of additional housing are noted but equally such benefits would also arise from any other development for the same number of units on sites of lower flood risk. Whilst the Local Plan does include for Seaton, 'a modest future windfall component in housing numbers' it is considered that these numbers could be brought forward through development in areas at lower risk of flooding and where this is not the case the Local Plan advises that allocations will be brought forward in future plan work. In this regard housing completion figures for Seaton since 2011/12 indicate an average of 9 dwellings coming forward as windfalls in Seaton. If this trend were to continue it would bring forward 45 windfall dwellings over the five year period and 139.5 over the remainder of the plan period (1 Oct 2015 – 31 March 2031). This is in addition to the windfall sites which already have permission and have not yet been completed. These figures support the view that windfall developments together with existing allocations can comfortably meet Seaton's housing needs looking forward across the plan period.

In summary on this matter it is recognised that the development could bring about some potential benefits, most of these however, are not considered to be mutually exclusive to this site and similar benefits would arise from development on other sites within the town or wider area. The potential investment in and catalyst for further regeneration to the seafront would not arise on other sites, that were not also

on the seafront, but neither could any such benefits guarantee such further re-development. There may be a case for a new regeneration policy for the sea front in Seaton which seeks to strategically deal with flood risk for the area and to secure wider regeneration benefits but there is none such in place at present. In this case any benefits that may arise are considered to be largely limited to the site itself and as such they would not be sufficient to pass the sequential and if engaged the exceptions test.

## DESIGN AND IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

The application proposes a similar form of development to that put forward under application 16/0997/FUL. As before, the footprint of the building would cover the full width of the site but as a result of the changes to the design the building would now not extend as deep on the western side of the site (10.5 metres approx.) but extend deeper on the eastern side (18 metres approx.) not including the forward projecting balconies that extend out by a further 3 metres at their furthest point. A covered way on the left hand side of the building would lead to the rear of the site which would be hardsurfaced and utilised to provide car parking to serve the units. The layout therefore largely reflects existing and surrounding development on the Esplanade where buildings are set back in a line from the pavement and where parking is provided to the rear of the site, albeit often accessed from the rear.

In terms of scale and massing the proposal seeks a building which clearly differs in form to those immediately surrounding it. Whilst there are taller buildings on Seaton's seafront these are located closer to the town centre at the western end of The Esplanade. The existing development immediately adjoining the site is 3 storey in height to the west and four storey in height to the east and comprises of a terrace of dwellings and a large apartment complex respectively. To both sides however the neighbouring buildings have similar qualities having very much a linear nature with a horizontal emphasis. In addition both also step down in height where they adjoin the site to provide a transition down to the two storey height of the existing building on site. The application suggests that in order to make a positive statement on the sea front that development needs to counteract the character of the adjoining buildings in order to make a positive contribution. The design approach is therefore for a tall vertically emphasised building to stand out from the development to either side. In addition the curved balcony structures to the front would break the building line and again make the building appear more prominent, standing out from the development to either side.

The height of the proposal at 5 storeys would be slightly above that of Norcombe Court to the east and in this respect the proposal would not be significantly out of scale with adjoining properties. There is however no doubt that the building would still appear conspicuous both on the sea front and in views towards it from land to the north. Nonetheless, the view remains that as the townscape evolves with development approved both on the seafront and the regeneration site coming forward the prominence of the building would be expected to reduce over time.

The previous application referred to the review of earlier iterations of a scheme for the development of this site by the Devon and Somerset Design Review Panel. At the time there was no detailed design for consideration and therefore the Panel's

comments were focussed on the principle of developing a building of this scale/height in this location, in relation to height they made the following comments:

*"...The panel recognises the need for the proposals to be financially viable, and, assuming additional development is enabling the funding of a higher quality proposal, would in principle support a taller building of up to 6 storeys as a maximum. The panel's support in this regard would be subject to detailed design proposals,"*

They went on to say,

*"In order to support a 6 storey building the Panel feels that the proposals would need to be of an extremely high quality design."*

The proposed changes to the design of the building help to reduce the bulk of the building by continuing the flowing curved elevation seen on the front of the building around to the rear. Whilst the massing of the building would still not conform to the character of the area in terms of its vertical emphasis the existing buildings to either side do have significant bulk, particularly Norcombe Court to the east. In addition these buildings and others along the seafront are not of uniform appearance and are of no particular architectural merit such that new development should be required to conform to this. The proposed building therefore whilst not considered to be particularly in-keeping with the existing character of development in the area is considered to be acceptable in relation to its impact on the streetscene and has the potential to lift the appearance of the area through the introduction of a building of modern contemporary design.

In terms of its detailed appearance the proposal would feature clean simple lines with flowing balconies to the front of the building, curved corners to the building elevations and the recessed penthouse apartment serving to articulate its massing in a manner that would soften the appearance of the building. The palette of materials proposed is designed to reflect the geology of the area with a lower level of pebble clad elevations followed by rendered panels to the upper part of the elevations. The penthouse building would be clad in standing seam metal cladding. The materials therefore have some relevance to the area whilst also offering a modern interpretation of the render and slate finish that predominates on properties in the town centre.

## THE WIDER LANDSCAPE/TOWNSCAPE IMPACT

The application is accompanied by the same supporting information that accompanied the earlier application and which falls short of a full LVIA or TVIA (Landscape/Townscape Visual Impact Assessment) which the applicants were advised should be provided at pre-application stage in order to fully consider the wider impact of the building on its surroundings.

The height of the building as well as the projecting nature of the balconies will clearly make it foremost in views along the Esplanade, particularly in an easterly direction where the taller Fosseyway Court development would not be seen. The Council's Landscape Architect has again considered the proposals and has raised concerns in

relation to the design of the building with the building plinth projecting into the front garden and the failure of the building to respond appropriately to its townscape setting. Overall the view expressed is that the proposal remains unacceptable in landscape design terms.

Whilst at 5 storeys the height of the building is not significantly greater than that of the adjoining property to the east (Norcombe Court), the vertical emphasis and narrower nature of the building are likely to accentuate its height in relation to that building. Nevertheless, the overall impact of the building whilst likely to appear prominent in views along the sea front, would not stand out to the degree that it would be unacceptable in scale in relation to surrounding development.

## BENEFITS OF THE SCHEME

The application includes within the submitted planning statement consideration of the benefits considered to arise as a result of the development, these, it is suggested, include; economic, social and environmental benefits.

In terms of economic benefits these include: investment in and regeneration of the sea front and encouragement of further economic activity; jobs created from the construction project.

