

Agenda for Development Management Committee Monday, 2 October 2017; 11:45am



[Members of the Committee](#)

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

[View directions](#)

Contact: [Hannah Whitfield](#)

01395 517542, Issued 21 September 2017

East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

www.eastdevon.gov.uk

[Speaking on planning applications](#)

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

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

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

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

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Monday 25 September up until 12 noon on Thursday 28 September 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 5 September 2017 (page 5 - 14)
- 2 Apologies
- 3 [Declarations of interest](#)
- 4 [Matters of urgency](#)
- 5 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

- 6 **Planning appeal statistics** (page 15 - 18)
Development Manager

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

17/1106/VAR (Major) (Page 19 - 31)

Exmouth Littleham

34 Douglas Avenue, Exmouth EX8 2HB

Application was deferred for a site inspection on 5 September 2017 – the Committee will have carried out a site visit in advance of the meeting.

16/1659/FUL (Minor) (Page 32 - 47)

Sidmouth Sidford

87 Sidford High Street, Sidford EX10 9SA

Application was deferred for a site inspection on 5 September 2017 – the Committee will have carried out a site visit in advance of the meeting.

16/3055/FUL (Minor) (Page 48 - 65)

Sidmouth Town

Sidmouth Harbour Hotel, Manor Road, Sidmouth EX10 8RU

Application was deferred for a site inspection on 5 September 2017 – the Committee will have carried out a site visit in advance of the meeting.

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.

17/1485/OUT (Minor) (Page 66 - 77)

Axminster Town

Land at Allwood, King Edward Road, Axminster EX13 5PW

17/1278/FUL (Minor) (Page 78 - 88)

Budleigh Salterton

20 Clinton Close, Budleigh Salterton EX9 6QD

17/1304/FUL (Minor) (Page 89 - 94)

Exmouth Halsdon

9 Littlemead Lane, Exmouth EX8 4RE

17/1120/FUL (Minor) (Page 95 - 102)

Honiton St Pauls

The Chiropody Practice, 195 High Street, Honiton EX14 1LQ

16/1062/V106 (Major) (Page 102 - 111)

Woodbury and Lympstone

Land to the South of Broadway, Woodbury

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 5 September 2017

Attendance list at end of document

The meeting started at 10.00am and ended at 3.30pm (the Committee adjourned for lunch at 11.35pm and reconvened at 2.00pm)

***15 Minutes**

The minutes of the Development Management Committee meeting held on 7 August 2017 were confirmed and signed as a true record.

***16 Declarations of interest**

Committee Members

Cllr Peter Burrows; 14/2195/MOUT; Personal interest; Knew applicant's family

Cllr Paul Carter; 16/3021/MFUL; Personal interest; Applicant was known to the Councillor

Cllr Paul Carter; 17/1475/OUT; Personal interest; Applicant was known to the Councillor

Cllr David Key; 14/2195/MOUT; Personal interest; Applicant was known to the Councillor

Cllr Helen Parr; 17/1053/MFUL; Personal; Husband attended shoots with the owner of Combe Estate

Cllr Mike Howe; 16/3021/MFUL; Personal; Applicant was known to the Councillor

Cllr David Barratt; 16/1659/FUL, 16/3055/FUL & 17/1274/FUL; Personal interest; Sidmouth Town Councillor

Cllr Bruce de Saram; 17/1106/VAR, 17/1594/LBC & 17/1668/FUL; Personal interest; Exmouth Town Councillor

Cllr Brian Bailey; 17/1106/VAR, 17/1594/LBC & 17/1668/FUL; Personal interest; Exmouth Town Councillor

Cllr Mark Williamson; 17/1106/VAR, 17/1594/LBC & 17/1668/FUL; Personal interest; Exmouth Town Councillor

In accordance with the code of good practice for Councillors and Officers dealing with planning matters as set out in the Constitution, Cllr Mike Howe advised he had been lobbied in respect of application 16/3021/MFUL.

***17 Appeal statistics**

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

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

RESOLVED:

that the applications before the Committee be determined as set out in Schedule 4 – 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

Matt Coppell

Alan Dent

Bruce de Saram

Ben Ingham

David Key

Helen Parr

Mark Williamson

Officers present:

Henry Gordon Lennox, Strategic Lead – Governance and Licensing

Chris Rose, Development Manager

Hannah Whitfield, Democratic Services Officer

Also present for all or part of the meeting

Councillors

Cathy Gardner

Geoff Jung

Marianne Rixson

Apologies:

Committee Members

Councillors

Mike Allen

Steve Gazzard

Non Committee Members

Councillor Andrew Moulding

Chairman Date.....

EAST DEVON DISTRICT COUNCIL
Development Management Committee
Tuesday 5 September 2017; Schedule number 4 – 2017/2018

Applications determined by the Committee

Committee reports, including recommendations, can be viewed at:

<http://eastdevon.gov.uk/media/2194399/050917-combined-dmc-agenda-compressed.pdf>

Broadclyst
(CLYST HONITON) 17/0532/MOUT

Applicant: Church Commissioners For England

Location: Land At Hayes Farm (Phase 2), Clyst Honiton

Proposal: Outline planning application with all matters reserved for the provision of up to 110,000 sq. m of Use Class B8 development with ancillary Use Class B1 and associated parking, servicing, yard areas, landscaping and engineering works including demolition of existing structures within the site.

RESOLVED: APPROVED with conditions as per recommendation subject to:

- Changes to condition 3 to amend the approved plan number to Parameter Plan - 6005 – 055 and landscape and Drainage Parameters Plan – EDP3385/31a
- Additional point 11) to Condition 5 to state: Typical section drawings through key features i.e. swales/ponds, landscape buffers, street typologies, road frontage etc.
- Changes to the Planning Obligations point 1. To secure the provision of public access to the land via the Countryside and Rights of Way Act 2000 to be triggered upon written request, such request to be made within 10 years from the date of the permission along with reasonable rights of access to the land to implement/install the physical works necessary to facilities the public access;
- Delegated authority to the Development Manager in consultation with the Chairman and Strategic Lead – Governance and Licensing to ensure that the mitigation measures suggested by local residents in their verbal presentation were, where possible, appropriately covered by conditions.

Broadclyst
(CLYST HONITON) 17/0622/V106

Applicant: Church Commissioners For England

Location: Land At Hayes Farm, Clyst Honiton

Proposal: Section 106A application to discharge planning obligations associated with the delivery of a railhead related to planning application 10/2184/MOUT and the S106 agreement dated 15 September 2011.

