

Agenda for Development Management Committee Tuesday, 4 July 2017; 10.00am



[Members of the Committee](#)

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

[View directions](#)

Contact: [Hannah Whitfield](#)

01395 517542, Issued 22 June 2017

East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

www.eastdevon.gov.uk

[Speaking on planning applications](#)

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

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

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

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

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Monday 26 June up until 12 noon on Thursday 29 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 12 June 2017 (page 4 - 9)
- 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 10 - 15)
Development Manager

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

17/1202/FUL (Minor) (Page 16 - 20)
Axminster Rural
Challenge, Green Lane, Axminster EX13 5TD

16/2997/MOUT (Major) (Page 21 - 69)
Broadclyst
Land adjacent to Harrier Court Industrial Estate, Long Lane, Clyst Honiton

17/0502/FUL (Minor) (Page 70 - 85)
Broadclyst
Land adjacent Huxham View, Church Hill, Pinhoe

17/0762/MFUL (Major) (Page 86 -96)
Exmouth Littleham
1 Sarlsdown Road, Exmouth EX8 2HY

17/0190/OUT (Minor) (Page 97 - 107)
Ottery St Mary Rural
The Reddings, Higher Broad Oak Road, West Hill EX11 1XJ

17/0405/OUT (Minor) (Page 108 - 119)
Ottery St Mary Rural
Almeda House, Higher Broad Oak Road, West Hill EX11 1XJ

17/0561/MFUL (Major) (Page 120 -131)
Raleigh
Unit 46 Greendale Business Park, Woodbury Salterton EX5 1EW

17/0536/FUL & 17/0537/LBC (Minor) (Page 132 - 147)
Seaton
Check House, 61 Beer Road, Seaton EX12 2PR

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 12 June 2017

Attendance list at end of document

The meeting started at 10.30am and ended at 3.25pm (the Committee adjourned for training and lunch at 12.15pm and reconvened at 2pm)

***1 Minutes**

The minutes of the Development Management Committee meeting held on 8 May 2017 were confirmed and signed as a true record.

***2 Declarations of interest**

Committee Members

Cllr Steve Gazzard; 12/1016/MFUL & 17/0782/FUL; Personal Interest; Exmouth Town Councillor

Cllr Bruce de Saram; 12/1016/MFUL & 17/0782/FUL; Personal Interest; Exmouth Town Councillor

Cllr Brian Bailey; 12/1016/MFUL & 17/0782/FUL; Personal Interest; Exmouth Town Councillor

Cllr Mark Williamson; 12/1016/MFUL & 17/0782/FUL; Personal Interest; Exmouth Town Councillor

Cllr David Barratt; 17/0524/OUT, 17/0542/FUL and 17/0638/LBC; Personal Interest; Sidmouth Town Councillor

Cllr Paul Carter; 16/0845/MFUL; Personal Interest; Distant family connection to the applicant (left the Chamber when the application was considered)

Cllr Paul Carter; 17/0523/OUT; Personal Interest; Applicant was 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 Susie Bond advised she had been lobbied in respect of application 17/0524/OUT and Cllr David Barratt advised that he had been lobbied on applications 17/0524/OUT, 17/0542/FUL and 17/0638/LBC.

***3 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 – one had been dismissed, two had been allowed and two had been split decisions.

The Development Manager drew the Members' attention to the appeal allowed for a variation to condition on application 16/2227/VAR (Rolle College Playing Fields, Exmouth) regarding overage. The Inspector had agreed that the Council was within its rights to require an overage clause, however that the applicant had provided sufficient information from their lender to show that the development would not proceed with that clause imposed, and therefore a delayed overage clause was acceptable.

In response to a query about whether there was sufficient detail in Strategy 34 of the Council's Local Plan in relation to overage, the Strategic Lead – Governance and Licensing advised that the detail would be addressed through the Planning Obligations Supplementary Planning Document, which would be going to Cabinet for approval later that week.

Member's attention was also drawn to the split decision on an appeal against the serving of an enforcement notice in respect of unauthorised works to a listed building at Spoken, Exmouth. The Inspector had considered that the harm from the removal of plaster from the internal pillars was not substantial, however upheld the appeal in respect of the installation of fascia signs and a projecting sign to exterior frontage as this was considered to be detrimental to the listed building.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 1 – 2017/2018.

Attendance list

Present:

Committee Members

Councillors

Mike Howe (Chairman)

Colin Brown (Vice Chairman)

Brian Bailey

David Barratt

Susie Bond

Peter Burrows

Paul Carter

Alan Dent

Bruce de Saram

Steve Gazzard

Ben Ingham (AM session only)

David Key

Helen Parr

Mark Williamson

Officers

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:

Geoff Jung

Marianne Rixson

Apologies:

Committee Members

Councillors

Mike Allen

Matt Coppell

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL
Development Management Committee
Monday 12 June 2017; Schedule number 1 – 2017/2018

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:

http://eastdevon.gov.uk/media/2136713/120617-combined-dmc-agenda_compressed.pdf

Exmouth
Withycombe Raleigh 12/1016/MFUL
(EXMOUTH)

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.

RESOLVED: APPROVED subject to Section 106 (to secure 50% affordable housing, to establish a management company to manage and maintain the public open space and cycle / footpath connection) and conditions as per recommendation.

Woodbury and
Lympstone 17/0053/FUL
(LYMPSTONE)

Applicant: Mr David Matthews (KD Homes Ltd)

Location: Land On The West Side Of Exmouth Road (land off Longmeadow Road, Lympstone)

Proposal: Construction of detached dwelling and garage

RESOLVED: APPROVED with conditions as per recommendation

Newton Poppleford
and Harpford
(NEWTON
POPPLEFORD AND
HARPFORD)

17/0159/FUL

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

RESOLVED: APPROVED with conditions as per recommendation, subject to condition 2 being replaced by a Section 106 Agreement (comprising a non-alienation clause and a restriction not to be used as sole / primary residence) to provide greater control over the use and ownership.

Exmouth 17/0782/FUL

Applicant: Mr A Pratt

Location: 184 Salterton Road, Exmouth EX8 2PA

Proposal: Retention of conservatory and fencing

RESOLVED: APPROVED with conditions as per recommendation.

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

Raleigh
(WOODBURY)

16/0845/MFUL

Applicant: F W S Carter And Sons Ltd

Location: Land adjacent to Hogsbrook Farm, Woodbury Salterton

Proposal: Proposed silage clamp and associated access (retrospective)

RESOLVED: APPROVED with conditions as per recommendation, subject to the wording on condition 5 being amended to reference 'feed' not 'waste' and a further recommendation for a Tree Preservation Order to be placed on the new trees forming part of the landscaping condition to ensure protection in perpetuity.

Ottery St Mary Rural
(OTTERY ST MARY) 17/0523/OUT

Applicant: Stuart Partners Ltd

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

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

RESOLVED: REFUSED as per recommendation.

Sidmouth Rural
(SIDMOUTH) 17/0524/OUT

Applicant: Mrs Janet Hargreaves

Location: 1 Laundry Lane (land Adj Mill House), Sidford, Sidmouth

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

RESOLVED: REFUSED as per recommendation.

Sidmouth Rural
(SIDMOUTH) 17/0542/FUL

Applicant: Sulis Environmental Ltd

Location: Myrtle Farm, Fore Street, Sidbury

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

RESOLVED: REFUSED to allow the application and officers an opportunity to negotiate changes to the application to overcome the reasons for refusal.

Sidmouth Rural
(SIDMOUTH)

17/0638/LBC

Applicant:

Sulis Environmental Ltd

Location:

Myrtle Farm, Fore Street, Sidbury

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.

RESOLVED:

~~REFUSED~~ as per the recommendation and officers an opportunity to negotiate changes to the application to overcome the reasons for refusal.

**East Devon District Council
List of Planning Appeals Lodged**

Ref: 17/0072/ADV **Date Received** 26.05.2017
Appellant: Churchill Retirement Living
Appeal Site: Holyshute Lodge Langford Road Honiton
Proposal: Retention of 1no hoarding sign, 5no flagpole signs, 2no board signs (previously permitted under 13/1379/ADV) for an extended time period
Planning Inspectorate Ref: APP/U1105/Z/17/3176730

Ref: 16/2197/FUL **Date Received** 30.05.2017
Appellant: Mr & Mrs Hollis
Appeal Site: Land East Of Redlane Cross Rocombe
Proposal: Erection of temporary agricultural workers' dwelling and agricultural building and associated necessary works to establish a poultry unit
Planning Inspectorate Ref: APP/U1105/W/17/3176805

Ref: 17/0553/TRE **Date Received** 30.05.2017
Appellant: Mr & Mrs Richards
Appeal Site: 18 Livonia Road Sidmouth EX10 9JB
Proposal: Beech tree in rear garden to be felled, due to risk of damage to property
Planning Inspectorate Ref:

Ref: 16/2343/OUT **Date Received** 31.05.2017
Appellant: Miss Jenny Eyres
Appeal Site: The Ness Globe Hill Woodbury Exeter EX5 1JR
Proposal: Outline application with all matters reserved for detached dwelling
Planning Inspectorate Ref: APP/U1105/W/17/3176941

Ref: 16/2699/FUL **Date Received** 06.06.2017
Appellant: M & S Rowswell
Appeal Site: Hartgrove Farm Mounthill Lane Musbury Axminster EX13 8TD
Proposal: Change of use and conversion of barn to form holiday let
Planning APP/U1105/W/17/3177316
Inspectorate
Ref:

Ref: 16/0872/MFUL **Date Received** 07.06.2017
Appellant: Pegasus Life
Appeal Site: Council Offices Knowle Sidmouth EX10 8HL
Proposal: The construction of an assisted living community for older people comprising extra care units, staff accommodation and communal facilities, including a kitchen, restaurant/bar/cafe, a well-being suite comprising gym, treatment rooms and pool, a communal lounge and storage facilities; car parking for residents, visitors and staff of the assisted living community; comprehensive landscaping comprising communal and private spaces; and associated groundworks.
Planning APP/U1105/W/17/3177340
Inspectorate
Ref:

Ref: 17/0208/VAR **Date Received** 13.06.2017
Appellant: Mr White
Appeal Site: Land To Rear Of Aram Littlemead Lane Exmouth EX8 3BU
Proposal: Variation of condition 2 and removal of condition 3 of planning permission 16/1340/VAR, to include the juliet balconies shown on plan number 7335-06 B
Planning APP/U1105/W/17/3177773
Inspectorate
Ref:

East Devon District Council List of Planning Appeals Decided

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: Quality Council delegated refusal, amenity reasons upheld.
BVPI 204: **No**
Planning Inspectorate Ref: ENV/3160126

Ref: 16/2106/FUL **Appeal Ref:** 17/00001/REF
Appellant: Ms Susan Munt
Appeal Site: 1 Normandy Close Exmouth EX8 4PB
Proposal: Construction of new dwelling
Decision: **Appeal Dismissed** **Date:** 02.06.2017
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policy D1).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/17/3168527

Ref: 16/2399/FUL **Appeal Ref:** 17/00019/REF
Appellant: Mr Steve Taylor
Appeal Site: Foxhole Pound Lane Exmouth EX8 4NP
Proposal: Construction of detached dwelling with associated garden area.
Decision: **Appeal Dismissed** **Date:** 14.06.2017
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policy D1).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/17/3170219

Ref: 15/2326/FUL **Appeal Ref:** 16/00043/REF
Appellant: Mr P Broom And Ms J Gladstone
Appeal Site: Milton Yard Payhembury
Proposal: Temporary retention of mobile home.
Decision: **Appeal Dismissed** **Date:** 16.06.2017
Procedure: Informal Hearing
Remarks: Officer recommendation to refuse, Committee refusal.
Sustainability reasons upheld (EDLP Policies TC2 & H4 and Strategies 3 & 7).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/16/3157550

Ref: 13/F0752 **Appeal Ref:** 16/00044/ENFAPP
Appellant: Mr P Broom And Ms J Gladstone
Appeal Site: Milton Yard Payhembury
Proposal: Temporary retention of mobile home.
Decision: **Appeal Dismissed** **Date:** 16.06.2017
Procedure: Informal Hearing
Remarks: Appeal against an enforcement notice served in respect of the unauthorised change of use of the land to the siting of a mobile home. Enforcement notice varied and upheld.
BVPI 204: **No**
Planning Inspectorate Ref: APP/U1105/C/16/3157552

Ref: 15/1512/FUL **Appeal Ref:** 17/00004/REF

Appellant: Mr Stuart Cole (Greener For Lilfe Energy Ltd)

Appeal Site: Enfield Oil Mill Lane Clyst St Mary Exeter EX5 1AF

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

Decision: **Appeal Allowed (with conditions)** **Date:** 19.06.2017

Procedure: Written representations

Remarks: Officer recommendation to approve, Committee refusal. Countryside protection reasons overruled (EDLP Strategies 7 & 39).

The Inspector commented that the active promotion of renewable energy projects, and tackling the effects of climate change, are not only key Government objectives, but statutory requirements. He acknowledged that the site lies within the countryside as defined by Strategy 7 of the EDLP and that this policy strictly controls new development in order to prevent harm to distinctive landscapes, amenity and environmental qualities within the locality. Furthermore, Strategy 39 of the EDLP allows renewable and low carbon energy projects provided harms in terms of location, scale and design are taken into account and unavoidable harm is reduced or mitigated to ensure a balance between harm and benefit.

The Inspector concluded that there would be no additional harm to the character and appearance of the area caused by the extension of the facility to accommodate the additional infrastructure proposed. The landscaping and earth mound where the site extends beyond the approved eastern perimeter of the site would have a beneficial effect and would comprise the mitigation that is considered necessary under Strategy 39 for developments of this type. He did not therefore find any conflict with either Strategy 7 or Strategy 39 of the EDLP.

BVPI 204: **Yes**

Planning APP/U1105/W/17/3167903

Inspectorate

Ref:

Ref: 15/2522/FUL **Appeal Ref:** 17/00003/REF

Appellant: Stuart Partners

Appeal Site: Land East Of Denbow Farm Farringdon

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

Decision: **Appeal Allowed (with conditions)** **Date:** 19.06.2017

Procedure: Written representations

Remarks: Delegated refusal, Countryside protection reasons overruled (EDLP Strategy 7 and Policy D1).

The Inspector acknowledged that there was an established need for the proposal and that Strategy 7 of the EDLP supports appropriate developments in the countryside provided they would not harm the distinctive landscape, amenity and environmental qualities within which they are located. Furthermore, Policy D1 of the EDLP establishes a series of criteria by which new developments would be assessed in order to achieve high quality of design and local distinctiveness.

He considered that, due to the lie of the land, the banks of the lagoon would only be visible when standing close by to the field along the immediate nearby lanes. Therefore although the appeal site is located within a scattering of residential properties, the topography of the land is such that there would be no sight of the lagoon from these houses. Any material harm arising from the visual impact of the lagoon could be mitigated by planting and through further measures that could be appropriately secured through condition.

The Inspector concluded that the scheme would comply with Strategy No's. 7 and 39 of the EDLP and with EDLP Policy D1.

BVPI 204: **Yes**
Planning APP/U1105/W/17/3167901
Inspectorate
Ref:

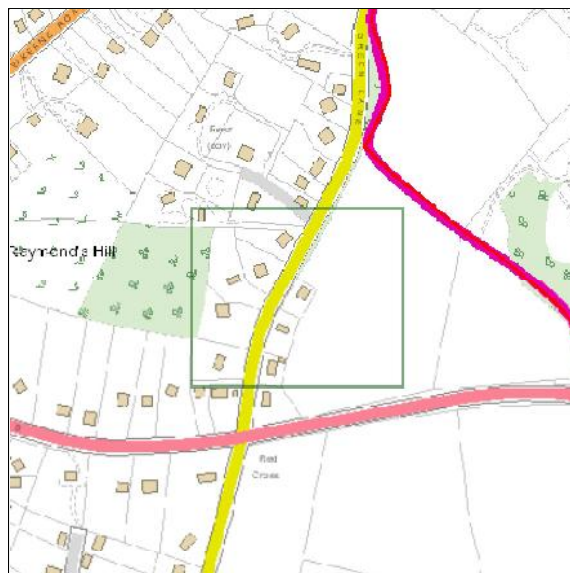
Ward Axminster Rural

Reference 17/1202/FUL

Applicant Mr Chris Lane

Location Challenge Green Lane Axminster EX13 5TD

Proposal Construction of single storey front/side extension



RECOMMENDATION: Approval - standard time limit



		Committee Date: 4th July 2017
Axminster Rural (AXMINSTER)	17/1202/FUL	Target Date: 19.07.2017
Applicant:	Mr Chris Lane	
Location:	Challenge Green Lane	
Proposal:	Construction of single storey front/side extension	

RECOMMENDATION: Approval - standard time limit

EXECUTIVE SUMMARY

This application is before Members as the applicant is a member of staff.

Planning permission is sought for a single storey extension to the southern elevation of this bungalow located in Raymonds Hill.

Given the modest nature of the proposals, appropriate materials and design and lack of harm to either the amenity of neighbouring properties or the AONB, the application is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

Axminster Town Council supports this application and welcomes the fact that bungalow configuration is to be maintained.

Technical Consultations

County Highway Authority

Does not wish to comment

South West Water

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

Asset Protection

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

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

Surface Water Services

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

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

Other Representations

No third party comments have been received.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

Strategy 6 (Development within Built-Up Area Boundaries)

ANALYSIS

Relevant Planning History

There is no recent planning history for this dwelling house.

Site Location and Description

Challenge is a single storey bungalow located on the west side of Green Lane Raymonds Hill in open countryside of the East Devon Area of Outstanding Natural Beauty; close by are other homes of similar styles. The existing building is finished in reconstructed stone and brickwork with a concrete tiled roof; openings in uPVC.

Proposed Development

The application seeks permission to extend the building to the south in single storey format utilising a mixture of render and vertical timber boarding or a man-made weatherboarding. The extension would match the existing ridge height and finish with a proposed gable facing to the lane to the west.

ASSESSMENT

The application is small scale in nature but requires permission as a side extension given its location within the AONB. Whilst part of the boundary with the property to the south is open, given its single-storey nature and the distance between the side windows of the extension and this neighbouring home (approximately 23m to the boundary and 40m to the dwelling), it is not considered that there would be any harm to amenity.

There are no highway matters to consider.

Whilst within the AONB, this is a modest extension utilising an appropriate design and materials, and therefore it is not considered the proposal would be harmful to the character of the area nor the wider designated landscape.

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.)

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.

The applicant is advised to contact South West Water prior to the start of any work in regard to the location of the extension close by a public sewer either via e-mail: developerservicesplanning@southwestwater.co.uk or direct line: 01392 443983.

Please quote reference number MPP050617 EX13 5TD in all communications and correspondence.

The full comments of SWW can be read on the EDDC website.

Plans relating to this application:

CL-CA-100.00	Location Plan	24.05.17
CL-CA-100.03	Proposed Combined Plans	22.05.17
CL-CA-100.04	Proposed Elevation	22.05.17

List of Background Papers

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

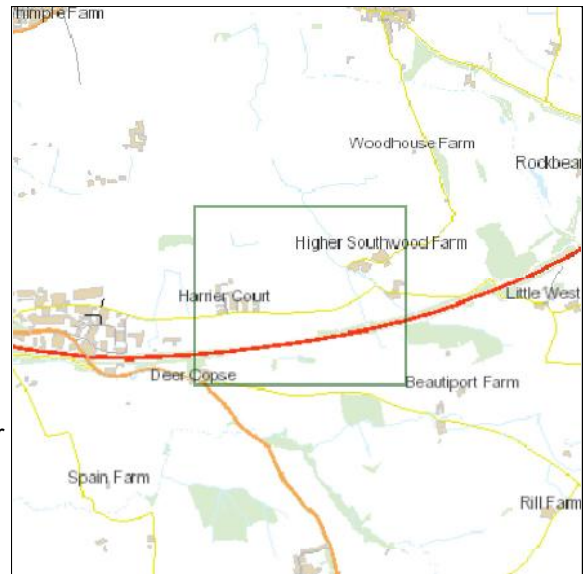
Ward Broadclyst

Reference 16/2997/MOUT

Applicant Mr Chris Jenner

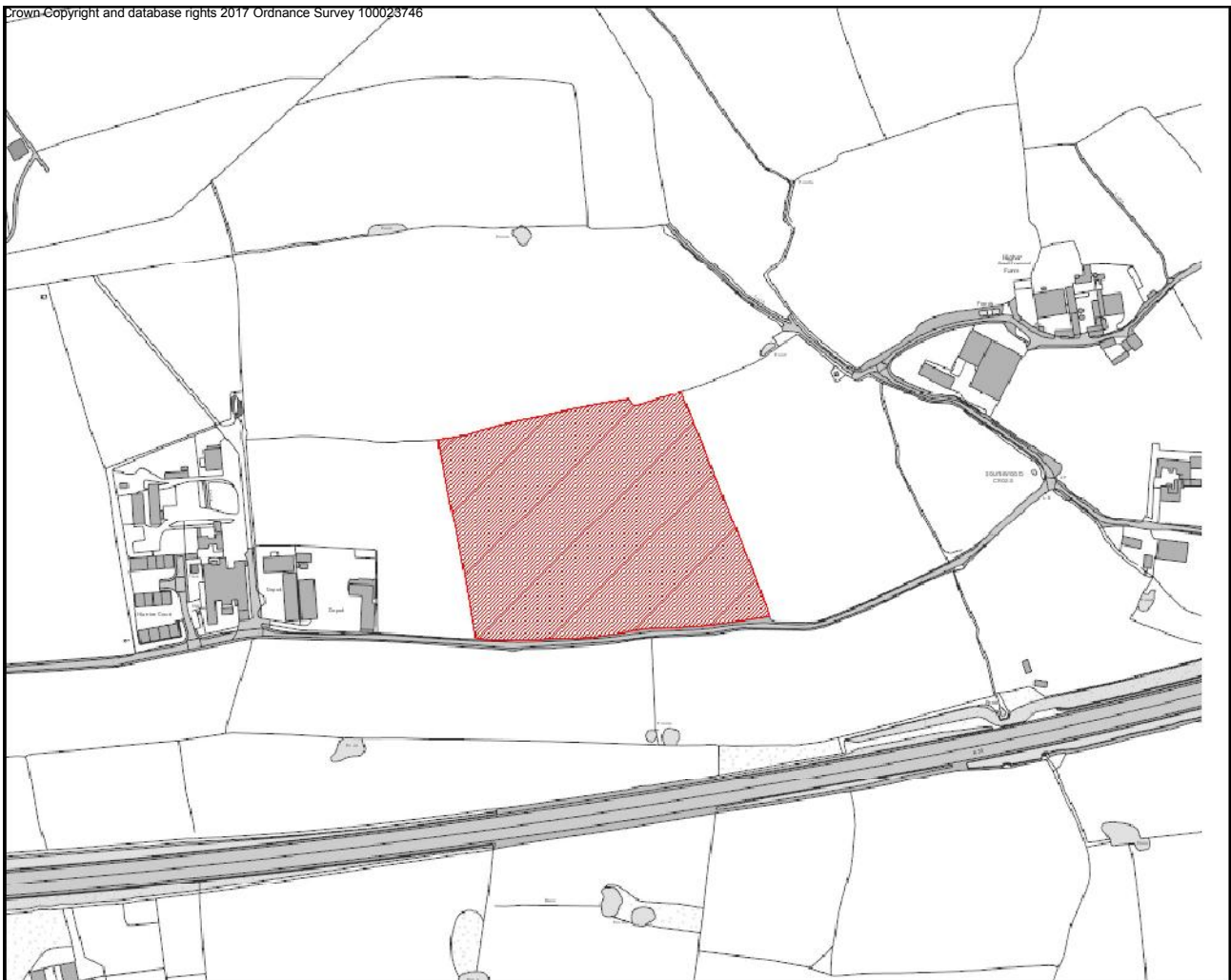
Location Land Adjacent To Harrier Court Industrial Estate Long Lane Clyst Honiton

Proposal Outline Application with all matters reserved for the construction of a High-Voltage DC converter station and associated infrastructure.



RECOMMENDATION: Approval with conditions

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		Committee Date: 4th July 2017
Broadclyst (ROCKBEARE)	16/2997/MOUT	Target Date: 06.07.2017
Applicant:	Mr Chris Jenner	
Location:	Land Adjacent To Harrier Court Industrial Estate Long Lane	
Proposal:	Outline Application with all matters reserved for the construction of a High-Voltage DC converter station and associated infrastructure.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as it is a departure from the Local Plan.

It is an outline application with all matters reserved to construct a converter station on about 5ha of arable land to the south east of Exeter Airport. The converter station forms part of the wider France, Alderney, Britain interconnector (FAB Link) to allow the exchange and trading of up to 1400MW of electricity between the countries. In Britain, the electricity cables would come ashore at Budleigh Salterton beach and be laid underground across East Devon to the converter station where the High Voltage Direct Current (HVDC) would be converted to High Voltage Alternating Current (HVAC) to allow connection to the national grid at the Exeter substation near Broadclyst. The laying of about 22km of underground cables is considered to be 'permitted development' and the council has recently issued a Lawful Development Certificate (CLOPUD) for a proposed development to confirm this.

The proposed converter station will require up to 11,000 sqm of buildings together with exterior equipment and plant, extending up to 3.6ha. A strategic landscape buffer would be provided around the perimeter of the site and two access points on the southern boundary to Long Lane would be required. Maximum height of buildings and structures on the site would be limited to 20m. Passing bays along Long Lane are proposed to accommodate construction traffic.

The FAB Link is a European Project of Common Interest (PCI) under the provisions of the guidelines for trans-European infrastructure regulations (TEN-E Regulation) which establishes that PCI's are necessary to take forward the EU energy networks policy and should be given the most rapid consideration in the permitting process that is legally possible. PCI's are to be given a priority status at national level and should be considered by the competent authorities as being

in the public interest. This public interest is a material planning consideration which should weigh heavily in favour of the proposal notwithstanding any conflict with local plan policies.

The site is located in the countryside as defined in the local plan with no specific policy which would allow this type of development. However, this is an unusual type of development which is not usually catered for in a local plan and it is reasonable to assume that a site of this size and the nature of the development, would normally require a more isolated location than an urban area. The location is within the West End of the district where a significant amount of future development will occur and the locality already has a number of other developments such as the hotel, business estates and an airport. The proposed development is, however, at the edge of this loose group of development and the scale and type of the development would ensure that it has an adverse impact on the local landscape and, to a lesser extent, the wider area. There would be no significant impact on heritage assets with this public interest project.

Other planning issues such as access, noise, drainage, airport safeguarding, etc., have been considered as part of the application and are either considered acceptable or can be suitably mitigated for through the use of planning conditions.

The conversion process produces waste heat which was originally proposed to be expelled into the air. This is a significant amount of waste heat and could usefully be utilised in the existing and proposed extension of the District Heating (DH) network currently serving Cranbrook and Skypark. After initial resistance from the applicant, they have now agreed to the principal of supplying waste heat although there is some disagreement over the details of actual provision. The recommendation is that the applicant make the development 'DH ready' and market the heat. Conditions are proposed to achieve this to support the local plan and the aim of government policy and guidance. This would also provide a significant benefit for East Devon.

It is for the decision makers to give appropriate weight to the various issues arising from this development. Clearly the development would have some impact on the landscape and visual appearance of the area which could only be partially ameliorated through mitigation and the development would be contrary to the general countryside protection policy of the council whilst causing some harm to the setting of heritage assets. There are relatively few direct local benefits to East Devon but this is a PCI project which weighs heavily in favour of the development which would have national benefits. Accordingly, in the balance of the assessment of the issues, and taking into account the recommended conditions to help mitigate the impact of the development as explained within this report, it is considered that this balance weighs in favour of a recommendation of approval.

CONSULTATIONS

Local Consultations

Broadclyst Ward Member - Cllr M Hale (Former Ward Member)

I have no specific comments to make at this time.

Parish/Town Council

The Parish Council raises no objection to this application.

Adjoining Parish - Aylesbeare

Members of Aylesbeare Parish Council felt that no comment was necessary from this parish.

Adjoining Parish – Clyst Honiton

We are aware that the building and the site area for this application will not be insignificant.

Although the actual site will be located in the Parish of Rockbeare, the access for the construction traffic and delivery of all building supplies and equipment will need to travel along the B3184 from the A30 and onto the country lane known as Long Lane (also known as Southwood Road). It is understood that the vehicles delivering some of the equipment will be carrying some large and awkward shaped loads and with this in mind we would like every precaution taken in order to pre-empt any problems before they occur.

The Airport Business Park is a busy and important location and the roads are already quite busy at certain times in particular. As a PC we are mindful that the existing businesses and residents along this route will need to be appropriately considered whilst the construction takes place.

There are proposals to construct a Temporary Access Road and as such these roads will be within the Parish of Clyst Honiton. The cable will follow the route from under the A30 and under Long Lane just on or just outside the Parish boundary of Clyst Honiton.

Technical Consultations

County Highway Authority

Observations:

DCC as Local Highway Authority has had discussions with the developer, Transmission Investment, in June and November 2015. These discussions have covered the proposed route of the underground interconnector cable, temporary access roads and improvements to existing accesses to highways, associated working strip and compounds and the Converter Station.

