

Agenda for Development Management Committee

Monday, 12 June 2017; 10.30am



[Members of the Committee](#)

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

[View directions](#)

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01395 517542, Issued 1 June 2017

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Committee Members please note that there will be a training session on enforcement after all the applications have been considered in the morning. The training session will be held in the the Council Chamber (non-committee members are welcome to attend the session). The session is not open to the public.

[Speaking on planning applications](#)

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

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

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

The day before the meeting a revised running order for the applications being considered by the Committee will 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 5 June up until 12 noon on Thursday 8 June by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

Speaking on non-planning application items

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

- 1 Minutes of the Development Management Committee meeting held on 8 May 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 - 14)
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.

17/0782/FUL (Minor) (Page 15 - 19)
Exmouth Littleham
184 Salterton Road, Exmouth EX8 2PA

12/1016/MFUL (Major) (Page 20 - 55)
Exmouth Withycombe Raleigh
Land adjoining Withycombe Brook, St Johns Road, Exmouth

17/0159/FUL (Minor) (Page 56 - 67)
Newton Poppleford and Harpford
East Hill Pride Farm Shop, Four Elms Hill, Harpford, Sidmouth EX10 0FE

17/0053/FUL (Minor) (Page 68 - 79)
Woodbury and Lympstone
Land on the west side of Exmouth Road (land off Longmeadow Road), Lympstone

Break

(Lunch will be provided for Development Management Committee members)

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

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

17/0523/OUT (Minor) (Page 80 - 92)

Ottery St Mary Rural

Land at the Gap, Lower Broad Oak Road, West Hill, Ottery St Mary EX11 1UD

16/0845/MFUL (Major) (Page 93 - 104)

Raleigh

Land adjacent to Hogsbrook Farm, Woodbury Salterton EX5 1PY

17/0524/OUT (Minor) (Page 105 - 120)

Sidmouth Rural

1 Laundry Lane (land adjacent to Mill House), Sidford, Sidmouth EX10 9QR

17/0542/FUL & 17/0638/LBC (Minor) (Page 121 - 137)

Sidmouth Rural

Myrtle Farm, Fore Street, Sidbury EX10 0RS

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 8 May 2017

Attendance list at end of document

The meeting started at 10.45am and ended at 12.10pm.

***47 Minutes**

The minutes of the Development Management Committee meeting held on 11 April 2017 were confirmed and signed as a true record, subject to Cllr Graham Godbeer being included in the attendance list.

***48 Declarations of interest**

Committee Members

Cllr Brian Bailey; 17/0340/FUL; Personal Interest; Exmouth Town Councillor
Cllr Steve Gazzard; 17/0340/FUL; Personal Interest; Exmouth Town Councillor
Cllr Mark Williamson; 17/0340/FUL; Personal Interest; Exmouth Town Councillor
Cllr Matt Coppel; 17/0649/FUL; Personal Interest; Close relative of the applicant
Cllr Paul Carter; 17/0514/FUL; Personal Interest; Applicant known to the Councillor

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution, Cllr Steve Gazzard advised in respect of application 17/0340/FUL that he had spoken with the future tenant of the property.

***49 Appeal statistics**

The Committee received and noted the report presented by the Development Manager setting out appeals recently lodged and outlining the five decisions notified – three had been dismissed, one had been allowed and one had been a split decision.

The Development Manager drew the Members' attention to the split decision for the construction of two dormers and canopy over the entrance of Waggoners, Court Barton Hill, Beer. The Inspector had dismissed the appeal in respect of the dormer windows on the east facing elevation and allowed the appeal in respect of the canopy. This was in line with the Council's view; however, the Council, unlike the Planning Inspectorate, was unable to issue a split decision.

In response to a question, the Development Manager confirmed that the appeal decision relating to Rolle Playing Fields in Exmouth would be reported at the next meeting.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 12 – 2016/2017.

At the end of the meeting, the Cllr David Key, who was standing down as Chairman, thanked the Committee Members for all their hard work and their support of him over the past two years. Cllr Mark Williamson, on behalf of the Committee, thanked Cllr Key for being a fair and effective Chairman.

Attendance list

Present:

Committee Members

Councillors

David Key (Chairman)

Mike Howe (Vice Chairman)

Brian Bailey

David Barratt

Susie Bond (did not partake in the discussion or vote on application 16/2946/FUL as had not attend the site visit)

Peter Burrows (did not partake in the discussion or vote on application 16/2946/FUL as had not attend the site visit)

Colin Brown

Paul Carter

Matt Coppel (did not partake in the discussion or vote on application 16/2946/FUL as had not attend the site visit and left the Chamber during consideration of application 17/0649/FUL)

Alan Dent

Steve Gazzard

Simon Grundy

Ben Ingham

Chris Pepper (did not partake in the discussion or vote on application 16/2946/FUL as had not attend the site visit)

Mark Williamson

Officers

Ed Freeman, Service Lead – Strategic Planning and Development Management

Henry Gordon Lennox, Strategic Lead – Governance and Licensing

Chris Rose, Development Manager

Hannah Whitfield, Democratic Services Officer

Also present for all or part of the meeting

Councillors:

Jenny Brown

Bruce de Saram

Geoff Pook

Apologies:

Committee Members

Councillor Helen Parr

Non-committee Members

Councillor Andrew Moulding

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL
Development Management Committee
Monday 8 May 2017; Schedule number 12 – 2016/2017

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:
<http://eastdevon.gov.uk/media/2094011/080517-combined-dmc-agenda.pdf>

Cllrs Bond, Burrows, Coppell and Pepper did not take part in the discussion or vote of the application as they were not present at the site inspection)

Dunkeswell
(DUNKESWELL) 16/2946/FUL

Applicant: Mr Lovell

Location: Mansell Raceway, Dunkeswell Aerodrome

Proposal: Erection of building containing workshop/storage, reception, visitor facilities and race control replacing existing portacabins and associated outbuildings.

RESOLVED: APPROVED with conditions as per recommendation.

Broadclyst
(CRANBROOK) 16/1235/MRES

Applicant: East Devon New Community Partners

Location: Ecology Park, Cranbrook New Community

Proposal: Reserved matters application seeking approval for access, appearance, landscaping, layout and scale for the Ecology Park

RESOLVED: that the Committee was minded to REFUSE the application as per recommendation and that the appeal against non-determination be contested on the basis of the reasons for refusal set out in the committee report.

Beer and
Branscombe
(BRANSCOMBE)

17/0514/FUL

Applicant: A Franks (The Franks Family)

Location: Oakdown Holiday Park & Holiday Caravan Park, Weston

Proposal: Proposed warden's accommodation (mobile home)

RESOLVED: APPROVED (contrary to officer recommendation) with delegated authority given to the Development Manager to impose appropriate conditions, including a condition seeking the removal of the accommodation when/if the use ceases. Members were of the view that a clearer argument had been made in support of the proposal since the previous application and that a further wardens accommodation was justified for the following reasons:

- there was a road that split the holiday park into two sites, which led to visitors feeling isolated;
- there were benefits to the holiday park by having an on-site worker, including improvements to the visitor experience;
- it was not considered that the proposal would have a detrimental impact on the AONB.

Exmouth Halsdon
(EXMOUTH)

17/0340/FUL

Applicant: Mr G Baker (EDDC)

Location: 2 Phear Avenue, Exmouth

Proposal: Construction of 2 storey rear extension and front porch

RESOLVED: APPROVED with conditions as per recommendation.

(Cllr Coppell left the Chamber during consideration of the application)

Ottery St Mary Rural
(OTTERY ST MARY)

17/0649/FUL

Applicant: Mr & Mrs Coppell

Location: 20 Eastfield, West Hill

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

RESOLVED: APPROVED with conditions as per recommendation.

Woodbury and
Lypstone
(WOODBURY)

17/0527/VAR

Applicant: Cavanna Homes (Devon) Limited

Location: Land To South Broadway, Woodbury

Proposal: Variation of Condition 1 of planning permission 15/1370/MRES
(Reserved Matters application for the construction of 20 no dwellings)
to link to planning permission 15/0982/VAR.

RESOLVED: APPROVED with conditions as per recommendation.

East Devon District Council List of Planning Appeals Lodged

Ref: 16/2471/FUL **Date Received** 13.04.2017
Appellant: Mr David Paget
Appeal Site: Kings Down Tail Caravan And Camping Park Salcombe
 Regis Sidmouth EX10 0PD
Proposal: Conversion of ancillary building to permanent site warden's
 two-bed residential accommodation; continued use of south
 east field for storage of touring caravans; and erection of
 open-sided shelter in south east field

**Planning
Inspectorate
Ref:**

Ref: 16/3054/COU **Date Received** 21.04.2017
Appellant: Mr John Dalloway
Appeal Site: Unit 5 East Devon Business Park Wilmington Honiton
 EX14 9RL
Proposal: Change of use of unoccupied flat/offices for security
 accommodation

**Planning
Inspectorate
Ref:**

Ref: 17/0495/OUT **Date Received** 08.05.2017
Appellant: Clinton Devon Estates
Appeal Site: Land East Of East Budleigh Road Budleigh Salterton
Proposal: Construction of two dwellings and associated access (outline
 application seeking means of access only).
 APP/U1105/W/17/3175273

**Planning
Inspectorate
Ref:**

Ref: 16/1981/FUL **Date Received** 22.05.2017
Appellant: Residential Trust Ltd
Appeal Site: Carinas Niteclub Fore Street Sidmouth EX10 8AG
Proposal: Replacement of timber windows with double glazed upvc
 windows to front and side elevations of 1st and 2nd floor flats.
 APP/U1105/W/17/3176300

**Planning
Inspectorate
Ref:**

Ref: 16/2416/FUL **Date Received** 24.05.2017
Appellant: Drywall Finishings Ltd
Appeal Site: Land Between 25 And 24 Meadow Close Budleigh Salterton
Proposal: Provision of new dwelling and re-routing of public footpath.
Planning APP/U1105/W/17/3175220
Inspectorate
Ref:

EAST DEVON DISTRICT COUNCIL **LIST OF PLANNING APPEALS DECIDED**

Ref:	16/2227/VAR	Appeal Ref:	16/00076/REF
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		
Decision:	Appeal Allowed	Date:	24.04.2017
	(with conditions)		
Procedure:	Written representations		
Remarks:	Delegated refusal, immediate overage obligation reason overruled (EDLP Strategies 34, 43 & 50). Application for a full award of costs against the Council refused. Application for a partial award of costs against the appellant refused.		

The Inspector noted that Strategy 34 offers no detail as to the form that the overage clause should take and makes no stipulation as to whether immediate or delayed overage is required. As such, overage subject to a 24 month delay, as proposed by the appellant, would not be in conflict with Strategy 34.

The Inspector considered that the immediate overage clause sought by the Council would impede the appellant's access to development finance and put the likelihood of the proposed development coming forward in jeopardy. This is in the context of local support for the scheme and eagerness for the development to come forward in order to secure playing field provision, and in the absence of a properly adopted Supplementary Planning Document setting out the detail as to how the overage should operate.

She concluded that the overage requirements in the Section 106 Agreement should be subject to a 24 month delay and this would not conflict with Strategy 34. Any conflict with Strategy 50, which seeks developer contributions in respect of necessary infrastructure improvements, is outweighed by other material considerations which have been outlined in this case.

BVPI 204:	Yes
Planning	APP/U1105/W/16/3165906
Inspectorate Ref:	

Ref:	16/2557/FUL	Appeal Ref:	17/00010/HH
Appellant:	Dr L Jones And Dr L Knight		
Appeal Site:	The Deck House Higher Broad Oak Road West Hill Ottery St Mary EX11 1XF		
Proposal:	Construction of first floor extension over existing garage.		
Decision:	Appeal Allowed (with conditions)	Date:	10.05.2017
Procedure:	Written representation		
Remarks:	<p>Delegated refusal, tree amenity reasons overruled (EDLP Policies D1 & D3).</p> <p>The Council refused permission on the basis that the proposed development would lead to future pressure for the removal of, or require substantial works to a tree protected by a Tree Preservation Order.</p> <p>The Inspector considered that because of its protected status, the Council has full control of the tree. Whilst the felling of the nearby trees will give it the opportunity in due course to grow into a more balance form, the Inspector had no reason to believe that it would become a liability rather than an asset to the property that would persuade either the existing or future owners to apply for anything other than minor tree works.</p> <p>He concluded that the proposal would have no harmful conflict with local plan policies D1 & D3 and imposed a condition requiring that protection of the tree during construction works and the minor tree works required are carried out in accordance with the submitted tree protection plan and arboricultural method statement.</p>		
BVPI 204:	Yes		
Planning Inspectorate Ref:	APP/U1105/D/17/3169937		

Ref:	16/2671/FUL	Appeal Ref:	17/00017/HH
Appellant:	Mr James Dibley		
Appeal Site:	62 Foxholes Hill Exmouth EX8 2DH		
Proposal:	Rear ground floor extension and loft conversion		
Decision:	Split Decision	Date:	12.05.2017
Procedure:	Written representations		
Remarks:	<p>Delegated refusal, amenity and landscape reasons upheld (EDLP Policy D1 and Strategy 46).</p> <p>The appeal was allowed insofar as it relates to the rear extension and dismissed in respect of the loft conversion.</p> <p>The Council had not raised any objection to the proposed ground floor rear extension.</p> <p>The Inspector agreed with the Council that the proposed dormer windows would harm the character and appearance of the AONB.</p>		
BVPI 204:	Yes		
Planning Inspectorate Ref:	APP/U1105/D/17/3173248		

Ref:	16/1740/TRE	Appeal Ref:	16/00073/TRE
Appellant:	Cedar Shade Limited		
Appeal Site:	Cedar Shade All Saints Road Sidmouth EX10 8EU		
Proposal:	T2, Holm oak: Fell.		
Decision:	Appeal Dismissed	Date:	22.05.2017
Procedure:	Written representations		
Remarks:	Amenity reasons upheld.		
BVPI 204:	No		
Planning Inspectorate Ref:	ENV/3160126		

Ref:	15/F0675	Appeal Ref:	17/00032/ENFAPP
Appellant:	George Nightingale		
Appeal Site:	Spoken, 43 The Strand, Exmouth		
Proposal:	Removal of plaster from internal pillars and the installation of fascia signs and a projecting sign to the exterior frontage of the building.		
	The appeal was against the serving of an enforcement notice in respect of the unauthorised works to a listed building.		
Decision:	Notice corrected and varied, listed building consent granted in part and the notice upheld in part	Date:	19.05.2017
Procedure:	Written representations		
Remarks:	<p>Delegated decision to serve notice, conservation reasons upheld in part (EDLP Policies EN8, EN9 & EN10).</p> <p>The Inspector considered that the appearance of the internal pillars is easily reversible by being plastered in the future when fashions in interior decoration change. In his view, the harm is less than substantial and public benefits arise from the development due to the continued commercial use of the building and therefore granted listed building consent for this aspect of the works.</p> <p>Having regard to the exterior signage, the Inspector considered that the yellow colour of the fascia and of the projecting sign is particularly vibrant and is prominent from some distance across the Strand. It draws unnecessary attention to part of the building to the detriment of the listed building as a whole and is harmful to the special interest of the building and to the character and appearance of the conservation area. The signage is contrary to paragraph 133 of the Framework as it causes substantial harm and there are no substantial public benefits that outweigh the harm caused. It is contrary to Policies EN8 and EN9 of the East Devon Local Plan relating to design and significance of designated heritage assets. The appeal therefore failed in respect of the signage and this part of the enforcement notice was upheld.</p>		
BVPI 204:	No		
Planning Inspectorate Ref:	APP/U1105/F/16/3162989		

Ward Exmouth Littleham

Reference 17/0782/FUL

Applicant Mr A Pratt

Location 184 Salterton Road Exmouth EX8 2PA

Proposal Retention of conservatory and fencing



RECOMMENDATION: Approval retrospective (no conds)



		Committee Date: 12th June 2017
Exmouth	17/0782/FUL	Target Date: 19.05.2017
Applicant:	Mr A Pratt	
Location:	184 Salterton Road, Exmouth. EX8 2PA	
Proposal:	Retention of conservatory and fencing	

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

The application comes as the result of an enforcement complaint and is presented to Committee as the property is within the ownership of East Devon District Council.

This application seeks retrospective consent for the construction of a conservatory and section of boundary fencing to the rear of number 184 Salterton Road.

During the consultation period, one third party representation was received from the occupier of number 186 Salterton Road, raising concerns regarding the height of the structure, overlooking issues and loss of light.

Whilst these comments are noted, upon visiting the site, it was acknowledged that the floor level of the original dwelling is higher than that of the ground level of the rear garden, therefore, to allow enough head room, the overall height of the conservatory could not practically be sited lower than constructed. In addition the size of the conservatory is not excessive and does not result in a level of harm that could justify refusal of permission.

Although there is an element of clear glazing on the eastern elevation facing the garden of number 186, the fence erected, although fractionally exceeding the 2 metre permitted development allowance, provides a level of screening which would help reduce such harm.

It is therefore considered that allowing the retention of the conservatory and fencing will not cause overlooking issues of a significant nature or which would be harmful enough to refuse the application.

CONSULTATIONS

Parish/Town Council

Meeting 10.04.2017 – No objection.

Housing

This application concerns a Council owned property. The applicant has sought and received retrospective landlords consent for the proposal and therefore we have no further comments.

Other Representations

One letter of objection received from the occupier of number 186 Salterton Road:

'I object to the conservatory that has been put up before any planning permission on the grounds of it being over 5 & half metres too high.

It over looks my private property & my neighbours can look directly into my kitchen & garden.

It's also taking away my light from my kitchen to some degree.

My main concern is that it's too high & my privacy is being affected.

I feel closed in with the conservatory being so high. It looks out of place. The fence my neighbours put up is also too high at 8ft.'

PLANNING HISTORY

16/F0507 - Enforcement

POLICIES

New East Devon Local Plan Policies

Policy D1 (Design and Local Distinctiveness)

Strategy 6 (Development within Built Up Area Boundaries)

Government Planning Documents

National Planning Policy Framework

National Planning Policy Guidance

ANALYSIS

Site Location and Description

The site forms part of a terrace of two-storey properties located off Salterton Road in Exmouth.

Proposed Development

The application seeks retrospective planning consent for the construction of a conservatory (constructed of block to be rendered and UPVC) and retention of a section of boundary fence.

The conservatory measures 3.65m deep by 3.1m wide at a maximum height of approximately 3.5m. The boundary fence is adjacent to the conservatory measuring 4m long and measures approximately 2.1m in height.

The fence has been erected to reduce overlooking of the neighbouring garden given that the gardens are set below the finished floor level to the dwellings.

The conservatory requires permission as it extends more than 3m from the rear of the dwelling with the fencing needing permission as it is just over 2m in height.

Works have been carried out without the necessary planning or landlord consent.

Visual Impact

The extension is single storey and located to the rear of the terrace. As such it does not have a wider public visual impact.

The fence and extension are residential in nature and common to rear gardens and as such their visual impact is acceptable.

Neighbour Amenity

The impact from the conservatory and fencing is in this instance greater than normal due to the floor level within the dwelling being raised above the garden level. This results in the conservatory floor level being just under a metre higher than the garden. As the floor level is raised above the garden, the applicant has erected a taller fence to help prevent overlooking.

Whilst the floor level is above the garden level and this results in a taller building than would otherwise be necessary, the conservatory is only approximately 3.5m high with a roof sloping away from the boundary. As permitted development rights allow a building up to 4m high (3m to eaves), it is not considered that the bulk or physical impact of the extension is so harmful as to justify refusal of planning permission.

In addition, whilst permitted development rights only allow a building to project up to 3m, and the extension projects 3.65m, the additional depth of projection is not considered to be so substantial as to cause a loss of amenity to the neighbour at number 186, particularly as the roof is pitched back towards the dwelling.

With regard to the fence, this is only just over the 2m height allowed under permitted development and does not in itself cause harm to warrant refusal. The fence ensures that there is no unacceptable overlooking of the amenity space to the immediate rear of number 186, particularly given the mutual overlooking that already occurs between dwellings in a terrace.

In light of the above it is considered that the conservatory and fence are acceptable and will not cause harm to the amenity of the neighbour to an extent that could justify refusal of planning permission.

RECOMMENDATION

APPROVE with conditions:

1. Notwithstanding the time limit to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this

permission being retrospective as prescribed by Section 63 of the Act shall have been deemed to have been implemented on the 22nd March 2017.
(Reason - To comply with Section 63 of the Act.)

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

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

Location Plan

Block Plan

1A

2A

3A

4A

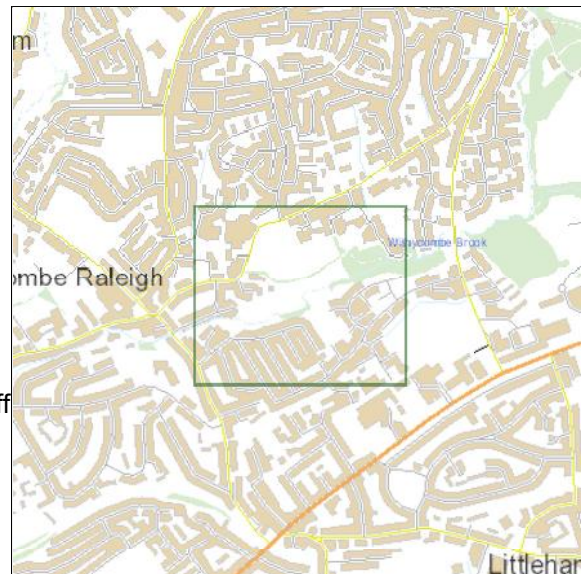
Ward Exmouth Withycombe Raleigh

Reference 12/1016/MFUL

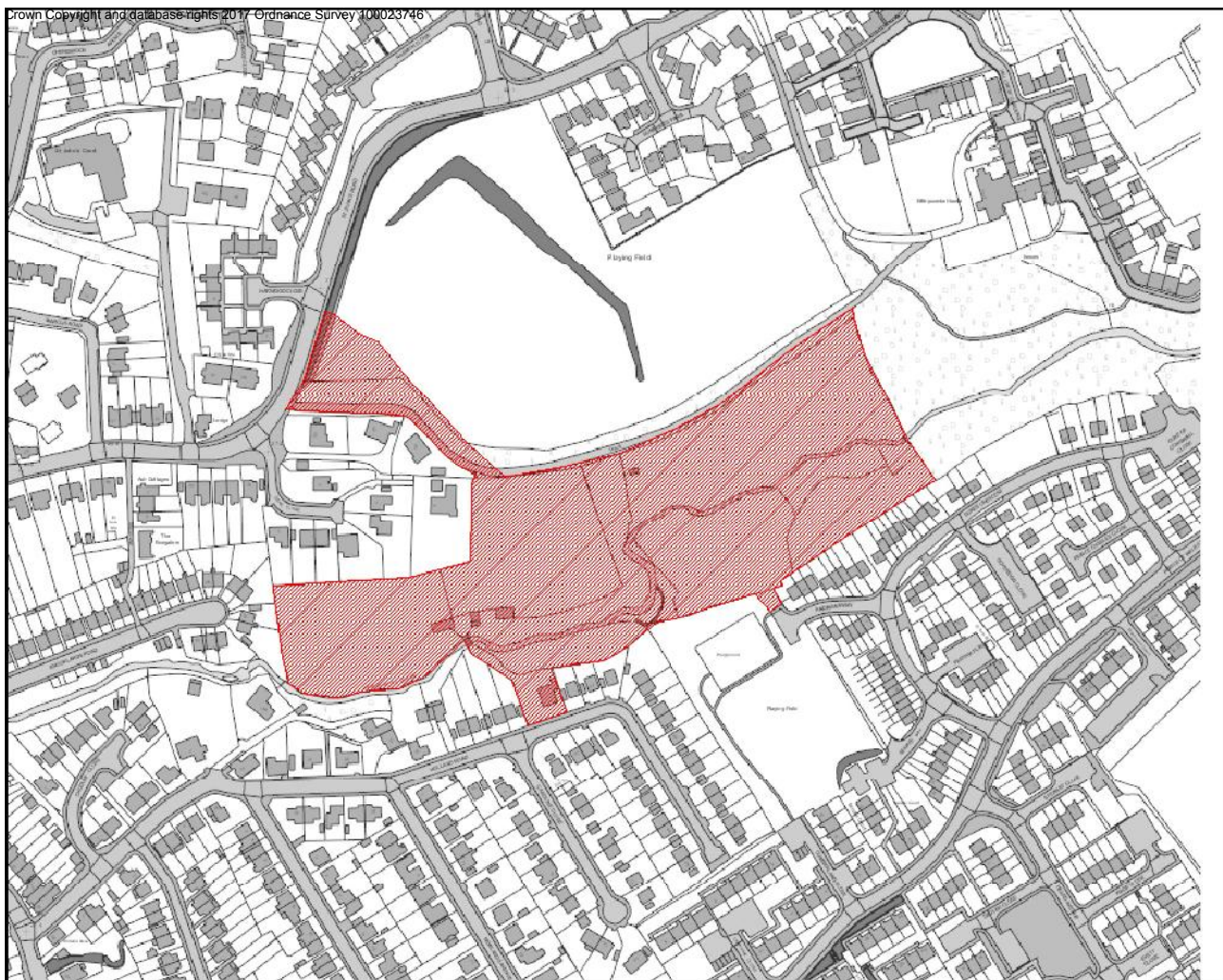
Applicant Highland Property Development

Location Land Adjoining Withycombe Brook St Johns Road Exmouth

Proposal Construction of 52 dwellings, comprising a mixture of 2,3 & 4 bedroom detached, semi-detached & terraced houses, 6 flats and 2 bedroom bungalows (incorporating 20 affordable units); construction of new access off St Johns Road & Hadrians Way, internal access roads, footpaths, cycleways, provision of public open space & associated works , new access bridge over Withycombe Brook.



RECOMMENDATION: Approval with conditions



		Committee Date: 12th June 2017
Exmouth Withycombe Raleigh (EXMOUTH)	12/1016/MFUL	Target Date: 01.08.2012
Applicant:	Highland Property Development	
Location:	Land Adjoining Withycombe Brook St Johns Road	
Proposal:	Construction of 52 dwellings, comprising a mixture of 1,2,3 & 4 bedroom detached, semi-detached & terraced houses and bungalows (incorporating 26 affordable units); construction of new access off St Johns Road & Hadrians Way, internal access roads, footpaths, cycleways, provision of public open space & associated works , new access bridge over Withycombe Brook.	

RECOMMENDATION: Approval Subject to Legal Agreement and Conditions

EXECUTIVE SUMMARY

This application is before Committee as it represents a departure from the adopted Local Plan, as there is an objection from the Town Council, and as the application is a revision to the application that was originally before Committee in February 2013.

The scheme proposes the residential development of land within part of the valley of the Withycombe Brook that is the subject of Local Policy EN2 within the East Devon Local Plan. This policy essentially precludes its development other than that to provide for outdoor recreation and a corridor for pedestrians and cyclists. Indeed, the current policy reflects longstanding safeguarding of the land over a number of decades with the long held aspiration of the Council having been to secure it for the purposes of providing the public open space and footpath and cycle way links sought by the policy as part of the Valley Parks and to form part of Suitable Alternative Natural green Space (SANGS).

Owing to a lack of finance and problems with land assembly however, the Authority has never been in a position to acquire and adopt the land and unfortunately there is no reasonable short or medium term prospect of it reaching a stage where it is able to do so. It is therefore open to question whether the objectives of Policy EN2 could be achieved through the facilitation of development

of part of the land to provide the open space and sustainable pedestrian and cycle facilities that it seeks alongside other potential benefits to the community.

The submitted scheme proposes the provision of footpath and cycle links through the site, importantly connecting residential areas and key community facilities to the north and south (incorporating the bridging of the Withycombe Brook), alongside the offer of an enhanced affordable housing offer (50% in place of the minimum 25% proportion normally sought under Strategy 34 of the Local Plan) and open space provision.

The main issue as far as consideration of the acceptability, or otherwise, of the principle of development is concerned in this case therefore turns on the extent to which the community benefits that the scheme offers are thought sufficient to justify a departure from the provisions of Policy EN2. In this regard it is the view of officers that it represents an appropriate, and likely only, means of securing public open space which, when taken in combination with the benefits set out above, are thought to tip the planning balance in favour of the development.