RESOLVED: APPROVED

(Cllr Coppell arrived)

Broadclyst
(BROADCLYST) 14/2195/MOUT

Applicant: Mr J Newbery

Location: Land Adjacent To Sandycote Honiton Road

Proposal: Outline application for the construction of up to 34 no. dwellings, access and open space (with all matters reserved)

RESOLVED: APPROVED with conditions and subjection to a Section 106 Agreement as per recommendation

Broadclyst
(BROADCLYST) 16/3021/MFUL

Applicant: Stuart Partners Limited

Location: Land Off Hawkins Road Hillside Gardens

Proposal: Mixed-used development comprising 64 bed care home, offices, retail, 250 space Park and Change, plus associated roads, servicing, car parking and landscaping.

RESOLVED: APPROVED with conditions as per recommendation subject conditions 5, 6, 8, 10, 12 and 15 being amended to read as follows:

5. BREEAM

Prior to commencement of each of the buildings a pre-assessment using the Building Research Establishments Environmental Assessment method (BREEAM) to establish that the environmental performance of the building(s) would at least comply with a Very Good BREEAM rating shall be submitted to the Local Planning Authority for written approval.

(Reason - To ensure the physical requirements of the BREEAM certification are considered at an early stage and are incorporated into the development in the interests of sustainability and to minimise the demand for energy and to accord with government policy/advice to comply with Strategy 38 (Sustainable Design and Construction) of the East Devon Local Plan 2013-2031.)

6. BREEAM

Within six months of the first occupation of each of the buildings, a BREEAM assessment confirming at least a Very Good rating shall be submitted to the Local Planning Authority for written approval. Should the submitted BREEAM assessment show that the building(s) do not meet the Very Good BREEAM rating, further details shall be submitted at the same time for the written approval of the Local Planning Authority to show what other sustainability performance improvements would be undertaken.

(Reason - In the interests of sustainability and to minimise the demand for energy and to accord with government policy/advice to comply with Strategy 38 (Sustainable Design and Construction) of the East Devon Local Plan 2013-2031.)

8. Additional details required for Offices

Prior to the commencement of construction of the offices the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) samples of external materials
- b) detailed specification of the proposed block paving
- c) detailed specification for the proposed street furniture (cycle stands, bins, seating etc)
- d) any proposed boundary treatments (position, height, materials, colour etc)
- e) street/exterior lighting (position, design, height and management)

The development shall be carried out in accordance with the approved details.

(Reason - To ensure these details are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013-2031.)

10. Additional details required for Park and Change

Prior to the commencement of construction of each individual phase of the Park and Change, other than point g which is required prior to commencement of phase 1, the following details shall be submitted to and approved in writing by the Local Planning Authority for each phase as applicable:

- a) samples of external materials for the substation
- b) detailed specification for all hard works
- c) detailed specification for any proposed street furniture (signage, cycle stands, ticket machines, bins, seating etc.)
- d) repositioning of ticket machine along southern boundary so it does not impact on tree location
- e) the proposed boundary treatment to the eastern edge of the P&C site adjacent the cyclepath (position, height, materials, colour etc)

- f) street lighting (design, height, and management)
- g) interim landscaping treatment for the phase 2 area

The development shall be carried out in accordance with the approved details and retained as such thereafter.

(Reason - To ensure these details are considered at an early stage and are sympathetic to the character and appearance of the area and provide a safe attractive facility in accordance with Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013-2031.)

12. Surface Water Management System

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems where this can be shown to be achieved. If the detailed design proposes permeable surfacing in the Park and Change site a programme of percolation tests shall be carried out in accordance with BRE Digest 365 Soakaway Design (2016). A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices. The development shall be carried out in accordance with the approved details.

(Reason: To ensure these details are considered at an early stage and that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

to protect water quality and minimise flood risk in accordance with Policy EN22 - Surface Run-Off Implications of New Development of the East Devon Local Plan 2013-2031).

15. Landscaping

Notwithstanding the approved plans, prior to the implementation of any landscaping, revised landscaping drawings to address the following matters shall be submitted to and approved in writing by the Local Planning Authority:

- a) topsoil note on drawings SPP2044 P 001 Rev I & SPP2044 P 002 Rev I to be coordinated with submitted tree pit detail (drawing SPP2044 P 009 Rev A)
- b) tree pit detail within hard surfacing
- c) proposed landscaping treatment to the swale/strip along eastern boundary up to back edge of cyclepath
- d) consistent landscaping treatment along southern boundary to cyclepath
- e) Landscape Management plan including an adoptions plan

The development shall be carried out in accordance with the approved details 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 in accordance with the approved Landscape Management Plan.

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 these matters are addressed at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policy D2 - Landscape Requirements of the East Devon Local Plan 2013-2031.)

Feniton & Buckerell
(GITTISHAM)

17/1053/MFUL

Applicant: Combe Estate

Location: Land At Meadow View Nursery Honiton

Proposal: Proposed development of garden centre, incorporating new building, covered sales area, outdoor sales area, storage and car parking and widening of the access.

RESOLVED: APPROVED with conditions as per recommendation

Broadclyst
(CLYST HONITON)

16/1578/MFUL

Applicant: Mr Will Miles

Location: Mcbains Business Units Road Past Exeter Airport

Proposal: Proposed Industrial unit, roadways, parking and infrastructure

RESOLVED: APPROVED with conditions as per recommendation

Exmouth Littleham
(EXMOUTH)

17/1106/VAR

Applicant: Mr Quintin Bull

Location: 34 Douglas Avenue Exmouth

Proposal: Variation of Condition 2 (Plans Condition) of planning permission 15/1955/MFUL for the construction of a first floor extension to Plot 1.

RESOLVED: INSPECT
Reason; To assess the design of the proposal and impact upon the amenity of the neighbouring property.

Sidmouth Sidford
(SIDMOUTH)

16/1659/FUL

Applicant: Mr & Mrs Aldam

Location: 87 Sidford High Street Sidford

Proposal: Demolition of dwelling and construction of two detached houses, a detached garage and new access to the highway.

RESOLVED: INSPECT
Reason: To assess the setting of the proposed buildings and the impact of the development on neighbouring properties.

Ottery St Mary Rural
(WEST HILL)

17/1475/OUT

Applicant: Mr Stuart

Location: Land At The Gap Lower Broad Oak Road

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

RESOLVED: REFUSED (contrary to officer recommendation) with delegated authority given to the Development Manger to draft reasons for refusal. Members considered that the proposal represented unsustainable development in the countryside and would have a detrimental visual impact contrary to the adopted Local Plan and emerging Villages Development Plan Document.

Sidmouth Town
(SIDMOUTH)

16/3055/FUL

Applicant: Sidmouth Harbour Hotel

Location: Sidmouth Harbour Hotel Manor Road

Proposal: Erection of four storey building to accommodate 8 apartments with associated car parking (revised design to extant approval 11/1521/FUL)

RESOLVED: INSPECT
Reason: To assess the design of the proposed development and its impact on the surrounding area.