In environmental terms it is suggested that a benefit would arise through removal of a building of little architectural merit and its replacement with a high quality design on a prominent site, such a benefit is however somewhat subjective, the proposal would however represent a more efficient use of a brownfield site within a location where it would be well located in relation to the town centre and access to shops, services and public transport. Finally, in environmental terms it is suggested that by raising the threshold by 500mm the new development would present a significantly lower flood risk to future inhabitants and other flood alleviation measures would reduce off-site flood risk, these issues are considered above.

In terms of social benefits it is suggested that delivery of additional housing (irrespective or not of whether a five year housing land supply can be demonstrated) would assist in meeting the overall housing requirements of the Local Plan which include a windfall element for Seaton. Whilst it is acknowledged that a windfall element is required within the Local Plan Seaton has historically brought forward a number of windfall sites annually such that the proposed development would not be necessary to boost these numbers (see above).

## IMPACT ON RESIDENTIAL AMENITY

The application site is surrounded on three sides by existing residential properties and therefore development on the site, particularly on the scale proposed, has the potential to impact adversely on adjoining occupiers.

The existing main building on site is two storeys in height and sits between taller developments to either side. It does not project significantly beyond either the front or rear building lines formed by those buildings and whilst it is constructed up to the western boundary there is a gap of a minimum of 4 metres to the eastern boundary.

To the rear of the main building there is a gap of approximately 4 metres to the detached single storey building that serves as a separate dwelling and beyond this a garage block linked by a flat roof extension, both of these buildings are built adjacent to the western boundary of the site.

The previous application for the redevelopment of the site was refused partially due to the resulting impact on neighbouring properties and occupiers. The relevant reason for refusal is set out below:

*The development by virtue of its height, proximity to and extent of projection along the western site boundary, together with its overall scale would result in an oppressive and overbearing impact on the occupiers of neighbouring properties which, coupled with the loss of light to rear gardens of properties to the west of the site, would have an unacceptable adverse impact on amenity of neighbouring occupiers contrary to policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031 and the core planning principles set out in the National Planning Policy Framework.*

The applicant's have considered this reason for refusal and have made changes to the design of the building in an attempt to overcome it. The primary changes relate to a change to the building's footprint to reduce the depth of the building on the western boundary. The rear elevation is now curved and provides a transition in the rear building line between Lyme Mews and Norcombe Court. The vehicular access is also moved from the east to the west side of the building.

Consideration is given below to potential impacts on neighbouring properties and whether or not the proposal adequately addresses previous concerns, as follows:

### **Lyme Mews**

This is a terrace of dwellinghouses that run west from the site, the properties are predominantly 3 storeys in nature but the closest property to the site drops down 2 ½ storey level. The properties in the terrace have private rear gardens to their northern side with detached garages serving pairs of properties situated at the far end of the gardens and accessed via Bay Court. No. 15 is the property closest to the site and the garden of this property extends further to the north than the others in the terrace. The proposed apartment building would still be constructed immediately adjacent to the existing western boundary wall but has been foreshortened in depth such that it's projection beyond the rear elevation of No. 15 is reduced from 6.5 metres (on the previous application) to approximately 4 metres on the revised application.

The separation between the buildings remains at approx. 2.5 metres and the overall height above ground level would be the same at over 13 metres in height (not including the penthouse apartment). Beyond the initial rendered section of side wall the rear elevation of the building would curve away from the boundary at an angle of approximately 30 degrees.

In terms of satisfactorily addressing the previous reason for refusal the proposal has reduced the projection on the boundary with the neighbouring property but not the height or proximity to the boundary. The proposal would represent a significant change over the existing relationship between the current buildings on site and that

proposed. However, it needs to be considered whether that relationship would be unacceptable in its impact. It is acknowledged that some benefit would arise through the removal of the existing buildings at the rear of the existing main building but these are low rise buildings and their removal would not out balance the impact of the new building. It is further recognised that materials that have been chosen are likely to reflect light and serve to reduce the potential impact of the building. On balance it is considered that in terms of overbearing impact that the changes represent the absolute minimum required to address this concern and therefore in this regard the proposal is now considered to be acceptable.

As was previously the case there is also the potential for a building of this height to cause a loss of light to neighbouring properties. The applicant has provided information, in the form of a sun path study that looks to assess this issue. The information submitted considers the shadow cast of the building at different times of the day (9 am, 1 pm and 5 pm) and different periods of the year (March, June, September) and compares this with the existing situation at the same times. The results show that the shadow cast would be more significant in the morning and more so in summer, as at other times of the year the shadow cast by Lyme Mews (and Norcombe Court) puts the rear gardens of those properties in shade. In June during the a.m. period the submitted plans indicate that the building would put the gardens of the nearest properties to the site in complete shade, albeit reducing during the course of the morning. This impact represents a further reduction to the amenity of adjoining occupiers to be weighed in the balance.

In terms of loss of privacy this was not previously considered to be an issue for the properties in Lyme Mews as windows in the rear elevation of the earlier scheme viewed directly north. The current scheme with its angled rear elevation has now raised overlooking as a potential issue. However, given the generally short rear gardens to the Lyme Mews properties, the fact that the windows in the rear elevation of the proposal would be set further to the north, that any views would be at an acute angle and that there is already a degree of mutual overlooking of rear garden areas it is not considered that there would be any significant overlooking resulting from the proposal, although the perception of overlooking may be greater due to the size and extent of windows.

On the side (west) elevation the bathroom windows (which could be conditioned to be obscure glazed) and the penthouse terrace could afford view towards the adjoining rear gardens. In respect of the penthouse terrace whilst this wraps around the whole of the building the primary views would be to the north and south as opposed to east or west.

At the front of the building there have been concerns raised in relation to the impact of the proposed projecting balconies. These balconies are curved in nature projecting further forward to the west side than to the east. They have two potential impacts, firstly loss of privacy amenity and secondly loss of view/outlook. In the first respect the balconies have the potential to afford views from them back towards the neighbouring properties and to cause a loss of amenity through noise and activity associated with their use in close proximity to neighbouring properties. In this respect it is considered that the separation distance and angle of view would be such that no significant impact would occur. In relation to loss of outlook/view the applicant has

provided plans that indicate the angle of view/outlook that would be affected by the proposal. It is clear that the angle of view from windows in the south elevation of No.15 Lyme Mews (and to a decreasing extent those further to the west) would be reduced but the outlook from this and other properties would not be significantly diminished.

Overall, in relation to these properties the proposal would still be likely to have some impact on amenity but the current scheme is considered to have done just enough to reduce the impact of the proposal on these properties to an acceptable degree.

### **Bay Court**

Nos. 7-9 Bay Court run perpendicular to the Esplanade and Harbour Road such that their rear gardens adjoin the western boundary of the site. These properties are considered to be sufficiently distant from the proposed building such that the building would not be significantly overbearing, particularly as the windows in these existing properties would not view towards it. However, the sun path study indicates that the rear gardens of these properties would be in shadow at all times of the year at 5 p.m. However, the sun path study for the existing situation shows that this is already the case and that the proposed development would have no significant impact in this respect.