The scheme has been amended from that previously agreed in 2013, this is because of the changes in the requirements of the Housing Association and the desire of the applicant to build higher quality homes.

The scheme is well designed, allows for the incorporation of public open space and wildlife areas, and delivers important numbers of affordable housing which would be available for households within the Exmouth area.

CONSULTATIONS

Local Consultations - Comments on application as originally presented to 2013 Development Management Committee:

Original Parish/Town Council comments 04.09.12

OBJECTION on the following grounds: -

Overdevelopment.

Major flood risk area and recent flooding problems together with the impact of the Hillcrest Development has not been addressed to identify risks further downstream, particularly in respect of surface water runoff.

Extra pressure on local schools and health services.

Extra pressure on the already overstretched sewerage and drainage systems.

Departure from EDDC Local Plan.

Improvement to be made to infrastructure in Exmouth before any further major developments take place.

Note: The Committee made a request that this application be referred to Development Management Committee via the Withycombe Raleigh Ward District Councillor and a site visit be carried out.

Further original comments 27/07/12

DEFER on the basis of: -

An approved Flood Risk Assessment in accordance with the Environment Agency report, particularly in light of the recent flooding in the area.

DCC Highways updated comments.

The Committee expressed concern that the recent excessive flooding and erosion of the banks of Withycombe Brook may affect this application as a whole. A request was made that Development Management Committee take the recent flooding into account and carry out a full site visit before making their decision.

Exmouth Withycombe Raleigh - Cllr G Chamberlain 05.11.12 (no longer a Cllr)

There are so many issues concerning this proposal and is of great interest to local people. With the size of this proposal this item must be brought to DM.

Further comments 14.05.12

Having looked at the plans in detail I have no objection in principal but have serious doubts in terms of design! I suppose that when making affordable housing provision we have to make allowances. Surely they could be a little more imaginable? Because of the size of the development it will come to DM when our design champion can offer her comments.

Further comments 16.08.12

Have availed for myself a copy to the additional environmental report from the Town Hall. A somewhat overwhelming in itself which I will need help with when it comes to DM. You will be well in the picture with regard to all the objections from many of the residents down stream from this proposed development. Will these storage tanks be able to cope? What about surface run off from this and the Hillcrest development? Many other questions best left to the DM meeting. Is it possible to have someone from the Environmental Agency present. This would be helpful because the anticipated large number of objectors expected.

Exmouth Withycombe Raleigh - Cllr B Taylor 04.09.12

As I am an old friend of the land owner I feel I should declare a personal interest in this application,

5th November 2012 - I have previously stated that I declare a personal interest in this application.

Exmouth Withycombe Raleigh - Cllr S Wragg 24.05.12 (no longer a Cllr)

This application is in my ward & I object on the following planning grounds.

The proposed development would result in a poorly designed estate along both sides of Withycombe Brook. Although the proposal would provide much welcome footpaths & cycleways, the layout, scale & design of the scheme would have an adverse effect

on the site identified as LEX 1 in the East Devon District Council Local Plan 1995-2011, adopted in 2006.

These are my preliminary observations. In the event of that this application goes to Development Management Committee, I reserve my final decision until I am in possession of all the facts & arguments for & against.

Local Consultations - Comments on application as amended:

Parish/Town Council comments 13.06.16

Objection on the grounds that the affordable housing was not pepper potted across the site in accordance with strategy 34 of the Local Plan. Development in a water meadow may lead to additional flooding problems downstream. Concerned that there was no through access to the divided estate particularly for the emergency services.

Original Technical Consultations - Comments on application as originally presented to 2013 Development Management Committee:

County Highway Authority 11.05.12

The County Highway Authority believe that the proposed residential development of 52 houses would be well located to its surroundings and that it could provide new pedestrian and cycle links to Hillcrest and Hadrians Way that would give increased pedestrian and cycling permeability to these areas and across Withycombe Brook.

From my site visit it would appear that the proposed access from St Johns Road could afford visibilities splays of 2.4 metres by 43 metres in both directions and that such visibility splays could be provided within the existing highway boundaries.

Whilst the concept of building the access road so that it does not impact on the existing tree roots is in principle acceptable to the highway authority. The lack detailed design of this 'road bridge' and what measures are proposed for highway drainage and street lighting etc., means that at this time I must regrettably recommend that the application is refused on the grounds of inadequacy of submitted information.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:-

1. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of road construction, road gradients, surface water drainage contrary to Policy TR10 of the Devon County Structure Plan.

Further comments 19.09.12

Recommendation:

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

1. The proposed access off St Johns Road and Hadrian's Way and the internal access roads and the new access bridge over Withycombe Brook, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

EDDC Trees 04.01.13

1. The drawings accompanying the Advanced Arboriculture BS5837:2005 Arboricultural Survey should be printed in colour and at A3 paper size.

2. 4.2.9 of the survey refers to engineering solutions to minimise root damage. This requirement is not carried through to the ara drawing 6417-04. The creation of a structure to span the RPA of the retained tree is missing from the plan.

3. 4.2.11 Clearly states that excavation required for a typical adopted highway would result in substantial root severance and that the road will need to be elevated on piles to effectively bridge the Root Protection Area (RPA). The ara drawing 6417-04 and the associated cross section fail to deliver a satisfactory layout or design for this critical section of the access. The Section shows a reduced level construction extending to within 2m of the retained tree.

Environment Agency 25.05.12

The submitted single page Flood Risk Assessment (FRA) (contained within the Design and Access Statement) that is undated and unauthored is wholly inadequate to accompany a major residential development on a site that is steeply sloping, is located upstream of serious flooding risks in Exmouth and that is bisected by the main river Withycombe Brook.

The applicant should be referred to the recently published Technical Guidance contained in the National Planning Policy Framework paragraphs 6 - 9 and to our companion guidance referred to therein regarding the needs and preparation of an FRA.

In this instance it is important that the FRA be modified to address the following points;

- a) it should clearly identify those parts of the site that are liable to flood,
- b) it should contain appropriate flood zone maps and information that demonstrates that all development being proposed will be in areas zoned as Flood Zone 1 "Low Probability" of flooding.
- c) it should consider all forms of flooding and promote measures to safely manage any exceedance of the design.
- d) it should clearly identify all sources of flood risk associated with the development both on and off site,
- e) it should set out clearly the measures being promoted to address the predicted effects of climate change,
- f) it should set out the measures being promoted to safely manage and mimic surface water runoff up to and including the 1 in 100 year climate change rainfall and in accordance with the principle of SUDS (sustainable drainage),
- g) advise who will operate and maintain the surface water drainage system.

It is important to note that the heavy clays that prevail in the catchment typically restrict the use of infiltration as a means of water treatment. As a result there is typically a need for the construction of an above ground settlement / treatment lagoon to satisfy the water quality requirement of SUDS.

The FRA should contain more details of the proposed "Waven crated system" referred to in the FRA if this is being promoted to address such water quality issues and to enable us to decide if such an approach will deliver SUDS. Details of the likely volumes / scale of such a crated system should be provided as such an approach may prove unfeasible on the lower parts of this site where any deep excavation may undermine slope stability and interfere with the flood risk areas.

At this stage we recommend that this proposal either be held in abeyance pending the submission of an approved FRA, or alternatively refused on the grounds that the submitted FRA is inadequate.

Further comments 20 August 2012:

The revised Flood Risk Assessment (FRA) dated August 2012 is acceptable and providing development proceeds in accordance with this documents we have no objections.

Advice to LPA

In due course a detailed surface water scheme should be submitted that accords with the FRA for your formal approval. This could be dealt with by an appropriate planning condition.

Natural England 06.06.12

Based on the information provided, we can confirm that the application site lies within 2km of the Exe Estuary Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). It is also within 2.2km of the East Devon Pebblebed Heaths SSSI, Special Area of Conservation (SAC) and East Devon Heaths SPA.

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site. In this case the proposal is not directly connected with, or necessary to, the management of a European site.

Natural England disagrees with the assessment in 5.1.1 of the 'Extended Phase 1 Habitat Survey Report' (May 2011), submitted with this application, that distance from these 2 European sites means there will be no 'direct impacts'. Our view is that the proposal, as submitted, is likely to have a significant effect on the interest features for which the Exe Estuary and East Devon Heaths SPAs have been classified, in combination with other residential development around these sites. Under Regulation 61 of the Conservation Regulations 2010, Natural England advises that your Authority undertakes an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives. Appendix 1 of this letter contains our advice to your Authority on the scope and content of this Appropriate Assessment.

Green Infrastructure/Public Open Space

Natural England has stressed at various stages in the preparation of your LDF/Local Plan that, due to the location of Exmouth between the Exe SPA and Pebblebeds SPA/SAC, the Green Infrastructure (GI) provision for the town will need to be particularly strong if it is to achieve the levels of growth proposed (plus the 970 already committed) in the next plan period and comply with the Habitat Regulations. We therefore advise that the GI strategy for Exmouth, which we understand is in preparation, is completed as a matter of urgency and embedded into Local Plan policy for Exmouth.

Natural England would expect the Withycombe Brook valley to form a key component of the emerging Exmouth GI strategy as it is an important wildlife and access corridor. It is therefore essential that individual developments are not allowed to sterilize opportunities to deliver the strategy. Development should also be expected to actively contribute to its delivery.

This site provides the ideal opportunity to deliver a key section of the Withycombe Brook valley GI provision, linking through to the POS and cycle route at Hillcrest School and continuing eastwards into open countryside. The POS that is currently proposed as part of the development is, basically, the Withycombe Brook floodplain and the more heavily treed areas along stream corridor, i.e. the undevelopable areas of the site. Natural England recommends that you seek to retain the whole of the area

south of the Brook as POS to provide a more significant and useable area of GI. This would require the removal of plots 41-52 from the proposal.

The Site plan ref: 6417-01 Rev I shows "Possible" future cycle path links in SW corner and to Hillcrest on east edge of the site. It is essential that these connections are delivered as part of the development to ensure that the strategic links are secured.

Should permission be granted Natural England also advise that the production and implementation of a management plan for the POS is conditioned. The POS should be managed as semi-natural, not 'manicured,' space making positive links to other provision at Hillcrest.

Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

Natural England advises that the proposals, as presented, have the potential to affect species protected under European or UK legislation and cannot be properly assessed given the information submitted. Appendix 1 of this letter contains our advice to your Authority regarding protected species considerations.

Exe Estuary SPA

Natural England considers that there is potential for this application to have a significant effect upon the Exe Estuary SPA in combination with other residential development close to the site. There is existing evidence (Exe Estuary Disturbance Study. Liley, D., Cruickshanks, K., Waldon, J. & Fearnley, H. (2011)) that the Exe Estuary has high levels of recreational activity and that this is causing disturbance to the SPA birds. Further studies (Liley, D., Fearnley, H. & Cruickshanks, K. (2010). Exe Visitor Survey, 2010. Teignbridge District Council / Footprint Ecology and Liley, D. & Hoskin, R. (2011). Exe Estuary SPA and Dawlish Warren SAC Interim Overarching Report Relating to Strategic Planning and Impacts from Recreation. Footprint Ecology.) demonstrate that a large proportion of visits to the site (c.90%) are by people resident within 10km of the Estuary.

This application site lies approximately 1.8km from nearest part of the Exe Estuary SPA and will result in additional housing in close proximity to the SPA. It is therefore likely to have significant effect on the SPA through further increasing recreational pressure, in combination with other housing proposals within 10km of the site which are granted, applied for or allocated through emerging LDFs. The Joint Interim Approach (JIA) agreed by EDDC, TDC and ECC considers that, in combination, the proposed levels of residential development within 10km of the Exe Estuary SPA have the potential to increase the levels of recreational disturbance on the SPA, resulting in an Adverse Effect on the Integrity of the European site.

We therefore advise that your appropriate assessment should consider:

- o Whether the scale and location of the proposal will lead to impacts on the SPA interest features, alone, or in combination with other residential and tourist accommodation development within 10km of the SPA boundary. (Ref JIA, LDF/Local Plan policies and allocations, extant permissions/current applications and the evidence documents listed above)

- o Whether any mitigation measures are proposed by the applicant, either incorporated into the development, or provided off-site, to avoid an increase in recreational pressure on the SPA resulting from this development

Alternatively, if the applicant is willing to follow the Joint Interim Approach and contribute a financial sum of £350 per dwelling towards mitigation measures, then an adverse effect on the integrity of the Exe Estuary SPA can be avoided.

East Devon Pebblebed Heaths SAC/SPA

The application site is 2.2km from the nearest part of the East Devon Pebblebed Heaths SAC/SPA and will result in additional housing in close proximity to the SPA/SAC. In our view it is therefore likely to have significant effect on the European site through increasing recreational pressure, in combination with other housing proposals close to the site (Exmouth, Budleigh Salterton, etc.) which are granted, applied for or allocated through emerging LDFs.

The evidence for recreational impacts on the Pebblebeds is less well developed than that for the Exe Estuary and is currently being compiled as part of the evidence base for your Local Plan and the Habitat Regulations Assessment of that plan. However it cannot be ruled out, without a more detailed assessment, that this development, in combination with other residential development in the area, will not have an adverse effect on the integrity of the SAC/SPA. The precautionary approach required by the Habitat Regulations therefore applies. Cruickshanks, K. and Liley, D. (2012). East Devon, Exeter and Teignbridge Household Survey and Predictions of Visitor Use of Greenspaces. Footprint Ecology. Report commissioned by Teignbridge District Council/ East Devon District Council/Exeter City Council (in draft) shows that 83% of visitors to the Pebblebeds are from East Devon and the majority of those from within 10km of the site with the frequency of visits increasing with proximity to the site.

We therefore advise that your appropriate assessment should consider:

- o Whether the scale and location of the proposal will lead to impacts on the SPA interest features, alone, or in combination with other residential and tourist accommodation development within 10km of the SAC/SPA boundary (Ref: LDF/Local Plan policies and allocations, extant permissions/current applications and the evidence documents listed above.)
- o Whether any mitigation measures proposed by the applicant will avoid/reduce any increase in recreational pressure on the SAC/SPA resulting from this development.
- o Whether additional mitigation measures (on or off site) could be incorporated into the proposal to avoid any resulting increase in recreational pressure on the SAC/SPA resulting from this development. (E.g. provision of Suitable Alternative Natural Green Space (SANGS), the approach taken in Thames Basin Heaths SPA Delivery Framework and Dorset Heaths Interim Planning Framework.)

European sites - general information:

As set out in Regulation 61(3) of the Habitat Regulations EDDC, as the competent authority, must for the purposes of these assessments consult Natural England, as the appropriate nature conservation body, have regard to any representations made by us

and inform us of your conclusions regarding the test of Adverse Effect on the Integrity of the Sites.

The Conservation Objective for all European Sites in England are available at:
<http://www.naturalengland.org.uk/ourwork/conservation/designatedareas/sac/conservationobjectives.aspx>

Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

5.1.3 of the Extended Phase 1 Habitat Survey report (May 2011) confirmed "evidence of, or suitable habitat for" bats, badger, dormice, otter, reptiles, breeding birds. Despite the fact that the survey was carried out in April 2011 and the report submitted to the applicant in May 2011, none of the proposed additional surveys recommended in that report have been carried out or submitted with this application. They include surveys for :

- o Bat activity and potential tree roosts - the scope and timing of which are clearly set out in the report (5.1.3)
- o Reptiles - N.B. in addition to slow worm and common lizard, as suggested in the Phase 1 report, grass snake may also use the site.

These surveys should be carried out, prior to determination, to enable EDDC to properly assess potential impact on these species and the mitigation which will be required if these impacts are to be avoided.

The report also recommended retention of existing habitat and habitat enhancements for dormice, otter and breeding birds. Details of these need to be provided by the applicant to enable EDDC to be satisfied that the proposed development will result in 'no net loss' and, ideally, some enhancement to the biodiversity of the site, in line with para of 109 of the NPPF, before granting permission.

Other issues raised by the report which have not been addressed include:

- o Bats - consideration of impacts of light spill and habitat loss on roosts, and foraging areas and commuting routes
- o Dormouse - the report assumes that no dormouse habitat will be lost and hence no EPS license will be required. This should be confirmed.
- o Otter - The report suggests that a 10m 'vegetated buffer zone' is all that is necessary to avoid impacts but it also identifies numerous potential holt sites. It is not clear from the report or any other plans submitted how this 10m buffer will be established or managed. Given that the Withycombe Brook lies at the heart of the POS provision for this development and will be a natural attraction for users it is not possible to see which areas will be retained, undisturbed for otters and which will have free access for residents and their dogs. Without further detail it is not possible to ensure that suitable habitat for otters will be retained on site.
- o Badger - the report states that heavy machinery and piling should be beyond 20m to avoid the need for a disturbance licence. Best practice suggests that this should be 30m. The report identifies a main sett 20m east of the site which was also identified in the surveys for the Hillcrest school site. No assessment has been made of the cumulative effect of the loss of both of these areas, which are currently

grassland, as foraging areas for this family group of badgers and it may be necessary to ensure that sufficient grassland is retained within the site to support them. This could be achieved by removing the proposed houses south of the Withycombe Brook. It would also reduce disturbance to the recorded sett since several (target note numbers 9, 12, and 13) are shown to be south of the Brook.

Further comments 30.11.12

Thank you for your consultation dated 2 November 2012, which we received on the same day.

We have commented on this application on two previous occasions: 12 September 2012 (our ref 61848) and 1 June 2012 (our ref 52868). In both of these letters we set out concerns relating to 3 main issues:

- o Impacts on European sites
- o Green Infrastructure/Public Open Space provision
- o Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

Our comments relating to impacts on European sites and Provision of Green Infrastructure/Public Open Space remain unchanged and hence we retain an objection to this application until such time as they are addressed.

Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

In our previous response we stated that this application has the potential to affect several species protected under European or UK legislation. These are: Bats (all species), Badgers, Dormice, Otters, Reptiles and Breeding birds. With regard to the information provided in the "Ecology Addendum" (EPS Ecology, October 2012) Natural England has the following advice:

Bats

The addendum states that all trees that might be affected by the proposals (felling or illumination) have been assessed and all are category 3 (no potential for bats) or category 2 (limited potential) and that no roosts were found during 3 manual surveys. Natural England therefore advises that the only mitigation that is required to avoid impacts on bats, and which will also reduce impacts on dormice and badgers, is to ensure that lighting of the access roads within the development is designed in such a way as to avoid light spill onto the proposed POS areas and the stream corridor. This should be made a condition of any permission.

Badgers

See comments re lighting in bat section (above).

Dormice

Natural England agrees that the issue of habitat fragmentation resulting from the access road is minimal and will be mitigated by the proposed additional new planting on site, providing this is of appropriate species and manages appropriately to retain the abundance of flowering and berry bearing species.

Regarding fencing of the scrub woodland habitat and stream corridor as the main protection measure for the dormouse population on site we still consider that, in the absence of a habitat management plan, this will not sustain the population in the medium to long term, as the scrub matures and the understorey is lost. We therefore maintain that the production of a habitat management plan should be made a condition of any permission.

Otters

Assuming that the stream (or parts of it) are retained as quite areas impacts on otter should be avoided in the short term whilst the scrub habitat is still dense. This may not be the case in the future without the production and implementation of a habitat management plan. We therefore maintain that the production of a habitat management plan should be made a condition of any permission.

Reptiles

No reptiles recorded - would be useful to have some indication of survey effort and methodology. Assuming this follows best practice guidelines agree no impacts will occur.

Breeding birds

Agree no impacts as long as any clearance works are conditioned to avoid the nesting season (March to August inclusive).

Habitat Management Plan

In addition to ensuring direct impacts on protected species are avoided there is an overall presumption of "moving from a net loss of bio-diversity to achieving net gains for nature" in Para 9 of NPPF. Currently the application and the ecological information consider only avoidance or mitigation of impacts on protected species. No information is given regarding any enhancements which may be provided, for example diversifying the habitat within the POS and SUDS through creation of species rich grassland, marginal or wetland habitats. For this reason we recommend that a Habitat Management Plan is required which sets out the retained and intended new habitat types for the POS, stream corridor and northern boundary, how they will be created/enhanced and maintained, and which clearly demonstrates a net biodiversity gain.

Housing Strategy Officer Paul Lowe 04.05.12

We welcome this opportunity to provide much needed affordable housing in Exmouth.

We expect that a minimum of 40% (21 homes) of the proposed development be affordable. All affordable homes should be tenure blind, constructed to current Homes and Communities Agency Design and Quality Standards and to at least Code Level 3 for Sustainable Homes. The affordable homes will be available in perpetuity, and grouped in clusters throughout the proposed development.

In accordance with East Devon, Exeter, and Torbay Housing Market Assessment 2007 (updated Sept 2011) we expect to see a tenure mix of 70 / 30% in favour of rented accommodation, the remaining as shared ownership or a similar affordable

housing product as defined in the National Planning Policy Framework (NPPF). All affordable housing should be transferred to and managed by a Preferred Registered Provider.

We also expect that a nomination agreement be in place with preference being given to those in housing need in Exmouth. All nominations for the affordable housing should be made via the Common Housing Registers.

Further comments 7th Dec 2012:

Further to our discussion yesterday regarding the above and suggested additional Housing comments sought.

From my discussion with the Applicant yesterday I'm extremely pleased to note an increase to the affordable housing contribution from 40% to 50% of the total numbers on site. This is particularly encouraging news for those in housing need in Exmouth.

As I'm sure you are aware that the delivery of affordable homes is one of the Council's top priorities. Unfortunately the number of affordable housing provided in Exmouth has been pitifully low for many years. I understand that a total of only 48 affordable homes have actually been provided in recent years. Compare this with the identified housing need for Exmouth, as of today and according to Devon Home Choice it currently shows an approximate need for 550 affordable homes, this doesn't include those who would like to purchase a shared ownership home or similar. We are under increasing pressure to address this shortfall and look towards the planning system to help address this need. Although this is a modest development it would go some way to try and bridge the housing needs gap.

I'm currently waiting written confirmation of the increased provision and scheme / mix detail. I will of course make you aware as and when this information arrives.

Environmental Health 23.05.12

I have considered the application and the comments submitted by a number of residents. Although noise is mentioned in a number of letters, what is referred to is a general change in the noise climate of the area - from what is now greenspace to a significant housing area. These concerns apply more to the principle of development in this area.

If approval is recommended I would recommend a condition controlling construction site issues including noise, working hours, dust and smoke control, therefore a CEMP should be required to be submitted by the applicant and subject to our approval.

Contaminated Land Officer 23.05.12

I have considered the application and our database of potentially contaminated land. There are no sites in the vicinity likely to impact on this site.

Street Scene 04.05.12

The design statement talks about the possibility of cycleway provision to link up with the existing developments, allowing for this in the future. Please can we require the developer to provide the cycleway and link it with existing cycleways before the completion of the development.

Policy 19.06.12

This site lies within the proposed Withycombe Valley Park and so (with the exception of the access road) is covered by Policy LEX1 of the adopted Local Plan. This Policy states that only development for a cycle or pedestrian route or for outdoor recreation shall be permitted. This Policy has been tested on a number of occasions, through appeal, as a result of public consultation and at the Local Plan Inquiry and found to be sound. We have endeavoured to hold this line since the inception of the Policy some 40 years ago however, I recognise that limited progress has been made in acquiring the land for public use and that there is little money allocated for the purpose in the Council's budget. I do not think there is any reasonable prospect of the District Council purchasing this land in the short or medium term.

Much of this valley park is formed from land 'left over' from development and has limited practical value and very restricted public access. Through various development schemes this has been gradually remedied, the adjoining scheme at Hillcrest School in particular will deliver an additional area of public open space to the designated Valley Park to make the area to the east of this scheme more usable.

Whilst this proposal is contrary to Policy LEX1, I think that there are ameliorating circumstances, which could justify departure from the Policy in this specific instance as long as a significant (and genuinely useable) area of public open space, cyclepaths and footpaths are provided. If these are not implemented as a fundamental part of the scheme then I recommend refusal on Policy grounds.

The current application scheme does provide a reasonable amount of open space (albeit partly within a floodplain which will limit its use). I am keen to ensure that this open space is open and accessible to residents from adjoining estates and further afield as the Valley Parks are intended to provide an amenity to the whole community. I would like to see further details as to how this will be laid out as the present layout makes it appear insular with little or no access available to wider residents. There is a general lack of formal playspace as well as space for informal games and walks, all of which were requested through the valley parks consultation some time ago. This consultation also identified a need for a 'trim trail' on this site but that seems excessive in this scheme.

I would certainly wish to see the 'possible' cycle route running east-west across the scheme become a reality and consider that this is a fundamental requirement of Policy LEX1. Similarly, a north west -south east route is essential if the site is to be accessible from adjoining estates. Both these routes should link to the wider cyclepath network which has been mapped by the Exmouth Cyclepath Working Group on behalf of Devon County Council.

I write with reference to the above planning application. Thank you for the opportunity to make these comments which are based on crime and anti social behaviour issues only.

Sustainability

The principles surrounding sustainability should extend to all aspects of the design including designing out crime. Sustainability is not just about energy use but also includes developing facilities which do not suffer high levels of crime. Sustainable environments should not only be attractive but free from crime and the fear of crime.

Design and Access Statement

It is encouraging to see Secured by Design mentioned within the Design and Access Statement. Early consultation is key to developing an environment which is safe and secure where the opportunities for crime and the fear of crime have been designed out.

Secured by Design (SBD) is a police initiative owned by the Association of Chief Police Officers (ACPO), to encourage the building industry to adopt crime prevention measures in the design of developments. It aims to assist in reducing the opportunity for crime and the fear of crime, creating a safer and more secure environment.

I would therefore request that implementation and full accreditation of the Secured by Design award be made a condition of this planning application. Prior to commencement of the development details regarding how the principles and practices of the Secured by Design scheme are to be incorporated within the development should be submitted. This will ensure that due consideration has been given to creating a safe and sustainable community.

Footpaths and Cycleways

Secured by Design guidance recommends that routes for pedestrians and cyclists should be visually open and direct and should not run to the rear of dwellings as these have been proven to generate crime.

Substantial buffers are required between any public paths and the private rear boundaries to prevent residents being disturbed by path users and creating easy access to boundary fencing. Paths which are not overlooked can attract anti social behaviour resulting in quality of life issues for new and existing residents.

Although seating is not specifically mentioned within the plans, it is important to ensure any seating along the footpaths is located appropriately. Seating should be seen as a valuable feature to encourage community interaction and not a focal point for anti social behaviour. Further advice regarding seating next to a footpath can be found within the Secured by Design New Homes 2010 guide.

Latest Technical Consultations - Comments on application as amended:

Devon County Council Flood and Coastal Risk Management 22/07/16

Following my previous correspondence (FRM/734/2016, dated 5th July 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 several MicroDrainage model outputs (dated May 2016) which demonstrate that all components of the site's surface water drainage management system have been designed to the 1 in 100 year (+30% allowance for climate change) rainfall event.

I am therefore happy to confirm that our objection is withdrawn, assuming that all works proceed in accordance with the Drainage Works Plan (Drawing No. 08, Rev. -, dated 16th May 2016).

Housing Strategy Officer Paul Lowe 03.06.16

We note the change from the previously proposed flatted affordable dwellings to one bedroom houses, this change is supported.

As previously mentioned in the outline application, preference is for the affordable dwellings to be slightly better dispersed throughout the development. We do however recognise that to achieve this would mean a reduction in the percentage of affordable homes.

Contaminated Land Officer 03.06.16

No contaminated land concerns anticipated.

Environmental Health 03.06.16

No environmental health concerns associated with the detailed plans submitted.

Other Representations

The application as originally presented to Committee had prompted the submission of a considerable number of individual representations of objection (64) in addition to a petition containing 301 signatures. A petition of support for the proposal was also received (397 signatures) along with two individual representations, including one representing Cyclepath Exmouth.

The application, when initially advertised in 2012, attracted objections on the following grounds:

1. Development would be contrary to the objectives of Policy LEX1 of the Local Plan that states no development other than that to provide a safe corridor for pedestrians and cyclists and for outdoor recreation will be permitted; loss of designated open space.