Full Transport Assessments and a Environmental Risk Assessment Reports have been examined for the proposed route of the underground cable and the Converter Station and the Local Highway Authority is generally happy with the proposals as far as they go.

The developer has put forward its proposals for improvements to Long Lane including suitable vehicle passing places and a temporary one way traffic route via Silverdown Lane and the Fly-Be Simulator Site, whilst the passing places in Long Lane are constructed.

I understand that the proposed temporary one way route for traffic whilst the road widening passing places are being constructed in Long Lane is not included within the submitted red and blue lined plan. It will be for the LPA to determine whether this should be included within the application.

Either way the CHA recommends a Grampian Condition requiring a temporary traffic route at least in one direction is provided whilst the proposed passing place works take place in Long Lane.

Whilst the CHA does not contest the suitability of the passing place scheme proposed by the applicant, it would prefer to see that the required improvements to the width of Long Lane for the FAB Project were incorporated into the wider scheme - Exeter Airport Link Road Widening and Long Lane Access Improvements - which has been approved by the DCC Economy Growth Cabinet.

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

GRAMPIAN CONDITION:

Prior to any works being carried out on site including construction works the passing places in Long Lane with a traffic management scheme shall be provided to the written satisfaction of the Local Planning Authority in conjunction with the Local Highway Authority.

REASON: So that suitable access is provided for construction traffic.

Natural England

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 or landscapes.

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.

Local sites

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

Sites of Special Scientific Interest Impact Risk Zones

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

Environment Agency

We have concerns that the potential impact of this development on private water supplies has not been assessed and we recommend that the application should not be determined until this has been done. Provided that these concerns can be satisfied, we recommend the inclusion of a planning condition relating to possible contamination of land. We also have some information for the applicant regarding the prevention of pollution from the site.

We have a record of deregulated abstractions existing at Higher Southwood Farm and Lower Southwood approximately 500m east of the centre of the proposed development site. We consider that, if correctly mapped, the risks to these features may be low. However no specific consideration of construction or post construction phase risks to these features appears to be incorporated within the submitted documents that would allow us to confirm this.

We therefore consider that the application should not be determined until the risks to identified private water supplies (those identified above and any others in proximity) has been assessed. This should include confirmation of the exact location of the point of abstraction and the source's current status.

We concur with the assessment that the potential of this site to be affected by historical contamination is likely to be low. We have no requirement for further investigation in relation to contamination risks to controlled waters. However, should unexpected contamination be encountered during construction this position would need to be revisited.

Provided the risk to private supplies is confirmed as being low, we recommend inclusion of the following precautionary condition within any granted permission.

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons

To protect controlled waters.

Advice for the Applicant

Under the terms of the Water Resources Act 1991, the prior written consent of the Agency is normally required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters.

Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund.

Further comments received 13th June 2017:

We write further to our letter of 07 February 2017 and the subsequent response from the applicant's consultants (RPS) on 10 March 2017.

Environment Agency position

We consider that this proposal will only be acceptable if the subsequent decision notice includes conditions to ensure the protection of private water supplies and the appropriate management of any unexpected contamination encountered during construction. Our recommended condition and informative are set out below.

Condition – Private water supplies

The development hereby permitted shall not be commenced until such time as a scheme, which identifies and protects any private water supplies which might at risk from the development, has been submitted to, and approved in writing by, the local planning authority. Any such scheme shall be supported by detailed information.

Reason: To protect private water supplies

Condition – Unsuspected contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect controlled waters.

Informative – Storage of oils, fuels and chemicals

Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund.

Contaminated Land Officer

I have considered the application and in view of its location on what is currently agricultural land I do not anticipate any contaminated land concerns. The end use is for a commercial operation and there are no nearby sensitive receptors identified.

Environmental Health

EDDC's standard construction hours are not as stated by the applicant and we do not agree with the proposed hours of working and we would recommend the following condition:

A Construction and Environment Management Plan must be submitted and approved by the LPA prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control and monitoring arrangements. Construction working hours shall be 8am to 9pm 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 site.

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

Noise comments from Environmental Health:

RPS (the agents) have stated that

"The design work that follows will form the basis of a reserved matters application. At the outline stage, the information on noise is necessarily generic albeit based on other similar projects. Both the layout of the site and the inventory of equipment will affect noise emissions at the nearest sensitive receptors and there are a number of different

layout and equipment options and combination of options available for the development of the site.

At the detailed stage, the design process will properly balance the operational needs of the plant and the protection of amenity, with reference to warranted sound levels and building specifications provided by equipment manufacturers to ensure that the agreed noise limits are met.

At this outline stage EDDC will rightly be concerned to ensure that the amenity of nearby noise sensitive receptors will be preserved when the Converter Station is commissioned. In order to ensure this, RPS has discussed reasonable noise limits with the EHO and carried out noise monitoring. The proposed limits of 35dB as a lower minimum noise limit or the existing background noise levels (whichever is the greater) is considered to provide a reasonable protection of amenity in the daytime, in accordance with the BS4142 methodology and relevant planning guidance.

Similarly, as a minimum lower noise limit, 35dB is considered appropriate protection against sleep disturbance for the night time and is based on well-established WHO guidance. It is not necessary or reasonable therefore to design the converter station to achieve much lower daytime or night time noise limits that go well beyond relevant guidance.”

RPS also proposed 3 conditions, detailed below. We have provided commentary on these conditions as well as proposed variation / additions to the conditions based on the noise report provided by RPS.

RPS Proposed Condition 1: No development relating to the erection of the converter station buildings shall take place until details have been submitted to and approved by the local planning authority to demonstrate how the buildings will be designed and any external plant attenuated to control noise emissions. The converter station buildings shall be constructed in accordance with the approved details.

Reason: To ensure that the use of the converter buildings does not cause any noise nuisance to nearby residential properties.

Environmental Health further comments:

Given the apparent uncertainty with the plant suggested, I think our concerns are well founded – how can we agree something that may well change – maybe we just need more information for re-assurance – maybe from similar examples elsewhere?

RPS Proposed Condition 2: The rating noise from the development shall not exceed a free-field level of 35 dB LAr,Tr or the background sound level, whichever is the greater, when measured or calculated at a distance of 1 m from the façade of the properties set out in the table below in accordance with BS 4142:2014. The background sound level at each residential property shall be taken as identified in the following table:

Table of Representative Background Sound Levels at Nearest Residential Properties

#	Location	Grid Ref	Period	Background Sound Level LA90,T dB
01		SY02079361	Daytime (07:00 – 23:00)	43

	Higher Southwood Farm		Night-time (23:00 – 07:00)	30
02	The Top Bungalow, Antiques Complex at Harrier Court	SY01329339	Daytime (07:00 – 23:00)	46
			Night-time (23:00 – 07:00)	33
03	Lower Southwood Farm	SY02179341	Daytime (07:00 – 23:00)	47
			Night-time (23:00 – 07:00)	32
04	Marwood Lane	SY02389273	Daytime (07:00 – 23:00)	38
			Night-time (23:00 – 07:00)	33
05	Marwood, Deer Park and Deer Copse	SY01169294	Daytime (07:00 – 23:00)	49
			Night-time (23:00 – 07:00)	31
06	Hampton by Hilton	SY01039316	Daytime (07:00 – 23:00)	57
			Night-time (23:00 – 07:00)	33

Reason: To protect amenity of nearby residents with respect to noise.

Environmental Health further comments:

RPS states

“RPS therefore disagrees that these limits are unreasonable. The limits are reasonable and appropriate with respect to the BS 4142:2014 methodology and allow some flexibility for changes in the detailed design.”

And

“Similarly, as a minimum lower noise limit, 35dB is considered appropriate protection against sleep disturbance for the night time and is based on well-established WHO guidance. It is not necessary or reasonable therefore to design the converter station to achieve much lower daytime or night time noise limits that go well beyond relevant guidance.”

But given the report and the proposed theoretical plant noise specification provided, I think it is reasonable to base a noise condition on the proposed theoretical plant noise specification provided and surely it is not unreasonable to expect the design standard to be met. The RPS proposal actually allows for noise levels above the proposed design specification.

If the site location were noisier, then the WHO limit would be appropriate, but as this and many other areas in East Devon are very quiet at night, it seems sensible to have the limits based on actual levels rather than a fixed criteria.

Our concern is that the increased noise levels may well be discernible by those already living there, particularly in the summer when it would be considered reasonable to have windows kept open to ventilate during the warm summer months.

Therefore we recommend the suggested condition, but replacing the word greater with the word lower as follows:

The rating noise from the development shall not exceed a free-field level of 35 dB L_A,T_r or the background sound level, whichever is the LOWER, when measured or calculated at a distance of 1 m from the façade of the properties set out in the table below in accordance with BS 4142:2014. The background sound level at each residential property shall be taken as identified in the table (see table above):

Proposed Condition 3: The converter station buildings shall not be brought into use, until a scheme for monitoring sound emitted from the converter station buildings has been submitted to and approved in writing by the local planning authority. The scheme shall detail:

- a) All off site noise sensitive properties and locations where readings will be taken from;
- b) Survey methodology; and
- c) Reporting procedures.

The approved sound monitoring scheme shall operate for 6 months from the converter station buildings first being brought into use and the results of the sound monitoring shall be submitted to and agreed in writing with the local planning authority in accordance with the reporting procedures.

Reason: To ensure that the use of the converter buildings does not cause any noise nuisance to nearby residential properties.

Environmental Health further comments:

Given the apparent uncertainty with the plant suggested and the proposed theoretical plant noise specification provided I think our concerns are well founded. Therefore I think it is reasonable set a post operational noise monitoring condition which provides time scales to ensure compliance is met.

We could add the following to the proposed condition:

If within 6 months of the approved noise monitoring and reporting scheme operating, the noise conditions are found not to be met, a detailed action plan to mitigate the noise shall be agreed with the LPA. The mitigation measures shall then be implemented within 6 months of the action plan being agreed by the LPA. The action plan shall include post mitigation noise monitoring to ensure final compliance with the planning conditions.

EDDC Trees

The Illustrative landscape /layout demonstrates that the proposed development will not have any significant impact on the existing trees and the proposed planting of trees as part of the scheme provides a positive gain in tree numbers.

We should secure the protection of existing trees through the following condition.

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

adjacent to the site , shall be submitted to and approved in writing by the Planning Authority.

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

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

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

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

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

DCC Flood Risk Management Team

Recommendation:

Although we have no in principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

A suitable surface water management strategy has been put forward in which an attenuated discharge is proposed, however it is not clear whether the proposed formal discharge point is to a suitable receiving watercourse or ditchcourse. The applicant should provide further details to confirm that there is a suitable discharge point for the proposed surface water management system.

Assuming that the above information can be provided we can recommend the following pre-commencement planning conditions which could be imposed on any approved permission;

- No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance

with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment. (Report Ref. JER6794, Rev. 2, dated December 2016).

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

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

- No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

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

The National Grid

National Grid haven't made comments because we aren't responsible for the gas in that area.

Please contact Wales and West Utilities.

We have no apparatus affecting the planning application.

Highways England

Notice is hereby given that Highways England's formal recommendation is that we offer no objection.

Annex A - Highways England recommendation of no objections.

HIGHWAYS ENGLAND ("we11") has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SAN). The SAN is a critical national asset and as such works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard to planning applications 16/2997/MOUT and has been prepared by the Asset Manager for the SAN in Devon.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development" and the DCLG National Planning Policy Framework (NPPF).

Statement of Reasons

The application is seeking outline planning permission for the development of the UK converter station which will form part of the FAB Link project. The FAB Link is a proposed interconnector cable which will allow the exchange and trading of up to 1400MW of electricity between France, Alderney and Britain.

The proposed location for the UK converter station lies east of Exeter Airport Industrial Estate, near the Antiques Complex south east of Exeter Airport. It is assumed that all construction vehicles including abnormal loads will access the site from the A30(T) via the 83184 airport link road and an unclassified road called Long Lane. The site access and suitability of the route from the A30(T) is a matter for Devon County Council as the local highway authority.

Once constructed, the UK converter station will be manned only by a small number of staff working on a shift basis and creating negligible daily vehicular movements, however traffic flows during the construction period is of greater interest to Highways England. The Transport Assessment contained within the Environmental Report provides a detailed calculation of construction traffic flows. Over the 34 month construction period, the construction process would generate a daily average of 155 two-way vehicle movements, 40 of which would be HGVs. There will be periods during the construction phase when vehicle movements will peak at 85 HGV two way movements per day, whilst the maximum number of total daily movements (HGVs, vans and cars) will peak at up to 274 two-way movements per day. For the purposes of the Transport Assessment and to provide an assessment based on the likely maximum construction impact, all vehicle movements have been assigned via the A30(T) with 54% travelling from the west and 46% from the east. Vehicles approaching from the west will also do so via MS J29 which can experience congestion at peak times.

The wider FAB Link proposals will also incorporate the routing of cabling beneath the A30 trunk road which is the subject of separate discussions and approvals. We look forward to further dialogue with the applicant to reach the necessary approvals to facilitate this. It would also be helpful if the applicant could provide further details in due course of the proposed phasing of cabling works to enable us to understand the cumulative impact on the A30(T).

Recommendation

Highways England has no objection to the proposed development.

Exeter & Devon Airport Ltd

This proposal has been examined from an Aerodrome Safeguarding aspect both physically and technically from the supplied planning documents and previously by pre planning consultations held with the developers. An Airport Technical Safeguarding Modelling report has been supplied with recommendations made to ensure that there are no adverse effects on the navigational aids at Exeter airport. Providing the recommendations are followed within this report Exeter Airport will have no technical safeguarding objections to these proposals.

There are no Physical safeguarding concerns from the construction. One of the airports Obstacle Limitation surfaces passes over the site at 36m AGL. The highest building listed is 20m so there is no conflict with this surface. It should be noted that the use of Tall equipment and Cranes during construction will not be allowed to penetrate this surface whilst the airfield is open and operational. All tall Equipment and Cranes required to operate over 10mAGL will require a Tall Equipment permit issued by Airfield Operations applied for 14 days prior to the date required (application form attached).

Lighting within the site should be directed away from approaching aircraft and the runway with no light spill above the horizontal.

The planting and landscaping plan should be devised to be unattractive to birds with no fruit and berry bearing species that could provide a food source for birds.

In terms of the Air Navigation Order, it is an offence to endanger an aircraft or its occupants by any means. In view of this I have included, as attachments, some safeguarding notes which all developers and contractors must abide by during construction and commissioning giving guidance on the points mentioned above.

These include: AoA Advice notes:

- 1 Aerodrome Safeguarding an Overview
- 2 Lighting near Aerodromes.
- 3 Wildlife Hazards around Aerodromes
- 4 Cranes and other Construction Issues.

Accordingly, Exeter Airport has no safeguarding objections to this development provided that all safeguarding criteria are met, as stipulated in the AoA Advice Notes, the recommendations made in the Technical Safeguarding report are followed and there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter Airport.

Exeter International Airport Consultative Committee

Please be advised that the Exeter Airport Consultative Committee has no objection to this application. However, we were concerned that the written representation by the Airport Management was not posted on your planning website. Their technical

appraisal should override all other considerations when the safety of operations is an issue.

Historic England

Comments from the Inspector of Ancient Monuments - Thank you for your letter of 12 January 2017 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Further comment received 12.4.17 from Historic England:

Historic England has been asked by your Authority to review our earlier response to this application in relation to its potential heritage impact, in particular in relation to the visual impact of two substantial industrial buildings up to 20m in height on the setting of the grade I listed Rockbeare Manor.

Rockbeare Manor is an important Classical country house constructed in the mid eighteenth century and subsequently enlarged and embellished in the later eighteenth and early nineteenth centuries. It is set in an ornamental landscape whose parkland was probably designed in the later eighteenth century with an early nineteenth century walled garden. Whilst the principal facade of the house faces across parkland west-north-west, its garden front faces west-south-west (in the direction of the development) and the description of its grade II registered park and garden notes that "to the south and south-west woodland was established which served to frame vistas from the dining room and other rooms on the south front of the house".

The applicant's supporting heritage statement notes that the proposed development will be located c.900m WSW from the boundary of Rockbeare's designated park and garden and approximately 1.5km from the grade I house itself. It observes that the western edge of the registered parkland is more sparsely planted and that views of the development will be possible from this area: "even with the planted landscape bunds which are part of the proposed development in place, the larger elements of the converter station would remain visible in views from the registered park and garden."

In relation to Rockbeare Manor itself, the report states that, even with the planted landscape bunds in place, "there would be views of the proposed development from the listed building looking across the landscape park." The report does not, however, quantify how these views might impact on the significance of the Manor, by assessing the significance of those particular views, or quantifying the extent to which the views would be altered. It merely conclude that there would be a slight loss of significance to the listed building due to the change to its wider setting.

Unfortunately, none of the photomontages provided with the LVIA relate to Rockbeare Park, or illustrate the potential visual impact on the park and garden or on Rockbeare Manor itself. In the absence of objective visual verification, we have no reassurance that the harm to the significance of a grade I listed heritage asset will be as minor as the heritage impact assessment concludes. Nor is evidence provided of any further mitigation that might be possible - either in terms of the location of the development or

amendments to its design or associated landscaping scheme - which might reduce the harm to significance. It is difficult, therefore, to assess whether the harm that would arise could be avoided or further minimised.

Paragraph 129 of the NPPF requires local planning authorities to assess the particular significance of heritage assets - including their setting - and take that into account when assessing the impact of a development on that asset, to assess whether conflict between the asset's conservation and any other aspects of the proposal could be avoided or minimised. We don't consider that sufficiently detailed assessment has been provided in this case to satisfy that paragraph of the NPPF. This is a concern, given the special interest of the designed setting to Rockbeare Manor, the particular contribution it makes to the building's significance, and the fact that a degree of harm to it has been identified by the applicant due to the location and form of the development.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 129, 132 and 134 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Further comment received 16.05.17 from Historic England:

I've taken a look at the visual information submitted and the additional impact assessment provided. On the basis of the visualisations from the submitted viewpoints 1, 2 and 3 it would be hard to claim that the Converter Station would be noticeable in summer months, but the images are not an accurate indicator of what the visibility of the building would be in months when trees are not in leaf, and this remains a slight concern. I should point out, however, that in general we advise the use of a 75mm lens diameter for such photomontages, since (as the Highland Council guidance has identified) that equates more to the perspective gained by the human eye, and features within a landscape are generally more noticeable in photographs taken to that specification.

On balance, from the indicated scale of the building which is partially visible in viewpoint 3, the likelihood is that even when more visible in winter months, due to the intervening distance and topography, the building is unlikely to be a prominent feature when viewed from areas of the park and garden in proximity to Rockbeare Manor. However, if additional landscaping measures can be introduced to mitigate its impact further when viewed from the direction of Rockbeare that would be beneficial.

Since the Council's Landscape Officer may be more highly trained than I am in assessing landscape impact, I would, though, be guided by him as to the ability to mitigate the impact of this sizeable building within the landscape.

Devon County Archaeologist

I refer to the above application and your recent consultation. The geophysical survey undertaken on this site has identified an anomaly (Stratascan report ref: J9818 April 2016; anomaly 1 fig 9) that may be indicative of the presence of an earlier field system on a different alignment to the extant field system that is visible today. Similar anomalies have on other sites have been shown to date to the prehistoric or Roman periods. Groundworks associated with the construction of the proposed development have the potential to expose and destroy any archaeological and artefactual deposits associated with this putative feature.

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

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

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

Reason

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

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of the anomaly identified by the geophysical survey that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

Further comments received 13th June 2017:

I have accepted the report – and was just awaiting a small revision before responding formally to the LPA. However, if the application has yet to be determined then I do not

regard there to be a requirement to apply the standard worded archaeological condition to any consent that may be granted.

No nothing really was found. The anomalies in the geophysical survey seemed to represent changes in the properties of the topsoil rather than representing archaeological features cut into the subsoil.

Devon Gardens Trust

We do not wish to comment on this application.

Other Representations

Three letters of objection have been received raising the following concerns:

- 1) Roads are currently inadequate to accommodate the volume of traffic and are already unsafe for pedestrians/cyclists. The proposal will make the situation worse by increasing danger, noise and congestion.
- 2) Flooding is already a problem in the area so would the works displace water from the fields to a new course?
- 3) The closure of the road whilst the improvements to Long Lane are carried out will cause financial disruption.
- 4) If the building is too high and/or generates electromagnetic interference, this could affect broadband and disrupt businesses.

PLANNING HISTORY

None relevant

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

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

EN8 (Significance of Heritage Assets and their setting)

EN9 (Development Affecting a Designated Heritage Asset)

EN13 (Development on High Quality Agricultural Land)

EN14 (Control of Pollution)

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)

TC12 (Aerodrome Safeguarded Areas and Public Safety Zones)

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 3 (Sustainable Development)

Strategy 5 (Environment)

Strategy 7 (Development in the Countryside)

Strategy 9 (Major Development at East Devon's West End)

Strategy 11 (Integrated Transport and Infrastructure Provision at East Devon's West End)

Strategy 38 (Sustainable Design and Construction)

Strategy 40 (Decentralised Energy Networks)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Site Location and Description

The application site consists of an agricultural field of about 5 ha in size. It is largely level with a slight slope down towards the northern boundary. There are no features within the site but the boundaries are marked by hedgerows interspersed with trees. The site is located a short distance to the south east of Exeter airport. The business park at Exeter Airport is located about 800m to the east with the Flybe training centre and hotel a little closer. The closest development is the antique centre/Harrier Court complex of small scale business units located about 100m to the west. Otherwise the site is surrounded by fields with Long Lane running along the southern boundary of the site. The A30 trunk road is located about 150m to the south of the site. The nearest settlements are Rockbeare and Cranbrook to the north.

The access to the site is from the B3184 at the Clyst Honiton junction of the A30 and then onto Long Lane through the airport complex/ business park.

The proposal and application

The proposed development relates to an outline planning application, with all matters reserved, to construct a high-voltage converter station with associated infrastructure on this green field site.

The proposal forms part of a wider proposed interconnector which will allow the exchange and trading of up to 1400MV of electricity between France, Alderney and Britain – FAB Link. As such, there are converter stations proposed in France and on the East Devon site to convert High Voltage Alternating Current (HVAC) to High Voltage Direct Current (HVDC) and vice versa. The electricity is transmitted through cables either underground or on the sea bed. The cables come via Alderney to connect to future renewable tidal stream generation in the seas around the island.

The subsea cables are proposed to come ashore at Budleigh Saterton beach and then be placed below ground for the route through East Devon to the proposed converter station and then on to the Exeter Sub-station near Broadclyst. The installation of the below ground electricity cables together with the associated temporary access roads, accesses, working strip and compounds are considered to be “permitted development” by the applicant by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) and accordingly has submitted in parallel with the current planning application for the converter station, an Application for a Lawful Development Certificate for a proposed development (CLOPUD). The Council has now issued an approval of the CLOPUD application confirming that the underground cables and the ancillary works applied for are ‘permitted development’ except for a small element of compound.

The current planning application is just, therefore, for the converter station. The converter station was screened for Environmental Impact Assessment (EIA) development in January 2016 where the authority concluded it was not EIA development – known as a negative screening opinion.

The application is in outline with all matters reserved. However, a parameter plan has been submitted as forming part of the proposal with numerous indicative plans and drawings showing how the site could be developed. The parameter plan shows:

- 1) Site area of 5.09ha of which the operational area of the development will not exceed 3.6ha.
- 2) There will be a strategic landscape buffer area around the site boundaries of at least 10m.
- 3) Existing hedgerow and trees to be retained.
- 4) Two areas identified on the southern boundary for the access points.
- 5) Total area of landscape and surface water drainage will be 1.49ha, of which up to 0.29ha is existing vegetation, up to 0.2ha for surface water attenuation and not less than 1.0ha of strategic landscaping.
- 6) Within the operational area, the maximum floor area of buildings will not exceed 11,000 sqm and be over 20m in height.
- 7) The maximum height of exterior plant/machinery/equipment in the operational area will not exceed 20m in height.

The converter station is likely to have two halls meeting the requirements of the parameter plan which will house the semi-conductor valves used to convert the DC to AC (inverting) and AC to DC (rectifying). The valve halls will also be served by a cooling system which dissipates heat via a water circulation system of pumps and fans to the outside air.

Similar to a conventional sub-station, the converter station site will have external plant and equipment in the form of 400kv transformers, switchgear and bus bars together with smaller buildings which will house controls systems as well as facilities for maintenance staff.

The proposals also include a number of improvements to Long Lane through the provision of passing places together with two access points onto the site on the southern boundary.

The majority of traffic to the site will be generated during the construction phase as, when operational, the site will employ about 3 to 4 staff with additional subcontractors.

Also submitted with the application is a Design and Access Statement, a Transport Assessment, Exeter Airport Technical Safeguarding report, Supporting Statement and Environmental reports (Text, figures and appendices). The main headings of the Environmental Report come under:

- 1) Ecology and Nature Conservation.
- 2) Landscape and Visual Impact.
- 3) Archaeology and Cultural Heritage.
- 4) Air Quality and Health.
- 5) Noise and Vibration.
- 6) Hydrology and Flood Risk.
- 7) Geology, hydrogeology, ground conditions and contamination.
- 8) Land use, Agriculture and Soils.

ANALYSIS

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

- 1) The principle of development in relation to local and national policy
- 2) The weight to be attached to "Projects of Common Interest" (PCIs) in relation to the trans-European energy infrastructure EU 347/2013 (TEN-E Regulations) for major energy infrastructure projects that contribute to European energy networks.
- 3) The effect of the development on the landscape and visual appearance of the area.
- 4) Access and highway network considerations.
- 5) Sustainability and waste heat issues.
- 6) Ecology and nature conservation.
- 7) Archaeology and cultural heritage.
- 8) Air quality and health.
- 9) Noise and vibration.
- 10) Hydrology and flood risk.
- 11) Geology, hydrogeology, ground conditions and contamination.

- 12) Land use, agriculture and soils.
- 13) Airport safeguarding.
- 14) Environmental Impact assessment issues.
- 15) The need for the facility and site selection process.
- 16) Design.

Principle of Development

The site lies outside of any Built-Up Area Boundary (BUAB) designated in the adopted Local Plan or any settlement which would have a new BUAB designated through the emerging Villages DPD. Therefore, in accordance with LP Strategy 7 (Development in the Countryside) this site is considered to be in the countryside, where development is resisted except where it is explicitly supported by a specific Local or Neighbourhood Plan policy and where that development would not harm the distinctive landscape, amenity and environmental qualities of the area in 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 intrusion.

The site is located in the “west end” of the district where major development is proposed as identified in Strategy 9 of the local plan. This does not, however, include the provision of a converter station. This is not a typical planning land use or type of development that would be specifically covered in a local plan which does not plan for this type of development through a criteria based planning policy or site allocation. Therefore, there are no specific policies which cover a converter station and relevant policies are more general relating to countryside protection.

At the heart of the NPPF is a presumption in favour of sustainable development which is the golden thread running through decision-taking. Paragraph 14 of the NPPF goes on to describe what this means in terms of decision-taking by approving development where it accords with the development plan and where the plan is absent, silent or relevant policies are out-of-date, approve development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF policies as a whole or specific policies in the NPPF indicate development should be restricted.

Government policy within the NPPF requires decision makers to recognise the intrinsic character and beauty of the countryside. Pursuing sustainable development involves seeking positive improvements in the quality of our environment, including the natural environment. Furthermore, the local plan is considered up-to-date and relevant, in terms of the protection of the countryside and the location of development policies. Overall, the proposed development is not considered ‘sustainable’ within the meaning of the NPPF but it is recognised that any assessment of a development proposal needs to weigh these issues against the benefits.

The proposed development is therefore considered to be contrary to the general policies of the council guiding the location of new development and accordingly it is not considered to be 'sustainable' within the meaning of the NPPF. However, it is for the decision makers to decide what weight should be attached to all the material planning considerations and other issues identified further in this report have a bearing on this.

The TEN-E Regulations and the importance of Projects of Common Interest (PCI).

The FAB link interconnector is a PCI under the provisions of the TEN-E regulations which sets out guidelines for streamlining the permitting processes for major infrastructure projects that contribute to European energy networks. The TEN-E Regulation establishes that PCIs are necessary to take forward EU energy networks policy and should be given the most rapid consideration in the permitting process that is legally possible. To achieve this the TEN-E Regulations set an overall timetable for the permitting process which may include planning permissions, marine licences, etc depending on the type of infrastructure and consenting regimes. In this case, the Marine Management Organisation (MMO) is responsible for the timetable for the statutory permit granting process. The schedule for this has been issued by the MMO and identifies, amongst other things, the need for EIA screening and planning permission. The timetable provides for the submission of a planning application before the end of 2016 (application was registered on 21st December 2016) and a decision within 13 weeks. The reserved matters application should be submitted by the end of August 2017 with a 13 week determination period. Overall, there is an 18 month permitting process for the determination of applications from the acceptance of the application file – 30th August 2016.