The proposal would introduce large amounts of glazing to the rear elevation as well as a penthouse terrace all of which would afford views northwards towards the rear gardens of Nos. 7-9. However, the windows in the rear of the building serve bedrooms only and are considered to be sufficiently distant that they would not cause any significant loss of privacy particularly when existing levels of mutual overlooking are taken into account.

### **Harbour Road Fronting Properties**

Properties to the north of the site front onto Harbour Road and have their rear elevations/gardens facing the site, these properties include: Nos. 1-3 Bay Court, 42 Harbour Road (which includes commercial use at ground floor level as well as a number of flats) and 51 - 58 Norcombe Court. All of these properties are considered to be sufficiently separated from the proposed building- the distance from the rear elevation of the proposal to the nearest garden boundary being over 25m, with a minimum 34m between facing elevations - that their amenity would not be affected to any significant extent.

### **Norcombe Court Properties**

Unlike Lyme Mews to the west, Norcombe Court extends deeper into its respective site such that the proposed building would only extend slightly beyond the existing rear elevation of this building and as such there are not the same concerns in relation to overshadowing or overbearing impact. Norcombe Court is also an existing apartment block where to the rear of the building is a communal parking court as opposed to private rear gardens. There are a series of windows in a vertical line on the central part of the west elevation facing toward the site and these would suffer some loss of light as a result of the height and proximity of the building to this



boundary but these windows do not appear to serve habitable accommodation and some separation would be maintained (minimum 2 metres), again the light colours proposed for the elevations would serve to reflect light reducing this potential impact.

To the front concerns have been raised again in relation to the impact of the proposed balconies on the windows/balconies that currently exist on the south elevation of Norcombe Court, in particular No. 38 closest to the site, at 3rd floor level. The neighbouring occupiers consider that they would experience an extreme loss of view as well as loss of privacy/amenity through the use of the proposed balconies as well as that associated with the use of the access on the boundary. The design of these balconies has not altered from the previous application nor therefore will any impact have altered. At the time of the previous application, the applicant's analysis of the proposed balconies showed that there would be a reduction in the angle of view from neighbouring balconies/windows however as with the impact on Lyme Mews this loss of view was not something that could be taken into consideration and any loss of outlook would be limited. In terms of privacy there is some potential for views back toward windows on the front elevation of Norcombe Court but if the application was considered to be acceptable in all other respects obscure glazed screens could be required by condition if considered necessary. Whilst the concerns of neighbouring occupiers are again noted, this specific issue was not considered to warrant refusal on these grounds previously and nothing has changed to alter this view.

#### ECOLOGICAL IMPACT

The application is accompanied by a Preliminary Ecological Appraisal and Bat Scoping and Emergence Survey Report. The report advises that following an initial inspection of the site a single emergency survey was undertaken to establish the presence or not of bats on site. The survey recorded no bat activity and given the exposed location of the site the report considers that the site has negligible to low bat potential and advises that no further survey work is required. In addition no bat enhancement proposals are provided due to the exposed location, however integrated starling boxes are proposed as a biodiversity enhancement.

#### ACCESS AND HIGHWAYS ISSUES

The application proposes a new access to the rear of the site via a covered way to the west side of the building – as opposed to the east side as proposed under the earlier application. This would swap the access route to the rear from its current location to the east side of the building. The highways authority has suggested that standing advice is applied. The access way width is considered acceptable in terms of width and height to accommodate an average family car and would lead to a parking court at the rear providing 9 no. parking spaces in addition to the retained garage/store building.

The parking provision would provide a minimum of one space per unit, which is below the levels expected under policy TC9 of the Local Plan. This policy does however permit lower levels in certain locations where there is access to public car parks and/or on street parking and given this the levels of parking are considered to be acceptable.

In terms of parking layout, the site plan indicates that the recommended parking space dimensions of 2.4m wide and 4.8m long with 6m of turning space in front of each space would be achieved, albeit the northern most space may be difficult to access.

#### S.106 MATTERS

The application falls below the thresholds whereby contributions can be sought towards affordable housing and as such no such contributions have been sought.

#### OTHER MATTERS

Aside from the Flood Risk relating to the proposals considered above, it is also necessary to consider the surface water run-off proposals for the scheme. Policy EN22 of the Local Plan requires that new development fully considers run-off implications of new development; includes appropriate remedial and maintenance measures, and; where there are potentially significant surface water runoff implications includes a Drainage Impact Assessment. In relation to major developments there is an expectation that surface water would be managed by sustainable drainage systems.

A drainage strategy accompanies the application and indicates that the car park area to the rear of the site would be largely surfaced with permeable paving thereby reducing the surface water run-off by 50% from current levels. The run-off would then be directed to the existing public combined sewer. Devon County Council responding in their Flood and Coastal Risk Management capacity has advised that they have no objections to the proposal.

Were the application to be approved further details of the final design strategy should be required by condition.

#### **RECOMMENDATION**

REFUSE for the following reasons:

1. The development proposes a more intensive residential use of a site within Flood Zone 3 and as such represents more vulnerable development in a designated high risk flood zone where there is a requirement for the sequential and where appropriate exceptions tests for site selection to be applied. In this case the sequential test is not met as the area of search has been too narrowly applied in relation to the type and quantum of development proposed and therefore it has not been adequately justified that there are no alternative sites which could provide the development proposed on sites of lower flood risk. In addition and in relation to the exceptions test (were this to be engaged) it has not been demonstrated that the development provides wider sustainability benefits to the community that outweigh the flood risk. The development is therefore contrary to policy EN21 (River and Coastal Flooding) of the East

Devon Local Plan 2013-2031 and the guidance set out within the National Planning Policy Framework and National Planning Practice Guidance.