2. Detrimental impact upon wildlife/biodiversity with loss of natural habitat and animal and bird diversity from area which is a wildlife corridor.
3. Increase in surface water runoff with increased risk of flooding and greater erosion of banks of Withycombe Brook.
4. Increased traffic with associated congestion problems, pollution, noise and safety risks for pedestrians and cyclists.
5. Creation of an unsafe junction at site entrance off St. John's Road.
6. Increased traffic movements at St. John's Road/Bradham Lane roundabout junction which is already dangerously congested at peak times when children are travelling to and from school.
7. Density of dwellings is too high with rear gardens that are too small and concreted front gardens which with road will create a wildlife desert.
8. Increase in social problems including people disposing of rubbish in the brook.
9. Loss of privacy and security to rear gardens of neighbouring properties.
10. Will cause noise, air and light pollution to neighbouring residents.
11. Increased and unnecessary strain on services and utilities, including schools, sewerage and surface water drainage systems, doctors' surgeries and telephone exchange/internet.
12. Impact upon safety of users of the play area and recreation ground off Hadrians Way resulting from planned extension of highway and increased traffic movements.
13. Damaging effect upon trees.
14. Development provides no real community benefit other than affordable housing; the local community has no sustainable employment options at present and therefore residents will commute from what is already a dormitory town whilst adding to pressure on local services.
15. Development will have a devaluing effect on properties in the vicinity of the site.
16. Amount of open space retained would be largely on land that cannot be built on owing to it being flood plain and would be insufficient for all the purposes that it would need to serve.
17. Yet to be determined if design of proposed surface water flood water retention scheme will function effectively.

The following points were raised in support of the proposal:

1. Pedestrian and cycle routes through the site would form a vital part of the Withycombe Valley route and present an opportunity for safer links from Withycombe Village to Dinan Way with benefits for cycling to school and work.

The re-advertisement of the amended plans in 2012 attracted a further 30 objections, on the following issues:

1. The proposed dwellings SE1-SE4 show the removal of an important hedge on the boundary of the development.
2. Proximity of housing to a Brook.
3. Construction traffic in Hadrians Way
4. Impact on Hadrians Way play area
5. Lack of infrastructure and jobs
6. Concern over traffic and jobs
7. Concerns over erosion of Brook.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

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)

Strategy 38 (Sustainable Design and Construction)

Strategy 43 (Open Space Standards)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN21 (River and Coastal Flooding)

EN2 (The Valley Parks in Exmouth)

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

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

RC2 (New Open Space, Sports Facilities and Parks)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework)

NPPG (National Planning Practice Guidance)

ANALYSIS

Site Location and Description

The site comprises two parcels of land totalling 3.18 hectares in area that are bisected by the Withycombe Brook located within the built-up area of the town. The site is broadly linear in shape and is bound by residential development in Dene Close, Brooklands Road and Holland Road to the north, west and south respectively at its western end and to the south by a play area, playing field and housing in Hadrians Way and Dukes Crescent towards the site's eastern end. The northern site boundary to the east of Dene Close is bordered by an unmade track that extends off St. John's Road from a point just north of Dene Close as far East as a boundary with land within the former Hillcrest School site that is now housing. Beyond this lane to the north are the St. John's Road playing fields. Both the track and playing fields are within the Council's ownership.

Although located within the built-up area close to well established areas of housing, the site occupies part of the valley of the brook and has a rural character essentially comprising a pair of single large open fields to the north and south of the brook. The northern part of the site (i.e. to the north of the brook) is divided up at its western end into paddocks with post and rail fencing. It is largely bound by established hedges and groups of trees and has an undulating topography from west to east but a relatively gentle fall from the north down to the brook. The southern portion, by contrast, occupies steeply sloping land that rises from the brook up to the rear boundaries of properties in Hadrians Way and Dukes Crescent and the adjacent playing field and play area, again within the Council's ownership.

Parts of the site to either side of the brook, which is designated as a 'main river' by the Environment Agency, are located within flood zones 2 and 3. In addition, the site forms part of the land identified as part of the Valley Parks that are the subject of Policy EN2 of the East Devon Local Plan that also references the use of the Valley Parks as Suitable Alternative natural green Space (SANGS).

Relevant Planning History

The site was the subject of three applications for residential development during the 1970s, all of which were refused. However, there has been no more recent history of proposals for development of the site.

The current application was submitted in 2012, and at the planning committee on the 5th February 2013 Members recommended the proposal for approval, subject to the signing of a Section 106 agreement. This agreement has not been signed/completed due to viability and other constraints and hence a decision has not been issued. The applicants have now submitted changes to the original plans to address these issues that have held up development.

Proposed Development

The application scheme relates to the construction of 52 residential units (unchanged from 2013) on both parts of the site, comprising a mix of one, two, three and four bedroom detached, semi-detached and terraced dwellings (including bungalows). The proposals also involve the creation of a new vehicular entrance and access road from St. John's Road and the laying of an internal shared surface road to serve the proposed development of the northern portion of the site and an extension to Hadrians Way off its existing turning head to serve that proposed for the southern portion. The provision of both accesses would involve development on Council-owned land.

Land between the internal road, which would extend from west to east along the site to form a cul de sac with turning heads at both ends, and the brook would be retained and laid out for the purposes of public open space with a further area of public open space provided on the sloping land to the south of the brook below the proposed housing on this part of the site. This area would incorporate the land within the flood zones.

The provision of a footpath link from the proposed extension to Hadrians Way to the proposed internal estate road, involving the construction of a pedestrian and cycle bridge across the brook, would form part of the scheme.

It is proposed that 26 of the units (amounting to 50% overall) be provided as affordable housing with Cornerstone Housing Association being the intended registered social provider. These would consist of 15 affordable rented units, of one, two and three bedrooms, accessed from Hadrians Way, and 11 shared equity units of two and three bedrooms, in the south west corner of the development, accessed through the site. The remaining 26 units would be made available on the open market.

The submitted layout details show uncovered parking areas to the side of the majority of the units but with integral garages to the majority of the larger units. These details also show open plan frontages to the proposed estate roads with a mix of privacy panels and close boarded timber fencing to rear garden boundaries.

Although comprising a variety of house types, the development would be comprised of red brick and with roof finishes of slate. The buildings are typically two storey, with single storey or split storey dwellings where levels deem this more appropriate.

The existing track from St Johns Road will be extended and tarmacked to take the majority of traffic. A hedgerow would need to be cut back where this enters the development. Attenuation basins and a wild flower meadow are to be created on either side of the Brook.

The main changes to the proposal from the scheme before Committee in 2013 are the removal of flats, re-design of the dwellings, and small changes to the position of the dwellings although the area of development covered by the dwellings remains unchanged. These changes have been as a result of a need to make the proposal viable whilst retaining the benefits of the proposal including 50% affordable housing provision.

ANALYSIS

The proposal falls to be considered having regard to a number of issues that are discussed in turn as follows:

Principle of development

The site is identified in the adopted Local Plan as forming part of the Valley Parks in relation to which the provisions of Policy EN2 (The Valley Parks in Exmouth) apply.

This policy and its preamble set out the objectives for the land as an area in which to provide a safe corridor for pedestrians and cyclists and for outdoor recreation. The Valley Parks are also intended to operate as 'Suitable Alternative Natural Green Space (SANGS)' to give residents of the area an alternative to using the Exe Estuary and Pebblebed Heaths for recreation. The policy states that development other than that to achieve these aims will not be permitted. As such, there could certainly be argued to be a policy objection to the principle of development.

Strategy 5 of the Local Plan states that new development will contribute to a network of green space and ensure potential impacts on the Exe Estuary and Pebblebed Heaths are appropriately mitigated against, and all proposals should seek to encourage public access to the countryside.

Furthermore, Strategy 22 of the Local Plan states 'SANGS will be essential in Exmouth to mitigate, under the Habitat Regulations, against adverse impacts that would otherwise arise from development on the Exe Estuary and Pebblebed Heath sites. Enhancement and extension of parts of the Valley Parks in the town specifically for SANGS provision, will form part of the overall delivery with longer term SANGS provision being secured on additional land at, around or beyond the town.

The delivery of SANGS is critical within East Devon, Exeter and Teignbridge; they are required to deliver a genuine alternative to visiting the Exe Estuary and Pebblebed Heaths for local residents to exercise, walk dogs, etc.

In protecting land for SANGS, it is critical to ensure that it is deliverable and provides the best use of resources. Work has taken place on delivery of such SANGs across the three authorities. The joint strategy between the authorities proposes 4 SANG's across the area these being at the following locations:

- Dawlish Warren
- South West Exeter
- Cranbrook
- Exmouth

The delivery of the mitigation strategy is overseen by the South East Devon Habitat Regulations Partnership which includes representatives from East Devon, Exeter and Teignbridge Councils. Significant progress is being made with delivery of the first two of these spaces with monies having been identified for purchase of these sites and in the case of the Dawlish Warren SANGS work is understood to be underway for its delivery. Negotiations are on-going with the Cranbrook consortium regarding the third

SANGS area but it is envisaged that the necessary SANGS area will be delivered as part of the expansion areas. This just leaves the Exmouth SANGS, however Natural England are content that the required mitigation is being delivered across the wider area through the partnership and acknowledge that the Exmouth SANGS can come forward later in the plan period. It is considered to be the least significant of the 4 in mitigation terms because of the relatively modest levels of housing development proposed in the Local Plan for Exmouth compared to the other areas where SANGS are required. This is not however to diminish its importance in terms of delivery of the overall strategy.

In terms of sites for the delivery of SANGS in Exmouth the Local Plan identifies the Valley Parks area as SANGS, however since the adoption of the Local Plan concerns have been raised by Natural England about the ability of the land to meet the standards for SANGS. These concerns arise because the site is located within a residential area and largely surrounded by development forming a relatively narrow corridor cutting through the residential area. Natural England argue that SANGS need to be reasonably detached from development and retain a very natural appearance. They should also enable a choice of routes including routes of up to 5km and beyond. It is acknowledged that it would be difficult to achieve these criteria at the Valley Parks and so other options for SANGS have been looked at around the edges of the town and it is clear that various options exist. A draft proposal for one such site was presented along with the proposals for the other SANGS areas to the partnership board at their meeting of the 29th March 2017. The proposal was well received although further work is needed before this could be pursued.

It is clear that the importance of the Valley Parks and the application site in this case to the delivery of the habitat mitigation strategy has diminished in recent months and that the loss of this area as potential SANGS is unlikely to be critical to its successful delivery. There is some concern about allowing the development of this land in the absence of a clear alternative proposal for SANGS at Exmouth, however an alternative is possible and it could still be some time before SANGS at Exmouth is fully resolved. In light of the above it is however considered that it would be difficult to justify refusal of the proposed development in favour of protecting the site for a potential SANGS.

The site has been previously allocated as Natural Green Space and as part of Policy EN2 is also valuable as "Proposed Public Open Space", despite being inaccessible to the public. These policies have been unsuccessful in securing the land for this purpose and the Council have not been in a position to purchase the land. It is therefore highly unlikely that these issues will be resolved in the short to medium term to enable the Authority to pursue the objective of creating the public open space that is the long held aspiration of Policy LEX1 of the previous Local Plan and Policy EN2 of the adopted Local Plan.

Set against this background, it is considered that it is valid and appropriate to look at other ways of securing the objectives of Policy EN2. To this extent the partial development of the land to provide the means for pedestrian and cycle routes and outdoor recreation space could be seen as one, and possibly the only, way of meeting this aim.

The submitted scheme therefore incorporates two key further elements offered as community benefits, in addition to the public open space provision, in the form of the creation of a north/south pedestrian/cycle link between existing residential areas in Hadrians Way/Dukes Crescent/Prince of Wales Drive to the south and east and St. John's Road, neighbouring residential areas and the Bassetts Farm Primary School to the north of the site (including a bridge across the Withycombe Brook) as well as the enhanced offer of 50% affordable housing, which is 25% above the target provision of 25% required by Strategy 34 of the Local Plan for development of sites within towns such as Exmouth. There is also the potential to secure a cycle and footpath link to the adjacent Hillcrest development to the east.

On balance, the benefits provided by the development outweigh the harm arising from the proposal representing a departure from adopted Local Plan policy.

Affordable Housing

The proposed affordable housing is shown in two distinct blocks – eleven shared equity units are in the South West corner of the site; fifteen affordable rented units are shown in the South East corner, accessed from Hadrians Way. The affordable units amount to 50% of the total number of units (with 15 affordable rent and 11 shared equity). The policy requirement is for 25%.

Concern is raised by the Town Council that these sites are not 'pepper potted'. In response the applicant has stated that the location is as previously agreed in 2013; that any alterations would affect the viability and that the offer is considerably in excess of the 25% required in Strategy 34. Should 25% (13 units) have been provided as the affordable offer, it is conceivable these would have been situated in two clusters of 6 or 7 units located in similar parts of the site. These comments are supported by the Council's Housing Strategy Officer. It is also worthwhile to refer to the recent appeal decision at King Alfred Way, Newton Poppleford, where the Inspector highlighted the support from the Housing Association to the scheme.

The provision of 50% affordable housing, whilst partly a recognition of the nature of the application as a departure from the local plan and construction of development of designated open space, weighs fairly heavily in favour of the proposal.

Layout, Design and Appearance of Scheme and Impact upon Character and Appearance of Area

It is accepted that the linear configuration of the site and the need to safeguard land on both sides of the Withycombe Brook for retention as public open space represent significant influences on the layout of the development scheme that has evolved. As such, it is acknowledged that there would be very little scope for setting out the scheme materially differently to the way in which it has been submitted. Due to this, the changes proposed compared to the 2013 proposal relate to the replacement of flats with houses, re0design of the dwellings and slight changes to the footprint of dwellings.

It has also been necessary to ensure that the layout pays appropriate regard to the objective of safeguarding, as far as possible, the living conditions of the occupiers of the existing residential properties in Dene Close, Brooklands Road, Hadrians Way and

Dukes Crescent, in particular, and Holland Road to a slightly lesser extent. To this end, it is considered that the layout largely achieves this objective insofar as it would provide for rear garden areas adjacent to the site boundaries with these properties of sufficient depth (no less than 10 metres) as to avoid any significant overlooking/privacy issues and/or any problems with any physically overbearing, dominating or intrusive impact. The closest properties to 8 Dene Close are bungalows which minimizes any overbearing of dwellings in this corner.

In addition, sections through the units proposed on the southern portion of the site and the existing adjacent properties in Hadrians Way and Dukes Crescent have been submitted that demonstrate the extent to which their floor levels would be set down and excavated into the steeply sloping hillside on which they would stand, both to reduce their visual impact and mitigate against any significant impact upon the amenities of the existing neighbouring residents.

It is considered that the various dwelling types and building forms sit reasonably comfortably alongside surrounding development and reflect a high quality suburban estate character. The layout, alignment and design of the proposed shared surface access road within the development, which would be partially devoid of footways, would also represent an improved element of the scheme in contrast to the more engineered layout of roads and footways elsewhere.

The site is not the subject of any townscape or other constraints to which it is thought essential that a development should respond and it is therefore considered that the design quality of the scheme, whilst by no means exceptional, would nevertheless be adequate. Moreover the location of the site within a strongly defined and, in places, steep sided valley is such that the development would not be readily visible in medium and longer distance views across it that are available from St. John's Road to the north and west or from Prince of Wales Drive on the elevated ground to the south. Although there would be likely to be closer range views available of parts of the site from within the residential areas referred to above, these would be mainly glimpsed and, viewed within a broader townscape context, it is not considered that it would result in any harm to the character or appearance of the area.

By way of contrast with the adjacent development on the former Hillcrest School site to the east, from which the proposed development would be mostly screened by trees and not viewed in the same context, there are no constraints on the site in the form of listed buildings or any historic parkland.

In such circumstances therefore, it is argued that there would be no compelling justification to seek any significant revisions to the design or layout of the scheme or particular building/house types.

Although the development would have an obvious visual impact upon the present open rural character and appearance of the land itself this would clearly also be the case (albeit to a lesser extent) were it to be laid out solely as a public open space and managed on this basis. In any event, for the reasons discussed in the preceding section of the report, the balance of considerations is thought to fall in favour of the scheme in principle and as such is considered to outweigh any harm that would be caused.

Highways/Access

The application has been accompanied by a detailed transport statement that addresses, among other things, consideration of the location of the site and its accessibility, local travel conditions, estimated trip generation using the nationally recognised TRICS database, distribution from the site by all modes of transport and the impact of the traffic that would be generated. It uses local traffic count data.

In particular, the impact of traffic generated by the development upon the existing double mini-roundabouts at the staggered crossroads junction of St John's Road with Bradham Lane, Pound Lane and Withycombe Village Road to the west of the site has been assessed. The statement predicts an addition of 13 traffic movements at this junction at peak times arising as a result of the development. It is considered that this increase can be satisfactorily accommodated within the current operation of the double roundabouts.

The transport assessment also assesses the operation of this junction in the design year 2017, both with and without the development generated traffic, and concludes that it will continue to have some reserve capacity in both scenarios. It also predicts that should queue lengths exceed that available at the junction it is likely to be for a limited period only and would not unduly interfere with its safe operation or the local surrounding road network.

In relation to the proposed access off St. John's Road, it is observed that the requisite visibility splays of 2.4 metres by 43 metres in both directions could be provided within the existing highway boundaries. There are therefore no objections in this regard.

The County Highway Authority would require the construction, drainage and street lighting of the accesses and internal roads to be built to adoption standard and recommend the imposition of a suitably worded condition, in the event that planning permission is granted for the scheme, to secure the submission of details of these elements for approval prior to the commencement of development.

Drainage

Considerable concern has been expressed by the Town Council, Ward Members and interested parties that the proposed development would exacerbate existing problems with surface water runoff into the Withycombe Brook and increase existing flood risk downstream of the site.

The submission is accompanied by a detailed flood risk assessment and drainage strategy for the development.

The scheme proposes a strategy for the site that would involve provision being made for attenuation storage with controlled discharge to the brook. This would principally take the form of the installation of three attenuation basins close to the Brook.

The flood risk assessment details the design of these ponds, which would incorporate 1:3-sided slopes with a minimum of 250mm freeboard and 750mm depth of water.

Runoff from the proposed parking spaces adjacent to the units would be drained separately from that of the main development and internal road and would be discharged by way of a pervious pavement system.

Although the flood risk assessment suggests that there are a number of details, mainly relating to the volume of storage that may be required for the development, that have yet to be finalised, no objection has been raised to the submitted flood risk assessment by the Environment Agency provided that the development proceeds in accordance with the details set out within it. The final details of the surface water drainage systems required to provide the intended attenuation storage and pervious surfaces could be controlled through the imposition of an appropriately-worded condition attached to any grant of planning permission.

As such, whilst the considerable body of objection to the scheme that has been raised on flood risk grounds is acknowledged, in the absence of any technical objections from the Environment Agency/DCC Flood Risk Team to the proposed means of surface water discharge from the development set out in the drainage strategy it is not considered that objection to the development could reasonably be supported on this ground.

Foul drainage would be discharged to a main combined sewer that runs through the centre of the site from west to east. It has sufficient capacity to accommodate the flows from the development. However, the layout has been influenced by the position of the sewer and South West Water's requirement for development of an exclusion zone around it to be avoided.

Impact upon Adjacent Residents

As stated above, the layout and levels of the development have been designed so as to avoid any significant impact upon the living conditions of the occupiers of existing neighbouring properties in Dene Close, Brooklands Road, Hadrians Way and Dukes Crescent through increased and unacceptable levels of overlooking and effects on privacy and/or through being unduly dominating, overbearing or intrusive resulting in loss of aspect or outlook.

It is considered that the length of rear gardens, the introduction of single storey units, and the separation between existing and proposed dwellings would be sufficient to ensure that no materially harmful levels of overlooking would occur.

The intention to excavate and set down the finished floor levels of the proposed development on the southern portion of the site in relation to existing site levels would avoid any harmful overlooking effects from the rear first floor level windows in these units towards the rear and rear gardens of the properties in Dukes Crescent and Hadrians Way that are themselves at a higher level than the highest part of the site adjacent to the boundary with these dwellings.

There are significant lengths of the site boundary where there are no adjacent residential properties, most notably those sections adjacent to the lane to the north and the St. John's Road playing field beyond and the play area and playing field to the west of Dukes Crescent and Hadrians Way to the south of the site. There is also, as

stated previously, a strong landscaped boundary to the east with the former Hillcrest School site beyond.

Ecology

The application is accompanied by a phase 1 habitat survey report to which addendums have been added in the light of concerns expressed by Natural England with regard to the impacts of the scheme upon European sites of nature conservation importance, Green Infrastructure and public open space provision and species that are afforded statutory protection under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010.

An updated addendum report prepared by the applicants' ecological consultant proposes, in response to Natural England's continued objection to the application on account of the failure to address the issue of the impact of the scheme on European sites, the payment of the habitat mitigation contribution of £350 per unit based upon the Council's adopted joint interim approach towards mitigation of the impacts of additional residential schemes upon the Exe estuary. However, since the application was submitted, mitigation is now included within the Community Infrastructure Levy and the payment of monies on occupation of the market dwellings will go, in part, towards habitat mitigation.

Details of the measures proposed to mitigate the impacts of the scheme upon protected species that are present on the site are largely now acceptable to Natural England. However, this is subject to the recommended imposition of a condition on the grant of any planning permission relating to the preparation of, and compliance thereafter with, a habitat/wildlife management plan that sets out the retained and new habitat types for the public open space, stream corridor and northern site boundary with the Council-owned lane and details as to how they will be created/enhanced and maintained. This should clearly demonstrate a net biodiversity gain.

A further condition is recommended to ensure appropriate levels of control over street lighting of the access road to avoid light spill onto the public open space and the brook so as to mitigate against any potential impact upon bats and also reduce such impacts on dormice and badgers. The intended introduction of additional planting on site to mitigate against habitat fragmentation is also encouraged; this could be dealt with through a standard landscaping condition.

No impact upon breeding birds are anticipated provided that any clearance works are conditioned to avoid the nesting season (from March to August inclusive).

Although an ecology plan has been submitted, the proposals that it contains are not entirely satisfactory in the light of the above issues and it is therefore recommended that conditions be imposed along the lines set out above to ensure appropriate landscaping and habitat management proposals are implemented.

Trees

The application is accompanied by a detailed arboricultural survey report which sets out the required arboricultural implications assessment, including a tree constraints

plan, together with details of proposed tree works, a tree protection plan and an arboricultural method statement. The measures recommended in the report could be appropriately conditioned.

Following on from the comments of the resident of Brooklands Road, it is considered that the hedge to the rear of the shared equity units should be retained or reinstated; this would be the subject of a condition.

Sustainability

Under the provisions of Strategy 38 (Sustainable Design and Construction) of the Local Plan, all major new developments are expected to be designed and laid out so that operational energy demands are significantly reduced, especially for heating and lighting, in comparison with standards achieved through Building Regulations.

The submitted design and access statement states that the proposed units would have reduced energy consumption through the use of low energy light fittings and energy efficient boilers and appliances and the provision of eco labelled white goods. Water use would be reduced through the provision of water butts and a combination of water efficient taps, dual flush toilets and low output showers. Externally, recycling facilities and garden composters would be provided in the rear gardens of all dwellings as well as secure garden sheds of sufficient size to accommodate two bicycles.

The sustainability credentials of the scheme are also highlighted with regard to the orientation of buildings and habitable rooms, which would maximise the potential for daylight within, and the proximity of the site to, and within walking distance of, local shops and amenities in Withycombe village, public transport routes along both St. John's Road and Prince of Wales Drive and play areas and amenity space to both the north and south of the site, as alluded to previously.

Contaminated land

The application is accompanied by a geotechnical and contamination assessment report given the relative proximity, within 250 metres of the site, of a known former landfill site.

The principal conclusions of the report are that there is no probable source of contamination at the site and therefore a low risk of harm to human health and the water environment.

These observations are supported by the Council's Contaminated Land Officer who confirms that there are no contamination issues arising from other sites that are likely to impact upon the site or the proposed development.

Open space provision and Section 106 Agreement

It has been made clear to the applicants from the outset of their initial discussions with the Council that the Authority is not in a position and would not expect to be required to take on the ownership and maintenance of the proposed public open space, the footpath and cycle links through the site or the bridge across the Withycombe Brook.

There is an expectation that these would be privately owned and managed, albeit with public access, possibly through a management company. The ownership and responsibility for future maintenance of the open space and transport infrastructure, in addition to the works to the land required to provide the open space, could be secured through the appropriate provisions of the requisite Section 106 agreement in the event that it is resolved to grant planning permission.

Devon County Council, as Local Education Authority, have requested a contribution totalling £201,666 towards the provision of additional education facilities for both primary and secondary schools required as a result of the development. However, the introduction of 'CIL' now covers these contributions, with a proportion going towards education, open space, habitats migration, community infrastructure, etc.

RECOMMENDATION

APPROVAL subject to the following conditions and provisions of a legal agreement (to secure the establishment of a management company to adopt and maintain the public open space and cycle/footpath connection):

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Notwithstanding the submitted details, before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy s D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)
4. The proposed access off St Johns Road and Hadrian's Way and the internal access roads and the new access bridge over Withycombe Brook, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

(Reason - To ensure that adequate information is available for the proper consideration of the detailed proposals and to comply with the provisions of Policies TC4 (Footpaths, Bridleways and Cycleways), TC2 (Accessibility of New Development) and TC9 (Parking Provision in New Development) of the East Devon Local Plan 2013-2031.)

5. The development shall be carried out in full accordance with the submitted flood risk assessment from Atkins dated August 2012 and drainage works plan (Drawing no 08, dated 16th May 2016) and further details of the means of dealing with surface water drainage that shall previously have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

The scheme shall be carried out in accordance with the approved details before any dwelling on the site is occupied.

(Reason - To avoid pollution of the environment and flooding in accordance with the requirements of Policy EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2013-2031)

6. The foul drainage shall be connected to the public sewer and shall be kept separate from clean surface and roof water.

(Reason - To avoid pollution of the environment in accordance with the requirements of Policy EN19 (Adequacy of Foul Sewers) of the East Devon Local Plan 2013-2031.)

7. Notwithstanding the submitted details, no development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

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

8. No development shall take place until a landscape management plan to ensure the maintenance of the areas of public open space to be incorporated within the development for a period of at least five years shall be submitted to, and approved in writing by, the Local Planning Authority. The management plan shall thereafter be complied with in full for the duration of the specified period.

