

Agenda for Development Management Committee Monday, 7 August 2017; 10.00am



[Members of the Committee](#)

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

[View directions](#)

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01395 517542, Issued 27 July 2017

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[Speaking on planning applications](#)

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

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

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

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

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Monday 31 July up until 12 noon on Thursday 3 August by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

Speaking on non-planning application items

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

- 1 Minutes of the Development Management Committee meeting held on 4 July 2017 (page 5 - 10)
- 2 Apologies
- 3 [Declarations of interest](#)
- 4 [Matters of urgency](#)
- 5 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

- 6 **Planning appeal status report** (for information) (page 11 - 15)
Development Manager

- 7 **Planning appeal statistics** (page 16 - 18)
Development Manager

- 8 **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.

17/0942/MRES (Major) (Page 19 - 45)
Feniton and Buckerell
Land west of Hayne Lane, Gittisham, Honiton

17/0369/FUL (Minor) (Page 46 - 82)
Seaton
Land at Seaton Esplanade between Castle Hill and Beach Road, Seaton

17/0203/RES (Minor) (Page 83 - 95)
Sidmouth Sidford
Sidford Branch Surgery, Church Street, Sidford EX10 9RL

17/1279/FUL (Minor) (Page 96 - 105)
Tale Vale
Crosshill Cottage, Weston, Honiton EX14 3PF

17/1397/FUL (Minor) (Page 106 - 110)

Whimble

5 Lower Woodhayes Court, Woodhayes Lane, Whimble EX5 2TQ

17/0655/FUL (Minor) (Page 111 - 124)

Yarty

Knights Farm, Knights Lane, All Saints, Axminster EX13 7LS

Break

(Lunch will be provided for Development Management Committee members)

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

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

17/1128/FUL (Minor) (Page 125 - 129)

Exmouth Withycombe Raleigh

44 Bradham Lane, Exmouth EX8 4AW

17/1127/LBC (Minor) (Page 130 - 133)

Newton Poppleford and Harford

Penny Thatch, Northmostown, Sidmouth EX10 0NL

17/1130/COU (Other) (Page 134 - 141)

Newton Poppleford and Harford

Land at Littledown Lane, Newton Poppleford, Sidmouth EX10 0BG

16/2918/FUL & 17/0783/VAR (Minor) (Page 142 - 151)

Ottery St Mary Rural

The Caravan, O Jays Barn, Higher Metcombe, Ottery St Mary EX11 1RS

17/1332/FUL (Minor) (Page 152 - 155)

Ottery St Mary Rural

19 Mallocks Close, Tipton St John, Sidmouth EX10 0AP

17/1246/LBC (Minor) (Page 156 - 161)

Woodbury and Lympstone

Jasmine Cottage, The Strand, Lympstone EX8 5JR

17/1247/FUL (Minor) (Page 162 - 166)

Woodbury and Lympstone

Runaway, Courtlands Lane, Exmouth EX8 5AB

Please note:

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

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

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

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

[Decision making and equalities](#)

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

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Development Management Committee held at Knowle, Sidmouth on 4 July 2017

Attendance list at end of document

The meeting started at 10.00am and ended at 12.25pm.

***5 Minutes**

The minutes of the Development Management Committee meeting held on 12 June 2017 were confirmed and signed as a true record.

***6 Declarations of interest**

Committee Members

Cllr Peter Burrows; 17/0536/FUL & 17/0537/LBC; Pecuniary Interest; wife and daughter were employed by the applicant (left the Chamber when the application was considered)

Cllr Steve Gazzard; 17/0762/MFUL; Personal Interest; Exmouth Town Councillor

Cllr Bruce de Saram; 17/0762/MFUL; Personal Interest; Exmouth Town Councillor and sits on planning committee

Cllr Brain Bailey; 17/0762/MFUL; Personal Interest; Exmouth Town Councillor

Cllr Mark Williamson; 17/0762/MFUL; Personal Interest; Exmouth Town Councillor

Cllr Paul Carter; 17/0561/MFUL; Personal Interest; applicant was a relative (left the Chamber when the application was considered)

Cllr Paul Carter; 17/0190/OUT; Personal Interest; Ward Member

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution, Cllr Bond, Cllr Key and Cllr Howe advised they had been lobbied in respect of application 17/0502/FUL.

***7 Appeal statistics**

The Committee received and noted the report presented by the Development Manager setting out appeals recently lodged and outlining the seven decisions notified – five had been dismissed and two had been allowed.

The Development Manager drew Members' attention to the Council Offices, Knowle planning appeal, although not yet registered, it had been submitted to the Planning Inspectorate.

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 2 – 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
David Key
Mark Williamson

Officers

Henry Gordon Lennox, Strategic Lead – Governance and Licensing
Chris Rose, Development Manager
Amanda Coombes, Democratic Services Officer

Also present for all or part of the meeting

Councillors
Roger Giles
Geoff Jung

Apologies:

Committee Members

Councillors
Mike Allen
Helen Parr

Non-committee Members

Cllr Jim Knight

Chairman

Date.....

EAST DEVON DISTRICT COUNCIL
Development Management Committee
Tuesday 4 July 2017; Schedule number 2 – 2017/2018

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:

<http://eastdevon.gov.uk/media/2149641/040717-combined-dmc-agenda-compressed.pdf>

Raleigh
(WOODBURY)

17/0561/MFUL

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

RESOLVED: APPROVED with conditions as per recommendation, subject to:

- Condition 4 being amended to ensure no work is permitted outside of the building on Sundays, and to ensure that electrical hook-up is provided and used by vehicles parked on-site in the interests of residential amenity;
- Condition 5 being amended to ensure that the building is constructed in a blue finish to match the adjoining buildings and to ensure a suitable appearance.

Broadclyst
(ROCKBEARE)

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.

RESOLVED: APPROVED with conditions as per recommendation, subject to Condition 20 being amended to reflect the latest comments from Environmental Health in relation to noise.

Exmouth Littleham
(EXMOUTH)

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

RESOLVED: APPROVED with conditions as per recommendation

Ottery St Mary Rural
(OTTERY ST MARY)

17/0190/OUT

Applicant: Mr A Bibey

Location: The Reddings, Higher Broad Oak Road, West Hill EX11 1XJ

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

RESOLVED: REFUSED as per recommendation.

Ottery St Mary Rural
(OTTERY ST MARY)

17/0405/OUT

Applicant: Mr Robert George

Location: Almeda House, Higher Broad Oak Road, West Hill EX11 1XJ

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

Withdrawn by the applicant prior to the meeting by the applicant

Broadclyst
(POLTIMORE)

17/0502/FUL

Applicant: Mr Priday

Location: Land Adjacent Huxham View, Church Hill, Pinhoe

Proposal: Construction of dwelling and garage

RESOLVED: APPROVED with conditions as per recommendation

Seaton
(SEATON) 17/0536/FUL

Applicant: Mr & Mrs Robin Cannon (Cannon Care Homes)

Location: Check House, 61 Beer Road, Seaton EX12 2PR

Proposal: Proposed extension to provide additional accommodation

RESOLVED: APPROVED with conditions as per recommendation

Seaton
(SEATON) 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

RESOLVED: APPROVED with conditions as per recommendation

Axminster Rural
(AXMINSTER) 17/1202/FUL

Applicant: Mr Chris Lane

Location: Challenge, Green Lane, Axminster EX13 5TD

Proposal: Construction of single storey front/side extension

RESOLVED: APPROVED with conditions as per recommendation.

Report to: **Strategic Planning Committee**

Date: 11 July 2017

Public Document: Yes

Exemption: None

Review date for release None



FOR INFORMATION

Agenda item:

Subject:

Planning Appeals Status Report

Purpose of report:

The report is provided as an update on the current situation regarding planning appeal decisions and gives an overview of the results of planning appeals for the year from 1st April 2016 to 31st March 2017.

Recommendation:

That Members consider the report

Reason for recommendation:

To ensure that Members are appraised of the Council's current performance in respect of planning appeal decisions.

Officer:

Chris Rose – Development Manager – Planning Tel; 01395 517419
email chris.rose@eastdevon.gov.uk

Financial implications:

There are no direct Finance implications

Legal implications:

There are no direct legal implications arising. However it is important to note that refusals of planning decisions are made on defensible grounds to ensure a case can be presented to the Planning Inspectorate and to avoid risks of costs application being made and being successful.

Equalities impact:

Low Impact

Risk

Low Risk

Links to background information:

<https://www.gov.uk/government/statistics/planning-inspectorate-statistics>

1.0 Background

- 1.1 Both the Council's own performance monitoring and the government performance returns require us to keep track of and report on our success at defending the Council's decisions on appeal. Our performance in this area is considered to be an important measure to assess the quality of decision making on planning and related applications.

- 1.2 The Council's and Central Governments performance indicators include only those appeals against the Council's decision to refuse planning permission. It does not include planning appeals against conditions or non-determinations. The calculation also excludes all other types of appeal e.g. advertisement appeals, enforcement appeals, lawful development certificate appeals, appeals in respect of prior approval applications and works to protected trees. A partially allowed appeal (or a split decision) is counted as an appeal allowed even where it is in accordance with the Council's decision.
- 1.3 The calculation includes those decisions where the date of decision falls within the year in question, regardless of when the appeal was lodged.
- 1.3 The Council received 64 appeal decisions from 1 April 2016 to 31 March 2017 which are subject to the performance indicator. This represents an increase over the previous year when 55 such appeals were decided. This is not however the total number of appeal decisions received, which includes all other types of appeal as stated above. The total number of appeals decided was 81.

National appeal statistics (Figures taken from the latest Planning Inspectorate Statistical Report updated February 2017)

Planning appeals including Householder Appeals

Year	Decided	Allowed	% Allowed
2013 - 2014	13942	4912	35.2
2014 - 2015	13912	4844	34.8
2015 - 2016	14441	4909	34.0

East Devon appeal statistics

Planning appeals including householder appeals

Year	Decided	Allowed	% Allowed
2013 - 2014	57	15	26.3
2014 - 2015	74	17	23.0
2015 - 2016	55	12	21.8
2016 - 2017	64	22	34.4

2.0 Analysis

- 2.1 The majority of the appeals were dealt with by means of written representations, with 60 having been determined on that basis with the other 4 by way of Informal Hearings. Included within the written representation appeals were 13 householder appeals. There were no public inquiries during the period.
- 2.2 From the 64 decisions received, 22 of the appeals were allowed which equates to 65.6% of appeals against the Council's decision to refuse planning permission being dismissed.

- 2.3 Whilst this is in line with the national average, this represents a significant drop in the Council's success rate historically and compared to the previous twelve months (78.2% dismissed). To attempt to evaluate the reasons for this, the figures need to be studied in more detail to establish whether there has been any significant change in the decision making process.
- 2.4 The appeals which were allowed resulted from 14 applications which had delegated decisions and 8 applications which were decided by the Development Management Committee and were refused contrary to officer recommendation. For the previous year, the appeals which were allowed resulted from 11 applications which had delegated decisions and 1 application which was decided by the Development Management Committee and was refused contrary to officer recommendation.
- 2.5 Whilst it is acknowledged that 3 more delegated decisions were allowed on appeal compared to the previous year, the noticeable change is the increase from 1 appeal allowed following an overturn of officer recommendation at DMC to 8. In total 8 of the 9 decisions at DMC that were contrary to the officer recommendation were allowed on appeal. This is a significant change. Removing these appeals from the statistics would have resulted in a 75% success rate at appeal, very similar to the historic trend.
- 2.6 Aside from this, there does not appear to be any specific type of development or any other particular trend that can be attributed to the Council's decisions being overturned.
- 2.7 Of the 42 appeals which were dismissed, 36 were the result of delegated decisions and 6 of the applications were decided by the Committee. Of those 6 decisions, 5 were recommended for refusal by officers. The officer overturn that was confirmed on appeal related to the application for the retention of play equipment at Otterton Primary School where the Inspector agreed with Members that the location of the equipment would cause harm to the amenity of the adjoining neighbour through increased noise and activity.
- 2.8 It is not considered that any particular trend can be established from the decisions based on the application type, as some of the samples are too small to reflect a true indicator. However, the highest sample of decisions, minor dwellings, reflects a success rate close to the overall figure of 65.6% and the second highest sample, householder appeals, represent the highest success rate at 84.6%.

Appeal decisions by application type		Dismissed	Allowed	
%Dismissed				
Q13	Minor dwellings	20	10	66.6
Q21	Householder	11	2	84.6
Q18	All other minor developments	5	2	71.4
Q7	Small major dwellings	4	1	80.0
Q20	Change of use	1	3	25.0
Q6	All other large major developments	1	1	50.0
Q14	Minor Offices/R&D/Light Industry	0	2	00.0
Q8	Small major – all other small major	0	1	00.0

2.9 Appeals allowed

22 Decisions, including:-

- 14 Delegated decisions
- 8 Committee decisions contrary to officer recommendation
- 21 Written representations

- 1 Informal hearing
- 2 Householder applications
- 1 major residential (reserved matters)
- 6 single residential dwellings
- 1 Solar Farm
- 2 Conversion of agricultural buildings to industrial units
- 1 Outline application for 4 dwellings
- 1 Split decision

2.10 Appeals Dismissed

42 Decisions, including:-

- 36 Delegated decisions
- 6 Committee decisions
- 1 Committee decision contrary to officer recommendation
- 39 Written representations
- 3 Informal hearings
- 11 Householder applications
- 4 Major residential developments
- 9 Single dwellings
- 1 Solar farm
- 2 Residential developments of 5 dwellings
- 2 Residential developments of 2 dwellings
- 1 Residential development of 3 dwellings
- 1 dwelling for agricultural worker

- 2.11 Despite the lack of any trends in terms of the types of applications allowed on appeal, there are some general changes that officers perceive are having an effect. These relate to the way that the Planning Inspectorate operate.
- 2.12 Officers are sensing that the Inspectorate are taking a more positive approach to development and the economic benefits that it brings. Whilst historically a refusal of development contrary to a local plan policy that caused some harm would be likely to be dismissed on appeal, it appears now that the harm needs to be fairly substantial to override some economic benefit. In effect there is a more pro-development agenda being pursued by the Planning Inspectorate. This is something that we need to learn from. In addition, there is perceived to be less consistency in the decisions coming out of the Inspectorate.
- 2.13 It is also worth noting that we have recently received a couple of split decisions from the Planning Inspectorate. Historically split decisions issued from the Inspectorate have been fairly rare. Split decisions go against the Council in terms of our performance (as they get logged as appeals we have lost) even those in both recent cases the appeals have been in full accordance with our assessment of the applications. For example, one appeal related to a rear extension and dormer window where officers supported the rear extension but refused permission on the basis of the visual impact from the dormer window. The Inspector agreed with this assessment but granted a split decision approving the extension and refusing the dormer. We are unable to issue split decisions so this is a little frustrating.

3.0 Costs Applications

- 3.1 There can be financial implications in relation to cases where an application for costs is made.
- 3.2 Applications for an award of costs can be made by either party in respect of all appeals. An award of costs will only succeed in the event that the Inspector determining the appeal had considered that a party had acted unreasonably.
- 3.3 If a planning application is refused, the reasons given have to be both justified and defensible. It is most likely that an application for an award of costs against the Council would be successful, in cases where an appeal is lodged and the reasons for refusal cannot be substantiated.
- 3.4 The Inspector determining an appeal can award costs against either party, with or without an application for costs having been made, if it is considered that unreasonable behaviour has occurred.

4.0 Costs Decisions 2016 – 2017

- 4.1 There have been 9 decisions following applications for full awards of appeal costs against the Council and all of these were refused.
- 4.2 The Council has made two applications for full awards of costs against appellants, one of which was allowed.

5.0 Conclusions

- 5.1 Whilst the Council has achieved an appeal success rate which is close to the National average, the figures for the last twelve months represent a considerable drop in the number of appeals dismissed when compared to the Council's performance over the previous three years where the success rate was consistently well above the national average.
- 5.2 It is important that appeal decisions are constantly analysed to ensure that any changes in accordance with National Planning Policy are implemented and decisions on planning applications are made in accordance with current Government policy and guidance. There has not been any significant change in Policy over the last twelve months which can be attributed to the drop in the Council's success rate over that period.
- 5.3 There has been a perceived change in decisions from the Planning Inspectorate being more positive and pro-development unless there is significant harm and the number of officer overturns at DMC was proportionally very high and has impacted upon performance.
- 5.4 The Development Manager will continue to monitor the performance on appeals and ensure that when a decision is made to recommend refusal of an application, the reasons are well substantiated, robustly supported by adopted policies with identified harm, and balance any harm against any benefits. He will also ensure that the economic benefits of development are appropriately weighed into the balance.

East Devon District Council
List of Planning Appeals Lodged

Ref: 17/0610/OUT **Date Received** 10.07.2017
Appellant: Mr Robin Wickham
Appeal Site: 13 Orchard Close Sidford Sidmouth EX10 9RF
Proposal: Construction of two new dwelling houses and car parking
(outline application with details of appearance, landscaping
and scale reserved).
Planning APP/U1105/W/17/3179770
Inspectorate
Ref:

Ref: 17/0727/FUL **Date Received** 17.07.2017
Appellant: Mr & Mrs Eccles
Appeal Site: Land Adj To Northcombe Farm Salcombe Regis Sidmouth
EX10 0JQ
Proposal: Proposed new detached garage and re-built storage shed;
new site entrance with existing site entrance to be blocked by
new boundary wall
Planning APP/U1105/D/17/3180169
Inspectorate
Ref:

Ref: 17/0840/FUL **Date Received** 17.07.2017
Appellant: Jes Roberts & Christine Johnson
Appeal Site: 12 East Terrace Budleigh Salterton EX9 6PG
Proposal: Provision of 5 dormer windows and a roof light
Planning APP/U1105/D/17/3180214
Inspectorate
Ref:

Ref: 16/2820/FUL **Date Received** 19.07.2017
Appellant: Reverend J A & Mrs A J Fisher
Appeal Site: Cranford 2 Connaught Close Sidmouth EX10 8TU
Proposal: Extensions and alterations including replacement of existing
garage and provision of annexe.
Planning APP/U1105/D/17/3180311
Inspectorate
Ref:

East Devon District Council
List of Planning Appeals Decided

Ref: 16/1559/FUL **Appeal Ref:** 16/00071/HH

Appellant: Dr E Morris
Appeal Site: Trenoweth Coreway Sidford Sidmouth EX10 9SE
Proposal: Raising of roof of garage to create first floor storage area and construction of attached garden store.

Decision: **Appeal Dismissed** **Date:** 27.06.2017
Procedure: Written representations
Remarks: Delegated refusal, amenity and tree protection reasons upheld (EDLP Policies D1 & D3).

BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/D/16/3167442

Ref: 16/2294/FUL **Appeal Ref:** 17/00005/REF

Appellant: Mr & Mrs R Tedbury
Appeal Site: Trelawny 36 Marlpit Lane Seaton EX12 2HL
Proposal: Creation of dwelling and formation of vehicular access and car parking

Decision: **Appeal Dismissed** **Date:** 27.06.2017
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policy D1).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/17/3169890

Ref: 16/1235/MRES **Appeal Ref:** 16/00074/NONDET
Appellant: East Devon New Community Partners
Appeal Site: Ecology Park Tillhouse Road Cranbrook Devon
Proposal: Reserved matters application for approval of access, appearance, landscape, layout and scale for the construction of an Ecology Park and drainage basins (This application is made pursuant to outline permission 03/P1900) (EIA Development)
Decision: **Appeal Withdrawn** **Date:** 03.07.2017

BVPI 204: **No**
Planning Inspectorate Ref: APP/U1105/W/16/3165541

Ref: 16/1622/FUL **Appeal Ref:** 16/00075/REF
Appellant: Mr Mark Hurford
Appeal Site: Land North Of Westwater Westwater Axminster
Proposal: Change of use of barn to dwelling
Decision: **Appeal Dismissed** **Date:** 20.07.2017
Procedure: Written representations
Remarks: Officer recommendation to refuse, Committee refusal. Sustainability and landscape reasons upheld (EDLP Strategies 7 & 46 and Policies D1 & D8).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/16/3165619

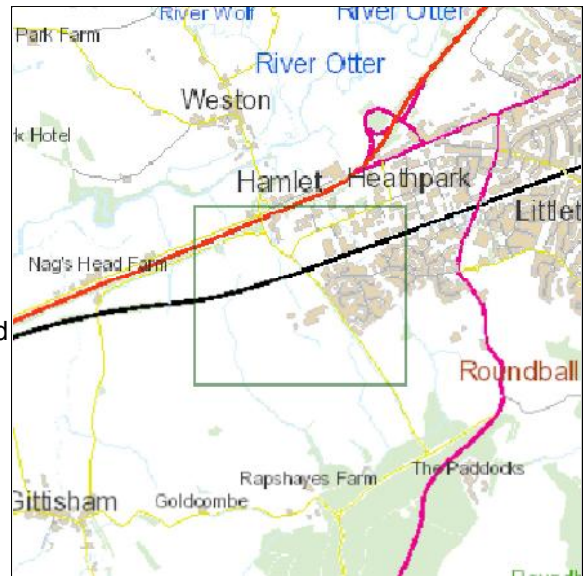
Ward Feniton & Buckerell

Reference 17/0942/MRES

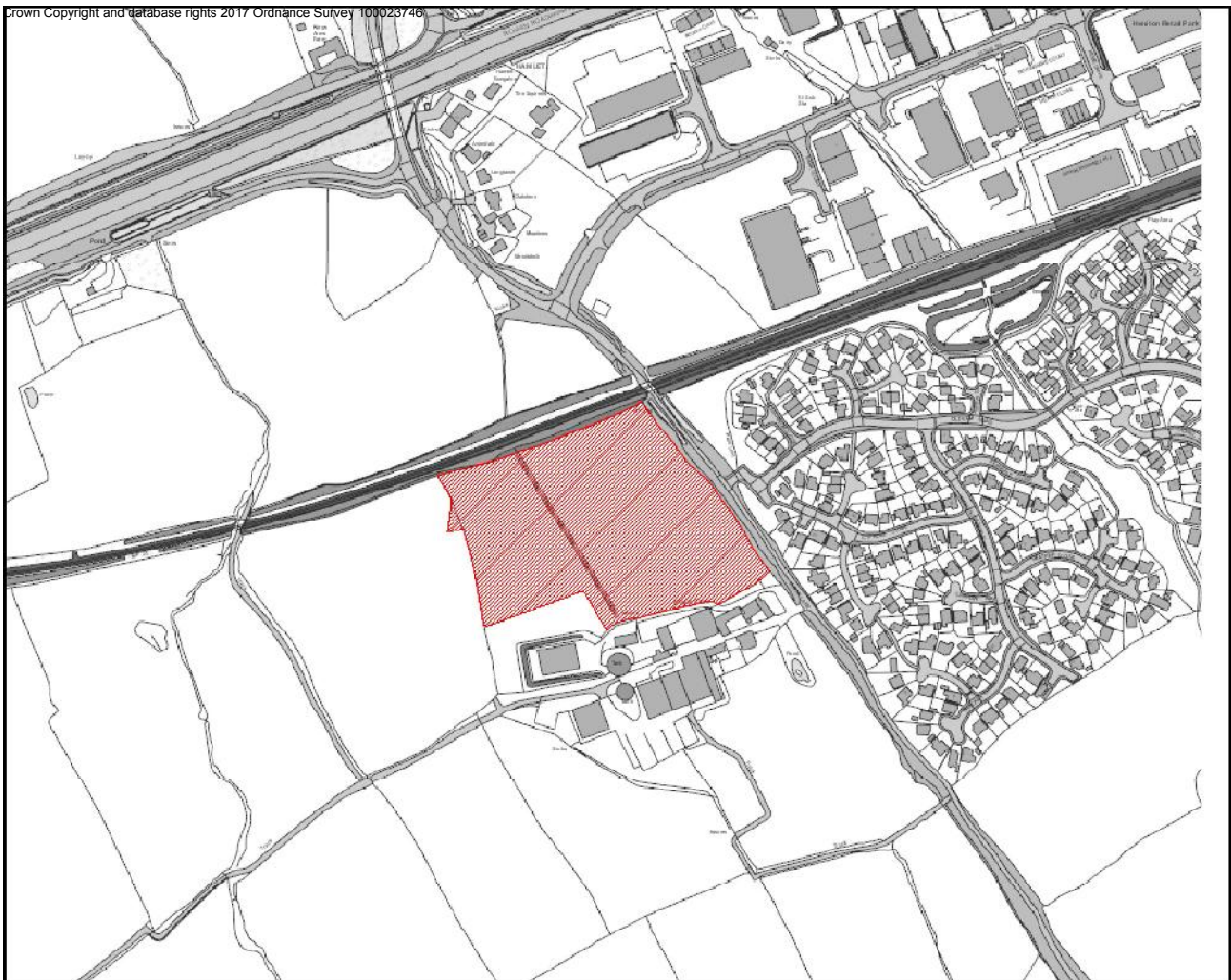
Applicant Mr Tom Biddle (Baker Estates)

Location Land West Of Hayne Lane Gittisham

Proposal Reserved matters application in respect of matters of appearance, landscaping, layout and scale for the construction of 85 no. residential dwellings and associated garages, infrastructure and landscaping together with discharge of condition 4 (Construction Management Plan) all in association with outline permission 13/2744/MOUT



RECOMMENDATION: Approval with conditions



		Committee Date: 7th August 2017
Feniton & Buckerell (GITTISHAM)	17/0942/MRES	Target Date: 25.07.2017
Applicant:	Mr Tom Biddle (Baker Estates)	
Location:	Land West Of Hayne Lane	
Proposal:	Reserved matters application in respect of matters of appearance, landscaping, layout and scale for the construction of 85 no. residential dwellings and associated garages, infrastructure and landscaping together with discharge of condition 4 (Construction Management Plan) all in association with outline permission 13/2744/MOUT	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the officer recommendation is contrary to the view of the Ward Member and Parish Council.

This application seeks reserved matters consent for the erection of 85 houses and flats - being the first phase of 300 houses permitted under an outline permission. The application seeks permission for the remaining reserved matters for this phase comprising the appearance, layout scale and the landscaping. It also seeks to deliver 24 units of affordable housing as its contribution to an overall percentage of 40% required by the outline permission.

The development focuses on four different character areas which were established through the discharge of a condition on the outline which set a design code for the development. This proposal has fairly successfully adhered to that design code although more controversially continues to provide for three storey flats at the highest point of the site. However while this block has the potential to be readily apparent from nearby vantage points (albeit broken by retained tree cover), the development would in wider more distant views be seen against the backdrop of the large agricultural buildings to the rear. While of limited architectural quality the concerns that this block causes need to be balanced against the more significant success of the scheme - notably the delivery of a successful layout which recognises the contours of the site and constraints that exist. In addition surface water attenuation features including a rain garden and above ground storage of water are also provided. These are particularly important for biodiversity.

The scheme also proposes 24 units of affordable housing. While many of these would be provided in this phase as social rent (with only 2 shared equity) they are being delivered ahead of the relevant triggers within the Section 106 agreement. Without such delivery it would mean that spreading the total affordable housing requirement through the remainder of the scheme would be difficult to achieve in an ideally socially cohesive and structured way. However with the number and form proposed here it is considered that this can be achieved.

Overall it is considered that this represents an appropriate scheme for the area and has been designed and laid out to minimise the harm to the local landscape which in part is designated as an area of outstanding natural beauty. It also delivers an appropriate contribution to affordable housing and play space provision given the high costs of setting up the site.

CONSULTATIONS

Local Consultations

Feniton And Buckerell - Cllr S Bond

This application is in my ward and my preliminary view is that it should be REFUSED.

This site is in a particularly sensitive location jutting out as it does at the extreme west of Honiton. I had hoped to see a far more sensitive approach taken by the applicant to the design of the houses which are very urban in nature and, given that the site will be visible from two AONBs, do not blend into the surrounding landscape.

However, my greatest concern is the block of flats immediately adjacent to the farm. This block will 'stick out like a sore thumb' and its presence cannot be mitigated. It is debatable whether three-storey buildings should be approved on the site at all, but most certainly not in this particular location at the top of the site.

At the outline stage, concerns were raised about the impact on homes so close to the farm with the inevitable problem of flies and noise. I had expected to see mitigation measures put in place so that occupiers of these properties were not inconvenienced.

As District Councillor for the ward, I call for this application to be heard at Development Management Committee.

However, these are my initial views and I will reserve my position until all the facts are known and until I have heard full discussions at committee.

Parish Council

The Gittisham Parish Council welcome the attention to detail provided within this submission of Reserved Matters but OBJECTS strongly to the intensive urbanisation as presented in the street scenes and ,in particular, to the use of 3 storey developments which are totally alien and out of character with the countryside location of this site which is in close proximity to an AONB and do not relate architecturally to any residential development in the immediate area. The Parish Council also OBJECTS

to the lack of a substantial landscape corridor along the southern boundary (abutting the farm buildings of the adjacent farm) of the site. The Parish Council supports the statements made in the supporting documentation, that except for exceptional circumstances, there are no proposals to open up Old Elm Road. The Gittisham Parish Council would OBJECT strongly to any reversal of this position.

Other Matters

1. The provision of "affordable housing" in 3 apartment blocks will not provide the level of integration with other housing that had been previously envisaged.
2. It was anticipated that the "affordable housing" would be a mix of social rented and shared ownership. This 1st Phase appears to only provide for social rented.
3. The provision of a significant landscape corridor along the southern boundary would help to mitigate against the impacts (noise, smell, flies, etc.) of farm activities on the amenities of the new residents.
4. The landscaping provisions along the Hayne Lane frontage are welcomed.
5. The design concepts used in the layout lack any form of local distinctiveness and fail to reflect building forms (e.g. groups of farm buildings) typical of a countryside location and rely solely on urban concepts.
6. It is regrettable that there is no proposal to provide for any renewable energy features in the design of dwellings.
7. The Parish Council would wish to seek assurances that :
 - (i) The footpath provisions along Hayne Lane to Devonshire Road, including suitable crossing points, are provided prior to occupation of any residential unit.
 - (ii) That appropriate signage is provided at junctions with the Sidmouth Road to ensure that construction traffic is prohibited from using Hayne Lane to the south of the site.
 - (iii) That in accordance with the conditions of the Outline planning permission, plans for nesting and roosting boxes for wildlife (bats, swifts ,house martins ,dormice etc.) will be forthcoming and provided.
 - (iv) That, at all times, vehicular and pedestrian access will be maintained to Bartletts Farm, shop and coffee shop.
8. The Parish Council advises that the Transport Statement requires amendment in that access for construction traffic having negotiated Turks Head junction is 1st left and not 2nd left off Exeter Road.

Adjoining Parish (Honiton)

Type of Housing

The Town Council would like to see the affordable homes being built being a mixture of rented and shared ownership properties

Highways

The Hayne Lane railway bridge proposal is supported; it is essential that there is adequate signage as the train service might have to be temporarily withdrawn pending an inspection if there is a vehicle collision with the bridge.

The Old Elm Road junction with Hayne Lane should be opened to all traffic. This is a matter for DCC and EDDC and not the applicant that should be addressed at this time.

Concerns regarding excessive use of Honiton's residential distributor road of which Old Elm road is the western part could be met by installing traffic calming along the entire length of the road to the A35 at Copper Castle.

HTC believes opening this junction would make the proposed development more sustainable for traffic using the local Tesco store and it may also reduce traffic using other routes in the town.

Buses

Honiton Town Council suggests that the Town Bus route be extended to run onto the new estate at the first opportunity.

Trees

There should be as many planted as possible on the site as it adjoins the East Devon AONB and is visible from the Blackdown Hills AONB.

Possible pedestrian route to Gittisham Village

Honiton Town Council is concerned that the layout of the proposed development to the west in Gittisham (not the subject of this planning application) does not protect the line of old Hodges Lane from the skew arch through the railway embankment (shown on the cover of Phase 1 Statement of Compliance) and then through the estate which could become the first part of a pedestrian and bicycle route to Gittisham Village. The skew arch could provide an important link to the land to the north scheduled as employment land and where a railway station has been proposed.

Technical Consultations

Devon County Archaeologist

I refer to the above application and your recent re-consultation. Assessment of the results of the previously undertaken archaeological investigations and the details submitted by the applicant do not suggest that the scale and situation of this development will have any impact upon any known heritage assets.