The TEN-E Regulation does not replace any consents for infrastructure required in the UK and developers must ensure that they meet all the statutory requirements for consenting regimes. Depending on the proposed infrastructure, a PCI may require planning permission under the Town and Country Planning Act 1990 and this is likely for electricity converter stations through the local planning authority. The TEN-E Regulation procedures also recognises that underground cables may be "permitted development" under the GPDO subject to the EIA Regulations.

Therefore, the main issues raised by the TEN-E regulations are:

- 1) PCI should be implemented as quickly as possible and should be closely monitored and evaluated, while keeping the administrative burden to a minimum.
- 2) The permit granting process should not lead to administrative burdens which are disproportionate to the size or complexity of the project, nor create barriers to the development of the Trans-European networks.
- 3) PCI should be considered by competent authorities as being in the public interest.
- 4) However, the simplification of the process and clear time-limits should not compromise the high standards for the protection of the environment.

PCI's have national significance and should be treated as such in the permit granting process. This together with the size and locational requirements of the proposal, are significant material planning considerations which weigh heavily in favour of the proposal notwithstanding any conflict with local plan policies.

Landscape and visual impact

As stated earlier in this report, the development would be located in the defined countryside where one of the principal policy aims is to protect the distinctive landscape, amenity and environmental qualities of our rural areas. The site is currently an arable field, surrounded by other fields with a lane down one side. The area is not, however, undeveloped being in the Growth Area with a small industrial estate close by to the west, a larger group of commercial/hotel/training buildings a little further to the west, the A30 trunk road to the south, Exeter Airport to the north west and a small scattering of farm buildings to the east. There are the settlements of Cranbrook and Rockbeare approximately 2km to the north.

The applicants have submitted a Landscape and Visual Impact Assessment (LVIA) to consider the possible landscape and visual impacts of the development.

As stated above, government advice recognises the importance of the countryside and this is reflected in local plan policy. The site is not in a designated landscape being some distance from the AONB (about 3.5km) but the Rockbeare Manor has a Grade II Registered Park and Garden located about 900m to the east of the site.

The Council has reviewed the submitted LVIA and has several concerns:

- * LVIA Methodology: the applied methodology is insufficient as the recognised industry methodology clearly identifies sensitivity as made up of susceptibility to change and value any assessment should clearly reflect this.
- * Inclusion of long distance views: Due to the scale of the development the long distance views suggested within the review of the LVIA are highly likely to experience significant effects; therefore they should have been assessed as part of the LVIA.
- * Visual receptors travelling on Marwood Lane: This receptor should have been included in the road section.
- * Additional Viewpoints: a number of additional viewpoints should have been included.
- * Assessment of Effects: The effect on the Clyst Lowland Farmlands - Devon Landscape Character Assessment and the effect on the Lowland Plains Type E3 - Landscape Character Type should have been considered to be moderate adverse.
- * Mitigation Proposals: They will need to be addressed further and better coordinated.

The applicants view on these concerns are noted below:

- * The submitted LVIA follows a robust and fit for purpose methodology that provides sufficient information to enable the Council to assess the likely effects landscape and visual effects of the development and to agree suitable mitigation.
- * The inclusion of long distance views would not alter the conclusions of the submitted LVIA and would not vary the type or nature of mitigation that is required for the proposed development.
- * Visual receptors travelling along Marwood Lane have been considered at Viewpoint 6 in the submitted LVIA.
- * Additional viewpoints might have been included if they had been highlighted during the consultation with the Council prior to progressing the LVIA work. Although viewpoints have not been shown from these points, the LVIA considers visual

receptors from many of these areas and the inclusion of viewpoints would not alter the determination of effects upon receptors in these locations or the mitigation that is required.

* 'Complete loss' was the Landscape Officers phrase in reference to the farmland as a defining characteristic. That assessment is not accepted by RPS and has been taken out of context in the response. The proposed development would not be out of scale with the existing and approved development around Exeter Airport and would not alter any key characteristics of the DCLA or DCLT.

Beyond this there is no overall agreement between the Council and the applicant over the LVIA but nevertheless, there are key points that should be drawn:

- 1) The converter station will completely alter the appearance and character of the site itself and due to the scale and nature of the development, will have a significant impact on the locality of the site.
- 2) The applicants consider, however, that the development would be seen in context with the existing development in the area and would be compatible with the industrial scale of development at Skypark and the Intermodal Freight Facility (IMF). The converter station site is, however, the furthest development along Long Lane with only a small, domestic scale business estate close by. The other existing development of a hotel, training facility and the airport business park are all significantly closer to the airport and in terms of scale and appearance, are appropriate to their setting. By its very function, the converter station will have an unusual appearance and the large size will make it prominent and of a different character to the other developments which, in turn, would result in an adverse change to the countryside of the locality. The Skypark (located on the former airfield) and IMF are located some distance away and would not readily be seen in the context of this site.
- 3) In terms of longer views and the impact on the wider landscape, the development due to its size and height will have an impact on the wider area albeit less than the closer locality. Historic England are of the view that the impact on the setting of the Registered Park and Garden and Rockbeare Manor would be largely acceptable but consider mitigation would be beneficial. It is from the wider area that the development would be seen more in the context of other existing and planned developments in the area although this would not be the case from all viewpoints. Again due to the nature and scale of the development, the impact on the wider area would be moderately adverse.
- 4) The overall conclusion is that the impact of the development on the landscape would be negative and this would conflict with the aims of government and local policy. However, consideration needs to be given as to whether mitigation could suitably reduce this impact to a more acceptable level. The parameter plan submitted to set out the important principles to be approved at this stage includes the provision of a landscape buffer area around the periphery of the site of at least 10m consisting of about 1ha of the 5ha site. Existing trees on the north and west boundaries would be retained. There is no land beyond the site boundaries that is controlled by the applicant to allow further planting. There is also the proposal to submit a Design Code for approval. This is contained in the

recommended conditions and would require that strategic landscaping and design principles/materials are approved before any of the reserved matters are submitted. A suitable landscaping scheme would help integrate the development into the landscape although this would take a number of years to become fully effective. A sensitive design and the use of materials could also help to reduce the impact of the development on the landscape and would have a more immediate effect. The applicants have noted, however, that it will be utilitarian in form and there will be few opportunities to positively influence the scale, design and appearance of the development. The mitigation proposed would therefore have a positive effect on reducing the impact of the development on the landscape, particularly from wider areas but nevertheless, this will only be partial mitigation and cannot significantly eliminate the impact on the landscape, particularly in the short and medium term and bearing in mind the design constraints identified by the applicant.

Mitigation is to be welcomed but due to the nature, location, scale and size of the development, there will remain an adverse impact on the landscape, particularly from areas in the locality of the site. However, it is considered that this adverse impact is not so severe that it would out-weigh the public interest of this project which has significance well beyond East Devon.

Ecology and nature conservation

The closest designated site is the East Devon Heaths SPA/SAC/SSSI, located about 3.5 km to the south east of the site. There are also a number of non-statutory designated sites within 2 km of the site, the nearest being the Beautiport CWS (ponds with amphibian interest) a short distance to the south, Great Covert UWS to the south east and Exeter Airport OSWI to the north west.

The Environmental Report concludes that the construction process and operational impacts would be unlikely to effect the designated site and Natural England are in agreement with this assessment.

In terms of the local sites, it is considered that disturbance from noise, light and increased human activity would be unlikely but there could be some limited risk from contamination and air-borne pollutants. Mitigation during construction could be controlled through the requirement for a Construction and Environmental Management Plan (CEMP) and during operation, a plan detailing how fuels or other toxic materials would be dealt with including an emergency procedure.

Hedgerows and trees – there are managed hedgerows around the site boundaries with a number of oak trees in the southern and western hedgerows. The main site is in arable production and has a low ecological interest. The parameter plan submitted shows that these boundary Oaks are to be retained with at least a 10m landscaping zone to protect their root protection area and the existing hedgerows are to be retained except to gain access through the southern boundary. The proposed development will not therefore have any significant impact on trees but should planning permission be forthcoming, it is recommended that a condition be imposed to secure an Arboricultural Impact Assessment, Tree Protection Plan and a Method Statement.

In terms of protected species, mitigation is proposed for possible impacts on birds, bats, dormice and badgers to include:

Birds – clearance of vegetation outside the nesting season and, if this cannot be avoided, inspections by a qualified ecologist to ensure no nests are present and setting up exclusion zones if necessary.

Bats – include the retention of hedgerows and trees. Temporary works and permanent operational lighting should be controlled to limit light spill.

Dormice – the presence of dormice is unlikely but any hedgerow removal needs to be done as a phased approach as set out in the Dormouse Conservation Handbook. Any area to be cleared should be inspected by a suitably qualified ecologist.

Badgers – a pre-commencement badger survey needs to be done and should setts be identified, a licence will be needed.

The mitigation proposed will need to be secured and this can reasonably be achieved through a suitably worded condition in the form of the requirement for the approval of an Ecological Mitigation Strategy based on the proposed mitigation in the Environmental Report.

Access and highway network considerations

The site is located adjacent to Long Lane which is linked to the B3184 (Exeter Airport road) and the A30 trunk road. Long Lane is a single carriageway road and varies in width along its length and often relies on passing places and localised widenings.

During the operational phase, the converter station will only employ about 3 to 5 people and consequently there will be a negligible traffic demand at the site and only occasional van movements. Therefore, the main traffic demands will be through the construction phase and the submitted Transport Assessment (TA) concentrates on this and the temporary construction vehicles generated. The TA identifies that the construction period would be over 34 months and would generate per day an average of 155 two way vehicular movements, 40 of which would be HGVs, 4 of which would be vans and 111 of which would be cars. At peak construction periods, this would rise to 85 HGV movements and the maximum total daily movements of up to 274 two-way including 7 Abnormal Indivisible loads (AIL).

To deal with this, it is proposed to provide minor widening works to Long Lane to accommodate the AILs and passing places will be provided along its length to allow construction HGVs to travel. These improvements to Long Lane have been included in the application and preliminary design drawings of the passing places and site access points provided.

DCC highways have been consulted on the application and are in agreement with the proposed improvements to serve this development subject to a suitable condition to ensure that these improvements are carried out before any work starts on site and that an alternative traffic management scheme is agreed to cover the period when the Long Lane improvement works are being carried out. DCC Highways would like to see that the improvement works are carried out as part of a proposed wider scheme of highway

improvements to Long Lane but it is considered that in terms of a reasonable condition, the planning authority can only require improvements to directly allow this development to proceed. It is therefore recommended that should planning permission be granted, a condition is imposed to require that the improvements (including a traffic management scheme) to Long Lane be carried out in accordance with details to be approved before any development, including construction works, are commenced on site.

Whilst the improvements to Long Lane are being carried out, a traffic management scheme will be required which could involve providing an alternative route. As specified above, the proposed condition should also require this but it is possible that this would entail the need for a separate planning permission which should be applied for. However, it is not known for sure at this stage but the applicants have been informed.

Access to the site is a reserved matter but it is known at this stage that up to two access points would be required through the southern boundary of the site. This is considered acceptable in highway terms with the main issue being the possible impact on hedgerow and trees. The parameter plan shows the broad areas for the access points which avoids trees although a section of the frontage hedge will need to be removed but this should be compensated for by additional planting around the site and the monitoring of potential species.

The illustrative layout shows that some limited amount of parking will be provided on site to serve the operational demands of the site.

Highways England have been consulted on the application for their views on the possible impact on the Strategic Road Network (SRN) and have concluded that the anticipated daily number of vehicles is unlikely to have a severe impact on the operation of the SRN and therefore offers no objection to the proposed development.

Policy TC2 of the local plan requires development to be located so as to be accessible by pedestrians, cyclists and public transport to minimise the need to travel by car. There are dedicated cycle routes in the area but they do stop short of the site (by about 750m) which would require cyclists to use Long Lane itself along part of its route. The nearest bus route stops at the airport so there is no bus stop near to the site and a walk/lift would be required of at least about 1.6 km. There is a footway along Long Lane to the Flybe academy but after that it is on the road. Therefore, the site has only limited ease of access by pedestrians, cycle and bus but as the operational phase will only generate a small number of staff, it is considered that this issue is not accorded significant weight in the determination of the application.

Sustainability and waste heat issues

The overall interconnector to France is to transmit electricity to Britain and vice versa if necessary. The interconnector is also to be routed via Alderney to take advantage in the future of tidal electricity generation in the seas around the island. This should allow high carbon fossil fuel generation in Britain, in part, to be replaced by low carbon nuclear generation from France and tidal generation from Alderney, together with improved energy security. Interconnectors can therefore help with smoothing the

variability of renewable generation across different areas and facilitate the connection and integration of renewables.

The DC to AC conversion process at the converter station loses 0.5% of the energy transmitted in the form of waste heat. This 7MW of waste heat is produced at 45-50°C for 90% of the year and amounts to 55.2 GWh, sufficient to heat 3,300 typical UK homes. Heat in the converter halls is generated by the water cooled inverter valves. Cooling water is supplied to the valves and the heated water is then circulated outside to fan cooled air radiators where the temperature is dropped before returning to the converter halls. As originally submitted, there was no proposal to use or recover the waste heat and this would disperse the 7MW of heat by warming the air in the vicinity of the site. The obvious question therefore arises as to whether this waste heat could be reasonably used.

The Government has identified that heat networks are an important part of the UK's energy strategy and forecasts are for this to increase. The Committee on Climate Change identifies waste heat from sources such as electrical substations as a source of low carbon heat for heat networks.

The NPPF emphasises the role local planning authorities have in increasing the supply of low carbon energy including identifying opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers. The NPPF also requires LPA's to set out the strategic priorities for the area in the local plan including policies to deliver the provision of infrastructure for energy (including heat). Government advice in the NPPG describes how decentralised energy opportunities can be identified by:

- * Getting the right land uses for district heating.
- * Influencing opportunities for recovering and using waste heat from industrial installations.
- * Encouraging energy development which produce waste heat, to be located close to existing or potential users of the heat.
- * Helping to provide the new customers for the heat by encouraging development which can make use of the heat.

In terms of the local plan, Strategy 11 responds to the NPPF/NPPG by requiring in the 'west end' to coordinate infrastructure provision including low carbon heat and power supply.

Strategy 40 of the local plan is specific to decentralised energy networks by requiring developments of this size to connect, where viable, to any existing or proposed decentralised energy network in the locality to bring forward low and zero carbon energy supply and distribution.

The Cranbrook/Skypark heat network in in the locality of the site. This was started in 2011, some 45km of heat network pipe has been installed serving some 1,550 homes and a range of commercial buildings. The Cranbrook heat network is planned to extend to some 7,500 homes and come within about 1 km of the site.

At the Strategic Planning Committee meeting on 17th January 2017, the Heat Network Strategies for the West End of East Devon was approved to inform decision making on development proposals in the wider West End. This document is therefore a material planning consideration and highlights how using heat pumps to exploit waste heat can not only reduce carbon dioxide emissions but also provide key linkages between future heat and electricity infrastructure allowing virtual storage of electricity in heat networks.

The council has commissioned a report by Exeter University – Centre for Energy and the Environment, to provide advice on the use of waste heat from this development. This report highlights the governments support for heat networks and the supply of waste heat to these networks together with the local policy for co-ordinated provision of low carbon heat supply in the area and the requirements of Strategy 40. The report considers how the heat supply could be used in both low temperature and high temperature heat networks through the use of heat exchangers and heat pumps (high temperature) and concludes that the use of waste heat in the existing and proposed heat networks in the West End is technically feasible.

The report recommends that provision is made to be 'DH ready' at the converter station site through the following provision:

Physical facilities

- * Suitable valve isolated tie-in stubs installed on the cooling circuit upstream and downstream of all the valve cooling radiators (VCR).
- * The provision of suitable space adjacent to each of the VCR's to accommodate a heat exchanger of the same capacity as the VCR together with associated pipework, pumping and controls to enable the offtake of the heat into a low temperature heat network.
- * Provision of a 3m wide heat pipe corridor from the VCR's to the boundary of the site and to the public highway beyond the site boundary.
- * Land either on site or adjacent to the site for a 15m x 10m building to ensure provision for a future commercial scale heat pump.

Design drawings

- * Site layout plans showing the provision for the physical facilities for both the low temperature and high temperature heat network solutions.
- * Process and instrumentation diagrams showing the physical facilities (with control loops included) for both the low temperature and high temperature heat network solutions
- * Pipework plans and elevations showing the pipe runs for the physical facilities for both the low temperature and high temperature heat network solutions.

Plus the following conditions/S106 obligations to support the future offtake of heat:

- * An obligation to market and supply heat from the site at cost.
- * Submission of design drawings (above) with a reserved matters application for approval.
- * Provision of the physical facilities (above)
- * Wayleaves for heat pipes from each of the VCR's to the public highway.

The report was sent to the applicants with a request that they agree to supply the waste heat as recommended above. The response from the applicants was that they did not consider that the local policies were relevant as policy related to buildings that will consume heat rather than provide it and that they were not aware of any existing or proposed heat network in the locality. However, they were prepared to discuss reasonable works that might facilitate the use of the waste heat should a network become available in the future provided the cost was reasonable and did not delay the project. This would be through the allocation of a pipe corridor from the site boundary and dedicated connection points on the cooling system but not space for additional equipment due to space constraints and the restricted high voltage working environment. They would also not be in a position to acquire land on the proposed construction compound next to the site for additional equipment in the form of heat pumps.

In terms of the issues raised, there are a number of comments that are relevant;

- 1) Policy – the government are clear that increasing the amount of energy from renewable and low carbon technologies will help the UK to become more secure in its energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure. Strategy 40 of the local plan aims to develop decentralised energy networks and is not just about requiring developers to take the heat: it is about the supply and connection to that network whether it be feeding into the system or taking from it to achieve the overall aim of supporting the growth of renewable and low carbon energy networks. With the threat of climate change, it is inconceivable that to waste so much heat should not be challenged.
- 2) Space available on site – the applicants have submitted two illustrative site layouts showing the possible location of the buildings and equipment on site. The applicant states that they are still not sure how much space on the site will be taken up with buildings/equipment and cannot therefore commit to additional space being available. However, the illustrative site layouts are reasonably detailed and must be based on knowledge rather than guesswork. It is appreciated that the layout might change but no details have been provided as to whether this relates to the heat exchangers or heat pumps. In any event, a heat pump could be provided off-site and there is some flexibility in this in order to achieve the use of the waste heat. No evidence has been provided to prove that at least the heat exchangers could not be provided on the site.
- 3) Requirement to market and supply the heat – without this requirement the whole provision to be DH ready falls down. The applicant has confirmed that they would not be willing to enter into a S106 agreement to secure this element. The issue is therefore whether we accept and hope that the applicant will positively market the waste heat and supply it to another third party as part of a reasonable offer to take it.

Therefore, the offer to reserve a route on the site for pipe runs and provide connection points, would not secure any reasonable prospects that the waste heat would be used

and would fail the local policy and intentions of government policy and advice on sustainability to adapt to climate change and move to a low carbon economy. The proposal is considered to be contrary to policy on this issue and therefore consideration needs to be given to whether a condition imposed on any planning permission granted would meet the tests in paragraph 206 of the NPPF to make the development acceptable in planning terms.

Two conditions are proposed which aims to strike the balance between ensuring that all reasonable requirements to secure the use of the waste heat are pursued but also recognising that there may be constraints outside the reasonable control of the applicant such as technical issues or no reasonable offer to take the heat being received from other third parties.

Archaeology and Cultural Heritage

In terms of archaeology, the geophysical survey undertaken on the site has identified an anomaly that may be indicative of the presence of an earlier field system on a different alignment to the current field system. Similar anomalies have on other sites have been shown to date to the prehistoric or Roman periods. The Historic Environment Team at Devon County Council consider that the ground works associated with the construction of the converter station have the potential to expose and destroy any archaeological and artefactual deposits and consequently the standard archaeological condition is requested to require the submission of a programme of archaeological works to be carried out.

Subsequent work was undertaken and a report submitted to the Historic Environment Team at DCC. This confirmed that there are no significant archaeological features on the site and the anomalies shown up on the original geophysical survey were more to do with changes in the properties of the topsoil rather than representing archaeological features cut into the subsoil. Therefore, no further archaeological work is required and the recommended condition is not needed.

In terms of designated heritage assets, there has been identified that the converter station would have a slight loss of significance relating to setting for the following:

- 1) Lower Southwood Farmhouse and cottage – a grade II listed building located about 400m east of the site. This is the closest listed building to the site and an element of its significance is the predominantly agricultural setting. There would be views of the site from the listed building and agricultural land in between where the scale of the development would have some harmful impact on the setting albeit this would be slight due to the separation distance and the presence of other commercial buildings in the area (but further away and smaller in scale).
- 2) Little Silver – a pair of grade II listed cottages located about 830m to the north-east of the site. There would be views of the site from these properties which have an agricultural setting. As with Lower Southwood Farm, there would be some harmful impact on the setting but this would be slight due to the separation distance and some existing commercial development in the area.

- 3) The Nook – a grade II listed cottage located about 810m to the north-east of the site. The converter station would be visible from the site and the impact on the setting would be similar to 1) and 2) above.
- 4) Rockbeare Manor Registered Historic Park and Garden – a grade II Historic Park and Garden of about 60 ha and located about 900m to the east of the site. The proposed converter station would be visible from some parts of the park but would be to a limited degree be seen with existing commercial buildings and the airport further to the west. As such, the application considered that there would result in a loss of significance from the change to the setting although was considered to be slight only. Historic England, however, considered that the applicant's report did not consider the significance of important views or quantify the extent to which the views would be altered and accordingly it was considered that insufficient assessment had been undertaken. Therefore, the applicant undertook further work and Historic England then concluded that due to the intervening distance and topography, the proposed building would be unlikely to be a prominent feature from the park and garden in proximity to Rockbeare Manor although additional landscaping measures would be beneficial. The Devon Gardens Trust have been consulted on the application and made no comment.
- 5) Rockbeare Manor – a Grade I listed Regency period country house located about 1.5 km to the north-east of the site. Also at the Manor there are other associated listed buildings and structures, listed of grade II* or II. The same conclusions on the park and gardens by Historic England are reached concerning the setting of the Manor.

There is also likely to be a very small loss of significance to other designated heritage assets located further afield including Lions Farm (grade II), Treasbeare Farm (grade II), Farrington House (grade II) and Killerton House and its Registered Park and Garden (both grade II*). In terms of Killerton House, there is a setting Study which just includes the site within the setting study area. There are no key views of the site identified and seen with Cranbrook, the airport and commercial buildings in the locality, there would be no discernible loss of significance as a result of changes to the wider setting.

The setting of a designated heritage asset is an important element in the significance of these assets and accordingly the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to give special regard to the desirability of preserving the setting of listed buildings. Therefore, considerable importance and weight should be given to the preservation of setting when carrying out the balancing exercise in decision making. The NPPF identifies that where a development will have less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal. However, even if the harm is less than substantial, the balancing exercise should not ignore the overarching statutory duty and the emphasis should be on avoiding harm either by designing it out or suitable mitigation. In terms of proposed mitigation, planting is proposed on the periphery of the site which will help integrate and screen the development into the landscape but this will only go so far and therefore

consideration also needs to be given to the contribution that the asset's setting makes to its significance, the degree of harm and public benefits.

There is a brief assessment given above on the setting of the heritage assets in the area and this is considered in more depth in the applicant's Environmental Report which concludes that, at worse, there would be a slight loss of significance to several designated assets and a very slight loss to others. This analysis is generally supported but any harm must be weighed against potential public benefits. As this is a Project of Common Interest it is nationally significant in terms of energy, in balancing these considerations, the lack of an objection from Historic England and the significant public benefits and the mitigation do outweigh the identified slight loss of significance through changes to the wider setting.

Air Quality and Health

In terms of air quality, this is mainly relevant during the construction phase from potential dust and particulates. In particular, the generation of dust through earthworks, construction and vehicular movements could be large but the assessment considers that the construction dust impacts will be medium due to the medium level of sensitivity of the surrounding area dominated more by commercial uses than residential. However, mitigation is needed and a draft Code of Construction Practice has been submitted which identifies the measures required. The Environmental Health Officer has recommended that the council secures a Construction and Management Plan (CEMP) which will include air quality to ensure that the proposed mitigation measures are secured as part of the construction process and this condition is included in the recommended conditions within this report.

During the operational phase, the traffic to the site will be low and mitigation is not required to cover air quality as the impacts will be minimal.

Noise and Vibration

In terms of vibration it is considered that during construction the only potential vibration impact would be from piling works and due to the separation distance to the nearest noise sensitive receptors this is not likely to be significant but should be considered in the CEMP. The plant associated with the operational phase would not generate sufficient levels of vibration to result in impacts.

Noise impacts may arise during construction activities and has therefore been assessed as part of the application submission. The Environmental Health Officer has therefore recommended a condition to require a CEMP to be agreed which will include noise and this is included in the recommended list of conditions included in this report.

During the operational phase the main noise sources would be from the converter hall, super grid transformers and the cooling plant relating the level and character of the noise on receptors. The assessments carried out indicate that the level will be well below the background level during the day. At night the level would not exceed the background level by up to a margin of between 2dB and 3dB. At this stage, the applicants have advised that the equipment specifications and design have not been finalised but possible mitigation could include acoustic enclosures for the super grid

transformers and locating the cooling plant away from the nearest noise sensitive receptors. Accordingly, the applicants are requesting that suitable noise conditions are imposed on any planning permission to require details of how the buildings and equipment will be designed and attenuated to control noise emissions to an agreed level together with monitoring of the station when operational.

The Environmental Health Officer has considered the noise assessment and agrees that suitable noise conditions are reasonable to control noise. Some changes have been made to the applicants suggested conditions and the three conditions on noise are included within the recommendation of this report.

On recommended condition 19, there was the issue of whether the details should be required at the reserved matters stage or pre-commencement of development (as suggested by the applicant). The details of noise could possibly impact on the design and appearance of the converter station which is a reserved matter but it will be up to the applicant to ensure that the design is prepared with this condition in mind otherwise it may require a new reserved matters application if the required noise attenuation measures conflict with the design/appearance.

On recommended condition 21, the Environmental Health Officer would like this condition extended to include possible mitigation if the monitoring proved that the sound level was being breached. However, this is controlled through recommended conditions 19 and 20 which would allow suitable enforcement of these conditions if the monitoring proved that the sound levels were excessive in relation to conditions 19 and 20.

Hydrology and Flood Risk

The site is located within Flood Zone 1 where there is a very low risk of flooding. As required for a development of this size, a Flood Risk Assessment (FRA) has been submitted.

During construction, there may be impacts on surface water and ground water flooding which could change the natural hydrological characteristics of the site and there may be a temporary increase in surface runoff due to the low permeable construction area. During construction, surface water run-off management strategies are proposed and this has been recommended by the DCC Flood risk team. Accordingly, a condition is recommended to require a management system for surface water runoff to be approved for the construction period. There may be impacts on land drainage but the applicant intends to restore any impacts to land drains to the pre-construction condition where practicable.

There has been submitted a surface water drainage strategy as part of the FRA. The government and the local plan promote sustainable drainage systems (SuDS) which provides a number of benefits and it should be the aim to discharge surface water as high up the hierarchy of drainage options as reasonably practical with the preferred option being into the ground to mimic natural drainage such as infiltration and natural features.

Infiltration tests done on site which established unacceptable infiltration rates and therefore it has been proposed to employ attenuation drainage techniques before discharging to ground. This would consist of a network of gullies, linear drainage channels and some areas of permeable construction to discharge into the onsite gravity surface water network which would then feed into an attenuation ditch (area of about 1000 sqm) close to the northern boundary of the site and from there into the ditch. The DCC Flood Risk team did initially raise some concern about this ditch and whether it was a suitable receiving ditchcourse. The applicants advised that this is a defined drainage feature but will require some works and the location would be determined by the detailed design of the drainage system. This has been accepted by the DCC Flood Risk team subject to a condition to require the agreement for a detailed surface water drainage management system which is included in the recommended conditions within this report.

Geology, Hydrogeology, Ground Conditions and Contamination

The site is underlain by Aylesbeare Mudstone group and the underlying bedrock is classified as a secondary B aquifer which may store and yield limited amounts of groundwater. There are no Groundwater Source Protection Zones (SPZ) within 2 km of the site and the Environment Agency records show there are four licenced groundwater abstractions within 1 km of the site, for agricultural purposes. The Environment Agency were initially concerned that the risks to identified private water supplies had not been assessed.

The proposal has been considered by the applicants for potential contamination from disturbance of the aquifer and mobilisation of existing contaminants during construction and their view is that this is considered unlikely due to the former land use and the characteristics of the underlying aquifer. The Environment Agency have considered this information and have recommended a condition to ensure the protection of private water supplies. The Environment Agency require no further investigation in relation to contamination risks to controlled waters but do recommend a condition to deal with any unexpected contamination that may be found during the development.

Land use, agriculture and soils

The site consists of arable agricultural land with the vast majority of the site being classified as Grade 3a in the Agricultural Land Classification (ALC). The “best and most versatile” grades are considered to be grades 1, 2 and 3a where the NPPF requires that planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality. In addition, the planning system should contribute to and enhance the natural and local environment, including protecting and enhancing soils. The policy within the NPPF is generally reflected within policy En13 of the local plan which aims to protect from development the higher quality agricultural land unless there is an overriding need for the development and there is insufficient lower grade land available (or has environmental value) or the benefits of the development justify the loss of the high quality agricultural land. It would be required to consult Natural England on the

loss to development of over 20ha of the best and versatile land but this is not required as the site is about 5ha.