Exmouth Town
(EXMOUTH) 17/1594/LBC

Applicant: Mr M Williams

Location: War Memorial The Strand

Proposal: Laying of Victoria Cross Commemorative Paving Stone

RESOLVED: APPROVED as per recommendation

Exmouth Town
(EXMOUTH) 17/1668/FUL

Applicant: Mr Kray Mattia

Location: Street Record Beach Gardens

Proposal: Temporary change of use of land for siting of 28m observation wheel.

RESOLVED: APPROVED with conditions as per recommendation

Sidmouth Town
(SIDMOUTH) 17/1274/FUL

Applicant: Mr Paul Hitchcock

Location: 82 Winslade Road Sidmouth

Proposal: Loft conversion to a detached bungalow with dormer windows to front and back elevations and new velux windows to side and rear elevations.

RESOLVED: APPROVED with conditions as per recommendation

Whimple
(TALATON) 17/1607/FUL

Applicant: Voneus Ltd

Location: Land To The North East Of Springfield Farm Talaton

Proposal: Provision of 10m high telegraph pole and equipment cabinet for radio Wi-Fi transmission purposes

RESOLVED: APPROVED with conditions as per recommendation

East Devon District Council
List of Planning Appeals Lodged

Ref: 17/0523/OUT **Date Received** 31.08.2017
Appellant: Stuart Partners Ltd
Appeal Site: Land At The Gap Lower Broad Oak Road West Hill Ottery
St Mary EX11 1UD
Proposal: Outline application for up to two dwellings with associated
access (details of layout, scale, appearance and landscaping
reserved).
Planning APP/U1105/W/17/3183352
Inspectorate
Ref:

Ref: 17/1216/FUL **Date Received** 31.08.2017
Appellant: Mr & Mrs N Teague
Appeal Site: Southfield Lodge Bicton East Budleigh Budleigh Salterton
EX9 7BL
Proposal: New dormer window
Planning APP/U1105/W/17/3183353
Inspectorate
Ref:

Ref: 15/2885/FUL **Date Received** 12.09.2017
Appellant: Gillian Rudham
Appeal Site: Keepers Cottage Exeter Road Whimple Exeter EX5 2PS
Proposal: Conversion of former kennels to dwelling
Planning APP/U1105/W/17/3184164
Inspectorate
Ref:

Ref: 15/2886/LBC **Date Received** 12.09.2017
Appellant: Gillian Rudham
Appeal Site: Keepers Cottage Exeter Road Whimple Exeter EX5 2PS
Proposal: Conversion of former kennels (part of the Strete Raleigh
estate) to dwelling
Planning APP/U1105/Y/17/3184165
Inspectorate
Ref:

East Devon District Council List of Planning Appeals Decided

Ref: 16/0867/MFUL **Appeal Ref:** 17/00002/NONDET

Appellant: Churchill Retirement Living

Appeal Site: Green Close Drakes Avenue Sidford Sidmouth EX10 9JU

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

Decision: **Appeal Dismissed** **Date:** 23.08.2017

Procedure: Informal Hearing

Remarks: Appeal against non-determination of the application within the statutory prescribed time limit.
Officer recommendation to approve subject to Section 106 agreement. Committee decision to approve as per Officer recommendation. Overage Clause reasons upheld (EDLP Strategy 34)

The officer's report recommended approval 'subject to the completion of a S106 agreement to secure the payment of a financial contribution of £41,208 towards affordable housing, with the inclusion of overage clauses'. In summary, the purpose of overage clauses is to re-coup part of any profit resulting from development which was not predicted to arise at application stage.
The Inspector agreed that the overage clauses were necessary to make the proposal acceptable in planning terms. He concluded that the proposed development failed to make appropriate provision for affordable housing in conflict with the approach in Strategy 34 of the Local Plan and relevant elements of the Framework.

BVPI 204: **No**

Planning Inspectorate Ref: APP/U1105/W/17/3167556

Ref: 17/0495/OUT **Appeal Ref:** 17/00031/NONDET

Appellant: Clinton Devon Estates

Appeal Site: Land East Of East Budleigh Road Budleigh Salterton

Proposal: Construction of two dwellings and associated access (outline application seeking means of access only).

Decision: **Appeal Dismissed** **Date:** 04.09.2017

Procedure: Written representations

Remarks: Appeal against non-determination of the application within the statutory prescribed time limit.
Delegated resolution to refuse, recreational open space reason upheld (EDLP Policy RC1).

BVPI 204: **No**

Planning Inspectorate Ref: APP/U1105/W/17/3175273

Ref: 16/3054/COU **Appeal Ref:** 17/00029/REF
Appellant: Mr John Dalloway
Appeal Site: Unit 5 East Devon Business Park Wilmington Honiton EX14 9RL
Proposal: Change of use of unoccupied flat/offices for security accommodation
Decision: **Appeal Dismissed** **Date:** 06.09.2017
Procedure: Written representations
Remarks: Delegated refusal, sustainability reasons upheld (EDLP Policies TC2 & H4 and Strategy 32).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/17/3174595

Ref: 16/0791/FUL **Appeal Ref:** 17/00016/REF
Appellant: Mr & Mrs D & A Huish
Appeal Site: Ellergarth Dalditch Lane Budleigh Salterton EX9 7AH
Proposal: Conversion and extension of existing barn, including the creation of new access and hardstanding, to form a dwelling.
Decision: **Appeal Dismissed** **Date:** 07.09.2017
Procedure: Written representataions
Remarks: Delegated refusal, habitat and nature conservation reasons upheld (EDLP Strategy 47).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/17/3172195

Ref: 16/2416/FUL **Appeal Ref:** 17/00034/REF
Appellant: Drywall Finishings Ltd
Appeal Site: Land Between 25 And 24 Meadow Close Budleigh Salterton
Proposal: Provision of new dwelling and re-routing of public footpath.
Decision: **Appeal Dismissed** **Date:** 07.09.2017
Procedure: Written representations
Remarks: Delegated refusal, amenity reasons upheld (EDLP Policies D1 & D3).
BVPI 204: **Yes**
Planning Inspectorate Ref: APP/U1105/W/17/3175220

Ref: 16/2471/FUL **Appeal Ref:** 17/00030/NONDET

Appellant: Mr David Paget

Appeal Site: Kings Down Tail Caravan And Camping Park Salcombe Regis Sidmouth EX10 0PD

Proposal: Conversion of ancillary building to permanent site warden's two-bed residential accommodation; continued use of south east field for storage of touring caravans; and erection of open-sided shelter in south east field

Decision: **Appeal Allowed (with conditions)** **Date:** 07.09.2017
Partial costs awarded against the Council

Procedure: Written representations

Remarks: Delegated resolution to refuse, insofar as the application related to the conversion of the ancillary building to site warden's accommodation, sustainability reasons overruled (EDLP Policy D8).