The Historic Environment Team has no comments to make on this planning application.

Housing Strategy Officer Melissa Wall

Original Comments

The affordable housing should be provided in accordance with the Section 106 agreement dated 27th February 2015.

The S106 states that 40% should be affordable with a tenure split of 70/30 in favour of rented accommodation together with 5% wheelchair accessible properties.

The reserved matter application is for a total of 85 units with 22 as affordable units, which is not 40%. Subsequent reserved matters applications will need to make up the deficit (12 units) in affordable housing to ensure that 40% is provided throughout the whole development.

The proposal is for the affordable units to be provided in three separate three storey blocks with a total of 22 one and two bedroom flats. Whilst the affordable housing need in the district is for smaller properties we are concerned with the number of flats being proposed in this phase. We would prefer to see a mix of house types to include houses and flats.

The layout plans identify all the affordable units as rented unit. Based on the 22 units in this phase 15 (70%) should be available for rent and 7 (30%) should be for shared ownership. There is no mention of wheelchair accessible units as per the S106 and these should be identified.

Further comments:

The amendments to the plans largely relate to the design and appearance of the affordable apartment blocks. We also note the addition of 2 shared ownership properties (plots 72 & 73) to this phase which is welcomed. This reduces the deficit of affordable housing in this phase to 10 which will need to be provided in subsequent phases.

Previous concerns regarding the number of apartments being provided in this phase remain and it is disappointing that a mix of house types together with some apartments has not been considered. We are concerned about Registered Providers interest in this phase with the number of apartments proposed. Confirmation is sought on whether an RP partner has been found for the development. Subsequent phases will need to be more balanced in the housing mix provided for the affordable units.

South West Water

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

County Highway Authority

Details of access were dealt with under the 13/2744/MOUT permission and this involves priority access to the site from Hayne Lane; a new 'T' junction for the continuing Hayne Lane going north; a new priority traffic flow system for traffic under the rail bridge with associated road widening; a new pedestrian footway under the railway bridge and pedestrian and/or cycle connections to Old Elm Road and Devonshire Road.

These elements of the development are currently being assessed for a Section 38 adoption agreement with the developer and the County Highway Authority (CHA).

Layout:

The proposed layout of the estate is generally acceptable in terms of junctions and visibilities; turning-heads and swept vehicle paths for emergency and refuse collection vehicles. Also the lorry access to the proposed pumping station.

On-site pedestrian footways and the shared cycleway / footway provision along the main access road has also been examined and is acceptable to the CHA.

The proposed northern footpath emanating from the new footway on Hayne Lane, whilst it gives pedestrian permeability to the development, may not be acceptable to or accord with "Secure by Design" principles, and the police liaison officer may take a differing view.

Junctions:

The CHA has concerns that the road layout may not be designed to 20mph, as advised by Manual for Streets. The road profiles do not appear to show any vertical vehicle speed restraints, such raised tables at the road junction points. The proposed 'Rumble Strips' may not in themselves be adequate to control traffic speeds within the development.

Nor are the proposed junctions to shared surface roads showing enough change in character (surface texture, colour, style) to inform drivers that they are entering a road where they would be using the same carriageway as pedestrian and cyclists and caution should be applied.

Also the CHA has concerns that no details have been given of how pedestrians will be expected to access the shared surface roads without coming into direct conflict with turning motor vehicles at the entrances to the shared surface roads.

Parking Spaces:

Private parking spaces for the dwellings appear to be adequate in size (4.8m by 2.4m), and all appear to be accessible either from the public or private highways. The proposed visitor (V) parking spaces, both on the proposed public highway and on the private highway do not appear to be adequate in size and or shape. The CHA advises that parallel parking spaces (at the side of the road) should ideally be 6.0m long plus 45 degree tapers at both ends, where achievable, to allow ease of access for drivers. Ideally they should be a minimum width of 3.0m to allow plenty of room for door opening without endangering passengers from on-coming traffic or hindering traffic flow.

Parking to dwelling ratios are a matter for the LPA to comment upon. I also think that the proposed visitor parking opposite plots 6 & 7 should be assigned to plot/s rather than visitor (V). As un-assigned parking in a private road will be likely to lead to conflict.

Conclusion:

The CHA is concerned that a number of issues regarding traffic calming measures, shared surface road distinction and warning indicators, and access for pedestrians etc.. Also on-street parking provisions have not been given enough thought or space.

The CHA would be happy to discuss these issues with the LPA and the developer to resolve these issues. Until such time as the above concerns have been fully explored and rectified, unfortunately the CHA recommends that the application, as it stands, is not acceptable and a recommendation of may be likely to refuse because of the lack of suitable evidence is posted below.

Recommendation:

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

Further comments removing objection awaited.

Natural England

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

The Wildlife and Countryside Act 1981 (as amended)

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

The National Park and Access to the Countryside Act 1949

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

Statutory nature conservation sites - no objection

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

Protected landscapes

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

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

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

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

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

Protected species

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

Natural England has published Standing Advice on protected species.

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

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

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

Local sites

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

Biodiversity enhancements

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

Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Sites of Special Scientific Interest Impact Risk Zones

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

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

Highways England

Referring to the notification of a planning application dated 25 April 2017 referenced above, in connection with the A30 and a reserved matters application in respect of matters of appearance, landscaping, layout and scale for the construction of 85 dwellings and associated infrastructure and landscaping works together with discharge of condition 4 (construction management plan) pursuant to outline permission 13/2744/MOUT on land west of Hayne Lane, Gittisham, Devon, notice is hereby given that Highways England's formal recommendation is that we:

- a) offer no objection;

Highways Act Section 175B is not relevant to this application (1).

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

(1) Where relevant, further information will be provided within Annex A.

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

Annex A Highways England recommendation of no objections

HIGHWAYS ENGLAND ("we") 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 (SRN). The SRN 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 17/0942/MRES and has been prepared by the Asset Manager for the SRN 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 submitted application relates to the approval of reserved matters pursuant to outline application 13/2744/MOUT comprising of residential development of up to 300 dwellings, associated access and infrastructure works. The matters for which approval is now sought include appearance, landscaping, layout and scale for 85 dwellings and garages, infrastructure, landscaping and the discharge of condition 4 requiring the submission of a construction management plan, comprising phase 1 of the development.

We are satisfied that the impact of the proposed development on the strategic road network was addressed at the outline stage. This resulted in condition 18 being imposed which restricted the level of development which could take place prior to the implementation of an improvement scheme at Turks Head junction, which we can confirm is now completed and open to traffic.

We therefore have no comments on the current reserved matters application.

Recommendation

Highways England has no objection to the proposed reserved matters.

EDDC Trees

I have looked through all the details and cannot find any information regarding the clearance of condition 17 of the outline application - tree protection. There does not appear to be an Arboricultural survey for the retained trees so it is difficult to make a clear consultation response

DCC Flood Risk SuDS Consultation

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:

The proposed drainage strategy is presented within Drawing No. 25790-DR-01-E, Rev. E, dated 10/04/2017 which appears to align with the approved Flood Risk Assessment (Ref. 50400954, Rev. 1, dated 09/12/2013) however the applicant will also be required to submit MicroDrainage model outputs, or similar, in order to demonstrate that all components of the proposed surface water drainage system have been designed to the 1 in 100 year (+30% allowance for climate change) rainfall event to demonstrate compliance with this approved FRA. It is noted that the proposed strategy now includes Long Term Storage.

It is noted the use of below ground storage and it appears the original strategy allowed for this however it should be noted that, these underground systems cannot be considered as truly sustainable means of drainage because they do not provide the required water quality, public amenity and biodiversity benefits, which are some of the underpinning principles of SuDS. It is noted that the applicant is proposing an open attenuation feature to the northern boundary of the site which is a betterment to that originally proposed. The applicant should explore the use of a variety of above-ground source control components across the whole site to avoid managing all of the surface water from the proposed development at one concentrated point (e.g. a single attenuation pond). Examples of these source control components could include permeable paving (which could be underdrained), formalised tree pits or other bioretention features such as rain gardens, as well as green roofs, swales and filter drains.

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

An ordinary watercourse runs through this site, the proposed temporary and permanent works which are required to take place within this watercourse to facilitate the proposed development (such as the access culverts or bridges), Land Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing.

Blackdown Hills AONB Project Partnership

Email received 17.05.2017

Revisiting the committee report for the outline application 13/2744/MOUT I note the content of the section on Wider Landscape Impact. It highlights the LVIA carried out, but there is no indication if this was based on an indicative layout/house types. The report highlights that there would be limited views of the development and that it would be viewed as a natural extension to the settlement with a layout similar to the existing

settlement pattern and estate immediately to its east. It went on to note that it is not considered out of scale with its surroundings or create a dominant feature.

In light of the above, the rural location, and noting that the estate to the east is a mixture of single and two-storey dwellings, I would have to question the inclusion of 3-storey dwellings and apartment blocks in the proposal.

As well as a substantial and well-considered planting scheme to mitigate visual impact and reinforce the rural setting, the choice of materials will be a key factor - for example limiting the amount of rendered buildings - as will sensitive lighting in both the private and public realm.

Other Representations

The adjoining Ward Member Cllr M Allen has stated:

“I believe that the requested exceptions to policy by the developers; and the recommendations of Honiton Town Council regarding Old Elm Road; are contrary to the best interests of local people and need careful consideration by the Development Management Committee.

I keep an open mind regarding the debate to be had at DMC over these issues and the overall application until the debate is concluded.”

8 letters of objection and representation have been received raising the following comments:

- There should be no vehicle access through Old Elm Road to the development site as it could cause noise disruption to existing residents
- Old Elm Road could be used for bus and emergency vehicle access only
- Old Elm Road should be resurfaced to make it more accessible for cyclists
- Improvements to the cycle network more generally should be made within the town
- Garden areas should be made permeable for wildlife e hedgehog friendly fences
- The provision of 3 storey dwellings is out of character with the designated AONB
- There is difficulty accessing the site as a result of narrow railway bridge
- Insufficient capacity at doctors, schools and insufficient services and shops for more development
- There is a lack of public transport resulting in increased car usage
- If road side channels are blocked as a result of the development this will lead to increased surface water on the road and the associated risk of ice
- Any changes in bus timetable to accommodate proposed development should occur at the earliest opportunity.

PLANNING HISTORY

Reference	Description	Decision	Date
13/2744/MOUT	Outline application comprising residential development (up to 300 units 40% of which would be affordable) including a new access onto Hayne Lane, highway improvements, open space, allotments and drainage (access only to be considered at this stage)	Approval with conditions	27.02.2015

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

- Strategy 1 (Spatial Strategy for Development in East Devon)
- Strategy 3 (Sustainable Development)
- Strategy 4 (Balanced Communities)
- Strategy 5 (Environment)
- Strategy 23 (Development at Honiton)
- Strategy 34 (District Wide Affordable Housing Provision Targets)
- Strategy 43 (Open Space Standards)
- Strategy 46 (Landscape Conservation and Enhancement and AONBs)
- Strategy 47 (Nature Conservation and Geology)
- Strategy 48 (Local Distinctiveness in the Built Environment)
- Strategy 50 (Infrastructure Delivery)

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

- EN5 (Wildlife Habitats and Features)
- EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)
- EN21 (River and Coastal Flooding)
- EN22 (Surface Run-Off Implications of New Development)

- H2 (Range and Mix of New Housing Development)

- RC2 (New Open Space, Sports Facilities and Parks)
- RC3 (Allotments)

- 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

This reserved matters application seeks permission for the construction 85 dwellings including a number (22) in flats together with the associated infrastructure. The scheme builds on the original outline permission which allows for 300 dwellings and which is being brought forward in phases - this being the first.

The site remains as it was when the original outline application was considered when it was described as comprising a number of agricultural fields surrounded by mature hedgerows and trees extending to 11.95 hectares. To the north of the site lies the main line railway, the fields slope down towards the railway which lies behind embankments. To the north west of the site approximately 1 mile away lies the boundary of the Blackdown Hills AONB. To the east of the site is Hayne Lane beyond which lies an established residential housing estate (this marks the start of the defined settlement of Honiton). To the south of the site lies the East Devon AONB, at its eastern end lies a farmhouse and associated agricultural buildings known as 'Hayne Farm' and to the south at its western end is open countryside. To the west there is further open countryside. The current application concerns the first two of the fields on the eastern side of the site.

Assessment

At outline stage details of access only were approved. This application seeks to agree all the remaining reserved matters (layout, scale appearance and landscaping) and as such the report will be structured in this way. Consideration will also be separately given to associated and related issues including the delivery of affordable housing which is a requirement of the Section 106 agreement.

Layout

In terms of layout the scheme proposes the provision of a distributor road that dissects the site into southern and northern halves passing east-west through the two respective fields. Showing some degree of sinuosity the road allows interest in its form and alignment as well as for cul de sacs to branch off this main road. In addition it also then passes directly to the north of the proposed play area which would form a central area to the overall scheme. While being surrounded by roads, housing would directly front onto this area and with suitable paving materials and the sense of activity all round, it is likely that this area would remain safe as vehicle speed would be naturally reduced.

The layout allows for housing to largely front onto the cul de sacs which effectively split the parcels rather than being the enclosed focus for housing. With the majority all having through routes to access footpaths/land beyond, it results in the appearance of an attractive and permeable layout but one that is not so permeated that it results in a potential increase in crime or antisocial behaviour.

Running to the north and linked by pedestrian accesses into the parcels described, is a public footpath that would run alongside a large open pond area and an area of

proposed allotments. This represents the first phase of allotments and is particularly constrained at the stern end where the allocated space significantly tapers. However the applicants have been made aware that any shortfall in the provision for this phase will need to be made up in the remainder of the site for which it is understood that adequate space exists. A formal plot layout plan is required under the terms of the Section 106 agreement.

Within comments received it is noted that suggestions have been made that the substation is moved from its currently proposed location which is to the northwest of the site (and within a community orchard area) and co located with the proposed pumping station in the north east. However the applicants have been very clear that the overhead power lines which need to be put underground as part of the development constrain this approach. Currently there is an existing pole in the location of the proposed substation which therefore forms a natural and more cost effective way of undertaking this exercise. On balance it is not considered that relocating the substation in this site causes such harm that the proposal should be resisted on this basis – particularly as the substation would be brick clad rather than simply being a typical GRP kiosk.

Scale

Of the 85 houses proposed as part of this scheme many of the units are being provided as two storey units formed in either detached, semi-detached or terraced dwellings. Coupled with this are a small number of flats over garage blocks (two storey) as well as three storey town houses. However, and more controversially, the scheme proposes three storey blocks of flats. Providing much of the affordable provision for this phase of development, the blocks are scattered through the development with one being located on the lowest land to the north (adjacent to the attenuation pond and the railway embankment), the second being located on the junction of the distributor road and the centrally positioned play area, while the third is on the higher land to the south of the site adjacent to the existing buildings.

It is the latter that has caused most concern although the principle of a 2 ½ -3 building roughly in this location was set through the design code that has previously been agreed via the discharge of the related condition. Since the initial submission of this application the applicants have demonstrated through additional sections that the three storey building would be read in the context of the existing barns and farm building located further to the south. Whilst it is considered that the large building as proposed is taller and more imposing than the adjoining farm buildings, it is recognised that the most significant views where the height of the building would be appreciated from are limited to the informal open spaces to the west of Laburnum Close. In this view the height and massing of the building will be appreciated however the views would be broken by retained trees forming the hedgebanks along Hayne Lane and would also be seen in the context of housing development both in the fore ground on the lower slopes but also beyond. In this context it is not considered that the development as proposed would be particularly harmful.

It is also noted that while longer distant views of the site may be obtained from high land to the north, the development when viewed would be at such an angle that its full scale and mass would not be read outside of its context - that being residential

development on the edge of the settlement with large farming buildings and barns behind. It is not considered that based on the relative height of the farm building compared with the three storey building the subject of this section that significant harm arises here. It is on this basis, and with the involvement of the Landscape Architect, that the Design Code was agreed.

On a couple of technical points it is noted that consultees have raised the questions of the ratio of parking provision and the drainage details. The parking has been partially addressed since the original submission and a number of poorly conceived spaces omitted from the revised layout. While overall parking provision appears slightly above the target of 2 spaces per 2bedroom+ unit, it does not cause any harm. In terms of technical drainage details, the response that has been received is not one that raises doubts about the approach that has been taken but merely seeks more evidence to underpin this. In this instance it is considered appropriate that these details are secured by condition.

Arising from the same consultation response is the highlighted need for the applicant to achieve a land drainage consent prior to works starting. This is secured through a separate permitting regime and the applicants can be advised of this need by an informative.

Appearance

The appearance of the buildings is based on the design code which has previously been agreed and established area characters within the site. This document identified areas comprising the rural edge, the internal mews, key space buildings and the primary street and has tried to follow through themes within these areas to provide the development with a degree of character which recognises the juxtaposition of built form with the rural countryside which surrounds it.

In essence the palette of material is acceptable although there are some reservations about the farmhouse red tiles used for certain roofs. However these too were established through the design code and therefore it is not considered necessary to revisit this in more detail at this stage. Overall it is considered that the materials pick up the local colours - a mix of render, warm red brick work and muted dark coloured which largely work for the urban edge of the town.

The form of the houses has been reasonably well coordinated such that there is generally good frontage treatment onto the main spine road through the development the storey height of the key buildings (including town houses) along this road is of benefit in keeping density at an appropriate level while still providing a sense of hierarchy within the built form. Detailing within much of these properties is fairly limited but sufficient to allow a degree of rhythm within the street scene. In addition it is also considered that there are sufficient pockets of relief within the frontage development to provide important visual breaks within this environment.

Concern is expressed about the elevational treatment of the three blocks of flats where there are some more awkward junctions between forms and materials, a lack of window hierarchy that addresses/respects the height of the building, awkward eaves arrangement broken by projecting mini eyebrow dormer windows and on the flats to

the south of the site, a mini front projecting gable which appears poorly proportioned with a broken eaves level. In addition the building provides no clearly legible entrance/doorway and therefore struggles to evidence how it would function as a residential building. Nonetheless these buildings would sit within a small urban extension of Honiton and while in themselves are of limited architectural integrity, do not undermine the overall composition/layout which is generally considered good.

Landscaping

The landscaping proposes a strong green corridor along the Hayne Lane frontage - building on the existing trees that exist as well as the embankments and associated ditch. While a new road crossing (previously permitted at outline stage) would bridge this ditch arrangement, it allows much of the verdant character to be retained. Owing to the proximity of the houses to the remainder of the road frontages within the development, which in layout terms works quite well, there is limited opportunity for the inclusion of street trees. However some effort has been made to provide some and those that are in place, are important as they break up and provide relief to what would otherwise be a fairly urban corridor. Most significantly there are two trees planted just beyond the main junction/road entrance (to the south of plot 45) and a further tree on the corner of the open space by plot 81. While there are no street trees between these two they are sufficiently aligned to enable a direct line of sight between them. This then helps to ensure that a sense of character and a linkage between them can be created. While street trees continue to be limited to the west of the site the area of frontage provided by units 71-78 is at least opposite the open park area which has more significant tree planting.

Importantly with the limited amount of tree planting currently set out is its longevity and to help ensure that it can be managed and retained in a consistent manner, such trees are usually sought to be in management controlled areas rather than private ownership. This can be achieved for the trees around the park and for the tree by plot 81 but is currently not shown to be the case for the trees by unit 45. Negotiations are currently on going to try to resolve this issue though and amended adoption plan.

A strong landscape feature and one that is welcomed within the proposal is the introduction of a rain garden which falls to north and acts as a sustainable urban drainage feature which assists with water attenuation. This has been extended during the consideration of the application and links with the landscaped pond along the north boundary. This feature has the potential to aide biodiversity as well as water attenuation and adds significant weight to the assessment of landscape and water management for the site.

As already recognised the rain garden itself links to an open attenuation pond to the north of the housing. This sits in the lowest part of the site and has the potential to function well as an area of interest, biodiversity and water attenuation. Boundary treatment along its length has been minimised to allow easy access and passive surveillance of this area by residents more generally and the adjoining houses specifically. It is noted that the scheme also proposes some crate attenuation storage and that this has been located under the pond. It is understood from the developers that this can work technically and while it is disappointing that more land has not been

given over to surface management of the water, the overall scheme here has the potential to be successful.

A minor concern in terms of landscaping is the twin hedge banks that are proposed to be provided to the north of plots 67-70. While a degree of privacy and separation between the houses and allotments is good, the degree of enclosure of the resulting pedestrian route between the banks and lack of overlooking of the allotments themselves could lead to perception of insecurity. To address this it is suggested that the hedge banks be reduced to hedges. With a reduced height the separation is maintained but with better surveillance of both the footpath and the allotments. Within the same area it is also proposed to plant two hedgerow trees. These could act as an attractive feature within this environment but also have the potential to further overshadow the allotments. It is advocated that the trees are moved to the north east where the allotment land further tapers and is of almost unusable width already.

Affordable housing provision

Delivery of affordable housing has been an important component of development on this site and a quantum of 40% was secured across the site when the outline permission was granted. In recognition of the high set up costs associated with the development - including the bridge over the existing ditch and the undergrounding of power lines, fairly generous triggers within the S106 agreement were set for the delivery of affordable housing. This means that with the first phase that is currently under consideration there is no specific requirement for affordable housing to be delivered. However if none were to come forward this would mean that a disproportionate amount would need to be delivered within the latter phases undermining the potential for dispersal throughout the development and the need for smaller clusters/pepper-potting.

To address this developers are proposing to deliver 22 flats and 2 houses as social rent and shared ownership respectively. This mix is skewed towards smaller flats and the housing team have indicated their concern as to whether Registered Providers would be interested in acquiring such a high proportion of flats. Enquires have been made with the developers who have set out that while no formal contracts are yet agreed they have had interest from Registered Providers for the tenure and quantum that are currently proposed to be delivered as part of this phase. It is considered that this gives sufficient comfort that significant weight can be given to the delivery of the affordable element within the current application. While the number proposed falls short of delivering 40% of the current phase as affordable, it does achieve 28% leaving only 12% (10 units) to be found within the rest of the wider scheme. This is considered a realistic and achievable number of units to be "made up" recognising the residual number of units in total is up to 215.

Play Area provision

The play area located within the open space to the south of the current phase of development seeks to address the entire Section 106 obligation in terms of play provision. As such the type, nature and number of pieces of equipment since the original submission has been substantially increased and the park now has the capability to provide a play environment for varying age ranges across different types

of activity and for different abilities. While evidence is yet to be provided that the scheme meets the full costing allowed for within the 106 agreement the scheme appears to represent an appropriate play provision for the development.

Conclusion

Overall it is recognised that the current application responds well to the constraints of the site and the design code which has previously been worked up by the developers and agreed through a previous discharge of condition. While criticisms of design and appearance of the three storey buildings remains, these are considered relatively minor in the overall balancing exercise that must be undertaken. More fundamentally the massing and dispersal of units across the site and the retention of key landscaping buffers - in particular along the Hayne frontage is important. In addition the use of SUDS features such as a rain garden and above ground water storage (both important the biodiversity of the development) is a significant benefit. Finally the delivery of affordable housing ahead of a required trigger and the recognition made by the application that this is needed at this stage to help distribute the affordable units through the scheme is appropriate.

RECOMMENDATION

APPROVE subject to the following conditions:

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

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. No. 13/2744/MOUT) granted on 22 February 2015

The following reserved matters in respect of the current phase of development have yet to be approved:

None

The following Conditions attached to the Outline Planning Permission (ref 13/2744/MOUT) referred to above and which relate to the part of the site covered by this reserved matters application are hereby discharged, have previously been discharged or remain to be complied with onsite but without the need for the submission of details or separate agreement:

- 1- Timescale for submission
- 2 - Reserved matters (in respect of the current phase only)
- 3 - Detailed phasing plan
- 5 - Working hours
- 6 - Details of junction
- 7 - Completion of access works
- 8 - Archaeological works
- 9 - Materials (in respect of the current phase only)
- 11 - Design Coding
- 12 - Flood Risk Assessment
- 13 - Ecological Assessment
- 14 - Noise assessment
- 15 - Maintenance of landscaping scheme
- 18 - Turks Head Improvement Plan

The following Conditions attached to the Outline Planning Permission referred to above remain to be complied with where details are required to be submitted prior to the commencement of development in so far as they relate to the site covered by application 17/0942/MRES:

- 4 - Construction Management Plan
- 10 - Construction details of boundary wall and fences
- 16 - Completion of highway works
- 17 - Tree Protection Details
- 19 - Highways agreement for footpath

The following additional conditions are attached to this reserved matters approval

- 2. Prior to the commencement of any development, final details of micro drainage and exceedance pathways shall have been submitted to and approved in writing by the Local Planning Authority together with any revision necessary to address Surface water management and ensure that comprehensive and workable scheme can be delivered:
(Reason: To minimise the risks associated with surface water in accordance with Policy EN22 (Surface Run-Off Implications of New Development) of the adopted East Devon Local Plan.)
- 3. Notwithstanding the materials hereby approved, details of the paving and external works materials (and where necessary samples of the identified materials), shall prior to their installation have been previously submitted to and agreed in writing by the local Planning Authority. Development shall be undertaken in accordance with the agreed details.
(Reason: To ensure the quality and finish of the development in accordance with Policy D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the adopted East Devon Local Plan) of the adopted East Devon Local Plan.)
- 4. Prior to the installation of any external off plot lighting, details shall previously have been submitted to and agreed in writing by the Local Plan

Authority. Development shall only proceed in accordance with the agreed details.

(Reason: To ensure the quality and finish of the development in accordance with Policy D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the adopted East Devon Local Plan) of the adopted East Devon Local Plan.)

5. A final landscape management plan shall be submitted to and agreed in writing by the Local Planning Authority Prior to the first occupation of any dwelling. The Plan shall include details and a timetable for future management which shall be fully adhered to unless alternative details are submitted to and agreed in writing by the Local Planning Authority.
(Reason: To ensure suitable management of the landscaping in accordance with Policy D2 (Landscape Requirements) of the adopted East Devon Local Plan) of the adopted East Devon Local Plan.)
6. Design details of the inlet and outlet components of the water attenuation pond shall be submitted to and approved in writing by the Local Planning Authority prior to the first installation of this feature. The components shall be completed in accordance with agreed details
(Reason: To ensure the quality and finish of the development in accordance with Policy D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the adopted East Devon Local Plan) of the adopted East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

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

The applicant is advised of the need to secure a Land drainage Consent from Devon County Council prior to the commencement of any works as a result of the relationship of the development to an ordinary watercourse.

For the avoidance of doubt the applicant is reminded of the need to formally agree an allotment specification and associated layout plan prior to the commencement of development. In addition to clarify that the allotments provided as part of this consent only represent the first phase of such provision as well as the fact that land to the east of the allotment area does not represent usable allotment space owing to its narrow configuration. The residue will therefore need to be identified and addressed within the remaining phases.

Plans relating to this application:

0608-103 : STREETSCE NES	Amended Plans	04.07.17
0608-104-1 : EXT LAYOUT (1 OF 2)	Amended Plans	04.07.17
0608-104-2 : EXT LAYOUT (2 OF 2)	Amended Plans	04.07.17
0608-105 : VEHICLE TRACKING LAYO	Amended Plans	04.07.17
0608-106 : EXTERNAL DETAILING	Amended Plans	04.07.17
0608-107 : ADOPTION PLAN	Amended Plans	04.07.17 * minor outstanding revision awaited
0608-108 : MATERIALS LAYOUT	Amended Plans	04.07.17 * minor outstanding revision awaited
0608-110 : REFUSE PLAN	Amended Plans	04.07.17
0608-112 : INDICATIVE POSITION	Amended Plans	04.07.17
0608-113 : SITE SECTIONS	Amended Plans	04.07.17
25790-DR-01 F : DRAIN 1 OF 2	Amended Plans	04.07.17
0608-102 : LAYOUT	Amended Plans	04.07.17 * minor outstanding revision awaited
25790-DR-02 C : DRAIN 2 OF 2	Amended Plans	04.07.17

25790-GA-01 F : HIGHWAY VISIBILI	Amended Plans	04.07.17
25790-GA-02 F : CHAINAGE PLAN	Amended Plans	04.07.17
25790-GA-03 G : CONTOUR+ FFL PLAN	Amended Plans	04.07.17
25790-GA-04 G : SURFACE FINISHES	Amended Plans	04.07.17
25790-ATR-01 F : SWEPT PATH ANAL	Amended Plans	04.07.17
25790-ATR-02 F : PATH ANALYSIS	Amended Plans	04.07.17
25790-ATR-03 F : ACCESS TO PUMP	Amended Plans	04.07.17
25790-RP-01 A : DRAIN 1 OF 4	Amended Plans	04.07.17
25790-RP-02 A : DRAIN 2 OF 4	Amended Plans	04.07.17
25790-RP-03 A : DRAIN 3 OF 4	Amended Plans	04.07.17
25790-RP-04 A : DRAIN 4 OF 4	Amended Plans	04.07.17
100746/P01 E : LANDSCAPE PRO	Amended Plans	04.07.17
10746/P03 C : PHASE 1 POCKET PAR	Amended Plans	04.07.17

10746/P04 : RAINGARDE NS SHEET 1	Additional Information	04.07.17
10746/P04 : RAINGARDE NS SHEET 2	Additional Information	04.07.17
0608-114 : ALLOTMENT PHASING PLA	Additional Information	04.07.17
10746/P05 : TREE PIT DETAIL	Additional Information	04.07.17
10746/P06 : HEDGEBAN K DETAIL	Additional Information	04.07.17
0608-200 A - B	Amended Plans	04.07.17
0608-201 A - B	Amended Plans	04.07.17
0608-202 B - C	Amended Plans	04.07.17
0608-203 A - C	Amended Plans	04.07.17
0608-204 A - D	Amended Plans	04.07.17
0608-205 A - D	Amended Plans	04.07.17
0608-206 A - D	Amended Plans	04.07.17
0608-207 A - D	Amended Plans	04.07.17
0608-208 A - D	Amended Plans	04.07.17
0608-209 B - K	Amended Plans	04.07.17
0608-210 - - E	Amended Plans	04.07.17
0608-211 A - E	Amended Plans	04.07.17
0608-212 - - E	Amended Plans	04.07.17
0608-213 - - F	Amended Plans	04.07.17
0608-214 - - F	Amended Plans	04.07.17
0608-215 - - F	Amended Plans	04.07.17
0608-216 - - F	Amended Plans	04.07.17
0608-217 - - G	Amended Plans	04.07.17

0608-218 - - G	Amended Plans	04.07.17
0608-219 - - G	Amended Plans	04.07.17
0608-220 - - G	Amended Plans	04.07.17
0608-221 A - H	Amended Plans	04.07.17
0608-233 - - Q	Amended Plans	04.07.17
0608-222 A - J	Amended Plans	04.07.17
0608-223 A - J	Amended Plans	04.07.17
0608-224 A - K	Amended Plans	04.07.17
0608-225 - - K	Amended Plans	04.07.17
0608-226 A - K	Amended Plans	04.07.17
0608-227 A - K	Amended Plans	04.07.17
0608-228 A - K	Amended Plans	04.07.17
0608-229 A - M	Amended Plans	04.07.17
0608-230 A - M	Amended Plans	04.07.17
0608-231 - - M	Amended Plans	04.07.17
0608-232 - - M	Amended Plans	04.07.17
0608-234 BLOCK A	Amended Plans	04.07.17
0608-235 BLOCK A	Amended Plans	04.07.17
0608-236 BLOCK A	Amended Plans	04.07.17
0608-237 BLOCK A	Amended Plans	04.07.17
0608-238 A BLOCK B	Amended Plans	04.07.17
0608-239 A BLOCK B	Amended Plans	04.07.17
0608-240 A BLOCK B	Amended Plans	04.07.17

0608-241 A BLOCK B	Amended Plans	04.07.17
0608-242 A BLOCK B	Amended Plans	04.07.17
0608-243 A BLOCK C	Amended Plans	04.07.17
0608-244 A BLOCK C	Amended Plans	04.07.17
0608-245 A BLOCK C	Amended Plans	04.07.17
0608-246 - - H	Amended Plans	04.07.17
0608-101	Location Plan	12.04.17
GTC-E-SS- 0012_R1- 8_1_OF_1	Proposed Combined Plans	12.04.17
0608-100 : TOPOGRAP HICAL SURVEY	Other Plans	12.04.17
0608-109 : GARAGES	Proposed Combined Plans	12.04.17
0608-111 : BIN+CYCLE STORE	Proposed Combined Plans	12.04.17