(Reason - In the interests of the character and appearance of the development in accordance with the provisions of Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)

9. Notwithstanding the approved plans, the existing hedge to the western boundary of the site, to the rear of proposed properties SE1-SE4, shall be retained or shall be replanted in accordance with a scheme which shall be submitted to and agreed in writing with the local planning authority, prior to commencement of development.
(Reason: In order to protect residential amenity and to retain biodiversity in accordance with Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)
10. Prior to the commencement of development a Method of Construction Statement shall be submitted to and approved in writing by the LPA. The Statement shall include details of:
 - a) Parking for vehicles of site personnel, operatives and visitors
 - b) An area for the loading and unloading and parking of vehicles during construction
 - c) Storage of plant and materials
 - d) Programme of works (including measures for traffic management)
 The development works shall only be carried out in accordance with the approved statement.
(Reason - To provide a satisfactory access to the site with adequate facilities for short term parking in the interests of maintaining a safe and efficient highway network and in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)
11. Prior to the commencement of development, a Construction and Environment Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. 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. Development shall be carried out in accordance with the approved CEMP details. 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 and to comply with the provisions of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)

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:

01	Proposed Site Plan	23.05.16
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02	Proposed Elevation	23.05.16
03	Sections	23.05.16
04	Sections	23.05.16
05	Other Plans	23.05.16
06	Landscaping	23.05.16
07	Other Plans	23.05.16
08	Other Plans	23.05.16
LP REV A	Location Plan	23.05.16
SUPPLEMENTA RY DESIGN STATEMENT	General Correspondence	23.05.16
G01	Proposed Combined Plans	23.05.16
P1-2/01	Proposed Elevation	23.05.16
P1-2/02	Proposed Elevation	23.05.16
P1-2/03	Proposed Floor Plans	23.05.16
P1-2/04	Proposed roof plans	23.05.16
P3/01	Proposed Elevation	23.05.16
P3/02	Proposed Combined Plans	23.05.16
P4-5/01	Proposed Floor Plans	23.05.16
P4-5/02	Proposed roof plans	23.05.16
P4-5/03	Proposed Elevation	23.05.16
P4-5/04	Proposed Elevation	23.05.16
P6-7/01	Proposed Floor Plans	23.05.16
P6-7/02	Proposed roof plans	23.05.16
P6-7/03	Proposed Elevation	23.05.16

P8/01	Proposed Elevation	23.05.16
P8/02	Proposed Combined Plans	23.05.16
P9-10/01	Proposed Combined Plans	23.05.16
P9-10/02	Proposed Elevation	23.05.16
P11/01	Proposed Combined Plans	23.05.16
P11/02	Proposed Elevation	23.05.16
P12/01	Proposed Combined Plans	23.05.16
P12/02	Proposed Elevation	23.05.16
P13/01	Proposed Combined Plans	23.05.16
P13/02	Proposed Elevation	23.05.16
P14/01	Proposed Combined Plans	23.05.16
P14/02	Proposed Elevation	23.05.16
P16/01	Proposed Combined Plans	23.05.16
P16/02	Proposed Elevation	23.05.16
P17/01	Proposed Combined Plans	23.05.16
P1702	Proposed Elevation	23.05.16
P18/01	Proposed Combined Plans	23.05.16
P18/02	Proposed Elevation	23.05.16
P19/01	Proposed Combined Plans	23.05.16
P1902	Proposed Elevation	23.05.16

P20/01	Proposed Combined Plans	23.05.16
P20/02	Proposed Elevation	23.05.16
P21/01	Proposed Combined Plans	23.05.16
P21/02	Proposed Elevation	23.05.16
P22/01	Proposed Combined Plans	23.05.16
P22/02	Proposed Elevation	23.05.16
P24-26/01	Proposed Floor Plans	23.05.16
P24-26/02	Proposed Floor Plans	23.05.16
P24-26/03	Proposed roof plans	23.05.16
P24-26/04	Proposed Elevation	23.05.16
P24-26/05	Proposed Elevation	23.05.16
R1-8/01	Proposed Floor Plans	23.05.16
R1-8/02	Proposed Floor Plans	23.05.16
R1-8/03	Proposed roof plans	23.05.16
R1-8/04	Proposed Elevation	23.05.16
R1-8/05	Proposed Elevation	23.05.16
R9-11/01	Proposed Combined Plans	23.05.16
R9-11/02	Proposed Elevation	23.05.16
R12-15/01	Proposed Floor Plans	23.05.16
R12-15/02	Proposed Floor Plans	23.05.16
R12-15/03	Proposed roof plans	23.05.16
R12-15/04	Proposed Elevation	23.05.16
R12-15/05	Proposed Elevation	23.05.16

SE1-6/01	Proposed Elevation	23.05.16
SE1-6/02	Proposed Elevation	23.05.16
SE1-6/03	Proposed Floor Plans	23.05.16
SE1-6/04	Proposed Floor Plans	23.05.16
SE1-6/05	Proposed roof plans	23.05.16
SE7-11/01	Proposed Elevation	23.05.16
SE7-11/02	Proposed Elevation	23.05.16
SE7-11/03	Proposed Floor Plans	23.05.16
SE7-11/04	Proposed Floor Plans	23.05.16
SE7-11/05	Proposed roof plans	23.05.16
P19/01	Proposed Floor Plans	05.07.16
P19/02	Proposed Elevation	05.07.16
P23/01	Proposed Floor Plans	05.07.16
P23/02	Proposed Elevation	05.07.16
6417-LP	Location Plan	01.05.12

List of Background Papers

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

Ward Newton Poppleford And Harpford

Reference 17/0159/FUL

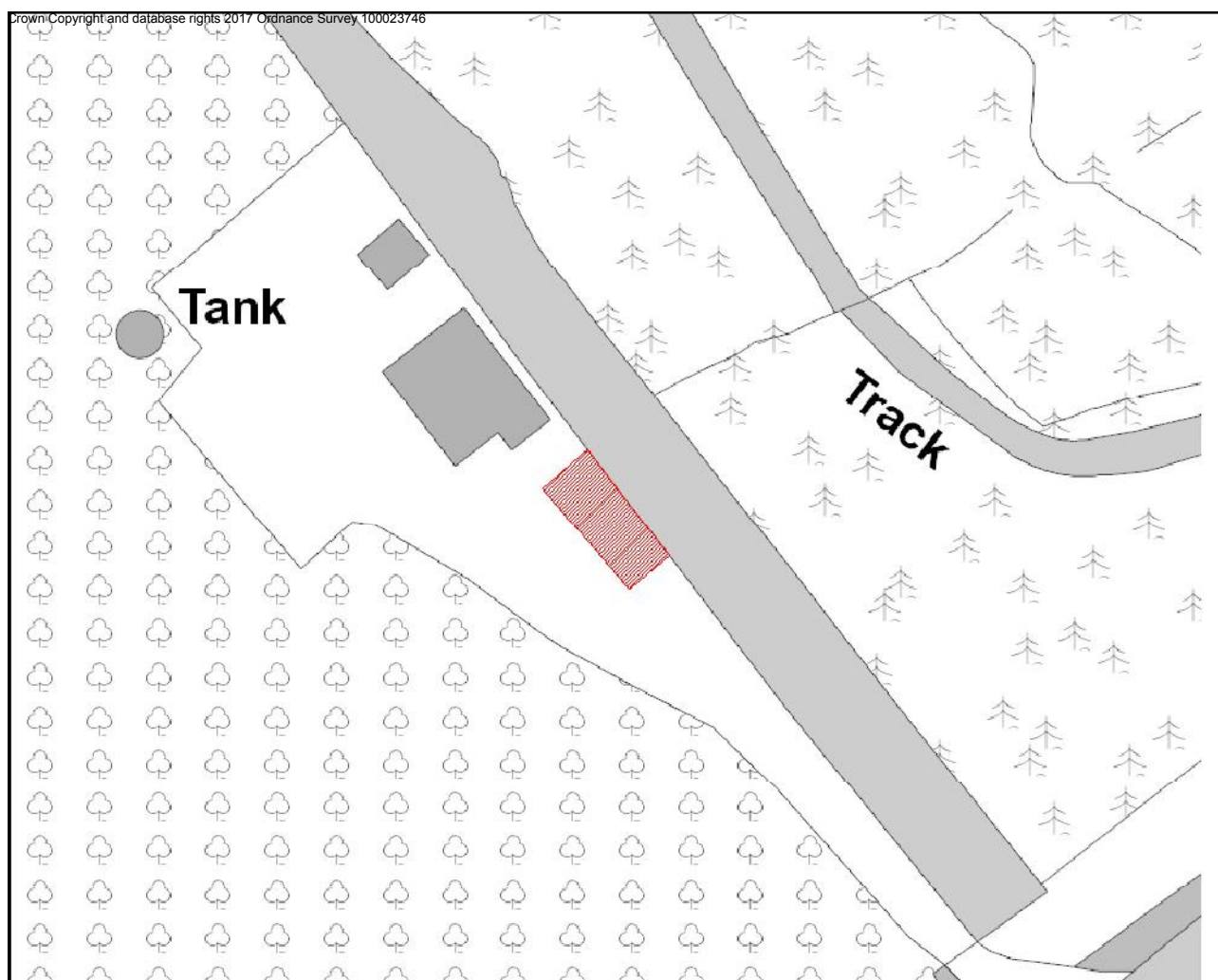
Applicant Mr John Coles

Location East Hill Pride Farm Shop Four Elms Hill
Harpford Sidmouth EX10 0FE

Proposal Retention of mobile home/log cabin for use as
holiday letting unit



RECOMMENDATION: Approval with conditions



		Committee Date: 12th June 2017
Newton Poppleford And Harpford (NEWTON POPPLEFORD AND HARPFORD)	17/0159/FUL	Target Date: 10.03.2017
Applicant:	Mr John Coles	
Location:	East Hill Pride Farm Shop Four Elms Hill	
Proposal:	Retention of mobile home/log cabin for use as holiday letting unit	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

The application seeks to retain a wooden cabin to allow it be used as holiday accommodation as diversification to the holding. The unit is situated adjacent to a farm shop, and 'pick your own' facility. The applicant has stated that there is a business case for a holiday let in this location, and that this would assist in maintaining the farm shop as a viable business.

The site is well located in relation to the main road network and the use as a holiday let would inevitably lead to increased visits to nearby attractions and facilities. It is accepted that these visits are likely to be by way of private car.

In highway safety terms the existing accesses and parking provision are considered acceptable to serve the proposed use. The Highways Authority have raised no objections to the proposal.

In terms of the design the building is relatively discreet and would not be deemed to have a harmful impact on the AONB.

Taking all matters into consideration and subject to conditions which relate the building to the farm shop enterprise, and requiring the planting of shrubs to help screen the building from the road, the proposal is considered to be in accordance with Policy E4 – Rural Diversification of the adopted Local Plan and is therefore acceptable and recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

Parish Council does not support this application as a previous planning approval contained a clear condition that this temporary building was to be removed. That approval has been implemented by the applicant and Council fears that approval in this instance could result in a precedent in the parish whereby failure to adhere to prior conditions creates "creeping" development in the AONB. Council was mindful of the economic arguments put forward by the applicant, but must consider the application simply on 'material' planning grounds and can not be swayed by the failure of the applicant to consider the financial implications of previous conditions when implementing the planning consent.

Newton Poppleford & Harpford - Cllr V Ranger

I strongly object to latest planning application put in by East Hill Pride Farm Shop. The Design and Access statement 17/0159/FUL quotes the NPPF paragraph 28: This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service areas.

There is no evidence that tourist and visitor facilities are not being met by existing facilities in the parish.

This business has been given numerous permissions to diversify and has fully exploited planning policy - but for the most part there is little evidence that a number of these permissions are utilised for the stated purposes despite for the acquisition of buildings and accommodation on site.

It cannot be argued that conditions should not be met as the applicant cannot afford it; the planning system would be in chaos if this were the case. Condition 4 of 12/2414/Ful should be complied with.

I will elaborate and summarise below:

When the applicant applied to live permanently on site, I raised the point that the application did not support any need for him to live there according to the adopted Local Plan. Indeed the shop itself does not comply with the Local Plan.

E15 Retail development in rural areas outside Built-Up area boundaries:

- a) A minimum of 60% of the produce/products for sale being produced on the premises or holding
 - b) No more than 30% of the produce/products being sourced and produced off the site of the premises or holding and from within a 16 km (10 mile) radius of the business
- And

5. The Scale and Scope of any additional services will be restricted to ensure that they are ancillary to the main use.

Sept 2016 - 16/2038 'Change of use of land for the siting of a log cabin for holiday let purposes' Design and Access statement states 'Our fresh meat sales are decreasing annually' yet only in May 2016 (15/2866/FUL) the applicant applied for permanent residence on site stating this is a thriving business with buoyant fruit sales due to the use of polytunnels and it was absolutely necessary he lived onsite to ensure the safety of the fruit and security of the site.

May 2016 - 15/2866/Ful

I objected to the above application - I referred to the fact that this site is not sustainable as presented as a horticultural site based on soft fruit sales (the local plan requires a minimum of 60% of the produce for sale being produced on the premises or holding). I also made reference to the fact that the Local Plan states that watering of the soft fruit should not be a reason to approve a planning application when mechanical systems could be put in place. The Local Plan also states that security is not a reason to live on site as other measures should be used to secure the premises.

The Chairman of DMC stated that I had breached the Code of Conduct; disclosed sensitive financial information (despite this information already being available on the EDDC website at the applicants insistence), supported the claim that there is no reference to mechanical watering systems in the Local Plan (there is) and told DMC members they should disregard everything I said in my representation.

Consequently planning application 15/2866/Ful was approved. The Chairman of DMC later had to apologise to DMC for his comments to disregard my warnings but the decision had been made. This recent application shows that the site is not proving sustainable.

The argument made in the Design and Access Statement 16/2038/FUL - 'Change of use of land for the siting of a log cabin for holiday purposes' (refused) confirms the point I made when application 15.2866/ful was heard that the site is not sustainable from soft fruit and relies on meat which is produced from his other home 3 miles away on East Hill Strips.

December 2014 - 14/2806/Ful - construction of a single storey side extension to existing farmshop to provide meeting/education room . When the applicant attended the parish council meeting to consider the plans - he stated the education of children was the main point of this extension and he gained support from the parish council on the basis of this, with some reservations. He has since stated that the reason the classroom is not used is that he was let down by Bicton College who were going to be the main users of the site. There is no evidence to support this as far as I am aware (I am a former employee of Bicton College; students grow fruit and vegetables on site and cook and sell them in the café). I cannot see why there would be any need to coach students from Bicton to Newton Poppleford to see how food is grown and cooked when they already do that on site.

The applicant confirms no schools have ever been invited to the site as he is too busy. We are now faced with yet another planning application on that site for the reason that the current business does not meet the financial needs of the owner so he now needs another diversification to his business on site. Yet the applicant is not utilising the numerous opportunities for diversification that have already been granted.

The log cabin on site is for horticultural workers. The applicant wanted a bigger log cabin than he was granted permission for but this was refused. Condition for application 12/2414/FUL Page 2 stated:

4. The mobile home hereby permitted shall be removed and the land restored to its former condition on or before three years from the date of this decision. The land restoration shall be in accordance with a scheme of work that has previously been submitted to and approved in writing by the local planning authority and shall be implemented in full on or before the expiry of the three year period.

(Reason - The need for the siting of the mobile home is for a temporary period only and in the interest of the character and appearance of the area and in accordance with policies ST5 (Development Priority 2001 - 2016), CO3 (Areas of Outstanding Natural Beauty) and CO6 (Quality of New Development) of the Devon Structure Plan and policies S5 (Countryside Protection), H8 (Dwellings for Persons Employed in Agriculture or Forestry), D1 (Design and Local Distinctiveness) and EN1 (Developments Affecting Areas of Outstanding Natural Beauty) of the East Devon Local Plan.)

The applicant is now claiming that falling prices for the temporary building means he cannot afford to remove it and anyway the meat business is not sustainable so he needs to 'diversify'. At the parish council meeting on Monday 20th January 2017 the applicant confirmed that there is no business plan in which the cost of removal of the temporary structure was planned for to show that temporary building prices have failed. He confirmed that he had assumed that after living in the temporary building for over 3 years, it would sell for the same price he bought it for. This seems somewhat naïve. Income tax depreciation scales would also counteract financial loss.

It concerns me that the applicant states in a letter to planning officer James Brown dated 18/12/16 on the EDDC website that unless 16/2038/Ful is granted it jeopardises permissions already grant to extend the existing buildings. Surely the applicant would have fully costed out each application before submitting it? Each application seems to show there is no business strategy but simply a succession of speculative planning applications aimed at increasing accommodation on site.

This site is being developed by stealth and bit by bit will soon no longer be 'sustainable' for soft fruit as it will have been built over with retail, solar panels, holiday accommodation, toilets, car part etc.

This site sets a very dangerous precedent for anyone else wanting to buy a field and build a business on it in the AONB outside of the BUAB that does not rely on produce produced on site as a way of getting to live in a lovely rural place. This is a sky-line site and can be seen from west of Newton Poppleford now the site has grown to such an extent. It can be seen clearly from School Lane and Hacker Close etc, not to mention when walking in Harpford Woods.

In summary

My objections are that this applicant is exploiting planning legislation and the word 'diversification' is being used to seek approval for successive applications when the existing buildings and use do not comply with Local Plan policy.

The site does not provide any local employment outside of the applicant, there is no economic benefit to anyone except the occupants despite the fact that the former owners employed numerous temporary summer staff and ran the soft fruit farm very successfully without living on site.

There is no pressing need for holiday accommodation at the top of Four Elms Hill that cannot be met within the parish.

The temporary building is not attractive and was only ever meant to be on site for 3 years or less.

Many local people have complained to me about the unsightly growth of this site within the AONB without compliance with the local plan and I share those concerns.

Condition 4 of 12/2414/Ful should be enforced.

Technical Consultations

None.

Other Representations

Councillor Jenny Brown
Tourism Councillor for East Devon

Having been to visit the site I was impressed with the quality of the building and the way it blends into the setting and agree that this would provide a valuable source of additional income to the farmer.

I am very much aware that Farmers need to diversify to survive.

The planning application fits into policy

Policy E16, page 209 States: conversion or use 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 where compatible with the above.

Also page 101, Agricultural and other rural enterprises paragraph 15.26

The nature of holidays in this country has become increasingly diverse, in location, in season and in duration. We are now looking at a trend towards staycations and short breaks, which provide higher spend rates. These breaks are all year round being attracted by our richly diverse landscapes.

Much of this demand is for self-catering accommodation - whether in new or converted buildings or in caravan holiday homes.

This spread of demand improves the use that is made of this type of accommodation and so is advantageous to the businesses who provide it.

The host communities are supported by the spending that it generates, and it can help to reduce the disadvantages of seasonal employment.

In view of the above I am in favour of this application.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 3 (Sustainable Development)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

E4 (Rural Diversification)

E5 (Small Scale Economic Development in Rural Areas)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The application site is accessed directly from the A3052 Sidmouth to Exeter road, situated at the top of East Hill on the left hand side when driving towards Sidmouth. It comprises a commercial farm shop, selling a variety of goods including meat, vegetables, fruit, eggs etc., together with fruit trees and bushes, polytunnels etc for the growing and picking of produce (including 'Pick Your Own'). The applicant has a larger holding towards Ottery St Mary which also provides produce for the farm shop, and houses an abattoir. Permission for a log cabin to house a farm worker was permitted in May 2015 and this building has now been constructed on site. A functional need for a worker to be housed on site on a permanent basis has therefore been established. Between the entrance to the site and the farm shop is a mobile home; this was previously used as a temporary workers dwelling, however since the log cabin has been completed it is no longer used for that purpose. This building is comprised of timber vertical boarding, with a shingle roof, and is approximately 14 metres long and six metres wide. It comprises two bedrooms, a kitchen, bathroom and utility room.

Relevant Planning History

In 2011 planning permission was sought to site a mobile home for an agricultural worker. This was refused under permission 11/2519/FUL. A subsequent application (12/0894/FUL) was also refused, however a third application (12/2414/FUL) for the

siting of a mobile home for a horticultural worker was subsequently approved by the Development Management Committee, subject to conditions linking the home to persons employed in horticulture at East Hill Pride, and removal of the home after three years.

In 2015, an application (15/2866FUL) was submitted for the construction of a permanent dwelling for a horticultural worker, on land the other side of the farm shop. This restricted the use of the dwelling to those engaged in agriculture or horticulture.

In 2016, an application for moving of the mobile home to an area further west to be used as a holiday let, was submitted (16/2038/FUL). This was refused in December 2016 for two reasons: firstly, that it would give rise to the need for additional travel by private motor vehicles due to lack of access to alternative sustainable means of transport, which were not outweighed by the economic and tourism benefits; and the development extending into the open countryside.

Proposed Development

The application proposes the retention of the mobile home on the site for holiday purposes under Policy E4 of the adopted Local Plan as rural diversification to support the applicant's holdings and aid the income of the holding.

The unit would be let out throughout the year, the building would require minimal changes and parking would be provided directly outside the unit. It is proposed that some planting will take place outside of the South elevation of the building, facing the entrance drive.

ANALYSIS

Considerations/Assessment

The building lies within the open countryside and the East Devon AONB which does not allow for new residential development. Exceptions are made in certain circumstances, for example for the housing of a rural worker or for rural diversification, subject to strict criteria.

It is considered that this proposal could be considered as rural diversification on the basis that it is proposed to support the applicants farming business that including the Farm Shop, pick your own business and separate agricultural holding. Therefore, the proposal should be considered against Policy E4 – Rural Diversification of the Local Plan and not Policy E16 as this relates to the conversion of buildings in the countryside with a new building proposed. Policy E4 states the following with the reasoned justification before the policy clarifying that there are a variety of farm diversification uses that could be acceptable including ‘... c) Recreation and tourism uses including pony-trekking, fishing, rare breed farming and holiday accommodation.’:

‘Proposals to diversify and expand upon the range of traditional agricultural related economic activities undertaken in rural areas will be permitted where a proposal meets the following criteria in full:

1. The proposal is complementary to, or compatible with, the agricultural operations in the rural area or on a farm and is operated as part of an overall holding.
2. The character, scale and location of a proposal are compatible with its landscape setting and any area of nature conservation importance.
3. The proposal would not use the best and most versatile agricultural land.
4. The likely amount of traffic generated by the proposal could be accommodated on the local highway network without harming road safety and without adverse visual impact upon the surrounding countryside.
5. Any new building (and associated parking and other structures/storage) does not detract from the historic environment is modest in scale and is sited in or adjacent to an existing group of buildings and is of a compatible design and will blend into the landscape in terms of design, siting and materials.
- 6 The proposal would not cause noise, air or water pollution or flooding nor harm the amenity of local residents.
7. All new agricultural and agricultural related buildings within 1 kilometre of sighting of barn owls or signs of their activity with a ridge height of 3 metres or more shall make suitable provision for the nesting of barn owls, whether or not they have been observed at the site.'

Given that the text paragraph 24.4 of the reasoned justification to the policy specifically states that holiday accommodation is an acceptable form of rural diversification, and given that the site is used as part of an agricultural holding with an approved agricultural workers dwelling on the site, it is considered that the principle of holiday accommodation is acceptable. Consideration of the application therefore turns to consideration against each of the above criteria. Taking each of these criteria in turn:

1. The proposal is complementary to, or compatible with, the agricultural operations in the rural area or on a farm and is operated as part of an overall holding - The existing farm shop and holding serves a mixture of local residents and tourists. Turnover increases significantly in the Summer months and at December which emphasises this market. It is therefore clear that the introduction of tourist accommodation would be complementary to and compatible with the existing use.

2. The character, scale and location of a proposal are compatible with its landscape setting and any area of nature conservation importance - The site as a whole benefits from a prominent location within the AONB, with views West towards Newton Poppleford and the Otter Valley. However, the mobile home is contained mainly within the site, with a glimpsed view from the main road of the South elevation. It is proposed to improve this view by the planting of trees and shrubs, which would alleviate any significant impact on the landscape.

3. The proposal would not use the best and most versatile agricultural land - The land is not agricultural and was previously used as part of the car parking area for the farm shop.

4. The likely amount of traffic generated by the proposal could be accommodated on the local highway network without harming road safety and without adverse visual impact upon the surrounding countryside - It is anticipated that one or maximum of two

vehicles will access the site, and will use the existing parking area for the farm shop. This would not impact on the surrounding road network or the surrounding countryside.

5. Any new building (and associated parking and other structures/storage) does not detract from the historic environment is modest in scale and is sited in or adjacent to an existing group of buildings and is of a compatible design and will blend into the landscape in terms of design, siting and materials - Although this is not a new building, the application is for its retention and therefore has to be considered as one. It is situated in a cluster of buildings with the farm shop and log cabin, is considered modest in scale and, because it is not visible in the wider landscape is considered to be acceptable on that basis.

6. The proposal would not cause noise, air or water pollution or flooding nor harm the amenity of local residents - The building is sited away from any residential dwelling, with the exception of the approved log cabin on site, and therefore there is not considered to be any amenity harm.

7. All new agricultural and agricultural related buildings within 1 kilometre of sighting of barn owls or signs of their activity with a ridge height of 3 metres or more shall make suitable provision for the nesting of barn owls, whether or not they have been observed at the site - The building is just under 4 metres in height and it is not known whether there are any signs of activity within 1 kilometre, however this building has been occupied as a home for a number of years, and there was no evidence at the time of the site visit that barn owls had roosted here, or that this is a suitable site given its proximity to the farm shop and the nature of the building's construction.

In light of the above the proposal complies with Policy E4 of the adopted Local Plan.

In addition to Policy E4, Strategy 33 of the Local Plan states that the Council will support and facilitate year-round tourism in the District, providing it does not damage its natural assets. The applicant has stated that this will be a year round offering, which contrasts with a number of hotels and other forms of accommodation in Sidmouth which close during the winter. The need for such accommodation has been supported by the Council's tourism champion.

Other issues raised by objectors.

There is reference to the site being visible from various points in Newton Poppleford and Harpford. Officers have visited the parts of the village mentioned and the building itself is difficult to pick out, certainly when compared to other buildings and structures on Four Elms Hill. It is therefore considered that the wider impact on the AONB is very minimal. Even given the need to give great weight to conserving and enhancing the natural beauty of the AONB, there is no harm that has been identified.

Whilst it is argued that the number of buildings on the site has increased considerably in recent years, due to extensions to the farm shop and the log cabin, the current application is relatively well contained within the site, and the expansion of buildings alone is not a reason to refuse an application in the absence of wider harm.

There are references to the need for a rural workers dwelling to be constructed. However, this is a separate issue and this matter was appraised under application 15/2866/FUL. It is correct that an agricultural survey was submitted with this application which showed that the business was financially viable. Further evidence has since been provided by the applicant which shows a drop in the level of turnover being achieved (albeit only 1 year has passed since consent was granted for the agricultural workers dwelling and within 4 months of that consent this application was submitted).

This is due to changing patterns of shopping, particularly falling meat prices in local supermarkets. This reduction of approximately 20% could be bridged by the income from holiday lets. The letting of the unit for holiday purposes would remain very much subservient to the main use of the land for the growing and selling of produce.

Assessment against previous refusal

The refusal of the previous application to move the home and convert to holiday accommodation was due to its unsustainable location remote from public transport and detrimental visual impact on the AONB.

It is accepted that the site does not benefit from any improved public transport links since the previous application but this application has been submitted as a rural diversification scheme under Policy E4. Policy E4 does not have a criteria related to the holiday accommodation being located in a sustainable location close to services and facilities and as such this reason for refusal have been overcome by the application proposing and detailing how this is a rural diversification proposal.

The second reason for refusal referred to the location of that unit, which would have been further down Four Elms Hill in a more prominent location. As a more isolated feature, this would have been more visible from the wider landscape and AONB and a public footpath. This is not the case with the current proposal, which is visible from the road immediately outside of the access but not from wider views.

Conclusion

This is an application to retain the mobile home, the original use of which has now ceased. It is proposed to make slight conversions to the property to enable it to be run as short term holiday accommodation, as part of the rural diversification of the agricultural/business holding.

Despite its location within the AONB, the physical and visual impact of the building is acceptable, and it is considered on balance that the proposal meets the criteria of Policy E4 - Rural Diversification, as set out in the adopted policies of the Council, and that the reasons for refusal relating to a previous application have been overcome.

Whilst concerns have been raised with regard to other aspects of the business operation and how development at this site has come about, this is not a matter for consideration with the current application that must be considered against adopted policy that supports such proposals subject to compliance with a number of criteria.