The proposed development would result in the permanent loss of this agricultural land starting at the construction stage. However, the loss of the lower quality “best and most versatile” land would be outweighed by the public interest of the project. The soils on site are a valuable resource and accordingly it is recommended that any planning permission granted should have a condition to require a soil handling strategy.

Airport Safeguarding

The site is located close to the Exeter Airport runway which has an Instrument Landing System (ILS) and Radar. This could potentially be affected by the converter station both during the construction and operational phases which has implications for airport safeguarding.

An evaluation has been undertaken by Cyrrus to assess the impact of the development on the airport air navigation equipment. This has also considered other planned developments around the airport. The conclusion is that any additional disturbance caused by this development is not predicted to compromise future operations at the Lower Than Standard Category One operations.

There is the potential for radar reflections from the westernmost converter hall to be detected and generate unwanted radar returns. It is therefore recommended that modifications be made to the surface of the west-facing side of this converter station building to direct radar energy down to the ground to resolve the issue. This could be by constructing the western face of the converter station building with a small tilt towards the ground or by designing a downward facing slatted surface for the upper 15m of the western face.

The design of the building would be controlled at the reserved matters stage to secure the treatment of the western face of the building and a condition is recommended to require the approval of a Design Code pre reserved matters which is to include those measures to control airport safeguarding.

Exeter Airport has been consulted on the application and agrees the Cyrrus report subject to the mitigation outlined above. They do have concerns that tall construction equipment and cranes could impact on safeguarding but they point out that the developer will require a Tall Equipment permit issued by Airfield Operations. They also are concerned about exterior lighting but this is again controlled through recommended conditions.

Environmental Impact Assessment Issues

As previously stated, the converter station by itself has been screened in January 2016 for Environmental Impact Assessment (EIA) development where the formal opinion of the Council was that it would not be EIA development.

However, the further matter which was considered is whether the converter station could be EIA development which is likely to have significant environmental effects if

the additional effects of the underground cables from Budleigh Salterton beach were taken into account, in combination. At the time (January 2016) of issuing the original screening opinion, the council were aware that underground cables would be required but did not know the route or where the cables would come ashore. In the case law with regard to the EIA Directive, it has been systematically stressed that the purpose of the Directive cannot be circumvented by the splitting of projects. Where several projects, taken together, may have significant effects on the environment within the meaning of Article 2(1) of the EIA Directive, their environmental impact should be assessed as a whole. Therefore it is often necessary to consider projects jointly, in particular, where they are connected, follow on from one another, or their environmental effects overlap – the concept of “salami slicing”.

The relevance of this issue is that should the view be taken that both elements should be considered as a single project, then the underground cables could not have been permitted development if it was concluded that the combined elements were likely to have significant effects on the environment. The Council requested that the Secretary of State (SoS) give a Screening Direction on whether, in combination, the converter station and underground cables would be EIA development and the SoS declined to make a Direction and considered that significant new information had become available since the original screening opinion on the converter station which would allow the Council to review the original opinion. Accordingly the Council undertook another screening opinion considering the likely significant environmental effects of the combined project as a whole and following consultation with the relevant bodies, concluded that, with mitigation as proposed, the combined project was not EIA development.

This then allowed the CLOPUD to be determined by the Council rather than insisting on the whole project come under the requirement for planning permission with an Environmental Statement. Accordingly in June 2017, the CLOPUD was determined where it was considered that the underground cables would be ‘permitted development’ and therefore would not need to be the subject of a planning permission to proceed. FAB Link Ltd do, however, have responsibilities under the Electricity Act 1989 to have regard to the desirability (and do what is reasonable to mitigate any effect) of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest.

The need for the facility and site selection process

Britain does have existing interconnectors with some neighbouring countries. However, there are further challenges for the British and European energy systems in terms of competitiveness, sustainability and security of supply. As such, there is governmental support both nationally and at a European level for greater electricity connection. The FAB Link project is a European Project of Common Interest under the TEN-E Regulations and should be given the most rapid consideration in the permitting process that is legally possible. The UK Government is committed to increasing electricity interconnection.

As part of the submission, the applicant has gone through a site selection process through various stages:

- 1) Stage 1 – Review of GB connection options to the National Grid.
- 2) Stages 2 and 3 – identification of site opportunities using environmental and land use criteria of a 5km radius of the Exeter sub-station. Seven sites were identified and a further site selection process was carried out looking at availability, landscape appraisal and abnormal load routes.
- 3) Stage 4 – a review of the Exeter study area to determine whether other sites may exist with less visual intrusion and better access to the road network which widened the study area.
- 4) Stage 5 – the shortlisted sites which were potentially available were further reviewed for technical requirements, environmental considerations and land availability. The identified six sites were narrowed down to three before deciding on the current site.

The process has looked at isolated site nearer to Broadclyst Sub-Station but these were closer to residential properties, had the potential to have a high visual impact and would have caused highway safety concerned from such a long construction period for a large project accessed via country lanes. Sites at Sky Park, Science Park and the Intermodal site were also considered but given the nature of the proposal, functional design and relative lack of staff, it was considered that the proposal would not be compatible with these sites.

This process has been comprehensive and has reasonably identified the present site using the criteria. Whilst other sites may prove to be more preferable, nevertheless, in terms of the requirements for the converter station, its location, the time available and the environmental constraints in the area, it is considered that the site selection is reasonable.

In terms of benefits to East Devon, the applicant has identified these as:

- 1) Direct and indirect employment during construction, but it is pointed out that much of the works would require specialist contractors that may not be available locally. Contractors will require accommodation locally during the construction.
- 2) Direct and indirect employment during the operation consisting of 3-4 permanent staff with additional subcontractors for grounds maintenance and general services.
- 3) Highway improvements to Long Lane.
- 4) Payment of Business Rates to EDDC.
- 5) Direct employment of specialist work during the preparation of the project with local businesses.
- 6) The opportunity for local residents and businesses to benefit from reduced costs of electricity, increased resilience to the network and a contribution to low carbon energy targets.
- 7) Payments to local landowners for easement agreements which will boost spending in the local economy.
- 8) Improvements to land drains, fencing and hedgerow enhancement along the cable route.

The main benefits can be seen as either direct or indirect employment opportunities during the construction and operational phases which is to be welcomed but nevertheless this is seen as a limited benefit compared to the size of the project.

Design

In terms of design, the appearance, layout and scale of the buildings and equipment is a reserved matter to be considered in detail at this stage. However, to be able to properly assess the principle of the development means that some detail is required at the outline stage either in terms of indicative detail or through more mandatory elements such as parameter plans and details in the Design and Access Statement.

The parameter plan has been the subject of negotiation and now sets down the mandatory parameters providing for an operational area of up to 3.6ha within the centre of the site surrounded by at least a 10m wide strategic landscape buffer zone, with two possible access points on the southern boundary. A maximum ground level is indicated together with a height restriction for buildings and equipment/plant/machinery of 20m and a maximum building floor area of 11,000sqm.

Various indicative drawings have been submitted to show possible ways this could be accommodated on site and the possible appearance and scale of the development. These would not, however, form part of any planning permission granted. This gives an indication of how the site could be developed and has assisted in the consideration of the planning issues. This shows that there are likely to be two converter halls, exterior areas for equipment as well as other ancillary areas for access and parking.

The applicant has advised that the converter station would be utilitarian in form and there are few opportunities to positively influence the scale, design and appearance of the development. The applicant has submitted a draft Design Code covering security fencing and exterior materials only but following negotiations with officers, this has been expanded – see recommended condition.

As stated in this report, one way to help mitigate the visual impact of this development on the landscape is through appropriate and sensitive design. Whilst recognising that some elements of the development will be dictated through its function, nevertheless, there are ample opportunities to achieve good design and layout to minimise the impact of this development on the surroundings. The Design Code to be approved will help with this but the applicants will also need to play their part.

RECOMMENDATION

APPROVE subject to the following conditions:

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

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

2. Approval of the details of the layout scale and appearance of the buildings and equipment/plant, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

3. The landscaping scheme to be submitted as part of the reserved matters specified within condition 2 of this outline planning permission, shall be in accordance with the approved Parameters Plan. The details to be submitted for the landscaping scheme shall include an implementation schedule and maintenance scheme for the landscaping. The landscaping shall be provided and maintained in accordance with the approved details.

(Reason - to define the permission and ensure the development proceeds in accordance with the Parameter Plan and approved implementation and maintenance details in the interests of mitigating the impact of the development on the landscape and to comply with Strategy 46 (Landscape Conservation and Enhancement and AONB's) and policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)

4. The details to be submitted as part of the reserved matters application(s) shall include finished floor levels for all buildings and finished ground levels in relation to a fixed datum, including heights of all plant and equipment above the ground level. The development shall be constructed/installed in accordance with the approved details.

(Reason - to ensure that adequate details are available during the determination of the reserved matters to assess the impact of the development on the area and landscape to accord with Strategy 46 (Landscape Conservation and Enhancement and AONB's) and policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.

5. Prior to the submission of any reserved matters application, a detailed Design Code for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall include as a minimum the following matters:

- 1) Airport safeguarding requirements.
- 2) Layout parameters.
- 3) Building Design principles including building forms, types and frontages to the site boundaries.
- 4) Building materials.
- 5) External plant and equipment.
- 6) Boundary treatment and fencing.
- 7) Lighting.
- 8) Landscape strategy.

The reserved matters application(s) shall adhere to the approved Design Code.

(Reason - to ensure the design of the development is appropriate for the area and minimises the visual impact on the landscape in the interests of the environment of the area and in the interests of airport safeguarding to accord with Strategy 46 (Landscape Conservation and Enhancement and AONB's) and policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and TC12 (Aerodrome Safeguarded Areas and Public Safety Zones) of the East Devon Local Plan 2013-2031. The Design Code is required prior to commencement to enable the code to guide the production of the reserved matters application.)

6. The development hereby approved shall be carried out in accordance with the following approved plans:

UK Converter Station Location Plan - Figure Number 1 dated December 2016.
Converter Station Site Plan - Figure 2.1 dated December 2016.

Long Lane Improvements Red Line Boundary Plan - Figure Number 2.2 dated November 2016.

Parameters Plan - Figure Number 7729-0522-14 dated March 2017 (Received 22 March 2017).

(Reason - For the avoidance of doubt and in the interests of proper planning.)

7. No part of the development hereby permitted shall be commenced on the site proposed for the converter station until the detailed design of the proposed permanent surface water drainage management system has been submitted to and approved in writing by the local planning authority. The design of this permanent surface water management system shall be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment (Report ref: JER6794, Rev 2, dated December 2016). The development shall be carried out and managed in accordance with the approved details.

(Reason - To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems in accordance with policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013-2031. The details of surface water drainage need to be approved prior to the commencement of construction as this will need to be partially planned and provided for at an early stage of the development.

8. No part of the development hereby permitted shall be commenced on the site proposed for the converter station until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site. The

development shall be constructed and managed in accordance with the approved details.

(Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area in accordance with policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013-2031. The details of surface water drainage need to be approved prior to the commencement of construction as this will need to be provided for at an early stage of the development.

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

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

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

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

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

(Reason: To ensure the continued wellbeing of retained trees in the interests of the amenity of the locality to accord with policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031. The details are required prior to commencement as potential damage can occur to trees from the start of construction work.)

10. A Construction and Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the construction period. The CEMP shall include the following matters:

- 1) Air Quality.

- 2) Dust control.
- 3) Lighting.
- 4) Noise and vibration.
- 5) Pollution Prevention and Control, including an emergency plan.
- 6) Monitoring Arrangements.

Notwithstanding the above, construction working shall not take place outside the hours of 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 nearby occupiers, airport safeguarding and to protect the ecology/protected species in the locality to accord with policies EN14 (Control of Pollution), TC12 (Aerodrome Safeguarded Areas and Public Safety Zones) and EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031. The CEMP needs to be approved and implemented at the start of development operations as risks to the environment, airport safeguarding and ecology will be present from this point.)

11. Prior to the commencement of the development hereby approved, including the highway improvements to Long Lane, details of the passing places and a traffic management scheme shall be submitted to and approved in writing by the Local Planning Authority. The details to be provided shall be based on the Long Lane Improvements Red Line Boundary Plan - Figure Number 2.2 dated November 2016 and shall include tree protection measures for any works within the Tree Protection Area of trees located adjacent to the proposed highway improvement works.

The passing places shall be constructed and tree protection measures shall be carried out and completed in accordance with the approved details before any development is commenced, including construction and ground works, on the site for the converter station and the approved traffic management scheme shall be implemented during the highway improvement works to Long Lane.

(Reason - to ensure that a suitable access is provided to the site for construction traffic to accord with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031. The details and provision of the road improvements are required before construction begins as Long Lane as existing is inadequate to accommodate the construction traffic required to carry out the development.)

12. No development shall commence on the site for the converter building until an Ecological Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. This shall be based on the proposed mitigation measures outlined in chapter 3 - Ecology and Nature Conservation, of the Environmental Report - Volume 1 and shall include future monitoring. The development shall be carried in accordance with the approved details.

(Reason - to ensure that the impacts of the development on ecology/protected species is suitably mitigated for and to comply with policy EN5 (Wildlife Habitats

and Features) of the East Devon Local Plan 2013-2031. The EMS is required prior to commencement as some mitigation will be needed at the start of development.)

13. The details to be submitted as part of the reserved matters application(s) shall include the following details to enable the future use of waste heat from the site in a decentralised heat network:
 - 1) Site layout plan showing adequate space adjacent to each of the Valve Cooling Radiators (VCRs) to accommodate a heat exchanger of the same capacity as the VCR with space for associated pipework, pumping and controls to enable the offtake of heat into a low temperature heat network.
 - 2) Site layout plan showing the provision of a heat pipe corridor of no less than 2.5m in width from the space adjacent to each of the VCRs (identified in 1) above) to the boundary of the site with the public highway.
 - 3) Process and instrumentation diagrams showing the provision for the future physical facilities for the use of waste heat (with control loops included) in a low temperature network together with pipework plans showing the provision for future pipe runs from the VCRs to the boundary of the site.
 - 4) An area on the site or on land adjacent to the site under the control of the applicant of not less than 15m by 10m to accommodate a building to house a commercial scale heat pump, unless evidence is submitted to and approved in writing by the local planning authority to demonstrate that the operational requirements of a converter station and space available on site do not allow this space to be provided and, for land adjacent to the site, that this is not available by reason of viability or land availability.

Prior to commencing the use of the converter station, the valve isolated tie-in stubs on the cooling circuit upstream and downstream of all the VCR's shall be provided in accordance with the details approved in writing by the local planning authority and the areas approved under 1), 2) and 4) above shall be reserved for the approved use free of any structures or equipment for a period of 10 years from commencement of first use.

(Reason - to facilitate the future use of waste heat from the site in the interests of sustainability, the efficient use of low carbon energy, and the reduction in emissions through the connection to the existing and proposed decentralised heat networks forming an important part of the UK's energy strategy and to accord with government policy/advice and Strategies 11(Integrated Transport and Infrastructure Provision at East Devon's West End) and 40 (Decentralised Energy Networks) of the East Devon Local Plan 2013-2031.)

14. Details of how the waste heat will be marketed to potential operators of a decentralised heat network and the process for agreeing the supply of waste heat to a potential operator shall be submitted to and approved in writing by the Local Planning Authority before the converter station hereby permitted is brought into use.

The details of marketing approved above shall be implemented within one year of the commencement of the use of the converter station hereby permitted and shall continue with an annual report to be submitted to the local planning authority on the anniversaries of the commencement of the marketing for a period of 10 years to show the results of this marketing and how improvements could be made. Upon receipt and acceptance of a reasonable offer (to conform to the process approved above) to take waste heat by an operator of a decentralised heat network, the converter station operator shall allow reasonable access to the site for the provision of the associated works and equipment.

(Reason - to facilitate the future use of waste heat from the site in the interests of sustainability, the efficient use of low carbon energy, and the reduction in emissions through the connection to the existing and proposed decentralised heat networks forming an important part of the UK's energy strategy and to accord with government policy/advice and Strategies 11(Integrated Transport and Infrastructure Provision at East Devon's West End) and 40 (Decentralised Energy Networks) of the East Devon Local Plan 2013-2031.)

15. Prior to the use of the converter station being commenced, details of exterior lighting for the operational stage of the development shall be submitted to and approved in writing by the local planning authority. The details to be provided shall accord with the details approved within the Design Code. The exterior lighting shall be provided in accordance with the approved details and maintained thereafter unless any changes are agreed in writing by the local planning authority.

(Reason - to safeguard the amenities of the area, to protect nearby occupiers and protected species from excessive light levels, and in the interests of airport safeguarding in accordance with policies D1 (Design and Local Distinctiveness), EN5 (Wildlife Habitats and Features), EN14 (Control of Pollution) and TC12 (Aerodrome Safeguarded Areas and Public Safety Zones) of the East Devon Local Plan 2013-2031.)

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

(Reason - to protect controlled waters to accord with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)

17. The development of the site for the converter station hereby permitted shall not be commenced until such time as a scheme, which identifies and protects any private water supplies which might be at risk from the development, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

(Reason - to protect private water supplies to accord with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031. The details of the scheme need to be approved before work starts on the converter station site as construction could impact on private water supplies.)

18. Prior to the commencement of development on the converter station site, a Soil Resources Plan shall be submitted to and approved in writing by the Local Planning Authority. The Soil Resources Plan shall set out the procedures that will be put in place to ensure that all high quality soil resources on the site that will be displaced by the development are conserved and reused elsewhere in the locality. The Plan shall detail how high quality soil resources will be identified, how they will be stored and relocated and where they will be reused. The development shall thereafter only be carried out in accordance with the approved plan.

(Reason - To ensure that the high quality soil resources at the site are conserved and re-used having regard to the site being identified as 'best and most versatile' land to accord with policy EN13 (Development on High Quality Agricultural Land) of the East Devon Local Plan 2013-2031 and government policy contained in the National Planning Policy Framework. These details are required prior to the commencement of development as the soil resource will be affected from the start of operations on the site).

19. No development relating to the erection of the converter station buildings shall take place until details have been submitted to and approved in writing by the local planning authority to demonstrate how the buildings will be designed and any external plant/equipment attenuated to control noise emissions. The converter station buildings shall be constructed and plant/equipment installed in accordance with the approved details.

(Reason: To ensure that the use of the converter buildings and associated equipment/plant does not cause any unreasonable loss of amenity by reason of noise to nearby residential properties to accord with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031. These details are needed to be provided before the development is commenced as the approved details and attenuation will need to be built into the construction.)

20. The rating noise from the development shall not exceed a free-field level of 35 dB LAr,Tr or the background sound level, whichever is the lower, when measured or calculated at a distance of 1 m from the façade of the properties facing the site set out in the table identified below in accordance with BS 4142:2014. The background sound level at each residential property shall be taken as identified in the table 7.5 contained in Chapter 7 of the UK Converter Station Environmental Report, Volume 1 dated December 2016.

(Reason: To ensure that the use of the converter buildings and associated equipment/plant does not cause any unreasonable loss of amenity by reason of noise to nearby residential properties to accord with policies D1 (Design and

Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)

21. The converter station shall not be brought into use for the transmission of electricity, until a scheme for monitoring sound emitted from the converter station has been submitted to and approved in writing by the local planning authority. The scheme shall detail:
- a) All off site noise sensitive properties and locations where readings will be taken from;
 - b) Survey methodology; and
 - c) Reporting procedures.

The approved sound monitoring scheme shall operate for 6 months from the converter station first being brought into use for the transmission of electricity and the results of the sound monitoring shall be submitted to and approved in writing by the local planning authority in accordance with the reporting procedures.

(Reason: To ensure that the use of the converter buildings and associated equipment/plant does not cause any unreasonable loss of amenity by reason of noise to nearby residential properties to accord with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

2.1	Location Plan	21.12.16
7729-0522-14	Parameter Plan	22.3.17
Figure 1	Location Plan	21.12.16
Figure 2.2	Location Plan	21.12.16

List of Background Papers

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

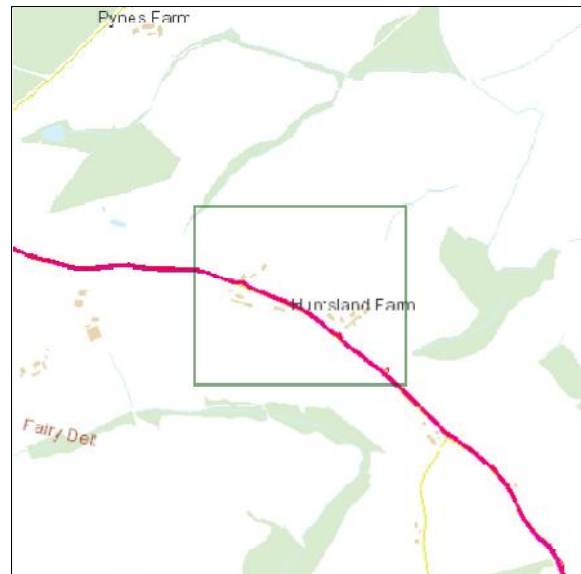
Ward Broadclyst

Reference 17/0502/FUL

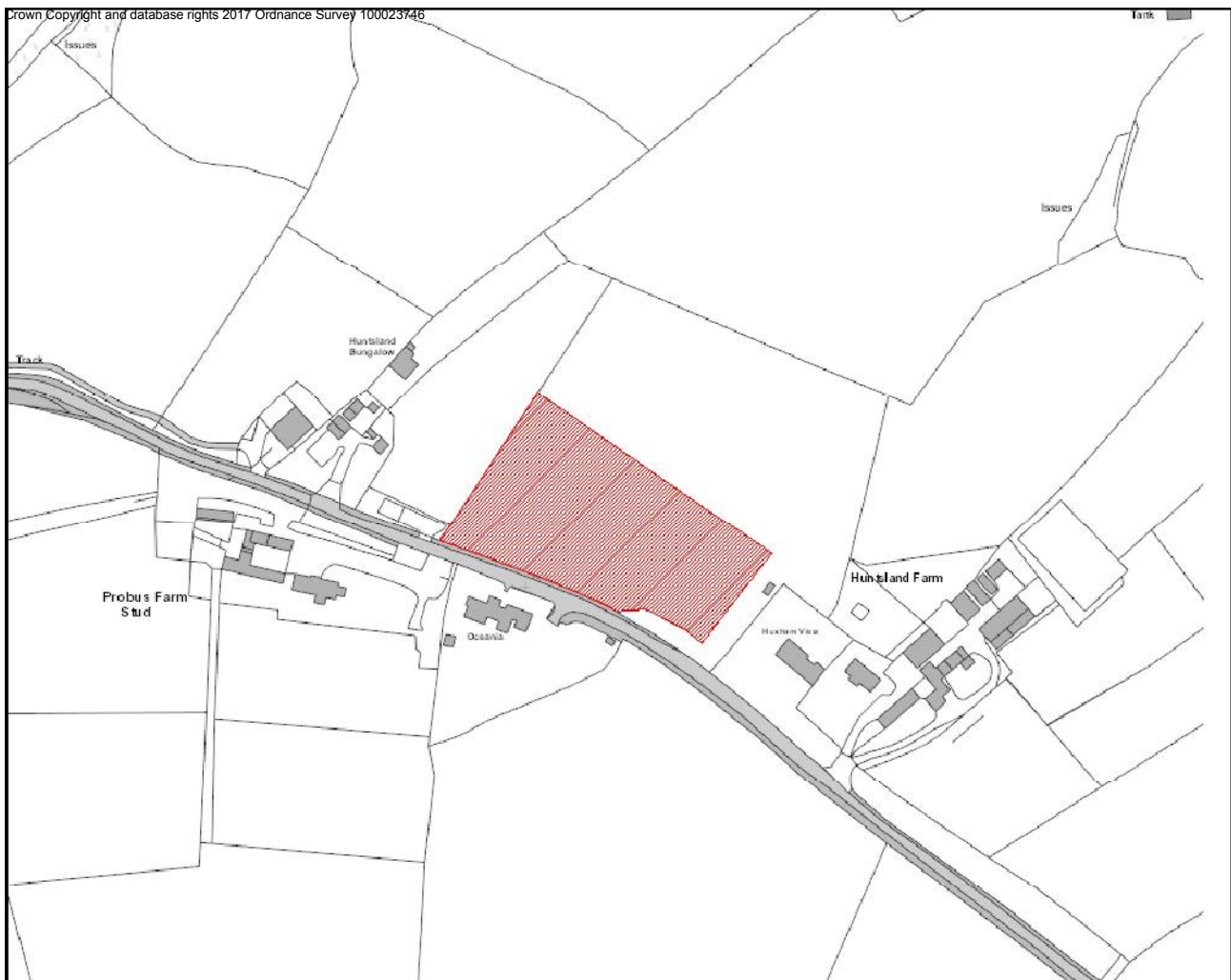
Applicant Mr Priday

Location Land Adjacent Huxham View Church Hill
Pinhoe Exeter

Proposal Construction of dwelling and garage



RECOMMENDATION: Approval with conditions



		Committee Date: 4 July 2017
Broadclyst (POLTIMORE)	17/0502/FUL	Target Date: 19.05.2017
Applicant:	Mr Priday	
Location:	Land Adjacent Huxham View Church Hill	
Proposal:	Construction of dwelling and garage	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

This application seeks consent for the construction of a new dwelling on land to the north east of Church Hill, Pinhoe. It has been submitted under the exceptions policy set out at paragraph 55 of the National Planning Policy Framework (NPPF). This sets out the conditions where an exception to the usual policies of restraint on new dwellings in the open countryside may be met. Para. 55 states that new isolated homes in the countryside should be avoided unless there are special circumstances, one of these being the exceptional quality or innovative nature of the design of the dwelling. This application has been promoted on this basis.

The proposed building is described as ‘a sculpture in a planted landscape setting’. It has a linear form comprising a number of angular structures which are linked together to form the dwelling with large areas of glazing which are placed at strategic angles to take advantage of the light and views over the countryside. The property would be accessed from a recently formed driveway taken from Church Hill which serves the property to the south east of the site.

The dwelling has been designed to sit within the sloping site, with the garage built into the ground and the main dwelling to the east of this, at a lower level and relatively unobtrusive from the road, but creating a striking form within the landscape beyond. The design has evolved from initial concepts, with two previous schemes being considered by the Devon and Somerset Design Review Panel prior to the current scheme which they consider would meet the stringent requirements of Para.55 in terms of design, and that the proposals have a clear and strong conceptual approach which link to and form part of an integrated landscape and ecological proposal. The Panel also considered that the construction of the building to be innovative, and that the proposal would result in an enhancement in long range views towards the site.

The application site has no landscape or other designated status, and there are no technical objections raised to the proposal.

There are only three developments within the district which have been considered to have met the very exacting criteria of Paragraph 55, each of which have very different designs, form and scale, and it is considered that this proposal fulfils the requirements and is worthy of being the fourth. It is considered that subject to appropriate conditions the application meets the necessary standards set within Paragraph 55 of the NPPF and the application is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council - Poltimore

Although the construction is different from normal builds the plans are modern and eco-friendly. The Councillors support this application.

Adjoining Parish - Broadclyst

Council has reservations as to the inevitable reliance on the private car given its unsustainable location (1.4 miles from the nearest bus stop along narrow country lane with no pavement), but it is pleased to see the alternative and eco-friendly design. Overall, it is felt that the design mitigates much of the impact on the environment by reliance on the car and therefore is generally supportive of this application.

Technical Consultations

Other Representations

Four representations have been received from two parties, with conflicting opinions, one raising a number of objections, the other in support. The comments are summarised below.

Objections

- The proposed dwelling is in the open countryside and contrary to the development plan
- There is no justification for a new dwelling in this unsustainable location
- The site is too small
- The dwelling fails to 'significantly enhance its immediate setting'
- Approval would encourage other similar proposals
- Highway safety concerns
- Loss wildlife and damage to ecology
- Quality of agricultural land has not been assessed
- The proposed dwelling does amount to a proposal of such exceptional quality to meet the NPPF paragraph 55 criteria.

Support

- The proposed dwelling will enhance the environment

- Will use current access
- The reinstatement of the ridgeline will improve the landscape
- The proposed dwelling would be an 'infill' between existing development
- The development will increase biodiversity on the site
- Design of the dwelling is perfect for the site
- Off-site manufacture is good idea
- Laying electricity lines underground has already improved outlook

PLANNING HISTORY

Reference	Description	Decision	Date
14/2206/FUL	Change of use of land to form a driveway and alterations and widening of existing access.	Approved	20.10.2014

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)
 Strategy 38 (Sustainable Design and Construction)
 Strategy 39 (Renewable and Low Carbon Energy Projects)
 Strategy 47 (Nature Conservation and Geology)
 Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)
 D2 (Landscape Requirements)
 D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)
 EN14 (Control of Pollution)
 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)

Government Planning Documents

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

SITE LOCATION AND DESCRIPTION

The application site lies within the open countryside approximately 1½ miles to the north west of the village of Pinhoe. It occupies a position to the north of Church Hill which represents the district boundary between East Devon and Exeter City. The road

at this point runs along the ridgeline with extensive views to the north and northeast towards Huxham, Poltimore and beyond, and southwest towards Exeter.