List of Background Papers

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

Ward Seaton

Reference 17/0369/FUL

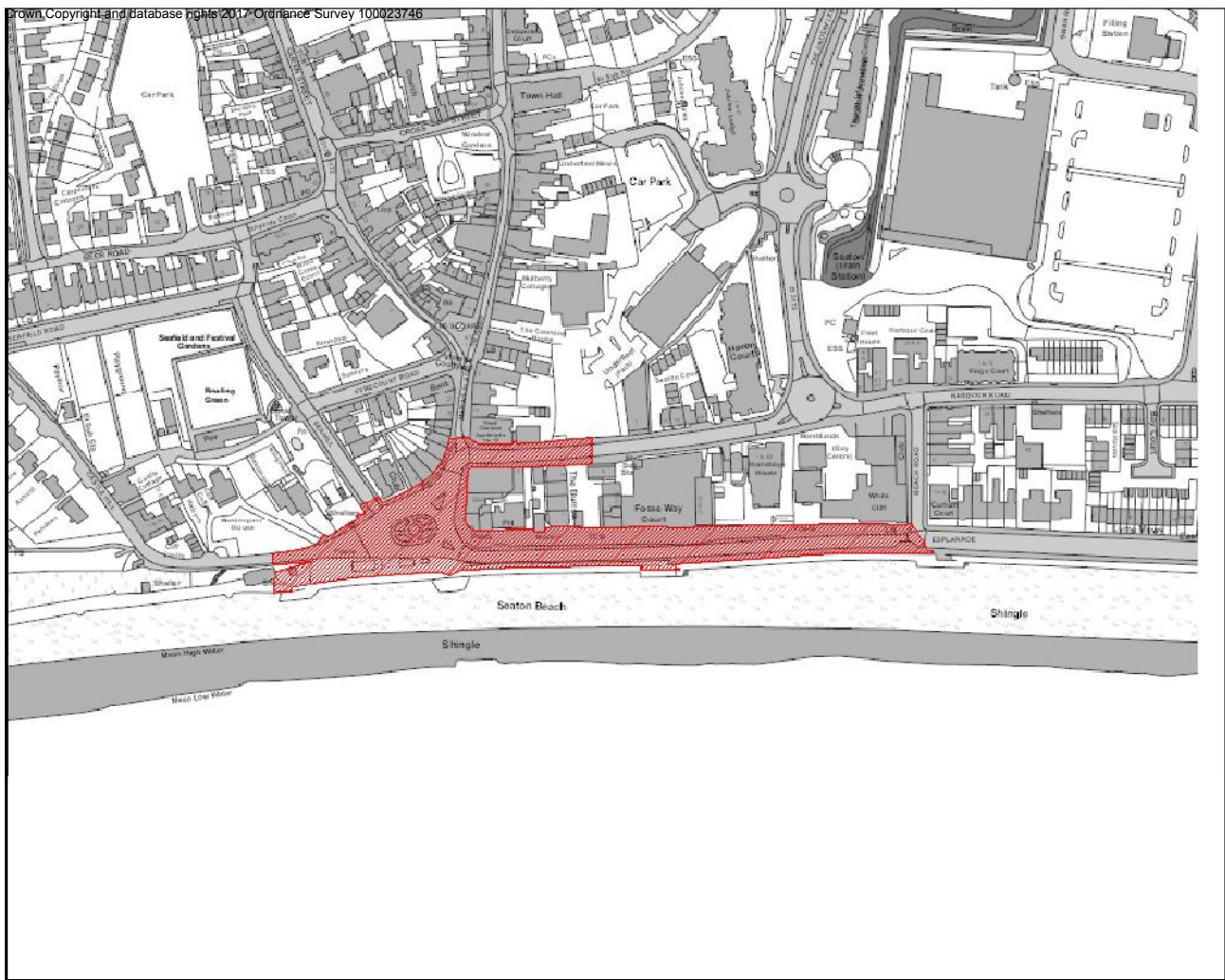
Applicant Mrs Heather Sanham

Location Land At Seaton Esplanade Between Castle Hill And Beach Road Seaton

Proposal Re-development of Seaton Esplanade including: pedestrianisation and alteration of levels; demolition of existing public toilets and moridum and construction of new building (for use classes A1, A3, A4, A5, D1 and D2) with raised walkway and public space over; alterations to highway layout and associated highways works (including altered/new pedestrian crossings, relocated bus stops etc.) to allow formation of new public space with raised seating and siting of seasonal huts for commercial (A1, A3, A4 and A5 uses) and associated works



RECOMMENDATION: Approval with conditions



		Committee Date: 7th August 2017
Seaton (SEATON)	17/0369/FUL	Target Date: 01.05.2017
Applicant:	Mrs Heather Sanham	
Location:	Land At Seaton Esplanade Between Castle Hill And Beach Road	
Proposal:	Re-development of Seaton Esplanade including: pedestrianisation and alteration of levels; demolition of existing public toilets and moridunum and construction of new building (for use classes A1, A3, A4, A5, D1 and D2) with raised walkway and public space over; alterations to highway layout and associated highways works (including altered/new pedestrian crossings, relocated bus stops etc.) to allow formation of new public space with raised seating and siting of seasonal huts for commercial (A1, A3, A4 and A5 uses) and associated works	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as part of the land the subject to the application is owned by East Devon District Council and objections have been received to the proposal.

The application relates to the western end of the Esplanade between the bottom of Castle Hill and Beach Road. It generally seeks to enhance the seafront area of the town by: improving the vehicle access and pedestrian routes through it (including new bus stop layout); upgrading and extending the public realm to provide a multi-purpose public space at the main access link between the seafront and the town centre; replacing the redundant moridunum building with a purpose built new building capable of a variety of uses; providing additional 'beach hut' kiosks to provide for similar flexible uses and to alter the type and number of vehicle parking spaces at the eastern end of the site.

The site lies within a designated high risk flood zone and outside of the designated town centre shopping area. The northern boundary of the site adjoins the Town Centre Conservation Area.

In flood risk terms the application demonstrates that the development would not increase flood risk off-site and given that the proposed enhancements are, by their

nature site specific, it is accepted that there are no alternative sites available. The proposals include new commercial uses within the high risk flood zone but these are in an area where additional such uses find some support in Local Plan policy and where they are integral to the overall scheme. As such it is considered the sequential test is passed. The uses proposed are, or can be restricted by condition to be, less vulnerable uses in flood risk terms and as such the exception test is not required.

Whilst the site lies outside the designated town centre shopping area it is closely related to the town centre. Local Plan policy seeks to ensure that new retail provision (which the flexible uses proposed would allow) would not undermine the convenience, vitality or viability of the town centre shopping area. It is considered that in this case the improvements proposed as a whole would outweigh any potential harm that might arise and that the proposals to improve the connectivity between the site and town centre would act as a draw, in both directions, increasing the interaction between the town centre and its sea front to the benefit of the town and its retail offer.

The proposals also seek to alter the existing highway layout and bus layby positioning and to replace the existing oversized roundabout at Fisherman's Gap with a smaller one, enabling an increase in pedestrian space and a reduction in highway dominance. The proposal has been supported by a Traffic and Movement Study which considers that the proposal would not adversely affect traffic flows or public transport provision.

Overall, the proposals have been designed to uplift the appearance of the sea front, improve public access to, and use of the space, and provide new commercial opportunities all in line with the Strategy for development at Seaton set out in the Local Plan. In terms of design, the principle impact would be from the redeveloped moridunum/winter garden building which would be of the same low-rise linear form but with added interest/activity provided by the glazed frontage, materials proposed and internal uses. Elsewhere, further interest would be provided through the use of hard and soft landscaping features with a material palette chosen to reflect the local geology.

The proposals are considered to represent positive additions to and enhancement of the Esplanade area in line with Local Plan policies and subject to conditions set out at the end of the report are fully supported.

CONSULTATIONS

Local Consultations

Seaton - Cllr M Hartnell

I am extremely supportive of this application which will enhance and revitalize the seafront. There is only one concern that I must highlight and that is the proposed bus stop in Harbour Road which I think will need further thought as this is a very busy stretch of road with multiple delivery vehicles often creating congestion. Under these proposed plans the Esplanade will be pedestrianized which will potentially increase

traffic flow along Harbour Road by up to 25%, therefore the combined impact of this and the bus stop will make congestion even worse. The inclusion of some loading bays might be worth considering.

Parish/Town Council

Members of the Planning Committee declared a collective non-pecuniary interest in the application as Seaton Town Council was the applicant. Members had no objections to this application.

Technical Consultations

County Highway Authority

DCC Highway Development Management has had several meetings with Seaton Town Council in preparation for this planning application. It has informed the applicant in matters of highway design including the proposed new configuration of the 25m diameter roundabout, the shared surface nature of the Esplanade and the re-siting of bus stops, the junction design at Beech Road and an adequate vehicle turning provision (turning head) on the Esplanade.

The loss of some of the existing vehicle parking provisions on the Esplanade and replacement with 9 disabled spaces and 6 standard spaces is something for others to comment upon.

The proposed scheme seeks to provide safe suitable access to the development from the local road network that will minimise the impact of the new traffic generated by the development site on the existing highway network, accommodate daily traffic movements to and from the development and offer a clear and safe environment around the site for all road users. This is in line with Strategy 25 - Development of Seaton in the East Devon Local Plan 2013-2031.

Walking and Cycling Access

The development seeks to improve pedestrian access to the Esplanade via the newly developed public spaces and the existing foot and cycle way network.

The existing Esplanade is carriageway (motor vehicular route) dominated and the scheme will open up this area for shared use access aimed at greater use by pedestrians. This will create a 20m wide access walkway constructed in concrete and aggregates that will match the colour and texture of Seaton's local geology, extending north to the right hand turn to Harbour Road and improve the pedestrian amenity at this end of the scheme.

Three new pedestrian crossings are proposed at Castle Hill, Sea Hill and at the junction with the proposed Moridunum car parking area and Beach Road.

9 Cycle stands will be located near to the road which will add amenity to the existing National Cycle Routes 2 and 33 which intersect Seaton.

Public Transport

The development seeks to relocate existing bus stops to new positions on Harbour Road and at the new public square. This should not alter bus stop accessibility and will increase available space for formal waiting bays and should reduce conflict with taxi and bus stop provision.

The proposed new bus stop locations should have no effect on the current service schedules and provides space for buses to turn and wait.

Existing Vehicle Movement Data

The application includes Movement Data for all modes of movement. The CHA has no reason to doubt the validity of the data that has been provided.

The cumulative data has influenced the design process of the proposed scheme.

Personal Injury Collision Data

Information from DCC Traffweb regarding the development study area highlights 4 collisions over the study period, all of them were slight in nature. The occurrence of accidents is considered to be low, therefore I consider that the site does not any undue risk in highway safety terms.

The proposed development seeks to provide town centre enhancements of the existing fabric and character which includes design improvements to allow expansion of commercial opportunities in the waterfront area of the Esplanade that will give enhancement of the environment that should improve the attraction of the town for residents, visitors and businesses. This is in line with Strategy 25 - Development at Seaton of the East Devon Local Plan 2013 - 2031.

The CHA Recommends the follow highway conditions.

Recommendation:

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

1. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

2. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

REASON: To ensure the proper development of the site.

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

Local Planning Authority.

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

4. This permission shall not constitute an approval of the layout plan submitted with the application, because it has been treated as being for illustrative purposes only.

REASON: For the avoidance of doubt

Economic Development Officer

Seaton Esplanade between Castle Hill and Beach Road, Seaton

Comment

We have reviewed all associated documents in relation to planning application 17/0369/FUL. The planning application whilst outlining the economic benefits of the scheme does not specifically provide any employment figures and therefore it is not possible to comment on the job creation aspects of this application. However it is acknowledged that the application includes proposals for seasonal shops, food and

drink establishments as well as refreshed public realm and public space (replacing poor design with better design).

These are proposals that will have a positive impact on the appearance of the area and enhance and link the many positive developments within the town.

The East Devon Local Plan recognises and supports Seaton's regeneration ambitions of which these proposals form part

Conclusion

From a coastal regeneration perspective, this application represents a further progression of Seaton's ambition to become a year round tourism destination and to update the town's offer and appeal for visitors and residents alike. There is, however, a lack of detail about the employment generating elements of the scheme.

Landscape Architect

REVIEW

Comments on the Design and Access Statement, Design Code, FRA, Site Layouts and Sections

Overall the scheme is well thought out, however the following requires clarification of or additional information to be submitted on the following items:

1. The proposed wall to the south of the reduced roundabout will alter the views from East Hill travelling down towards the seafront and from Jubilee gardens and could potentially create a divide between the proposed esplanade and this part of Seaton. Could a render of the proposed scheme viewed from Sea hill be submitted to address the above raised concern? Further the wall would shade the planting bed limiting the number of potential plant species. This north side of the wall due to its northern aspect could become green with moss and therefore could become unsightly. More detail is needed on the treatment of this northern side of the wall.
2. The location of the tree planting does not actually provide shading due to its location north of the key seating areas. Please consider relocating or adding additional trees.
3. Further detail is needed on how the proposed scheme will relate to the proposed and approved Fosse Way Court Development as there appears to be an overlap in the external areas proposed by both.
4. The chosen cast concrete surfacing material is appropriate however in the long term if ever maintenance work is needed to any of the underground services it may result in needing to completely re-surface the complete area. If a paver material were to be used replacement in this type of scenario might be easier and more cost effective.
5. Is there scope to incorporate the planting into the drainage strategy to create a betterment to the current situation and to increase the multi-functionality of the planting?
6. Why has no re-cladding or other treatment of the seawall been considered?
7. If approved the design code and any further updates to it as the scheme progresses should be adopted as guidance for any further development along Seaton's seafront to ensure a consistent language and approach in materiality.

Missing information/Items to be conditioned

1. Detailed hard and soft landscape proposals
2. Tree pit details.
3. Details for any steps, walls, railings, retaining walls, etc.
4. Open space specification (e.g. refined & updated design code to included specification of exact materials proposed)
5. Landscape Management Plan
6. Adoption Plan indicating ownership and management responsibilities.

RECOMMENDATION

The below raised concerns require clarification prior to approval:

- The treatment and views of the wall to the south of the proposed reconfigured Fisherman's Gap roundabout as seen in views from Sea Hill
- The positioning of the tree planting
- The scheme's relationship with the approved Fosse Way Court proposal
- The durability of the cast concrete surfacing
- Use of soft landscaping within the drainage strategy
- Lack of treatment of the sea wall

To ensure the scheme complies with the following policies:

- EDDC's Policy D1 - Design and Local Distinctiveness:
- EDDC's Policy D2 - Landscape Requirements

If the scheme were to be approved, a detailed hard and soft landscape scheme, an open space specification, a landscape Management Plan and an adoption plan should be conditioned to ensure the quality and the longevity of the scheme. The aforementioned are needed to guarantee the scheme complies with policy D2 of the local plan.

Comments on amended plans

I have no further comments, but would like to see the following conditioned:

1. Detailed hard and soft landscape proposals
2. Tree pit details.
3. Details for any steps, walls, railings, retaining walls, etc.
4. Open space specification (e.g. refined & updated design code to included specification of exact materials proposed)
5. Landscape Management Plan
6. Adoption Plan indicating ownership and management responsibilities.

The aforementioned are needed to guarantee the scheme complies with policies D1 and D2 of the local plan.

Conservation

We do not wish to comment on this application.

Environment Agency

Thank you for your consultation dated 6 March 2017 regarding the above application.

Environment Agency position

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

Reason

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

We have reviewed the FRA prepared by Sands Consultants (ref. 16.07.163, dated December 2016).

The FRA should address the points detailed below:

1. We hold a number of historic reconnaissance photographs of the Esplanade from tidal flooding events in December 1989. These demonstrate a significant element of wave overtopping to the seawall and significant volumes/depths of water causing flooding along the Esplanade. Available flooding information needs to be referenced.
2. The assessment should include consideration of overtopping volumes and subsequent depths of flooding along the esplanade during a design storm event. Some basic analysis of surge and wave set-up for large wave lengths should be included within the assessment. This will give a likely indication of extreme wave heights in relation to the tidal still water levels quoted for the present day and climate change adjusted figures.
3. The 'hazard' posed to individuals and construction by overtopping waves and flooding of the Esplanade needs to be discussed. In-line with DEFRA guidance, it is felt that the water velocities and depths associated with such flooding would be considered as 'danger to most' or 'danger to all'. From an emergency planning perspective, this is likely to preclude the commercial units from the proposals.
4. The assessment should make specific reference to the elements of built construction within the planning proposal. There is a need to realise the proximity of such construction to the formal defences, such that operational maintenance requirements for the defence are not compromised. There is an expectation that the 'sequential approach' should be adopted, demonstrating that the elements of development are located within the lowest areas of flood risk within the development boundary.
5. The potential for structural damage to built construction from wave overtopping scenarios needs to be acknowledged. This would have significant implications for building design, in addition to the requirements for flood resilient construction.
6. The flood routing information indicates that flood water will drain to Harbour Road to the north of the development area. The assessment should demonstrate that such volumes will not be increased by the revised landscape in the development area.

7. There is an indication that new access will be required through/over the existing defence wall. The assessment should address this matter and demonstrate that a solution can be provided which does not compromise the defence.

On the basis of the above discussion, the Environment Agency considers the flood risk assessment to be inadequate. We therefore object to the planning application.

Overcoming our objection

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

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

Comments on amended plans

Thank you for your re-consultation of 21 June 2017 following submission of additional information in respect of the above planning application.

Following receipt of the amended flood risk assessment we have no objections to the proposal. The amended flood risk assessment (FRA) prepared by Sands Consultants (ref. 16.07.163, dated June 2017) has addressed the concerns raised in our previous correspondence. We are therefore now in a position to support the recommendations and summary conclusions set out in the FRA.

DCC Flood Risk SuDS Consultation

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

Observations:

The applicant should also note that in accordance with the SuDS Management Train, surface water should be managed at source in the first instance. The applicant should therefore explore the use of a variety of above-ground source control components across the whole site to avoid managing all of the surface water from the proposed development at one concentrated point (e.g. a single attenuation pond). Examples of these source control components could include permeable paving (which could be underdrained), formalised tree pits or other bioretention features such as rain gardens, as well as green roofs, swales and filter drains.

The Applicant, if not already, should consider installing high level overflows in the existing soakaway chambers.

It is noted that Devon County Highways are currently responsible for the gullies located in the public highways, permission therefore should be sought from them for their continuation of maintenance.

Comments on amended plans

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

Observations:

The applicant is proposing a similar area of impermeable to the existing situation and therefore should not be increasing the amount of surface water runoff.

It is noted that Devon County Highways are currently responsible for the gullies located in the public highways, permission therefore should be sought from them for their continuation of maintenance.

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 attached plans (on "documents" tab) showing the approximate location of public sewers and public water mains in the vicinity of the above proposal. Please note that no development will be permitted within an easement of upto a 5 metre of the public sewers and 4.5 metres of the public water mains, and ground cover should not be substantially altered.

Should the development encroach on the easements required, or the ground cover of the water mains or sewers are substantially altered, the sewers and/or water mains will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

I trust this clarifies our requirements, however if you have any questions or queries, please contact me either via email or direct line: 01392 443189.

Environmental Health

My comments on the above application are as follows:

1. Construction Phase

I am concerned about noise, dust and other environmental issues during the construction phase of the proposed development and suggest the following condition:

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

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

2. Operational phase

I am concerned about noise, odour and other environmental issues of the proposed development should the application be granted and suggest the following:

The proposed use includes A1, A3, A4, A5, D1 and D2 – which are defined below:

A1 Shops - Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes.

A2 Financial and professional services - Financial services such as banks and building societies, professional services (other than health and medical services) and including estate and employment agencies. It does not include betting offices or pay day loan shops - these are now classed as “sui generis” uses (see below).

A3 Restaurants and cafés - For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes.

A4 Drinking establishments - Public houses, wine bars or other drinking establishments (but not night clubs).

A5 Hot food takeaways - For the sale of hot food for consumption off the premises.

D1 Non-residential institutions - Clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court. Non-residential education and training centres.

D2 Assembly and leisure - Cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports and recreations (except for motor sports, or where firearms are used). Consequently I have the following concerns about noise:

2.1. Noise from plant or equipment

I am concerned about noise from any plant and equipment and suggest the following condition:

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

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

2.2. Noise from people, deliveries and servicing etc

I am concerned about noise from people, deliveries and servicing etc and suggest the following conditions:

- The outside areas of the premises shall not be used for eating and drinking purposes, by customers, guests or members of staff and no tables and/or chairs shall be provided in these areas.

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

- No deliveries shall be accepted or despatched to or from the site except between the hours of 0800 to 1800 Monday to Saturday and not at all on Sundays or Bank Holidays.

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

I am also concerned about the hours of opening, but think we could only restrict these hours to those of similar businesses in the immediate area and would recommend an appropriate condition on this basis

I also have concerns about odour.

For any use involving the cooking of hot food, a Local Kitchen Exhaust Ventilation system is essential. However, because of the location of the site (very close to local residents) and the nature of the building (very low rise), the requirements for any system will require a comprehensive system of odour abatement plant to be fitted. Therefore the condition proposed and informative is essential should any of the future uses involve cooking hot food.

Proposed condition - Hot food cooking – Local Exhaust Kitchen Ventilation system

The use of the property for hot food cooking shall not commence until a detailed proposal for the treatment of cooking odours has been submitted to and approved in writing by the Local Planning Authority. Details shall include any pre-filters, grease traps, mesh or fabric filters and/or activated carbon units / Electrostatic precipitation /

UV Ozone system intended to be installed, and the proposed method of dispersing residual odours, flue specifications and discharge heights.

The proposal shall follow the detailed guidance provided within the Department for Environment, Food and Rural Affairs "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems" (see

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69280/pb10527-kitchen-exhaust-0105.pdf).

The equipment shall be installed prior to the use commencing, maintained in accordance with the manufacturer's instructions, (including cleaning and changing filters at recommended times) and operated at all times when the kitchen is in use.

Reason: To avoid odours detrimental to the amenities of local residents.

Proposed informative - Hot food cooking – Local Exhaust Kitchen Ventilation system
Depending on the cooking type and cooking appliances used Table 2.2 and Table 2.3 of page 18 and page 19 of the aforementioned DEFRA guidance should be used to assess the level of odour control required.

Page 11 of the aforementioned DEFRA guidance should then be used to determine the type of odour arrestment plant required:

Low to medium level control may include:

1. Fine filtration or ESP following by carbon filtration (carbon filters rated with a 0.1 second residence time).
2. Fine filtration followed by counteractant/neutralising system to achieve the same level of control as 1.

High level odour control may include:

1. Fine filtration or ESP followed by carbon filtration (carbon filters rated with a 0.2-0.4 second residence time).
2. Fine filtration or ESP followed by UV ozone system to achieve the same level of control as 1.

Very high level odour control may include:

1. Fine filtration or ESP followed by carbon filtration (carbon filters rated with a 0.4 – 0.8 second residence time).
2. Fine filtration or ESP followed by carbon filtration and by counteractant/neutralising system to achieve the same level of control as 1.
3. Fine filtration or ESP followed by UV ozone system to achieve the same level of control as 1.
4. Fine filtration or ESP followed by wet scrubbing to achieve the same level of control as 1.

Finally, because of the proximity to local residential properties I would recommend the following condition relating to lighting:

A lighting scheme shall be provided for 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 agreed working hours of the site, although low height, low level, local security lighting may be acceptable.

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

Other Representations

25 representations have been received to the application of which 19 are in support of the principle of the proposal with 3 direct objections to the scheme (other specific concerns raised have been added to the objection section).

Summary of reasons for support

- Proposal will improve tourism and give a boost to local retailers and tourism based businesses
- Proposal will benefit large events based in Seaton, such as 'The Grizzly' run
- Proposal will help Seaton to regenerate/grow further
- This development would help to put Seaton by the Sea "on the map" bringing fun and enjoyment to Residents and Visitors alike.
- Ideal opportunity to mold the shape and future of Seaton for years to come.
- The proposal will encourage more people away from the Tesco end of town and therefore benefit local shops.
- It will improve the "look" of the town, giving it more appeal and hopefully encourage further investment in the town.
- Proposal shows, strong use of the space to maximise the potential for enterprise and opportunity as well as nature and relaxation.
- This is a wonderful development for Seaton. It is attractive, contemporary and well conceived.
- The raised pedestrianised area will allow views over the sea wall.
- Consideration should be given to coordinating signage for businesses to avoid these appearing cluttered.

Summary of objections/concerns

- There is a need for more seats on the Esplanade
- Timetabling of buses need to be considered as part of the proposals
- The location of the 'beach huts' means they would be exposed to bad weather at all times of the year.
- The proposed expanse of flat open space, added to that already at Tesco and around the tram station is unattractive and soulless.
- The proposed areas of landscaping need to be 'greened' up
- The street furniture colour 'aubergine' is dreary and should be changed.
- Pedestrianisation of Castle Hill and or traffic calming measures should be considered.
- The raising of the road and pavement will increase the risk of flooding
- The proposed changes to the sea wall will increase risk of flooding
- The proposed "Village" of Beach Huts on the West Walk would block the unique and special open aspect/view of Seaton Bay and White Cliff and would give a cluttered and down market look to the beautiful natural area which is the West Walk.
- The addition of trees would block the views of the bay. Trees are out of keeping and not necessary in this seaside location.

- Seaton is an area of outstanding NATURAL beauty within the Conservation Area, a World Heritage site and the unique and beautiful Seafront/coastal aspect/view should not be compromised by unnecessary and ill advised additions.
- Concerns about the likelihood of the pedestrianised area being used by skateboarders, which could be a hazard as well as a noise nuisance.
- Disabled parking is poorly positioned
- The position of the proposed beach huts should be re-considered, these could be located further to the west of the toilet block.
- Access along the seafront must be maintained for carnivals and street fairs etc.
- The area around the moridunum must include toilets
- The re-positioned bus bays in Harbour Road are less convenient and will cause further traffic congestion, this element should be reconsidered.

POLICIES

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

Strategy 25 (Development at Seaton)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN10 (Conservation Areas)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

E2 (Employment Generating Development in Built-Up Areas)

E9 (Town Centre Vitality and Shopping Areas)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Strategy 3 (Sustainable Development)

Strategy 5B (Sustainable Transport)

TC3 (Traffic Management Schemes)

SITE LOCATION AND DESCRIPTION

The application site relates primarily to the seafront area between Castle Hill to the east and Beach Road to the west but also includes a small section at the western end of Harbour Road and southern end of Fore Street. The land on site is predominantly level and sits above the level of the beach to the south from which it is separated by the sea defence wall and walkway. The site area mainly relates to the existing vehicular highway and pedestrian footways between the buildings to the north of the Esplanade and Fisherman's Gap and the sea defence wall to the south. However it also includes the building known as, 'The Moridunum' - this is essentially a single storey building with a ramped walkway to either side leading to a seating area and viewing platform above it. At the western end of the site is a vehicle roundabout at the point of convergence of Castle Hill, Sea Hill, Marine Place and Fore Street, to the south and west of this is a wide area of public realm/walkway leading to the western seafront, an existing single storey shelter marks the western end of the site. From Fisherman's Gap the site follows The Esplanade to the east and includes the highway itself and the walkways to either side of it, including the moridunum. This section of highway is one way, in favour of traffic heading east and includes sections of on-street parking on both sides of the road. The Final section of site relates to the first 140 metres, or so, of highway (and footpaths either side) at the western end of Harbour Road.

The entire site lies within the built-up area of the town with the western end falling within the town's conservation area. All but the far western end of the site falls within a high risk flood zone (Flood Zone 3) and the majority of the site falls outside of, but adjacent to the Town Centre Area as defined by the East Devon Local Plan.

PROPOSED DEVELOPMENT

The application generally seeks to enhance the seafront area of the town through improving the vehicle access and pedestrian routes through it, upgrading and extending the public realm to provide a multi-purpose public space at the main access link between seafront and the town centre and to replace the redundant moridunum building with a purpose built new building capable of a variety of uses. More specifically, the application has been broken up into different segments and these provide a useful means of considering the different parts of the scheme, as follows:

Village (western end of site)

- Highway narrowed and footpath widened at bottom end of Castle Hill
- Seafront walkway, parking areas and shared surfaces to be resurfaced in concrete mix (aggregates used to match colour and texture of Seatons' geology).
- 4 no. 'seasonal' beach huts proposed to provide for a variety of commercial 'A' type uses i.e. retail, café, takeaway.

Fisherman's Gap

- The existing oversized roundabout to be removed and replaced with a smaller non-raised roundabout.
- Highway narrowed generally and pedestrianised/shared surfaces increased. Pedestrian walkway also slightly raised above existing and proposed road level.
- New bus layby, bus stop and cycle parking provision.
- Feature raised 'Steps' area to provide seating/landscape feature incorporating water fountain, new street furniture and landscape planting.

Esplanade Walk

- Narrowing of highway at western end and introduction of stepped raised walkway to immediate north of sea wall.
- Introduction of shared surfacing (as above) to existing highway and pedestrian areas and generally restriction on vehicular access

Moridunum

- Demolition of existing moridunum and construction of new single storey building on wider (and at eastern end) deeper footprint.
- The new building will comprise of a largely glass fronted 'winter garden' element at the western end and a deeper and slightly taller more solid structure at the eastern end 'moridunum'.
- The winter garden would have a shallow mono-pitched roof sloping south and proposed to be clad in CorTen or copper alloy sheeting. A ramped walkway to its rear would lead to the public space atop the moridunum.
- The moridunum itself would be constructed from smooth cast concrete with large glazed openings to the south side, at the eastern end are access steps to the roof area and a public entrance to public w.c.s
- Internally the combined floor space of the building provides for 285m² of net tradeable area (plus an additional 77m² service area and 35m² for w.c.s)
- Atop the main area of roof a further public square is proposed with varied stepped levels (similar to fisherman's gap proposals) to provide multi-functional use of the space.
- The levels of the walkway to the north side are indicated to be slightly below that of existing to provide a step up to the adjoining Fosseway Court site which has permission for re-development. A ramped walkway leads back down to the Esplanade at the eastern end of the building.
- Opposite the winter garden section it is proposed to widen the existing gap in the sea wall and to install in place flood gates as used elsewhere i.e. at Fisherman's Gap.

Parking/Turning Head

- Level with the eastern end of the Moridunum ramped walkway it is proposed to install a removal bollard in the highway to restrict access to the west and from that point eastward would be highway for vehicular use, albeit a reduced width pedestrian footway would continue to the north side with the walkway to the south side of the road removed.
- Along the southern side of this section a vehicle turning head and 9 no. disabled parking spaces are proposed.

Beach Road Junction

- A further 5no.standard parking bays are indicated to the south side of the esplanade to the west of the beach road junction.
- A Pedestrian crossing is proposed with removable bollards restricting the width of the carriageway at the junction to restrict the type of vehicle that can enter this part of The Esplanade.

Fore St./Harbour Road

- Narrowing of highway at Marine Crescent to provide widened pavement area
- Introduction of raised pedestrian crossing at northern end of Marine Crescent
- Resurfacing of junction of Fore St. with Harbour Road/Marine Crescent
- Demarcation of new 'Bus Bay' on north side of road to south of car park.

ANALYSIS

The main issues in the determination of the application are considered to be:

- The principle of development
- Economic Impacts/Benefits
- Impact on the character and appearance of the area
- Landscaping/Landscape Impact
- Heritage Impact
- Traffic Implications/Highway Safety
- Flood Risk and Drainage
- Ecology
- Amenity
- Other Issues

The principle of development

As a whole the application seeks to enhance the Esplanade area between the bottom of Castle Hill to the west and Beech Road to the east. The proposals include the pedestrianisation of parts of the seafront as well as alterations to surfacing and to existing highway layout aimed at improving the connections to the town via public transport and for pedestrians between the town centre and the seafront. There are also proposals to provide an increased commercial presence on the seafront.