On the basis that the proposal complies with the criteria to Policy E4, and conserves the natural beauty of the AONB, the application is recommended for approval subject to conditions.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
2. The development hereby approved shall be occupied for holiday purposes only in conjunction with the operations at East Hill Pride Farm. It shall not be sold or leased separately to the farm shop business. At no time shall the accommodation be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of all occupiers and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.
(Reason - To ensure that the accommodation hereby permitted may not be used as a separate dwelling in this open countryside location where new development is restricted in accordance with Policy E16 - Proposals for Holiday or Overnight Accommodation and Associated Facilities and Strategy 7 - Development in the Countryside of the Adopted East Devon Local Plan 2013-2031.)
3. Further details showing the planting of trees and/or shrubs adjacent to the Southern elevation of the unit hereby approved shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the unit for holiday accommodation. The planting shall be carried out in the next planting season. Any trees or shrubs which form part of the scheme which die within the first five years of planting shall be replaced on a like-for-like basis, unless otherwise agreed in writing.
(Reason- in the interests of landscape planting in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)

Plans relating to this application:

101	Location Plan	13.01.17
302	Proposed Elevation	12.01.17

List of Background Papers

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

Ward Woodbury And Lymestone

Reference 17/0053/FUL

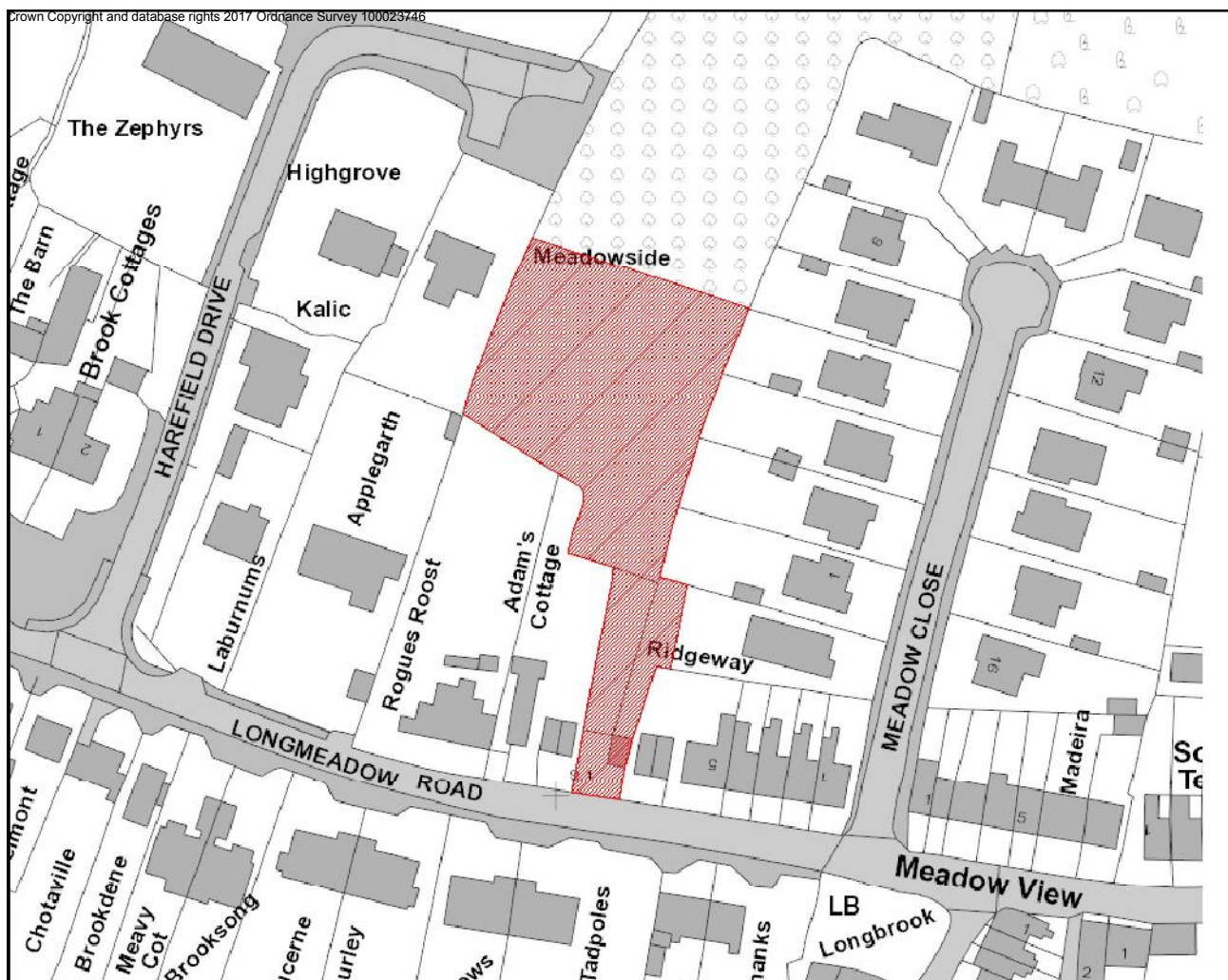
Applicant Mr David Matthews (KD Homes Ltd)

Location Land On The West Side Of Exmouth Road
(Land Off Longmeadow Road) Lymestone

Proposal Construction of detached dwelling and garage



RECOMMENDATION: Approval with conditions



		Committee Date: 12th June 2017
Woodbury And Lympstone (LYMPSTONE)	17/0053/FUL	Target Date: 13.03.2017
Applicant:	Mr David Matthews (KD Homes Ltd)	
Location:	Land On The West Side Of Exmouth Road	
Proposal:	Construction of detached dwelling and garage	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the committee because the officer recommendation is contrary to the view of the Ward Member.

Planning permission is sought for the construction of a further dwelling on part of a larger site on which two dwellings are currently being constructed.

The site is located within the built-up area of Lympstone and there is therefore no objection to the principle of a further dwelling on the site, subject to the impact of the proposed development being acceptable.

This part of Lympstone is residential in character with a wide variety of design, scale and form of dwellings surrounding the site. The proposed dwelling would be viewed within this context and set back from the road, and it is not considered that it would be overly prominent or have a detrimental impact on the character of the area. Similarly the orientation of the proposed dwelling, its position and distances from neighbouring properties is such that it is not considered to have an unacceptable impact on the residential amenities of the occupiers of neighbouring properties.

A further dwelling on the site will not have a significant impact on traffic volumes and given the adequate visibility into and from the site and the adequate on-site parking, no objections are raised from a highway perspective.

Concerns have been raised regarding the impact of an additional dwelling on drainage and flooding within the vicinity of the site, however the submitted drainage details and strategy have been found to be acceptable, and there are no objections raised from the technical consultees in this respect. It is therefore considered that it would be unreasonable to withhold permission on this basis,

and the application is therefore recommended for approval subject to appropriate conditions.

CONSULTATIONS

Local Consultations

Woodbury & Lympstone - Cllr B Ingham

Further to our brief chat this morning, I want to confirm my sincere reservations about this application being approved without a full review of both flooding and the sewerage system in this locality. Since the two other plots on the site have been started, extra surface water has been causing problems. Please take a look at Lympstone PCs comments. I am not convinced SWW fully understand what they need to control here.

Parish/Town Council

08/02/2017 Object

The proposal will add to the existing drainage problems of this site already seen during the construction of the two other dwellings on the site. The dwelling would be connected to a foul sewer which is already known to be inadequate for existing connections, with SWW paying compensation to nearby property owners when the sewer discharges into their property.

The Neighbourhood Plan has several policies against which this proposal needs to be judged

Objective 3 seeks to ensure that new housing meets the needs of the Parish community. Policy 4 identifies the types of housing required ,namely affordable housing, 2/3 bed houses and single storey homes adapted for the elderly. The provision of another large house does not meet this policy. Since the Neighbourhood Plan was made 4 such properties have been approved and no new approvals granted for the type of housing that the Parish wishes to see. This undermines the whole credibility of the Plan.

Policy 6 states that the density of housing will reflect the existing grain/density /pattern of surrounding housing. The site is bounded to the east by a cul de sac development of bungalows, to the west by a mixed development of detached houses and bungalows and to the south by a listed farmhouse and cottage and a terrace of Victorian houses. This proposal completely ignores this setting.

Policy 7 sets out design criteria for new development. It recognises that there is room for imaginative new design sympathetic to the traditional buildings of Lympstone. There is no indication that the design of these dwellings has been informed by an analysis of local building traditions.

The policy states that plans should show how the close and informal juxtaposition of buildings will be reflected in new development. This scheme fails to address this at all. The policy also states a preference for new dwellings to be built of traditional materials and generally have pitched roofs. This scheme uses a mix of very shallow mono pitched zinc roofs and flat roofs and again fails to meet this consideration.

The scheme therefore fails to comply with policies 4.6 and 7 of the Neighbourhood Plan.

The Parish Council would welcome the support of the District Council in upholding the policies of the Neighbourhood Plan and would request that this application be refused

09/05/17 – Further comments:

Object. The Council is still very concerned about these drainage proposals given the extensive area of non-permeable surfaces on the site with the increased surface water runoff that will result. There have been considerable problems with run off from this site during the construction of the two dwellings already approved and the Council requests East Devon to take the necessary enforcement action to prevent this happening in future.

Technical Consultations

DCC Flood Risk Management Team

10/05/17 - LOCATION: Land at Longmeadow Road, Lympstone

Recommendation:

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

Observations:

The applicant has submitted sufficient information in relation to the surface water drainage aspects of the above planning application in order for it to be determined.

Further to the submission of an updated drainage layout (Drawing No. C-GA-100-P7, Rev. P7, dated 14/04/17) and the submission of an updated drainage strategy document (Proposed Residential Drainage Strategy - Longmeadow Road, Lympstone, Ref: 1214-C30, Rev c, dated March 2017) and acceptable strategy has been presented.

It is noted that concerns have been raised regarding temporary drainage during the construction of the previously approved dwellings. Suitable methods to control runoff during the construction should be implemented on the site to prevent runoff exiting the site.

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.

South West Water

25/04/17 - I refer to the above and would advise that South West Water has no comment on the revised plans.

I refer to the above and would advise that South West Water has no objection subject to foul and surface water discharges being managed in accordance with the drainage strategy submitted with the application.

County Highway Authority

31/03/17 - Observations:

Recommendation:

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

Other Representations

Nine representations have received, all raising objections which are summarised below:

- Access is too narrow to serve the dwellings
- New dwellings will add to the existing parking problems
- Delivery lorries block the highway
- Surface water run off causing damage and blocked drains
- Proposal will increase flooding problems
- Proposed surface water system inadequate and impractical
- Problems with proposed pumping system when power cut
- Existing drainage problems will be exacerbated
- Visual impact and loss of outlook
- Additional noise and disturbance
- Style and scale of proposed dwelling out of character with the area
- Potential structural damage to property
- Additional dwellings will increase traffic on roads
- Do not need further large scale housing in the village
- Proposal contrary to Lympstone Neighbourhood Plan
- Problems with TV signal arising from new development

RELEVANT PLANNING HISTORY

Reference	Description	Decision	Date
15/2848/FUL	Construction of two detached dwellings	Approve	30.08.2015
15/0179/FUL	Construction of one detached dwelling and double garage	Approve	18.06.2015
14/1003/OUT	Development of 11 retirement bungalows with associated access	Withdrawn	03.09.2014

13/0093/FUL	Construction of one detached dwelling and double garage and laying of access driveway from Longmeadow Road	Approved	25.04.2013
11/2839/FUL	Construction of two detached dwellings and garages and formation of new access and driveway from	Refused	05.04.2012
05/2776/OUT	Residential development and new access road	Withdrawn	06.12.2005

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Lympstone Neighbourhood Plan

Site Location and Description

The application site lies to the north side of Longmeadow Road within the Built-Up Area Boundary of Lympstone. It lies between the road and a further site to the north upon which two dwellings have been approved and which are currently being constructed

The land slopes steadily south towards Longmeadow Road, with the application site lying at a lower level than the dwellings under construction. The access to the site continues to slope down towards Longmeadow Road.

Proposed Development

Planning permission is sought for the construction of a two storey dwelling together with a detached double garage and further parking and garden. The design of the proposed house is similar to that of the other two dwellings approved to the north, with four bedrooms on the first floor and living accommodation below.

Proposed materials are also similar to that approved on the other plots to the north, with rendered and boarded walls under an asymmetrical profiled dark grey membrane roof.

Consideration and Assessment

The main issues are considered to be the principle of a further dwelling in this location and impact on character and appearance of the area; on residential amenity; drainage implications and flood risk; and any highway safety issues.

Principle

The site lies within the built up area boundary for Lypstone in the adopted East Devon Local Plan, Lypstone Neighbourhood Plan and formed part of the larger application site identified on the approval submitted under reference 15/2848/FUL. As such it is therefore considered that the principle of residential development on the site is established and acceptable.

Whilst the concerns raised by the Parish Council in respect of the scale of the proposed dwelling and the need within the village for small scale and affordable housing as identified in the Neighbourhood Plan are recognised, this site is not considered to be an appropriate one for a more intensive development of smaller dwellings given its location, relationship with existing dwellings and the access which would not be considered to be suitable for a more intensive development.

Policy 4 of the Neighbourhood Plan requires new housing to meet the needs of the Parish (affordable housing, 2 and 3-bed family homes and single-storey homes adapted for the elderly). However, this needs to be balanced against other policies in the Neighbourhood Plan (Policies 6 and 7) that seek to ensure that development respects its context. The proposed development of a large single dwelling, whilst not meeting the identified need for Lypstone, is obviously following the character set by the two dwellings approved to the north and given the size of the plot and access restrictions, it is not considered that a refusal of planning permission on the basis that a further four bedroom house is proposed could be sustained on appeal. The range of housing needed and proposed under Policy 4 of the Neighbourhood Plan can come forward via the housing sites allocated in the Neighbourhood Plan and other in-fill development of smaller sites where the local character is more reflective of two and three bed family homes and single storey homes adapted for the elderly. As the proposal is for a single dwelling, affordable housing cannot be secured.

Character and Appearance of the Area

The character of the properties in this part of Lypstone is very mixed, with the properties fronting Longmeadow Road comprising a combination of older terraced properties, semi-detached post war dwellings, more modern detached bungalows, detached traditional properties and a new contemporary dwelling opposite to the entrance. To the east there are the rear gardens of the bungalows in Meadow Close, and to the west are larger detached properties of various design styles.

In this respect whilst the design and scale of the proposed dwelling is very similar to those approved under the previous consents to the north of the site (that to some extent now set the site context to be followed) there is no clear locally distinctive form or design of the other surrounding properties and as such it would not be reasonable to withhold permission on the basis that the proposed dwelling would be at odds with the character of the village or more traditional design of other parts of Lymstone contrary to Policy 7 of the Neighbourhood Plan.

The properties to the north which are currently under construction are located on higher ground and would be more prominent in views from Longmeadow Road than that proposed by this application, although given the existing frontage development in the vicinity they are largely screened from public view. It is not considered that a further dwelling on the lower part of the site will have any significant or unacceptable visual impact on the character and appearance of the wider area.

Residential Amenity

The introduction of a third dwelling on this site will inevitably result in some additional impact in terms of activity levels on the site, with further vehicle and pedestrian movements. However this is a large site which is located within an existing residential area characterised by close knit development and quite high levels of activity, and it is not considered that a single additional dwelling will make a significant contribution to the overall activity within the vicinity such that this could form a reason to withhold consent. The concerns relating to the additional use of the driveway are appreciated, although these are similarly not considered to be unreasonable within the wider context of existing development.

In terms of overlooking, loss of privacy and visual intrusion, the distances of the proposed dwelling and its relationship with existing properties is considered to be reasonable. The design of the proposed dwelling is such that the main orientation is towards the south with a distance of 18m to the boundary and approximately 50m to the closest dwelling. There are 3 high-level secondary bedroom windows proposed to the east facing elevation at a distance of approximately 30m to the closest dwelling and no first floor windows to the west facing elevation (a distance of approximately 14m to the closest dwelling). There is approximately 27m from the rear of the dwelling to the dwelling under construction to the north.

Despite these distances, the previously approved dwellings on the site have permitted development rights withdrawn for development within classes A and B of The Town and Country (General Permitted Development) Order. This was to ensure that the dwellings were not enlarged in a way which would be harmful to the amenity of the occupiers of other dwelling, or detrimental to the design. This is considered reasonable and, in the event that this application is approved, it is considered appropriate to impose the same condition.

Drainage and Flood Risk

One of the principle issues raised by the Parish Council, Ward Member and in the representations received in respect of the proposed development are in relation to any further development of this site exacerbating flood risk and increasing surface water

run off problems within the area. There have been previous issues with surface/foul water in the area.

These concerns have been raised by a number of residents and the submitted drainage strategy. This strategy details surface water being dealt with via a controlled discharge via a private attenuation tank as soakaways are not possible due to ground conditions. Foul drainage is proposed via gravity to the SWW foul sewer network (or if not possible due to the need for third party consent, via pumping). These details have been considered by South West Water and the Devon County Flood Risk Team, both of which raise no objections to the proposal, although the Flood Risk Team have requested that further information be submitted in respect of the drainage arrangements during the construction period. It is considered that given the concerns raised a suitably worded pre-commencement condition should be imposed should the application be found to be acceptable in other respects.

Whilst the concerns of the Parish Council and residents are appreciated, it would be unreasonable to withhold planning permission on the grounds of drainage and flood risk in the absence of any technical or expert objection from SWW or Devon County as the drainage authority. As such, and subject to appropriate conditions to ensure that the submitted and detailed drainage strategy is implemented there is no objection to the proposal on these grounds.

Highway Safety

An additional dwelling on the site will increase vehicular movements onto Longmeadow Road, however from a highway safety perspective the access arrangements have been accepted to serve the development of this site, and the additional movements between two and three dwellings is not considered to be such that planning permission could reasonably be resisted, particularly bearing in mind there are no objections from the Highway Authority. Any greater number of dwelling would need greater consideration and could lead to highway safety concerns.

Other Matters

Since the previous approvals on the site, the Council has introduced the Community Infrastructure Levy and the application is therefore accompanied by the appropriate CIL form to ensure appropriate contributions are received (£125 per square metre unless exemptions/relief are applicable).

Conclusion

The proposed dwelling is located within the built-up area boundary of Lypstone. It is considered that whilst large the proposed dwelling would not result in any detrimental impact on the character and appearance of the area or harm to amenity to an extent that could justify refusal of permission on the basis of being contrary to the adopted Local Plan or 'Made' Neighbourhood Plan. As such it is considered acceptable and is recommended for approval subject to conditions.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
4. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule 2 Part 1 Classes A or B 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 without detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

6. Before any development commences details of final finished floor levels and finished ground levels in relation to a fixed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that adequate details of levels are available and considered at an early stage in the interest of the character and appearance of the locality in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
7. The development hereby approved shall be carried out in accordance with the drainage strategy shown in plan numbers C-GA-100 (Rev P7) and C-GA-300 (Rev P1) received on 18 April 2017, as well as information contained within the Geotechnical Investigation and Contamination Assessment Report (dated May 2016, with reference AC/SR/16212/GICAR) and Proposed Residential Drainage Strategy (Dated March 2017 and received on 20 March 2017, with reference 1214 - C300).
(Reason - To ensure that the proposal does not lead to excessive run-off, or contribute to flood risk in Lymestone, and to comply with Policies EN21 (River and Coastal Flooding) and EN22 (Surface Run-off Implications of New Development) of the Adopted East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework).
8. Notwithstanding the implementation of the proposed drainage strategy approved by condition 7, no works shall commence on the dwelling hereby approved until details of a scheme for the suitable method to control runoff during the construction period has been submitted to and approved in writing by the local planning authority. The works shall be undertaken in accordance with the approved details.
(Reason – To ensure that the proposal does not lead to excessive run-off, or contribute to flood risk in Lymestone, and to comply with Policies EN21 (River and Coastal Flooding) and EN22 (Surface Run-off Implications of New Development) of the Adopted East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework).

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

C-GA-100 Rev P7	Other Plans	18.04.17
C-GA-300 Rev	Other Plans	18.04.17

P1

DRAINAGE STRATEGY	General Correspondence	20.03.17
15063.SLP3	Location Plan	09.01.17
15063-33 B : GROUND	Proposed Floor Plans	09.01.17
15063-34 B : 1ST FLOOR+ROOF	Proposed Plans Combined	09.01.17
15063-35 B : PLOT 3	Proposed Elevation	09.01.17
15063-36 : PLOTS 1+2+3	Proposed Site Plan	09.01.17

List of Background Papers

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

Ward Ottery St Mary Rural

Reference 17/0523/OUT

Applicant Stuart Partners Ltd

Location Land At The Gap Lower Broad Oak Road West Hill Ottery St Mary EX11 1UD

Proposal Outline application for up to two dwellings with associated access (details of layout, scale, appearance and landscaping reserved).



RECOMMENDATION: Refusal



		Committee Date: 12th June 2017
Ottery St Mary Rural (OTTERY ST MARY)	17/0523/OUT	Target Date: 27.04.2017
Applicant:	Stuart Partners Ltd	
Location:	Land At The Gap Lower Broad Oak Road	
Proposal:	Outline application for up to two dwellings with associated access (details of layout, scale, appearance and landscaping reserved).	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before Committee as the view of officers differs from that of a Ward Member.

The application seeks outline planning permission for up to two dwellings on a site located on Lower Broad Oak Road, outside of the previously adopted and emerging Built-up Area Boundaries (BuABs) for West Hill. The site has been subject to a previous application in 2016 seeking outline permission for up to three dwellings (including two affordable) on the same site. The previous application was refused based on the fact that the site was outside the previously adopted BuAB and in the absence of a proven local affordable need or support through a Neighbourhood Plan or other community initiative there was no policy support for such a proposal. In addition to this, the proposal would have involved the removal of an extent of hedge bank and Beech tree to create the vehicular access and visibility splays which would have had a detrimental impact on the rural character and appearance of the area and the indicative layout suggested that there would have been an unacceptable impact upon the residential properties to the south. In light of the Inspector's decision in the West Hayes appeal (APP/U1105/W/16/3156018) which gave no weight to the previously adopted BuAB for West Hill, the applicant has now submitted an amended scheme which attempts to resolve the issues surrounding detrimental impact upon the dwellings to the south.

Since the previous application was refused in August 2016 the Council has published and consulted on the Proposed Submission version of the East Devon Villages Plan DPD which identifies the proposed new BuABs for the villages identified in Strategy 27 of the Local Plan, including West Hill. At this advanced stage of plan preparation the new BuABs generally carry some weight and are

being used for development management purposes. However, the boundary for West Hill and this site in particular is subject to outstanding objections and this limits the weight that can be attributed to it. Even so, the BuAB setting process considered whether this site should be included within the new BuAB or not. Applying the criteria, the site was excluded from the boundary mainly because it would extend the built form of the settlement. That being the case, there continues to be no policy support for the principle of developing this site for housing.

In spite of the lack of policy support, the concerns about the impact upon the neighbouring dwellings to the south have been resolved and the site continues to offer convenient access to village amenities. However, concerns remain about the adverse impact on the character and appearance of the area arising from the creation of the access and visibility splays, as well as the impact of the dwellings themselves. A further concern regarding the access has also been identified which is that the justification for providing below-standard visibility splays is unsound and can only be resolved by commissioning a traffic speed survey at the proposed access point.

In view of the outstanding concerns and the conflict with the emerging East Devon Villages Plan, the benefits of the location are not considered to outweigh the harm to the character and appearance of the area and highway safety.

CONSULTATIONS

Local Consultations

Ottery St Mary Rural - Cllr P Carter

In the light of a recent appeal decision giving weight to small developments in sustainable locations, which this application fulfils that criteria, with the new Villages plan out for consultation and the recent inspector decision giving no weight to the West Hill BUAB makes for a very interesting application. That in the event of not been supported by the officers then I would like to see this application before DMC.

Ottery St Mary Rural - Cllr M Coppel

I wish to register my initial objection to this application on the basis that it lies outside the BUAB.

Should my opinion differ from that of the officers then I reserve my final judgement until the day of committee.

Clerk To Ottery St Mary Town Council

Town Council Comments:

The Town Council does not support this application as it is outside the BUAB and there were will be removal of some Devon bank

Other Representations

Two objections have been received which raise the following concerns:

- The site is outside the emerging boundary
- Development would extend the built form

- Loss of privacy
- Light pollution
- Loss of hedgebank
- Unsafe access owing to traffic speeds and poor visibility
- Lack of need for the dwellings
- Distance from amenities
- The benefits do not outweigh the harm

Technical Consultations

County Highway Authority
Highways Standing Advice

EDDC Trees

On the whole I have no objection in principle to the footprint of the development, however I have serious concerns over the loss of the historic hedge bank along Lower Broad Oak Road for the access, this loss will have a serious visual and amenity impact to the area when there is a better solution on the eastern side of the plot allowing access down the drive to The Gap.

PLANNING HISTORY

Reference	Description	Decision	Date
16/0239/OUT	Outline application for three dwellings (including 2no affordable units) with associated access (details of layout, scale, appearance and landscaping reserved)	Refusal	05.08.2016
85/P1633	Residential Development	Refusal	10.12.1985
80/P1955	Erection Of One Bungalow	Refusal	27.01.1981

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 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

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

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

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

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Site Location and Description

The site is approximately 0.39 hectares in area and comprises two improved grassland paddocks, one of which is significantly larger than the other. It is situated on the eastern side of Lower Broad Oak Road between a pair of bungalows to the south and a single bungalow which is under construction to the north. On the western boundary with Lower Broad Oak Road there is a mixed species hedgebank and enclosing the paddocks there is an internal post and rail fence. Screening the site from the bungalows to the south there is a cypress hedge. Access is currently from a private driveway adjacent to the eastern boundary which also serves 'The Gap' and the new bungalow to the north.

The site and surrounding land is covered by a woodland tree preservation order but the paddocks are largely unconstrained by trees. The only tree likely to be affected by development has recently been felled. This was a beech located on the western boundary hedgebank.

Proposed Development

Outline planning permission is sought for a development of up to two dwellings along with approval of the means of access to the site. All other details, these being the appearance, layout and scale of the dwellings and the landscaping of the site, are reserved for future consideration.

The submitted access layout shows a splayed entrance that would be positioned close to the North West corner of the site and laid out with 2.4 metre by 25 metre visibility splays in both directions. Beyond the entrance the driveway is shown as being 4.8 metres in width.

The submission also includes an indicative site layout that shows the main paddock evenly split into two plots served by a driveway across the northern edge of the site. In this arrangement the smaller paddock would be undeveloped.

Main Issues

This application follows the refusal in August 2016 of a scheme for three dwellings, two of which would have been affordable dwellings. The reasons for refusal related to:

1. The lack of evidence of need for additional affordable housing in West Hill;
2. The adverse impact of the proposed dwellings and the new access on the character and appearance of the area; and
3. The adverse impact on the living conditions of the occupiers of adjacent dwellings.

In the current scheme the number of dwellings has been reduced from three to two and the affordable housing has been omitted in order to partially address these concerns. The policies relevant to this proposal remain those set out in the East Devon Local Plan 2013-2031 but since the previous scheme was refused, the East Devon Villages Plan has reached a more advanced stage and is a material consideration.

With these factors in mind, the main issues to consider in this application are:

- The principle of development having regard to the weight to be given to the emerging East Devon Villages Plan;
- The effect of the development on the character and appearance of the area;
- The effect of the development on the living conditions of the occupiers of adjacent dwellings; and
- The safety of the proposed access.

Principle of Development

West Hill is a village which has been identified in Strategy 27 of the Local Plan as offering a range of accessible services and facilities to meet many of the everyday needs of local residents as well as having reasonable access to public transport. Although the Local Plan does not allocate any sites for development in the village, West Hill will have a Built-up Area Boundary (BuAB) within which new dwellings will

generally be permitted subject to detailed considerations. Beyond this boundary development will only be permitted in exceptional circumstances where there is specific policy support or material considerations indicate that planning permission should be granted.

The BuAB will be defined in the East Devon Villages Plan. This document has reached an advanced stage, having been through two rounds of public consultation as well as an initial stage of consultation on the criteria for defining the boundaries. However, the plan will not go to Public Examination until late 2017 and is not expected to be adopted until 2018, subject to the outcome of the examination.

At the Strategic Planning Committee meeting on 20 February 2017, it was agreed that the Built-up Area Boundaries defined in the Publication Villages Plan, from the 23 February 2017, would be used as primary policy for development management purposes instead of the boundaries on the inset plans included in the previously adopted Local Plan. However, at this meeting it was explained that until the Villages Plan is adopted, the weight that can be attributed to the emerging boundary is limited according to the objections received.

The consultation on the Publication Villages Plan closed on 10 May and in respect of West Hill there have been some objections as well as a letter of support. In relation to the application site, there has been an objection from the applicant's agent. A number of points are made in the objection but the essential argument is that inclusion of the site (and some additional land/buildings) within the boundary would result in a more logical and sensible boundary that follows more clearly defined features and would contain a part of the village that is very well related and connected to primary local services.

The proposed boundary was carefully drafted to follow established boundary features such as fences and hedges and to define the core built-up area. The site is a relatively large area of undeveloped land on the fringes of the village where there is further undeveloped land to the east and west. The boundary was drawn to include contiguous built development but to exclude land or gardens with the potential to extend the built-form of the village. Criterion A1 specifically excluded expansion of the boundary to facilitate additional development. For these reasons the site and the relatively isolated dwellings to the south have been excluded from the proposed boundary. While it is common ground that the site is well located for access to local amenities, a second stage of analysis relating to the accessibility of local amenities was not applied to this site because it had already been excluded at the first stage of analysis. In assessing the accessibility of various parts of the village in the second stage, there was no intention to identify areas outside the core built form for inclusion in boundary as the Local Plan is not seeking to allocate any housing land in villages.