The Inspector considered that the site was well established and had been invested in over recent years, however, the evidence provided was not sufficient to show that there was a need on the land for a full time worker to the extent required by LP Policy H4, although the proposal would clearly help support the running of an existing business. The occupation could be restricted by a planning condition for occupation by a warden and given the benefits for the operators of the park, the use would be acceptable.

The Inspector concluded that the circumstances justified the conversion of the ancillary building to permanent site-warden's residential accommodation in this rural location. The proposal complies with the requirements of LP Policy D8 and special circumstances exist to justify the proposal as required by paragraph 55 of the Framework.

In respect of the costs application, the Inspector considered that the delays in dealing with the planning application constituted unreasonable behaviour. However, given the planning officer's view of the merits of the proposed conversion to provide site warden's accommodation, an appeal was always likely to be necessary to challenge that view. As such, he did not consider that all of the time spent by the applicant's planning consultant in the appeal process would have been wasted and a full award of costs was not therefore justified.

The Inspector awarded partial costs against the Council limited to those costs incurred in the efforts in corresponding with the Council between the 8 week date and the submission of the appeal as well as the elements of the appeal submissions relating to the procedural unreasonableness of the Council.

BVPI 204: **No**

Planning Ref: APP/U1105/W/17/3173788

Inspectorate Ref:

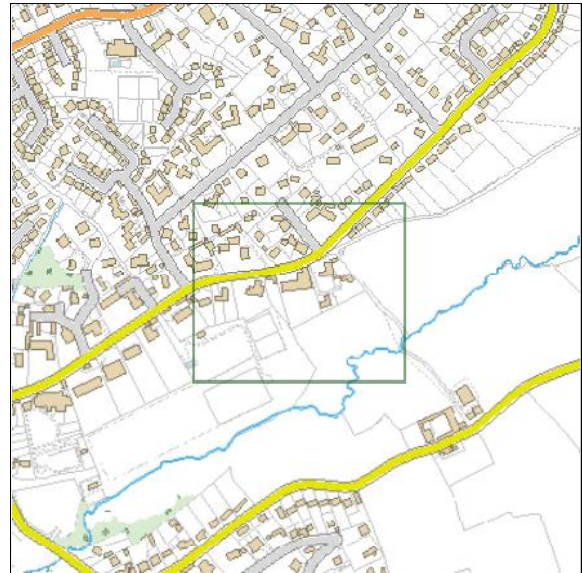
Ward Exmouth Littleham

Reference 17/1106/VAR

Applicant Mr Quintin Bull

Location 34 Douglas Avenue Exmouth EX8 2HB

Proposal Variation of Condition 2 (Plans Condition) of planning permission 15/1955/MFUL for the construction of a first floor extension to Plot 1.



RECOMMENDATION: Approval with conditions

Crown Copyright and database rights 2017 Ordnance Survey 100023746



		Committee Date: 2nd October 2017
Exmouth Littleham (EXMOUTH)	17/1106/VAR	Target Date: 22.08.2017
Applicant:	Mr Quintin Bull	
Location:	34 Douglas Avenue Exmouth	
Proposal:	Variation of Condition 2 (Plans Condition) of planning permission 15/1955/MFUL for the construction of a first floor extension to Plot 1.	

RECOMMENDATION: APPROVE subject to a deed of variation to the S106 agreement to secure contributions towards open space, habitat mitigation and education and subject to conditions.

EXECUTIVE SUMMARY

The application was deferred at the 5th September 2017 Development Management Committee for a Site Inspection.

This application is before Members of the Development Management Committee because a contrary view has been expressed by a Ward Member and by Exmouth Town Council.

Under Section 73 of the Town and Country Planning Act, this application seeks planning permission to vary condition 2 (the listed approved plans) of the 15/1955/MFUL planning permission (re-development to provide 9 no. new houses and conversion of the existing annexe to 2 no. 3 bedroom dwellings) to allow the construction of a first floor extension to Plot 1 of the approved development. The proposal is to effectively remove a large section of an unauthorised extension that has been constructed despite it being negotiated out of the original application and subsequently refused by the Council under 16/2061/VAR because of its adverse impact on residential amenity. The works created an additional bedroom extension with a pitched roof at the far end of the building.

Following refusal of 16/2061/VAR under delegated powers, which carried a further recommendation for enforcement action to be taken to remove the unauthorised extension, the developer immediately contacted the Council and expressed a desire to work with officers to reduce the size and scale of the 'as built' extension and to reduce the impact on the amenity of the occupiers of The Coach House.

The scheme that is before members of the committee is the result of pre-application negotiations between officers and the developer in an attempt to

overcome the previous reason for refusal. The proposal is for an extension which would be significantly smaller than that which has been constructed where the extent of the reduction in size and scale of the unauthorised extension coupled with the incorporation of a number of flat roofed recessed areas behind parapet walls would serve to break up the mass and bulk of what has been constructed. As such, the amended proposal would not cause significant harm to the residential amenity of the occupiers of the Coach House to an extent that a refusal could be sustained on these grounds.

In accordance with the provisions of Policy D1 (Design and Local Distinctiveness) of the Local Plan the application is considered to be acceptable in terms of its design and impact on the character and appearance of the overall development and the surrounding area, its impact on residential amenity and drainage and is therefore recommended for approval.

CONSULTATIONS

Local Consultations

Exmouth Littleham - Cllr M Williamson

I Object to this application for the same reasons as the Town Council and other objectors who live adjacent to this development.

It invites overlooking, is disproportionate and out of keeping. The severe drainage problem on this site has not been resolved and consequently the whole development has yet to satisfy the conditions agreed by the LPA.

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

Parish/Town Council

Meeting 19.06.17

Objection on the grounds that the original permission granted under 15/1955/MFUL, was subject to conditions to protect the privacy of adjoining occupiers i.e. the residents of the Coach House. Members felt that this variation application did not mitigate the reasons for the conditions being applied and would be harmful and overbearing to the adjoining occupiers

Technical Consultations

None

Other Representations

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

- No first floor extension should be permitted

- Impact on residential amenity because of height and proximity which is overbearing to house and garden
- No enforcement notice has been served
- Officers should not have engaged with developers
- Contrary to policy D1 of the Local Plan
- Trellis and planting would worsen impact
- Planting would affect light and damage foundations to boundary wall
- Need to ensure window on side elevation is obscure glazed
- Narrowing of driveway which serves the rear of the development would cause congestion problems for cars and danger to pedestrians
- Access for emergency vehicles
- Increased surface water and flooding

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 43 (Open Space Standards)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN14 (Control of Pollution)

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

EN22 (Surface Run-Off Implications of New Development)

E18 (Loss of Holiday Accommodation)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

Site Location and Description

The application site is on the south side of Douglas Avenue, and was previously occupied by the Haldon Court Hotel. The hotel buildings have been demolished and at the time of writing this report, the new residential development approved under planning permission 15/1955/MFUL has been constructed with some of the units being occupied.