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:

150703 E 01.01 :	Proposed Elevation NORTH	22.11.16
150703 E 01.02 :	Proposed Elevation EAST	22.11.16
150703 E 01.03 :	Proposed Elevation SOUTH	22.11.16
150703 E 01.04 :	Proposed Elevation WEST	22.11.16
150703 L 01.01	Location Plan	22.11.16
150703 L 01.03	Proposed Site Plan	22.11.16
150703 L 01.04 :	Proposed Floor Plans GROUND	22.11.16
150703 L 01.05 :	Proposed Floor Plans 1ST, 2ND, 3RD	22.11.16
150703 L 01.06 :	Proposed Floor Plans FOURTH	22.11.16
150703 L 01.07	Proposed roof plans	22.11.16
150703 SE 01.01 : AA	Sections	21.11.16

List of Background Papers

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



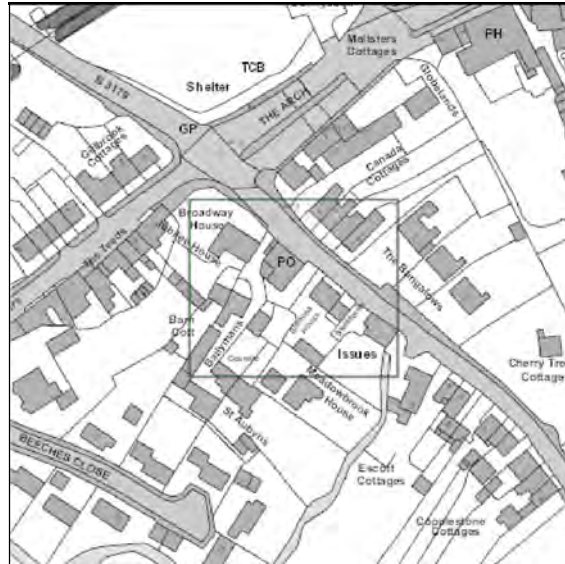
**Ward** Woodbury And Lymstone

**Reference** 16/2230/FUL

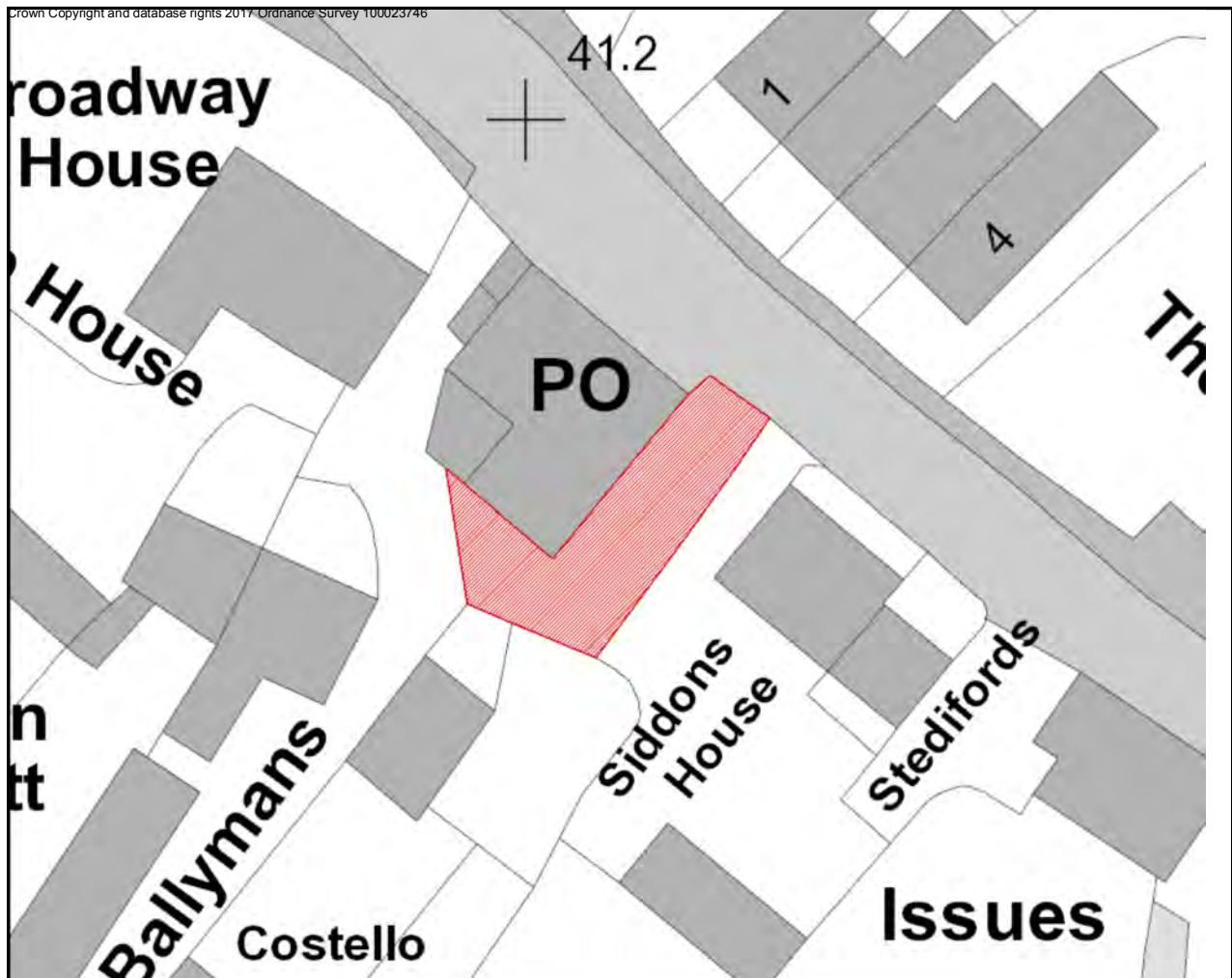
**Applicant** Mr & Mrs Chouhan

**Location** Land Adjoining Woodbury Post Office Broadway Woodbury EX5 1NY

**Proposal** Erection of attached dwelling



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 7<sup>th</sup> February 2017</b>
<b>Woodbury And Lympstone (WOODBURY)</b>	<b>16/2230/FUL</b>	<b>Target Date: 10.11.2016</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs Chouhan</b>	
<b>Location:</b>	<b>Land Adjoining Woodbury Post Office Broadway, Woodbury</b>	
<b>Proposal:</b>	<b>Erection of attached dwelling</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Members of the Development Management Committee because officer recommendation is contrary to the view of the Ward Member.**

**The application seeks planning permission for the construction of a two storey dwelling attached to the Post Office within the village of Woodbury which falls within the Woodbury Conservation Area.**

**The proposed dwelling would be constructed on a side service yard for the Post Office and would be attached to the Post Office building. The design and scale of the dwelling would be sympathetic to the historic character and appearance of this part of the Conservation Area and would provide a three bedroom dwelling in the heart of the village which is considered to be sustainable with good access to a primary school, shops and public transport.**

**Whilst concerns have been raised about parking provision and the suitability of the vehicular access, no objections have been raised by the County Highway Authority who have advised that the development would make adequate provision for space within which a vehicle could park and turn and leave the site in a forward gear such that it would not result in any highway safety concerns. Whilst the proposal does not meet the policy guide for two on-site car parking spaces for a dwelling of this size, it is considered that owing to its location within the heart of the village, coupled with the unrestricted parking at the nearby Arch coupled with the site's access to public transport links that it would be difficult to sustain an objection on these grounds.**

**The application is considered to be acceptable in terms of its impact on the character and appearance of the Conservation Area, its relationship with and impact upon the residential amenities of the occupiers of surrounding**

**properties, its impact on flood risk, arboriculture and highway safety.**

**In this case, officer's are of the opinion that the benefits to derived from the provision of a new 3 bedroom home in the sustainable heart of the village and lack of harm to the character and appearance of the Conservation Area outweighs the concerns regarding the lack of two car parking spaces. The application is therefore recommended for approval.**

## **CONSULTATIONS**

### **Local Consultations**

#### Woodbury & Lympstone - Cllr R Longhurst

This proposed development is not suitable for the Conservation area or the centre of Woodbury. There is inadequate parking for the existing accommodation and the proposed new dwelling and the scheme overall is "over development". I would prefer to see an extension to the shop on the ground floor and an additional first floor flat.