The site lies entirely within the built-up area boundary of Seaton where under Strategy 6 of the Local Plan the principle of development is accepted subject to; compatibility with the character of the site; not adversely affecting flood risk or coastal erosion; it would not damage (and where possible promote) wildlife, landscape, townscape and historic interests; would not result in loss of land of local amenity or recreational importance; would not impair highway safety or traffic flows and would not prejudice the development of an adjacent site. Similar general support is found under Policy RC6 in relation to Local Community Facilities and Strategy 33 in relation to promotion of tourism, both of which are considered relevant to the development proposed.

Strategy 25 of the Local Plan deals specifically with development proposals for Seaton. It seeks to support Seaton's 'green' tourism role and specifically mentions the esplanade in relation to the strategy for the town centre which seeks, "The enhancement of the existing fabric and character of the town, including design improvements and expansion of commercial opportunities in waterfront areas (sea wall and esplanade and harbour and estuary) will underpin Seaton's developing role as year-round destination." In relation to Social and Community Facilities and sport and recreation provision there is also specific reference to improvement of 'Public and non-car transport links' to and from the town.

In relation to the commercial proposals involving the redevelopment of the moridunum and the introduction of the beach huts at the western end of the site policy E2 of the Local Plan supports new businesses (or expansion of existing businesses) subject to a number of criteria relating to: accessibility; traffic generation; impact on character of the area; nature conservation and heritage impacts and design and landscape/townscape impacts. The policy specifically states that support will be given to regeneration schemes within the coastal (and market) towns where these are designed to increase job opportunities in business, retail and/or leisure use classes.

Policy E9 relates to town centre vitality and shopping areas and aims to maintain this by seeking to ensure retail (or other similar uses in classes A2 to A3) are retained where possible and supports the provision of new uses of this type. Outside of designated town centre shopping areas or where development would extend the shopping areas the policy is resistant of such uses where they would harm the convenience, vitality or viability of the town centre.

There is therefore broad based policy support for the principle of enhancing the seafront area, improving the public realm, increasing commercial opportunities and improving transport links both to and from the town and pedestrian links within it.

The specific issues to be addressed by these policies are considered further below, together with other policies relating to specific issues raised by the development.

Economic Impacts/Benefits

The stated aims of the proposed development include expanding the commercial opportunities for Seaton; promoting and supporting existing businesses in the town centre and the promotion of tourism. Such aims are generally supported by Local Plan policies however the site lies outside of the designated Town Centre Shopping Area and as such consideration needs to be given to any potential impacts on the vitality and viability of that area which might result from the proposals.

The existing moridunum site falls just outside of the defined Town Centre Area, the boundary of which lies to the immediate north of the site. The boundary of the town centre follows the building line of properties fronting onto the Esplanade and extends east beyond the moridunum towards, but stopping short of Beach Road. To the west it extends as far as Sea Hill. The application proposes to introduce main town centre uses on the moridunum site but also in the seasonal beach huts proposed at the western end of the site. Whilst both sites fall outside of the town centre area they are closely related to (and in the case of the moridunum site physically adjoining) it. Policy

E9 of the Local Plan states that the establishment of new shops outside defined town centres or which would extend the shopping areas will not be permitted if they would harm the convenience, vitality or viability of the town centre. A major focus of the scheme is to improve the entrance to the town and to help to provide a better connection from it to the sea front to make the most of the town's seafront asset. There is also policy support under Strategy 25 for the expansion of commercial opportunities within the seafront area of the town. The replacement of the redundant storage and public toilet facilities within the moridunum with a new purpose built building offering the opportunity for a range of retail, commercial and community type uses (specifically A1, A3, A4, A5, D1 and D2 uses) will support the improvement in the general enhancement of the seafront as well as providing the potential for specific job creation.

Whilst it is acknowledged that the provision of such facilities could impact on the viability of such facilities within the town centre itself by increasing competition on existing businesses it is anticipated that the overall uplift in the area and improvement in seeking to address the current disconnect between the town centre and the sea front would actually increase the overall vitality and viability of the town centre for both existing residents and visitors to the town by improving the visitor experience and through improving the links to the town centre through the wider pedestrianisation and highway layout elements of the scheme.

In relation to the beach huts proposed at the western end of the site these similarly will provide added interest and commercial presence to the seafront area. They are designed to provide for a variety of commercial 'A' type uses i.e. retail, café, takeaway that will assist in providing interest for and servicing the needs of visitors using the Esplanade. The proposed number of units has been reduced from 7 to 4 (largely in response to concerns raised over their visual impact and on views along and from the seafront) and the units are of a scale and type such that they would seek to provide an additional benefit without directly competing with existing retail/commercial uses within the town centre. These 'beach huts' would be similar to existing outlets similarly found in other seafront areas within the district, most notably along Exmouth Seafront and would be designed to be temporary in nature and seasonal in use, allowing the actual number to respond to popularity and demand.

In conclusion on this matter the proposed commercial elements of the scheme are considered to complement and expand on the existing town centre offer and to support the wider aims of enhancing the seafront area of the town and improving the connections with the existing town centre. In this way they are considered to provide positive benefits which would seek to improve rather than harm the vitality and viability of the town centre. Whilst the application lacks details in relation to specific job creation envisaged by the proposals this is considered largely to be due to the speculative and flexible nature of the permission sought allowing for a variety of uses to come forward in response to interest and demand, as opposed to their being a known end user or specific operator(s) at this stage. Although highlighting this issue the Council's economic development team have given general support to the scheme recognising that the proposals would, *'have a positive impact on the appearance of the area and enhance and link the many positive developments within the town.'*

Impact on the character and appearance of the area

Policy D1 seeks to reinforce the key characteristics and special qualities of the area and ensure that scale, massing, density, height, fenestration and materials of buildings relate well to their context. Furthermore it seeks to ensure that development does not adversely affect the amenity; landscape, townscape, heritage, ecological or arboricultural interests.

The proposals are designed to have a positive impact on the appearance of the seafront by improving and expanding the public realm through both a re-ordering of the road layout, expansion of pedestrianised areas and upgrading of the surfacing materials, street furniture and landscaping.

Most notably the existing highway layout dominated area around the Fisherman's Gap (the connection point from the town centre to the seafront) would be altered with the existing oversized roundabout removed and replaced with a smaller non-raised roundabout. In addition the highway would be narrowed and pedestrianised/shared surfaces increased. This area would also feature a new bus layby, bus stop and cycle parking provision, as well as feature raised 'Steps' area to provide seating/landscape feature and accompanied by new street furniture and additional landscape planting. Following responses to the initial proposals in relation to the impact of the pedestrianised area and provision of a wall to the north side of this, to provide separation from the highway, this wall has been lowered and additional planting added. These changes together with proposals now to face the wall with local pebbles will help to soften the visual impact of the wall which is generally considered to represent an improvement on the existing situation which is highway dominated and lacks interest.

In relation to the beach huts at the western end of the site area these are now exclusively positioned to the north side of the Esplanade walkway and are designed to reflect in scale and form traditional seaside beach huts whilst the materials proposed would allow greater longevity and less maintenance whilst seeking to respond to the natural setting of the Jurassic coast in terms of colour, providing a distinction from the existing recreational beach huts and providing a unifying link to other areas of the scheme. There is a debate to be had as to whether the external appearance of the proposed units is appropriate, the view could be taken that the finished appearance would appear dull and industrial. On balance though and given their temporary and seasonal nature as well as the desire for them to be a visible but not overly prominent presence, that might otherwise detract from public views along the seafront, their appearance is subject to conditioning specific details considered to be appropriate.

The redevelopment proposals for the moridunum involve the demolition of the existing structure and its replacement with a new building designed to accommodate a number of different potential uses. At present the moridunum is a redundant and visually unappealing structure but which performs an important function in providing a raised walkway and viewing platform over the top of it. This walkway and viewing platform provides for access to the adjoining Fosseyway Court development as well as an area from which views across the bay are provided.

The proposed development seeks to replace the existing structure with a 'replacement' moridunum and an additional single storey commercial unit alongside. The walkway over the buildings would be continued and an enhanced seating and public realm area would be introduced. As at present the moridunum element would be accessed at road level but fully glazed openings are proposed to maximise natural light to the internal areas and increase the visual presence and interest of the building allowing views into the internal space and outwards towards the sea. Whilst the overall massing would be increased the external appearance, utilising a concrete finish incorporating aggregates to match the colour and texture of Seaton's geology would help to ground the building and relate to the materials proposed throughout the rest of the scheme. The additional building 'Winter Square' would be internally linked to the moridunum and would provide for an additional area for commercial let. This would be visually distinct by having a separate roof, the walkway continuing to its rear, and featuring predominantly glazed elevations which would both maximise the legibility of its commercial use whilst significantly improving the active frontage along this side of the Esplanade which it is proposed to pedestrianize. The materials for the roof of the building would tie in with those proposed for the beach huts and other structures, such as the bus shelter.

Overall whilst the form of the structure remains single storey and relatively low key the design seeks to improve on the visual appearance of the existing structure giving it a greater visual presence and more lightweight appearance by introducing significant areas of glazing.

Elsewhere, the proposals seek to provide harmony throughout with the use of common surfacing materials and street furniture, existing lighting will be retained and additional lighting generally kept to discrete inset lighting to provide interest to and awareness of raised seating areas. Additional areas of public seating will be provided to the west of the Winter garden building and the usability and versatility of the space over the moridunum improved. The pedestrianisation of the road area forward of the moridunum also would improve accessibility and use of this area whilst allowing continued access for special events and in the event of emergencies. At the eastern end of the site the existing parking is reordered to provide for additional disabled parking provision and a dedicated turning space provided for vehicles.

Landscaping/Landscape impact

Whilst the proposed changes are generally at surface level (aside from the new buildings and raised areas of seating) this is a prominent site on the seafront which is visible both in localised views and longer range views, particularly from the coastal footpath to both the east and west sides of the seafront.

The proposed scheme seeks to improve the highway dominated layout through changes to the highway routing, increase in pedestrianised areas and the addition of improved hard and soft landscape features to soften the appearance of the area and add visual interest as well as providing additional seating and related facilities for use by local residents and visitors alike.

The amendments to the scheme have sought to address original concerns in relation to: the impact of the treatment of views of the proposed wall to the north of the reconfigured Fisherman's Gap, which is now proposed to be faced in local pebbles;

the proposed surfacing materials and their suitability and the use of soft landscaping. As a result the application is now considered to be appropriate and subject to conditions to control the details and appropriate management of the landscaping will provide a positive benefit by providing surfacing materials with greater visual interest and relationship with the town's setting, more soft landscape planting and additional areas of seating/multi-purpose use which will both enhance the appearance and improve the usability of the space. The development is therefore considered to be compliant with the requirements of Policy D2 of the Local Plan.

Heritage Impact

The whole of the area to the north side of the Esplanade, but excluding the existing highway falls within the Town Centre Conservation Area. In addition, Cliff Castle on Castle Hill adjacent to the western end of the site is a grade II listed building. Whilst there are no direct physical impacts on these heritage assets the proposals have the potential to impact on their setting.

Policy EN9 of the Local Plan states that favourable consideration will be given to new development within the setting of heritage assets that enhance or better reveal the significance of the asset. Policy EN10 states that development that could affect views in or out of a conservation area will only be permitted where it preserves or enhances the character and appearance of the area.

The development site is set below the level of Cliff Castle which sits on a natural rise at the western end of the Esplanade and not directly adjoining the site, as such it is not considered the proposal would impact on the immediate setting of this building although there is potential for improvement to its wider setting through the improvements to and reduction of the existing highway dominated area around Fisherman's Gap. Similarly, the improvements to the public realm are considered to have the potential to enhance the setting of the conservation area.

Traffic Implications/Highway Safety

An integral part of the seafront enhancement works are proposals to alter the existing highway layout around Fisherman's Gap and re-prioritise The Esplanade to favour pedestrian over vehicle access (although this will remain for servicing, emergencies and special events). The existing roundabout at the junctions of Castle Hill, Sea Hill, Marine Place, Harbour road and the Esplanade is proposed to be reduced to allow for a smaller roundabout and increased public realm both on the Esplanade and forward of the buildings to the north and east of the roundabout. In addition the existing bus access and laybys would be altered provide an improved access to and relationship with the rest of the scheme. At the eastern end of the site the existing car parking provision would be reduced but with increased disabled parking provision.

In terms of accessibility Policy TC2 of the Local Plan requires that new development is accessible to pedestrians, cyclists and public transport to minimise the need to travel by car and to provide adequate provision for persons with reduced mobility. The scheme as a whole is designed to improve pedestrian access to and along the Esplanade and does so in a manner that would improve accessibility for all users. The proposals include 3 no. new pedestrian crossings are proposed throughout the

scheme and cycle parking provision is also included. The highways authority has confirmed that the revised public transport layout, with bus stops relocated to new positions on Harbour Road and at the new public square should not alter accessibility and will increase available space for formal waiting bays thereby offering the potential to reduce conflict with taxi and bus stop provision.

Policy TC3 states that the Council will consider traffic management schemes in town centres when considering development proposals where this would allow a number of listed objective to be achieved. It is considered that of the stated objectives the proposed scheme has the potential to improve the safe and efficient movement of pedestrians and cyclists whilst not adversely affecting the movement of vehicles; reduce traffic conflict and accident potential and potentially to reduce environmental damage by traffic.

The highways authority has been involved in detailed discussions with Seaton Town Council and their representative consultants prior to the submission of the scheme and have advised that:

‘The proposed scheme seeks to provide safe suitable access to the development from the local road network that will minimise the impact of the new traffic generated by the development site on the existing highway network, accommodate daily traffic movements to and from the development and offer a clear and safe environment around the site for all road users.’

In relation to car parking provision the scheme will result in a net loss of spaces from the seafront, albeit an improvement in disabled parking provision. Policy TC9 of the Local Plan suggests minimum parking standards for new residential but not other forms of development, although the pre-amble to the policy recognises that nearly all new development will generate a need for some new parking. In this instance the proposal includes new commercial development and the scheme as whole is designed to improve access to and increase use of the Esplanade, as a consequence there may be a demand for more parking spaces. However, as the scheme would also seek to improve the linkages to the town centre and beyond where there is existing parking provision, including the new Underfleet car park and where such access is designed to improve the pedestrian and cycling experience, for local residents it may encourage walking as opposed to driving to the sea front.

In terms of public consultation there has been concern expressed in relation to the location of and access to the relocated bus laybys and a concern that this will cause additional congestion along Harbour Road. The application is supported by an Access and Movement Report which concludes that the proposed changes should have no effect on the current service schedules. It is noted that the Highways Authority has raised no objections in this regard.

Whilst the loss of parking provision may by some be considered to represent a disbenefit, taken as a whole the access improvements that would arise and the overall benefits to the local environment that would result from the pedestrianisation of and enhancements to the public realm weight strongly in support of the proposal.

Flood Risk and Drainage

The application site falls within Flood Zone 3 and as such is classified to be at high risk of flooding. The proposals seek to redevelop the site through re-surfacing works, amendments to the road layout, construction of additional landscape features and the demolition of the existing moridunum building and its replacement with a new building of increased floor area.

The source of flood risk is both from surface water run-off and fluvial and tidal flooding. The applicant has held detailed discussions with the Environment Agency in relation to the proposals and it has been agreed between the parties that the scheme should be considered relative to the 200 year tidal return period. The proposed commercial units in the form of both the new moridunum/winter garden and the 'beach huts' are considered to represent 'less vulnerable' uses in relation to the flood risk vulnerability classification set out in the Planning Practice Guidance and as such there is no requirement to carry out the exceptions test in this regard. However, it is necessary to consider the proposals in relation to the sequential test for site selection. The site as a whole forms part of the existing esplanade area of the town and the proposal to upgrade this generally can only take place here and are supported by policies of the Local Plan. The commercial units also benefit from policy support, with Strategy 25 seeking expand commercial opportunities in waterfront areas (the esplanade being specifically referred to). The existing moridunum building is a significant barrier to such redevelopment and without its removal and suitable replacement the scheme overall would fail to deliver the envisaged benefits. It is therefore considered that the application site is the only site that could deliver the development proposed i.e. the regeneration of the Esplanade and as such that the requirements of the sequential test would be met in that there are not alternative areas at lower risk of flooding appropriate for the proposed development and as such the sequential test is passed.

In relation to flood resilience and mitigation measures the proposed commercial units would have their floor level set at 300mm above the adjoining road level, this would allow, in any storm events, for ponding and surface water flows behind the sea wall (as at present) without immediately entering these units.

Elsewhere the level changes are generally not significant and the Environment Agency has advised that they have no objections to the proposals which will continue to allow appropriate drainage of the site in times of flood. Devon County council in their capacity as Local Lead Flood Authority have raised no objections to the proposals, which would not increase the impermeable areas of the site.

Ecology

The application is accompanied by a Wildlife survey report relating to the existing moridunum building which is proposed for demolition as part of the application. The report consider the impacts on wildlife (including protected species) of the demolition of the buildings and concludes that there are no signs of the use of the building by protected species and that there is no, wildlife reason, that would prevent the demolition of the building and redevelopment of the site, nor are any additional surveys required. This being the case and subject to the recommendations of the report being

conditioned it is not considered that there is any ecological constraint affecting the proposals.

Amenity

There are a number of residential and commercial properties that adjoin the site and where the development has the potential to impact on these. The most significant impact is considered likely to be during the construction phase and related to noise and general disruption linked to this. Such inconvenience during development is to an extent unavoidable but a Construction and Environment Management Plan can be imposed to control and limit such impacts and aimed at minimising the disruption during the temporary construction phase. Once complete it is anticipated that in general the amenity of the area would be improved through reducing the existing vehicle impacts. The areas which could potentially give rise to additional impacts relate to the commercial uses proposed.

The 'beach hut' uses may result in the potential for some additional noise and odour impacts (dependent on their use) but are sited at some distance from the nearest residential properties such that it is not considered that they would create any significant impact.

The moridunum/winter gardens building is more closely related to existing residential properties, predominantly those in the Fosse Way Court development to the immediate rear of the site. There is also permission in place for the redevelopment of this adjoining site, which will include the construction of an additional 30 no. apartments. The replacement moridunum and winter garden building will remain at a similar overall height to the existing structure and as such there would be no significant change in relationship with neighbouring properties, particularly where there are no first floor windows in the existing 'Block 2' (eastern) of Fosse Way Court which immediately adjoins the moridunum roof square. The use of the ground floor of the building could however have some impacts primarily through noise, odour and activity associated with the variety of uses sought and where these would result in a more intensive use than at present. This is a site close to the town centre where there are existing commercial business operating in the vicinity of the site and co-existing alongside residential uses.

The Environmental Health Team have suggested that a number of conditions are imposed to control the development and where considered reasonable these are included within the list of suggested conditions below. In relation to lighting this is covered by a separate condition requiring various additional details. As there are no outdoor seating areas directly related to the use of the moridunum/winter garden building it is not considered necessary to impose a condition restricting their use in addition whilst it would be reasonable to seek to control delivery times the hours proposed are considered overly restrictive and may conflict with any traffic order restricting the times when delivery access is available to this part of the site, as such it is suggested any such delivery times are required to be agreed prior to the initial use of the building. Similarly it is suggested that details of opening times are sought by agreement prior to the initial use of the building.

Other Issues

The scheme appears to be generally well supported with the majority of representations in support of the principle of redevelopment. However a number of specific issues have been raised and where they have not already been addressed in the main body of this report they are considered below.

Concern the proposals will increase flood risk – The original proposals which involved works to the sea wall have been amended and the Environment Agency has no objections to the development.

Concern over use of pedestrianised area being used by skateboarders causing a hazard and noise nuisance – The pedestrianised area like any other public space will be open to variety of users and the increased space should allow adequate space to avoid conflict between users, where a nuisance is being caused that will be a matter for the appropriate authorities to deal with.

Concerns over signage – Further details of signage can be controlled by condition.

Lack of consultation – The application includes a Statement of Community Involvement which sets out the public and other consultation undertaken, this has included three rounds of public consultation.

Concern retail uses may not be used – The moridunum/winter garden building seeks permission for a number of uses which would allow flexibility in the use of the space.

Conclusion

The application has the potential to bring significant benefits to the sea front area of the town through upgrading and improving the public realm, reducing the highway dominated layout of the space and introducing new uses designed to increase activity and interest which at the same time improving the connectivity with the existing town centre. The submitted information has demonstrated that development could be made acceptable from a flood risk point of view and suitable conditions could be imposed to control other potential impacts. In consideration of the above issues and subject to the conditions recommended below the application is considered to be acceptable and is 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 protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)

4. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.
 - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;(Reason - In the interests of highway safety in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)

5. The proposed road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
(Reason - To ensure that adequate information is available for the proper consideration of the detailed proposals and in the interests of highway safety in accordance with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)
6. Notwithstanding the details indicated in the submitted 'Design Code Document', which has been treated as being for indicative purposes only, no development shall take place until the following additional design and material details have been submitted to and approved in writing by the Local Planning Authority:
- Finished surfacing materials for all horizontal and vertical surfaces
 - External materials to the Moridunum Winter Gardens and bus shelter (including glazing doors and shutters)
 - External material finishes to beach huts/seaside village huts
 - Details of external handrails, bollards and bicycle racks (including detailed design, materials and finishes)
 - Details of all street furniture, to include bins and seating (including detailed design, materials and finishes)
 - Details of all new and relocated external lighting (to include location, design, materials, finished colour and Lux levels)
 - Details of all interpretation and wayfinder signage
 - Details of all signage to the proposed moridunum/winter gardens and to the beach huts/seaside village huts (including location, detailed design/dimensions, materials, finishes and any method of illumination)
- Development shall proceed in accordance with details as agreed.
(Reason - To ensure that an appropriate level of detail is secured in the interests of the character and appearance of the area, the preservation and enhancement of the adjoining conservation area and wider townscape in accordance with policies D1 (design and Local Distinctiveness), EN10 (Conservation Areas) and Strategy 25 (Development at Seaton) of the East Devon Local Plan 2013-2031).
7. Notwithstanding the details indicated on the approved plans (specifically plan no, 25_P_6B) and prior to the commencement of development in relation to that part of the site, further details of the final finished ground levels of the walkway over and to the rear of the moridunum building and specifically connection with the adjoining Fosseyway Court site shall be submitted to and agreed in writing with the Local Planning Authority
(Reason - In order to ensure that the levels co-ordinate with those of adjoining development to enable access to and from the public walkway to the adjoining site in the interests of pedestrian permeability and in accordance with policies

TC4 (Footpaths, Bridleways and Cycleways) of the East Devon Local Plan 2013-2031)

8. 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:
- Details of the number, size, species and planting layout of trees to be planted
 - Detailed tree pit specifications
 - Details of all other areas of planting (to include size, species, numbers and layout) planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed.

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 New East Devon Local Plan 2013-2031.)

9. Notwithstanding the requirements of condition 8 above and prior to the commencement of development a plan indicating the ownership and management responsibilities relating to different parts of the site shall be submitted to and approved in writing by the Local Planning Authority.
(Reason - In the interests of clarity and to ensure all parts of the site are managed and maintained by an appropriate body or management company in accordance with policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)
10. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.
(Reason - To ensure the proper development of the site and the delivery of the different elements of the scheme in an appropriately phased manner in the interests of amenity, highway safety and to secure the enhancement benefits of the scheme in accordance with policies D1 (Design and Local Distinctiveness), TC7 (Adequacy of Road Network and Site Access) and Strategy 25 (Development at Seaton) of the East Devon Local Plan 2013-2031.)
11. The use of the commercial areas of the moridunum/winter gardens building as shown on drawing no. 25_P_14A shall be restricted to uses falling within the following use classes of The Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification) and any subsequent permitted changes to such uses that may be

granted through The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) :

- A1 (Retail)
- A3 (Restaurants and Cafes)
- A4 (Drinking Establishments)
- A5 (Hot Food takeaways)
- D1 (Non-Residential Institutions) with the exception of any use classified as a 'More Vulnerable Use' as defined in the Planning Practice guidance to the National Planning Policy Framework 2012
- D2 (Assembly and Leisure)

(Reason - In order to define the permission and to enable the Local Planning Authority to retain control over any future uses in the interests of the vitality and viability of the town centre and the amenity of the area and to prevent used that may result in greater flood risk vulnerability in accordance with Policies D1 (Design and Local Distinctiveness), E9 (Town Centre Vitality and Shopping Areas) and EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2031 and the flood risk advice set out in the National Planning Policy Framework and accompanying Planning Practice Guidance)

12. The use of the beach huts/seaside village huts as indicated on the approved plans (and specifically 25_P_1B) shall be restricted to uses falling within the following use classes of The Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification) and any subsequent permitted changes to such uses that may be granted through The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification)

- A1 (Retail)
- A3 (Restaurants and Cafes)
- A5 (Hot Food takeaways)

(Reason - In order to define the permission and to enable the Local Planning Authority to retain control over any future uses in the interests of the vitality and viability of the town centre and the amenity of the area in accordance with Policy Policies D1 (Design and Local Distinctiveness) and E9 (Town Centre Vitality and Shopping Areas) of the East Devon Local Plan 2013-2031 and advice set out in the National Planning Policy Framework and accompanying Planning Practice Guidance.)

13. Any plant (including ventilation, refrigeration and air conditioning units) or ducting system to be used in pursuance of this permission and related to the commercial units contained within the winter garden/moridunum building or commercial 'beach huts' shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed Noise Rating Curve 25, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Service Engineers Environmental Design Guide. Details of the scheme shall be

submitted to and approved by the Local Planning Authority prior to the first use of the premises.

(Reason - To protect the amenity of local residents from noise, in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)

14. Any use of the winter garden/moridunum building for hot food cooking shall not commence until a detailed proposal for the treatment of cooking odours has been submitted to and approved in writing by the Local Planning Authority. Details shall include any pre-filters, grease traps, mesh or fabric filters and/or activated carbon units / Electrostatic precipitation / UV Ozone system intended to be installed, and the proposed method of dispersing residual odours, flue specifications and discharge heights and shall also include details of the external appearance, position and finished colour of any associated vents, flues or extracts.

The proposal shall follow the detailed guidance provided within the Department for Environment, Food and Rural Affairs "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems" and the equipment shall be installed prior to the use commencing, maintained in accordance with the manufacturer's instructions, (including cleaning and changing filters at recommended times) and operated at all times when the kitchen is in use.

(Reason - To avoid odours detrimental to the amenities of local residents and to ensure the external elements of any extraction system are appropriate in relation to the character and appearance of the area in accordance with policies D1 (Design and Local Distinctiveness) EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)

15. Prior to the initial beneficial use of the winter gardens/moridunum building details shall be submitted to and approved in writing by the Local Planning Authority of the proposed hours of opening and the hours outside of which no deliveries related to the use of the building shall take place. Thenceforth the use of the building shall be carried out in accordance with the agreed opening and delivery restriction times, unless any variance to these has previously been agreed in writing by the Local Planning Authority.

(Reason - To protect the amenity of local residents from noise. in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)

16. The beach huts/seaside village huts as indicated on the approved plans (and specifically 25_P_1B) shall be positioned only as shown and shall within 6 months of the permanent cessation of their use be removed from the site.

(Reason - In order to define the permission and in the interests of the character and appearance of the area in accordance with policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)

17. This permission shall not constitute an approval of the layout plan submitted with the application, because it has been treated as being for illustrative purposes only.

(Reason - For the avoidance of doubt.)

18. Development shall proceed in accordance with the recommendations of the submitted wildlife survey report prepared by Kestrel Wildlife Consultants Ltd. and dated 1st September 2016.
(Reason - In the interests of the conservation of protected species in accordance with policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031.)
19. Development shall proceed in accordance with the submitted Flood Risk Assessment prepared by Sands, Civil and Structural Chartered Engineers and dated June 2017.
(Reason - In the interests of flood risk management in accordance with Government Guidance set out in the National Planning Policy Framework and policies EN21(River and Coastal Flooding) and EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

INFORMATIVE:

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

INFORMATIVE

The applicant is advised to contact South West Water (SWW) should the development encroach on the easements required, or the ground cover of the water mains or sewers are substantially altered. In such circumstances SWW has advised that , the sewers and/or water mains will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further on: 01392 443189.

INFORMATIVE

In relation to condition 14, the proposal shall follow the detailed guidance provided within the Department for Environment, Food and Rural Affairs "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems" (this can be viewed through the following link:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69280/pb10527-kitchen-exhaust-0105.pdf)

Hot food cooking - Local Exhaust Kitchen Ventilation system

Depending on the cooking type and cooking appliances used Table 2.2 and Table 2.3 of page 18 and page 19 of the aforementioned DEFRA guidance should be used to assess the level of odour control required.

Page 11 of the aforementioned DEFRA guidance should then be used to determine the type of odour arrestment plant required:

Low to medium level control may include:

1. Fine filtration or ESP following by carbon filtration (carbon filters rated with a 0.1 second residence time).
2. Fine filtration followed by counteractant/neutralising system to achieve the same level of control as 1.

High level odour control may include:

1. Fine filtration or ESP followed by carbon filtration (carbon filters rated with a 0.2-0.4 second residence time).
2. Fine filtration or ESP followed by UV ozone system to achieve the same level of control as 1.

Very high level odour control may include:

1. Fine filtration or ESP followed by carbon filtration (carbon filters rated with a 0.4 - 0.8 second residence time).
2. Fine filtration or ESP followed by carbon filtration and by counteractant/neutralising system to achieve the same level of control as 1.
3. Fine filtration or ESP followed by UV ozone system to achieve the same level of control as 1.
4. Fine filtration or ESP followed by wet scrubbing to achieve the same level of control as 1.