The east of the site adjoins the private driveway that serves the development within the grounds of The Knoll. To the west lies the property known as The Coach House (No 32), which is positioned close to the north-western corner of the site and shares a brick walled boundary with the western curtilage of the former hotel site.

The site is accessed off Douglas Avenue. The site slopes steeply southwards into the stepped garden.

A number of the trees within the site are afforded the protection of a 2013 Tree Preservation Order that contribute to the amenity and character of the area and were considered to be at risk following the closure of the hotel.

Relevant Planning History

Planning permission was granted in 2015 (ref 14/1542/MFUL) for the demolition of hotel and construction of 9 houses, conversion of existing annexe to 2 dwellings. As part of this application amended plans were negotiated to remove the top floor of the building nearest to The Coach House to protect the amenity of the occupiers.

A further planning permission was granted in 2016 (ref 15/1955/MFUL) for development that was described as being an amendment to the approved scheme which included additional garages and raising of the approved dwellings. This permission also included the provision of an access road between the building and the western boundary to allow vehicles to access the rear of the building. The grant of this planning permission permitted an increase in the height of the overall building for units 1-9 of between 1.1 and 1.2 metres as well as it being positioned 0.5 metres closer to the western boundary.

Following this consent the development was commenced but it has not been carried out in accordance with the approved plans with the element negotiated out of the 2014 application constructed.

The applicant applied to regularise this but planning permission was refused in 2017 (ref 16/2061/VAR) for a variation of condition 2 (plans condition) of planning permission 15/1955/MFUL for the construction of a first floor extension to Plot 1 and enlarged balcony (retrospective application).

This application was refused for the following reason:

'The proposed development by reason of its increase in height, bulk and massing in close proximity to the boundary of the site has resulted in an unacceptable increase in the physical impact of Plot 1 which is unduly over bearing, over dominant and harmful to the occupiers of adjoining properties (specifically The Coach House) adversely affecting their standard of amenity. The proposal is considered to be contrary to the provisions of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031 and one of the core principles of the National Planning Policy Framework which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings'.

This decision carried a further recommendation for enforcement action to be taken seeking the removal of the first floor and enlarged balcony to Plot 1 within a period of 6 months from the date of the decision.

Proposed Development

Under Section 73 of the Town and Country Planning Act, this application seeks planning permission to vary condition 2 (the listed approved plans) of the 15/1955/MFUL planning permission to include the construction of a first floor extension to Plot 1 of the approved development. The proposal is to effectively remove a large section of the unauthorised extension to create a small bedroom extension with a pitched roof at the far end of the building.

The red line on the plans of the side elevation and cross section in particular (ref 3797-12 REV C and 3797-13 REV C) show the extent of the reduction in size and scale of the unauthorised extension which would incorporate a number of flat roofed recessed areas behind parapet walls which would serve to break up the mass and bulk of what has been constructed. For clarity the changes to the extension consist of the following:

- A reduction in the length of the extension from 9.6 metres to 4.0 metres.
- A reduction in length of the extension and balcony from 13.5 metres to 4.0 metres.
- A reduction in the floor area of the 'as built' extension from 21.9 sqm to 7.1 sqm.
- Areas where the 'as built' structure is to be removed would become recessed flat roofed elements (with no access) with low-level parapet walls.
- The height of the pitched roof/ gable end of the proposed extension has been reduced to below the 'as built' parapet wall.
- Removal of a balcony from the 'as built' structure which would be replaced with a recessed flat roof (with no access).

These changes amount to approximately a 66% reduction in floor area of the 'as built' extension.

Issues and Assessment

The principle of the re-development of the site to provide 9 houses and the conversion of the existing annex to 2 dwellings has already been established under planning permission 15/1955/MFUL. The material planning considerations in the determination of this application are therefore restricted to matters of how the proposal differs from

the previously refused application (ref 16/2061/VAR) and whether the proposed reduction of the 'as built' extension overcomes the previous reason for refusal in terms of its physical impact and being over bearing, over dominant and harmful to the occupiers of The Coach House and its adverse impact on their standard of amenity. It will also be necessary to assess the design of the extension and the impact it would have on the character and appearance of the approved scheme and the surrounding area.

Character and Appearance

Within the context of the previously approved development, it is not considered that the proposed first floor extension has any significant impact on the character and the design approach of the approved scheme. Whilst the addition of a pitched roof extension would be at odds to a degree with the flat roofed elements of other parts of the development, when viewed from public vantage points outside of the site, the extension would complement the architectural design and appearance of the approved scheme and would not give rise to any significant harm to the character of the development or to the surrounding area. The whole development benefits from being set down from Douglas Avenue and with the proposed extension being set well back from the front building line of the development with its roof sloping away from the road, it is not considered that it would conflict with the provisions of policy D1 (Design and Local Distinctiveness) of the Local Plan. No objections are raised on these grounds.

Residential Amenity

One of the core principles of the National Planning Policy Framework (NPPF) is to always seek a good standard of amenity for all existing and future occupants of land and buildings. Part (e) of Policy D1 (Design and Local Distinctiveness) of the Adopted Local Plan 2013-2031 states proposals will only be permitted where they do not adversely affect the amenity of occupiers of adjoining residential properties.

In terms of assessing the impact of the proposed changes to the 'as built' scheme on residential amenity, there is one residential property known as The Coach House which is affected. This property is positioned to the west of the application site and has a large rear garden which runs parallel with the sites western boundary.

Background

In explaining to Members the position that has been reached which has led to the submission of this application, it is necessary to re-visit the original planning permission that was granted for re-development of the site ref 14/1542/MFUL. When this application was considered in 2014, the proposal included a larger first floor to Plot 1 in a similar form to that which has been constructed and which was refused under 16/2061/VAR. At the time concerns were expressed by the occupiers of The Coach House about the height of the development on its south western elevation, the proximity to the boundary and the impact it would have on their amenity. These concerns were shared by officers and following negotiations with the architects of the scheme, this elevation was amended which effectively cut away a section of the first floor of Plot 1 closest to The Coach House which was replaced with a flat roof.

These amendments to the design helped to reduce the physical impact of the proposal on The Coach House to a level that was considered to be acceptable by officers. Officers were satisfied that removing a section of the first floor of the building where it was closest to the boundary would help to break up the bulk and mass of the building providing some relief and reducing the physical impact in terms of overbearance and over dominance to an acceptable level. This change in height, stepped design and separation from the boundary was considered to overcome the concerns and the application was approved on this basis. This stepped design was carried through to the most recent planning permission 15/1955/MFUL.