Further comments:

The amendments have no material effect on the application since they are to do with flood risk. The material considerations for NON SUPPORT last time persist and I have no reason to change my view. This shop needs extending to support the village infrastructure and accommodation above would be supported to achieve this objective. Parking is an issue that needs to be resolved.

#### Parish/Town Council

Not Supported - over development of a conservation area

Further comments:

Information noted and it was considered that there was insufficient parking provision within the immediate area. Original objection still applies.

### **Technical Consultations**

#### Environment Agency

ERECTION OF ATTACHED DWELLING  
LAND ADJOINING WOODBURY POST OFFICE BROADWAY WOODBURY EX5  
1NY

Thank you for your consultation dated 21 September 2016 regarding the above application.

Environment Agency position

The Flood Risk Assessment (FRA) which has been submitted does not allow us to adequately assess the flood risk to the proposed development. Therefore, we have to object to the grant of planning permission and recommend refusal on that basis for the following reason:

## Reason

The FRA submitted with this application does not comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to:

1. Relate the floor levels in the proposed dwelling to the 1 in 100 year and 1 in 1,000 year flood levels in the area, taking into account the effects of climate change.
2. Consider how people will be kept safe from flood hazards identified
3. Consider the effect of a range of flooding events including extreme events on people and property.
4. Consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event.

If the applicants or agents wish to discuss this position with us, they should contact me at the number below.

## Overcoming our objection

You can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal reconsultation. Our objection will be maintained until an adequate FRA has been submitted.

## Flood Risk Sequential Test - general advice

The access to the application site lies within Flood Zone 2 defined by the Environment Agency Flood Map / Strategic Flood Risk Assessment as having a medium 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.

## Further comments:

We withdraw our objection to the application following the submission of the Flood Risk Assessment (FRA) dated 25 November 2016.

Providing floor levels are raised 450mm above the road level as set out in the FRA there are no objections to the proposal from the flood risk aspect and the building is likely to be safe from flooding over its lifetime.



We mentioned in our previous response, the access to the property lies within Flood Zone 2, where there is a medium risk of flooding. In fact, the risk of flooding there is very low so your Council may conclude the flood risk Sequential Test is not applicable in this case.

### Conservation

#### BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

Woodbury is a large nucleated village, probably founded in the late 7th century, by the 11th century it was a royal manor and had a parish guild, in the 13th century it had a market and fair....'The conservation area, like the village, is irregular in shape. The pattern of development appears ancient, and is pleasingly informal...the 15th century red sandstone tower of St Swithun's parish church' is a distinctive landmark, from within the village and certain vantage points beyond.

The Post Office is located on Broadway, a main traffic route, where there are some good buildings of various dates, however the aesthetic merit attached of the built form contributing to the immediate setting of the post office is predominantly late 18th to early 20th century buildings, including the post office. Which is an attractive redbrick, which together with Siddons House, make an attractive pair, that make a positive contribution to the surrounding conservation area.

In summary, the Post Office as a 20th century building together with Siddons House, are well proportioned redbrick buildings, in that their use of material, proportion and prominent location, make a positive contribution to the historic an architectural character and appearance of the surrounding conservation area.

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

The proposal to infill between Siddons and the Post Office with an attached dwelling, was subject to a previous planning application 04/P1635. The location, mass, scale, design and use of materials being similar to, that proposed through the current application.

Therefore in response, I have turned to the conservation comments provided by Stephen Guy, in 2004, as heritage legislation has not changed, since 2004, to an extent that it would provide an alternate view, namely;

"..... The approach is broadly acceptable. The front elevation emulates the language of the post office building while retaining a visual separation by having a lower ridge level and first floor sills. This helps maintain the symmetry of the first floor of the post office.

The rear elevation is less successful with an awkwardly placed dormer....However; this aspect of the proposals will have a limited impact upon the conservation area and street scene. My only concern would be the precedent set for over-sized dormers..."

In summary the erection of an attached dwelling to post office, would result a neutral impact on the historic and architectural character and appearance of the surrounding conservation area.

## PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

### SUGGESTED CONDITIONS

#### Material Condition

- o Roofing - slate sample
- o Rooflights - to be conservation type
- o Windows - details
- o Doors - details
- o Face brick - sample

#### County Highway Authority

##### Observations:

The Proposed Roof & Site Plan shows one parked vehicle only and the proposed vehicle tracking for the turning of one vehicle only; however on the Planning Application Form (Question 10) 2 number on-site parking spaces are proposed.

Whilst the CHA would have no objection one single vehicle parking and turning (as shown), it is clear that there is not enough space to park and turn two vehicles as indicated in the application form.

##### 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. One only vehicle parking space to be provided in accordance with the attached plan.

REASON: To minimise the extent of on street parking that may result as a consequence of the development.

Officer authorised to sign on behalf of the County Council 26 September 2016

##### Observations:

The Local Highway Authority has no objection to the application. The proposed application is accessed via an existing highway access on to Broadway (B3179). Vehicles can be turned on site ensuring they are accessing the B3179 in a forward gear.

##### 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

Officer authorised to sign on behalf of the County Council 23 September 2016

#### EDDC Trees

No objection to the proposed dwelling. The existing ground cover is hard standing or retained gravel driveway, the adjacent birch should not be significantly affected.