The site comprises a roughly rectangular piece of agricultural land on the northern side of Church Hill which extends to 0.77ha in area and which slopes down from the road to the northwest.

Although in the countryside there are residential properties to the south east and west of the site.

PROPOSED DEVELOPMENT

Planning permission is sought for the construction of a new dwelling and garage with associated landscaping works. The application is proposed under the exceptions criteria for new homes in the country set out at paragraph 55 of the National Planning Policy Framework and aims to deliver a home of 'exceptional quality' and 'innovative nature'.

The proposed building is described as 'a sculpture in a planted landscape setting'. It has a linear form comprising a number of angular structures which are linked together to form the dwelling with large areas of glazing which are placed at strategic angles to take advantage of the light and views over the countryside. The angular form of the panels means that the flat roof would be largely screened from view behind the vertical structures.

The structural frame would be timber, with the panels externally clad in zinc, with the glazing being contained within hidden frames to give the impression of 'frameless' windows. Some of the panels are proposed to house recessed solar tubes to provide some of the energy for the dwelling, which has been designed to be carbon negative in terms of energy production. The flat roof would also house a number of PV panels and would be planted with a wildflower meadow turf.

Externally the building is approached from the road via a curved drive which would be cut into sloping ground and which would lead to the front entrance with the dwelling to the north and the garaging cut into land to the south. A wildflower meadow turf roof and landscaping are proposed to remove any views of the garaging from the road.

A number of terraced areas are proposed adjacent to the house, with landscaped gardens and an open swale proposed leading to a wetland area to the north of the site, proposed as part of the drainage strategy. The majority of the garden is proposed to be planted as meadow grassland with a more formal lawn area to the south of the main living accommodation.

Internally the linear form of the main accommodation is broken into three areas, with the main day accommodation, comprising a living room, dining/kitchen area together with a games/gym in one larger area to the northwest of the entrance, and the bedrooms within two smaller areas to the east. Four bedrooms are proposed with associated en-suite and dressing rooms. Utility and ancillary accommodation is to the south of the main building.

ANALYSIS

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

- The principle of the proposed development
- Design and impact on the character and appearance of the area and wider landscape impact
- Impact on ecology
- Impact on trees
- Impact on residential amenity
- Highway issues
- Sustainability credentials
- Any other Issues

The Principle of the Proposed Development

The site lies in the open countryside where there is a presumption against new residential development. This is set out in Strategy 7 (Development in the Countryside) of the Adopted East Devon Local Plan which only permits development in the countryside where it is in accordance with a specific Local or Neighbourhood Plan policy and where it would not harm the distinctive landscape amenity and environmental qualities within which it is located. Bearing this in mind the proposal is considered to be contrary to Local Plan policy and has been advertised as such.

However Government Guidance, as set out in the National Planning Policy Framework (NPPF) makes provision at paragraph 55 for special circumstances whereby new isolated country homes might be acceptable. The application has been promoted on this basis and as such and where the Local Plan is silent on such matters the policies of the NPPF should take precedence. Given this the full text of para. 55 is repeated below for Members consideration:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*

- *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
- *reflect the highest standards in architecture;*
- *significantly enhance its immediate setting; and*
- *be sensitive to the defining characteristics of the local area."*

This proposal is submitted under the exceptional quality or innovative nature of the design of the dwelling. Whilst there is no longer a requirement to fulfil both the requirements of 'exceptional quality' and 'innovative nature of design', as was previously the case the application has been submitted with the aim of meeting both criteria. The additional tests identified in paragraph 55 above and the ability of the submitted proposal to meet these is further explored below

- *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*

It is recognised that the concept of 'truly outstanding' is a subjective judgement. With this in mind the applicant has sought the opinion of the Devon and Somerset Design Review Panel (DRP) which comprises a group of independent, multi-disciplinary construction professionals including Architects, Ecologists and Landscape Architects working in the field of the built environment. The Panel provides impartial expert advice to applicants and local authorities on design issues and their feedback is a material consideration for local authorities in the determination of planning applications. In respect of the design they made the following comments.

"...The Panel is very supportive of the proposals presented on the 8th December 2016, and considers that, subject to high quality detailing and the use of high quality materials, the proposals do now represent an outstanding design of the highest architectural standards. As such the Panel considers that the proposals presented on the 8th December 2016 have demonstrated that they meet the requirements of Paragraph 55 of the NPPF in terms of design...."

With regard to being innovative the Panel considered that the proposed building is innovative, stating

"...In terms of innovation the Panel does feel that the proposed building is innovative. However, the Panel suggests that there may be an opportunity to further demonstrate innovation to an even greater extent in terms of procurement and off-site construction..."

Following the Panel comments additional information has been submitted regarding the proposed cladding materials, and off-site construction methods providing greater clarity and accepting the advice provided by the Panel. The proposal would be carbon negative (energy produced exceeding demand) and use passive ventilation. This, in combination with the design and application details, are such that it is also considered that the proposal could be argued to meet the tests provided by paragraph 55.

- *reflect the highest standards in architecture*

Regardless of views on the visual impacts of the development or other considerations itself it is clear from the evolution of the proposed design and the submitted details, that the Panel were of the belief that this was outstanding architecture.

- *significantly enhance its immediate setting; and*
- *be sensitive to the defining characteristics of the local area.*

These tests are difficult to quantify, and it can be argued that any development of a greenfield site, located on rising land which is visible from wider vantage points will have a significant and/or detrimental visual impact. Whilst the application site is not located within a protected landscape, it is a prominent site within wider views and the impact of a new building is a significant issue in the consideration of the proposal.

Extensive work has been undertaken both in terms of the design and positioning of the building within its landscape setting. The concept of the proposal has evolved, as has the design and form of the building and its location within the site, which has resulted in the current submissions. The application is accompanied by an extensive Landscape and Visual Impact Assessment which has been assessed by the DRP who have made the following comments in this respect

“...the proposals now result in an extremely clear and strong conceptual approach, resulting in a contemporary, playful, exciting, sculptural building; a fractured/broken wall in the landscape that is sensitive to its’ immediate surroundings and wider setting. It is considered that the proposals respond extremely well to the site contours, solar orientation, and prevailing wind, as well as the wider visual impact considerations. The Panel now considers that the proposals have demonstrated that they result in proposals that do link to, and form part of, an integrated landscape and ecological proposal, resulting in an enhancement on the existing situation. The Panel also considers that the proposals result in an enhancement to long range views towards the site...”

Bearing the above in mind, and whilst it is recognised that the proposal fails to comply with Local Plan policies, it is considered that it would meet necessary criteria to accord with paragraph 55 of the National Planning Policy Framework.

Design and Impact on the Character and Appearance of the Area and Wider Landscape Impact

The proposed design of the dwelling cannot by any stretch of the imagination be said to be traditional or vernacular, but challenges the concept of a dwelling through the use of irregular and angular shapes, with the design extending beyond the dwelling itself into the countryside. It is an original and innovative design of building that has evolved from the original concept to that currently being considered which is unique and which has been designed to be sited in this location, with the proposed landscaping and treatment of external space being integral to its success.

Whilst it will be seen from distance the design and shape of the building is such that it is considered to present an unusual new feature within the landscape but not one which is unacceptable. The layout of the site is such that the more private domestic garden is contained within the area to the south of the building which is screened from

wider views by the building itself, further reducing the landscape impact of domestic paraphernalia.

The siting of the proposed dwelling and garage is set below the level of Church Hill and within the landscape. Additional landscaping and new tree planting to the roadside frontage would soften any views into the site, and when established would provide an effective screen of the new development, although it is not considered that this would necessarily be an issue. The new trees would compensate for those removed by the formation of the access serving the adjacent property and from which the proposed dwelling would be served.

In terms of the wider landscape impact, this has been addressed in the submitted LVIA and has, in addition to the consideration by the DRP been considered by the Council's Landscape Architect who is generally in agreement with the findings of the assessment, subject to appropriate conditions.

Ecological Impact

The application site is not within any wildlife or other designated site and the application is accompanied by a detailed ecological report which was presented to, and supported by the DRP at their meeting in September 2016 and confirmed as forming part of the current proposal. This was designed to provide appropriate mitigation and enhancement of the site to off-set any adverse impact from the proposed development. The proposed mitigation includes planting new Devon hedgebanks, 26 new standard trees, 50m² native trees and shrubs, 400m of woodland, new wetland area, and substantial grassland and wildflower meadow on the roofs of the buildings.

Whilst the site has been identified as being of low-medium ecological value and it is anticipated that implementation of the proposed mitigation measures as identified in the ecology report are considered to be reasonable within this context in order to result in an overall gain in the ecological value of the site. .

Impact on Trees

The implementation of the planning permission to create the new access to Church Hill resulted in the loss of some of the trees to the roadside frontage to provide the appropriate visibility spays. However these were not of any particular significance, and the proposed replacement planting suggested as part of this application provides the opportunity to improve the appearance of this part of Church Hill frontage.

A large number of trees are proposed to be planted on the boundaries of the site as part of the submitted landscaping scheme, which is comprehensive and generally considered to be acceptable. However the Council's Landscape Architect has suggested that to aid the integration of the building within the wider landscape and to further improve the mitigation of the visual impacts of the building additional trees (3-5nr.) should be added to the north of the building which could either be added into the proposed Devon bank or within the grassland picking up on the alignment of the windows. It is considered that details of these can be the subject of an appropriate condition.

Residential Amenity

The design and position of the proposed dwelling, being located on falling ground and to the east of the road is such that it is not considered that the proposal will have a significant or detrimental impact on the amenities of any of the occupiers of neighbouring properties. Obviously the construction and occupation of a further dwelling will result in additional traffic movements, and will intensify the use of the existing vehicular access onto Church Hill, although this is not considered to be so significant as to have any tangible impact on the residential amenity of the occupiers of neighbouring properties.

The siting of the proposed dwelling is such that there is unlikely to be any unacceptable loss of privacy or visual intrusion arising from the development due to its orientation to the east and the cutting in of the garage element. Whilst it may be possible to view part of the upper areas of the walls from Church Hill and the property on the western side of the road, this would be largely seen in glimpsed views between the new landscaping to the road frontage.

Highway Issues

The access which is proposed to serve the dwelling also serves the dwelling to the south east of the site. This entrance was granted planning permission and installed in 2014 and also serves the existing dwelling located to the south east of the site. This access was approved and undertaken in accordance with the visibility splays required by the Highway Authority and is considered to be reasonable to accommodate the additional traffic generated by a further dwelling. Whilst no formal comments have been received from the Highway Authority it has been verbally confirmed that there is no highway objection to a further dwelling served by this access in this location.

Construction traffic will obviously provide some disruption during the build of the proposed dwelling, however the off-site construction methods proposed and the nature of the build is such that the amount of traffic generated during the construction process will be relatively light.

Sustainability Credentials

The application aims to provide a dwelling which is carbon negative, and energy positive, ie that the building should produce greater energy than it consumes. The application is accompanied by a number of energy efficiency proposals and a building service engineer has been employed to demonstrate evidence of how the building may achieve the carbon neutral intentions. These include

- the construction of the cladding panels with recessed solar tubes that would use water to heat a heat sink within them
- triple pane glazing
- sedum/meadow grass roof
- off-site construction of panels
- no concrete

The use of the technologies proposed would lead to a highly sustainable development (in terms of energy use) and the identification of measures to assess the suggested credentials will be necessary to demonstrate the ongoing building performance.

It is understood that the applicant's intend to work with a local learning institute with a view to recording and monitoring the project both during and after construction to provide and share information and education for future designers and builders.

Other Issues

Drainage – Surface water from roofs and hard surfaces (not used for flushing toilets and garden use) will be conveyed to a wetland area through an open swale, which also forms part of the landscaping scheme. Foul drainage water will be discharged to a septic tank

Lighting – Given the rural location of the site it would be important to ensure that external lighting is kept to a minimum and lightspill from inside the building is also kept to a minimum. Whilst there is a need to be proportionate in the requirements it is considered that a condition requiring the submission of a lighting strategy would be reasonable and necessary in this instance.

Archaeology – the application site is not within any identified as having any archaeological significance and no comments or observations have been received in this respect.

Loss of agricultural land – the application site is identified as grade 3 agricultural land and given the scale of the development and quality of the land it is not considered that the proposal would be contrary to the provisions of the NPPF.

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 surfaces of the building,
 - the finished surfacing material to all areas of hardsurfacing (including the access track and access entrance splay)

- any new entrance gates at the site access (including elevation details and material finish)
- any proposed walls, fences and other boundary treatment

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. Notwithstanding the requirements of condition 3 above, no development shall commence until the following details and specification have been submitted to and approved in writing by the Local Planning Authority.

- Typical sample panels of the proposed external cladding system (including solar photovoltaic panels)

- Elevation and section drawings of all new window/doors and glazing panels at scale 1:5/1:10 to include details of finish.

- Details of any External vents, flues and meter boxes.

Development shall proceed in accordance with details as agreed.

(Reason - To ensure that the materials/details are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and EN1 (Development within Areas of Outstanding Natural Beauty of the East Devon Local Plan.)

5. The landscaping scheme approved as part of the Landscape Strategy 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), D4 (Landscape Requirements) of the East Devon Local Plan.)

6. Notwithstanding the requirements of condition 5 (above) details of additional tree planting to the north of the building shall be submitted to and approved in writing by the local planning authority in addition to those proposed in the approved Landscape Strategy. The planting of these shall be undertaken 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), D4 (Landscape Requirements) of the East Devon Local Plan.)

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule Part 1 Classes A, B, C, D, E, F, G or H for the enlargement, improvement or other alterations to the dwelling hereby permitted, the provision of hardsurfaces, chimneys, flues or microwave antennae, or for the provision within the curtilage of any building, enclosure or storage tank [other than any enclosure approved as part of the landscape management scheme]

(Reason - To enable the Local Planning Authority to retain control over the provision of any such development in the interests of the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and EN1 (Development in Areas of Outstanding Natural Beauty) of the East Devon Local Plan.)

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the site other than any agreed under any approved landscaping scheme.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness), D4 (Landscape Requirements) and EN1 (Development in Areas of Outstanding Natural Beauty) of the East Devon Local Plan.)

9. Development shall be carried out in accordance with the recommendations of the submitted Ecological Assessment Report, dated February 2017 prepared by O'Neill Ecology, unless otherwise previously agreed in writing with the Local Planning Authority.

(Reason - In the interests of the conservation of protected species and the maintenance of the nature conservation value of site in accordance with policies EN5 (Protection of Local Nature Reserves, County Wildlife Sites and County Ecological Sites) and EN6 (Wildlife Habitats and Features) of the East Devon Local Plan.)

10. A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters:

- Air Quality, Dust, Water Quality
- Lighting, Noise and Vibration
- Pollution Prevention and Control, and Monitoring Arrangements
- The number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits
- Details of the compound/location where all building materials and waste will be stored during the demolition and construction phases;

- Details of areas on-site where delivery vehicles and construction traffic will load or unload building materials
- The proposed route of all construction traffic exceeding 7.5 tonnes
- Details of the amount and location of construction worker parking.

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 from first construction and to ensure the appropriate management of traffic associated with the development in accordance with policy EN15 (Control of Pollution) of the East Devon Local Plan.)

11. Before the development commences an assessment shall be carried out of the potential impact of the site lighting on ecology and other potential receptors and a scheme, for ensuring that light spill is kept to a minimum level and within ILP (Institute of Lighting Professionals) classification E1 guidance levels, or as otherwise previously agreed in writing with the Local Planning Authority, shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.

(Reason -To protect the amenities of the area, to minimise ecological impacts prior to commencement and to regulate and control light spillage in order to protect the character and appearance of the area in accordance with policies D1 (Design and Local Distinctiveness), EN15 (Control of Pollution), EN6 (Wildlife Habitats and Features) of the East Devon Local Plan.)

12. Before any development commences, details of 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 before the development commences that adequate details of levels are available in the interests of the appearance of the locality and the landscape impact on the surrounding area of outstanding natural beauty is minimised in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan).

13. No development shall commence until a detailed schedule addressing the following matters has been submitted to and approved in writing by the Local Planning Authority:

- Details of how the new building will be used as an educational and research resource
- Details outlining the innovative technologies to be used in the new development and quantifying the reduction in energy demands resulting from their use
- Details of the ecological enhancements of the site and the method of measuring and monitoring such enhancements

The schedule shall also include details of the mechanism by which such information will be publicised and made available for use by educational and research establishments, amongst others. Development shall then proceed in accordance with details as agreed.

(Reason - The site is located in a rural area where planning permission for new housing would not normally be allowed. The proposed biodiversity enhancement of the site, use of innovative technologies and sustainability credentials of the development provide special justification for the development but before development commences the development should also demonstrate how it will help to raise standards more generally in rural areas in accordance with paragraph 55 of the National Planning Policy Framework.)

14. Notwithstanding the requirements of condition 14 (above) within 6 months of the occupation of the dwellinghouse hereby approved, details shall be submitted and approved in writing by the Local Planning Authority outlining how a lasting record of the house, its construction, use of innovative technologies, ecological enhancements and ongoing maintenance requirements shall be made available through a publically accessible website. The record should include detailed information on the following:

- site selection and evolution of design concept and how the development responds to its context
- construction methods employed
- specific sustainable and innovative technologies utilised
- the baseline ecological value of the site, the enhancements delivered/to be delivered and how these will be managed and monitored to ensure their benefits are realised

(Reason - In order to ensure the development provides a mechanism to help raise standards of design more generally in rural areas in accordance with guidance set out in the National Planning Policy Framework.)

15. No development shall take place until further details of the mechanism for dealing with foul drainage associated with the use of the dwellinghouse have been submitted to and approved in writing by the Local Planning Authority.

(Reason – As these details may influence the construction timetable and to ensure that an appropriate method of foul drainage is provided in the interests of pollution control and in accordance with policy EN15 (Control of Pollution) of the East Devon Local Plan.)

16. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

(Reason: As these details may influence the construction timetable and to protect water quality and minimise flood risk in accordance with Policy EN22 - Surface

Run-Off Implications of New Development of the Adopted East Devon Local Plan 2013-2031 and the guidance contained with 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:

LP427_100_A	Location Plan	21.03.17
427.4.100	Proposed Elevation	10.03.17
427.1.101	Proposed roof plans	10.03.17
427.1.100B	Proposed Floor Plans	24.03.17
BP_427100_A	Proposed Block Plan	24.03.17
427.1.102A	Proposed Combined Plans	24.03.17
427.4.101	Proposed Elevation	21.03.17
Landscape Proposal	Landscaping	24.03.17

List of Background Papers

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

Ward Exmouth Littleham

Reference 17/0762/MFUL

Applicant Ms Jayne Stevens

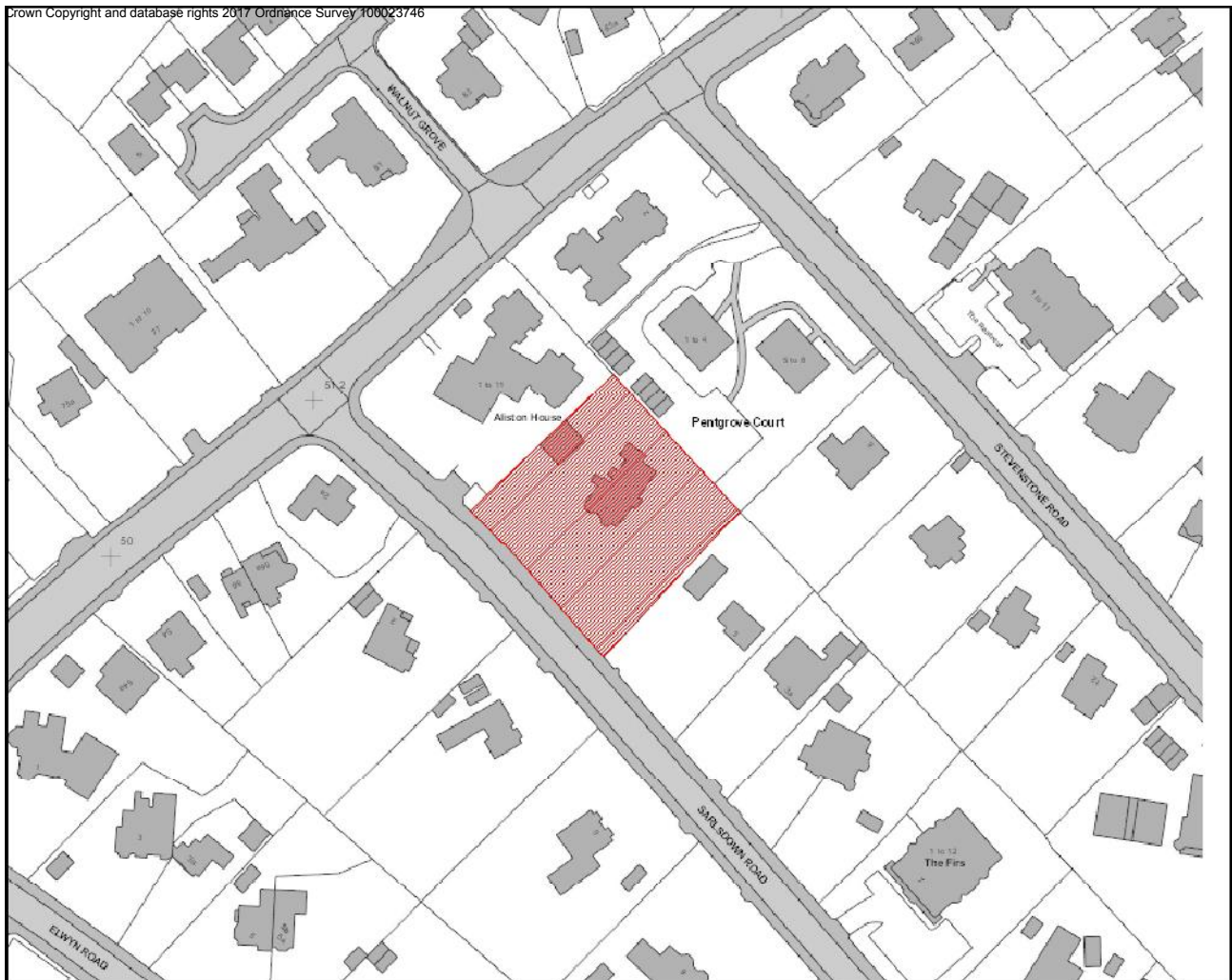
Location 1 Sarlsdown Road Exmouth EX8 2HY

Proposal Demolition of existing property and construction of new build 10 no. Apartments, with associated parking and amenity space



RECOMMENDATION: Approval with conditions

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		Committee Date: 4 July 2017
Exmouth Littleham (EXMOUTH)	17/0762/MFUL	Target Date: 29.06.2017
Applicant:	Ms Jayne Stevens	
Location:	1 Sarltdown Road Exmouth	
Proposal:	Demolition of existing property and construction of new build 10 no. Apartments, with associated parking and amenity space	

RECOMMENDATION: APPROVE subject to conditions

EXECUTIVE SUMMARY

This application is presented to the Committee as a Major application where the Officer recommendation is contrary to the view of the Town Council.

This application seeks consent for the demolition of an existing dwelling and annexe and the construction of a replacement building to house 10 flats with associated parking and landscaping. The application site is within the built up area of Exmouth, and there is therefore no objection to the principle of further residential development within the area subject to the layout, scale, design and impact on amenity being acceptable.

Although larger than the existing building on the site the proposed building is considered to sit comfortably within the site and be reasonable within its context. The development would be no higher than the current building, and whilst a second floor is proposed within the roof, this is not unusual within the area and reflective of the neighbouring development.

The design and form of the building together with the proposed materials are generally reflective of The Avenues area within which the site is located, and are considered to be appropriate in this location.

There are a number of trees on the boundaries of the site which make an important contribution to the verdant character of the area. These are proposed to be retained which will help to assimilate the development within the wider area.

The orientation and layout of the proposed development is such that it is not considered that there would be any substantive loss of privacy or unreasonable overlooking, and the application is therefore recommended for approval subject to appropriate conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council

Objection on the grounds that the proposal was considered over development of the site and was not in line with the recommendations made in the Avenues Design Statement. The recommendation in the statement was for the scale of any future development to retain the balance between buildings and greenery and should not cover more 25% of the plot, including garages and parking areas, in order to retain the spaciousness of the site. It also recommends that every attempt should be made to retain the original building as they were pivotal to defining the character of the area, a recent model example had been proposed for 4 Elwyn Road. Concern was also raised that the 4 dormers would be overlooking flats Aliston House. It was not clear from the plans of the landscaping arrangements to fill the gap between H1 & H2 once the existing garage had been removed. Members also questioned the validity of the bat survey as it was understood to have been conducted on a wet day. The Committee recommended that SWW were consulted to establish if the existing sewage system had sufficient capacity to accommodate foul sewage and waste water for 10 additional apartments and the surface water drainage. The Tree Officer to be made aware of the loss of trees on site to make way for the development.

Further comments 10.05.17:

The Arboricultural Report was acceptable but did not provide adequate privacy screening to the residents of Aliston House residents nor adequate screening from the road.

Objection to original application still stands.

Technical Consultations

EDDC Trees – 03.05.2017

No objection to the principle of the proposed scheme or the removal of the internal trees proposed for removal (now removed) to facilitate development.

The parking will need to be adjusted in the south east corner of the site to provide more clear space under the crown of the red oak (T3) and retention of the purple maple (T6).

Any development would need to be subject to a condition requiring the submission of a tree protection plan and arboricultural method statement and to provide for new landscape planting and positive management of existing boundary hedges.

Further comments - 18.05.2017

The submitted arboricultural report addresses the need for appropriate tree protection.

Other Representations

Ten representations have been made, all raising objections to the proposal which are summarised below

- Removal of an attractive house
- Overdevelopment of the site
- Loss of trees
- Development would lead to additional pressure on parking
- Question the ability of the local infrastructure to cope with additional dwellings
- Position of the driveway should be altered to avoid conflict
- Trees on the site should be retained
- Overlooking and loss of privacy
- Detrimental impact on street scene
- Loss of an attractive villa
- Inappropriate design
- Overbearing impact for neighbouring residents
- Potential impact on attractive boundary wall
- Potential ecological damage

PLANNING HISTORY

Reference	Description	Decision	Date
11/0492/FUL	Construction of single storey extension to form annex	Approved	05.04.2011

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)
Strategy 38 (Sustainable Design and Construction)
Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)
D3 (Trees and Development Sites)

EN14 (Control of Pollution)

H3 (Conversion of Existing Dwellings and Other Buildings to Flats)

TC2 (Accessibility of New Development)
TC9 (Parking Provision in New Development)

Government Planning Documents

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

Site Location and Description

The application site consists of a relatively large detached property which is believed to date from the Edwardian era. It is fairly typical of the style of property within the locality, being a large detached dwelling with annex accommodation which is centrally located within a large garden.

1 Sarlsgdown Avenue is located within The Avenues area of Exmouth which is a distinctive part of the town generally characterised by large detached properties set back from the roads and within spacious gardens which establishes an open and verdant character. This property accords with this design principle.

Proposed Development

Planning permission is sought for the demolition of the existing buildings on the site and the construction of a replacement three storey building comprising 10 apartments, together with associated parking and amenity provision. Four apartments are proposed on each of the ground and first floors and two within the roofspace on the second floor. Parking for 22 vehicles is proposed within the garden.

The proposed replacement building would be located in a similar position to the existing property, although it would occupy a larger footprint by extending mainly to the east and south, with some extension to the south west.

In terms of design the building makes some reference to the general form of that surrounding, incorporating pitched roofs, bay windows with pitched dormer windows in the roof; and using a mixture of materials with detailed brick banding and feature cills and lintels to the windows.

ANALYSIS

The main issues are considered to be in relation to the principle of the development and impact of the proposal in terms of:

- Layout, design and character of the area
- Highway safety and parking provision
- Residential amenity
- Trees
- Ecology
- Other Issues

Principle of the Development

The application site lies within the Built-Up Area Boundary (BUAB) of Exmouth within an established residential area and as such there is no planning objection in principle to further residential development. Within the vicinity of the site there is a variety of size, design and scale of development and a mixture of large single detached, semi-detached and flatted development There is also a wide variety in the form and site coverage of development within the vicinity of the site.

There is also no policy or other planning objection to the principle of the replacement of un-listed buildings within this area outside of any Conservation Area.

Layout, Design and Character of the Area

It is considered that the proposed form of the proposed building has been designed to be reflective of that existing within the vicinity with a variety of building form and a layout which provides some articulation and visual interest.

The design of the building is such that it takes references from both the existing property and other dwelling in the street. Bay windows are proposed on three of the elevations, with brick banding, the variety and form of the roof pitches and the use of gables and projecting bay elements all reflective of properties within the vicinity.