It is necessary to re-visit the previous permission because what has been constructed and proposed to be amended as part of this application, is the very aspect of the scheme officers previously considered to be unacceptable and negotiated out of the proposal. The first floor extension and enlarged balcony that have been constructed on the south western elevation of the development has resulted in a significant increase in the height, bulk and mass of Plot 1, the side wall of which runs parallel to the boundary with the garden of The Coach House and does have a significant impact on the private garden of the property and led to refusal of application 16/2061/VAR.

Following refusal of application 16/2061/VAR under delegated powers which carried a further recommendation for enforcement action to be taken to remove the unauthorised extension, the developer immediately contacted the Council and expressed a desire to work with officers to reduce the size and scale of the 'as built' extension and to reduce the impact on the amenity of the occupiers of The Coach House.

The scheme that is before members of the committee is the result of pre-application negotiations between officers and the developer in an attempt to overcome the previous reasons for refusal. The concerns of the occupiers of the Coach House, Ward Members and Town Council about the lack of enforcement proceedings are noted and indeed it is accepted that the occupiers of the Coach House have had to endure the impacts of the unauthorised extension on their amenity for 6 months since the refused application.

Whilst this is the case, the LPA must give applicants appropriate time to remedy any breach of planning control. In this instance the developer was keen to submit alternative proposals to the planning department following the February refusal and whilst this was on going it was not considered appropriate to immediately commence enforcement proceedings especially as the developers had 6 months to appeal against the refusal should they have wished to exercise their right to appeal. Negotiations have been on going between the planning department and the developer over the period from February to May with several iterations presented before a mutual position could be reached. Should Members find this application to be unacceptable, Enforcement Action can still be taken against the building as constructed.

Amended Proposal

The amendments to the 'as built' structure do represent a significant reduction in the size and scale of what has been built and consequentially the physical impact of the extension on the occupiers of the Coach House would be significantly reduced. The

proposed extension would see significant parts of the 'as built' extension nearest to the Coach House removed leaving a smaller first floor extension which would have a pitched roof design to reduce its bulk and massing. Where parts of the extension are removed, they would be replaced by a recessive flat roofed element behind a low parapet wall. Furthermore, the proposal incorporates a significant reduction to the balcony at the rear of Plot 1, again by creating a flat roofed recessed area which then allows for the re-positioning of the obscure glazed privacy screen in the previously approved position.

Concerns have been expressed that the extension should be removed in its entirety because the entire first floor was removed from the originally approved scheme. Whilst this was the case, at no point was the Council presented with amended plans which sought to reduce the size of the first floor extension so assertions that a first floor extension would not have been accepted in any form on this part of the development are not entirely accurate.

Notwithstanding the concerns that remain with this proposal, the reduction of the 'as built' extension and its design change to provide a subservient pitched roof/ gable ended wing, coupled with the incorporation of recessive flat roofed elements would significantly reduce the bulk, scale and massing of the extended first floor and its overall physical impact on the residential amenities of the occupiers of the Coach House. Whilst it is accepted that this amended first floor extension would still have an increased impact over what was originally approved, on balance, given the overall reduction in size of the extension and balcony area at the rear, it is not considered that the impact would be so harmful in terms of being unduly overbearing or over-dominant to the occupiers of the Coach House to sustain an objection. In its amended form, the proposal is considered to comply with the provisions of policy D1 (Design and Local Distinctiveness) of the Local Plan. Concerns about the additional impact of trellis fencing and planting on the boundary wall are noted and it isn't considered that this is a necessary mitigation measure required to make the development acceptable.

To ensure that the occupiers of the Coach House do not have to endure the impact of the unauthorised first floor extension for any additional significant amount of time, the developer has been contacted about timescales for undertaking the work to demolish the extension and to complete the works. A time limit for completing the works cannot be controlled through a condition but the Council can impose a shorter timescale for commencement. In this instance, given the adverse impact the unauthorised extension has already had on the amenity of the occupiers of the Coach House, it is considered reasonable that the works should begin within 3 months of the date of the planning permission with a view to completion within 6 months which could be pursued through an enforcement notice if necessary. The developers have, through a planning consultant, accepted this approach.

Should Members be minded to refuse this application, then the Council would need to consider instigating enforcement action to remove the first floor in its entirety under delegated powers.

Drainage

The concerns that have been expressed about surface water drainage are acknowledged and it is understood that the source of surface water flooding to 3rd party properties has been identified as a South West Water responsibility coming from a leaking water hydrant on the site. Correspondence has been received from SWW to acknowledge this issue and it is understood that repair works are to be undertaken by them imminently.

Conditions

Conditions imposed as part of the 15/1955/MFUL permission will be re-imposed which includes the obscure glazing of the first floor window to plot 1. Some pre-commencement conditions (materials and finishes, construction management plan, landscaping, tree protection) that have since been discharged shall be re-worded to compliance conditions in accordance with details that have previously been agreed. Additional conditions will be imposed requiring commencement of development for works to the unauthorised extension to commence within 3 months, the installation of the obscure glazed privacy screens for the entire development and preventing the use of the flat roofed recessed areas to plot 1 from being used as balconies or roof gardens to protect the amenity of adjoining occupiers.

S106 Obligations

A linking agreement is required to secure the financial contributions that were sought under 15/1955/MFUL relating to education, habitat mitigation and open space contributions. The drafting of this deed of variation to the S106 agreement has started to prevent any further delay to a decision being issued.

RECOMMENDATION

APPROVE subject to a linking legal agreement to secure contributions towards Open Space, Habitat Mitigation and Education and subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three months 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 and to ensure the works to the unauthorised extension are undertaken in a timely manner to reduce the adverse impact of the 'as built' structure on residential amenity in accordance with the provisions of Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031 and one of the core principles of the National Planning Policy Framework which seeks to ensure a good standard of amenity for existing occupiers).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

3. Prior to occupation of Unit 1 the first floor window on the west elevation shall have been glazed with obscure glass and the obscure glazing of this window shall thereafter be retained at all times.
(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031.)
4. Prior to occupation of units 1 and 9, in accordance with the details shown on drawing no 3797-12 REV C, the obscure glazed privacy screens shall have been installed. The privacy screens shall thereafter be retained at all times.
(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031.)
5. The flat roof areas shown on drawing no 3797-05 REV C hereby permitted shall not be used as a balcony, roof garden or similar amenity area at any time.
(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031.)
6. There shall be no burning of any kind on site during construction, demolition or site preparation works. No construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, and not at all on Sundays or Public Holidays. Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance. No high frequency audible reversing alarms shall be permitted to be used on any vehicle working on the site.
(Reason - To protect the amenity of local residents in accordance with Policy EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031).
7. Visibility splays shall be provided, laid out and maintained for that purpose at the site access and where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.600 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in both directions.
(Reason - To provide adequate visibility from and of emerging vehicles in accordance with the provisions of Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan.)
8. 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 in accordance with the provisions of Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031).
9. The access shall be re graded to be no steeper than 7% and the first 6 metres should be no steeper than 5%.