#### Other Representations

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

- Traffic congestion
- Danger to pedestrians and highway safety
- Unsafe access onto Broadway
- Bins and waste relocated is an eyesore
- Where will traffic park during construction?
- Lack of parking provision will cause parking problems
- Inadequate parking for the development, the shop and the flat above.
- Insufficient detail has been provided on the site plan
- Impact on a protected tree
- Overlooking from 1<sup>st</sup> and 2<sup>nd</sup> floor windows
- Overshadowing and loss of light
- Materials should be in keeping
- Adverse impact on Conservation Area

### **POLICIES**

#### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

EN10 (Conservation Areas)

EN9 (Development Affecting a Designated Heritage Asset)

TC2 (Accessibility of New Development)

EN21 (River and Coastal Flooding)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Site Location and Description:

The site refers to an area of land to the side of Woodbury Post Office which occupies a prominent roadside position within the heart of the village. It is located on Broadway where there are a number of buildings of various dates however the aesthetic merit attached to the built form contributing to the immediate setting of the Post Office is predominantly late 18th to early 20th century buildings which includes the Post Office which is an attractive redbrick building which together with Siddons House make an attractive pair which make a positive contribution to the character and appearance of the Woodbury Conservation Area. The site is within the built-up area boundary of Woodbury, within the Woodbury Conservation Area. Broadway House and Ballymans are properties nearby which are grade II listed.

Proposed Development:

This application seeks planning permission for the construction of an attached two storey dwelling on land between Siddons and the Post Office. The proposed dwelling would be two stories with a pitched roof design and its front elevation would emulate the architectural detailing and form of the post office building to which it will be attached. It would have a front projecting bay window at ground floor level and its ridgeline would step down from the Post Office building. There would be roof lights on the front and rear roof slopes of the building and a large dormer window on the rear which would serve an en-suite. The dwelling would be constructed from natural face brick for the walls under a natural slate roof. Windows and doors would be white painted timber.

The dwelling would be accessed off of Broadway via a shared private drive where a single car parking space would be provided at the rear of the Post Office. A small private amenity area would be provided at the rear of the proposed dwelling.

Relevant Planning History

A planning application (04/P1635) was submitted in 2004 for the construction of a new dwelling but the application was withdrawn before a decision was made.

Issues and Assessment:

The main issues to consider in determining this application are in terms of the principle of development, the design, size and siting of the proposed dwelling and the impact it would have on the character and appearance of the Woodbury Conservation Area, the impact on the residential amenities of the occupiers of surrounding properties, the suitability of the access and parking provision and the

impact this would have on highway safety, the implications for flood risk and the arboricultural impact.

## **ANALYSIS**

### **Principle:**

The site is located within the heart of the village of Woodbury, a village which is considered to offer the range of services and facilities and access to public transport suitable for small scale housing growth as identified in Strategy 27 of the Local Plan. The principle of development in this location is considered to be acceptable on the basis that the site would be sustainably located within the village.

Comments have been received that this space may be required in the future for the expansion of the shop given the lack of any formal proposals or demonstration of need, it would be very difficult to justify a refusal of planning permission on this ground.

### **Character and Appearance:**

The Post Office as a 20th Century building together with Siddons House are well proportioned redbrick buildings, in that their use of material, proportions and prominent roadside location make a positive contribution to the historic and architectural character and appearance of the surrounding Conservation Area.

The space at the side of the Post Office in which the dwelling is proposed has previously served as service yard for the post office and shop where it has been used for storing bins and crates which are not particularly appropriate for the Conservation Area. A proposed dwelling in this space would therefore be beneficial in tidying up the site which would see the removal of the bins and which would positively enhance the character and appearance of the area.

The Council's Conservation Officer has considered the proposal and has advised that the design approach is acceptable. The front elevation would emulate the language of the Post Office building whilst retaining a visual separation by having a lower ridge level and first floor sills. This would help to maintain the symmetry of the first floor of the Post Office and would ensure that the proposed dwelling would not appear unduly prominent or intrusive within the streetscene.

The rear elevation of the dwelling would have been less sympathetic owing to the incorporation of an awkwardly placed dormer which was over-sized but required to provide headroom for an en-suite bathroom within the roof space. The dormer originally proposed was disproportionate and would have dominated the roof slope. Amended plans have been received which have repositioned the dormer slightly with minor changes to its design incorporating hips and a reduction in its height and width and slate hanging to its cheeks. Whilst the dormer is still on the large size, it is considered that because of its position on the rear, coupled with the amendments to its size and design, it would have a very limited impact on the Conservation Area and the streetscene such that it is not considered that it would be harmful enough to refuse the application.

The proposed dwelling on this infill plot attached to the post office would have a neutral impact on the historic character and appearance of the surrounding Conservation Area and would not harm the setting of adjacent listed buildings. Subject to a condition requiring the submission of materials, roof lights to be conservation style flush with the roof, it is considered that the proposal complies with the provisions of Policies EN10 (Conservation Areas) and EN9 (Development Affecting a Designated Heritage asset) of the Local Plan.

#### Residential Amenity:

The proposed dwelling would be positioned immediately alongside Siddons House. This property is separated from the site by a gravelled driveway and has a blank elevation facing the site. Whilst the proposed dwelling would extend to the boundary of the site, as there are no windows on the side elevation of Siddons House, it is not considered that it would have an unduly harmful impact. The footprint of the proposed dwelling would be such that it would project beyond the rear building of Siddons House. However this projection would only be 1.5 metres back which whilst it would have a degree of physical impact, given the separation between Siddons House coupled with the existing boundary wall it is not considered that it would have an unduly harmful impact in terms of being overbearing or over dominant to the property or its rear garden to sustain an objection.

Concerns have also been expressed about overlooking and loss of privacy to Siddons House. Whilst the introduction of a two storey dwelling on the site would have an increased impact on the occupiers of Siddons House, this would not result in an unusual relationship between properties in a village centre. The first floor windows would serve bedrooms (i.e. rooms that would not be in use at all times of the day) where views towards the rear garden of Siddons House would be at an oblique angle. As such, whilst accepting that the introduction of a two storey dwelling on the site would increase the perception of being overlooked, it is not considered that this would result in significant harm in planning terms to sustain an objection. The dormer window would serve an en-suite and be obscure glazed which would be controlled by conditioned.

#### Parking Provision and Highway Safety:

The proposed dwelling would be accessed via an existing highway access onto Broadway (B3179). The existing vehicular access leads to a private driveway serving a small number of properties. The existing access affords good visibility in both directions and because the access is located close to a pedestrian crossing, vehicles travelling along the road are likely to be travelling at slower speeds such that it is not considered that additional traffic from the proposed dwelling would give rise to a highway safety issue. The County Highway Authority has raised no objection to the application. The site plan demonstrates that vehicles can be turned on site ensuring they are accessing the B3179 in a forward gear.

Strong local concern has been expressed about the lack of parking provision within the proposal and the existing parking problems in the centre of the village. The proposal makes provision for one car parking space on land at the rear of the Post

Office. Local Plan Policy TC9 (Parking Provision in New Development) of the Local Plan states that as a 'guide' 2 car parking spaces should be provided per home with two or more bedrooms. Whilst the provision of 1 car parking space for this development does not comply with the policy, this is a guide only and with the site located within the heart of the village with good access to the primary school, shops and public transport such that new occupiers could be less dependent on the use of the car. Furthermore, the presence of unrestricted parking available in close proximity to the site at the Arch, and whilst it is acknowledged that car parking is becoming a problem within the village, for the reasons highlighted above, officer's do not feel an objection could be sustained on the grounds that this development does not make provision for 2 spaces. Whilst two spaces would be preferable it is not considered that lack of parking would give rise to highway safety issues in the village that can be considered severe as per the test within the NPPF.