Plans relating to this application:

25_P_21A : LIGHTING PLAN MORIDUN	Additional Information	20.06.17
25_P_0A : BLOCK PLAN	Amended Plans	20.06.17
25_P_1B : LAYOUT VILLAGE	Amended Plans	20.06.17
25_P_2B : FISHERMANS GAP	Amended Plans	20.06.17
25_P_4B : ESPLANADE WALK	Amended Plans	20.06.17
25_P_6B : MORIDUNUM	Amended Plans	20.06.17
25_P_7B : PARKING+TUR NING	Amended Plans	20.06.17

25_P_9A : PLANS OVERLAY	Amended Plans	20.06.17
25_P_10A : SECTIONS A,B,C,D	Amended Plans	20.06.17
25_P_11A : SECTIONS E,F,G,H	Amended Plans	20.06.17
25_P_13A : SECTIONS J,K,L	Amended Plans	20.06.17
25_P_14A : COMBINED PLANS	Amended Plans	20.06.17
25_P_22A : BEACH HUT A	Amended Plans	20.06.17
25_P_20A : LIGHTING PLAN FISH GA	Additional Information	20.06.17
2100 P01 : HIGHWAY LAYOUT	Layout	09.02.17
25_P_3A : PROPOSED FORE STREET	Other Plans	06.03.17
25_P_5A : PROPOSED HARBOUR RD	Other Plans	06.03.17
25_P_8A : BEACH RD JUNCTION	Other Plans	06.03.17
25_P_12 : MORIDUNUM	Existing Elevation	09.02.17
25_P_30A	Location Plan	09.02.17

List of Background Papers

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

Ward Sidmouth Sidford

Reference 17/0203/RES

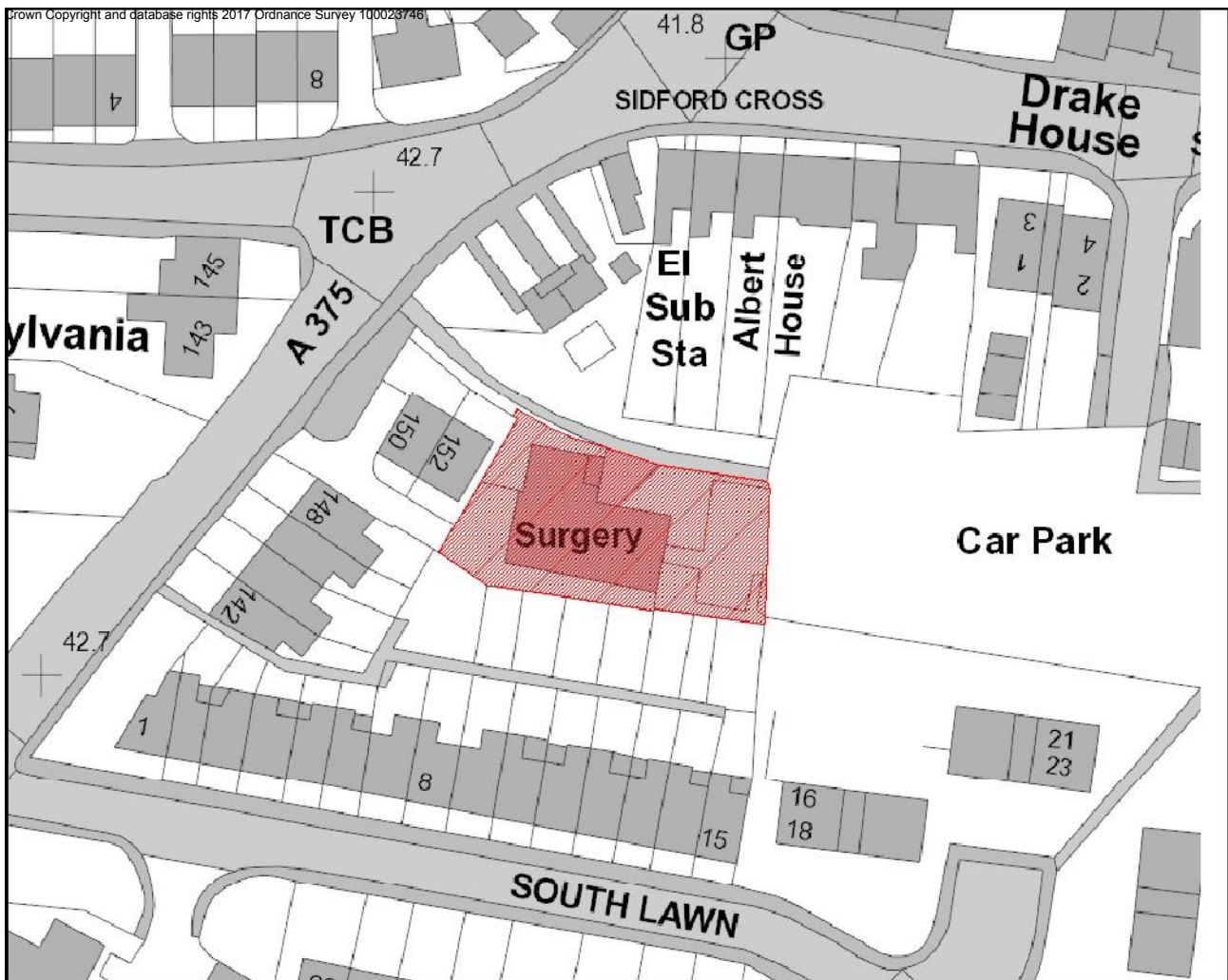
Applicant Mr Ian Barlow

Location Sidford Branch Surgery Church Street Sidford Sidmouth EX10 9RL

Proposal Demolition of former surgery building and construction of 6no affordable terraced dwellings (application for approval of all reserved matters following grant of outline planning permission 16/0382/OUT)



RECOMMENDATION: Approval with conditions



		Committee Date: 7th August 2017	
Sidmouth Sidford (SIDMOUTH)	17/0203/RES	Target	Date:
Applicant:	Mr Ian Barlow		
Location:	Sidford Branch Surgery Church Street		
Proposal:	Demolition of former surgery building and construction of 6no affordable terraced dwellings (application for approval of all reserved matters following grant of outline planning permission 16/0382/OUT)		

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

It relates to the site currently occupied by the vacant former Sidford Branch Surgery premises upon which outline planning permission was granted in 2016 (application 16/0382/OUT refers) for redevelopment with a scheme comprising the construction of six terraced dwellings. It is located close to the range of services and facilities at Sidford and borders the designated Sidford Conservation Area.

Approval of the details reserved by this permission, comprising the layout of the site, the scale and external appearance of the development and the means of access to, and landscaping of, the site, is now sought.

These show two terraces of three two storey, two bedroom dwellings extending along the site from west to east and largely follow the indicative details that were submitted at the outline stage. Roof ridge and eaves lines are broken in a couple of places to reflect the gently sloping nature of the site. Negotiations in respect of various elements of the design of the scheme have secured better quality materials and finishes together with the addition of chimneys. This reflects the approach, in broad terms, taken by the Inspector with regard to a developed two dwelling scheme adjacent to the site (now nos. 150 and 152 Sidford Road) that was permitted on appeal in 2013.

Although the objections raised by the ward member with regard to the modest size of the proposed units is noted, it is difficult to conceive how a six dwelling scheme could alternatively be accommodated on the site. Similarly, although the town council's preference for four larger dwellings on the site is also

acknowledged, this would seem inconsistent with the wish to also see parking provision on what is a comparatively limited site area. In any event, the outline permission relates to six dwellings on the site, allowing for the provision of smaller properties.

Furthermore, the footprint areas of the individual units are not significantly different to those of nos. 150 and 152 Sidford Road or to those of the main two storey elements of neighbouring South Lawn dwellings or terraced properties fronting Sidford Cross to the north of the site and comply with the nationally described space standards.

Details have also been submitted as part of the application to discharge the relevant conditions attached to the outline permission in relation to the submission of details for approval of finished floor and ground levels, means of disposal of surface water drainage, materials samples, cycle parking facilities, tree protection/method statement and a Construction and Environment Management Plan. These are considered to be acceptable.

CONSULTATIONS

Local Consultations

Parish/Town Council

Support:

Note: Members continued to be concerned about the lack of parking and were of the view that the proposed houses were too small. Members would have preferred to see 4 bigger houses built on the site with parking.

Sidmouth Sidford - Cllr M Rixson

Planning application 17/0203/RES

Sidford Branch Surgery, Church Street, Sidford

In response to my enquiry about the footprint of the proposed houses at the above address, the officer advised me that the footprint was as follows:

The end units are $8.4 \times 4.5\text{m} = 37.8\text{m}$

And the central units are $8.4 \times 4.3\text{m} = 36.1\text{m}$

This compares with 150 and 152 Sidford Road at $8\text{m} \times 5.3\text{m} = 42.4\text{m}$

I feel these houses are too small and cramped. Reports in Architecture (2015) and the Guardian (2012) sum up the impact of this short-sighted approach to development and the consequences for home owners:

'More than half of the new homes being built today are not big enough to meet the needs of the people who buy them, according to new research published today (Wednesday 2 December) by the Royal Institute of British Architects (RIBA). This squeeze on the size of our houses is depriving thousands of families of the space needed for them to live comfortably and cohesively, to eat and socialise together, to

accommodate a growing family or ageing relatives, or even to store possessions including everyday necessities such as a vacuum cleaner.'

Source:

<https://www.architecture.com/RIBA/Contactus/NewsAndPress/PressReleases/2015/Over50ofnew-buildhomesaretoosmallforfamilies.aspx>

'A report this week by Riba and Ipsos Mori found "long- and short-term storage space" - for everyday functional items such as ironing boards and bed linen, as well as seasonal or nostalgic possessions such as Christmas trees or a wedding dress - was one of the features people most wanted in their home.

The Way We Live Now: What People Need and Expect From Their Homes also found we want a dedicated space for tasks such as ironing and recycling; larger rooms and higher ceilings; and the possibility of "private space" for individual family members".

The common theme could be summed up in two words: more space. That, though, is what many British homes - especially modern ones - lack. We build the smallest new homes in Europe, significantly smaller than 100 years ago. This is not because of pressure on land: a 2007 Riba survey found the average floor space of a new dwelling in England and Wales was 76 sq m, against 81.5 sq m in Italy, 92 sq m in Japan and 115 sq m in Holland, all as densely populated. It's because builders make more money that way - and, perhaps, because we are the only EU country not to have minimum-space standards for the homes we live in.

Source: <https://www.theguardian.com/global/shortcuts/2012/may/16/architecture-housing>

I, therefore, agree with the recommendation by Sidmouth Town Council that the houses are too small. It would be preferable to have four houses on the site with parking per dwelling.

Technical Consultations

Environmental Health

I have considered the application and note that this site is close to nearby residents who may be impacted during the construction process. We would request the applicant to consult and follow the council's Construction Sites Code of Practice prepared by Environmental Health and adopted by the council in order to ensure that any impacts are kept to a minimum. This is available on the council's website: <http://eastdevon.gov.uk/noise/noise-guidance-and-advice/guidance-and-advice-for-developers-builders-and-contractors/>

County Highway Authority

Observations:

I make the same response recommendations as with the outline application 16/0382/OUT.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY,

RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. The Development shall not be brought into use or occupied until a sheltered and secure cycle parking facility capable of accommodating a minimum of one cycle per dwelling unit has been provided within the site. A design and specification to be submitted to and approved in writing by the Local Planning Authority.

REASON: To encourage cycling and to provide safe and secure facility for the storage of cycles.

2. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON: In the interest of public safety and to prevent damage to the highway.

Officer authorised to sign on behalf of the County Council 3 March 2017

Other Representations

Three representations of objection have been received raising the following grounds:

1. Inadequate parking provision for residents and visitors and overflow parking will spill into South Lawn where there are already ongoing serious parking problems.

2. The building may affect a large and attractive silver birch tree which is situated on the border between the EDDC car park and the Surgery car park.

3. Unacceptable noise from prospective occupiers who would be crammed in on an already compacted area and lack of respect and forethought for existing residents.

4. Closure of health facilities for an ageing population is unacceptable and the existing building may be put to better use in the support of community care.

5. Waste of a perfectly sound building that could have been converted into offices which would better serve the community.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 26 (Development at Sidmouth)

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)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Relevant Planning History

16/0382/OUT - Demolition of former surgery building and construction of 6no. affordable terraced dwellings (outline application with all matters reserved) (Outline). Approved 19/8/16.

Site Location and Description

The site, which is approximately 0.1 hectares in area, comprises the vacant former Sidford Branch Surgery building and its adjacent parking and curtilage areas. It is located to the south of, but immediately alongside, a footpath that connects Sidford Road with a public car park, accessed from Church Street, to the east.

The northern boundary with the footpath is both open and contiguous with part of the boundary of the designated Sidford Conservation Area.

Vehicular access to the former surgery car park is via the public car park. A Silver Birch tree is positioned just to the south of this access.

Nos. 150 and 152 Sidford Road, a relatively recently constructed pair of semi-detached two storey dwellings with principal north-facing aspects towards, and open frontages onto, the footpath, are located immediately to the west of the site. A turning and parking facility serving both of these units is accessed from Sidford Road.

This development was granted planning permission on appeal in 2013 having originally been refused by the Council on grounds relating to its perceived detrimental impact upon the character and appearance of the conservation area and unacceptable overlooking/privacy impact upon no. 148 Sidford Road.

The immediate surrounding area is largely residential in character. However, shops and other facilities in Sidford are a short distance to the north and north east of the site.

Proposed Development

Outline planning permission (application 16/0382/OUT refers) was granted in August 2016, following consideration by Members of the Development Management Committee, for a scheme comprising the demolition of the existing former surgery building and the construction in its place of six dwellings (not affordable housing managed by a registered provider). All detailed matters, comprising the layout, scale and appearance of the development and landscaping of, and means of access to, the site, were reserved for later approval.

The current application seeks approval of details of all of these reserved matters.

The outline application included indicative site layout and elevation details that showed two short terraces of three two storey units separated by a communal access path leading to the rear gardens of four of them. These also illustrated a stepping of the western of the two terraces together with a step in roof ridge and eaves levels between each dwelling. Colour perspectives that were also submitted showing brick and grey

tile external wall and roof finishes and identical elevation treatment throughout, including simple lean-to canopies over front doors.

This illustrative scheme showed no on-site parking facilities due to the restricted size of the site, location close to services and facilities in Sidford and presence of a public car park adjoining the site.

The submitted detailed proposals, which involve the provision of six two bedroom dwellings with ground floor front lounges and combined rear kitchen/dining areas, largely follow the overall grain of the outline scheme. Two terraces of three dwellings are once again shown but with no stepping of any of the units within either. Instead, the western terrace (units 4-6) would be set slightly further back from the footpath than the eastern terrace (units 1-3). In addition, the floor and roof eaves and ridge levels of the eastern units in each terrace would be stepped down from the other two dwellings. However, in terms of their individual footprint areas, each unit would be almost entirely identical to those shown indicatively at the outline stage.

There are however a number of notable differences in approach to the design and external appearance of the dwellings, some of which have been introduced/amended through negotiation in order to secure a better quality scheme in the light of the prominence and sensitivity of its location in relation to the adjacent conservation area.

These principally relate to the addition of bargeboards to the eaves detailing of the four end units, the addition of 'dummy' chimneys to each unit, the substitution of man-made slate for tile finishes to both the main and front porch canopy roofs throughout, an appropriate colour and texture of render external wall finish and the substitution of tarmac path surfaces for paving slabs in two colours, grey and buff. Samples of all materials, including the brick proposed for the window head soldier course detailing, have been submitted during the course of consideration and negotiation of the details.

The scheme does still retain a simple form and appearance with three light casement windows on all front elevations and a mix of two and three light casements to the rear of each unit. The proposed lean-to front porch canopies would be supported by corner brackets. Front doors would be of largely closed design with slim vertical lights while pairs of French windows would feature on all rear elevations.

The details provide for bicycle storage facilities for each dwelling, in line with the requirements of one of the conditions attached to the outline permission, in the form of small individual sheds within the rear garden of each unit.

Each unit would feature front garden areas that would be open to the footpath. The western site boundary with no. 152 and the rear boundary with the ends of the rear gardens of properties in South Lawn would be defined by 1.8 metre fences. A similar treatment would also be applied to the boundaries between individual rear gardens and that of the eastern unit with a narrow triangular area of low mass planting proposed along the edge of the site with the adjacent public car park. A rear access path would be provided for this unit from the car park.

The proximity of this dwelling to the boundary means that an existing Silver Birch tree on the very edge of the site would need to be felled. Replacement planting is proposed

in the form of a pair of trees within the north eastern corner of the front garden of this unit and the north western corner of the front garden of the most westerly of the six dwellings. An arboricultural consultant's report submitted with the application recommends that this could take the form of a Himalayan Birch or a Sweetgum for the easternmost tree and a Rowan for the other tree. However, other options are available although, given the relative constraints of the site, a tree with a more fastigiated form would be desirable.

The submission also includes additional detailed information that seeks to discharge the requirements of pre-commencement and other conditions attached to the outline permission in respect of finished floor and ground levels, means of disposal of surface water, materials, cycle parking facilities, tree protection and the submission of a Construction and Environment Management Plan. Some of these details are incorporated within the scheme, as already alluded to.

Considerations/Assessment

Each of the reserved matters is considered in turn as follows:

Layout

As already stated in brief above, the layout details largely follow those shown indicatively with the approved outline application in terms of the general arrangement of the units across the site and their overall footprint area, both individually and cumulatively.

The observations raised by the ward member and the qualifying concerns expressed by the town council regarding the size of each of the dwellings are acknowledged. Indeed, it is accepted that, at 8.4 metres depth by, variously, 4.5 metres and 4.3 metres width, they are modest. However, although slightly smaller, it is thought that this compares overall with the dimensions of nos. 150 and 152 Sidford Road (which, although wider at 5.3 metres, are of a reduced depth of 8 metres) and the main body (i.e. excluding their subservient rear gable projections) of the terraced houses in South Lawn that back towards the site. These are around 8 metres in depth by 4.5 metres width. Individual rear gardens would also be greater in area than those of nos. 150 and 152 Sidford Road. It would also compare with those of the cottage style properties to the north that front onto Sidford Cross at the A3052/A375 junction.

In the absence of any locally adopted space standards, or any related policy in the adopted Local Plan, a refusal of planning permission on the basis of the size of the dwellings could not be justified. This is despite the fact that the dwellings have an internal floor area of 65 square metres compared to the nationally described space standards of 70 square metres for a 2-bed three-person dwelling. However, in order to use the nationally described space standards they need to be formally adopted and evidenced, usually through a Local Plan or DPD and this has not yet taken place in East Devon.

In addition, being mindful of the decision to grant outline permission specifically for six units, it is considered that the submitted layout realistically represents the only, and the most appropriate, means of achieving this number of dwellings on the plot, particularly since it also essentially follows the general grain of much surrounding

development, more specifically insofar as it reflects residential terraces at South Lawn, Sidford Road and Sidford Cross.

Although it would be possible to increase the footprint areas of the units and/or create a single terrace of six houses, it is considered that this could result in the site, which is itself modest in area, being overdeveloped. Furthermore, it is thought that the provision of a pair of short terraces with a central gap between them would appear preferable to a longer single terrace/built form, notwithstanding the existing terraced groups around the site referred to above.

Whilst the comments from the Ward Member on the size of the dwellings are appreciated, with 6 dwellings granted at outline, with a need for smaller less expensive dwellings across the district, no adopted minimal space standards, and the proposal being compatible with the grain of surrounding development, a refusal of planning permission on the basis of the small size of the dwelling could not be defended on appeal.

Scale

Matters relating to the footprint areas and wider plot coverage have been considered above. In terms of the heights of the proposed dwellings (each unit would be of the same height at 8 metres from internal floor to roof ridge level), this shows the roof ridge heights of units 5 and 6 at the same level as those of nos. 150 and 152 Sidford Road with a step of 0.3 metres down to that of unit 4. There would then be similar drops in level to the other terrace and between units 2 and 1 within this terrace. A corresponding drop in eaves levels is also proposed.

The fall in floor and roof ridge and eaves levels reflects a gentle west to east fall across the site and is preferred visually to the rather more repetitive drop in ridge/eaves levels between each unit (with the exception of units 3 and 4) shown as part of the indicative detail at the outline stage.

The clear intention to avoid exceeding the ridge heights of nos. 150 and 152 Sidford Road and show a slight drop in roof levels in line with the gradient of the site are considered to represent an appropriate approach to the scheme design and, in this regard, is supported.

External Appearance

It is considered that the negotiated revisions to the design elements and external wall and roof finishes described in the previous section of the report have secured some improvement in the overall quality of the scheme to the extent that support can now be offered towards it on this basis.

It is also worth highlighting that, in the observations set out in his decision letter, the Inspector dealing with the appeal against the Council's refusal of the development that is now nos. 150 and 152 Sidford Road was particularly keen to see the incorporation within that scheme of certain elements/revisions, notwithstanding the detailed plans before him, and expressly conditioned their inclusion. These comprised the substitution of a proposed artificial slate roof finish for natural slates, the addition of chimneys, a specific palette of bricks for the development and soldier courses above

windows and the extent of window reveals. However, no objection was raised to the use of white PVCu for the windows or eaves bargeboards.

Although proposing a different palette of finishes to that scheme the details of the proposed development have, with the exception of the submission of further information relating to window reveals, been modified along much the same lines. Negotiations have secured a natural slate roof finish, acceptable render texture and colours and brick soldier courses above the windows and the addition of chimney to all six units. Although the use of timber for the windows and eaves bargeboards would have been more traditional, it is considered on balance, and having regard to the Inspector's findings regarding the detailing of the adjacent development, that the proposed use of white PVCu for these elements would be acceptable.

Means of Access

It has never been envisaged that the scheme would provide for on-site vehicle access or parking. Indeed, this situation was considered and accepted by the Committee at the outline stage.

As such, whilst the qualifying concerns raised by the town council in relation to the absence of such provision are noted, it cannot form the basis for any sustainable ground upon which to object to the submitted details.

The proposed pedestrian access arrangements are acceptable.

Landscaping

The open plan front garden layout proposed would be consistent with the approach taken with the neighbouring development, albeit that low wooden fences of an open paling design have been added, set back from the footpath boundaries of both plots. The intention to use 1.8 metre high timber fencing elsewhere would be generally acceptable, especially since much of it would be screened from public view by the dwellings themselves.

The visual impact of the proposed fenced eastern side boundary of the rear garden of plot 1 would be offset to some degree by the extent to which it would be set back from the boundary together with the low level planting proposed for the wedge-shaped piece of land between the two.

The loss of the existing Silver Birch tree, whilst regrettable, is essentially unavoidable given the acceptance of the principle of six dwellings at the outline stage. However it is considered that, subject to detail, the suggested replanting proposals would be acceptable.

Other Matters

All other details relating to the matters referred to above that have been submitted in order to discharge the requirements of the relevant conditions attached to the outline permission are considered to be acceptable.

Conclusion

The proposal is in accordance with the outline consent on the site and will provide a development of 6 dwellings that will be in character with its context and will preserve the character and appearance of the adjoining conservation area.

Whilst the dwellings are relatively small, this should make them fairly affordable and a refusal of permission on the basis of the small size of the dwelling could not be justified.

In light of the above the application is recommended for approval with conditions.

RECOMMENDATION

APPROVE subject to the following conditions:

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

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. No. 16/0382/OUT) granted on 19th August 2016.

The following reserved matters have yet to be approved:

None

The following Conditions attached to the Outline Planning Permission (ref. no. 16/0382/OUT) referred to above are hereby discharged, have previously been discharged or remain to be complied with on site but without the need for the submission of details or separate agreement:

1, 2, 3, 4, 5, 6, 7, 8, 9, 10

The following Conditions attached to the Outline Planning Permission (ref. no. 16/0382/OUT) referred to above remain to be complied with where details are required to be submitted prior to the commencement of development:

None

The following additional conditions are attached to this reserved matters approval:

2. In accordance with details that shall previously have been submitted to and approved in writing, two replacement trees shall be planted to replace the Silver Birch hereby permitted to be removed. These shall include details as to the size

and species of the trees and the timing of their planting. Provision shall be also made prior to planting for inspection of the trees and the planting pits by a suitably qualified and experienced arboriculturalist, details of which shall also be submitted. The replacement trees shall be planted in the locations shown on the Tree Constraints Plan (drawing no. TH/X1442/1016 Rev. 1.0) prepared by Advanced Arboriculture and received by East Devon District Council on 24th January 2017. They shall be a minimum of 8 -10cm in girth and shall be maintained for a period of five years; such maintenance to include the replacement of the trees should they die. The species of the trees shall be selected from the following list or such other species and location, size and timing as may be agreed in writing by the Local Planning Authority:

Himalayan Birch (*Betula jaquemontii*)

Sweetgum (*Liquidambar styraciflua*)

Rowan (*Sorbus aucuparia*)

(Reason - To maintain continuity of tree cover and compensate for the loss of amenity from the removal of the existing tree in accordance with Policy D3 - Trees and Development Sites of the adopted East Devon Local Plan 2013-2031.)

3. The materials/finishes to be used for the development hereby permitted shall be as follows and as per details/samples submitted to the Local Planning Authority:

Walls - Buttermilk/Ivory/Olar White render with Cheddar Red brick window heads

Roof - Contessa Grey natural slate

Chimneys - Cheddar Red brick

Paths - Grey/Buff

(Reason - To define the approved wall and roof finishes in the interests of the character and appearance of the development and the area in accordance with Policy D1 - Design and Local Distinctiveness of the adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the 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:

16/762/01 C	Combined Plans	08.05.17
16/762/03 B	Proposed roof plans	08.05.17
16/762/04 C	Proposed Elevation	08.05.17
16/762/05 C	Proposed Elevation	08.05.17
16/762/06 B	Landscaping	08.05.17
17DO1CJT	Landscaping	20.02.17

	Location Plan	24.01.17
16/762/02B	Proposed Floor Plans	02.02.17
16/762/07A	Other Plans	02.02.17
16/762/08A	Other Plans	24.01.17
16/0762/09A	Proposed Site Plan	02.02.17

List of Background Papers

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

		Committee Date: 7th August 2017
Tale Vale (AWLISCOMBE)	17/1279/FUL	Target Date: 31.07.2017
Applicant:	Mr Martin Fordham	
Location:	Crosshill Cottage Weston	
Proposal:	Demolition of existing barn and rebuild of barn with extensions to form 1 new dwelling.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before the Development Management Committee as the officer recommendation differs to the view of a ward member.

This application relates to a site in the hamlet of Weston which, in planning terms, is considered to be in the open countryside and, therefore, an unsustainable location.

Planning permission is sought for the demolition of a building and the construction of a new dwelling in its place. A similar application was refused by the Council in early 2017, on the basis that the site is in an unsustainable location. However, prior to that, an application for the conversion of the existing building to a dwelling, which was recommended for refusal, was approved by the Development Management Committee.

As this proposal is essentially the same as the application refused in 2017, and as planning policy has not changed since that application was determined, it is considered that there is no reason to alter the recommendation to refuse that application. It is, therefore, recommended that this application is refused.

CONSULTATIONS

Local Consultations

Clerk To Awliscombe Parish Council

17/1279/FUL.

Demolition of existing Barn and rebuild of barn with extensions to form 1 new dwelling. The Parish Council have no objections to this application.

Tale Vale - Cllr P Skinner

In response to this application and having read the comments from differing parties, parish council and neighbours it is encouraging to see a general consensus of support.

On the basis that I supported the first application on this site and that too was against officer advice, I feel compelled to fully SUPPORT this application in the continuance of this site being completed in what is a very prominent position for the village of Weston.

I will take up the challenge of fighting against the back drop of sustainability on the grounds of it's closeness to two major shopping food retail outlets that are in EASY reach whether it be by foot or push bike.

I would welcome this report coming before the DM committee where I believe the opportunity for all parties to express their views to the committee members is best placed.

Technical Consultations:

County Highway Authority
Does not wish to comment

EDDC Trees

I have no objections in principle to this development, a more detailed tree planting scheme is required

Other Representations

Five letters of support have been received. Each of these is on the basis that the proposed development would, in the view of the authors, improve the appearance of the site and the hamlet.

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)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Strategy 43 (Open Space Standards)

Strategy 50 (Infrastructure Delivery)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

Crosshill Farm is located in the hamlet of Weston, which is in the countryside to the north of Honiton. The farmhouse is no longer associated with any farm land, having been sold off with some of the barns several years ago. The original farm house has since been enlarged and refurbished and the modern barns have been replaced with a new dwelling. The current application site relates to the redevelopment of the northern part of the land to the east of the new dwelling on the site of existing barns. Access is proposed via the driveway serving the existing dwellings and around the back of the dwelling approved under application 14/0266/FUL.

Planning history

Planning permission for the conversion of the buildings, now proposed for demolition, to a dwelling was approved at Development Management Committee. At the time, the application had been recommended for refusal by officers on the basis that it was not considered that the building was structurally capable of conversion, would require substantial reconstruction and extension to develop it in the manner proposed, its location outside of a built-up area boundary and accessibility in relation to a range of services. A further reason for refusal relating to the lack of a mechanism to secure affordable housing contributions was also proposed. In the event, the application was approved by Development Management Committee on the basis that the building was considered to be structurally capable of conversion and that the site was sustainably located and that the conversion of the building would be of benefit to the village. The approval was subject to a requirement for a unilateral undertaking to address the affordable housing contributions required under Strategy 34, however, this requirement was subsequently removed following the Government's successful appeal into thresholds for application of affordable housing and tariff based contributions and the reinstatement of Planning Practice Guidance in this respect.

Prior to the application for the conversion of the buildings in question to a dwelling permission was granted in 2014 for the redevelopment of an adjoining site consisting of the removal of existing barns, the erection of a new dwelling and formation of access (14/0266/FUL refers).

Most recently, application 16/2320/FUL, for the demolition of the building and the construction of a dwelling, was refused in February 2017. This was on the basis that the site is located in an unsustainable location as follows:

The proposal would represent new build residential development in a countryside location outside of any designated built-up area boundary and where, by virtue of the excessive distance to facilities in Honiton and the lack of safe and convenient walking and cycling routes, as well as the inadequate public transport facilities, the occupiers of the proposed dwelling would be largely dependent on car-based trips to access employment, shops, leisure and community facilities. The proposal would therefore constitute unsustainable development which would be contrary to Strategy 7 (Development in the Countryside) and policy TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 and guidance contained in the National Planning Policy Framework.

Proposed Development

Planning permission is sought to demolish the existing barn on site and to construct a new dwelling in its place. The new dwelling would be constructed on the same footprint as the existing barn with the extensions mirroring those that were approved under the previous conversion proposal. The Design and Access Statement accompanying the application states that, "...the applicants have now been advised by their builder that the costs which will be incurred in converting and extending the barn would be so significant as to make the project unviable."

The existing buildings on site have previously been described as a 'range of loose boxes' now used for storage ancillary to the residential use of Crosshill Farmhouse. The barn is a single storey structure with random rubble rear and gable walls and a twentieth century brick and timber/steel facade. The roof comprises a number of timber trusses and is covered in corrugated iron sheets.

At the rear of the building is a now disused silage clamp. In front of the building there are further structures, including a 'roundhouse'. These structures to the south formerly fell within the application site for the proposed conversion project but now form a separate site for which permission is sought for conversion to a further dwelling. As previously, the proposal shows access would be along the new drive which serves the existing dwellings, with the existing access to the east to be closed as a requirement of a condition attached to the permission for the new dwelling (14/0266/FUL).

The proposal would seek to reconstruct the existing barn and build extension to it in such a manner that it would replicate the design of the 'conversion' approved under application 15/1786/FUL. The resulting building would have an elongated U shaped plan form, with an additional timber conservatory off the south elevation and would be constructed with blockwork cavity walls faced with natural stone/brick the roof would be finished in slate to match that on Crosshill Farm.

ANALYSIS

Consideration and Assessment

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

- The principle of the proposed development
- The design and impact on the character and appearance of the area

Principle

The site is in a rural location and for planning policy purposes is in the countryside as Weston does not have a Built-up Area Boundary. Strategy 7 of the Local Plan is clear that it will only permit development in such location where it is in accordance with a specific Local Plan or Neighbourhood Plan Policy that explicitly permits such development. Weston is not a settlement listed under Strategy 27 of the Local Plan and as such is not a settlement which is proposed to have a settlement boundary designated through the Villages Plan process. There appear to be no current plans for a neighbourhood plan that covers this area.

The application now proposes a new build dwelling in an area where there is no policy support for such development. Although the previous application was approved by Development Management Committee and would have resulted in a similar completed development, that was on the basis of a conversion of an existing building. As a conversion project there is some potential support for such proposals under Policy D8 of the Local Plan and subject to meeting a number of criteria. In the case of the previous application, whilst officer's were of the view that it did not meet the relevant criteria and that the building was not capable of conversion, the Development Management Committee at the time took a different view considering that the building was structurally capable of conversion, the site was sustainably located and that the conversion of the building would be of benefit to the village.

The current proposal is not for a conversion of a redundant building and as such there is no support to be found under policy D8 of the Local Plan. Notwithstanding the view previously expressed by Development Management Committee in relation to the sustainability of the location, the site is not in a location where the principle of new residential development is supported by Local plan policies. It is acknowledged that development has been permitted for a new dwelling on adjoining land but at the time the current Local Plan was not adopted and the previous Local Plan was time expired. This situation has now changed and there are no specific policies of the adopted Local Plan that support the proposal. As such, as stated at paras. 12 and 196 of the NPPF applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The NPPF is a material consideration in itself. In relation to the proposals for rural housing para. 55 of the NPPF sets out a number of special circumstances where such development may be acceptable, these are: to meet the essential need for a rural worker to live permanently at or near their place of work in the countryside; 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; where the

development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or due to the exceptional quality or innovative nature of the design of the dwelling. It has not been demonstrated that the proposed development would meet any of these criteria and no other special circumstances have been demonstrated.

In relation to whether the proposal could be considered to represent sustainable development it no longer would realize the sustainability benefits of re-using an existing building as this is no longer the case. As far as the location of the site and accessibility to services required to meet the everyday needs of residents goes, it is accepted that Members of Development Management Committee have previously taken a different view from officers, both in relation to the previous application for conversion of the barn and for the development of a new build dwelling on the adjoining land. Nonetheless, officers remain of the view that the location of the site is not sustainable and would reiterate previous comments in this respect as follows:

"...the site is about 900 metres from the edge of the Heathpark Industrial estate and about 1500 metres from the nearest food store, Lidl. The distances to employment and shopping sites are therefore unlikely to be attractive to pedestrians, particularly if carrying shopping. Cycling may be a realistic alternative but for other destinations, such as to reach schools, the town centre or leisure facilities, the distance and the volume of traffic on the roads would not be attractive except to committed cyclists."