(Reason - In the interest of highway safety in accordance with the provisions of Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031).

10. The development shall take place in accordance with the Construction Management Plan submitted by Country and Coast Homes Ltd (issue one 09/03/2015 prepared by Christopher Dodge) and received at East Devon District Council on 14th April 2015 (reference 14/1542/MFUL).

(Reason - In the interest of highway safety in accordance with the provisions of Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031).

11. The approved landscaping scheme detailed in drawings 347/01, 0347/01A, 0347/02A, 0347/03A shall be carried out in the first planting season after commencement of the development (unless otherwise agreed in writing by the Local Planning Authority) and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

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

12. The development hereby permitted shall be carried out and completed in accordance with the site clearance, tree works, tree management and tree protection recommendations contained within the Arboricultural Survey and accompanying plans prepared by Advanced Arboriculture and dated 10th June 2014.

(Reason - To protect and improve the appearance of the site in the interests of visual amenity of the area in accordance with the provisions of Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031).

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, doors, rooflights or other openings other than those shown on the plans hereby permitted shall be formed in the west elevation of the new terraced building.

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

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

3797-03 REV C	Proposed Floor Plans	23.05.17
3797-04 REV C	Proposed Elevation	23.05.17
3797-05 REV C	Proposed Floor Plans	23.05.17
3797-12 REV C	Proposed Elevation	23.05.17
3797-13 REV C	Proposed Elevation	23.05.17
3797-14 REV C	Sections	23.05.17
3797-100 REV C	Proposed Site Plan	23.05.17
3797-101 REV C	Sections	23.05.17

List of Background Papers

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

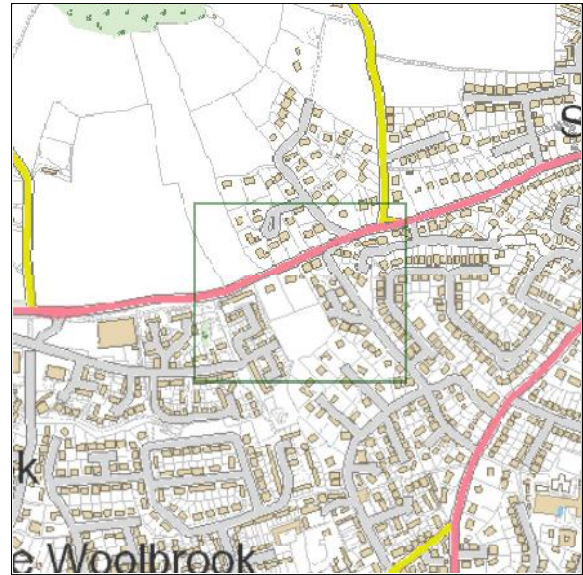
Ward Sidmouth Sidford

Reference 16/1659/FUL

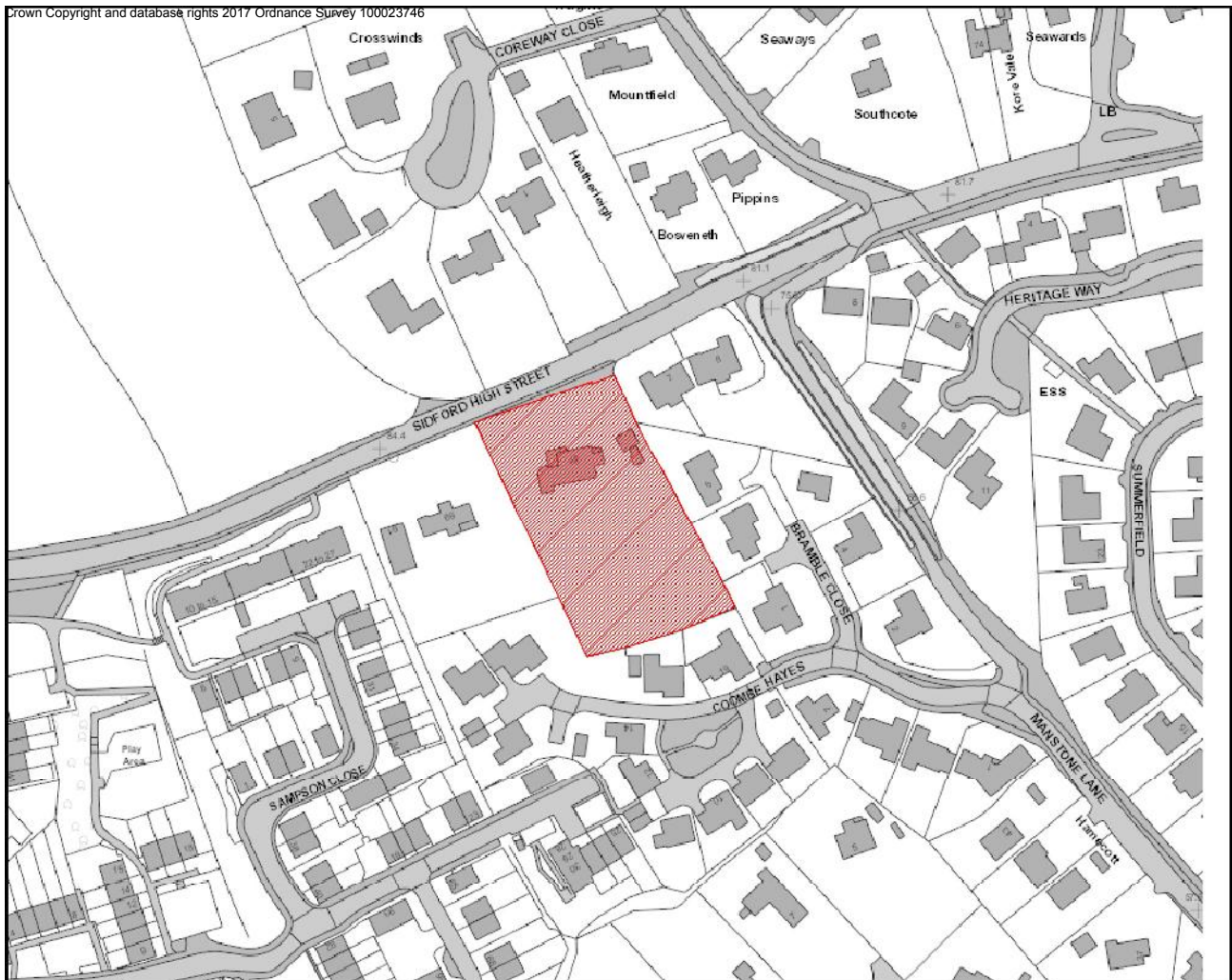
Applicant Mr & Mrs Aldam

Location 87 Sidford High Street Sidford Sidmouth EX10 9SA

Proposal Demolition of dwelling and construction of two detached houses, a detached garage and new access to the highway.