The use of the existing access and the location of parking behind the strong frontage boundary and in the position of the existing garage and parking are to the north western boundary of the site are considered to be appropriate to the site layout, although there will inevitably be further hardsurfacing within these areas to accommodate the additional spaces required.

In terms of site coverage there is already an extensive area of hardstanding, together with the existing buildings on the site and whilst there will be a further hardsurfaced area to the front of the proposed building the overall proposed coverage would still remain below that of the flatted development to the north west of site. It is accepted that the coverage would be more than the 25% suggested within The Avenues Design Guide, however given the areas of planting and trees which would be retained within the site, it is not considered that the proposed building would appear to be an overdevelopment of the site.

Whilst the proposed building will be more visible within the road, it is not considered that the scale of the building and position will be unreasonably prominent, being set back from the road and well within the site. The overall height of the building is comparable to that of the existing property, and although there will be some dormer windows contained within it, they are not considered to be unduly prominent or intrusive.

The existing frontage treatment will be largely retained, with the wall and hedging remaining, as will the trees to the southwestern corner. This screening will break up views of the proposed building and soften any impact on the wider streetscene arising from the siting of the building closer to the road.

Although the concerns expressed by various parties in terms of the prominence of the proposed building and alterations to the wider character of the area are appreciated, it is not considered that the siting, scale or position of the building would be unreasonable in this location.

Highway Safety and Parking

Any additional traffic attracted to the site has the potential to have an impact on highway safety. In this instance there is considered to be adequate visibility from the

existing entrance onto Sarltdown Road without any alterations to the position or design of the access. The Highway Authority have been consulted to assess any impact on highway safety and have raised no objections to the proposal.

The use of the existing access to serve the proposal is considered to be reasonable and will remove the need to create further openings within the strong boundary wall which extends along the frontage of the site.

An area has been indicated within the site for the parking of bicycles, and whilst no details have been submitted in terms of design, it is considered that sufficient space exists within the site to accommodate this and further details can be required by an appropriate condition.

Residential Amenity

Concerns have been raised that the proposal would result in a loss of amenity for the occupiers of neighbouring residents due to the proposed increase in size of the building and the position of proposed windows. These concerns are appreciated and it is possible that physical alterations, or increase in the site coverage of buildings can have a significant impact on residential amenity though loss of outlook, privacy or visual intrusion.

In this instance, however, the design and scale of the proposed building is considered to be commensurate with that which exists in the area, and of similar scale to that which has taken place. Attention has been had to the design and position of the proposed windows, particularly those on the front and rear elevations such that potential overlooking or loss of privacy has been considered, and the distances (in excess of 24m) between the proposed new building and any habitable room in the neighbouring property to the north west (Pentgrove Court), and very similar distances to the south east are considered to be reasonable.

Bearing this in mind it is not is considered that there would be any significant loss of amenity for the occupiers of the existing dwellings. It is further considered that the presence of a number of trees and hedging located on all but the north eastern boundary will provide further screening to prevent any potential overlooking. Where the existing garage is proposed to be removed from the north western boundary additional planting may be required which can be controlled by condition.

Additional noise and disturbance will inevitably arise from the increased activity proposed on the site, however this is an urban location within an area which is characterised by mixed residential development, with houses and flats in close proximity, and it is not considered that the additional activity arising from the proposal would be such as to warrant withholding permission on this basis.

Trees

There are a number of attractive trees contained within the site, most of which are to be retained. Whilst not protected, these trees provide an attractive setting within the site and make an important contribution to the wider street scene. Although not worthy of a tree preservation order they have been identified within the submitted

arboricultural report as being retained. Their retention is considered to make a significant contribution to the success of the proposed development. As such it is important that appropriate protection measures, as identified in the arboricultural report and agreed with the Council's Arboricultural Officer are put in place to ensure their continued presence.

Ecology

The ecological survey submitted with the application found no evidence of bat occupation within the roofspace of the existing house or within the ancillary garage accommodation.

Other Issues

The proposed development would be eligible for CIL but not affordable housing in this instance being under the threshold for on-site provision or an off-site payment within Exmouth.

CONCLUSION

The proposed development is considered to represent an acceptable form of development which would respect the character and appearance of the area, would not result in detriment to highway safety and which would not have any significant detrimental impact on residential amenity. Appropriate provision, and where necessary mitigation, has been made in respect of arboricultural, ecological and other issues of importance, and the application is therefore recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

(Reason: To ensure from the commencement of development that the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution are protected in accordance with Policy EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031)

4. 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.)

5. Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) the tree protection measures as identified in the Arboricultural Method Statement (AMS) dated 5 May 2017 prepared by Advanced Arboriculture shall have been completed:

a) The tree protection fencing and/or ground protection shall be in place and in accordance with the agreed specification.

b) The installed tree protection measures shall be inspected by an appropriately experience and qualified Arboricultural Consultant commissioned to act as the project Arboricultural Supervisor.

c) The findings of the Arboricultural Supervisor's initial site inspection shall be forwarded to the Local Planning Authority.

During the course of development, the AMS dated 5 May 2017 shall be strictly followed, including:

d) Monthly site inspections by the Arboricultural Supervisor.

e) Arboricultural supervision of any manual excavation with the Root Protection Areas (RPA) trees as shown on drawing no. TH/X1529/0217 Rev.1.0. Any root pruning that may be required to be undertaken in accordance BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations Paragraph 7.2.

On completion of the development, the completed site monitoring log shall be submitted to the Local Planning Authority for approval and final discharge of the condition.

(Reason - To ensure retention and protection of trees on the site during and after the construction of the development in the interests of the amenity of the locality

and in accordance with Policy D3 (Trees and Development Sites) of the Adopted East Devon Local Plan 2013-2031. The tree protection measures need to be approved and in place upon commencement of development because damage can occur from machinery and vehicles at the start of the development.)

6. The development shall be carried out in accordance with the provisions and appropriate mitigation measures of the Bat Survey Report undertaken by Lee Ecology Ltd dated March 2017
(Reason - In the interests of nature conservation and in accordance with Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031.)

7. The flats hereby permitted shall not be occupied until the parking spaces shown on the approved site plan, drawing 7321-08 Rev.B received on 29.03.2017 have been laid out, surfaced and completed. These shall not be used for any other purpose thereafter, unless an alternative and equivalent area of land within the curtilage of the site is provided and kept available for car parking purposes in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority.
(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety and to comply with Policy TC9 (Parking Provision in New Development) of the Adopted East Devon Local Plan 2013-2031.)

8. Prior to commencement of the development hereby approved details of the proposed cycle and refuse facilities shall be submitted and approved in writing by the local planning authority. None of the flats hereby permitted shall be occupied until such facilities have been provided. These facilities shall thereafter remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To encourage cycling and to provide safe and secure facilities for the storage of refuse and cycles at an early stage in accordance with Policy TC9 (Parking Provision in New Development) of the Adopted East Devon Local Plan 2013-2031.)

9. 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.)

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:

7321-08 REV D	Proposed Site Plan	12.06.17
7321-12	Other Plans	12.06.17
7321 - LP	Location Plan	29.03.17
7321-09 REV B	Proposed Floor Plans	29.03.17
7321-10 REV B	Proposed Elevation	29.03.17
ADDITIONAL INFORMATION	Arboriculturist Report	08.05.17

List of Background Papers

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

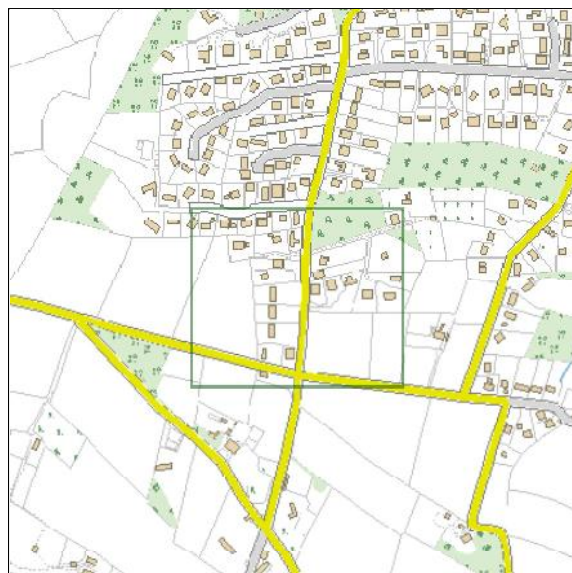
Ward Ottery St Mary Rural

Reference 17/0190/OUT

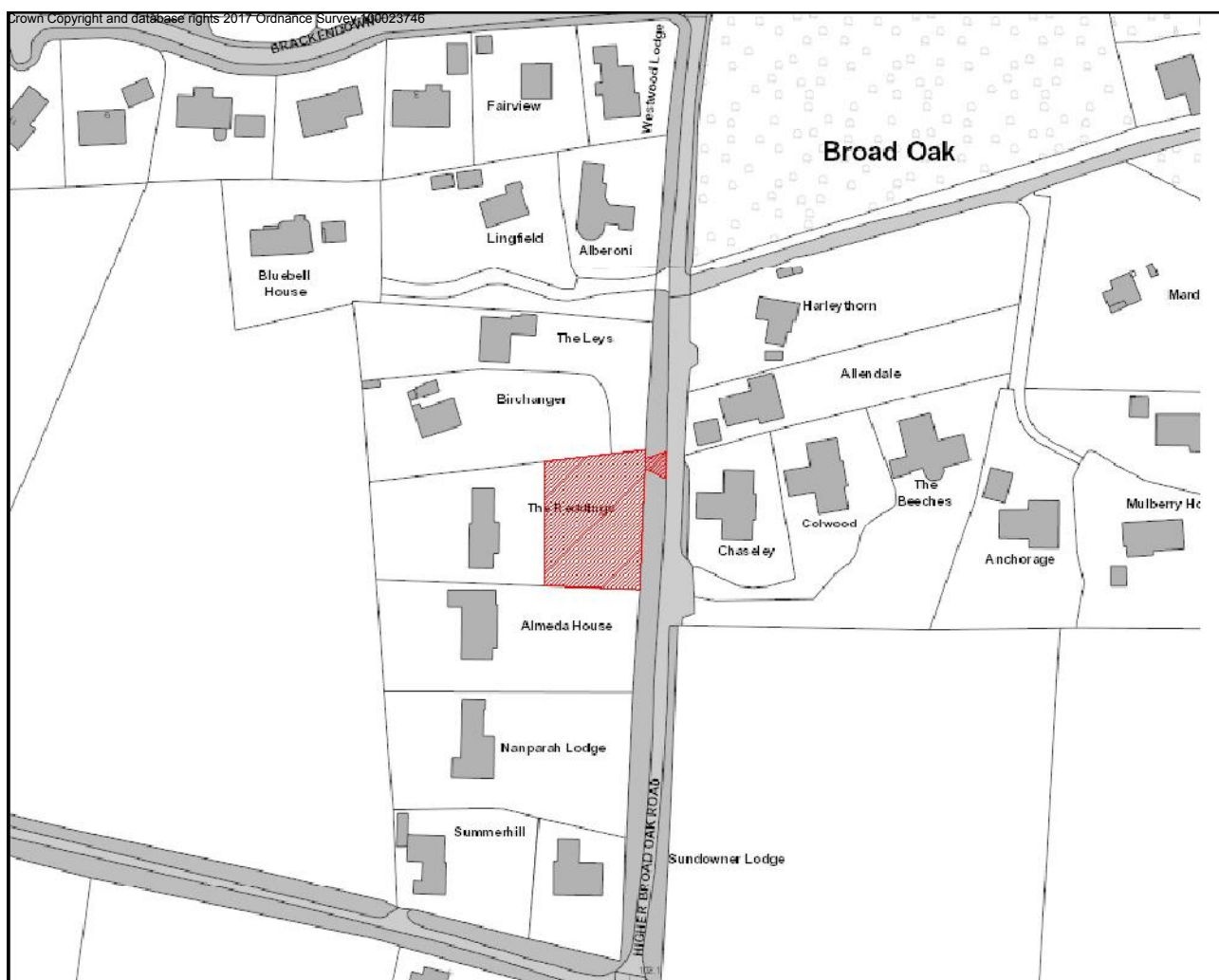
Applicant Mr A Bibey

Location The Reddings Higher Broad Oak Road West Hill Ottery St Mary EX11 1XJ

Proposal Construction of detached bungalow (outline application with all matters reserved).



RECOMMENDATION: Refusal



		Committee Date: 4th July 2017
Ottery St Mary Rural (OTTERY ST MARY)	17/0190/OUT	Target Date: 24.03.2017
Applicant:	Mr A Bibey	
Location:	The Reddings Higher Broad Oak Road West Hill	
Proposal:	Construction of detached bungalow (outline application with all matters reserved).	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

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

The Reddings is a detached property set within a large plot located towards the southern edge of West Hill. The surrounding area is of low density residential character. It is one of a small group of three properties, the others being Almeda House and Nanparah Lodge to the south, that are each set back by the same distance from their plot frontages with Higher Broad Oak Road and positioned on much the same building line.

The application seeks outline planning permission for the construction of a bungalow within a development plot of around 0.12 ha to be created within the front garden area. All detailed matters are reserved for later consideration.

The site previously lay inside of the defined Built-up Area Boundary (BuAB) for West Hill set out in the former adopted Local Plan that was, at the time of submission of the application, being used for development management purposes. However, that boundary now carries no weight and the site lies outside of the boundary as defined in the pre-submission draft of the emerging Villages Plan (to be eventually read in conjunction with the current adopted Local Plan) which, following a resolution taken by the Strategic Planning Committee in February, is now being used as primary policy for development management purposes in the light of the advanced stage of preparation of the document towards adoption.

However, following a period of public consultation on the Publication Draft of the Villages Plan in April/May, there remain unresolved objections from the applicant with regard to the position of the proposed BuAB. These, along with all other representations, will be considered at a public examination expected to be held

towards the end of this year. As such, in the context of this application, only limited weight can be given to the BuAB.

It is therefore considered that the proposal falls to be considered having regard to the broader strategy and suite of Local Plan policies in relation to the location of future development as well as the presumption in favour of sustainable development that is at the heart of the National Planning Policy Framework (NPPF).

The site is located in excess of 1 km from the main services and facilities offered in West Hill, namely the shops, school, village hall, church and public transport routes. Moreover, access on foot and by cycle is via roads that are largely devoid of any footways and street lighting and which are winding and narrow and both climb and descend quite steep slopes. As such, it is considered that these act as deterrents to the use of walking, cycling and public transport for accessing these and would therefore encourage greater car dependency. The site is therefore thought to occupy a non-sustainable location for additional housing. As a consequence, the proposal would represent an unsustainable form of development that would be contrary to Local Plan Strategy 5B, 7 and Policy TC2.

The principle aside it is considered that the proposal, subject to details, would not result in any significant harm to the character or appearance of the area or the living conditions of neighbouring residents or compromise any highway safety interests. Furthermore, it is thought that the layout and design of any development of the plot could appropriately take account of both the above and below ground constraints imposed by the mature trees on the principal site frontage.

CONSULTATIONS

Local Consultations

Ottery St Mary Town Council

The Town Council supports this application.

Ottery St Mary Rural - Cllr M Coppell

I wish to register my initial objection to this application on the grounds it lies well beyond the proposed BUAB for West Hill and in an unsustainable location.

However, in the event my opinion differs to that of officers, I shall reserve my final judgement until the matter is discussed at committee.

Ottery St Mary Rural - Cllr P Carter

I would like to support this outline application to be seen at DMC in the event of the latest strategic Planning meeting recommendations on the new Villages plan, applications that maybe affected by the Villages plan need to be viewed on a case by case basis.

Technical Consultations

EDDC Trees

In principle I have no objections to a development on the site, however the present 'T' shaped format will cause conflict in the present and future with T3 and therefore a more linear design incorporating the garage in line with the bungalow would be more acceptable and a more informative landscaping design to add some trees within the site to break up the view from surrounding properties

County Highway Authority

Does not wish to comment.

Other Representations

Seven representations of objection have been received, including a representation from the West Hill Residents Association raising the following grounds:

1. An unsustainable location distant from the facilities and transport links of the village and accessed by a narrow lane with no pavements or street lighting and with steep hills.
2. Against the recommendations in the Villages Plan; the site is well outside of the proposed built-up area boundary
3. Contrary to the West Hill Village Design Statement which is now part of the emerging neighbourhood plan.
4. Does not reflect the established character and development pattern of its surroundings or preserve key features of the village; i.e. low density and large gardens on the edge of the village.
5. Unacceptable precedent for continued development along Higher Broad Oak Road.
6. Development in front of a very clear and prominent building line; allowing the proposal would destroy this line, the street scene and the distinctive quality of the area contrary to Strategy 7 and Policy D1 of the Local Plan.
7. There is a restrictive covenant on the property.
8. There were no objections to the exclusion of the area from the built-up area boundary during the Villages Plan consultation in 2016 when the area was described as being remote and peripheral to the core built form of the village; as such, this exclusion should be given significant weight.

One representation of support has been received from the occupier of Almeda House raising the following grounds:

1. Building line broken by the building of Alberoni and the permission at Birchanger.
2. Sustainability is not simply measured by a single criterion such as distance from facilities; the nature of Higher Broad Oak Road could be argued to incentivise walking to village facilities as opposed to being a deterrent.
3. Reference to West Hill Village Design Statement is not relevant as application is outline only and the statement cannot allocate or prevent development.
4. The Reddings is contiguous with the main built-up area, not separated from it by any open countryside, is on one of four significant roads in the village, has utilities and a daily bus service to Sidmouth.
5. Use of the term 'remote' is subjective, erroneous and misleading.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

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

Strategy 43 (Open Space Standards)

Strategy 47 (Nature Conservation and Geology)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

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

EN22 (Surface Run-Off Implications of New Development)

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

Introduction

This application should be considered in conjunction with application 17/0405/OUT, the report for which appears elsewhere on this agenda, that also seeks outline planning permission for the construction of a dwelling on a plot to be formed, through sub-division of the curtilage to create a development plot within the current front garden, at Almeda House, the immediate neighbouring property to the south.

Both proposals are essentially very similar and it is thought that there are a number of material considerations that are common to both applications, not least in relation to the principle of development.

Relevant Planning History

There is no previous history relating to the site that is relevant to the current application proposal.

Planning permission was however granted in January this year for a dwelling to the front of Birchanger to the north but this was approved as the site at that time fell within the old BuAB carried over from the previous Local Plan that no longer carries any weight.

Site Location and Description

The Reddings is a detached two storey dwelling that occupies a plot on the western side of Higher Broad Oak Road approximately 150 metres to the north of the crossroads junction with Ash Hill Road towards the southern edge of West Hill.

It is one of three such properties, the others being Almeda House and Nanparah Lodge to the south, set within large gardens located along the western side of Higher Broad Oak Road that occupy similar positions within their respective plots set back around 40 metres from the principal highway frontage.

The surrounding area is largely characterised by low density residential development, mostly comprising large detached properties set within sizeable plots with mature landscaping. This includes trees, both within plots and along mainly hedged boundaries. Indeed, there is a row of 6 Scots Pine and 2 Oak trees within the hedge that forms the frontage, albeit set back from the road carriageway of Higher Broad Oak Road itself at the rear of a grass verge. These trees are not formally protected by way of a tree preservation order.

Proposed Development

The application seeks outline planning permission for a development comprising the construction of a detached bungalow on a plot, approximately 0.12 hectares in area, to be formed from the sub-division of the curtilage of the property. The plot would occupy the majority of the front garden of the existing dwelling.

All detailed matters, relating to the layout, scale and appearance of the dwelling, the landscaping of the site and the means of access to the plot, are reserved for later consideration/approval. However, the application is accompanied by an indicative site layout drawing that shows the prospective dwelling occupying a central position within the plot and shared vehicular access arrangements with the host dwelling. These would involve utilising the existing splayed entrance off Higher Broad Oak Road that crosses the roadside grass verge. The plan does however show separate parking and turning facilities for the prospective dwelling within the application site.

Considerations/Assessment

The policies relevant to this proposal are those set out in the adopted East Devon Local Plan 2013-2031 and the emerging East Devon Villages Plan. The latter has reached an advanced stage and is a material consideration. There is also an emerging

Neighbourhood Plan for Ottery St. Mary and West Hill that is at its Consultation Draft stage. Whilst this carries limited weight, it also shows the site being outside of the BUAB.

It is considered that the main issues that are material to assessment of the application proposal relate to:

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

These are each considered in turn as follows:

Principle of Development

West Hill is a settlement identified in Strategy 27 (Development at the Small Towns and Larger Villages) 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 meeting of the Council's Strategic Planning Committee on 20th February 2017, it was agreed that the BuABs defined in the Publication Draft Villages Plan would, from 23rd February 2017, be used as primary policy for development management purposes instead of those shown on the inset maps that formed part of 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 subsequent consultation on the Publication Draft Villages Plan closed on 10th May and in respect of West Hill there have been objections, including those received from the applicants for both this application and application 17/0405/OUT (Almeda House).

The present situation therefore is that the application site lies inside the former BuAB, which now carries no weight, but outside the boundary as defined in the emerging

Villages Plan, to which there are currently unresolved objections. In view of these objections, the weight that can be given to the latter is limited. As mentioned above, the emerging Neighbourhood Plan can only be given limited weight as well, but also shows the site outside of the proposed BuAB.

However, this does not mean that the Local Plan should be regarded as being silent in relation to the distribution and location of housing in the district.

In policy terms, being outside of the Villages Plan boundary, the site is regarded as being located within the countryside, where Strategy 7 (Development in the Countryside) of the Local Plan applies and development is restricted, but also in a village which is regarded as appropriate for limited new development in accordance with Strategy 27. The Council is able to 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 a BuAB or if it is community led.

However, in view of the limited weight that can be given to the emerging Villages Plan boundary owing to it being the subject of unresolved objections, it is thought necessary to consider the site and its location on its particular merits and the proposal assessed against the requirements of the Local Plan taken as a whole and with regard to the presumption in favour of sustainable development which is at the heart of the National Planning Policy Framework (NPPF).

The proposed Villages Plan boundary has been carefully drafted to follow established boundary features such as fences and hedges as well as define the core built-up area of the village. Further to assessment, the application site was excluded from the boundary owing to its distance from, and the suitability of the walking route to, the services and facilities within the village.

More widely, it is considered that the southern part of the village within which the application site is located is remote from the facilities and services that are available in West Hill. For example, it is about 1200 metres from the village shop, or more depending on the route taken, and even further to the primary school, village hall and church. As part of the process of preparing the Villages Plan, assessment of walking distances and accessibility was undertaken in West Hill and comments received from local residents were taken into account. While there were mixed views about walking conditions and distances, it was concluded that the steep valley slopes, the absence of street lighting and pavements and the winding, narrow roads all combine with the distance from services to act as a deterrent to walking to access services and facilities.

All of these concerns would apply to the application site and it is therefore concluded that occupants of the dwellings would be likely to be car dependent. Consequently the proposal would be contrary to Strategy 5B (Sustainable Transport) and Policy TC2 (Accessibility of New Development) of the Local Plan as well as one of the core principles in the NPPF that states that patterns of growth should be managed to make the fullest possible use of public transport, walking and cycling.

Impact on Character and Appearance of 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.

As stated above, as is the case with much of West Hill, Higher Broad Oak Road is characterised by detached dwellings in generous plots with good levels of mature tree cover. This also applies to the application site with the main trees positioned along the road/verge frontage that would represent to some extent a constraint upon any potential development of the plot.

However, it is considered that the depth of the plot coupled with the space that would be available, both within it and between any prospective development and the existing dwelling, would allow for the provision of a dwelling of single storey form without detracting from the character or appearance of the area. Although it is acknowledged that it would represent a form of 'frontland' development in relation to the existing dwelling that would not particularly reflect the prevailing pattern and layout of residential development in the vicinity of the site (potentially contrary to emerging neighbourhood Plan Policy NP26 that seeks to retain the low density character of West Hill), equally it is not thought that it would appear unduly harmful within, or detrimental to, the character or appearance of the street scene of Higher Broad Oak Road. The Reddings itself is sufficiently well set back from the road frontage to allow for a dwelling of appropriate proportions in front of it without appearing cramped and restricted. Moreover, it would be largely screened by existing frontage and side boundary hedges and mature trees in views along Higher Broad Oak Road such that any visual impact would to some extent be mitigated.

Development would also to a degree reflect the position taken by the Council in granting planning permission (application 16/2209/FUL refers) in January this year for a bungalow on a plot to be formed at the front of Birchanger, the immediate neighbouring property to the north of The Reddings. Whilst it is accepted that this property is itself set back further from Higher Broad Oak Road than The Reddings, Almeda House and Nanparah Lodge, and as such creates a slightly different context for the plot, the scheme involves development of a similar 'frontland' character to that proposed which was considered not to be harmful to the wider character or appearance of the area.

Impact on Living Conditions of Neighbours

Although the current application is only submitted in outline, it is considered that the indicative layout demonstrates that there is sufficient space to accommodate a single storey dwelling on the site without causing any detriment to the living conditions of the

occupiers of either of the neighbouring properties at Birchanger and Almeda House on account of overlooking/loss of privacy or through being unduly physically overbearing, dominating or intrusive as to result in an unacceptable loss of outlook, aspect or light.

Both the distances between existing dwellings and that proposed and the present levels of boundary screening are considered to be adequate to enable a bungalow to be accommodated within the site without causing harm to the living conditions of neighbouring occupiers. This is also thought to apply in respect of the relationship with other residential properties on the opposite side of Higher Broad Oak Road from the site.

It is accepted that careful consideration as to the design and layout of development would be required, particularly with regard to the need to safeguard the amenities of occupiers of the prospective dwelling from first floor level overlooking from the host dwelling itself ; however, such matters could reasonably be considered at the reserved matters stage were outline planning permission forthcoming.

Impact upon Trees

The application is accompanied by an arboricultural report containing an arboricultural impact assessment and an arboricultural method statement incorporating tree protection measures.

These principally conclude that the proposed dwelling would be sustainable from an arboricultural point of view subject to the provision of tree protection measures detailed within an attached tree protection plan. These show a construction exclusion zone and protective fencing.

Although some concern has been expressed by the Council's Arboricultural Officer with regard to the proximity of part of the proposed dwelling (as shown indicatively on the site layout plan) to one of the Oak trees, it would be possible to secure a more linear design of building at the reserved matters stage to avoid any potential future conflict. Equally, as landscaping is expressly a reserved matter, the introduction of additional tree planting could also be negotiated at the same stage.

There are therefore no objections to the proposal from an arboricultural perspective.

Other Matters

The present access and driveway already serves one dwelling and is considered adequate to serve one additional unit. Visibility both from and of emerging vehicles from the entrance is good in both directions.

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

Requisite CIL Additional Information and Self Build Exemption Claim forms have been submitted with the application.

RECOMMENDATION

REFUSE for the following reason:

1. By virtue of the excessive distance to public transport links, services and facilities in West Hill and the surrounding area, as well as the road network being unsuitable for pedestrian or cycle access to such facilities, the occupiers of the proposed dwelling would be largely dependent on car-based trips to access shops, employment, leisure and community facilities. The proposal would therefore be contrary to Strategy 7 (Development in the Countryside), Strategy 5B (Sustainable Transport) and Policy TC2 (Accessibility of New Development) of the adopted East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

	Location Plan	27.01.17
1937/01	Proposed Site Plan	23.01.17
1937/02	Proposed Site Plan	23.01.17

List of Background Papers

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

Ward Ottery St Mary Rural

Reference 17/0405/OUT

Applicant Mr Robert George

Location Almeda House Higher Broad Oak Road West Hill Ottery St Mary EX11 1XJ

Proposal Outline application for the erection of a new dwelling (all matters reserved)



RECOMMENDATION: Refusal

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		Committee Date: 4th July 2017
Ottery St Mary Rural (OTTERY ST MARY)	17/0405/OUT	Target Date: 18.04.2017
Applicant:	Mr Robert George	
Location:	Almeda House Higher Broad Oak Road West Hill	
Proposal:	Outline application for the erection of a new dwelling (all matters reserved)	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

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

Almeda House is a detached property set within a large plot located towards the southern edge of West Hill. The surrounding area is of low density residential character. It is one of a small group of three properties, the others being The Reddings and Nanparah Lodge, to the north and south respectively, that are each set back by the same distance from their plot frontages with Higher Broad Oak Road and positioned on much the same building line.

The application seeks outline planning permission for the construction of a bungalow within a development plot of around 0.09 ha to be created within the front garden area. All detailed matters are reserved for later consideration.

The site previously lay inside of the defined Built-up Area Boundary (BuAB) for West Hill set out in the former adopted Local Plan that was, at the time of submission of the application, being used for development management purposes. However, that boundary now carries no weight and the site now lies outside of the boundary as defined in the pre-submission draft of the emerging Villages Plan (to be eventually read in conjunction with the current adopted Local Plan) which, following a resolution taken by the Strategic Planning Committee in February, is now being used as primary policy for development management purposes in the light of the advanced stage of preparation of the document towards adoption.

However, following a period of public consultation on the Publication Draft of the Villages Plan in April/May, there remain unresolved objections from the applicant with regard to the position of the proposed BuAB. These, along with all other representations, will be considered at a public examination expected to be held

towards the end of this year. As such, in the context of this application, full weight cannot be given to the BuAB.