The current situation is therefore that the site lies outside the former boundary, which now carries no weight whatsoever, and outside but adjacent to the emerging boundary, to which there are unresolved objections. In view of the objections the weight that can be given to the emerging boundary is limited. This does not mean, however, that the plan is absent or silent in relation to the distribution of housing in the district.

In policy terms, the site is in open countryside where Strategy 7 applies and development is restricted but also near a village which is regarded as appropriate for limited new development in accordance with Strategy 27. Furthermore, the Council can demonstrate a five year supply of housing land which means that the housing supply policies in the Local Plan are considered to be up-to-date. In accordance with these policies, housing will only be supported in West Hill if it is inside the boundary or if it is community led. However, in view of the limited weight that can be given to the emerging boundary, this site should be considered on its merits and the proposal should be assessed against the requirements of the Local Plan taken as a whole.

This leads onto the second main issue.

Effect on the Character and Appearance of the Area

Strategy 7 of the Local Plan lists a number of criteria with which development in the countryside should comply. In accordance with this strategy, development should not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

- 1. Land form and patterns of settlement.*
- 2. Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings.*
- 3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.*

Lower Broad Oak Road changes in character along its length and whereas the northern and southern stretches are fairly built-up, the central section where the site is located is more rural in character. From the entrance to 'Elsdon' to a point about 500 metres to the south near 'The Pygthle', there is sporadic development and relatively extensive areas of open space and woodland. There are also few breaks in the roadside hedgerows other than a small number of access points.

Along this central stretch, Lower Broad Oak Road skirts around the edge of an area of woodland and crosses a shallow valley. The area of woodland and fields on the west side of Lower Broad Oak Road reach into the centre of the village and connect with the fields and paddocks on the east side, including the application site. Although there is some sporadic development on the east side of the road and a pair of dwellings yet to be built (at the site adjacent to Badgers Bend), the low density and rural character justify exclusion of this area from the BuAB.

Along the road frontage of the site and extending to the south and north there is a continuous and well established hedgerow which forms a strong boundary to the road. This is repeated on the opposite side where the hedgerow boundary of the gardens of Elsdon flats and the woodland to the south also form a strong boundary to the road. These relatively extensive and lengths of hedgerow give the road a pleasing rural character which contributes positively to the character and appearance of the area.

The proposed access and visibility splays would breach that boundary at a particularly attractive straight section of the road where there is otherwise little intrusion from

development. Furthermore, it would open up views into the site and of the dwellings and other domestic paraphernalia. Even if the dwellings were restricted to single storey, like the dwellings to the north and south, the effect on the character of the lane would be harmful.

Turning to the impact of the dwellings, even if they were single storey buildings, they would infill an open space and extend the built form southwards from the core built-up area. This would have an urbanising effect which would be exacerbated by the proposed access and splayed hedgerows. While the scale, layout, appearance and landscaping have yet to be agreed, any development on this site would have a detrimental impact on the character and appearance of the area.

The submitted planning statement downplays the impact of the development by failing to identify the hedgebank as a notable landscape feature and dismissing the effect of opening up views into the site as being characteristic of the area. Drawing comparison with 'many driveways, field entrances, and access points made in hedgerow across the village' fails to acknowledge the special qualities of this particular hedgebank. It forms, along with its counterpart opposite, a pleasing vista which screens existing development and conserves the rural character of the lane in this edge-of-village setting. Breaching the hedgebank and opening up views into the site would significantly change the character of the lane and conflict with the objectives of the West Hill Village Design Statement and the Local Plan.

The combined effect of the dwellings and the new access on this attractive semi-rural part of West Hill weighs heavily against the scheme. Furthermore, as there is an existing access to the site using the private driveway to the east, the loss of hedgerow and harm to the character and appearance of the area is unnecessary. While the applicant has argued that the existing access is unsuitable, this has not been substantiated and is not supported by an objection from the highway authority.

Given the availability of an alternative access, the harm to the character and appearance of the area caused by the new access cannot be justified.

Effect on Living Conditions

The previous proposal was for a more dense development of three dwellings. In the absence of any details of scale, the proposal failed to demonstrate that three dwellings could be accommodated on the site without harming the living conditions of the occupiers of neighbouring dwellings.

Although the current application is also in outline, the reduction in density is such that two single storey dwellings could be developed which would not intrude on the neighbours by way of overlooking or dominance. Such a restriction in height would be acceptable to the applicant and could be secured by condition.

Concerns about privacy and light pollution have been raised by the neighbours to the south but these can be adequately addressed at reserved matters stage if the dwellings were to be restricted to single storey. Appropriate details of design, layout and landscaping could all be secured that would result in a harmonious relationship with the neighbouring properties.

Safety of the Access

The road has a speed limit of 30 miles per hour and would normally require 43 metre splays in each direction. The basis for reducing the splays to 25 metres is, according to the applicant's highway consultant, that traffic speeds are said to be lower than 30mph. The evidence for this is a speed survey for a different development on a different section of the road where a new access was also proposed (land south of Badgers Bend). However the characteristics of the road in the two cases are very different. Outside the current site, the road is straight and level with clear visibility of oncoming traffic. Anecdotally, traffic speeds are said to be relatively high. In contrast the road leading to other site is winding and descends/ascends a hill. Traffic speeds are inevitably lower around the Badgers Bend site and therefore it is not safe to assume that the visibility splays accepted for that site are appropriate for the land at The Gap. Following discussion with the Highway Authority, reduced visibility splays would only be accepted if supported by a speed survey taken at the site of the proposed access.

In the absence of sound justification for providing reduced visibility splays, the proposed access cannot be regarded as safe or compliant with standing advice. Furthermore, if longer splays are required then the harm to the character of the area would be greater than currently assessed.

Whilst highway safety did not form a reason for refusal on the previous application, now that this highway safety matter has come to light, it is considered necessary to include this as a reason for refusal on this application.

Other Matters

An ecological impact assessment has been submitted following a site survey in January 2016. The site and the assessment have since been reviewed in February 2017 and the contents of the original assessment are still considered to be valid. No significant adverse impacts were identified but a number of precautions and mitigation measures were advised in relation to the timing and method of carrying out the development, the landscaping of the site and the external lighting scheme. All necessary measures would be compatible with the development proposed and could be secured by condition.

A 'B' category protected Beech tree has been removed from the proposed visibility splay. While this loss is regrettable, it would be possible to secure replacement planting elsewhere on the boundary if planning permission were forthcoming.

Government guidance on tariff-style contributions, the adoption of CIL and the timing of the submission of this application mean that no financial contributions towards open space or habitat mitigation are required.

Details of drainage have not been provided but the site characteristics are such that a suitable scheme could be designed and secured by condition.

The land is classified as grade 3 agricultural land and supporting information indicates that this can be refined to grade 3b or 4. As it is not the Best and Most Versatile land, the tests set out in Policy EN13 are not triggered.

Conclusion

The scheme would bring a number of benefits:

- It would deliver additional housing
- The housing would be in a settlement with a good range of amenities
- The occupants would be able to walk or cycle to local amenities and would not need to rely on a car for all journeys
- There would be economic benefits during the construction phase and as a consequence of the occupants of the dwellings contributing to the local economy
- The occupants would contribute to maintaining a vibrant community

However, the following adverse impacts have been identified:

- The new access would adversely affect the character and appearance of the area by reason of the loss of hedgebank, the splaying of the hedgebank and the opening up of views into the site
- Development of the site would extend the built form of the village and diminish the attractive rural characteristics of the locality
- It has not been demonstrated that the access layout would provide adequate visibility for the road conditions

The proposal would therefore be contrary to Strategy 7 which only permits development that would not harm distinctive landscape qualities, including traditional field boundaries, Strategy 46 which states that development will only be permitted where it conserves and enhances the landscape character of the area and does not undermine landscape quality, Policy D1 which only permits development that respects the key characteristics and special qualities of the area and does not adversely affect important landscape characteristics and the West Hill Village Design Statement which states that development that causes unacceptable visual damage should be avoided.

In the NPPF the Government sets out its objective to boost significantly the supply of housing. Although there is currently a five year supply of housing land in East Devon, that should not prevent suitable sites being developed. West Hill has been identified as appropriate for limited infill development and this site has good access to local amenities. However, in this case the site is in an attractive semi-rural location on the edge of the village and is much less built up than those areas which are proposed for inclusion within the emerging Built-up Area Boundary, the criteria for inclusion of which the site fails. Development on the site, including the provision of a new access, would cause unacceptable harm to the character and appearance of the area to the extent that the benefits of the proposal are not considered to outweigh the harm. The questionable safety of the proposed access only adds to the concerns.

For these reasons the proposal is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development, including the removal of the existing road frontage hedge and bank and the premature loss of a beech tree to create the vehicular access and visibility splays shown on the submitted access layout drawing, would have an unduly detrimental impact upon the rural character and appearance of this part of Lower Broad Oak Road and the adjacent open area that contains the application site to its east. It would also represent an unjustified intervention in this part of the street scene in a part of the village which is outside the emerging Built-up Area Boundary. As a consequence, the proposal would be contrary to design principle D3 of the West Hill Village Design Statement, the provisions of Strategies 7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement and AONBs) and Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031 and the provisions of the emerging East Devon Villages Plan.
2. In the absence of sound reasoning to justify the provision of visibility splays of 2.4m x 25m at the proposed access, the proposal would not be in accordance with Devon County Council's 'Highways Development Management Advice for the Determination of Planning Applications', which requires splays of 2.4m x 43m, and would not ensure the safety of road users. Therefore the proposal would be contrary to Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

	Location Plan	02.03.17
18143-GA-001A	Other Plans	02.03.17
1002/17/BP REV A	Block Plan	02.03.17

List of Background Papers

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

		Committee Date: 12th June 2017
Raleigh (WOODBURY)	16/0845/MFUL	Target Date: 14.07.2016
Applicant:	F W S Carter And Sons Ltd	
Location:	Land Adj To Hogsbrook Farm Woodbury Salterton	
Proposal:	Proposed silage clamp and associated access (retrospective)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the officer recommendation is contrary to the views of the Ward Member.

The site lies in the open countryside where development should be strictly controlled so that it does not impact unreasonably on its surroundings, however, that does not represent a bar to development where proposed in accordance with an established use/one that is permitted by adopted policy and assimilates well into its surroundings.

The proposed clamp, which has been partly constructed, would replace an existing clamp which is no longer fit for purpose or large enough to accommodate the waste from the animals on site; the existing clamp would be re-used for storage of other 'dry goods' from the farm.

The additional information received in terms of the justification for the size of the proposed clamp is considered to be acceptable and would be commensurate with the agricultural needs of the holding. In this context it is considered to be reasonable to condition use of the clamp to the holding to prevent storage from any other source on any approval.

The clamp would be visible in its surroundings but read in conjunction with the existing farm buildings and adjacent anaerobic digester plant and whilst an existing landscaping bund would be enlarged to encompass the clamp, it is considered reasonable to require additional landscaping which should be secured by condition.

Access to the site would be formed from the main highway but also an internal access from the adjacent farm buildings where the majority of the waste would be produced, no objections have been received from the County Highway Authority.

It is therefore considered that the proposal would be commensurate with the size of the holding and would assimilate well (through additions to the proposed landscaping) without detrimentally impacting upon residential amenity or highway safety.

CONSULTATIONS

Local Consultations

Raleigh - Cllr G Jung

I have viewed the additional documentation for 16/0845/MFUL for a proposed silage clamp and associated access at land adjacent to Hogsbrook Farm Woodbury Salterton Exeter EX5 1PY.

Please note that I have been lobbied on this application and I have spoken to the Landowner/Developer on a number of occasions.

I would also add that this a retrospective application with the majority of the work complete.

I concur with the comments from the Landscape Architect from September 2016 and the new plans do not give me the confidence that would make me change my mind on this application.

The Landscape Architects Comments:

"The current application is unacceptable in landscape design term:

The current application offers very little consideration to the impacts on the landscape character and the visual amenity of the site. The application should have been accompanied by a landscape and visual appraisal assessing the impacts of the proposed development.

The current scheme does not include an appropriate landscape scheme, bunding alone will not offer sufficient mitigation and screening of the proposed development"

I have received a number of concerns from local residents that as the AD plant which is operated by a separate company "Greener for Life Ltd" which operates a number of local AD plants will use this clamp to provide feed for Hogsbrook Ad Plant as well as other plants within the ownership or management of them, thus requiring double handling and extra tractor movements.

It should be noted that 2 applications for the building of clamps for the supply of feed to the AD the plant at Clyst St Mary were recently withdrawn. I understand that there was concerns with these standalone Silage Clamps that the double handling and transport issues were a major planning concern.

If Greener for Life Ltd were to use this facility to feed their AD plants it would mean extra substantial transport movements within the area.

I am told that this could be covered by a "Planning Condition". However A condition to exclude this feed not to be used in the AD plant at Hogsbrook or elsewhere would be impossible to enforce or police by our officers.

Farm operations.

It was reported at the Parish Council last year that the number of cattle at the farm is being increased to 1000 head and therefore the extra Silage Clamp capacity is required.

This is contrary to information supplied previously by the owners who have over the past few years converted all but one of the cattle sheds to Industrial use due to a lack of return on the price from rearing cattle. (Ref Planning Application 15/1936/FUL and 15/1950/FUL).

Farm Track.

The original documents stated that the access for the new clamps will be along an extension to an existing track to the North East corner. However at the Parish Council meeting it was reported that the entrance will be through an entrance to the South exiting into the farm complex. This statement has been clarified within the new plan showing the correct access. Therefore my original concern regarding access can be withdrawn

The Key Issues that I listed in June 2016 were:

1. There is insufficient evidence to justify an agricultural need, and therefore fails Policy D7 Agricultural Buildings and Development" of the East Devon Local Plan.

2. I am also concerned that the drainage proposed is to be pumped back uphill to the existing Hogsbrook drainage. If this failed it could result in the Grindle Brook becoming contaminated. In my view therefore the application fails Policy EN14 "Control of Pollution" of the new Local Plan.

Environmental Health and the Environment Agency are both unable to comment on this issue and therefore I still have concerns that this application fails Policy EN14

3. Because there are no landscape proposals the application fails both Policy D1 "Design and Local Distinctiveness" and D2 "Landscape Requirements" of the Local Plan. As stated previously I would wish to see the landscaping proposals prior to giving this application approval.

4. There is a local concern that the Industrialization at Hogsbrook recently proposed (Now Approved by a Planning Inspector) by the developer constitutes an expansion of Greendale Business Park. The conversion of agricultural units into industrial units in a rural location, whilst at the same time constructing new agricultural facilities seems somewhat questionable. I still consider that on the one hand allow agricultural units to become Industrial units due to a reduction in the cattle numbers but on the other hand justify the clamp because of an increase in cattle to most odd.

5. The issue regarding the possible double handling and extra vehicle movements to redistribute the feed to other locations could be controlled by a condition attached to a planning consent. However how is this condition to be controlled, when numerous other planning issues at this site are already unable to be controlled satisfactorily?

6. A transport assessment would provide a clearer picture of the extra vehicle movements will be required.

Conclusion I therefore cannot support this application in its present form

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

Parish/Town Council

Support subject to a detailed planting schedule and an independent Agricultural appraisal (14.06.2016)

Technical Consultations

County Highway Authority

Does not wish to comment (01.06.2016)

Environment Agency

No objection subject to advisory (02.08.2016)

Our response for a proposed silage clamp would normally be as follows:

The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013. Environmental good practice advice is available in The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA). The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations.

Any agricultural development that will result in an increase in cattle numbers or water usage may adversely impact the storage of waste waters, slurry and other polluting matter.

The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations. You must inform the Environment Agency, verbally (Tel: 03708 506 506) or in writing, of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction, and once an agreed proposal has been constructed we will ask you to send us a completed WQE3 notification form before you start using the facility.

Health and Safety Executive

No objection (20.09.2016)

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

Environmental Health

No objection (11.08.2016)

I have considered this application and do not anticipate any concerns that come within the remit of Environmental Health. A number of concerns have been raised by the District Councillor but these do not fall within our areas of work

South West Water

No objection (10.06.2016)

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

Other Representations

Twenty eight letters of objection have been received citing the following concerns:

- Landscape Impact
- Highways
- Noise
- No demonstrable need (agricultural need)
- Existing Silage Clamps suitable for use

PLANNING HISTORY

16/1786/FUL – Retention of conversion of buildings to 13 no. industrial units (Use Class B1 (c) light Industrial, B2 General Industry and B8 Storage and Distribution) (Approved)

15/1950/FUL – Retention of conversion of building to 5 no. industrial units (Use Class B2 General Industry, B8 Warehouse and Distribution and B1 Office and Light Industry) (refused 22.02.2016)

APP/U1105/W/16/3151307 – Retention of conversion of building to 5 no. industrial units (Use Class B2 General Industry, B8 Warehouse and Distribution and B1 Office and Light Industry) (Appeal Allowed)

16/0568/FUL – Use of land for storage of commercial vehicles, including temporary office/ welfare accommodation, palisade fencing and associated works (refused 23.05.2016)

15/1936/FUL – Retention of conversion of building to 3 no. industrial units (use class B8 Warehouse & Distribution) (refused 22.02.2016)

APP/U1150/W/16/3151311 – Retention of conversion of building to 3 no. industrial units (use class B8 Warehouse & Distribution) (Appeal – Allowed)

15/1061/VAR – Variation of condition 2 (plans condition) of planning permission 14/0435/MFUL (for the construction of an anaerobic digester) to allow amended site layout to include a digestate drier (awaiting decision)

14/0435/MFUL – Construction of agricultural anaerobic digester plant for production of renewable energy (amendment to application 13/1578/MFUL to amend site layout and size of buildings) (conditional approval 27.03.2014)

13/1578/MFUL – Construction of agricultural anaerobic digester plant for production of renewable energy (conditional approval 18.11.2013)

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5 (Environment)

Strategy 7 (Development in the Countryside)

Strategy 43 (Open Space Standards)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D7 (Agricultural Buildings and Development)

EN14 (Control of Pollution)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

ANALYSIS

Principle of Development

The site lies in the open countryside as defined by Strategy 7 of the East Devon Local Plan where development must be strictly controlled to ensure that it would not detrimentally impact on the character and appearance of the area, furthermore the proposal must be in accordance with a specific policy contained in the plan. In

particular, consideration needs to be given to conformity with Policy D7 (Agricultural Buildings and Development).

Justifiable Need (Agricultural)

A number of objections have cited the lack of demonstrable need for the development. The proposed silage clamp needs to be considered and assessed against the requirements / criteria of Policy D7, which reads:

New agricultural buildings and/or buildings intended for intensive agricultural activities that could give rise to adverse amenity, landscape, environmental or other impacts will be permitted where there is a genuine agricultural need for the development and the following criteria are met:

- 1. It is well integrated with its surroundings and closely related to existing buildings, being of appropriate location, scale, design and materials so as not to harm the character, biodiversity and landscape of the rural area particularly within the AONB.*
- 2. It will not be detrimental to the amenity of nearby residents on grounds of smell, noise or fly nuisance.*
- 3. It has been established that there are no other suitable buildings on the holding or in the vicinity which could meet the reasonable need.*
- 5. It will not lead to an unacceptable increase in traffic on the local highway network*
- 6. All clean roof and surface waters will be drained separately from foul drainage and foul drainage will not discharge to any watercourse in order to prevent pollution of the water environment.*

Proposals for the development of new large scale buildings for livestock or for other use that could have polluting impacts should be accompanied by a Waste Management Plan.

The agent has stated in correspondence that the holding supports up to 1200 head of cattle (of which 900 are beef cattle), this is down from a high of 1800 and a low of approximately 600 a couple of years ago. These changes being due to the fluctuation of sale prices and costs. The current operation is however more intensive therefore requiring more feed and greater reliance on silage.

The applicant has further advised that need for the 4,900m² silage clamp proposed has arisen as a result of the existing silage clamp being not deemed fit for purpose by the Environment Agency with a formal warning issued. The applicant states that to meet the regulations the cost of repair is disproportionate compared to erecting a purpose built clamp. In addition, repair would not result in the necessary space to serve the existing requirements.

In this instance, what is expected is the demonstration by the applicant of a genuine agricultural need for the development, and that there are no other suitable buildings on the holding or in the vicinity which could meet the reasonable need.

The existing silage clamp on site, which the Environment Agency has confirmed could be repaired, is 50m x 40m (2000m²). This clamp, based on the information provided, can store approximately 4,000 tonnes of silage. This was adequate to serve the herd when the less intensive feed of between 5-12 kg/head of silage per day was previously in operation.

The agent has stated that the proposed silage clamp needs to provide 20kg of feed per day for 900 beef cattle due to the more intensive operation.

Applying the logic used in this instance, the 900 beef cattle, consuming 20kg of feed per day would need circa 18,000kg per day. Furthermore, the planning supporting statement submitted as part of the application indicates that a 25% carryover capacity is required in the clamp and therefore the size of the clamp must be sufficient to accommodate 22,500kg/22.5 tonnes per day. This equates to approximately 8,200 tonnes per year, substantially in excess of the 4,000 tonnes capacity of the existing silage clamp.

It is evident therefore that the existing current silage clamp has insufficient capacity to accommodate this feed requirement.

Whilst the existing silage clamp requires to be repaired to continue to store silage, dry goods such as Straw, Manure, Sugar beets and Swedes would all be stored in the clamp without any need for repair and would assist in the existing farming practices taking place on the farm.

In light of the above, it is considered that the need for the proposed silage clamp (which is under construction) has been justified as required by Policy D7 of the adopted Local Plan.

Other Matters (Highways / Noise / Landscape Impact)

Highways

No details have been provided indicating the numbers of vehicle movements to and from the site in relation to the delivery of silage to the clamp. However, the statutory consultee in this matter (DCC Highways) has not raised an objection. Furthermore, the supporting information indicates that the silage would be generated by the applicant's adjacent buildings housing livestock and therefore there would be no importation of waste from other sources (or used to feed the adjoining AD Plant).

It is considered reasonable and necessary to condition that no waste is imported from other sources to prevent unnecessary vehicle movements and ensure that the silage clamp is used by the applicant only. Furthermore, the justification for the size of the clamp is based upon the needs generated by the applicant's livestock. The proposal is therefore considered to be acceptable in relation to this criterion of Policy D7 together with the requirements of Policy TC7 of the EDDC Local Plan.

Noise

Noise associated with the development has been cited in objections received.

In response, the view of the statutory consultee on such matters (EDDC Environmental Health) has not raised an objection on these grounds therefore the proposal is considered to be acceptable in relation to this criterion of Policy D7 together with the requirements of Policy EN14 of the EDDC Local Plan.

Other objections on potential nuisance grounds have been cited, however these would fall under the remit of other pollution control regimes. Paragraph 122 of the NPPF advises that Local Planning Authorities should assume that these regimes will operate effectively and should focus their attention on whether or not the development itself is an acceptable use of the land; the use of the land in this instance (agriculture) is considered to be acceptable.

Landscape

An existing bund to the adjacent AD Plant would need to be re-located and extended to accommodate and help reduce the visual impact from the silage clamp that is proposed in a fairly prominent location on rising land.

However, whilst visible from some parts of the A3052 to the north, the proposal would be located and read in conjunction with the existing group of farm buildings and adjacent anaerobic digester plant. Support to the proposal has been received from the Parish Council, subject to the receipt of a landscaping plan. Although no landscape scheme had been submitted with the planning application, the submission of a scheme (and maintenance plan) could be secured by way of a planning condition if the development were deemed acceptable. This will address the comments from the Landscape Architect who raised concerns due to the lack of mitigation/landscaping submitted with the application.

Furthermore, in the event of an approval, the EDDC Landscape Officer has suggested possible planning conditions that could mitigate certain elements of the scheme. Therefore it is considered reasonable to recommend conditions to ensure appropriate landscaping is provided to complement that implemented as part of the permission on the adjacent land for the anaerobic digester and drying plant.

CONCLUSION

The proposed development would enable the proper storage of waste on site in a bespoke solution without detrimentally impacting upon its surroundings, residential amenity or highway safety in accordance with Policy D7 of the adopted Local Plan.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Notwithstanding the time limit to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as

amended), this permission being retrospective as prescribed by Section 63 of the Act shall have been deemed to have been implemented on the 19th May 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. Notwithstanding the details provided, within 2 months of the date of this permission a detailed landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include

A Green infrastructure statement describing the various types of proposed planting and features, and how they tie into the local landscape character and other elements of the proposed development.

Detailed layout plan(s) providing the following information:

- Soft landscape proposals including any hedgebanks, seeding, woodland planting, etc.
- Hard surface treatment
- Proposed and existing retained site levels
- Details of any proposed walls, fences and other boundary treatments
- Details of any proposed tree and Devon bank planting.

Any soft landscape proposals shall be accompanied by a specification detailing the proposed species, their planting size, the density at which they will be planted, any specific planting matrices, the number of plants of each specie and notes describing how the scheme will be implemented.

Any hard landscape proposals shall be accompanied by a material specification.

Sections north/south and east/west shall be submitted showing how the proposed development will integrate into the existing context.

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 - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan.)

4. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority prior to any development taking place. The proposals shall be carried out as approved for the full duration of the plan.
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 4 (Balanced Communities), Strategy 5 (Environment), Strategy 43 (Open Space Standards), Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan.)

5. The silage clamp hereby approved shall be used solely for the purposes of storing animal waste from the farm known as 'Hogsbrook Farm' only and shall not accept deliveries of waste/materials from other farms.
(Reason: The size of the clamp has been justified by the operational needs of the holding and to ensure that the traffic attracted to the site is not detrimental to highway safety in accordance with Policies D7 (Agricultural Buildings and Development and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan).

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

7386-04 REV A	Sections	18.05.16
7386-05 REV A	Sections	18.05.16
7386-01 REV F	Proposed Site Plan	20.04.17
7386-03 REV D	Location Plan	20.04.17

List of Background Papers

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

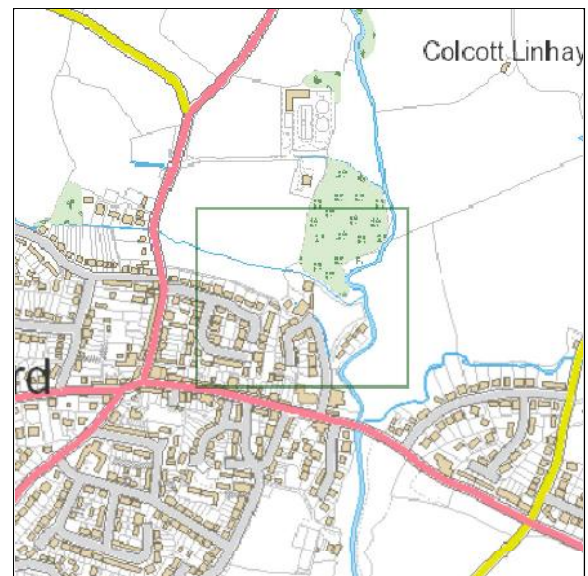
Ward Sidmouth Rural

Reference 17/0524/OUT

Applicant Mrs Janet Hargreaves

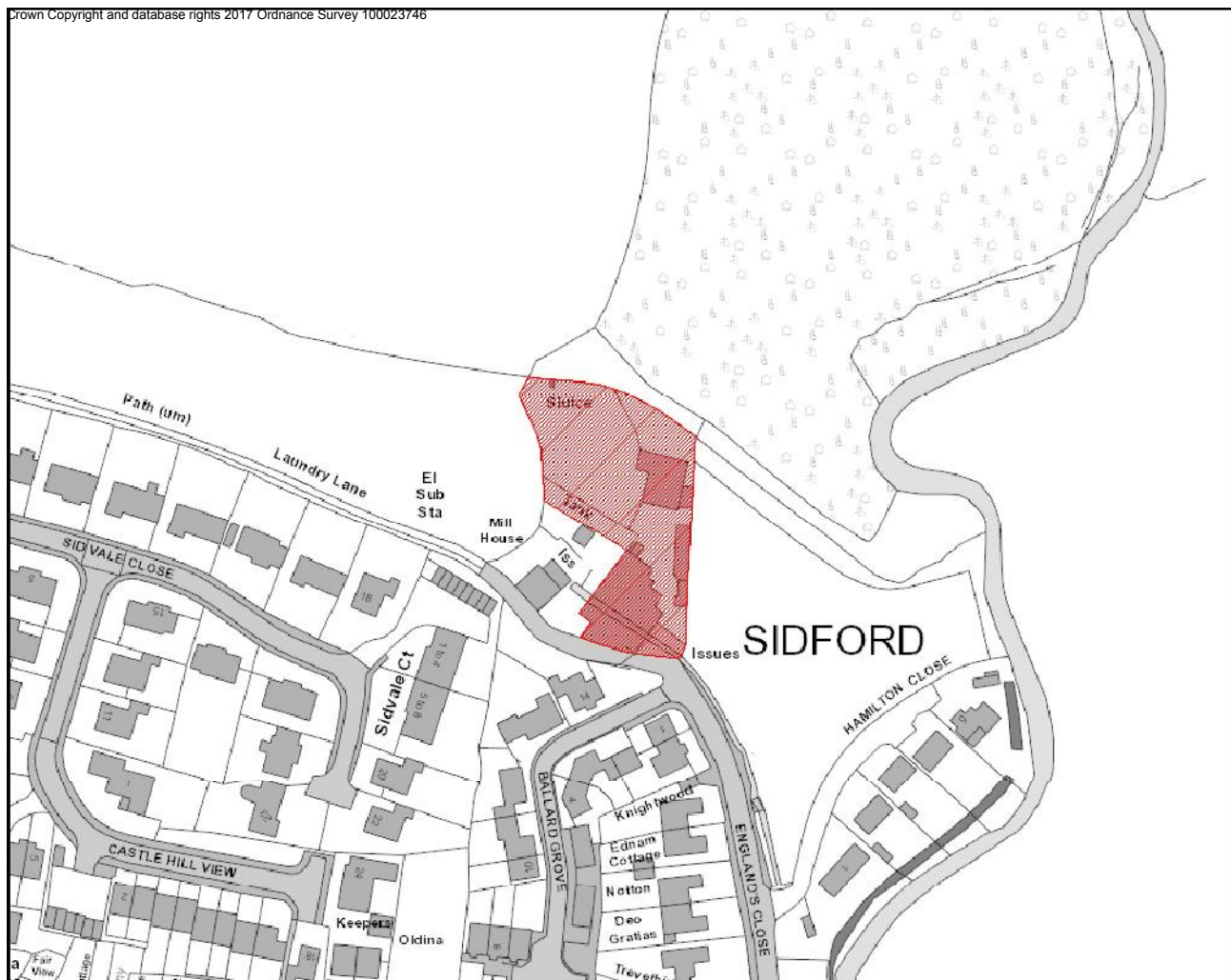
Location 1 Laundry Lane (land Adj Mill House) Sidford
Sidmouth EX10 9QR

Proposal Demolition of existing buildings and
construction of 5no dwellings with associated
access and garaging (outline application with
all matters reserved).