It is noted that the applicants have previously suggested that there is a regular "stop and hail" bus stop providing a link to Honiton but there are no details of the regularity of this service but it is unlikely to operate outside of working hours and in itself would not be sufficient to change the view on the sustainability of the site. The application would therefore be contrary to policy TC2 of the Local Plan as well as to one of the core principles of the NPPF.

In addition, whilst the applicant has advised that the build costs prevent conversion of the building in accordance with the previous consent, no evidence to support this has been submitted.

Design and Impact on the character and appearance of the area

Whilst a re-build rather than a conversion is proposed the end result would be very similar in terms of appearance. It has previously been recognised that the proposal has the potential to offer some benefits in terms of tidying up a neglected part of the site but that other options for use of the building/land appear not to have been explored. It was previously suggested that it could be used as a workshop or store associated with either of the adjacent dwellings and in that way aesthetic improvements could be secured. Additionally, the previous report noted that the benefit to the public realm would be limited following the closure of the existing access (required by condition on an earlier consent). Given this the view remains that the weight to be attributed to any 'visual enhancement' to the area arising from the proposal would be limited.

It is therefore considered that the limited benefits that might arise from the redevelopment and therefore tidying up of the site would not outweigh the harm that

would result from the construction of a new dwelling in this countryside location divorced from the services and facilities required to support day to day living for which there is no policy support.

Other matters

The Council's arboricultural officer has previously confirmed that he has no objection to the proposed removal of a line of Leylandii trees from the site. Were the application otherwise to be considered acceptable replacement planting could form part of a landscaping condition, similar to that approved on the conversion permission; in relation to this application, the arboricultural officer, has stated that, subject to a detailed tree planting scheme, he has no objections to the proposal.

The building has moderate potential for use as a bat roost but a thorough search by an ecologist found no evidence of current use. The ecologist's report does not recommend further survey work and concludes that development could go ahead without harming protected species, subject to the usual precautions.

Several inactive swallow and sparrow nests were found in the barn which would be lost as a result of the development. The proposed mitigation measures include the provision of alternative nesting facilities elsewhere on site in undeveloped barns. There is however now a proposal for the development of the remaining barns to the south of the site and as such there would be no 'undeveloped barns remaining in the control of the applicant should both developments be approved. In the event that such a scenario were to arise, details of alternative mitigation measures should be conditioned to ensure adequate provision is made.

Sustainable development

On the previous report to Development Management Committee consideration was given to how the proposed development would manage the three dimensions to sustainable development described in the NPPF: economic, social and environmental. The current application would not significantly alter the view previously expressed in that: it would have a small social benefit through the provision of a new house but would not make a significant contribution to the supply of housing in the district; would provide some economic benefits through associated employment and business activity associated with the construction, and; would provide some limited benefit in tidying up the site (albeit this would be of limited public benefit.) However, these benefits need to be balanced against the significant adverse effect of developing a dwelling in a location where the occupants would be reliant on the car for most, if not all, of their journeys and where there would be no benefits arising from the re-use of a redundant building as this is not proposed.

In addition, it is considered that it would be more sustainable to convert the existing building under the existing consent that to demolish the existing building and replace with a new build dwelling.

CONCLUSION

Despite the Development Management Committee granting planning permission for the conversion of the building to a dwelling in January 2016, this was prior to the adoption of the local plan and in light of policy support for the conversion of existing buildings to dwellings in rural locations.

This application is a repeat of an application submitted and refused earlier this year for the replacement of the rural building with a new dwelling i.e. no longer a conversion of the existing barn.

Although the applicant has a fall-back position of consent for conversion and extension of the barn to form a dwelling, there is no planning policy support in the adopted Local Plan for the replacement of rural buildings/barn with new build residential development. The fall-back position should not be used to justify a new replacement dwelling as there is currently no dwelling on the site and no policy support.

The applicant has stated that it is not viable to convert and extend the barn but no evidence has been submitted to support this or to justify that an alternative conversion with smaller extensions would not be viable.

Given the lack of policy support for the replacement of a rural barn with a new build residential property, and given the location of the site outside of any built-up area boundary in a location that would result in reliance on the use of the car, the application is recommended for refusal for the same reason as the application determined earlier this year.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposal would represent new build residential development in a countryside location outside of any designated built-up area boundary and where, by virtue of the excessive distance to facilities in Honiton and the lack of safe and convenient walking and cycling routes, as well as the inadequate public transport facilities, the occupiers of the proposed dwelling would be largely dependent on car-based trips to access employment, shops, leisure and community facilities. The proposal would therefore constitute unsustainable development which would be contrary to Strategy 7 (Development in the Countryside) and Policy TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 and guidance contained in the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant

planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

	Location Plan	16.05.17
17/788/05A	Proposed Combined Plans	16.05.17
17/788/04A	Proposed Elevation	16.05.17
17/788/08A	Proposed Site Plan	16.05.17
17/788/03A	Proposed Floor Plans	16.05.17
17/788/06A	Proposed roof plans	16.05.17

List of Background Papers

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

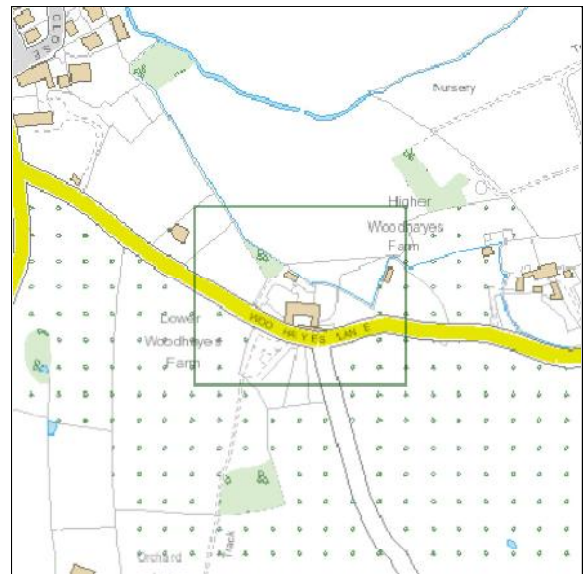
Ward Whimple

Reference 17/1397/FUL

Applicant Mr & Mrs Henry Gordon Lennox

Location 5 Lower Woodhayes Court Woodhayes Lane
Whimple Exeter EX5 2TQ

Proposal Construction of single storey rear extension.



RECOMMENDATION: Approval - standard time limit

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		Committee Date: 7th August 2017
Whimble (WHIMPLE)	17/1397/FUL	Target Date: 18.08.2017
Applicant:	Mr & Mrs Henry Gordon Lennox	
Location:	5 Lower Woodhayes Court Woodhayes Lane	
Proposal:	Construction of single storey rear extension.	

RECOMMENDATION: Approval - standard time limit

EXECUTIVE SUMMARY

This application is referred to Committee as one of the applicants is an Officer of the Council.

The application seeks permission to replace a conservatory with a brick built extension to the rear of the dwelling house which, together with neighbouring dwellings alongside originally formed part of a complex of agricultural barns. The site which is located in undesignated open countryside to the south east of the village of Whimble was converted from agricultural use to residential following permission granted in 1988.

The proposal would infill an area behind the dwelling house alongside a similar depth extension to the neighbour to the east. Whilst the proposal would utilise a flat roof, given the extension would be added to the rear of the dwelling house with limited public views replacing a conservatory, it is not considered there would be a significant effect to the character of the area.

With regard to the amenity of neighbouring properties, a flat roofed extension is proposed and there are no windows proposed on the sides of the extension which would offer views to neighbouring properties; the extension would match the depth of the extension on the rear of No 6 to the east and would be separated from No 4 to the west by a footway linking the front of the dwellings to a rear parking courtyard. Taking these circumstances into account it is not considered the proposal would be significantly harmful to the amenity of neighbouring dwelling houses.

The application is therefore recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

Whimble Parish Council have no objections - straightforward application for re use of an area currently built on, not visible by anyone else so is a discrete development and a neighbour has already done the same so a precedent has been set, will be done in a sympathetic style with good use of materials. As the applicants are a parish councillor and a senior officer within EDDC this is likely to go to committee for decision but this PC has no objections to the application

Technical Consultations

County Highway Authority

Does not wish to comment

Other Representations

No third party comments have been received.

POLICIES

D1 – Design and Local Distinctiveness

Site Location and Description

The house and others adjoining which were converted from agricultural barns following permission granted in 1988, are located in open countryside to the south east of the village of Whimble accessed from Woodhayes Lane. The area is not subject to any specific designations except being susceptible to surface water flooding.

Relevant Planning History

A conservatory was added to the rear of the dwelling as permitted development in 2008.

Proposed Development

The application seeks permission to add a single storey flat roofed extension with lantern roof light across the rear width of the house. The extension would replace an existing conservatory and be just over 3m in height abutting a rear extension of the neighbouring dwelling to the east, itself granted permission in 2016. The west side of the extension would in turn abut a boundary fence separating the garden of No 5 from a pathway to the rear parking court. On the other side of this is a further neighbouring property; No 4.

ANALYSIS

Assessment

Given the similar depth of extension as that approved in 2016 to the rear of No 6 to the east and the separation with No 4 to the west, it is not considered the proposal would be significantly harmful to the amenity of neighbouring properties. Whilst the height of the extension would be approximately 750mm (2'6") higher than the top of the boundary fence there are no windows within the facing elevation of No 4 to the west.

In regard to the materials, a matching brick is proposed for the walling of the extension which would match the ground floor wall of the dwelling house. Whilst the extension is in flat roofed in design, the rear garden where the extension is proposed is not readily visible from public viewpoints as described by the Parish Council and would partially replace an existing conservatory; therefore it is considered that any affect to the character of the surrounding area would be imperceptible. Whilst the proposal adds a larger extension to a former barn conversion, the character of the dwellings and design of the extension are such that they would cause no harm to the character of the converted group.

The proposal would also retain adequate rear garden area for the dwelling.

In terms of drainage in the context of the surface water flooding susceptibility, this would be a matter for Building Regulations to control.

Conclusion

The proposal is of a suitable design and will not harm the amenity of adjoining residents and as such the proposal is acceptable.

RECOMMENDATION

APPROVE

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.

Plans relating to this application:

001	Location Plan	12.06.17
003	Combined Plans	12.06.17

List of Background Papers

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

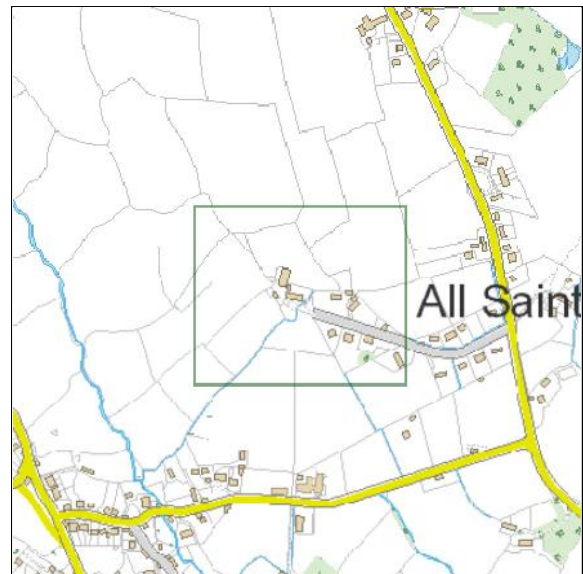
Ward Yarty

Reference 17/0655/FUL

Applicant Mr A Lightfoot

Location Knights Farm Knights Lane All Saints
Axminster EX13 7LS

Proposal Alteration and extension to existing house, creation of new gate path and steps, conversion of part of existing barn to create holiday let, construction of proposed domestic garage/workshop including the creation of a new access track and associated change of use and the rebuilding of existing mower shed



RECOMMENDATION: Refusal

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		Committee Date: 7th August 2017
Yarty (ALL SAINTS)	17/0655/FUL	Target Date: 31.05.2017
Applicant:	Mr A Lightfoot	
Location:	Knights Farm Knights Lane	
Proposal:	Alteration and extension to existing house, creation of new gate path and steps, conversion of part of existing barn to create holiday let, construction of proposed domestic garage/workshop including the creation of a new access track and associated change of use and the rebuilding of existing mower shed	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

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

The application relates to a grade II listed farmhouse, Knights Farm, and its associated land and outbuildings. The site is located at the end of a ribbon of residential development along Knights Lane but outside any designated built-up area boundary and therefore in open countryside in planning terms. The site lies within the Blackdown Hills Area of Outstanding Natural Beauty.

Aside from some minor extensions and alterations to the main house, which in themselves are considered acceptable and have recently been granted listed building consent, there are two main elements to the proposal. Firstly, the conversion of an existing building to form a holiday let. Secondly, the construction of a new garage and parking area outside of the residential curtilage and including the extension and upgrading of an existing access track to serve this.

The proposed holiday let conversion is considered to be appropriate in terms of design and other material considerations and would provide some limited economic benefit. However, the existing building appears to be in domestic use as a garage, as opposed to being a redundant agricultural building. Whilst this does not necessarily preclude its conversion, if redundant, policy D8 of the Local Plan does not support such proposals where they would lead to a requirement for replacement buildings. The application includes proposals for a new garage building which is considered to be contrary to policy D8 in this respect.

In addition the new garage and associated parking/turning areas and access track are located outside of the residential curtilage in an adjoining field and where they would have an adverse impact on both the undeveloped character and appearance of the designated countryside and the setting of the listed building and where there is insufficient justification to permit the development as a departure from the Local Plan.

CONSULTATIONS

Local Consultations

Yarty - Cllr P Diviani

I understand that the Applicant and Agent have now met again and are covering points at issue so I would like to add my support to that of the Parish Council for this application and should the Officer view be at variance, then I should like it to come to committee for determination as I would support young people wishing to make a success of living and working sustainably in the countryside.

Parish/Town Council

All Saints Parish Council support this application

Technical Consultations

EDDC Trees

I have no objection in principle to the development, I do have one concern which is the lack of detailing of the upgrade to the existing track which is within the RPA of 3 trees, a Lime and two Oaks on a neighbouring property. To protect these retained trees the drive should be of a no dig construction and if possible restrict the usage to domestic vehicles and no construction traffic to protect the canopy of the trees a condition of tree retention and no works without LA approval would be requested

Blackdown Hills AONB Project Partnership

Thank you for seeking observations from the Blackdown Hills AONB Partnership on the above application.

The AONB Partnership supports its local planning authorities in the application of national and local planning policy in order to ensure that any development in the AONB conserves and enhances the natural beauty of this nationally designated landscape. In support of this the Blackdown Hills AONB Management Plan 2014-19 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It contains the following policy of particular relevance to this proposal:

PD 1/B Seek to ensure that any necessary new developments or conversions within the AONB or affecting its setting conserve and enhance natural beauty and special qualities, particularly by respecting the area's landscape character and the local character of the built environment, reinforce local distinctiveness and seek to enhance biodiversity.

It seems that this is a considerable redevelopment project, with many elements to consider; with regard to the AONB a key part of the area's special qualities is that the landscape has architectural appeal - a strong landscape pattern, punctuated with hamlets and farmsteads of architectural value and vernacular character that blend seamlessly with the surrounding landscape. The encroachment into the adjacent field from the proposed workshop and access drive should form a key part of considerations. It is noted that the workshop is proposed to be of traditional materials and appearance, however the detail of aspects including the domestic curtilage and method of enclosure, material and colour of new driveway, and entrance should be a key part of considerations to ensure that the proposal contributes to conserving and enhancing natural beauty and the special qualities of the area, especially in this very rural part of the AONB.

Conservation

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

See listing description and information on file

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

This application relates to a number of separate proposals to improve, extend and alter the main farmhouse and the adjacent buildings and land. Detailed comments are set out below:

17/0655/FUL

NB. None of the works below require LBC and the plans should not be included

Garage/Workshop: there is no objection to the removal of the existing lean-to store at the north end of the barns. However, there appears to be no justification for the proposed garage/workshop, as there is already existing space for these activities and the new structure will sit outside the main farmgroup, extending into the field/paddock and have an impact on the setting of the listed building;

Holiday Let: this is a modern single storey blockwork extension to the barns behind and the proposed alterations are an improvement on its utilitarian/agricultural appearance. No objections;

New Access Track: this is outside the original curtilage of the farm group and will have considerable impact on the setting of the main farmhouse. The new track will create further domestic paraphernalia and is considered unnecessary. It should be noted that on site and in practice the access track is not to the left (west) of the mature tree/mower shed, but to the right (east).

Mower Shed: the existing dilapidated timber shed does not appear on the 1947 aerial photograph, but does appear on the 1951 OS map. However, despite its simple rural charm, its architectural or historic significance is minimal. No objection to its replacement with similar timber structure, subject to sample/details of materials. Proximity to tree?

Conclusions; further amendment and issues to be addressed. Conditions to be agreed following any amendment.

Amended plans received 2nd June 2017:

See detailed comments below which relate to the previous comments and concerns:

17/0655/FUL

Garage/Workshop: it is noted that the building has been reduced in size, but the previous comments still stand;

New Access Track: although relocated, again previous comments still stand;

Mower Shed: comments as before.

Conclusion: amendment and issues still to be addressed.

Other Representations

1 letter of objection has been received raising the following issues:

- No objections to most of the proposed development but concern over the new access track, parking and turning area and garage/workshop
- Loss of amenity resulting from use of proposed access drive (including noise) and view out over proposed parking/garaging area
- Increase air emissions from use of access track to the rear
- Provision of access track could facilitate additional later development
- Impact on boundary trees as a result of track construction
- Potential increased surface water run-off impacts

PLANNING HISTORY

Reference	Description	Decision	Date
17/0656/LBC	Alteration to existing dwelling and attached barn, reconstruction and enlargement of conservatory and insertion of rooflights	Approval with conditions	26.06.2017

POLICIES

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

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 28 (Sustaining and Diversifying Rural Enterprises)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

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

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset)

EN22 (Surface Run-Off Implications of New Development)

E4 (Rural Diversification)

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

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

SITE LOCATION AND DESCRIPTION

Knights Farm is a traditional farmhouse constructed from random stone with dressed stone detail and thatched roof. It is grade II listed. To the rear is a two storey wing, with single storey lean-to on its east side and modern extension to the west. There is a further later and lower addition (former outbuilding) on the west side of the original building again constructed from stone under a tiled roof and attached to a further single storey building that extends to the north. The building has defined garden areas to the front and rear and other land and buildings associated with the (former) agricultural use of the land surrounding. The site lies in open countryside within the parish of All Saints and at the western end of Knights Lane. It also falls within the Blackdown Hills Area of Outstanding Natural Beauty.

PROPOSED DEVELOPMENT

Planning permission is sought for:

- Alterations and extensions to the existing house and attached outbuildings;
- Creation of a lowered area of garden at the rear of the property and construction of steps, path and access gate leading to;

- Proposed new detached double garage building, served by;
- New driveway through adjoining field and linking to existing drive to the southwest of the house;
- The conversion of part of existing barn (garage) to holiday let unit, and;
- Rebuilding of mower shed

ANALYSIS

The works to the main listed building are covered by a separate application for listed building consent (16/0656/LBC) which has been approved. In this regard the elements of the proposal relating to the main building and attached outbuildings which require planning permission are considered to be acceptable, subject to condition. This report concentrates on the other elements of the scheme.

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

- Principle of Development
- Design, Impact on Landscape and Heritage Assets
- Impact on Ecology
- Arboricultural Impacts
- Economic Benefits
- Other Issues

Principle of Development

The site lies outside of a designated built-up area boundary and as such represents development in the countryside.

Strategy 7 only permits development in the countryside where it is explicitly permitted by another policy of the Local Plan, or relevant Neighbourhood Plan. There are no policies of the Local Plan which explicitly support the change of use of agricultural land to domestic curtilage or operational development on it (garage, parking areas, access drive on it).

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

Strategy 46 – States that development will only be permitted where it conserves or enhance the landscape character of the area; does not undermine landscape quality; and is appropriate to the economic, social and well-being of the area. Within AONBs it states great weight will be given to conserving and enhancing their natural beauty.

Policy E16 permits conversion or use of existing buildings in the open countryside, within close proximity to the main house where a number of criteria are met, which includes: the scale, level and intensity of development being compatible with the surrounding area; the proposal not harming the amenity of neighbouring occupiers; on-site servicing and parking facilities commensurate with the scale of development being provided and the proposal being accessible by a variety of modes of transport and being acceptable in highway terms.

Policy EN9 states permission will not be granted for developments involving substantial harm or total loss of significance of a designated heritage asset unless it can be demonstrated to achieve substantial public benefits that outweigh the harm or loss, or all of the listed criteria are met (these are examined in further detail below). Where a proposal would result in less than substantial harm this would need to be weighed against the public benefits of the proposal.

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

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

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

In relation to the overall principle of re-using and converting (part of) the existing barn the most relevant policy of the Local Plan is policy D8. This policy deals specifically with the conversion of redundant rural buildings and permits their re-use subject to a number of criteria (discussed below)

Setting aside the works to the main building the proposed development can be considered to fall into two main elements:

Conversion of (part of) barn to holiday let unit and new garage and parking area and associated driveway and other works.

Conversion to holiday let

The proposed conversion of the southern end of the existing barn is covered by policy D8. The proposal is considered against the criteria of that policy:

1. The new use is sympathetic to, and will enhance the rural setting and character of the building and surrounding area and is in a location which will not substantively add to the need to travel by car or lead to a dispersal of activity or uses on such a scale as to prejudice village vitality.

The proposed method of conversion is considered to be relatively sympathetic, this is not a traditional barn however but is set within the yard area to the east of the farmhouse. Whilst the proposal would demonstrate no enhancement to the rural setting it would provide some improvements to the appearance of the building itself

offerings a 'softer' appearance to this end of the main barn and relating more to the main listed building and attached outbuildings to it.

2. The building is structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction and any alterations protect or enhance the character of the building and its setting;

The application is not accompanied by a structural survey but the building is of fairly modern construction, utilizing concrete blockwork and it is considered that it would meet the requirements of this criteria.

3. The form, bulk and general design of the building and its proposed conversion are in keeping with its surroundings, local building styles and materials;

The form and bulk of the building would not alter and form part of the existing agricultural context. The proposed method of conversion includes the cladding of the external elevations in waney edged boarding which has also been approved for use on the adjoining shipway and as used on the existing mower shed. The overall design is considered to be appropriate.

4. The proposed use would not harm the countryside by way of traffic, parking, storage, pollution or the erection of associated structures;

Users of the accommodation are likely to be heavily reliant on private transport for the majority of their journeys, however this is a small scale use and the amount of traffic generated would be unlikely to harm the countryside. In terms of parking this could be contained within the yard area and as such would have little wider impact, the same would be the case for any storage associated with the use.

5. The proposal will not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfill a similar function.

The existing structure is described as part of the larger agricultural barn that lies to the north. It is unclear what its previous use has been but it has the appearance of a domestic garage with garage doors in its southern elevation and at the time of officer site visit there was evidence of domestic storage within this building. It is not considered that the building is currently in an agricultural use and it is not clear what, if any, agricultural operations are currently being undertaken, this being the case it is not considered that the loss of the building for agricultural purposes are likely to undermine the viability of any agricultural enterprise that might be re-established. However, as part of the current application it is proposed to construct a replacement garage building. As the building currently appears to be fulfilling such a function it is considered that the proposal would fail under this criteria.

New garage/parking area and associated works

The proposed garage building and associated parking/turning areas and access track are located to the north of the main building and to the west of the existing agricultural barn. There is no policy support in the Local Plan for such development in this location,

outside of the residential curtilage of the property and as such this element is contrary to Strategy 7 of the Local Plan.

In addition, the proposal needs to be considered against Strategy 46 in terms of its landscape impact and policy EN9 in relation to impact on the setting of the listed building, these and other relevant issues are considered below.

Design, Impact on Landscape and Heritage Assets

The proposed method of conversion of the southern end of the barn (garage) to holiday let has been considered above and in terms of design is considered to be acceptable. In addition, the proposed conversion would improve on the existing utilitarian appearance of the building and therefore represent some limited improvement to the setting of the listed building.

In terms of the proposed garage this is considered to be a relatively sympathetically conceived design which has been reduced in scale and which would employ traditional materials, setting aside its context the design is considered appropriate. Furthermore, it is recognised that in landscape terms the application seeks to minimise impact by locating the building close to the existing building group. Nonetheless, the proposal would represent an encroachment into the field to the north of the dwellinghouse and erode the undeveloped and agricultural character of the field. There is currently a clear definition between the residential curtilage of the house and the land to the rear and this is in line with that of neighbouring properties to the east. It is acknowledged that the existing agricultural barn extends into the field but this is viewed as an appropriate building of agricultural character which is not uncommon and where such buildings perform a necessary and essential function in support of farming and management of the countryside. The proposed garage building and associated works would on the other hand introduce a building of a more domestic appearance and importantly function. The associated parking and turning areas would, when in use clearly result in a change in character domesticating the site, not least through the appearance of parked cars etc.

The existing section of access track, which it is proposed to extend into the field to serve the development, serves also as a public right of way - All Saints Footpath 41 – this continues into the field running northward across it. As such there are close range public views of the site and where such views would be altered and adversely affected through the development proposed, including in relation to the setting of the listed building and impact upon the AONB.

In terms of the setting of Knights Farm this is very much informed by its rural location and connection with the surrounding countryside. At present at the rear of the property there is an open setting from the main building to the countryside with, save for the existing barn, no development in between. The proposal would introduce development in the form of the garage and associated parking areas and driveway which would adversely impact on this setting severing the direct connection with the surrounding countryside. In such circumstances and where such harm to the building's setting is considered to be less than substantial it is necessary to weigh the harm against any public benefits. As discussed previously the proposal is considered to be unnecessary and unjustified as there is existing access and garaging available to the property. The

replacement garage would adversely affect the setting of the listed building and public views of it.

Paragraph 132 of the NPPF advises that, "As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification." Para. 134 goes on to state that where it is considered that a proposal would result in 'less than substantial harm', to the significance of a designated heritage asset, "...this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

The NPPG seeks to provide further clarification to policies set out in the Framework at Paragraph it seeks to clarify the importance of 'significance' in decision making explaining that heritage assets can be affected by, "direct physical change or by change in their setting." At para. 013 'setting of a heritage asset' it also confirms that, "The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting" (although that is the case here). Para. 017 confirms that,

"It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting." Finally, in relation to determining what is meant by 'public benefits' para.020 confirms that these are not just a private benefit and should be of benefit to the public at large.

In this instance it is considered that the proposal would result in harm to the setting of the listed building, albeit this would be less than substantial and where there is no justification for this and no public benefit that could outweigh the harm. The only public benefit from the proposal would be through the provision of the holiday accommodation but this is not considered to be of sufficient benefit to outweigh the harm to the listed building bearing in mind the requirement to give special regard to the impact upon heritage assets and as there would appear to be alternative locations for the garage that would not extend into the countryside and would cause less harm to the setting of the listed building.

In terms of wider landscape impact this is considered to be limited by topography (being relatively flat), the location of the development close to the existing barn and dwellinghouse and screening afforded by trees and hedgerow around the field. Nevertheless, the proposals would have a harmful localised impact on the landscape character through the loss of agricultural land and domestic encroachment.

Impact on Ecology

A Bat and Protected Species report accompanies the application this found no evidence of the use of any of the buildings affected as a bat roost and that the proposals would be unlikely to result in disturbance to or significantly affect local populations. Some evidence of the use of the shiphay by nesting birds were found but subject to development being carried out in accordance with the recommendations and mitigation proposals contained within the report the proposal is considered acceptable in ecology and biodiversity terms.

Arboricultural Impacts

The existing access track to the field is proposed to be upgraded and extended to serve the proposed new garage and parking area. There are a number of the mature trees that lie adjacent to this track and concerns has been raised as to the impact of the development on these. The application also proposes to rebuild the existing mower shed that lies at the southern end of the track and within the canopy spread of a Common Lime tree. A tree Inspection report has been prepared to assess the impact of the rebuilding of the mower store on this tree and recommendations made for tree protection measures related to this. The report does not however cover other trees to the north which lie alongside the track and are on the site boundary. Nonetheless, the Council's arboricultural officer has assessed the potential impact of the upgrading of the track on these trees and considers that these can be accommodated subject to controlling the route of construction traffic and requiring a no-dig form of construction. Were the application otherwise considered to be acceptable this could be controlled by a suitably worded condition.

Economic Benefits

The proposal would result in the creation of 1 no. holiday let which would have the potential to bring forward some benefits to the local economy through increase tourist spend, whilst positive these benefits would, due to the scale of the development, be limited. In addition the conversion of the holiday let, construction of new garage and associated development would support construction jobs associated during the period of the development. Taken together these benefits provide some limited benefits in support of the proposal.

Other Issues

The application also includes works of alteration and extension to the main house and adjoining barn/shiphay. These works include conversion of part of the shiphay, new windows/rooflights, raising of chimneys, internal works, cladding and re-rendering to parts of the building and the erection of a replacement conservatory extension. In themselves these elements of the proposal are considered to be acceptable and have been granted listed building consent, however they form part of the overall application and those elements which also require planning permission will require this prior to commencement.

The works to the garden area in themselves would have limited impact but appear to only be necessary to provide access to the garaging and parking areas.

The neighbouring property owner has commented on the application to the effect that they have no objection in principle to the proposals but do have specific concerns in relating primarily to the impact of the proposed access track and garaging/parking proposals. These concerns relate to impact on their amenity through use of the track, including increased noise and emissions, impact on trees, impact on the countryside and surface water run off implications. The latter matters have been discussed above,

in terms of amenity impact it is noted that the track is adjacent to the site boundary with the neighbour's garden and that its use would undoubtedly increase however it would continue to serve Knights Farm only and as such would be lightly trafficked it is not considered that its use would result in any significant amenity impact in terms of noise or polluting effects. In relation to surface water drainage the track is proposed to be constructed so as to be permeable and if otherwise acceptable the parking area could be conditioned to be the same.

Conclusion

There are two main concerns with the application. Firstly the need, and impact from, the provision of a new replacement garage building to provide for the holiday being contrary to policy D8; and secondly, the harm created to the setting of the listed building from the proposal to construct the replacement garage and associated driveway to the rear of the listed building within the countryside.

In light of the need to give special regard to the desirability of preserving the setting of the listed building, and the harm created to its setting from the new drive and garage within the open countryside/AONB and visible from a public right of way, and given that the public benefits are not considered to outweigh this harm, the proposal is contrary to adopted local plan policy and is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed garage and its associated parking/turning areas and access track are located within an agricultural field in open countryside and within the Blackdown Hills Area of Outstanding Natural Beauty where conservation and enhancement of its natural beauty is given priority above other considerations. In this instance, no overriding justification has been provided to outweigh the harm on the character and appearance of the designated landscape and resulting domestication of the countryside, which would result from the proposed development. Consequently, the proposal is considered to be contrary to Strategies 7 - Development in the Countryside and 46 - Landscape Conservation and Enhancement and AONBs and Policy D1 - Design and Local Distinctiveness and D8 - Re-use of Rural Buildings Outside of Settlements of the East Devon Local Plan 2013-2031.
2. The proposed garage and its associated parking/turning areas and access track are located in close proximity to and would adversely affect the setting of the designated heritage asset, Knights Farm (grade II listed), introducing development within the adjoining field and compromising the undeveloped rural setting of the building. In the absence of sufficient justification to demonstrate that any public benefits that would arise from the development that would outweigh the identified harm, the proposal is considered to be contrary to policy EN9 - Development Affecting a Designated Heritage Asset of the East Devon Local Plan 2013-2031 and national planning policy guidance in the National Planning Practice Guidance and the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

	Location Plan	15.03.17
TW16/12/06B : PROPOSED SITE	Amended Plans	30.05.17
TW16/12/07B : PROPOSED FLOOR	Amended Plans	30.05.17
TW16/12/08B : PROPOSED ELEVATION	Amended Plans	30.05.17
TW16/12/10B : COMBINED	Amended Plans	30.05.17
TW16/12/11B : COMBINED	Amended Plans	30.05.17

List of Background Papers

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

Ward Exmouth Withycombe Raleigh

Reference 17/1128/FUL

Applicant Mr N Rodwell

Location 44 Bradham Lane Exmouth EX8 4AW

Proposal Construction of single storey rear extension



RECOMMENDATION: Approval - standard time limit



		Committee Date: 7th August 2017
Exmouth Withycombe Raleigh (EXMOUTH)	17/1128/FUL	Target Date: 26.07.2017
Applicant:	Mr N Rodwell	
Location:	44 Bradham Lane Exmouth	
Proposal:	Construction of single storey rear extension	

RECOMMENDATION: Approval - standard time limit

EXECUTIVE SUMMARY

This application is presented to Committee as the applicants are closely related to an officer of the Council.