It is therefore considered that the proposal falls to be considered having regard to the broader strategy and suite of Local Plan policies in relation to the location of future development as well as the presumption in favour of sustainable development that is at the heart of the National Planning Policy Framework (NPPF).

The site is located in excess of 1 km from the main services and facilities offered in West Hill, namely the shops, school, village hall, church and public transport routes. Moreover, access on foot and by cycle is via roads that are largely devoid of any footways and street lighting and which are winding and narrow and both climb and descend quite steep slopes. As such, it is considered that these act as deterrents to the use of walking, cycling and public transport for accessing these and would therefore encourage greater car dependency. The site is therefore thought to occupy a non-sustainable location for additional housing. As a consequence, the proposal would represent an unsustainable form of development that would be contrary to Local Plan Strategies 5B, 7 and Policy TC2.

In addition, it is not thought that it has been adequately demonstrated that the development can be undertaken without some threat of removal, or significant cutting back, of mature trees to the south, not within the site, that would cast shadow over the majority of the plot area, potentially impacting upon the amenity of prospective occupiers.

These issues aside it is considered that the proposal, subject to details, would not result in any significant harm to the character or appearance of the area or the living conditions of neighbouring residents or compromise any highway safety interests.

CONSULTATIONS

Local Consultations

Parish/Town Council

17/0405/OUT Almeda House Higher Broad Oak Road West Hill Ottery St Mary EX11 1XJ

These are the comments of the Councillors representing the West Hill ward which now constitutes the new West Hill parish.

Ottery St Mary Town Council supported this application as a consultee at their planning meeting of the 20th March 2017 solely on the grounds of the precedent of the granting of the almost adjacent application for Birchanger and in disregard for other planning considerations. The two West Hill Councillors present at that meeting, Cllrs. Talbot and Hall were out voted by the Town and North ward members by two votes to four disregarding the West Hill councillor's views.

However, West Hill Parish Council is now in existence as from the 1st April 2017 and the four West Hill councillors would like to make it clear that they do not support this application and believe that their views should outweigh those of OSMTTC.

As noted on the advertisement of this application the proposed development is not in accordance with the EDDC Development Plan as it is now outside the proposed BUAB which the West Hill councillors have been advised should now be used as the primary planning criterion as from the 23rd February 2017.

It is unsustainable as it is in excess of 1200m from the village amenities and the occupants would be mainly car dependent. Walkers would have to use Higher Broad Oak Road which has no pavements or safe guards for walkers, is unlit and has a steep hill with restricted sight lines due to the contours of the road. The only public transport available is a bus once a day to Sidmouth.

The site as described in the analysis for the Public Villages plan WH13' is remote and peripheral from the core built form of the village'. It is at the entrance to West Hill where the built form is spacious and open. This development would alter this distinctive quality and be contrary to the West Hill Village Design Statement, now part of the emerging Neighbourhood Plan.

WHPC.

Cllrs. Talbot, Bailey, Hall and Mitchell

Clerk to Ottery St Mary Town Council

Town Council Comments:

The Town Council supports this application but would like to note that it was 4 in favour and 2 against.

Ottery St Mary Rural - Cllr P Carter

I would like to support this outline application to be seen at DMC in the event of the latest strategic Planning meeting recommendations on the new Villages plan, applications that maybe affected by the Villages plan need to be viewed on a case by case basis.

Ottery St Mary Rural - Cllr M Coppel

I wish to register my initial objection to this application as the site lies outside of the new BUAB for West Hill.

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

Technical Consultations

County Highway Authority

Does not wish to comment.

EDDC Trees

I have inspected the site in comparison with the supplied information and although I agree that the outline footprint is outside the recommended Root Protection Zone of

the 4 retained trees, I would object to the position of the footprint on grounds of the liveability between the dwelling and the considerable shade cast by all neighbouring trees and then the added pressure for tree removal and or heavy pruning.

Other Representations

Nine representations of objection have been received, including a representation from the West Hill Residents Association raising the following grounds:

1. An unsustainable location distant from the facilities and transport links of the village and accessed by a narrow lane with no pavements or street lighting and with steep hills.
2. Against the recommendations in the Villages Plan; the site is well outside of the proposed built-up area boundary
3. Contrary to the West Hill Village Design Statement which is now part of the emerging neighbourhood plan.
4. Does not reflect the established character and development pattern of its surroundings or preserve key features of the village; i.e. low density and large gardens on the edge of the village.
5. Unacceptable precedent for continued development along Higher Broad Oak Road.
6. Development in front of a very clear and prominent building line; allowing the proposal would destroy this line, the street scene and the distinctive quality of the area contrary to Strategy 7 and Policy D1 of the Local Plan.
7. There is a restrictive covenant on the property.
8. There were no objections to the exclusion of the area from the built-up area boundary during the Villages Plan consultation in 2016 when the area was described as being remote and peripheral to the core built form of the village; as such, this exclusion should be given significant weight.

One representation of support has been received from the occupier of The Reddings raising the following grounds:

1. The plot is within the Built-up Area Boundary and sustainable in the context of the NPPF, as endorsed by the recent grant of permission at Birchanger.
2. Senior citizens and school pupils walk daily to the school and local amenities; it is not a challenge.
3. Not a remote location; a bus stops immediately outside.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

EN17 (Notifiable Installations)

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)

ANALYSIS

Introduction

This application should be considered in conjunction with application 17/0190/OUT, the report for which appears elsewhere on this agenda, that also seeks outline planning permission for the construction of a bungalow on a plot to be formed, through sub-division of the curtilage to create a development plot within the current front garden, at The Reddings, the immediate neighbouring property to the north.

Both proposals are essentially very similar and it is thought that there are a number of material considerations that are common to both applications, not least in relation to the principle of development.

Relevant Planning History

There is no previous history relating to the site that is relevant to the current application proposal.

Planning permission was however granted in January this year for a dwelling to the front of Birchanger to the north but this was approved as the site at that time fell within the old BuAB carried over from the previous Local Plan that no longer carries any weight.

Site Location and Description

Almeda House is a detached two storey dwelling that occupies a plot on the western side of Higher Broad Oak Road approximately 100 metres to the north of the crossroads junction with Ash Hill Road towards the southern edge of West Hill.

It is one of three such properties, the others being The Reddings and Nanparah Lodge to the north and south respectively, set within large gardens located along the western side of Higher Broad Oak Road that occupy similar positions within their respective plots set back around 40 metres from the principal highway frontage.

The surrounding area is largely characterised by low density residential development, mostly comprising large detached properties set within sizeable plots with mature landscaping. This includes trees, both within plots and along mainly hedged boundaries. Indeed, there are 2 Scots Pine and 2 Oak trees within or adjacent to the hedge that forms the frontage, albeit set back from the road carriageway of Higher

Broad Oak Road itself at the rear of a grass verge. These trees are not formally protected by way of a tree preservation order.

Proposed Development

The application seeks outline planning permission for a development comprising the construction of a detached dwelling on a plot, approximately 0.09 hectares in area, to be formed from the sub-division of the curtilage of the property. The plot would occupy the majority of the front garden of the existing dwelling.

All detailed matters, relating to the layout, scale and appearance of the dwelling, the landscaping of the site and the means of access to the plot, are reserved for later consideration/approval. However, the application is accompanied by an indicative site layout drawing that shows the prospective dwelling occupying a position within the plot towards the southern boundary and shared vehicular access arrangements with the host dwelling. These would involve utilising the existing splayed entrance off Higher Broad Oak Road that crosses the roadside grass verge. The plan does however show separate parking and turning facilities for the prospective dwelling within the application site.

Considerations/Assessment

The policies relevant to this proposal are those set out in the adopted East Devon Local Plan 2013-2031 and the emerging East Devon Villages Plan. The latter has reached an advanced stage and is a material consideration. There is also an emerging Neighbourhood Plan for Ottery St. Mary and West Hill that is at its Consultation Draft stage. Whilst this carries limited weight, it also shows the site being outside of the BUAB.

It is considered that the main issues that are material to assessment of the application proposal relate to:

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

These are each considered in turn as follows:

Principle of Development

West Hill is a settlement identified in Strategy 27 (Development at the Small Towns and Larger Villages) 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 meeting of the Council's Strategic Planning Committee on 20th February 2017, it was agreed that the BuABs defined in the Publication Draft Villages Plan would, from 23rd February 2017, be used as primary policy for development management purposes instead of those shown on the inset maps that formed part of 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 subsequent consultation on the Publication Draft Villages Plan closed on 10th May and in respect of West Hill there have been objections, including those received from the applicants for both this application and application 17/0190/OUT (The Reddings).

The present situation therefore is that the application site lies inside the former BuAB, which now carries no weight, but outside the boundary as defined in the emerging Villages Plan, to which there are currently unresolved objections. In view of these objections, the weight that can be given to the latter is limited. As mentioned above, the emerging Neighbourhood Plan can only be given limited weight as well, but also shows the site outside of the proposed BuAB.

However, this does not mean that the Local Plan should be regarded as being silent in relation to the distribution and location of housing in the district.

In policy terms, being outside of the Villages Plan boundary, the site is regarded as being located within the countryside, where Strategy 7 (Development in the Countryside) of the Local Plan applies and development is restricted, but also in a village which is regarded as appropriate for limited new development in accordance with Strategy 27. The Council is able to 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 a BuAB or if it is community led.

However, in view of the limited weight that can be given to the emerging Villages Plan boundary owing to it being the subject of unresolved objections, it is thought necessary to consider the site and its location on its particular merits and the proposal assessed against the requirements of the Local Plan taken as a whole and with regard to the presumption in favour of sustainable development which is at the heart of the National Planning Policy Framework (NPPF).

The proposed Villages Plan boundary has been carefully drafted to follow established boundary features such as fences and hedges as well as define the core built-up area of the village. Further to assessment, the application site was excluded from the boundary owing to its distance from, and the suitability of the walking route to, the services and facilities within the village.

More widely, it is considered that the southern part of the village within which the application site is located is remote from the facilities and services that are available in West Hill. For example, it is about 1250 metres from the village shop, or more depending on the route taken, and even further to the primary school, village hall and church. As part of the process of preparing the Villages Plan, assessment of walking distances and accessibility was undertaken in West Hill and comments received from local residents were taken into account. While there were mixed views about walking conditions and distances, it was concluded that the steep valley slopes, the absence of street lighting and pavements and the winding, narrow roads all combine with the distance from services to act as a deterrent to walking to access services and facilities.

All of these concerns would apply to the application site and it is therefore concluded that occupants of the dwellings would be likely to be car dependent. Consequently the proposal would be contrary to Strategy 5B (Sustainable Transport) and Policy TC2 (Accessibility of New Development) of the Local Plan as well as one of the core principles in the NPPF that states that patterns of growth should be managed to make the fullest possible use of public transport, walking and cycling.

Impact on Character and Appearance of 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.

As stated above, as is the case with much of West Hill, Higher Broad Oak Road is characterised by detached dwellings in generous plots with good levels of mature tree cover. This also applies to the application site with the main trees positioned along the road/verge frontage that would represent to some extent a constraint upon any potential development of the plot.

However, it is considered that the depth of the plot coupled with the space that would be available, both within it and between any prospective development and the existing dwelling, would allow for the provision of a dwelling of single storey form without detracting from the character or appearance of the area. Although it is acknowledged that it would represent a form of 'frontland' development in relation to the existing dwelling that would not particularly reflect the prevailing pattern and layout of residential development in the vicinity of the site (potentially contrary to emerging

neighbourhood Plan Policy NP26 that seeks to retain the low density character of West Hill), equally it is not thought that it would appear unduly harmful within, or detrimental to, the character or appearance of the street scene of Higher Broad Oak Road. Almeda House itself is sufficiently well set back from the road frontage to allow for a dwelling of appropriate proportions in front of it without appearing cramped and restricted. Moreover, it would be largely screened by existing frontage and side boundary hedges and mature trees in views along Higher Broad Oak Road such that any visual impact would to some extent be mitigated.

Development would also to a degree reflect the position taken by the Council in granting planning permission (application 16/2209/FUL refers) in January this year for a bungalow on a plot to be formed at the front of Birchanger, the immediate neighbouring property to the north of The Reddings. Whilst it is accepted that this property is itself set back further from Higher Broad Oak Road than The Reddings, Almeda House and Nanparah Lodge, and as such creates a slightly different context for the plot, the scheme involves development of a similar 'frontland' character to that proposed which was considered not to be harmful to the wider character or appearance of the area.

Impact on Living Conditions of Neighbours

Although the current application is only submitted in outline, it is considered that the indicative layout demonstrates that there is sufficient space to accommodate a single storey dwelling on the site without causing any detriment to the living conditions of the occupiers of either of the neighbouring properties at Birchanger and Almeda House on account of overlooking/loss of privacy or through being unduly physically overbearing, dominating or intrusive as to result in an unacceptable loss of outlook, aspect or light.

Both the distances between existing dwellings and that proposed and the present levels of boundary screening are considered to be adequate to enable a bungalow to be accommodated within the site without causing harm to the living conditions of neighbouring occupiers. This is also thought to apply in respect of the relationship with other residential properties on the opposite side of Higher Broad Oak Road from the site.

It is accepted that careful consideration as to the design and layout of development would be required, particularly with regard to the need to safeguard the amenities of occupiers of the prospective dwelling from first floor level overlooking from the host dwelling itself ; however, such matters could reasonably be considered at the reserved matters stage were outline planning permission forthcoming.

Impact upon Trees

The application is accompanied by an arboricultural report containing an arboricultural impact assessment and an arboricultural method statement incorporating tree protection measures.

These principally conclude that the proposed dwelling would be sustainable from an arboricultural point of view subject to the provision of tree protection measures detailed

within an attached tree protection plan. These show a construction exclusion zone and protective fencing.

From the perspective of the impact of potential development upon the below ground constraints presented by the trees on and adjacent to the plot frontage hedge, namely the 2 Scots Pines and 2 Oaks, there are not thought to be any objections subject to the submitted protection measures being put in place during construction works.

However, concern has been expressed by the Council's Arboricultural Officer with regard to the shade cast upon the site by all neighbouring trees, which include not just those referred to on/adjacent to the site frontage hedge but also mature trees to the south of the plot. Whilst the submitted tree constraints plan that forms part of the report does contain shade paths in relation to the identified specimens, these do not factor in shade that would be likely to be cast during the latter parts of the day from those at Nanparah Lodge to the south.

It is therefore considered that this would be likely to result in additional future pressure being brought to bear for either the removal or heavy pruning of these trees with consequential detrimental impact upon the visual amenity that they provide and the character and appearance of the wider area to which they contribute.

Other Matters

The present access and driveway already serves one dwelling and is considered adequate to serve one additional unit. Visibility both from and of emerging vehicles from the entrance is good in both directions.

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

The requisite CIL Additional Information form has been submitted with the application.

RECOMMENDATION

REFUSE for the following reasons:

1. By virtue of the excessive distance to public transport links, services and facilities in West Hill and the surrounding area, as well as the road network being unsuitable for pedestrian or cycle access to such facilities, the occupiers of the proposed dwelling would be largely dependent on car-based trips to access shops, employment, leisure and community facilities. The proposal would therefore be contrary to Strategy 7 (Development in the Countryside), Strategy 5B (Sustainable Transport) and Policy TC2 (Accessibility of New Development) of the adopted East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework.
2. On the basis of the information submitted, the Local Planning Authority is not satisfied that the proposed development could be accommodated within the plot without giving rise to shade being cast upon it from adjacent mature trees

adjacent to the site that would be likely to lead to future pressure being placed upon the felling or significant pruning of these specimens that would be to the detriment of their amenity value and the character and appearance of the area. As a consequence, the proposal would be contrary to Policy D3 (Trees and Development Sites) of the adopted East Devon Local Plan 2013 - 2031.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council 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	14.02.17
1955/01	Proposed Site Plan	14.02.17
1955/03	Other Plans	14.02.17

List of Background Papers

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

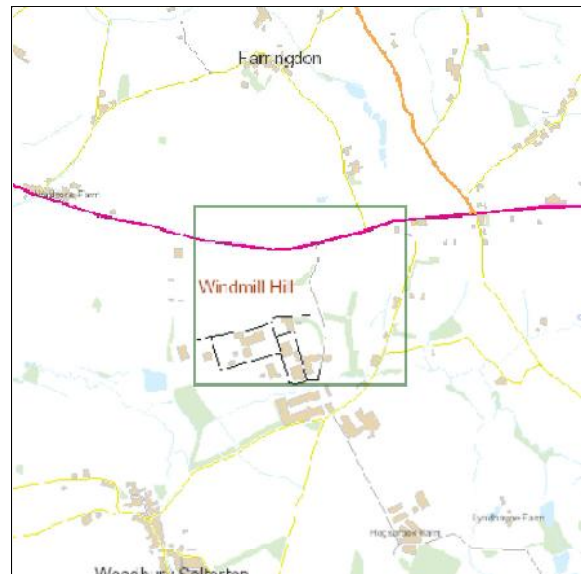
Ward Raleigh

Reference 17/0561/MFUL

Applicant FWS Carter & Sons LTD (Mr T Smith)

Location Unit 46 Greendale Business Park Woodbury
Salterton Exeter EX5 1EW

Proposal Erection of building for B1, B2, B8 and Sui
Generis use for offices, workshop, parts
storage and distribution, welfare, together with
outside storage of vehicles



RECOMMENDATION: Approval with conditions

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		Committee Date: 4th July 2017
Raleigh (WOODBURY)	17/0561/MFUL	Target Date: 12.07.2017
Applicant:	FWS Carter & Sons LTD (Mr T Smith)	
Location:	Unit 46 Greendale Business Park	
Proposal:	Erection of building for B1, B2, B8 and Sui Generis use for offices, workshop, parts storage and distribution, welfare, together with outside storage of vehicles	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as it is a Major application where the officer recommendation differs from the view of Woodbury Parish Council in terms of the permitted operational hours.

This application seeks planning permission for the construction of a new industrial unit for a B1, B2, B8 and Sui Generis use to be used as offices, a workshop, parts storage and distribution together with the use of the site for the outside storage of vehicles and a wash bay. It is understood that the proposed building would be used by City West Commercials Ltd who are a partner of Mercedes-Benz and provide a servicing and repair service to logistic/ waste vehicles and fleets and trades people which is one of the reasons for seeking to locate on the business park and for a 24 hour working request. The proposal is said to provide 30 jobs which weighs in favour of the proposal.

Whilst the Parish Council's concerns regarding 24 hour working are noted, the applicant has been able to robustly justify the request for 24 hour working which in this case is to allow for servicing and repairs to tradesman's vehicles, waste vehicles and fleets which has to be undertaken overnight to allow them to continue their contractual obligations.

The application has been carefully considered by the Council's Environmental Health Team who have advised that subject to the submission of a noise management plan (covering areas such as working on vehicles inside the building only between the hours of 7pm and 7 am, vehicles within the ownership or control of the operator being fitted with white noise reversing alarms and restricting the opening of the workshop doors at night), given the distance from the site from residential properties coupled with the screening of intervening buildings, that the

proposal would not adversely affect residential amenity and would comply with policy EN14 (Control of Pollution) of the Local Plan.

In the absence of any harm to the character and appearance of the area, highway safety and residential amenity, it is considered that the proposal would generate a number of jobs which would provide economic benefit to the District. It is therefore considered that on balance, the application is acceptable and is therefore recommended for approval subject to conditions.

CONSULTATIONS

Local Consultations

Parish/Town Council

SUPPORT in principle subject to the general conditions for the area:

Proposed Conditions for all units on the Extension at Greendale Business Park.

Maximum height of buildings.

1. The height of buildings permitted shall not exceed the eaves height of 7.5 metres (as referred to in the applicant's letter of 22nd June 2009 ref M de C/5724).

REASON: In the interests of the character and visual amenities of the area Ref 09/1195/MOUT

Yard Areas.

2. The finished yard areas to be concrete or tarmac. Gravel or crushed concrete should not be used.

REASON: To minimise dust disturbance to nearby residential areas.

Colour Scheme of Buildings

3. The building hereby approved shall be finished in Merlin Grey for the roof and Olive Green for the walling.

Reason - In the interests of the appearance of the development in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.

Operational Hours

4. The site shall be open for the receipt of deliveries between 07.00 hours to 18.00 hours Monday to Friday

Weekend and Bank Holiday workings. The site shall be open for the receipt of deliveries between Saturday mornings 7.00 to 13.30 hours only.

No other operation to be carried out on Sundays and Bank Holidays.

REASON: In the interests of the amenity of the area.

Reversing Alarms

5. All vehicles involved in the operation (excluding delivery and collection Vehicles not in the operator's control) shall be fitted with white noise reversing alarms. Such alarms shall be fitted within 3 months and shall be continued to be used for the life of operations at the site.

REASON: To minimise the impact of reversing alarms on nearby residential properties.

Noise

6. All plant and machinery used for the operation shall be maintained in accordance with the manufacturers' guidelines in order to minimise noise.

REASON: To minimise the impacts of noise on nearby residential properties.

7. All vehicles parked overnight at the site shall be manoeuvred so that they can leave the site in a forward gear.

REASON: To ensure reversing alarms are not activated during early morning hours.

Lighting

8. A detailed lighting scheme for the application site shall be submitted to the EDDC Environmental Health for its approval in writing prior to the start of construction. Following approval the lighting shall be provided and maintained in accordance with the scheme.

REASON: To reduce lighting impacts in the interests of the amenity of the area.

Woodbury Parish Council 24/08/2015

Raleigh Ward Member – Cllr G Jung

I am receipt of the proposed Approval for the planning permission.

I must apologise for not commenting on this application but my view is similar to the Parish Council.

In essence to approve but concerns with 24/7 operation and the proposed corporate colours.

I feel that the conditions cover the concerns of the 24 operation. However can it be inserted in the report that this an exception specifically to this site and this operation only.

The issue with introducing corporate colours on cladding is that in time the colour pallet of the sheds within the park will eventually become multi coloured patchwork. As this location is an industrial park in a countryside setting it would be preferable that the colour will match the neighbouring buildings which on this section of the park is Blue. I see in the report this is covered and agreed but it is not covered in the proposed conditions.

As the proposal is within the employment area and this will be a benefit to the district for employment and if these 2 issues are dealt with within amended conditions I would support the recommendation.

Technical Consultations

Environmental Health

I have considered the application and the submitted noise and lighting report. In view of the location of this unit within the site which is not near off-site residents and screened by intervening buildings from the village of Woodbury Salterton I do not

anticipate that the intended use is likely to impact unreasonably on the amenities of any residents.

I note that the applicant expects that at times it will be necessary to work during the night, and that on occasions vehicles needing repair will be delivered at night. This should be achievable so long as criteria is set out in a Noise Management Plan to be agreed with the LPA. The essential components of this plan are the following:

1. Between the hours of 7pm and 7am works on any vehicle shall only take place inside the building with the doors closed. Local Exhaust Ventilation must be provided to enable this to be undertaken safely.
2. Between the hours of 7pm and 7am, the doors on the north facade of the building only shall be used.
3. The yard shall be laid out so that the need for reversing is kept to a minimum.
4. All recovery vehicles or other commercial vehicles in the ownership or control of the operator shall be fitted with white noise reversing alarms.
5. All other mitigation measures outlined in section 6.9 of the Atkins report dated February 2017 shall be incorporated.

I have also considered the lighting report prepared by Fitzgerald lighting. The writer proposes 14 x 4m lighting columns with downlighter flood lights. The lighting plan indicates that these are wholly directional with little sideways or upwards light overspill and this should comply with our requirements to keep sky glow to a minimum. The yard lighting does need to be switched off between the hours of 10pm and 7am with only bollard security lighting left on if necessary. In order to allow a degree of illumination on the north side of the building should deliveries be received in the dark, a small number of column lights and building lights on this side should be fitted with movement sensors.

The yard should be completely hard surfaced in order to accommodate a surface water drainage system and to ensure that unreasonable levels of dust do not arise.

I therefore recommend the following conditions:

1. Prior to any development commencing a Noise and Complaint Management Plan shall be submitted to and approved in writing by the Local Planning Authority (LPA) in consultation with the EDDC's Environmental Protection Manager (or equivalent). The approved plan shall designate overall responsibility for noise management to a named individual or Officer of the company responsible for the management of the site and the plan shall thereafter be implemented and regularly reviewed. Any equipment, plant, process or procedure provided or undertaken in pursuance of this condition shall be operated and retained in compliance with the approved plan.

Reason: To protect the amenity of residents from noise and vibration

2. A lighting scheme shall be provided for, and implemented throughout the life of, the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the hours of 7pm to 7am, other

than localised lighting on a sensor during deliveries and low height, low level, local security lighting if required.

Reason: To comply with Policy EN15 for the avoidance of light pollution.

Other Representations

One letter of objection has been received raising concerns which can be summarised as follows:

- Creation of additional contributing flows to the public combined sewer and increase in the frequency of sewer flooding into the Grindle Brook.
- Overloaded sewerage system affects landowners downstream.

POLICIES

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

Strategy 31 (Future Job and Employment Land Provision)

D1 (Design and Local Distinctiveness)

EN14 (Control of Pollution)

EN22 (Surface Run-Off Implications of New Development)

E5 (Small Scale Economic Development in Rural Areas)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

D2 (Landscape Requirements)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Site Location and Description:

The site refers to an existing open gravel compound on the north eastern boundary of Greendale Business Park. It is set down from the access roads within the business park and is positioned at the base of a 9m embankment to the north and east. The site falls within the established business park which is an allocated employment site. No landscape designations apply.

Planning History:

There is no relevant planning history for this site although it falls within the wider Greendale Business Park and appears to have been used for the storage of shipping containers and caravans for a number of years.

Proposed Development:

This application seeks planning permission for the construction of a new industrial unit for a B1, B2, B8 and Sui Generis use to be used as offices, a workshop, parts storage and distribution together with the use of the site for the outside storage of vehicles and a wash bay. It is understood that the proposed building would be used by City West Commercials Ltd who are a partner of Mercedes-Benz and provide a servicing and repair service to logistic/ waste vehicles and fleets and tradespeople which is one of the reasons for seeking to locate on the business park and for a 24 hour working request.

The proposed operating hours would be 24 hours, 7 days a week with the majority of servicing and repairs being undertaken between the hours of 06:00 am and 10:30 pm. The 24 hour working is required to allow servicing and repairs to commercial vehicles which are then worked on overnight or the following day ready for their continued operation and to meet their contractual requirements.

The site would be accessed from the existing estate road and it is understood that the proposal would create around 30 jobs.

Issues and Assessment:

The main issues to consider in determining the application are in terms of the principle of development, the design and siting of the proposed building and the impact it would have on the character and appearance of the area, the impact of the use on the residential amenities of the occupiers of surrounding properties and whether there are any implications for highway safety.

ANALYSIS

Principle:

Greendale Business Park is, in Local Plan policy terms, in the countryside where, in general and simplified terms, policy of development constraint applies. It is an allocated employment site and the site is included within the extent of authorised business uses at Greendale which has been identified within the draft East Devon Villages Plan 2016-2031.

Strategy 31 (Future Job and Employment Land Provision) of the Local Plan supports proposals which secure local job provision.

The principle of development is considered to be acceptable. The applicant has stated that the proposal would when fully operational create 30 new jobs for East Devon.

Character and Appearance:

It is not considered that the proposed building or the B1, B2 and B8 use of the site would give rise to any significant landscape harm or harm to the character and appearance of the area. The site is brownfield land and is already in use for storage and is set down behind a grassed embankment. The site is surrounded by other compounds and other industrial buildings within the business park and would read within the context of the surrounding development.

The proposed site plan indicates that the area of yard would be increased which would require re-shaping of the existing embankment. No details of the changes to the embankment have been provided and it is considered that a condition should be imposed requiring sections of the bank and proposed levels.

The concerns of the Parish Council in respect of the colour of materials are noted and shared and it is not considered that the silver coloured walls for the building would be appropriate in this location. The walls of buildings within this part of the business park are either coloured blue or green and it is considered that these colours would be appropriate for this building. A Merlin grey roof finish would be compatible with the palette of materials within the business park. A condition is recommended requiring the submission of finishes for the industrial unit.

Residential Amenity:

The application is accompanied by a noise and lighting report which has been carefully considered by the Council's Environmental Health Office (EHO). Whilst the concerns expressed by the Parish Council about 24 hour working are noted, the EHO has advised that in view of the location of this unit within the site which is not near off-site residents and is screened by intervening buildings from the village of Woodbury Salterton, it is not considered that the proposed use would impact unreasonably on the amenities of any residents in terms of noise and lighting. Comments in relation to each is provided below:

Noise Impacts:

The applicants have explained that at times it will be necessary to work during the night and that on occasions vehicles needing repair will be delivered at night. The EHO has advised that this should be achievable as long as the applicant agrees to a noise management plan which covers the following:

1. Between the hours of 7pm and 7am works on any vehicle shall only take place inside the building with the doors closed. Local Exhaust Ventilation must be provided to enable this to be undertaken safely.
2. Between the hours of 7pm and 7am, the doors on the east facing elevation of the building only shall be used.
3. The yard shall be laid out so that the need for reversing is kept to a minimum.
4. All recovery vehicles or other commercial vehicles in the ownership or control of the operator shall be fitted with white noise reversing alarms.
5. All other mitigation measures outlined in section 6.9 of the Atkins report dated February 2017 shall be incorporated.