There are concerns that the proposed parking space may be replacing an existing space serving the flat above the shop, but officers have no evidence of this and in any case the site is well located in relation to services and facilities.

In this case, whilst finally balanced given the objections and concerns regarding car parking pressures, officer's are of the opinion that the benefits to derived from the provision of a new 3 bedroom home in the sustainable heart of the village and lack of harm to the character and appearance of the Conservation Area outweighs the lack of two car parking spaces.

#### Flood Risk:

The site is located within an area designated as Flood zone 1 however the access to the property is within Flood one 2 where there is a medium risk of flooding. Whilst the Environment Agency objected originally, they have advised that providing floor levels are raised 450mm above the road level as set out in the amended Flood Risk Assessment there are no objections to the proposal from the flood risk aspect and the building is likely to be safe from flooding over its lifetime. With regards to the access being in the flood zone, the EA have advised that the risk of flooding there is very low therefore there is no requirement to satisfy the Sequential Test in this case.

#### Arboricultural Impact:

Concerns have been raised about the impact the development would have on a protected Silver Birch tree which is located on land outside of the site to the south west. Informal discussions with the Council's Arboricultural Officer suggest that because the site is already hard surfaced and because the Silver Birch tree is positioned behind existing boundary walls which effectively act as tree protection barriers. In addition because the building line would not be extended beyond the building line of the Post Office the works to construct the proposed dwelling would have no impact on the root protection area of the tree. On this basis, it is not considered that the development would affect the health and well being of the tree and neither would there be any requirements for tree protection details to be conditioned.

## **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 part of the dwelling hereby approved shall be constructed until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and EN10 (Conservation Areas) of the Adopted East Devon Local Plan 2013-2031.)
4. The dwelling hereby permitted shall not be occupied until the access, parking, bin and cycle storage as shown on drawing no 15-684 have been provided in accordance with the approved details. These shall thereafter be retained and kept available for those purposes at all times.  
(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with the requirements of Policy TC7 - Adequacy of Road Network and Site Access, TC9 (Parking Provision in New Development) and D1 Design and Local Distinctiveness of the Adopted New East Devon Local Plan 2013-2031)
5. The development shall be carried out in accordance with the submitted flood risk assessment received by the Local Planning Authority 29th November 2016.  
(Reason - in the interests of flooding in accordance with policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2031 and the provisions within the National Planning Policy Framework)
6. The rooflights indicated on the approved plans shall be of a conservation design flush with the roof, the model specification of which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works.



(Reason - In the interests of preserving and enhancing the appearance of the area in accordance with Policy EN10 - Conservation Areas of the Adopted New East Devon Local Plan 2013-2031)

7. All new windows shall be timber only and shall match the existing in all respects, including sections, mouldings and profiles. Sections through casements, frames and glazing bars at 1:2/1:5 scale shall be submitted and approved in writing by the Local Planning Authority prior to commencement of works, and details of finishes (including colour) shall be submitted to and agreed in writing with the Local Planning Authority. The works as agreed shall be implemented in full.

(Reason - In the interests of preserving and enhancing the appearance of the area in accordance with Policy EN10 - Conservation Areas of the Adopted New East Devon Local Plan 2013-2031)

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule Part 1 Classes A, B, C or D and E for the enlargement, improvement or other alterations to the dwellings hereby permitted, other than works that do not materially affect the external appearance of the buildings, shall be undertaken.

(Reason - The space available would not permit such additions with detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness and EN10 Conservation Areas of the Adopted New East Devon Local Plan 2016.)

9. Before the dwelling hereby permitted is occupied the rear dormer window on the rear elevation shall have been glazed with obscure glass and the obscure glazing of these windows shall thereafter be retained at all times.

(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted New East Devon Local Plan 2013-2031)

#### NOTE FOR APPLICANT

##### Informative:

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

##### Plans relating to this application:

S1	Existing Site Plan	15.09.16
S2	Existing Elevation	15.09.16
A2 : GROUND/FIRST	Proposed Floor Plans	15.09.16

	Flood Risk Assessment	29.11.16
T1	Location Plan	13.01.17
A1 REV A	Proposed Site Plan	13.01.17
A3 REV A	Combined Plans	13.01.17
A4 REV A	Sections	13.01.17
A5 REV A	Proposed Elevation	13.01.17
A6 REV A	Proposed Elevation	13.01.17
A7 REV A	Proposed Elevation	13.01.17

List of Background Papers

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

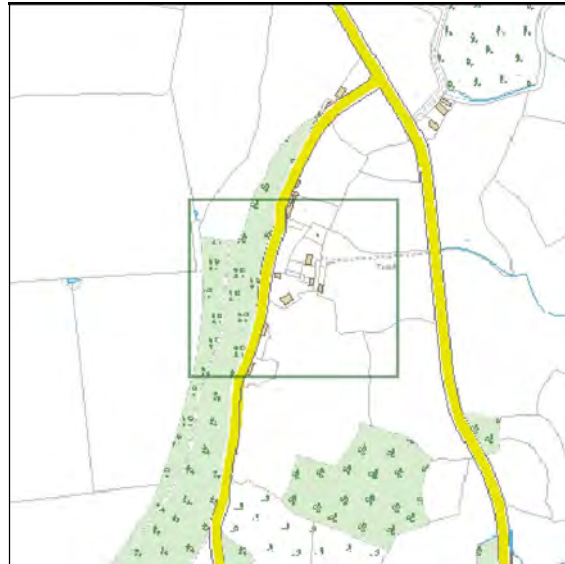
**Ward** Yarty

**Reference** 16/2697/FUL

**Applicant** Mr & Mrs S Vining

**Location** Beacon House Beacon Yarcombe  
Honiton EX14 9LU

**Proposal** Proposed polytunnel



**RECOMMENDATION: Refusal**

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		<b>Committee Date: 7<sup>th</sup> February 2017</b>
<b>Yarty (YARCOMBE)</b>	<b>16/2697/FUL</b>	<b>Target Date: 06.01.2017</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs S Vining</b>	
<b>Location:</b>	<b>Beacon House Beacon</b>	
<b>Proposal:</b>	<b>Proposed polytunnel</b>	

**RECOMMENDATION: Refusal**

### **EXECUTIVE SUMMARY**

The application is before Members having been referred from a Chairman's Delegation meeting.