The application seeks permission to extend an existing side / rear extension by 600mm in depth and alter the existing roof from a rear facing monopitch to a shallow pitch using similar materials to the existing extension.

Whilst objections have been received from the occupants of the neighbouring property to the south and the Town Council raising concerns of overbearing, loss of light and creation of a wind tunnel effect, given the existing circumstances and relatively modest wall and roof extension it is considered the proposal would not be significantly harmful to neighbouring amenity to justify refusal of permission.

The application is therefore recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

Meeting 19.06.17

Objection on the grounds that the proposal would be overbearing to the neighbouring property.

Technical Consultations

None received

Other Representations

2 objections received concerned with loss of sunlight and creation of wind tunnel effect causing damage to neighbouring property in high winds.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

ANALYSIS

Site Location and Description

44 Bradham Lane is a semi-detached property fronting onto Bradham Lane one of a line of similar dwellings in this part of Exmouth. It is constructed of pebbledash render with brick and a concrete tiled roof. The area is not subject to any particular designations.

The adjoining property, number 46, has an existing outbuilding on the boundary with the application site and is raised above number 44.

Relevant Planning History

Planning permission was granted in 2014 for the side extension.

Proposed Development

The application seeks permission to extend the existing ground floor area of the side extension granted by the earlier permission by 600mm, raise the floor level within the rearmost part to the same level as the kitchen for safety reasons, and amend the roof from a monopitch to a shallow pitch to match the forward part of the roof in height and materials which would involve an infill of walling to the rear of the existing extension.

Assessment

County Highways have not commented on the application at the time of compiling this report; it is unlikely there will be highway issues given there are no changes to the parking arrangements for the dwellinghouse.

The work in raising the floor level of the rearmost room would not be visible from outside the property; an outbuilding to No 46 is constructed alongside to the south to a not dissimilar depth that will help to screen the extension. The extended roof proposed in terms of length and height would be visible from the side and rear of No 46 which has 3 windows on its side elevation facing northwards. However given the

extended roof has a shallow pitch proposed it is not considered that the impact to light to the neighbouring property would be significantly harmful nor be overbearing towards it as suggested by the Town Council, particularly given the position of the neighbour's outbuilding alongside the proposed extension and the application site being at a lower level.

In terms of the creation of a wind tunnel effect the side wall on the boundary between No 44 and No 46 is already in place and whilst a gap at high level would be closed at the end of this existing wall and this infilled with part wall and the extended roof, it is not considered that this change would significantly alter the existing circumstances to such a degree that it would be considered significantly harmful to the amenity of the occupants of the neighbouring dwelling.

Appropriate materials are proposed for the context of the existing dwellinghouse and character of the surrounding area.

Conclusion

The proposal is for a very modest extension to the property and given the small additional depth of projection, limited additional height and presence of an existing outbuilding on the boundary to the neighbouring property, the proposal is considered to be acceptable with any impact upon the neighbour minimal and not of an extent that could justify refusal of planning permission.

RECOMMENDATION

APPROVE

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).

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:

17:10:LP	Location Plan	26.05.17
17:10:PL01	Combined Plans	31.05.17
17:10:PL02	Combined Plans	30.05.17

List of Background Papers

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

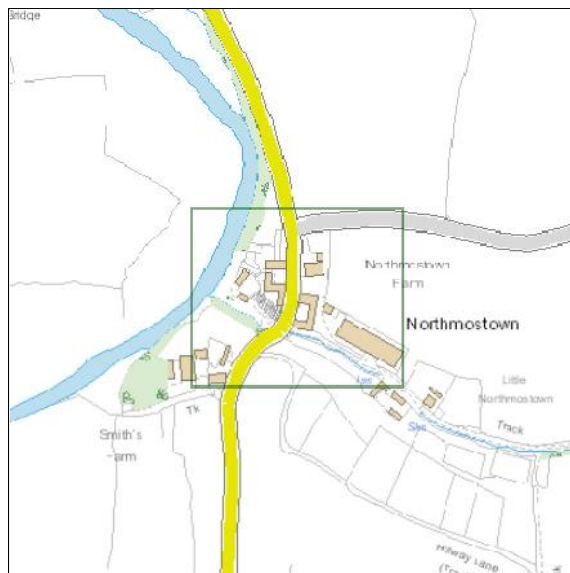
Ward Newton Popleford And Harpford

Reference 17/1127/LBC

Applicant Mrs Ann Woodland

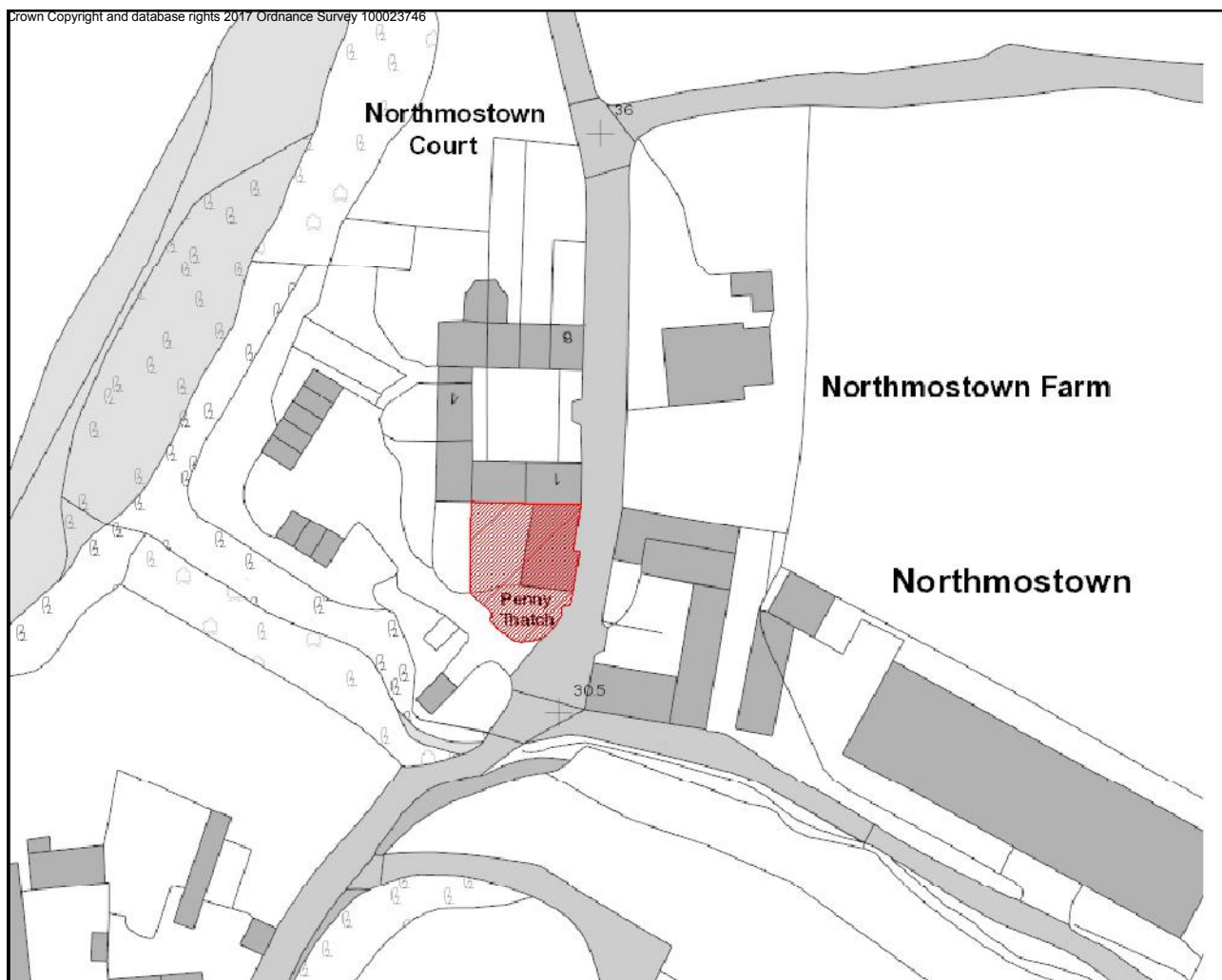
Location Penny Thatch Northmostown Sidmouth EX10 0NL

Proposal Installation of secondary glazing to 8no windows



RECOMMENDATION: Approval with conditions

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		Committee Date: 7th August 2017
Woodbury And Lympstone (LYMPSTONE)	17/1127LBC	Target Date: 11.07.2017
Applicant:	Mrs A Woodland	
Location:	Penny Thatch, Northmostown, Sidmouth, EX10 0NL	
Proposal:	Installation of secondary glazing to 8no windows	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the applicant is an employee of East Devon District Council.

The alterations are relatively minor to allow provision of a ground floor wet room and bedroom. The proposals will not harm the setting, character, appearance or features of the listed building and as such are acceptable and in accordance with Policy EN9 of the adopted Local Plan. Subject to the conditions the works are considered to be acceptable.

CONSULTATIONS

Parish/Town Council

22.05.2017 Council supports this application.

County Highway Authority

22.05.2017 Does not wish to comment.

Other Representations

No 3rd party representations were received.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

EN9 (Development Affecting a Designated Heritage Asset)

EN8 (Significance of Heritage Assets and their setting)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

Penny Cottage, a late C17th to early C18th vernacular cottage, modernised in the mid 1980's, mainly through the introduction of casement windows without glazing bars and some superficial internal works, although these have retained the original layout.

Historically Penny Thatch, an L-shape dwelling, facing south, was closely linked to Northmostown Farmstead, the majority of the built form of which remains today. Forming the immediate setting of Penny Thatch, the only heritage asset within the complex of buildings.

Aesthetically the Listing states... 'plastered cob on stone rubble footings; stone rubble or cob stacks topped with C20 brick; thatch roof'. An.. 'irregular 2-window front.. all the other windows around the house are contemporary. The main block faces south : the left (western) room is the larger and has a rear lateral stack and the right room has an end stack (maybe an insertion)...Service room in lower rear block set at right angles behind the right (eastern) end. 2 storeys'.

Proposal

The application proposes the installation of secondary double glazing to 8 windows.

ANALYSIS

The merit associated with Penny Thatch; a vernacular 2-storey dwelling, is evident through its aesthetic and historic value. The sum of which including the surrounding built form, contribute to the significance of the heritage asset.

The works as proposed, would result in no harm to the historic fabric of the building due to the existing casement windows being a latter addition. In addition the simple form of the existing windows would not be undermined by the addition of an internal frame given its thin profile that would not be highly visible from the exterior of the building. This ensures that there will be not harm to the identified significance of the heritage asset or to its features.

CONCLUSION

The installation of secondary glazing to Penny Thatch, would not result in harm to any historic fabric and as such the application is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted.
(Reason - To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)

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 listed building concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

	Statement of Significance	16.05.17
WF1532AV	Specifications or technical data	16.05.17
	Location plan	02.05.17
W1-W8	Photos (inside)	02.05.17
W1-W8	Photos (outside)	16.05.17

List of Background Papers

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

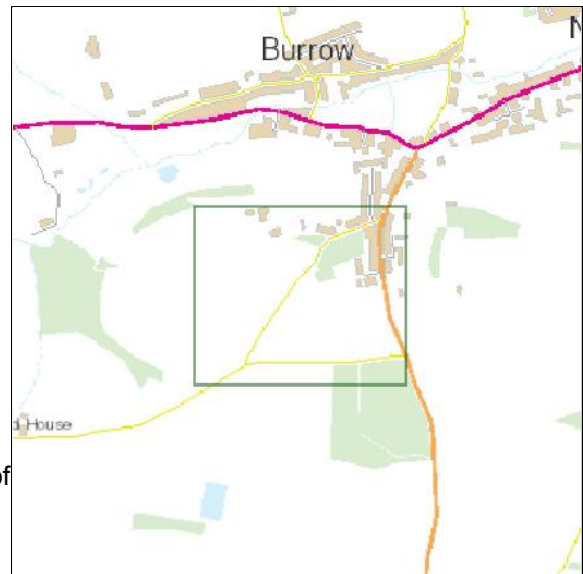
Ward Newton Popleford And Harpford

Reference 17/1130/COU

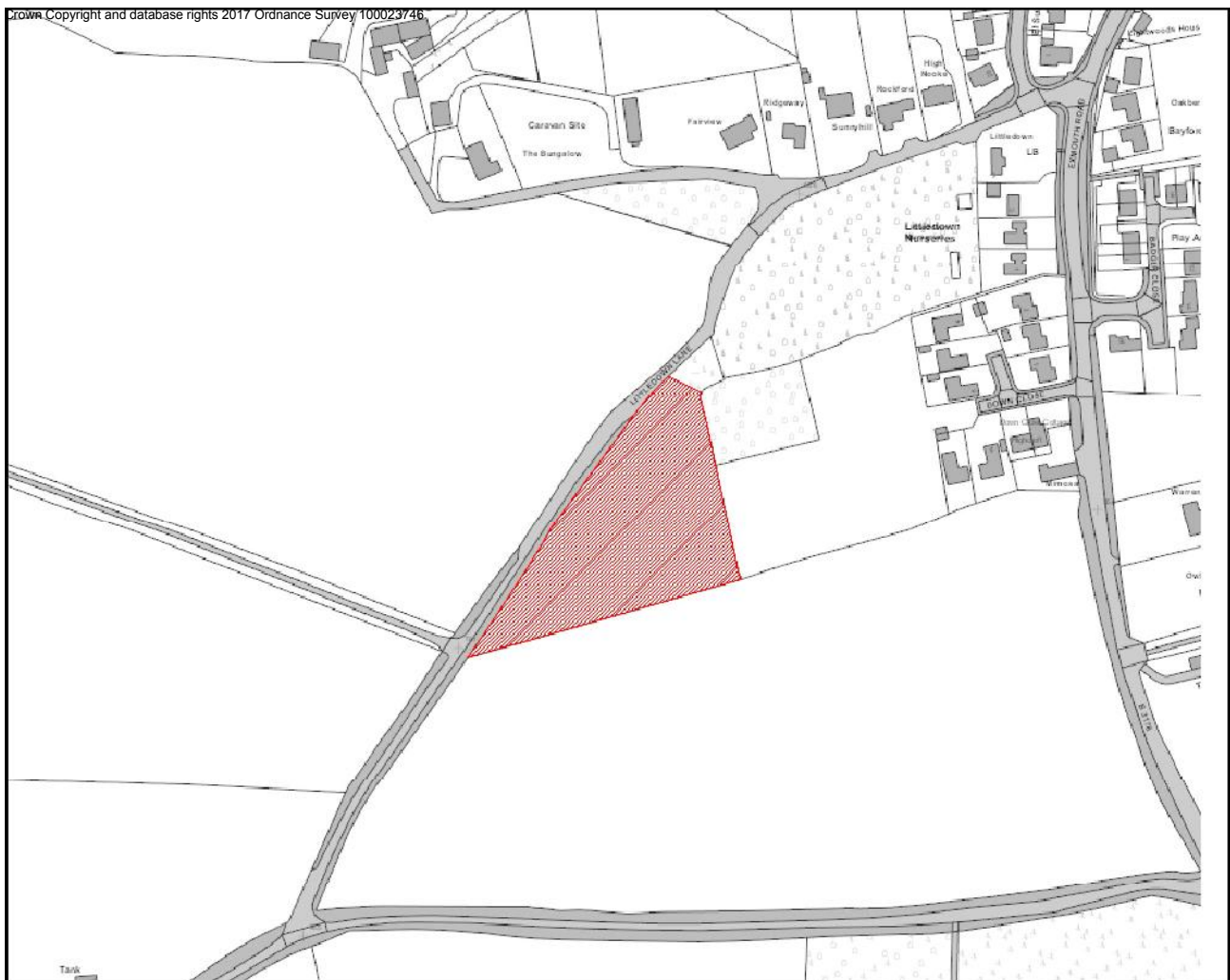
Applicant Mrs Teresa Loynd

Location Land At Littledown Lane Newton Popleford Sidmouth EX10 0BG

Proposal Construction of animal barn, shed for storage of animal feed and tools.



RECOMMENDATION: Approval with conditions



		Committee Date: 7th August 2017
Newton Poppleford And Harpford (NEWTON POPPLEFORD AND HARPFORD)	17/1130/COU	Target Date: 07.07.2017
Applicant:	Mrs Teresa Loynd	
Location:	Land At Littledown Lane	
Proposal:	Construction of animal barn, shed for storage of animal feed and tools.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the Development Management Committee because the applicant is a member of staff at the Council, and also because the view of the Council differs from that of a ward member.

This application relates to an area of land on the south-eastern side of Littledown lane, on the outskirts of Newton Poppleford. The land is in the open countryside and is within the East Devon Area of Outstanding Natural Beauty (AONB). The site is currently largely wooded, with a hedge or woodland boundary on all sides except for the southern boundary, which consists mainly of a fence. There are some structures present on the site, as well as a caravan. The site is accessed off Littledown Lane, through a combined vehicular and pedestrian gateway. There are a number of Tree Preservation Orders on the north-eastern boundary of the site.

Planning permission is sought to construct a number of buildings on the land ancillary to the use of the land to farm goats. A bird hide and paths were also proposed as part of the application as originally submitted but have been withdrawn from the application.

Given the location of the site and its lawful agricultural use, the keeping and breeding of goats on the site is acceptable. In addition, the provision of a barn for the animals, construction of sheds for the storage of animal feed and tools are considered acceptable and ancillary to the agricultural use of the land.

Screening can be secured by condition to ensure that the proposal is not visually harmful.

Given the above, and subject to appropriate conditions, it is considered on balance that the proposal is acceptable. Consequently, it is recommended that this application is approved.

CONSULTATIONS

Parish/Town Council

Please find below consultee comments from NPHPC:

Newton Poppleford and Harpford Parish Council does NOT support this application on the following grounds:

- 1) That no Conservation / Tree Management plan exists to safeguard the ecology and wildlife on this agricultural land.
- 2) That the proposed size, style and construction of the bird hide is out of keeping with the area and may actually pose a hazard to birds and animals; similarly, the proposed Animal Barn is significantly larger than necessary and would not blend in well with the agricultural landscape on this land and council is unable to ascertain how many animals would be kept on the land using said barn.
- 3) That the proposed development is outside of the BUAB and stands contrary to the established Village Plan.
- 4) That council considers the designation of "personal use" as too ambiguous and fears that tacit acceptance of this newly-created designation may establish a precedent for such Change of Use applications which would be detrimental to the character and ecology of the rural parish environment in the future.

Newton Poppleford & Harpford - Cllr V Ranger

17/1130/COU Land At Littledown Lane Newton Poppleford Sidmouth EX10 0BG

I object to this application.

I note the comments of the trees officers and agree with their comments. The matter has also been discussed twice at parish council and the site has been visited.

Breeding goats is an agricultural activity and therefore would not need a change of use. Likewise it is common to put down stone in agricultural gateways to ensure ease of access without change of use. There is easy parking at the entrance outside to the site on existing ground.

Potential Harm

Clearing the land may have removed the potential for Nightjars and other birds which next close to the ground eg Dartford Warblers, Gold finches etc and this therefore seems counter to the stated purpose of encouraging wildlife. What advice has been taken on this and what evidence has been put forward that this proposal will protect existing wildlife and be acceptable in terms of biodiversity?

Trees management

Rabbits and squirrels are very destructive to trees, particularly native oaks and therefore encouraging them as stated in the planning support statement seems misguided. I hope that further advice on trees and land management will be taken.

I note in section 3 of the planning application it states that no protected or priority species will be affected by the development of this land - what advice has been sought and what evidence has been provided to support this? For example some species would prefer dark and covered areas where they cannot be seen or observed.

Bird Hide - 7 glazed windows and french doors 1.7 M wide seem excessive and out of keeping with the usual simple wooden structure. Give that birds may nest in different locations, the position of the windows does not guarantee that observation is possible. I can see that it would make a very comfortable amenity for the owners who live approximately 11 miles away but this is not the stated purpose of the building.

Waste management - I note that it states 'not applicable' on the planning application, yet a portaloo is proposed on site. Has waste management been addressed?

Visually obtrusive - The whole site has taken on a suburban look with a house name 'Woodentop' on the gate, suburban style fencing lining the hedgerow where birds might have been nesting etc. The site has become very visually noticeable and numerous concerns have been raised by residents.

The site is outside of the BUAB and is therefore Development in the open countryside.

Planning precedent - if permission is granted for this, it sets a precedent for a seemingly new category of 'Personal Use' that would be hard to contest in future applications to change land from agricultural to personal use. Continual erosion and exceptions to the Local Plan weaken its purpose.

This application does not comply with D1, D2, D3 and Strategy 7 and I do not believe we should be making an exception to policy and grant permission. The land should remain as agricultural status which will not prevent the applicants from goat breeding or watching birds but will make it clear that this is not a residential site either in part or in total. It will also go some way to protecting the AONB which deserves the highest protection.

County Highway Authority

Recommendation:

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

EDDC Trees

I have a number of reservations/observations:

- a) The proposed path will detract from the setting of any natural wooded area and would be damaging to adjacent trees.
- b) The 'bird hide' will largely be devoid of a view if surrounded by ash coppice.
- c) The proposed hedge would need to be on a hedgebank to remain in keeping with the local area. No details relating to planting species, number of plants per metre or their aftercare have been submitted.
- d) The application is not supported by a long term woodland management plan.
- e) It is not clear how the trees, coppice or new hedge plants will be protected from the proposed goats, or how many goats are proposed.
- f) Given the size of the site and its remote nature I do not see the need for tool storage, in addition any tools stored in a remote location such as this are at risk of being stolen.
- g) No tree or hedge protection plan has been submitted to support the application.

The site is within the AONB and the proposed scheme would erode the rural character of this landscape and be potentially damaging to maturing secondary woodland. The current scheme is contrary to our local planning policies D1, D2 and D3.

Further comments:

My original comments have not been addressed.

Other Representations

Two representations have been received in relation to this application. The comments raised are summarised as follows:

- The proposal could result in a loss of wildlife.
- The proposal would result in visual harm.
- Trees may be lost or damaged as a result of the proposal.
- Is a change of use needed?

PLANNING HISTORY

Reference	Description	Decision	Date
16/2449/HRN	Remove 4.27m section of hedgerow	Approval - standard time limit	07.12.2016

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

Site Location and Description

This application relates to an area of land on the south-eastern side of Littledown Lane, on the outskirts of Newton Poppleford. The land is in the open countryside and is within the East Devon Area of Outstanding Natural Beauty (AONB). The site is currently largely wooded, with a hedge or woodland boundary on all sides except for the southern boundary, which consists mainly of a fence. There are some structures present on the site, as well as a caravan. The site is accessed off Littledown Lane, through a combined vehicular and pedestrian gateway. There are a number of Tree Preservation Orders on the north-eastern boundary of the site.

Proposal

Planning permission is sought to construct a number of buildings (animal barn and stores) on the land ancillary to the use of the land to farm goats.

ANALYSIS

Consideration and Assessment

The key considerations in the determination of this application are as follows:

1. The principle of the proposal.

The application site lies in the open countryside and within the East Devon AONB. It is considered that the elements of the proposal constitute an agricultural use and on a piece of land with a lawful agricultural use these uses are acceptable in principle.

As originally submitted the application proposed a number of paths through the site and bird hide for use by the applicant. These have caused a number of concerns and as such those elements have been withdrawn from the application.

On the basis of the above, it is considered that the proposal is considered acceptable in principle.

2. The impact of the proposal on the AONB and open countryside.

The application site lies in the open countryside and within the East Devon AONB. Therefore, a key priority is to ensure that development in these locations is not harmful to the rural nature, or the natural beauty, of the area. In this instance, the proposal is for the construction of a number of small buildings. These would be located close to the southern boundary of the site. The nature of the proposed buildings is, however, such that, when viewed in context with the surrounding environment, they wouldn't be overly visible in the landscape. However, they would be visible and, therefore, it is considered reasonable to impose a condition requiring the planting of a hedge bank on the southern curtilage boundary in order to ensure that the structures are screened.

This would be sufficient to ensure that the buildings, or any other part of the proposal, would not be harmful to the AONB or the open countryside.

The entrance to the site is considered to be slightly domestic in appearance, but not overly so and, consequently, not detrimental to the countryside or AONB. The nearby close-boarded fence is very domestic in its appearance; however, this does not require planning permission as it is not more than 2 metres high and is not considered to be adjacent to the highway.

3. Highway safety.

Access to the site is off a minor rural road. There is space to park off the highway. Given this, the above-mentioned proposed conditions, and the fact that the County Highway Officer has not objected to the application, it is considered that the proposal would not be detrimental to highway safety.

4. The impact of the proposal on protected trees.

The Council's Arboricultural Officer has assessed the application and raised a number of comments. It is considered that the majority of these have been overcome through either amendments to the proposal or would be overcome through conditions discussed above. Given this, and as no element of the proposal would be near to the protected trees on the north-eastern edge of the site, it is considered that there are no arboricultural concerns relating to the proposal.

5. Representations from the public, ward member and parish council.

The comments made by these individuals or groups are noted, and have been considered. However, for the reasons discussed above, it is considered that the proposal is, as amended, acceptable.

Conclusion

The portable shelter, animal barn and shed would be ancillary to the agricultural use of the land and subject to some boundary screening are considered to be acceptable.

RECOMMENDATION

APPROVE subject to the following conditions:

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

3. No development shall take place until details of a hedge bank to be constructed on the southern boundary of the land in question has been submitted to, and approved in writing by, the Local Planning Authority. The bank shall be constructed and planted 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 Strategies 7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement and AONBs), and 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:

TRL- 4 B	Proposed Combined Plans	
TRL - 5 B	Proposed Combined Plans	
TRL - 3 B	Proposed Site Plan	
	Location Plan	10.05.17
TRL – 6B	Proposed Combined Plans	

List of Background Papers

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

Ward Ottery St Mary Rural

Reference 16/2918/FUL &
17/0783/VAR

Applicant Mr P Carter

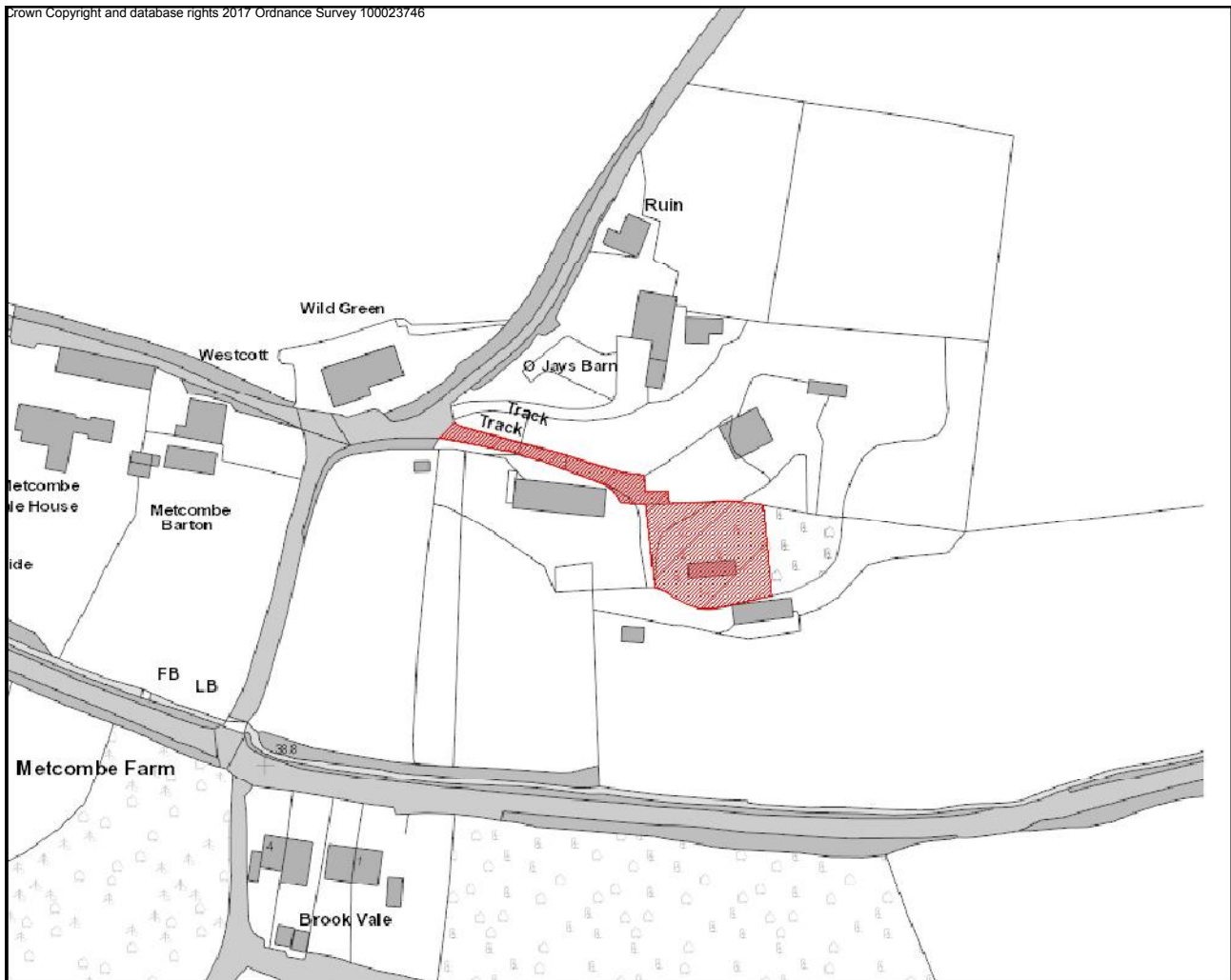
Location The Caravan O Jays Barn Higher Metcombe
Ottery St Mary EX11 1RS

Proposal 16/2918/FUL -Retention of mobile home and decking for use as holiday accommodation.
17/0783/VAR - Variation of condition 5 of planning permission 15/0677/FUL (formation of menage) to allow extended use of the menage by visitors to the proposed holiday caravan use.



RECOMMENDATION: Approval with conditions

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		Committee Date: 7th August 2017	
Ottery St Mary Rural (OTTERY ST MARY)	16/2918/FUL	Target	Date:
		13.02.2017	
Applicant:	Mr P Carter		
Location:	O Jays Barn Higher Metcombe		
Proposals:	16/2918/FUL - Retention of mobile home and decking for use as holiday accommodation.		

RECOMMENDATION: 16/2918/FUL – Approval with conditions subject to a legal agreement

		Committee Date: 7th August 2017	
Ottery St Mary Rural (OTTERY ST MARY)	17/0783/VAR	Target	Date:
		16.05.2017	
Applicant:	Mr P Carter		
Location:	O Jays Barn Higher Metcombe		
Proposals:	17/0783/VAR - Variation of condition 5 of planning permission 15/0677/FUL (formation of manege) to allow extended use of the manege by visitors to the proposed holiday caravan use.		

RECOMMENDATION: 17/0783/VAR – Approval with conditions

EXECUTIVE SUMMARY

These two applications are brought before the Committee as the applicant is a Member of the Council and also the ward member for the site.

As the Planning background to both proposals and the proposals themselves are closely linked, the applications are presented in the form of a joint report for Members' consideration.

O Jays Barn is a detached residential property occupying an open countryside location at Metcombe. It was formed from the conversion of a former barn

following a grant of planning permission on appeal in 2004 and has been subsequently extended pursuant to a further permission granted in 2012. In addition, a manege has recently been formed on adjacent land following a grant of planning permission in 2015 (ref. 15/0677/FUL).

A mobile home was stationed on the site, with the benefit of permitted development rights relating to the temporary use of land, during the course of work carried out in connection with the approved conversion scheme and the more recent extension. However, since completion and subsequent occupation of the development some years ago, it has remained in situ and is therefore currently unauthorised.