Given the EHO's observations about the location of the site, well distanced from residential properties, it is not considered that an objection could be sustained to the proposed use and 24 hour working. It is clearly an important aspect of the repairs and servicing to trade vehicles that works are undertaken overnight so that vehicles are able to continue their operations the next day. It is therefore recommended that a condition requiring the submission of a noise management plan to be submitted prior to commencement of the use of the site is imposed as part of any approval. This would ensure that the development complies with Policy EN14 (Control of Pollution) of the Local Plan.

Lighting Impacts:

The application is accompanied by a lighting report prepared by Fitzgerald lighting which has been considered by the EHO. The proposal is for 14 x 4m lighting columns with down lighter flood lights. The lighting plan indicates that these are wholly directional with little sideways or upwards light overspill which the EHO has advised would be appropriate and would comply with the Council's requirements to keep sky glow to a minimum. It is however considered that the yard lighting should be switched off between the hours of 10pm and 7am with only bollard security lighting left on if necessary. In order to allow a degree of illumination on the north side of the building should deliveries be received in the dark, it is suggested that a small number of column lights and building lights on this side should be fitted with movement sensors. A condition is recommended to ensure a lighting scheme is implemented in accordance with these suggestions and to ensure that the proposal does not create excessive light pollution in accordance with Policy EN14 (Control of Pollution) of the Local Plan.

Dust:

The existing compound is gravelled and the proposal is to provide a concrete hard surfaced finish which would ensure that the proposed use does not give rise to unreasonable levels of dust.

Highway Safety:

No comments have been received by the County Council as the highways authority however it is not considered that the proposed use would give rise to any highway safety concerns. Access into the compound would be via the existing estate road and vehicles accessing the site would do so via the existing splayed entrance to the north onto the A3052. It is considered that the proposal complies with Policy TC7 (Adequacy of Road Network and Site Access) of the Local Plan.

The submitted site plan demonstrates that there would be adequate space within the site for staff parking, a cycle store, a wash-down facility, HGV parking and to allow manoeuvring of vehicles.

Other Issues:

Whilst the concerns of the objector in relation to sewerage are noted, no objections have been received to the application from South West Water and therefore it is not considered that an objection to the application could be sustained on these grounds.

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. In accordance with the lighting report prepared by Fitzgerald Lighting (ref 0872CLN) a lighting scheme be provided for and implemented throughout the life of the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the hours of 10pm to 7am, other than localised lighting on a sensor during deliveries and low height, low level, local security lighting if required.
(Reason - In the interests of preventing light pollution and loss of amenity in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031)
4. Prior to commencement of the use hereby approved, a Noise and Complaint Management Plan shall be submitted to and approved in writing by the Local Planning Authority (LPA) in consultation with the EDDC's Environmental Protection Manager (or equivalent) covering the following:
 1. Between the hours of 7pm and 7am works on any vehicle shall only take place inside the building with the doors closed. Local Exhaust Ventilation must be provided to enable this to be undertaken safely.
 2. Between the hours of 7pm and 7am, the doors on the east facing elevation of the building only shall be used.
 3. The yard shall be laid out so that the need for reversing is kept to a minimum.
 4. All recovery vehicles or other commercial vehicles in the ownership or control of the operator shall be fitted with white noise reversing alarms.
 5. All other mitigation measures outlined in section 6.9 of the Atkins report dated February 2017 shall be incorporated.

The approved plan shall designate overall responsibility for noise management to a named individual or Officer of the company responsible for the management of the site and the plan shall thereafter be implemented and regularly reviewed. Any equipment, plant, process or procedure provided or undertaken in pursuance of this condition shall be operated and retained in compliance with the approved plan.

(Reason: To protect the amenity of residents from noise and vibration in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

5. Notwithstanding the submitted details and prior to construction of the industrial unit hereby approved, 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.)
6. Prior to reshaping of the embankment hereby approved, details of the works to include existing and proposed levels and section details shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
(Reason: In the interests of 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).

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:

LIGHTING REPORT	General Correspondence	07.03.17
	Noise Impact Assessment	03.04.17
7466-04 REV A	Location Plan	07.03.17
7466-10 REV A	Combined Plans	07.03.17
7466-11A	Proposed Site Plan	03.04.17

List of Background Papers

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

Ward Seaton

Reference 17/0536/FUL &
17/0537/LBC

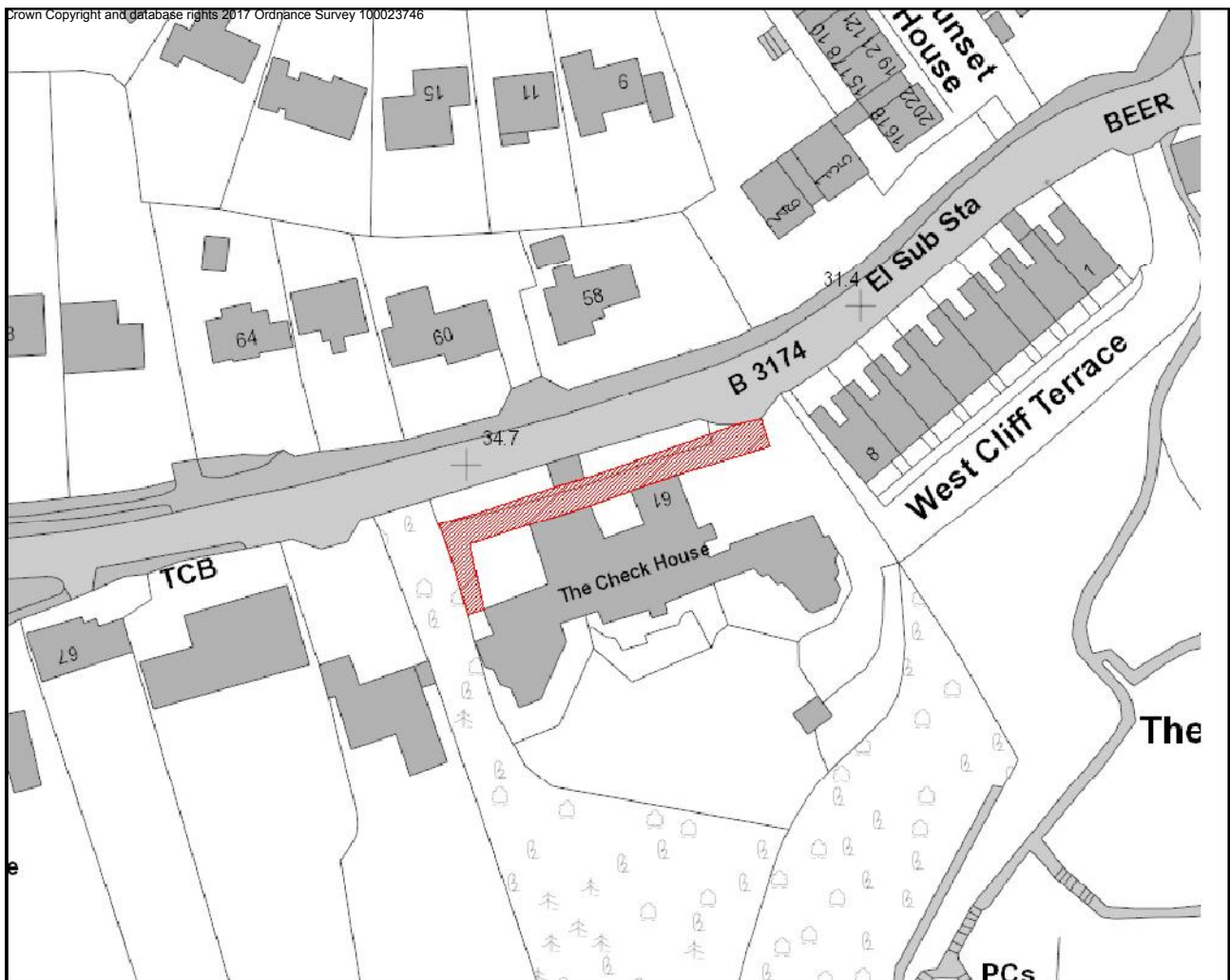
Applicant Mr & Mrs Robin Cannon (Cannon Care Homes)

Location Check House 61 Beer Road Seaton EX12 2PR

Proposal Proposed extension to provide additional accommodation



RECOMMENDATION: Approval with conditions



		Committee Date: 4th July 2017
Seaton (SEATON)	17/0536/FUL	Target Date: 01.05.2017
Applicant:	Mr & Mrs Robin Cannon (Cannon Care Homes)	
Location:	Check House 61 Beer Road	
Proposal:	Proposed extension to provide additional accommodation	

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EXECUTIVE SUMMARY

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

The proposal comprises application for planning permission and listed building consent in relation to the Grade II Listed Check House residential home which is located on Beer Road, Seaton. The proposal is the erection of a small single storey extension to the northwest part of the building, which would provide 2 additional bedrooms for residents. Check House has been subject to numerous extensions and alterations over recent years.

Check House is within the Built UP Area Boundary of Seaton and the principle of the proposed extension is supported by planning policy and considered to be acceptable.

Permission was recently granted for alterations and a conservatory and greenhouse extension, though the extension was not built. That previously approved extension was in the same area as the extension now proposed, which would have largely the same footprint and height as that previously approved extension, though the current proposal would have a more solid appearance.

Objections have been raised relating to parking and highway safety, construction nuisance and land stability. No objection has been raised by the Highway Authority and it is considered that parking demand associated with the development would be minimal and limited to that of visitors to 2 additional occupants at the home, since no care home residents bring their cars to the site and no additional staffing would be generated by the development. No existing parking spaces within the site would be lost to the development either, and it is therefore not considered that significant parking or highways arise from the proposal. With regard to construction nuisance, the construction works would be relatively small scale and limited in time such that this is not considered to be an issue that could justify refusal of permission or require submission of a CEMP.

It is not considered that the extension would exacerbate instability given its distance from the cliff edge and that other development closer to that edge was permitted relatively recently.

In conclusion, the proposal would support a modest extension to a residential home which would have associated social and economic benefits. In the absence of significant highway safety, amenity, heritage or other environmental issues it is considered that the proposal represents sustainable development, for which permission should be granted.

CONSULTATIONS

Local Consultations

Parish/Town Council

Members were unable to support the application.

They had concerns about the lack of on-site parking which has lead to staff and visitors having to park either side of Beer Road and on side roads in the area. With more accommodation proposed this situation will only get worse. The access to Check House is situated on a bend in the road which means that vehicles exiting the site have poor visibility to the right. With extra vehicles being parked on either side of Beer Road this will only exacerbate the situation. This is contrary to Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031 which states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

The proposed development is not in keeping with the original architecture of the building and Members thought the proposed extension was overdevelopment and they had concerns about the appearance and design of the proposed extension. This is

contrary to Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031 which states that:-

Proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.

and the plans do not adversely affect:-

1. The distinctive historic or architectural character of the area.

The application would also be contrary to Strategy 6 (Development within Built-Up Area Boundaries) which states that within the boundaries development will be permitted if it would be compatible with the character of the site and its surroundings and it would not impair highway safety or traffic flows.

Concerns were raised about coastal erosion and the stability of the cliffs as in recent years there have been cliff falls and coastal erosion in the immediate area.

The Seaton Town Design Statement, which was adopted by the district council in March 2009, states that the area of Seaton where Check House is located is characterised by large detached homes of varying architectural styles and historical interest from Victorian/Edwardian to more modern, mostly set in their own extensive grounds. As Check House is a Grade II Listed Building any new extensions should be sympathetic to the existing architecture, using traditional building materials where possible.

The National Planning Policy Framework, though in favour of sustainable development, does state that planning policies and decisions should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials.

Therefore Members could not support this application.

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

Further comments:

Members were unable to support the amendments to the proposed development at Check House, 61, Beer Road, Seaton as the amendments had not addressed the previous reasons which Members had for not supporting the original planning application. They therefore objected to the application for the same reasons as when it came before Seaton Town Council's Planning Committee at the meeting held on 20th March 2017.

Seaton - Cllr J Knight

Following an initial review of the above application I recommend the following:

Object to the application

In the event my recommendation and that of the planning officer differs, I wish the application to be referred to the Development Management Committee.

Relevant planning observations on the planning application to support my recommendation above:

The Seaton Design Statement, which was adopted for Development Management purposes in March 2009,

A large proportion of this site has already had planning for extending the bedroom and staff facilities taking up most of the area around the original building.

Serious consideration should be given to the access and parking arrangements as the highway parking here has had several accidents with some serious injuries sustained and damage to the neighbouring property. This application will mean that the number of traffic movements will greatly increase with the potential for increase in noise nuisance to the annoyance of their neighbours.

This is a listed building that is now departing from the reasons why it was given listed statement. This application is in the vicinity of the serious cliff fall causing Old Beer Road to be closed forever which has now taken all the road and footpath area and a small part of the back garden of the adjoining properties.

Therefore, I object to this planning application for the following reasons:

- Adverse effect on the residential amenity of neighbours, by reason of noise, disturbance, over development, stability of the cliff face and would not match the existing design of Check House .. (Contrary to Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 - 2031).
- Visual impact of the development as the scale, massing, density, height and fenestration do not relate well to their context. (Contrary to Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 - 2031).
- Effect of the development on the character of the neighbourhood. Properties to the east and west of the development site (Contrary to Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 - 2031).
- Bulk and massing, density, do not relate well to their context. (Contrary to Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 - 2031).
- The development could adversely affect highway safety or the convenience of road users. (Contrary to Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 - 2031).

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

Technical Consultations

South West Water

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

Asset Protection

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

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

Clean Potable Water

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

Foul Sewerage Services

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

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

Surface Water Services

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

1. Discharge into the ground (infiltration); or where not reasonably practicable, Provide written evidence as to why Infiltration devices, including Soakaways, Swales, Infiltration Basins and Filter Drains do not meet the design standards as specified in either H3 Building Regulation standards for areas less than 100m². Soakaways serving larger areas must meet the design standard specified in BS EN 752-4 (para 3.36) or BRE Digest 365 Soakaway Design.

2. Discharge to a surface waterbody; or where not reasonably practicable, Provide written evidence for refusal of discharge consent from owner of water body (Environment Agency, Local Authority, Riparian Owner etc)

3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable, Provide written evidence for refusal of discharge to drainage system (Highway Authority, Environment Agency, Local Authority, Private ownership)

4. Discharge to a combined sewer.(Subject to Sewerage Undertaker carrying out capacity evaluation)
South West Water will carry out a hydraulic capacity review of the combined sewerage network before permission will be granted to discharge to the combined sewer.

County Highway Authority
Does not wish to comment

Other Representations

7 no. representations have been received in relation to the applications raising the following concerns

- The proposed development, which would include solid red brick walls without the inclusion of check tiles, is not in keeping with the existing architecture, and this extension would be visible from outside of the site;
- Overdevelopment over the years has already altered the Grade II Listed Check House beyond recognition and further development would further detract from the building's original character and result in a huge building footprint;
- There is inadequate parking at the site, which has resulted in staff/visitors parking on a dangerous bend, which has caused accidents, and this will be exacerbated by the development which will increase traffic and demand for parking whilst taking some on-site parking spaces away;
- There existing access to the site is unsafe and this issue will be exacerbated with more vehicles using it;
- The site is at risk of instability due to the nearby eroding cliff edge, and the construction of the extension may exacerbate instability effects, endangering other properties as well;
- The construction phase will subject neighbours to noise, dirt on the highway, vibration and dust, unsafe parking by staff/visitors/contractors and delivery vehicles on the highway, these impacts having been experienced during previous construction works;
- The proposal extends beyond the building line and would obscure the north elevation of the existing building.

PLANNING HISTORY

Reference	Description	Decision	Date
16/1397/LBC	Extension to provide additional accommodation and communal areas	Approval with conditions	26/07/2016
16/1396/FUL	Extension to provide additional accommodation and communal areas	Approval with conditions	26/07/2016

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 25 (Development at Seaton)

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

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

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN8 (Significance of Heritage Assets and their setting)

EN9 (Development Affecting a Designated Heritage Asset)

Policy 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

National Planning Practice Guidance

NPPF (National Planning Policy Framework 2012)

SITE LOCATION AND DESCRIPTION

The Check House is a large two storey, detached house situated along the B classified Beer Road. It is Grade II Listed but does not lie within a Conservation Area. It lies within the Built Up Area Boundary of Seaton as defined in the Local Plan. The property is situated within a large garden and enjoys sea views. The use of the property was changed to that of a nursing home in 1987 and remains as such. There have been a number of alterations and extensions in more recent years including extended wings in 1992 and 2004. The development subject to the application site lies to the northwest of the property in an area currently occupied by lawn, hard surfacing and a low retaining wall, which marking a change in level between these two areas. The part of Check House immediately to the south of the development site is a recent addition to the building, though all parts of the building are listed. The closest neighbouring dwelling to the development area is the property down as Stone Cliffe at 63 Beer Road, which lies approximately 10 m south west of the development site at its closest point.

Listing Description:

SEATON BEER ROAD 1. 5176 Check House SY 28 NW 4/2 II 2. Large detached house in landscaped garden overlooking sea. Now an hotel. Circa 1860. Probably to the designs of Benjamin Woodward but executed by Charles Edwards and completed in 1866. Large Victorian gothic house. Built of knapped flint and stone in chequered pattern with red brick and stone dressings. Steeply pitched slate hipped and gabled roof. Small gables with shaped and pierced bargeboards. Two storeys. Asymmetrical plan and elevations. Two storeyed canted bay with pyramidal roof. Chamfered stone window frames with shouldered and cusped arches. Across south front and around the curved corner to left is a cast iron verandah with decorative pierced spandrels and glazed tented roof. Gabled timber porch at east end with ornate bargeboards and finial and with three-light window in gable above. External corbelled chimney breast to side with set-offs and diagonal shafts. Conservatory on west side probably late C19. The house was originally known as Calverley Lodge. It was built for Sir Walter Calverley Trevelyan, geologist, antiquarian and botonist and his wife Pauline, patroness of the Pre-Raphaelites. Trevelyan also built Seaton Bridge (Asemouth parish) in 1877, the concrete bridge over the River Ase.

PROPOSED DEVELOPMENT

Planning permission and listed building consent 16/1396/FUL & 16/0397/LBC were granted in 2016 for alterations to part of the northwest wing of the building (which had been added in 2004) together with an attached single storey extension to the north of this, which was to provide additional accommodation and communal areas, including a Victorian style conservatory and attached greenhouse. This permission has been implemented in part only.

Alterations and a very small extension to the northwest wing have taken place, but the conservatory and greenhouse have not been constructed.

The current planning and listed building applications relate to this same NW corner of the building and propose substituting the previously approved conservatory and

greenhouse with a single storey extension to the existing building, to accommodate 2 additional bedrooms and a short adjoining corridor. The extension would be largely on the same footprint as the previously approved development. It would be marginally wider than the previously approved conservatory though it would not extend as far north of the existing wing as the previously approved extension. Similarly to the extension previously approved, the proposed extension would have 2 no. aligned duo pitched roof elements which step down in a northerly direction. The higher roof ridge would be 0.2m higher than that which was previously approved in the same position, whilst the lower ridge would be being 0.5 m higher. A window is now proposed in the west facing façade of the extension, whereas there were no windows in the west facing façade of the previously approved extension. 3 large and 2 small windows would face east towards the main part of Check House.

ANALYSIS

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

- Principle of Development
- Design, Impact on Heritage Assets and the Street Scene
- Highway Safety, Parking and Transport
- Impact on Residential Amenity
- Economic Impact

Principle of Development

Check House falls within the proposed built-up area boundary where, under Strategy 6 (Development within Built Up Area Boundaries) of the Local Plan, the principle of development is acceptable subject to a number of criteria including that the development would not involve the loss of amenity or recreational land and would not prejudice the development potential of an adjacent site. In this case the site is not recreational land and would not prejudice development elsewhere. The remaining criteria of Strategy 6, together with other issue specific policies, are discussed under relevant headings below.

The proposal is in line with the aims of Local Plan Strategy 36 (Accessible and Adaptable Homes and Care/Extra Care Homes) which sets out the Council's aim to secure care home places in all the towns and larger villages, including Seaton. In terms of Neighbourhood Plan policy, the Seaton Neighbourhood Plan is at very early stage of production and can be given little weight. There being no conflict with the principle of the proposal and relevant policies it is considered to be acceptable in principle.

Design, Impact on Heritage Assets and the Street Scene

The design of the proposed extension and its impact on the Listed Building has been raised as a concern by the Parish Council, Ward Member and objectors, with specific

points of objection relating to the scale of the Check House that would result if permission were to be granted and the style of the proposed brickwork, which does not include the check detailing which has been incorporated elsewhere within newer extensions, reflecting details on the original building.

Policies EN9 (Development Affecting a Designated Heritage Asset) relates to Designated Heritage assets and 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.

National Planning Policy is contained in the National Planning Policy Framework (NPPF) and supported by National Planning Practice Guidance (NPPG). Chapter 12 of the NPPF 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." Paragraph 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...".

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

The proposal is intended to replace the previously approved glazed structure, which suggested a more ancillary use and appearance, and the current proposal would have solid walls and roofing to match the architectural style of the rest of the building. The removal of a projecting square bay window from the proposal (which had been initially proposed), is welcomed as the overall appearance of the extension would be simplified. Whilst the current proposal would have some impact on the setting of the original detached Victorian gothic house, it is not considered to be more harmful than the original approval, which it is noted, could still be implemented. Taking into account all the relevant policy and guidance, together with the facts and reasoning above, it is considered that the proposal is acceptable with regard to the impact on the significance of the Listed Building and its setting although it is recommended that if permission were to be granted, a condition be imposed to require details of the materials to be used, to ensure that they match those used in the existing building.

In terms of the impact of the proposed development upon the character of the area and the street scene, although the extension would be visible from the public highway given that it's small scale and that its footprint and height would be very similar to the previously approved single storey extension, that it is set down from the level of the public highway, it is not considered that the extension would have an adverse visual impact that could justify refusal of planning permission.

Highway Safety, Parking and Transport

Objectors, the Parish Council and the Ward Member have all raised concerns with regard to inadequate parking at the site, and highway safety issues. 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 (Parking Provision) seeks to ensure adequate parking provision is provided to serve new development.

Where the concerns raised relate to the development subject to this application, rather than any pre-existing issues, they are material planning considerations. The proposal would provide 2 additional resident's bedrooms and the applicant has confirmed that their occupation would not generate additional staffing at the home or a need for residents parking, since the residents do not bring cars to the site.

The proposal would not entail the loss of any additional parking spaces. Visitors to the occupiers of the 2 bedrooms may seek to park at the site, however this is unlikely to significantly increase parking demand off site and it is considered that any such additional demand, being minimal, could be reasonably be met through street and public car parking available in the locality.

With regard to concerns raised regarding alleged unsafe street parking in the past in connection with Check House, it is noted that there are double yellow line parking restrictions on the public highway immediately outside of the site and that it is for the parking regulators to respond to unauthorised parking on the highway, and for the highway authority to address whether there is a need for any further parking restrictions.

The issue of alleged dangerous parking is therefore not one which can be addressed through the determination of the planning application. It is also noted that the site is also theoretically accessible by public transport, since the centre of Seaton, which is served by various public transport routes, is relatively close by. The highway authority have raised no concerns with regard to the suitability of the site access or the road network and it is therefore considered that the proposal is acceptable with regard to highway safety and transport issues.

Residential Amenity

A window in the western elevation of the proposed extension faces towards the garden of an adjacent dwelling to the west of the site, however it would be set back more than 7 m from the boundary with this dwelling, and its front garden area is readily visible from the public highway. The window would not face directly towards any windows within that dwelling and would be at a distance of approximately 14 m from the nearest visible window, such that it is not considered any harmful overlooking could arise from the development. As an aside it is noted that this window would not serve a habitable room within the extension (as it would adjoin a corridor), though it is acknowledged that this could change in the future, potentially without the need for planning permission.

Economic and Social Impact

Economic development is supported, where sustainable, by Strategy 3 (Sustainable Development) of the Local Plan and it is considered that the proposal would allow a small expansion of the premises of the residential care home which would be of direct benefit to the business and bring a modest indirect benefit on the local economy whilst also increase care provision in the area in accordance with the Local Plan.

Other issues

The proposal involves the addition of 2 bedrooms and it is not considered that this would lead to an unacceptable pressure on services.

The development site is not within a Flood Risk Area and it therefore not considered to have a flood risk impact. The comments of South West Water with regard to the preference for surface water not being added to the foul sewer are noted and the applicant has confirmed that it would be possible to dispose of surface water within the site and a willingness to accept a planning condition to require details of this.

No wildlife habitat is considered likely to be affected by the development. There are mature trees alongside the western boundary of Check House however as the footprint of the proposed development is largely the same as that for the previously permitted extension, for which no tree survey was considered necessary, and therefore none has been requested in this case.

Concern has been raised by the Parish, Ward Member and objectors with regard to the stability of the land on which the application takes place, however there is no evidence of land instability issues within the site area and taking into account the substantial distance to the actual cliff edge, it would be highly unlikely to be at immediate risk. Furthermore, planning permission was granted fairly recently for development at the rear of Check House which is closer to the cliff.

Concern has also been raised by some parties with regard to the potential nuisance impacts that could arise during construction, including dangerous parking by delivery/staff vehicles displaced from within the site during construction works. The issue of dangerous parking on the highway has been discussed above. The proposed development is relatively small scale (being similar to the scale of development often involved in householder planning applications) and would not involve substantial construction works. Given the above, and that a note is included on all planning decision letters advising contractors to adhere to the Council's Code of Practice for the Control of Construction Site Nuisance and advising that failure to comply with the code may lead to action under the Environmental Protection Act 1990 or the Control of Pollution Act 1974, it is not considered reasonable or necessary to impose a conditions imposing any additional environmental controls in this case.

Conclusion

The proposal would enable a modest expansion of the Care Home which would both support that business and provide 2 additional care home spaces, which has an associated social and economic benefit. The extension being largely on the same footprint and at a similar scale to another extension which was recently approved but

not constructed. It is considered that the harm to the Listed Building would be no greater than that which was associated with the previously approved development with public benefits from the additional care facilities.

There being no other significant impacts to amenity or the environment the proposal is considered to be sustainable development.

RECOMMENDATION 1

17/0536/FUL

APPROVE with 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. Notwithstanding the approved plans which are listed at the end of this decision notice, the details of the northern elevation of the existing western wing, (which are also shown on the 'existing plans' and which are not subject to this application) are not hereby approved. The development shall be carried out in accordance with the approved plans with the exception of those details. (Reason: For the avoidance of doubt as to the scope of development approved through this application).
3. Prior to their installation, samples of the proposed external materials including roofing slates, tiles or ridge tiles, gable wall coping, finials, and external walling, and details of the proposed fenestration materials, shall have been submitted to and approved in writing by the Local Planning Authority. No other material shall be used without consent. The method of fixing of slates/tiles shall be agreed and approved in writing by the Local Planning Authority prior to commencement of their installation. (Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)
4. No development shall commence until details of surface water drainage arising from the development hereby approved, which shall be within the site, has been submitted to the Local Planning Authority for approval in writing. (Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and in accordance with the requirements of Policy EN22 (Surface Run-Off Implications of New Development)).
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 windows, doors, rooflights or other openings other than those shown on the plans hereby permitted shall be formed in the west elevation of the extended building. (Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informatives:

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.

The applicant's attention is drawn to the unauthorised works to the northern elevation of the western wing, which do not accord with the plans approved under permissions and the need to regularise the situation.

The applicant's intention is drawn to the comments of South West Water regarding any building work over or within 3 metres of a public sewer or lateral drain (see plan provided with their comments. They will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed. The applicant/agent is advised to contact the Developer Services Planning to discuss the matter further.

Plans relating to this application:

7432-200 B	Amended Plans	24.05.17
7432-201 REV A	Proposed Combined Plans	05.05.17
7432-LP-A	Location Plan	03.03.17
7432-202	Proposed Site Plan	06.03.17

RECOMMENDATION 2

17/0537/LBC

APPROVE with 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. Notwithstanding the approved plans which are listed at the end of this decision notice, the details of the northern elevation of the existing western wing, (which are also shown on the 'existing plans' and which are not subject to this application) are not hereby approved. The development shall be carried out in accordance with the approved plans with the exception of those details. (Reason: For the avoidance of doubt as to the scope of development approved through this application).

3. Prior to their installation, samples of the proposed external materials including roofing slates, tiles or ridge tiles, gable wall coping, finials, and external walling, and details of the proposed fenestration materials, shall have been submitted to and approved in writing by the Local Planning Authority. No other material shall be used without consent. The method of fixing of slates/tiles shall be agreed and approved in writing by the Local Planning Authority prior to commencement of their installation. (Reason - To safeguard the architectural and historic character of the building in accordance with Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)

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The applicant's attention is drawn to the unauthorised works to the northern elevation of the western wing, which do not accord with the plans approved under permissions and the need to regularise the situation.

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List of Background Papers

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