RECOMMENDATION: Refusal

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		Committee Date: 12th June 2016
Sidmouth Rural (SIDMOUTH)	17/0524/OUT	Target Date: 24.05.2017
Applicant:	Mrs Janet Hargreaves	
Location:	1 Laundry Lane (land Adj Mill House)	
Proposal:	Demolition of existing buildings and construction of 5no dwellings with associated access and garaging (outline application with all matters reserved).	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before Members because the recommendation is contrary to the view of the Ward Member.

The application seeks outline planning permission for five dwellings on a part-brownfield and part-greenfield site within the built-up area boundary for the town, in a high risk flood zone and within the designated Area of Outstanding Natural Beauty. While there are benefits to the development of part of this site, including reuse of a brownfield land and the delivery of housing in a location that is accessible to a range of shops and services, these are not considered to outweigh the following harm that would arise:

- Having reviewed the flood risk appraisal that was undertaken on behalf of the applicant, the Environment Agency has confirmed that the site lies in flood zone 3 where there is a high risk of flooding. National policy directs housing development to lower risk sites and it has been demonstrated that there are sites available elsewhere in the District (and Parish) that could accommodate the development proposed. The proposal therefore fails the sequential test.**
- The development would result in the loss of an employment site and there has been insufficient evidence submitted to justify its removal from making a meaningful contribution to job creation through reuse of the existing buildings or redevelopment for appropriate employment uses.**

CONSULTATIONS

Local Consultations

Sidmouth Rural - Cllr D Barratt

I wish to record my support for this application.

I feel that this location would prove to be a suitable site for the proposed residential development. I feel that industrial use is no longer in keeping with the residential nature of this part of Sidford.

Should the officer recommendation differ to my view I would ask that the application go to Committee for decision.

(These are my preliminary views and I retain an open mind should we consider the matter at Committee)

Parish/Town Council
Support.

Technical Consultations

Devon County Archaeologist

I refer to the above application. I have no additional comments to make to those made on the earlier planning application for this site (ref: 15/0554/OUT), namely:

The proposed development lies in an area of archaeological potential in proximity to the site of prehistoric funerary monument to the east, while the southern part of the application area includes the site of the 'Old Mill' shown on the late 19th century OS map. There are documentary references to the mill here from the late 18th century, though it may have earlier origins. Construction and demolition work associated with the proposed development will have an impact upon any surviving historic building fabric associated with the former mill and any below-ground remains. In addition, there is potential for any groundworks in the more undisturbed parts of the site to expose archaeological or artefactual evidence associated with the known prehistoric activity recorded in the vicinity.

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

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

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

Reason

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

I would envisage a suitable programme of work as taking the form of a staged programme of work, commencing with an appraisal of the standing buildings to determine the significance of any surviving historic building fabric to allow the scope and requirement of any further historic building recording required in mitigation for the loss of these heritage assets. In addition, a programme of archaeological monitoring and recording should be implemented during any demolition and construction works to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

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

Natural England

Thank you for your consultation on the above dated 03 April 2017 which was received by Natural England on 03 April 2017.

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

The Wildlife and Countryside Act 1981 (as amended)

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

The National Park and Access to the Countryside Act 1949

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

Statutory nature conservation sites - no objection

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

Protected landscapes

The proposed development is for a site within or close to a nationally designated landscape namely East Devon AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

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

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

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the

aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

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

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

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

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

Local sites

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

Biodiversity enhancements

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

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources

more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Sites of Special Scientific Interest Impact Risk Zones

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

Environment Agency

Thank you for your consultation dated 3 April 2017 regarding the above application.

Environment Agency Position

We have reviewed this application and providing development proceeds in accordance with the submitted Flood Risk Assessment dated December 2016 there are no objections to the proposal from the flood risk aspect.

However, the site is located within Flood Zone 3 (where there is a high probability of flooding) and therefore the flood risk Sequential Test must be applied in accordance with the NPPF (paragraphs 100-102). The aim of this test is to steer new development to land with the lowest probability of flooding (i.e. Flood Zone 1).

Your Authority will need consider the Sequential Test and conclude whether there are any other sites for the development or whether there are any overriding reasons for the development of this site. Further guidance is set out in the Planning Practice Guidance <http://planningguidance.communities.gov.uk/blog/guidance/flood-risk-and-coastal-change/> - see 11, 12, 13 and 14).

If your Council are content that the Sequential Test can be satisfied, consistent with wider sustainability objectives, the Exception Test would then need to be applied and passed. Your Authority will need to consider the first part in respect of whether the development offers any wider sustainability benefits that outweigh flood risk and we advise you on the second part which requires the submission of a satisfactory FRA to demonstrate that the development will be safe over its lifetime. The NPPF is explicit that both parts of the exception test must be passed for development to be permitted.

DCC Flood Risk SuDS Consultation

Recommendation:

Devon County Council's Flood and Coastal Risk Management Team is not a statutory consultee for the above planning application because it is not classed as a major development under Part 1(2) of The Town and Country Planning (Development

Management Procedure) (England) Order (2015). However, we have been approached by the Local Planning Authority to provide advice in respect of the surface water drainage aspects of the above planning application, which is outlined below.

Observations:

Although we are not a statutory consultee, the applicant is still required to provide the Local Planning Authority with a surface water drainage management plan which demonstrates how surface water runoff 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 (SuDS).

The applicant has not submitted sufficient information in relation to the surface water drainage aspects of the above planning application in order for it to be determined at this stage.

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/>.

DCC Highways (Strategic)

The proposed development is located at Laundry Lane where the carriageway gives way to the new shared cycle/footway leading to the A375 at School Street. The relocation of the parking for Mill House will enhance the pedestrian cycle route so that vehicles will not mingle with non-motorised traffic.

The proposed access to the site would be likely to offer adequate and suitable visibility for all road users.

The number of traffic movements generated by the development proposal of 5 units is not likely to be greater than that generated by the existing use of the site.

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. This permission shall not constitute an approval of the layout plan No. PL/075/3 submitted with the application, because it has been treated as being for illustrative purposes only

REASON: For the avoidance of doubt

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

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

Economic Development

We have reviewed all associated documents in relation to planning application 17/0524/OUT including the following:

- Letter dated 15/09/2016 from Tracey Dunn of Seddons Estate Agents, Honiton

- Letter and appendix dated 26/02/2016 from Steven Perry of Seddons Estate Agents, Honiton

Observations

The proposed development will result in the loss of employment land.

East Devon District Council has published Marketing Strategy Statement guidance on its website <http://eastdevon.gov.uk/planning/planning-services/planning-development-management/viability-guidance-notes/marketing-strategy-statement-guidance/>, this is also included at the end of this paper (Appendix 1).

Whilst there has been marketing activity in relation to this site, a copy of the instructing letter to the agent and copies of sales particulars and adverts have not been provided. In addition, there is no evidence of any exploration of development options to ensure that employment uses are retained on this site.

There appears to be very little commercial land available to buy or let in the area.

Enquiries to East Devon District Council's Property and Estates Team show that in 2016 they received 37 enquirers listed as seeking East Devon District Council owned industrial space and in 2017 (to date) there are 19 enquirers on the list. This indicates that there is healthy demand for business units across the district.

Conclusion:

The proposed development will result in the loss of employment land and there is no evidence of any exploration of development options that would retain employment uses on the site. We would therefore object to this application on the basis of loss of employment.

Other Representations

Two letters of support have been received making the following comments:

Residential development is appropriate to the area

Houses would improve the appearance of the AONB and the street scene

Loss of a small area of employment land would not harm employment opportunities in the area

Employment use would harm amenity

The roads are not suitable for lorries attracted to commercial uses

Access and parking are inadequate for commercial uses

The proposal would contribute to housing supply in the area

The flood risk appraisal supports the proposal

The site is not known to have flooded since 1994

A further comment was received supporting the provision of 2/3 bed houses to reflect local need rather than the larger houses that appear to be shown on the indicative layout.

In addition to the above the adjacent Ward Member for Sidmouth Sidford - Cllr M Rixson has commented as follows:

Permission for this development should be REFUSED for the following reasons:

- This development would be in Flood Zone 3 in an area which is already subject to flooding and contravenes Policy EN22 (Surface Water Run-off Implications of New Development)
 - Photo A was taken in November 2016, close to the proposed site)
 - Photo B is of flooding in Hamilton Close and Englands, both of which are in close proximity to this development site
- The Environment Agency has also commented:
 - On the high probability of flooding and the need to apply the Sequential Test in accordance with NPPF paragraphs 100-102
 - The need for both parts of the NPPF exception test to be passed before development can be permitted
- They further comment on the need to demonstrate 'that the development will be safe over its lifetime'
 - The Environment Agency issued new guidelines in April 2016, 'Adapting to Climate Change: Advice for Flood and Coastal Erosion Risk Management Authorities'. They estimate that the change to extreme rainfall intensity will double by 2080 (from 20% to 40%) and that peak river flow allowances will increase from their previous tolerance of 20% to 85% in the south west.

PLANNING HISTORY

Reference	Description	Decision	Date
13/2549/OUT	Demolition of existing buildings and construction of 5no. dwellings with associated access and garages (outline application with all matters reserved)	Refusal due to location with flood zone 3 and loss of employment site.	10.03.2014
15/0554/OUT	Demolition of existing buildings and construction of 5no. dwellings with associated access and garaging (outline application with all matters reserved)	Refusal due to location within flood zone 3, loss of employment site and being outside of the proposed BuAB.	30.06.2015

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 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 26 (Development at Sidmouth)

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

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN5 (Wildlife Habitats and Features)

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

EN14 (Control of Pollution)

EN16 (Contaminated Land)

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

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

E2 (Employment Generating Development in Built-Up Areas)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Site Location and Description

The site lies wholly within the Built-up Area for Sidmouth/Sidford and is on the northern edge of the settlement. It extends north into the countryside from the adjacent residential areas and about half of the site is taken up with light industrial and storage buildings and associated yard areas. The remaining half of the site is part of the garden of Mill House which lies to the west of the buildings and south of the garden. Access is from Englands Close, which also serves residential development in Ballard Grove and Hamilton Close. Connecting Englands Close with the A375 to the west there is a public footpath which follows the driveway to Mill House and forms the southern boundary to the site. This path has recently been upgraded to a cycleway as part of a future cycle link between Sidbury and Sidmouth.

The site is in the East Devon Area of Outstanding Natural Beauty and wholly within flood zone 3.

ANALYSIS

Outline planning permission (with all matters reserved) is sought for a development of 5 dwellings partly replacing the existing light industrial and storage buildings and partly on the undeveloped garden of Mill House. All matters are reserved but an indicative layout and a cross-section have been submitted.

This application follows two consecutive refusals for the same development in 2014 and 2015. In the last refusal the three reasons were related to

1. the risk of flooding
2. the loss of employment land
3. the effect on the AONB and the location outside the BuAB

Since that decision was made, the East Devon Local Plan 2013-2031 has been adopted and the site has been brought inside the Built-up Area Boundary. Sites within the BuAB are considered appropriate to accommodate growth and development if the development and the site characteristics are such that the criteria in Strategy 6 and the other policies in the Local Plan are satisfied. Given that the site remains in the AONB and in Flood Zone 3, the main issues to consider in this case are:

- the risk of flooding;
- the loss of employment land; and
- the impact on the character and appearance of the area, with particular regard to the impact on the East Devon AONB;

Risk of Flooding

According to the Environment Agency flood map, the entire site lies within flood zone 3. The flood risk appraisal prepared by Jubb Consulting Engineers identifies two main sources of flood risk to the site which are the watercourse that runs along the northern

boundary of the site and surface water run-off. The mill leat which crosses the site and runs beneath the principal building is now effectively cut off owing to erosion in the channel which feeds the leat.

The consultant's report updates previous reports and notes that erosion has increased the capacity of the watercourse since measurements were first taken in 2004. It concludes 'Given the design flows established in the latest hydraulic modelling (November 2014) we can assume there is adequate capacity to convey the design flows within the channel at present and no overtopping to the banks would occur'. It goes on to say that raising the floor levels as proposed would be adequate to defend the new properties from flooding.

In spite of this, the site remains in flood zone 3 and the Environment Agency have explicitly confirmed this in their response.

The Government's Planning Practice Guidance explains that the sequential test should be applied to proposals such as this to guide development to flood zone 1, then zone 2, then zone 3. In this way the sequential test seeks to ensure that development takes place where the flood risk is lowest. Only in exceptional circumstances would dwellings be permitted in flood zone 3.

Sequential Test

The sequential test seeks to identify other sites within a relevant area (usually District wide) that would be at lower risk of flooding than the application site and would be appropriate and available for the development proposed.

The NPPG advises that 'the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed'. This application is for open market housing for which there is demand across the district. As such, and in accordance with usual practice, the sequential search area is District wide. In the absence of any evidence that Sidmouth is not likely to meet its housing targets set in the adopted Local Plan, there is no justification for a narrower site search area.

In terms of the availability of sites elsewhere in the District within flood zone 1, there are a number of allocated housing sites within the local plan and numerous consents and in-fill sites available. This is demonstrated by the Council having a 5-year housing land supply. As such there are other sites available to provide housing without developing within the flood zone in this location.

The proposal does not therefore pass the sequential test. Given the availability of other sites with a lower risk of flooding, the NPPF advises that planning permission should not be granted and this weighs heavily against the proposal.

Loss of Employment Land

The principal building has been vacant for some time following the relocation of a sail cleaning business (Hancock Marine Services) to premises elsewhere. This building is of solid brick construction but has a defective roof and some obsolete side extensions

of poor construction. The remaining buildings are not addressed in the submitted structural survey but briefly comprise a large metal clad shed, a brick and timber clad 'forge' with a clay tiled roof and a small lean-to building constructed of rendered block walls.

The structural survey indicates that the principal building can be repaired and renovated but the substandard extensions would require replacement. Although no commentary is provided on the other buildings, it is likely that the 'forge' is the only other building capable of re-use without reconstruction.

The application states that following closure of the laundry, subsequent industrial and commercial uses of the site have not proved viable and are prejudiced by the proximity to and need to protect the private residential amenities of Mill House. Since the relocation of the sail cleaning business about two years ago, the building has remained vacant. Marketing of the principal building since 16 July 2015 indicates that the main interest has been for conversion of the building to residential or live/work units. While there has been some interest in commercial uses, most people are put off by the cost of making the building safe and usable.

The other buildings on the site, which are used for storage, have not been marketed so interest in those for individual use or a combined redevelopment is unknown.

Strategy 32 resists the loss of employment buildings where the loss would harm business and employment opportunities in the area. If a surplus in the supply of business units were demonstrated that might indicate that the loss of this site to employment uses would not be harmful. However, no such evidence has been provided. A recent appeal decision at Axehayes indicates that there is demand for new units in the district and online searches indicate that there are few vacant units available for sale or rent in the area. Enquiries to the Council also suggest that there is demand for units across the district and Economic Development have objected to the application on this basis.

The submitted marketing information demonstrates that there is interest in commercial uses even if prospective purchasers/tenants have reservations about the current condition of the building. This site, being on the edge of Sidmouth could meet the needs of a small or medium sized business and contribute to a balanced community by providing employment close to where people live. Furthermore, re-use of the buildings or redevelopment of the site could provide small business units suitable for B1 uses that are compatible with a residential area. In the absence of any justification for the loss of the employment use and given that there is no lack of demand, the proposal would harm employment opportunities in the area and would therefore be contrary to Strategy 32. This weighs heavily against the proposal.

Character and Appearance of the Area

The site is located in the East Devon AONB and in this area great weight should be given to conserving landscape and scenic beauty. Part of the development would involve replacing the existing buildings and given that details of scale, layout and appearance have yet to be agreed, a development could reasonably be conceived

that would have no greater landscape impact than the existing buildings on that part of the site.

The remaining half of the site is the undeveloped garden of Mill House and adjoins open countryside to the west and north. This part of the site is visible from the public footpath/cycleway and also in views from the A375. In views from the road it extends out from the main part of the built-up area and is seen against an attractive backdrop of trees and hills with pasture in the foreground. Any development on this part of the site would further extend development into the surrounding countryside and intrude on public views.

However, the land is included within the BuAB and adjoins the Sidford employment land allocation. As such, ultimately the visual impact of development on the site will change and once the adjoining employment land is built out, development on this area of land will be less intrusive. In addition, given that the site is screened by planting, development could be made to have an acceptable visual impact subject to a suitable design and landscaping scheme.

It is therefore considered that an appropriately designed scheme could be proposed on the site that would conserve the AONB and not result in any harmful distant views, particularly as the site will ultimately be viewed in association with the adjoining employment land allocation that is also within the AONB.

Other Matters

The occupiers of the dwellings would have good pedestrian and cycle access to a range of local facilities in Sidford. Although these have diminished recently with the relocation of the doctors surgery to Stowford Rise, the relocation of the Post Office to the Spar shop and the closure of other business premises, there remains a shop, a pub and several other amenities. Slightly further afield but within cycling distance or a short bus journey, all the amenities of Sidmouth are available. While it is likely that the occupants of the dwellings would own at least one car, they would not need to be totally reliant on such a vehicle to access key services. This weighs in favour of the proposal.

It is expected that the proposed development would generate a similar amount of traffic to that which could potentially be generated by an employment use on the site. Because the existing highway access is considered satisfactory, the highway authority has raised no objection to the proposal, subject to conditions.

The indicative layout demonstrates that five houses can be accommodated on the site with good levels of space and privacy. Mill House would potentially be overlooked but there is sufficient space within the site that the dwellings could be located so as not to appear intrusive. The development would not affect the privacy or amenity of the occupiers of other nearby dwellings although it is acknowledged that there would be some disruption during the construction phase. As this would only be a temporary disruption there would be no lasting detriment to the neighbour's amenities.

As a commercial site there is a risk that the land is contaminated but subject to imposing a suitable condition, the risk can be managed so that any contamination is dealt with appropriately.

The site is in an area of archaeological potential but subject to a programme of archaeological work there would be no harm to the historic environment.

A protected species survey of the site has been undertaken which revealed that the forge and the metal shed are used by bats. Loss of these day/night roosts would harm the conservation of a protected species and therefore mitigation would be required. This would need to be in the form of a dedicated bat loft as well as the provision of bat boxes. Any reserved matters application could make such provision and therefore the conservation of habitats could be secured.

Details of surface water drainage have not been provided but in an outline application of this scale where all matters are reserved the level of detail expected is limited. The application form indicates that surface water would discharge to an existing watercourse. This would have potential to increase flood risk down stream but a scheme could be designed that discharges at greenfield rates. In the event that permission is granted it would be necessary to secure details of a drainage scheme.

CONCLUSION

Resubmission of this scheme has not adequately addressed the concerns raised on previous occasions although inclusion of the site within the BuAB adjoining a wider employment site does mean that a proposal can be designed which could (subject to details) conserve the AONB. The Environment Agency have confirmed that the entire site is in a high risk flood zone and application of the sequential test has demonstrated that housing need in Sidmouth and the District can be met without building houses in the flood zone. Less vulnerable B1 business uses on the developed part of the site would be appropriate both in terms of flood risk and neighbour amenity and could potentially be accommodated through redevelopment or conversion.

While it is suggested in the submitted planning statement that the investment required to restore or rebuild the structures for commercial use is beyond the resources of the owner, it is not explained why this is not also the case for residential development. The agent has engaged in pre-application discussions with a view to overcoming the previous reasons for refusal but there has been no meaningful discussion about any form of development other than redevelopment for housing. If the requirements of Strategy 32 can be satisfied and it can be demonstrated that the employment land is surplus to requirements, conversion of the principal building for residential use may be a viable way forward given that the building is essentially sound and a change of use would not be subject to the sequential test. Whether the forge is also suitable for conversion to residential use is unknown but the remaining land (excluding the garden) might be suitable for amenity space or perhaps small scale B1 uses.

This proposal has failed to demonstrate that all options for the development of this site have been explored and continues to include development on land which is at risk of flooding. Owing to the risk of flooding and the loss of employment land, this proposal remains unacceptable and is once again recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The Environment Agency has confirmed that the site lies in flood zone 3 where there is a high risk of flooding. There are other reasonably available sites with a lower probability of flooding than the application site that would be appropriate for the type of development proposed. Therefore the development fails to satisfy the Sequential Test and would conflict with national planning policy as set out in the National Planning Policy Framework and Policy EN21 (River and coastal Flooding) of the East Devon Local Plan 2013-2031.
2. The proposed development would result in the loss of an established employment site and it has not been demonstrated there is a surplus of employment land in the locality or that the site cannot be retained for employment use. Therefore the proposal would be contrary to Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the East Devon Local Plan 2013-2031.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

	Location Plan	02.03.17
	Block Plan	20.03.17
PL/075.02	Sections	23.03.17
PL/075/3	Proposed Site Plan	23.03.17

List of Background Papers

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

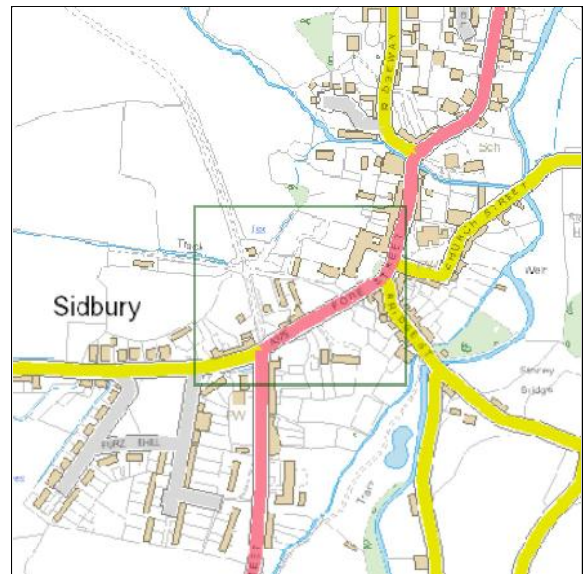
Ward Sidmouth Rural

Reference 17/0542/FUL &
17/0638/LBC

Applicant Sulis Environmental Ltd

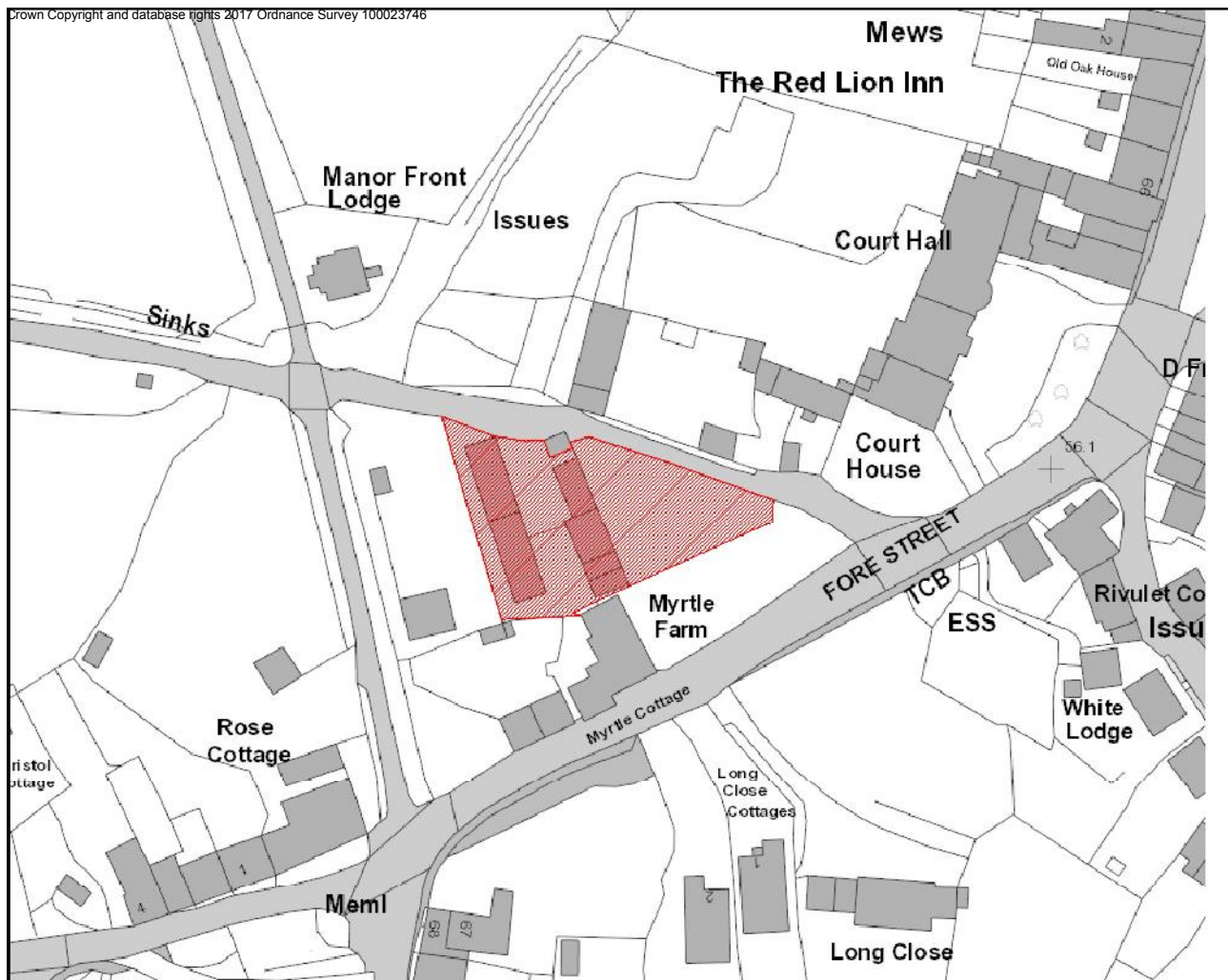
Location Myrtle Farm Fore Street Sidbury Sidmouth
EX10 0RS

Proposal Conversion of existing barns to 2 no. holiday
lets and the conversion/alteration of existing
long barn to 1 no. holiday let



RECOMMENDATION: Refusal

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		Committee Date: 12th June 2017
Sidmouth Rural (SIDMOUTH)	17/0542/FUL	Target Date: 02.05.2017
Applicant:	Sulis Environmental Ltd	
Location:	Myrtle Farm Fore Street	
Proposal:	Conversion of existing barns to 2 no. holiday lets and the conversion / alteration of existing long barn to 1 no. holiday let	

RECOMMENDATION: Refusal

		Committee Date: 12th June 2017
Sidmouth Rural (SIDMOUTH)	17/0638/LBC	Target Date: 02.05.2017
Applicant:	Sulis Environmental Ltd	
Location:	Myrtle Farm Fore Street	
Proposal:	Conversion of existing barns to facilitate use as 2 no. holiday lets and partial demolition, conversion and alteration of outbuilding to form further holiday let unit	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

These applications are before Committee as the officer recommendation differs from the view of the Ward Member.