Application 16/2918/FUL seeks to regularise the retention of the mobile home, together with an associated area of raised timber decking constructed adjacent to it, for use for holiday accommodation purposes. To this end it is intended that the accommodation is aimed mainly, but not exclusively, at individuals, families and groups wishing to take specialist equestrian-based holidays.

The main case made in support of the proposal is that it complies with the provisions of Policy E4 (Rural Diversification) of the adopted Local Plan insofar as it relates to a 'farm' diversification project that would be compatible with the existing agricultural activities carried out on the holding, which is around 17.6 hectares (44 acres) in area.

As a means of underpinning this, and in order to make the manege facility available to prospective occupiers of the mobile home, a separate application (ref. 17/0783/VAR) has been submitted to seek a variation in the wording of a condition attached to planning permission 15/0677/FUL. This currently restricts the use of the manege for private purposes ancillary to the use of land for the keeping of horses and the occupation of O Jays Barn itself. However, it is proposed that it be modified to allow for wider use in association with the proposed holiday accommodation.

There is significant mutual dependency in this case between the retention of the mobile unit and the proposed lifting of the use restriction on the manege which turns principally upon the extent to which the former can be accepted as meeting the requirements of Policy E4. Whilst there are some concerns as to the extent to which the proposal amounts to a genuine agricultural diversification project, it is thought on balance that it has to be regarded as complying with the policy given the agricultural activity taking place on the holding and the favourable indication that is provided in its preamble within the Local Plan in relation to holiday accommodation use.

In the absence of any conflict with the remaining criteria set out in Policy E4, the proposed retention of the mobile home is viewed as being acceptable subject to a legal agreement to ensure that it is not used as an independent dwelling.

It follows therefore that the variation of the current use restriction on the manege is also acceptable subject to appropriate wording to define and limit the scope of its use.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Town Council supports both applications.

Technical Consultations

County Highway Authority

Does not wish to comment.

EDDC Trees

No objections to the retention of the mobile home.

Other Representations

Councillor Jenny Brown

Tourism Councillor for East Devon

I am responding to app. No 16/2918/FUL.

As Tourism Councillor for East Devon I fully support this application as it fulfils a need in rural tourism.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

E4 (Rural Diversification)

RC4 (Recreation Facilities in the Countryside and on the Coast)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Introduction

These applications are brought before the Committee as the applicant is a Member of the Council and ward member for the site.

As the Planning background to both proposals and the proposals themselves are closely linked, the applications are presented in the form of a joint report for Members' consideration.

Background and Site Location/Description

O Jays Barn is a detached residential property formed from the conversion and extension of a redundant former agricultural barn following a grant of planning permission on appeal in November 2004 (application 03/P2699 refers).

It occupies an open countryside location on the edge of the hamlet of Metcombe to the west of Tipton St. John and to the north of Brookvale, the Class C road that connects it with West Hill. It is accessed off of an unclassified lane that extends north off this road towards Fluxton. The immediate area is not the subject of any landscape designations or other material constraints although the boundary of the East Devon Area of Outstanding Natural Beauty (AONB) is around 300 metres to the south.

The property is one of a small loosely grouped complex of buildings comprising barns and stables that occupies a registered holding that extends to approximately 17.6 hectares (44 acres) of arable land to the north, west and east.

Although work in implementing the approved scheme is understood to have commenced within the (then) five year term of the planning permission, a non-material amendment to the approved plans was accepted some time after this, in November 2011. A subsequent permission was granted in January 2012 for the addition of a single storey extension on the west elevation of the building (application 11/2685/FUL refers).

During the conversion works to the barn a static mobile home was stationed on land to the east that formed part of its curtilage. This was for occupation by the applicant whilst the development was in progress and was undertaken lawfully with the benefit of permitted development rights in relation to the temporary use of the land for this purpose.

An area of raised timber decking was subsequently constructed (without a grant of planning permission) alongside the mobile home to its north.

More recently, planning permission was granted in June 2015 for the formation and laying out of a manege within part of a field occupying lower land to the south east of the main dwelling and mobile home (application 15/0677/FUL refers). A condition was applied stipulating as follows:

'The development hereby permitted shall only be used for purposes ancillary to the use of the land for the keeping of horses on a private basis and/or in conjunction with the use of O Jays Barn as a dwellinghouse and shall not be used for any equestrian centre, riding school or other business or commercial use.'

The manege has recently been constructed.

The mobile home and timber decking, which are now unauthorised and have been so since completion and occupation of the approved residential conversion, remain in situ.

Proposed Development

Application 16/2918/FUL, submitted after numerous attempts by the Council's Planning Enforcement Officer over a period of some years to secure it, seeks the permanent retention of the currently unauthorised mobile home and decking and their use as holiday accommodation.

It is intended that it would be predominantly, although not exclusively, aimed at providing equestrian-based holidays for individuals, couples or families wishing to engage in horse riding or pony trekking activities, either involving horses in their ownership, which could be stabled at the site, or horses provided by the applicant. In addition, the land within the applicant's ownership would be made available for riding purposes. The proximity of the site to the local bridleway network and the access that they provide to the Commons to the south are highlighted as material factors in support of equestrian uses of the holding that would underpin the complementary nature of the proposed use of the mobile home for holiday letting purposes.

It has been made clear that there is no intention to establish a riding school or a centre for hiring horses or to offer training to members of the public.

The application advises that the business would be run by the applicant's daughter in conjunction with the existing farm and equestrian activities operated from the holding.

In parallel with this, application 17/0783/VAR seeks the variation of the condition attached to planning permission 15/0677/FUL restricting the use of the approved manage referred to above to permit extended use of this facility by occupiers of the mobile home as holiday accommodation.

The case made in support of both proposals, which is discussed more fully in the next section of the report, centres around the argument that they would be compliant with the diversification provisions of Policy E4 (Rural Diversification) of the adopted Local Plan.

Considerations/Assessment

The main issues that are material to assessment of the main proposal, namely the retention of the mobile home and decking subject of application 16/2918/FUL, relate to the principle of the development and its impact upon the character and appearance of the countryside. Each is discussed in turn below.

Strategy 7 (Development in the Countryside) of the Local Plan 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 or environmental qualities of the surrounding area, including land form and

important natural and man-made features and public views that contribute to local landscape character.

Strategy 33 (Promotion of Tourism in East Devon) supports high quality tourism that promotes a year-round industry that is responsive to changing visitor demands, is sustainable and does not damage the District's natural assets.

Policy E4 permits proposals to diversify and expand upon the range of traditional agricultural related economic activities undertaken in rural areas where they meet a series of specified criteria, including: uses being complementary to agricultural operations in the rural area or on a farm and operated as part of an overall holding; the character, scale and location of the proposal being compatible with its landscape setting; the proposal avoiding use of best and most versatile agricultural land; traffic generated by the proposal being capable of being accommodated on the local highway network without harming road safety or adversely impacting visually upon the countryside, and no harm arising in terms of the amenity of local residents.

Much of the dialogue between officers and the agents representing the applicant over the past few months has focused upon the extent to which the proposed retention of the mobile home as holiday accommodation meets the provisions of Policy E4 against which it is thought the proposal should be primarily considered. In particular, the degree to which it may be considered to properly amount to a genuine agricultural diversification project has been closely examined.

In this regard, it has been advised that the applicant's holding is used for grazing sheep, lamb production, growing maize and silage making as well as equestrian activity. The applicant also has access to a further area of family-owned land that is also used for farming and equestrian purposes in which he takes an active part, which would be supported by the proposed holiday accommodation.

It is therefore contended that there is currently a level of agricultural activity with which he is involved that, as such, would meet the fundamental requirement of Policy E4 that diversification proposals should be complementary to existing agricultural operations. This is particularly the case since the preamble to it that is set out in the Local Plan cites a variety of countryside and agricultural uses, including 'tourism uses' including 'holiday accommodation', as acceptable forms of rural diversification. Moreover, the proposed holiday accommodation would be operated as part of the overall holding in line with the policy requirement and not form part of a separate business venture with no connection to the existing agricultural activity at O Jays Barn.

Whilst there is an element of doubt as to the degree to which the applicant is directly involved in agricultural activity and the extent to which the area of the holding may be sufficient to generate a significant income from it, it is accepted that these are not criteria that are specifically applied by Policy E4 or even given reference within its preamble. In such circumstances therefore, it is thought that it can only be concluded that the proposal would represent a form of agricultural diversification that would be compliant in principle with Policy E4 given the nature of the holding and the fact that there is a level of agricultural activity taking place from it.

Turning to the remaining relevant criteria set out in Policy E4 referred to above, it is not considered that the mobile home or decking materially adversely detracts from the open countryside setting that the site enjoys. The unit is reasonably discreetly positioned in the landscape where it is screened to a large degree by existing mature trees (albeit less so during the winter months) and set against a backdrop of rising ground upon which there are more trees. Furthermore, it is well related to both the existing main dwelling, from which it is capable of being serviced, and the other existing buildings and structures in its vicinity within the context of which it is situated. In addition, views of the unit from Brookvale are limited to a relatively short section of the highway immediately to the south of the holding. It is not readily visible upon general approach from either the Tipton St. John direction to the east or from the Metcombe direction to the west. As such, in the circumstances it is not considered that an objection to the retention of the mobile home or an adverse landscape impact grounds could reasonably be supported. The decking is not visible from outside of the site.

As the siting of the mobile home and decking occupies a small wooded enclave and part of a former sand quarry, it does not use or otherwise impact upon any best and most versatile agricultural land which in the vicinity is in any event grade 3.

Equally, it is considered that the level of additional traffic and vehicular movements that would be generated by a single holiday letting unit would be capable of being accommodated on the local highway network without causing harm to road safety or any adverse visual impact upon the surrounding countryside. The private lane (public bridleway) that serves the site currently only provides access to a small number of properties in addition to O Jays Barn and its junction with Brookvale is satisfactory in both standard and visibility both from and of emerging vehicles.

Finally, the mobile home is positioned a sufficient distance from any other residential properties as to be capable of being occupied, with associated traffic and pedestrian movements, without resulting in any significant harm to the amenities of existing residents of properties in the vicinity. In this regard, the majority of properties in the hamlet are to the west and south of the site with separation provided by both the main dwelling and fields and hedges between the site and Brookvale.

The proposal has also been considered by the Council's Arboricultural Officers in view of the proximity of the mobile home and decking to a mature tree and its crown spread. However, no objections are raised to the development with regard to any threat to the health or well-being of this specimen. As such, there are no arboriculture-related objections to the retention of either element of the development.

Turning to application 17/0783/VAR, the proposed variation of the condition restricting the use of the manege attached to planning permission 15/0677/FUL to facilitate wider use by occupiers of the retained mobile home as holiday accommodation has been submitted in an attempt to provide a link to, and a direct relationship with, the intended use of the mobile home and, more widely, the equestrian activities on the land being offered by the applicant in order to underpin the case for its retention in conjunction with a farm diversification project that would be compliant with Policy E4.

Furthermore, and connected to this principal objective, it is intended to address the situation where the use of the manege by occupiers of the holiday accommodation

(were the retention of the mobile home for holiday use considered acceptable) would be in breach of the condition.

On the basis that the retention of the mobile home for use for holiday accommodation purposes is considered to be acceptable, the premise of equestrian use that partially supports the case for its retention, the likely comparatively modest scale of the use (and therefore that of any increase in the use of the manage) and the capacity of the local road network to accommodate additional traffic movements, as alluded to above, it is considered that the proposed extended use of the manege would be acceptable. However, this is provided that an appropriately worded S.106 Agreement is entered into to define and limit the scope of its use.

Conclusion

The applications provide sufficient evidence to conclude that the proposed holiday accommodation would comply with Policy E4 (Rural Diversification) in terms of representing a suitable diversification of the existing rural holding. In light of this, and given that the proposal would not result in any detrimental visual impact, traffic generation or other harm, the retention of the use of the mobile home for holiday purposes is acceptable.

The link between the holiday accommodation and use of the recently completed manege adds extra weight to the rural diversification benefits of the proposal, alongside some tourism benefits to the area, and as such the second application to allow use of the manege by people using the holiday accommodation is acceptable and will not in itself cause any harm.

RECOMMENDATIONS

16/2918/FUL

APPROVE subject to a legal agreement to control its use and subject to the following conditions:

1. Notwithstanding the time limit to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission being retrospective as prescribed by Section 63 of the Act shall have been deemed to have been implemented on 19th December 2016.
(Reason - To comply with Section 63 of the Act.)
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District

Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

	Location Plan	19.12.16
TW16/97/01A	Proposed Site Plan	19.12.16
TW16/97/02A	Specifications technical data	or 19.12.16

17/0783/VAR

APPROVE subject to the following condition:

1. Condition no. 5 of planning permission ref. 15/0677/FUL is hereby varied to read as follows:

'The development hereby permitted shall only be used in conjunction with the occupation of the holiday accommodation at O Jays Barn (granted under planning permission under ref. 16/2918/FUL) as such and/or for purposes ancillary to the use of the land for the keeping of horses on a private basis and/or in conjunction with the use of O Jays Barn as a dwellinghouse. It shall not be used for any equestrian centre, riding school or other business or commercial use.'

(Reason - To enable the Local Planning Authority to retain control over the use of the development, to reflect the nature of the application and in the interests of safeguarding the rural landscape character and appearance of the area and the level of traffic generated by the development in accordance with Policies D1 (Design and Distinctiveness) and TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

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

List of Background Papers

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

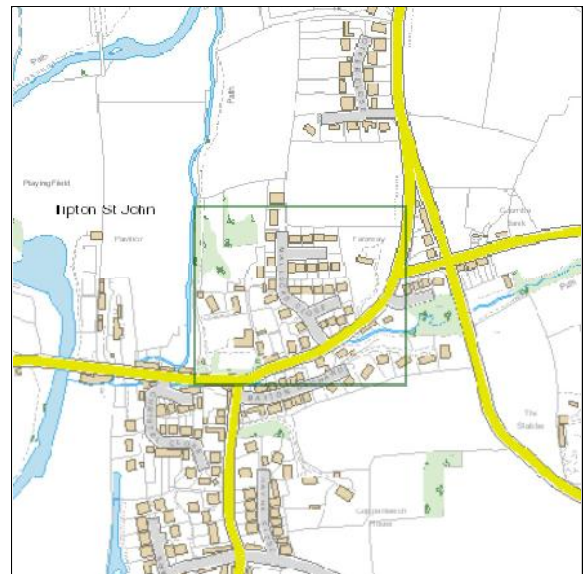
Ward Ottery St Mary Rural

Reference 17/1332/FUL

Applicant Mr & Mrs N Pratt

Location 19 Mallocks Close Tipton St John Sidmouth
EX10 0AP

Proposal Extension to drive



RECOMMENDATION: Approval - standard time limit



		Committee Date: 7th August 2017
Ottery St Mary Rural (OTTERY ST MARY)	17/1332/FUL	Target Date: 01.08.2017
Applicant:	Mr & Mrs N Pratt	
Location:	19 Mallocks Close Tipton St John	
Proposal:	Extension to drive	

RECOMMENDATION: Approval - standard time limit

EXECUTIVE SUMMARY

This application is before Members of the Development Management Committee as the applicant is a close relative to an East Devon District Council employee. The proposal seeks planning permission for an extension to their drive.

The proposed works would see engineering works conducted to excavate land to the front garden of 19 Mallocks Close and erect retaining walls and additional hardstanding.

The application communicates a scheme that would have minimal impacts to neighbouring amenity and is in keeping with the surrounding character.

This application is considered to be acceptable and therefore recommended for approval.

CONSULTATIONS

Local Consultations

Clerk to Ottery St Mary Town Council

No comment

Technical Consultations

County Highway Authority

Does not wish to comment

Other Representations

None

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

TC7 (Adequacy of Road Network and Site Access)

Site Location and Description

The application relates to a semi-detached property with a garage below the habitable accommodation. The driveway to the property currently accommodates a single car adjoining a steep front garden.

Proposal

This application seeks permission for minor engineering works to create an extension to the driveway at 19 Mallocks Close. The scheme would see the existing garden cut into by 2.9 x 5.5 metres and incorporate two retaining walls and a set of steps up to the bungalows entrance. The alteration would increase the capacity of 19 Mallocks Close driveway to accommodate two cars.

ANALYSIS

Whilst the proposal would result in a loss of a small part of the front garden and replacement with a hardstanding and retaining walls, the proposal would have an acceptable visual impact that would not be out of character with the adjoining properties that benefit from large wider drives. A suitable garden area would be retained to the benefit of the occupiers and visual amenity of the streetscene.

The driveway is located at a lower level to the habitable space associated with the adjoining residents and as such would not result in any harm to neighbouring amenity.

The applicant has indicated that the new retaining wall would be rendered and painted cream and this is considered acceptable. The existing driveway, and those adjoining, are tarmac.

Overall it is considered that the scheme represents development that is reflected in many surrounding properties of Mallocks Close, would have minimal impact to neighbouring amenity and the visual appearance of the area and is therefore considered acceptable.

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.

Plans relating to this application

1998/05 Block Plan 05.06.17

Location Plan 05.06.17

1998/02 Combined Plans 05.06.17

1998/03 Combined Plans 05.06.17

1998/04 Combined Plans 05.06.17

1998/01 Combined Plans 05.06.17

List of Background Papers

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

Ward Woodbury And Lymptone

Reference 17/1246/LBC

Applicant Mrs J Young

Location Jasmine Cottage The Strand Lymptone
Exmouth EX8 5JR

Proposal Internal alterations to existing utility to create wet room on ground floor: works to include the removal of partition walls in utility, construct new partition wall and door opening, raise floor. Install double doors between dining room and lounge to create a bedroom at ground floor. Infill wall at North end of utility passageway and insert window in wet room North elevation, replace roof and install 3 no. Conservation rooflights.



RECOMMENDATION: Approval with conditions

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		Committee Date: 7th August 2017
Woodbury And Lympstone (LYMPSTONE)	17/1246/LBC	Target Date: 27.07.2017
Applicant:	Mrs J Young	
Location:	Jasmine Cottage The Strand, Lympstone	
Proposal:	Internal alterations to existing utility to create wet room on ground floor: works to include the removal of partition walls in utility, construct new partition wall and door opening, raise floor. Install double doors between dining room and lounge to create a bedroom at ground floor. Infill wall at North end of utility passageway and insert window in wet room North elevation, replace roof and install 3 no. Conservation rooflights.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the applicant is a close relative of a Members of East Devon District Council.

The alterations are relatively minor to allow provision of a ground floor wet room and bedroom. The proposals will not harm the setting, character, appearance or features of the listed building and as such are acceptable and in accordance with Policy EN9 of the adopted Local Plan. Subject to the conditions the works are considered to be acceptable.

CONSULTATIONS

Parish/Town Council
Support

Woodbury & Lympstone - Cllr R Longhurst

The new building works are to the rear of the property with the remainder internally. I would support the proposal.

Other Representations

No 3rd party representations were received

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

EN9 (Development Affecting a Designated Heritage Asset)

EN8 (Significance of Heritage Assets and their setting)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

Jasmine Cottage is mid C19, possibly incorporating earlier work. Constructed in random rubble sandstone and limestone with a hipped slate roof with red ridge tiles, the property is set back from the main street, The Strand, and fronted by a small garden area.

Listing: Listed Grade II: SX 98 SE LYMPSTONE STRAND (north side), Lypstone 5/55 Jessamine Cottage - GV II Cottage. Mid C19, possibly incorporating earlier work. Random rubble sandstone and limestone; hipped slate roof with red ridge tiles. Single-depth 1-room plan, with rear outshut; remains of an external rear lateral stack; right-hand internal end stack. 2 storeys. Front: 2-window range; one 12, and one 16-pane hornless sash windows to first floor; another 16-pane sash window to right of door, which has fielded panels and a rectangular fanlight; simple canopy on shaped brackets. Included for group value. Listing NGR: SX9900484140

The site also falls within the Lypstone Conservation Area.

ANALYSIS

This application relates to various works at Jasmine Cottage and comprises two main elements:

Firstly, alterations to the existing ground floor extension, housing the outside utility room and store, to create a new ground floor shower/wet room. This includes the construction of a new clay tiled roof incorporating 3no. rooflights over the passageway, infilling the end (north) wall, removing the modern block wall and levelling the floors. Following the site visit the plans have been amended to remove the 'step up' that would have been created from the kitchen to the new utility area to facilitate a level access. These works are sympathetic to the listed building and do not result in the loss of any main features to the building or result in any harm to the listed building.

Secondly, there is an existing opening between the ground floor lounge and dining room and it is proposed to infill the central openings with timber double doors and panels to create a ground floor bedroom for use by the owner, enabling them to access facilities without having to climb the original steep staircase to the first floor.

This work will not include the removal of any historic fabric and could easily be reversed at a later date if required therefore causing no harm to the listed building.

Conclusion

The alterations proposed are relatively minor and will not harm the setting, character, appearance or features of the listed building. As such the works are in accordance with Policy EN9 of the Local Plan. Subject to the conditions below the works are considered to be acceptable.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted.
(Reason - To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
2. Before any work is undertaken to remove any part of the building, the applicant shall take such steps and carry out such works as shall, during the process of the works permitted by this consent, secure the safety and the stability of that part of the building which is to be retained. Such steps and works shall, where necessary, include, in relation to any part of the building to be retained, measures as follows:-
 - a) to strengthen any wall or vertical surface;
 - b) to support any wall, roof or horizontal surface; and
 - c) to provide protection for the building against the weather during the progress of the works.

(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.)

3. No works shall commence until the following details and specification have been submitted to and approved in writing by the Local Planning Authority.
 - Roofing materials including product details, sample and method of fixing.
 - Size, type and manufacturers model of all roof lights, including method of flashing.
 - New rainwater goods including profiles, materials and finishes.
 - Roof ventilation systems.
 - New window including sections, mouldings, profiles and paint colour. Sections through casements, frames and glazing bars should be at a scale of 1:2 or 1:5.

- Eaves and verge details including construction and finishes.
- External vents and flues
- Type of render including proportions of mix, method of application and finishes.

The works as agreed shall be carried out in accordance with the approved details.

(Reason - In the interests of 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 works shall commence until the following details and specification have been submitted to and approved in writing by the Local Planning Authority.

- New double doors and infill panels between the lounge and the dining room including sections, mouldings, profiles and paint colour. Sections through casements, frames, panels and glazing bars should be at a scale of 1:2 or 1:5.

The works as agreed shall be carried out in accordance with the approved details.

(Reason - In the interests of 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.)

5. Where partitions are to be removed, the work shall be made good to match the original.
(Reason - To safeguard the architectural and historic character of the building in accordance Policy EN9 - Development Affecting a Designated Heritage Asset of the Adopted East Devon Local Plan 2013-2031.)
6. Where new partitions are constructed they shall be scribed around (not cut into) existing cornices, skirtings or other features.
(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.)

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 listed building concerns have been appropriately resolved.

Plans relating to this application:

TW17/09/04	Proposed Combined Plans	29.06.17
	Location Plan	15.05.17
	Existing Site Plan	16.05.17
TW17/09/01	Existing Elevation	15.05.17
TW17/09/02	Sections	15.05.17
TW17/09/03	Existing Floor Plans	15.05.17

List of Background Papers

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

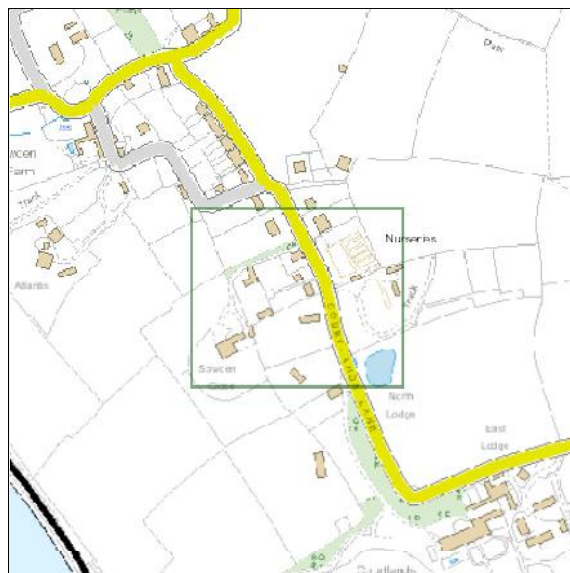
Ward Woodbury And Lymptstone

Reference 17/1247/FUL

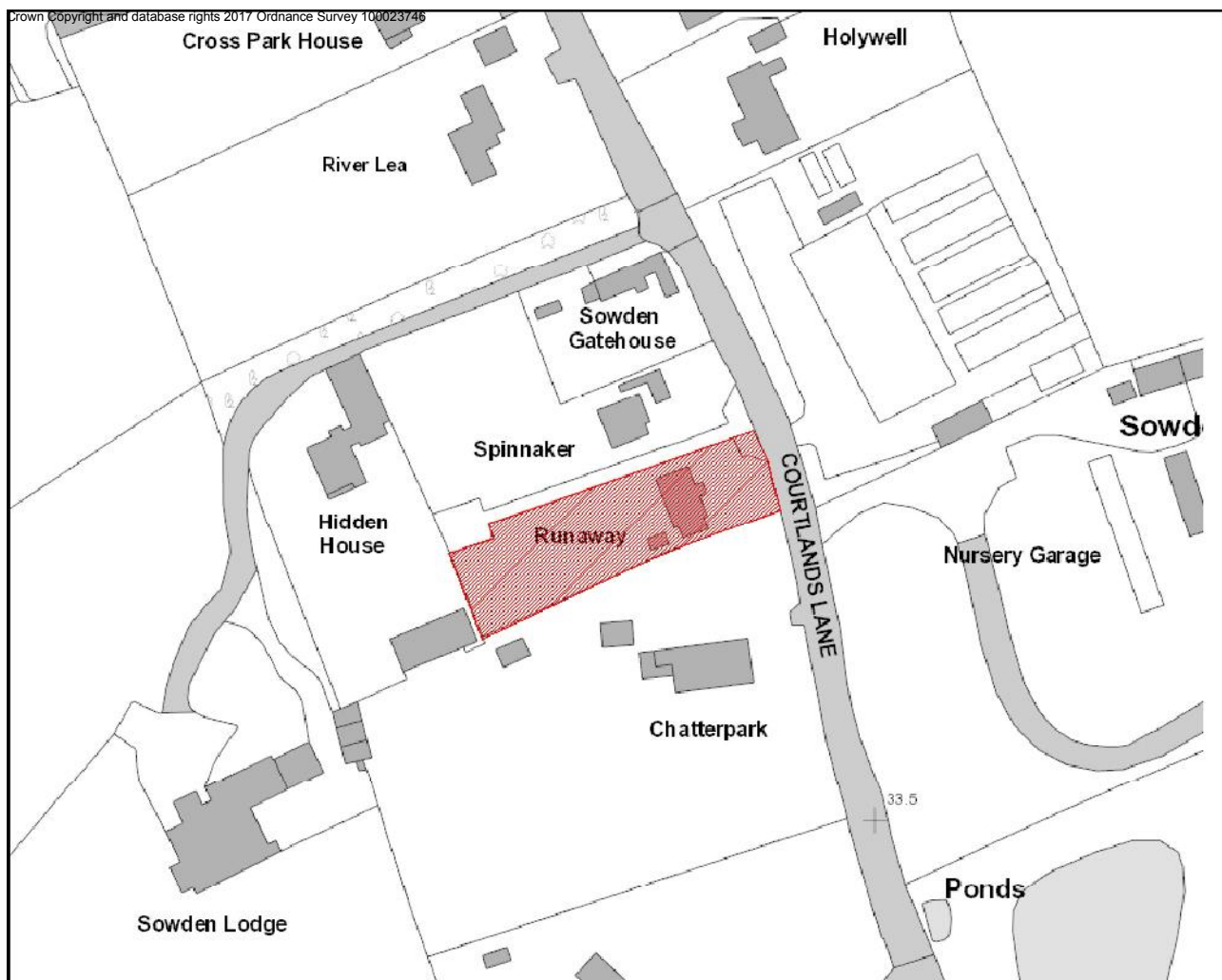
Applicant Mr B Ingham And S S Lenygon

Location Runaway Courtlands Lane Exmouth EX8 5AB

Proposal Construction of detached garage with ancillary accommodation over



RECOMMENDATION: Approval with conditions



		Committee Date: 7th August 2017
Woodbury And Lympstone (LYMPSTONE)	17/1247/FUL	Target Date: 26.07.2017
Applicant:	Mr B Ingham And S S Lenygon	
Location:	Runaway Courtlands Lane	
Proposal:	Construction of detached garage with ancillary accommodation over	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is presented to Committee as the applicant is a Member of the Council.

The application is identical to that submitted in 2014 and subsequently allowed on appeal in November of that year for the construction of a detached garage with ancillary accommodation over.

The circumstances of the site are similar to the time of the appeal and therefore it is considered there is no reason to withhold the granting of permission for the same proposal for a further 3 years.

The application is recommended for approval with the same conditions imposed by the Inspector; matching materials, ancillary use of the building and precautions for protecting the hedges on the south and east boundaries of the site during the construction phase.

CONSULTATIONS

Local Consultations

None received

Technical Consultations

None received

Other Representations

No third party representations received.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

Lympstone Neighbourhood Plan

ANALYSIS

Site Location and Description

The site faces onto Courtlands Lane in open countryside to the south east of the main village of Lympstone; there are neighbouring dwellings to either side and to the rear.

Relevant Planning History

An identical proposal was allowed on appeal in November 2014 under reference 14/0264/FUL.

Proposed Development

The application seeks planning permission to construct a garage to the front of the dwellinghouse with accommodation within the roof space above. This is an identical proposal as that allowed on appeal previously; the 3 years consent would expire in November this year.

The building is proposed to be constructed in brick with a concrete tiled roof to match the existing dwellinghouse; a feature window is proposed on the west elevation to face the front of the house.

Assessment

Given that the circumstances of the site and surrounding area has remained similar to the time of the appeal it is considered there is no reason to object to this similar proposal. Whilst the Lympstone Neighbourhood Plan has been 'Made' since the original permission, it is considered the development would accord with the Lympstone Neighbourhood Plan.

Whilst the previous application was refused by the Council given concerns over the design, scale, height being intrusive to the character and appearance of the area these were not shared by the Inspector who considered that the proposal was not dissimilar to development elsewhere in other parts of Courtlands Lane.

The Inspector imposed conditions on matching materials and precautions to protect the hedges on the southern and eastern boundaries during any construction. It is suggested these are repeated with the addition of reasons for each of them respectively.

County Highways have made no comment on the application; it is not considered that the circumstances have changed in terms of affect to neighbouring amenity.

Conclusion

The application is identical to a proposal granted on appeal in 2014 and with no changes locally since that decision, and with the proposal being in accordance with the Neighbourhood Plan, the application is recommended for approval with conditions.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The materials to be used in the construction of the external surfaces of the development hereby permitted, including the roof, shall match those used in the existing dwelling. Reason – in the interests of the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.
4. The residential accommodation hereby permitted shall be used solely for purposes incidental to the use of the dwelling known as Runaway and the garage hereby permitted shall be kept available for the parking of motor vehicles at all times and shall be used solely for the benefit of the occupants of the dwelling known as Runaway and their visitors and for no other purpose and shall be permanently retained as such thereafter. Reason – To reflect the proposal applied for and where the building is unsuitable for independent residential occupation due to its relationship with adjacent dwellings and/or it is an unsustainable location where a separate unit of accommodation would not be adequately served by a range of services and facilities such that it would not comply with the requirements of Policy D1 – Design and Local Distinctiveness and Strategy 3 – Sustainable Development of the Adopted New East Devon Local Plan 2016.)
5. Before development is begun details of the measures to protect the hedges on the southern and eastern boundaries of the site during construction shall

be submitted to the Council, and no works shall commence until the Council's written approval is obtained. Development shall proceed in accordance with the approved details, and any damage to the hedges caused during construction shall be rectified during the first planting season following the occurrence of the damage in accordance with a scheme to be agreed in writing by the Council. Thereafter the hedges shall be retained and shall not be removed unless the Council has given its prior written permission. Reason – In the interests of the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031).

Plans relating to this application:

	Location Plan	18.05.17
TW/13/87/01	Proposed Site Plan	31.05.17
TW13/87/02	Combined Plans	31.05.17

List of Background Papers

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