The application proposes a polytunnel on land adjoining Beacon House and immediately adjacent to the Grade II listed Emmetts. The polytunnel would be used for the growing of goods for consumption by the occupiers of Beacon House.

Whilst the proposal would not result in harm to the amenity of the occupiers of Emmetts, or to the AONB or wider area, to an extent that could justify refusal of planning permission, the proposal being sited only 3.8m from the listed Emmetts would cause harm to the setting of the listed building. In light of the need to given special regard to the need to preserve the setting of the listed building, and in the absence of any public benefits that outweigh this special regard, the proposal is contrary to Policy EN9 and the NPPF and is recommended for refusal on the basis of the harm to the setting of the listed building.

### **CONSULTATIONS**

#### **Local Consultations**

##### Parish/Town Council

Yarcombe Parish Council are happy with the application in principle, however we are not sure about any implications being close to a listed building.

##### Yarty - Cllr P Diviani

As this is in a prominent position I would hope some appropriate landscaping would be considered, but I don't think the objections are sustainable.

### Conservation

This application relates to the construction of a polytunnel at Beacon House on an area of land adjacent to Emmetts, a Grade II listed building formerly two C18 cottages, modernised in the late C19 - early C20. Emmetts occupies a prominent position on high ground near the top of a ridge. It is built across the hillslope facing east and overlooking the Yarty Valley. This is particularly evident when approaching from Yarcombe and looking up the access track towards the cottage and ridgeline.

There is no objection in principle to the polytunnel. However, it is considered that further thought should be given to its proposed location on the higher raised ground adjacent to the listed building and that an alternative location further away from the heritage asset should be found. It is appreciated that the adjacent land is being used as a vegetable plot, but this appears to be a relatively recent change and a less prominent site that is less harmful to the listed building should be found.

NB. It is noted that the ground levels have relatively recently been raised and were previously used for grazing and therefore this area may not be domestic curtilage.

PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE in principle.

UNACCEPTABLE location.

### **Technical Consultations**

#### County Highway Authority

Does not wish to comment

### **Other Representations**

Letter from owner of adjoining Listed Cottage 'Emmetts' raising the following objections:

- Site for polytunnel is not within the domestic curtilage of Beacon
- Ground levels have been raised to provide site for polytunnel which has led to water runoff to the side gable of Emmetts
- Location of polytunnel would be harmful to Emmetts as a listed building as well as the character of the AONB

### **POLICIES**

#### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

EN8 (Significance of Heritage Assets and their setting)

EN9 (Development Affecting a Designated Heritage Asset)

## Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

## Site Location and Description

The site relates to an area of land outside of, but adjoining, the residential curtilage of Beacon House. It is understood that the land is currently used for the growing plants and vegetables.

The site is set back from the road but immediately adjoins Emmetts, a Grade II listed building. The site is raised slightly above Emmetts and is located within the AONB.

## Proposal

The application seeks permission to erect a 9.1m by 5.5m metal framed and polythene covered polytunnel. The structure would be used to grow plants, herbs and flowers in association with Beacon House.

## **ANALYSIS**

The main issues to consider in relation to this application is the impact upon the adjoining listed building, visual amenity of the area and amenity of the occupiers of the adjoining property.

### Listed Building impact

The polytunnel is proposed to be located only 3.8m from the boundary with Emmetts and is on slightly higher land. As such, there is no doubt that the polytunnel will be viewed in association with the listed building. Local (Policy EN9) and National (NPPF) planning policy requires an assessment of harm to the setting of the listed building as part of the consideration of the application and in this instance officers are of the opinion that the construction of a polytunnel 3.8m from the listed building would detract from its setting. Although this impact would be less than substantial, in order to be able to comply with local and national planning policy, the application should only be approved if there are public benefits that outweigh this harm, particularly given the requirement to give special regard to the preservation of the setting of the listed building.

Although the proposal would be of benefit to the applicant, there are no wider public benefits that the proposal brings and as such there are not considered to be any public benefits that outweigh the harm to the setting of the listed building. As such the proposal is contrary to Policy EN9 and the guidance with the NPPF.

Officers have also invited the applicant to consider an alternative position for the proposal, ideally within the curtilage, but also to reduce the effect to the setting of Emmetts as a Listed Building. Whilst some specific alternative positions have been discussed, some within and some outside the curtilage the applicant has elected to leave the proposed position as submitted for the Council to make a decision. They

have suggested that a temporary permission be considered given the ephemeral nature of the construction of the poly tunnel (as opposed to any trial period or longer term assessment of the effect of the proposal). Whilst this is welcome it is not considered that these scenarios would remove the harm as identified to the setting of the listed building as identified by officers and by the Conservation Officer. This is particularly given the requirement to give special regard to the preservation and enhancement of the listed building and its setting.

It has been suggested by the Ward Member that planting to the building could overcome any impact, but any planting to screen the building would either need time to establish, and have potential to be alien to the landscape and setting of the listed building, or of a smaller scale that would not screen the building. In any case, planting could only be secured for 5 years and as such after this period there is a concern that the landscaping could be removed with resultant harm to the setting of the listed building.

### Visual Impact

In regard to the effect to the character of the AONB and visual impact, it is considered there would be some harm to the character of the area given the open location of the hillside which, as the objector has noted, the site is quite visible in the landscape. However, on balance, it is not considered that the proposal would be out of character with the wider area or harm the wider AONB to an extent that would justify refusal of planning permission.

### Impact upon amenity of the neighbouring resident

Whilst the proposal is located close to the boundary with Emmetts, it is not considered that the polytunnel, or proposed use, are of a scale that would be harmful to the amenity of the adjoining residents. The building is fairly small in scale with the use unlikely to give rise to a level of noise or activity that would justify refusal of permission.

In response to the concerns raised by the neighbour, it is agreed the site is not within the curtilage to Beacon as recognised from previous planning applications. Ground levels were altered in this part of the land but in considering the scope of the work undertaken the Council previously decided that they were not significant or harmful enough to warrant taking enforcement action to require re-profiling the land back to its former state and slope. The drainage of water on to third party land is considered to be a civil matter and the concerns of the effect to the setting of Emmetts and to some extent the effect on the character of the area is agreed.

## **RECOMMENDATION**

REFUSE for the following reasons:

1. The proposed development, by reason of its position would be harmful to the setting of the adjoining cottage Emmetts as a Grade II Listed Building with no public benefits outweighing the harm. As such the proposal is contrary to Policy

EN9 (Development affecting a Designated Heritage Asset) of the East Devon Local Plan and guidance within the NPPF.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

TW16/93/01	Proposed Combined Plans	11.11.16
	Location Plan	11.11.16

List of Background Papers

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