The applications (planning and listed building consent) relates to a group of former farm buildings set to the rear of Myrtle Farmhouse (grade II listed) and close to the centre of the village. The proposal looks to convert/extend these curtilage listed buildings to a new use as holiday accommodation.

In principle the proposed use is considered to be appropriate and supported by planning policy. Such a use would secure a viable re-use of the buildings helping to secure their long term maintenance, providing an income stream to the applicants and helping to support the wider economy through support of the construction trade, during conversion and the wider tourism economy once converted and in use. These identified benefits add weight in support of the scheme.

However, there are significant concerns that the manner of the proposed conversion works to some of the buildings and the extent of demolition and rebuild, together with the design of the resulting building to others, would result in a harmful impact on the setting of the main listed farmhouse; would fail to preserve or enhance the surrounding conservation area, and would result in alterations to the listed building which have not been demonstrated to be necessary to secure their re-use. It is considered that this harm outweighs the potential public benefits of the scheme and as such the applications should be refused and the applicant encouraged to consider alternative options which would allow for a more sympathetic conversion of the buildings.

CONSULTATIONS

Local Consultations

Sidmouth Rural - Cllr D Barratt

Please take this as my response for 17/0638/LBC also.

I feel that, on balance, I should support this application. I note both the support of the Town Council and the concerns of the Conservation Officer. However because of the benefits to the local rural economy that this development would bring I think that a final decision would be best made by the full DMC and I ask here that the application should go Committee.

(These are my preliminary views. In considering this matter at committee I would consider all matters both for or against with an open mind.)

Parish/Town Council

Support subject to the holiday lets being tied to the main house.

Technical Consultations

Conservation

See listing description and information on file. This is a noteworthy farm group (Sidbury Character Appraisal p11) within the core of Sidbury Conservation Area. The two storey brick built barn with slate roof is a later addition, the original stone barn and outbuildings to the north being earlier. The outbuilding located to the north (west) of the main farmhouse is a long single storey timber framed shed with a brick base and horizontal timber boarding above at the southern end and a corrugated roof. The far end of the structure is completely brick. There have been buildings on the site closest to the farmhouse dating from at least 1889/90 and the northern section can be seen

on the 1947 aerial, indicating that the outbuildings are curtilage listed. Photographs can be viewed on Emap.

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

There have been previous applications on this site, most recently 15/2596/OUT for demolition of the outbuilding to the north (west) of the main farmhouse, which was refused and applications under 04/P1775/LBC & 04/P1776/FUL to convert the two storey barns to the north to holiday lets approved. This application seeks permission to convert the two storey barns to 2no. holiday lets and the long single storey barn to 1no. holiday let. There is no objection in principle to this use. However, detailed comments relating to the scheme are set out below:

P1: Site plan: conversion of existing outbuildings to 3no. holiday units. The single storey barn to north (west) is to be truncated, see below. Parking, turntable, gate, garden shed etc are also shown on plan. Do these form part of this application? If so details required;

P2/P7 Ground floor: the internal space of the 2 storey barn has been much divided losing the open nature of the larger store barn and the previous 2004 permission. It is appreciated that the upper (first) floor is less intensive in the larger store but equally, the smaller part is divided. Access is also rather convoluted, at first floor only, although it appears that there is a possible access at ground floor; Ground floor to workshop unit acceptable;

P2/P8 First floor: see above;

West elevation: single storey element acceptable; Link to farmhouse removed, acceptable; Would it be preferable to have timber doors as shutters rather than timber infill? Fenestration may need to consider following existing pattern at ground floor;

North elevation: to remain the same;

South elevation: to remain the same;

East elevation: too many new openings, rooflights too large, external staircase unacceptable;

P4 to P10: As before previous information confirmed that the single storey outbuilding is later than the two storey group opposite and has been converted and possibly partly rebuilt or altered in the late 1980's. Even so, it currently has a part to play as a curtilage structure in the original phasing and development of the farm group; as a defined boundary to the western side of the courtyard and its contribution to the setting of the farmhouse, the wider farm group and the Sidbury Conservation Area.

The linear form of the outbuildings as part of the historic layout is an integral part of the setting of the listed farmhouse and its partial demolition will result in a change to the historic farm complex and the relationship of the adjacent buildings. In addition, both views into and out of the site will be compromised. From the track to the north of

the site, the eye is currently drawn into the farm group towards the focal point of the rear of the farmhouse and adjacent cottages on Fore Street. Looking from the track to the north towards the farmhouse demonstrates the importance of the curtilage building, framing the group and the positive contribution both in its existing form, roofscape and the development of the farm group and the setting of the listed building.

The revised proposal truncates the long barn and creates a new two storey structure at right angles contrary to the form of the group and completely changing the overall appearance and setting of the farmhouse complex. This part of the application is not supported. Other aspects need amendment.

Conclusion: Whilst the principle of the conversions is accepted, the detailed scheme has considerable impact on the overall character, appearance and setting of the listed farmhouse. The development appears to harm the character, appearance, significance, setting and special historic interest of the heritage asset and adjacent heritage assets. The development also fails to preserve and enhance the character and appearance of the Conservation Area and its setting.

Additional Information received 2nd May 2017:

15/05/17 comments on additional information:

General: there is no objection in principle to the use of the outbuildings as holiday lets with parking spaces, but this needs to be assessed alongside preserving the setting of the listed buildings and to ensure that the impact is minimised.

Just to note that the vehicular turntable did not require LBC as stated in the comments under 15/2642/LBC, but it was approved under 15/2641/FUL with a condition for details. This application also included gates and fences which were the subject of a condition (4).

Surface materials are again the subject of the planning application and have an impact on the setting of the listed buildings. Tarmac would not normally be supported and materials need to be agreed as part of the application or conditioned;

Building A: unfortunately Sidbury Conservation Area was originally designated in 1974 before the District Council was formed and later revised under EDDC in 1977. It is therefore unclear what the intention of the boundary was in this location, but whether the building is within or outside the Conservation Area, the buildings are still considered to be curtilage listed in conjunction with the listed farmhouse. Although it is conceded that the single storey building has been altered in terms of its detailed appearance and some materials, overall it has kept its linear form in keeping with the historic footprint. See previous comments under P4 to P10.

With regards the comments relating to the removal of the link between the farmhouse and the brick 2 storey outbuilding, this is a different scenario and as advised in the Statement of Significance provided under 15/2642/LBC is a modern single storey structure, which has an impact on the external character and appearance of the farmhouse. Its removal to secure the independence of the farmhouse as a single dwelling was considered to be entirely appropriate;

Buildings B, C & D: the outbuildings to the north of the farmhouse are all curtilage listed and have an important role to play in the overall development of the farm group. Their main significance is with the external appearance, but the form and internal division of the barns is also an important characteristic. Their authenticity as traditional farm buildings will only be properly conserved if their original fabric requires little in the way of re-building, and the changes needed to secure their future are few and can be done in a way that maintains their essential characteristics, both inside, outside and within their farm setting or group.

I would suggest that the 2004 scheme is less intrusive, retaining the overall appearance of the outbuildings by glazing behind the timber doors at first floor and not creating additional openings at first floor on the east elevation. The internal arrangements also appear to be less intrusive. The comparison with the previously approved scheme demonstrates that there are alternatives to that the subject of this application and that there is still scope for discussion, eg. removal of rear external staircase, rooflights etc.

With regards the external appearance render/brick it is not entirely clear if render was intended as the existing drawings on the 2004 application also do not appear to show them as brick and stone. However, it is agreed that keeping the existing structure and materials is welcomed.

Environmental Health

I have considered this application and do not foresee any Environmental Health pollution issues with the end use of this application, Therefore I have no objections to this application and recommend that the construction code of practice is conditioned for the building works.

County Highway Authority Highways Standing Advice

Other Representations

4 no. representations have been received in relation to the application of which 3 no. raise in principle objection but highlight specific areas of concern and 1 is in support. The comments received are summarised below:

- Preference from an aesthetic viewpoint for rooflights to be installed only in the north (west?) roofslope of the barns
- Concerns over the potential use of the eastern access via gravelled track (Bristol Lane) onto the main road both in terms of pedestrian and vehicular safety
- Potential for loss of amenity to neighbouring properties through increased use of track
- Vehicles should only access and exit the site via the approach lane to Manor Estate.
- The eastern elevation of the barns is an eyesore and the proposals would represent a continuation of the current owners improvements to the property.

PLANNING HISTORY

Reference	Description	Decision	Date
15/2596/OUT	Demolition of existing outbuilding and construction of holiday letting unit (outline application discharging details of access, layout and scale, and reserving details of appearance and landscaping)	Refusal – new build in the countryside contrary to Strategy 7 and harm to heritage assets.	13.05.2016
04/P1776	Convert Two Barns Into Two Self Contained Holiday Lets	Approval with conditions	07.09.2004
04/P1775	Convert Workshop/stores Into Two Holiday Lets New Door To Rear Repair Roof Paint Exterior	Approval with conditions	07.09.2004
03/P3073	Conversion Of Barns To Form 4no Holiday Apartments & Car Parking/access To Farmhouse	Refusal	03.02.2004

POLICIES

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

D1 (Design and Local Distinctiveness)

Strategy 33 (Promotion of Tourism in East Devon)

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

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

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

EN22 (Surface Run-Off Implications of New Development)

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

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN8 (Significance of Heritage Assets and their setting)

Government Planning Documents

National Planning Practice Guidance

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

SITE LOCATION AND DESCRIPTION

Myrtle Farm is a grade II listed former farm house in Sidbury, it fronts onto Fore Street to the southeast. To the rear of the main dwelling house are two ranges of outbuildings set to either side of a courtyard area with separate access from a shared driveway/access track to the north, these buildings and adjoining garden land to the east form the application site.

The building to the west side of the courtyard (hereinafter referred to as building A) is a single storey brick built building with its southern end partially timber clad and with the whole building roofed in metal sheet cladding. The eastern range of buildings comprise of 3 parts, at the southern end is a two storey brick built barn (building B) under a slate roof, with openings predominantly on the courtyard side, this is physically attached to a two storey random stone constructed barn under a clay tile roof (building C). This building again has the majority of its openings on the courtyard elevation, although there are some at ground floor level to the east. Finally at the northern end of the range is a single storey barn (building D) again constructed from random stone under a tiled roof but with a narrower span than the adjoining building. To the east of the eastern building range is a triangular shaped lawned garden area, contained by the buildings on one side and hedge planting on the other sides, broadly the northern half forms part of the site with the southern part retained for the use of the main dwelling house.

The site falls outside of Sidbury's Built-up Area Boundary, as defined in the previous version of the Local Plan but within that proposed under the Villages Plan Document to form part of the current Local Plan. The Sidbury Conservation Area cuts through the site with building A outside and the remainder of the site within it. However, all of the buildings are considered to be curtilage listed to the main listed building that is Grade II. The East Devon Area of Outstanding Natural Beauty designation covers the whole of the site.

PROPOSED DEVELOPMENT

Planning permission and listed building consent are sought for:

- The partial demolition, extension and alteration of building A to form 1 no. 4 bed holiday let unit.
- The conversion and alteration of buildings B and C to form a further 4 bed holiday let, and;
- The conversion and alteration of building D to form 1 no. 1 bed holiday let unit
- In addition there are related proposals to landscape the external courtyard area in order to provide defined entrances to each unit, parking and turning space and separation from the main dwellinghouse.
- The garden area to the east is shown separated from that related to the main dwellinghouse but otherwise unchanged.

ANALYSIS

NOTE: This is a combined report covering the planning and listed building issues, separate recommendations are set out at the end of the report.

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

- Principle of Development
- Design, Impact on Heritage Assets and the Conservation Area
- Impact on Landscape Character and the AONB
- Impact on Highway Safety
- Impact on Ecology

Principle of Development

The site lies outside the built-up area boundary for the village as defined under the previous version of the Local Plan. Under the current Local Plan Sidbury is proposed to retain a boundary to be defined, in accordance with Strategy 27 of the Local Plan, under the Villages Plan process. The Villages Plan has now reached an advanced stage and as such it was determined at Full Council on 22nd February that the built-up area boundaries shown in the pre-submission consultation version of the plan be used as primary policy for development management purposes. This being the case, and in the absence of objections relating to this with regard to this site, the whole of the site falls within the proposed built-up area boundary where, under Strategy 6 of the Local Plan, the principle of development is accepted subject to a number of criteria including: compatibility with the character of the site and rural character of the settlement; development would not lead to unacceptable pressure on services or adversely affect risk of flooding; would not damage, and where practical would support promotion of wildlife, landscape, townscape or historic interests; would not involve the loss of amenity or recreational land; would not impair highway safety/traffic flows, and; would not prejudice the development potential of an adjacent site.

Given the location of the site within the proposed built-up area boundary of the village and the weight now being given to this, the first reason for refusal on the previous application for the development of this site (15/2596/OUT) - relating to new development in the countryside - is no longer relevant.

Strategy 33 - Promotion of Tourism in East Devon, states that the Council will support and facilitate high quality tourism but that this should be sustainable and not damage the natural assets of the District.

Policy E16 permits hotel development, conversion of dwellings into self-catering accommodation and upgrading of existing holiday accommodation subject to compliance with a number of criteria, which include: the scale, level and intensity of development being compatible with the surrounding area; the proposal not harming the amenity of neighbouring occupiers; on-site servicing and parking facilities commensurate with the scale of development being provided and the proposal being accessible by a variety of modes of transport and being acceptable in highway terms.

Policies EN9 and EN10 relate to Designated Heritage Assets and Conservation Areas respectively. Policy EN9 states permission will not be granted for developments involving substantial harm or total loss of significance of a designated heritage asset unless it can be demonstrated to achieve substantial public benefits that outweigh the harm or loss, or all of the listed criteria are met (these are examined in further detail below). Policy EN10 states that within such designated areas, "or outside the area, but which would affect its setting or views in or out of the area," will only be permitted where it would preserve or enhance the appearance and character of the area.

Policy TC2 - Accessibility of New development seeks to ensure that new development is located so as to be accessible by a variety of modes of transport.

Policy TC7 - Adequacy of Road Network and Site Access, seeks to ensure that traffic associated with new development can be safely accommodated on the highway network.

Policy TC9 - Seeks to ensure adequate parking provision is provided to serve new development.

In terms of Neighbourhood Plan policy, the Sid Valley Neighbourhood Plan is at very early stage of production and can be given little weight.

National Planning Policy is contained in the National Planning Policy Framework (NPPF) as supported by National Planning Practice Guidance. Chapter 12 of the Framework deals with 'Conserving and enhancing the historic environment', at paragraph 132 it advises that, "As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification." Para. 133 goes further stating that, "Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss..." This is subject to further provisos relating to all alternative uses having been explored, including

marketing and exploration of grant-funding options. Where it is considered that a proposal would result in 'less than substantial harm', to the significance of a designated heritage asset. Para. 134 states that, "...this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

The NPPG seeks to provide further clarification to policies set out in the Framework at Paragraph it seeks to clarify the importance of 'significance' in decision making explaining that heritage assets can be affected by, "direct physical change or by change in their setting." At para. 013 'setting of a heritage asset', it also confirms that, "The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting". In relation to what might constitute 'substantial harm' It confirms at para. 017 that this is a judgement to be made by the decision taker but that 'substantial harm' is a high test that would not arise in many cases. However, it also confirms that, "It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting." And further that, "...even minor works have the potential to cause substantial harm." Finally, in relation to determining what is meant by 'public benefits' para.020 confirms that these are not just a private benefit and should be of benefit to the public at large.

In view of the above, it is considered that there is no in principle policy objection to the conversion of the buildings to provide holiday accommodation and indeed there is general policy support for proposals that support the tourism industry. However, any benefits need to be considered against any harm that might result through the method of conversion or other impacts related to the development, these are considered below.

Design, Impact on Heritage Assets and the Conservation Area

Myrtle Farmhouse is a grade II listed building which together with its associated outbuildings form a noteworthy farm group within/immediately adjacent to the core of Sidbury Conservation Area. The NPPF and Policy EN9 of the adopted Local Plan require that where there is less than substantial harm to the significance of a designated heritage asset, the harm must be weight against the public benefits. Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision takers to give considerable importance and weight to preserving the setting of listed buildings and pay special attention to preserving or enhancing the character and appearance of Conservation Areas.

The outbuildings are of varying age and comprise of both single and two storey parts finished in a variety of external materials, as below:

Building A - Located to west side of yard and consisting of a long single storey timber framed shed with a brick base and horizontal timber boarding above at the southern end (north end entirely brick) under a corrugated roof. The far end of the structure is completely brick.

Building B - Two storey brick built barn with slate roof forming the southern end of the eastern range of buildings.

Building C - Two storey random stone constructed barn forming the central section of the eastern range of buildings.

Building D - Single storey barn constructed from random stone under a tiled roof at northern end of eastern range of buildings.

The application proposes the following:

Building A - Demolition of southern part of the building; Construction of new 1 ½ storey extension at right angles to the remaining part of the building and conversion to 1 no. holiday let.

Building B and C - Conversion to form 1 no. holiday let with bedrooms and bathrooms at ground floor level and living accommodation (and a further bedroom/bathroom above). It is also proposed to construct a new external staircase to first floor level on the east elevation, together with new rooflights and first floor window openings.

Building D - Convert to single holiday let, principle external change being introduction of French doors to east elevation.

There are aspects of the proposals that are considered to be generally acceptable and in relation to Barns B-D the treatment of the internal courtyard elevations are considered to be generally appropriate (subject to some further design detailing that could be secured by condition) and would involve minimal change or loss of historic fabric. The loss of the timber clad link building to the main house was also considered acceptable under an earlier application for works to the farmhouse, this is a modern single storey structure the removal of which would secure the independence of the main farmhouse.

However, other elements of the scheme cause more concern. Setting aside the loss of part of building A (that could be accepted subject to a suitable form of replacement) the proposed replacement extension would work against the existing linear form of the outbuildings which reflect the historic layout and form an integral part of the setting of the listed farmhouse. At present from the track to the north of the site, the eye is currently drawn into the farm group towards the focal point of the rear of the farmhouse and adjacent cottages on Fore Street. This view is framed by the outbuilding group which make a positive contribution in terms of form, roofscape and the development of the farm group and the setting of the listed building. The proposed alterations to building A would significantly alter this setting by truncating the building and introducing a new taller structure with a ridge at right angles, contrary to the form of the building group. This is considered to cause less than substantial harm to the heritage asset and must be given special regard in the decision making process.

In terms of the other buildings proposed for conversion the main concerns relate to the impact of the proposed changes to the external appearance of buildings B and C and also the subdivision of the internal space. It is recognised that permission has previously been granted for the conversion of these buildings to the same use as now proposed (04/P1776) however, that involved a less intensive use requiring no additional first floor openings, retention of timber doors/shutters to openings on the west elevation and no requirement for an external staircase. The 2004 permission has in any case expired and whilst there are aspects of the current scheme which are considered preferable, including the retention of the face brick finish to the east

elevation of barn B, overall the proposed method of conversion is considered to result in more harm. The earlier permission does help to illustrate that there are alternative methods of conversion of these buildings that could be considered.

The proposal introduces a number of changes that would adversely affect the appearance of these buildings, particularly when viewed from the east and where these have not been demonstrated to be necessary to facilitate the conversion of the buildings. The introduction of first floor openings, where none currently exist, the size and positioning of rooflights and the addition of the external staircase would result in an overly domestic appearance to the buildings and fundamentally alter the existing functional character of the buildings as outbuildings facing onto the farm yard and turning their back on the surrounding countryside. The conversion of these buildings to form holiday lets has been accepted in the past and it is considered that their conversion remains acceptable in principle but as submitted the impact of the changes proposed are considered to be unacceptable.

In respect of other changes proposed there is a lack of detail relating to the landscaping of the site including the method of subdivision of the land to the east and how the landscaping and surfacing of the former farm yard and its subdivision from the farmhouse would be undertaken. Whilst it might be possible to control such development by means of a suitably worded condition the details provided add to concerns in relation to the domestication of the buildings and yard and the impact on the setting of the listed farmhouse. It is considered that a simple approach with very limited, if any, landscape planting within the yard and with a suitable surfacing to the yard i.e. retained concrete finish or compacted gravel/hoggins would be more appropriate.

The form of the new build development and extent of changes proposed are considered to cause less than substantial harm to the setting of the listed building and conservation area and this weighs heavily against the proposal.

Impact on Landscape Character and the AONB

Aside from the raising in height of part of building A the form of the buildings would remain unchanged and given the location of the buildings within the built form of the settlement it is not considered that the proposal would give rise to any wider landscape impacts nor would any significant impact on the AONB occur.

Impact on Highway Safety

The application would be likely to give rise to an increase in traffic associated with the site and through the junction(s) of the private road with the A375, the main road through the village. Devon County Council as the Highways Authority has suggested that Standing advice should be applied.

The private road that serves the site directly joins the A375 at its eastern end and at its western end joins a further private track which itself joins the A375 just to the south at its junction with Greenhead. There appears to be no restriction in terms of which access could be used but the submitted planning statement appears to refer to use of the western access and sets out how this access confirms with standing advice. Whilst

it would not be possible to control which access is used by condition, the nature of the use would enable the applicants to guide visitors to use the more appropriate access and it is considered that the traffic associated with the proposal could be safely accommodated on the local highway network.

Impact on Ecology

The application is accompanied by a Bat and Nesting Bird Survey relating to the barns on the east side of the farmyard. This report refers to a previous survey undertaken on the outbuilding to the east and which accompanied the 2015 application for its demolition. The earlier survey found no use of that building by bats. The current report found some evidence of bat activity within the two storey barns and emergence surveys were therefore carried out. The conclusions of the report are that the upper floor of the barns are being used on an occasional/intermittent basis by a small number of long-eared bats. The report makes recommendations in relation to the timing of works and provision of permanent bat roosts and that subject to these the proposal would result in a net biodiversity gain and could be carried out without requirement for a licence from Natural England. The mitigation and timing of works outlined in the report could be controlled by means of a suitably worded condition.

Economic Benefits

The proposal would result in the creation of 3 no. holiday lets which would have the potential to bring forward both direct and indirect economic benefits. In terms of direct benefits the proposal would support construction jobs associated with the initial conversion of the buildings and potentially would also provide some ongoing permanent employment associated with their management and maintenance. In addition the proposal also has the potential to provide wider economic benefits resulting from increased tourist spend in the local economy. The submitted planning statement makes reference to national policy support in the NPPF for new economic development and as stated above there is also positive support for sustainable tourism growth in the Local Plan.

The business plan submitted with the application explains the basis for the proposals are to create a small holiday let business to provide an income for the applicants in retirement. The report suggests that, "... failure to obtain permission in respect of the Timber/Brick Outbuilding (Building A) puts the project in jeopardy...", the reasoning given for this being: that the property would not be fully utilised; the enhancement of the site would only be partial and as such would affect the rental of the other barns, and; the proposal would not be cost effective without the conversion/alteration of this building. Included within the business plan are estimated costs for the conversion and set up of the holiday lets as well as the anticipated revenue from these once up and running. These figures are estimates only and it is unclear as to the extent of analysis in terms of conversion costs that have been undertaken. Nevertheless, the basic premise that they seek to indicate is not disputed, that being, that if it is cost effective to do so the scheme would create a greater return and higher potential profit from 3 rather than 2 holiday lets. However, what does not appear to have been considered, or at least has not been demonstrated through comparative costs/returns, is whether an alternative scheme involving the conversion of the timber outbuilding in its current form or through a different means might also be viable.

Para. 134 of the NPPF advises that where a development would lead to less than substantial harm to the significance of a designated heritage asset the harm should be weighed against the public benefits including securing its 'optimal viable use'. Para. 15 of the NPPG clarifies this term as follows:

"If there is only one viable use, that use is the optimum viable use. If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes."

And further that,

"The optimum viable use may not necessarily be the most profitable one."

In summary on this matter, it is recognised that the proposal would have both direct and indirect economic benefits and further that these benefits would extend beyond private benefits to the site owner. However, it is not considered that it has been demonstrated that such benefits would only arise through the current proposed scheme or that another scheme with less impact on heritage assets might not also be viable.

Other Issues

The introduction of first floor windows on the east elevation of buildings B and C have the potential to give rise to privacy/amenity issues for neighbouring properties, however in this circumstance the separation distance to and presence of existing hedge screening on the boundaries of neighbouring properties is considered sufficient to avoid any significant adverse effects.

Conclusion

Whilst the principle of conversion of the buildings to holiday lets is considered to be acceptable in principle, the new build element to Building A and detailing to the other barns are considered to harm the setting of the listed building and character and appearance of the Conservation Area.

Whilst this harm is less than substantial, and there are some wider public benefits from increased holiday accommodation and tourism, these benefits are not considered to outweigh the harm and the special regard that must be given to preserving the setting of listed buildings and preserving the character and appearance of the Conservation Area, particular in light of the lack of justification that the benefits cannot be provided through a slighted amended proposal.

As such, both applications are recommended for refusal.

RECOMMENDATION 1

17/0542/FUL

REFUSE for the following reason:

1. The proposed method of conversion of the buildings through the extent of demolition, alteration and extension proposed to the curtilage listed buildings would fundamentally alter their character and form, their relationship with and setting of the main farmhouse and would fail to preserve or enhance the character and appearance of the conservation area and its setting. In the absence of sufficient evidence to demonstrate that the proposed scheme is the only viable means of securing the long term maintenance of the buildings it is considered that the identified harm would be unjustified and contrary to policies D1 (Design and Local Distinctiveness), EN9 (Development Affecting a Designated Heritage Asset) and EN10 (Conservation Areas) of the Adopted New East Devon Local Plan 2013-2031 and national planning policy guidance in the National Planning Practice Guidance and the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

2JPW/EDDC/P8	Proposed Floor Plans	06.03.17
2JPW/EDDC/P7	Proposed Floor Plans	06.03.17
2JPW/EDDC/P9	Proposed Elevation	06.03.17
2JPW/EDDC/P10	Proposed Elevation	06.03.17
2JPW/EDDC/P11	Sections	06.03.17
	Location Plan	06.03.17
2JPW/EDDC/P6	Proposed Site Plan	06.03.17

RECOMMENDATION 2

17/0638/LBC

REFUSE for the following reason:

1. The proposed works to the curtilage listed buildings including the extent of demolition, alteration and extension proposed to them would fundamentally alter their character and form, and their relationship with the main farmhouse and would result in harm to the setting of this designated heritage asset. In the absence of sufficient evidence to demonstrate that the proposed scheme is the only viable means of securing the long term maintenance of the buildings it is considered that the identified harm would be unjustified and contrary to policy EN9 (Development Affecting a Designated Heritage Asset) of the East Devon Local Plan 2013-2031 and national planning policy guidance in the National Planning Practice Guidance and the National Planning Policy Framework.

Informative:

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

Plans relating to this application:

	Location Plan	16.03.17
P6	Proposed Site Plan	16.03.17
P7 : GROUND	Proposed Floor Plans	16.03.17
P8 : FIRST	Proposed Floor Plans	16.03.17
P9	Proposed Elevation	16.03.17
P10	Proposed Elevation	16.03.17
P11	Sections	16.03.17

List of Background Papers

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