RECOMMENDATION: Approval with conditions



		Committee Date: 2nd October 2017
Sidmouth Sidford (SIDMOUTH)	16/1659/FUL	Target Date: 30.11.2016
Applicant:	Mr & Mrs Aldam	
Location:	87 Sidford High Street Sidford	
Proposal:	Demolition of dwelling and construction of two detached houses, a detached garage and new access to the highway.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application was deferred at the 5th September 2017 Development Management Committee for a Site Inspection.

This application is before Members because the officer recommendation differs from the views of the Ward Members.

Planning permission is sought for a replacement dwelling and for the construction of an additional dwelling in the back garden. The additional dwelling would use the existing access and a new driveway while the replacement dwelling would have a separate access constructed.

The site is in the Built-up Area and can accommodate two dwellings at a density which is comparable to the largest plots in the area. Both properties would be substantial in size and the upper house in particular would appear somewhat formal and imposing owing to its Georgian influences. While there is local opposition to this design, its setting is characterised by a variety of largely unremarkable properties, views of which are filtered by trees and landscaping. In this context, neither of the proposed dwellings would cause harm to the character and appearance of the area.

A significant constraint to development of the site is the presence of a number of protected trees near the north and west boundaries. Extensive negotiations have resulted in a scheme which is now considered to be compatible with the retention of the most significant trees.

There are residential properties on three sides of the site and following negotiation the scheme has been amended to achieve an acceptable relationship

with the neighbours. In all cases the separation distances, layout and topography are sufficient to avoid intrusive overlooking and dominance.

Subject to a number of conditions, including details of a surface water drainage scheme, the proposal is acceptable.

CONSULTATIONS

Local Consultations

Sidmouth Sidford - Cllr S Hughes

17.10.16. I wish to make the following comments:-

The proposed development by way of its massing (especially house No.1 which has 10 x dormer windows in its roof) on high ground will have an overbearing impact affecting the privacy of residents of Bramble Close and in particular Nos. 1,3,5, and 7. I also have concerns that the 2 large dwellings proposed for this site will change the lie of the land and will need to take account of any floodwater which historically has entered the land (running down and across the A3052 from the fields to the north of the site) from inundating nearby Bramble Close properties If the route for the floodwater is prevented from escaping.

The flood water which ponds on the A3052 at present runs down the driveway.

Further comments 19.06.17:

I refer to this application and would advise that my comments to the previous application regarding flood water still stand.

I also have concerns about the use of cattle grids in a location such as this as from experience of those on Dartmoor are extremely noisy especially at night and will impact on the quality of life of neighbours.

Sidmouth Sidford - Cllr D Manley

20.10.16. We object to the above planning application on the following grounds:

Design

The appearance is overbearing and will affect the amenity and privacy of neighbouring properties Previous permission was given for four bungalows, which would not have had an adverse effect on amenity and privacy. No development was to be allowed in the roof space, so this new proposal runs counter to the previous application.

In the Local Plan, Policy D1 - Design and Local Distinctiveness states that proposals will only be permitted where they 'do not adversely affect 'the amenity of occupiers of adjoining residential properties'.

House one is to be raised, which will make it even more imposing and both houses are to be situated too close to the boundaries, which have already been partially removed.

Tree protection orders

Existing trees provide effective screening for neighbouring properties. Despite the TPOs there are plans to fell some trees. Policy D3 - Trees and Development Sites applies.

Surface water runoff

This is an existing problem in the Sid Valley and, at this location, surface water runs off Core Hill onto the A3052. Flood mitigation measures must be sufficient to guarantee that the water will be contained on site. Failure to do so could result in adverse impact on properties in both Bramble Close and Salcombe Heights. Policy EN22 - Surface Run-off Implications of New Developments applies. The new Environment Agency guidelines should be applied to any development on this site.

Therefore, this development should be REFUSED.

Further comments 17.07.17:

Following a site visit to consider the amended plans, our comments on the previous application still stand with regard to design, tree protection and surface water runoff.

In addition, we object to the application for the following reasons:

The design of the main building is totally out of keeping with the area and neighbouring properties.

The hedge bordering Coombe Hayes is to be layered, which will further reduce the screening provided and affect the privacy of these residents.

According to the Oxford English dictionary, cattle grids are a 'system of bars laid across a road at ground level to prevent cattle from passing, while allowing passage of wheeled traffic'. This is in a residential area, with no farm livestock or road. Cattle grids will have a detrimental impact on any residents within earshot.

This development should be REFUSED.

Sidmouth Sidford - Cllr M Rixson

20.10.16. We object to the above planning application on the following grounds:

Design

The appearance is overbearing and will affect the amenity and privacy of neighbouring properties. Previous permission was given for four bungalows, which would not have had an adverse effect on amenity and privacy. No development was to be allowed in the roof space, so this new proposal runs counter to the previous application.

In the Local Plan, Policy D1 - Design and Local Distinctiveness states that proposals will only be permitted where they 'do not adversely affect 'the amenity of occupiers of adjoining residential properties'.

House one is to be raised, which will make it even more imposing and both houses are to be situated too close to the boundaries, which have already been partially removed.

Tree protection orders

Existing trees provide effective screening for neighbouring properties. Despite the TPOs there are plans to fell some trees. Policy D3 - Trees and Development Sites applies.

Surface water runoff

This is an existing problem in the Sid Valley and, at this location, surface water runs off Core Hill onto the A3052. Flood mitigation measures must be sufficient to guarantee that the water will be contained on site. Failure to do so could result in adverse impact on properties in both Bramble Close and Salcombe Heights. Policy EN22 - Surface Run-off Implications of New Developments applies. The new Environment Agency guidelines should be applied to any development on this site.

Therefore, this development should be REFUSED.

Further comments 17.07.17:

Following a site visit to consider the amended plans, our comments on the previous application still stand with regard to design, tree protection and surface water runoff.

In addition, we object to the application for the following reasons:

The design of the main building is totally out of keeping with the area and neighbouring properties.

The hedge bordering Coombe Hayes is to be layered, which will further reduce the screening provided and affect the privacy of these residents.

According to the Oxford English dictionary, cattle grids are a 'system of bars laid across a road at ground level to prevent cattle from passing, while allowing passage of wheeled traffic'. This is in a residential area, with no farm livestock or road. Cattle grids will have a detrimental impact on any residents within earshot.

This development should be REFUSED.

Parish/Town Council

21/10/16. Members were unable to support the application for the following reasons:

- Members considered that the proposed houses would have an overbearing effect on neighbouring properties.
- Members considered that the proposal would adversely affect the amenity of neighbouring properties.

(3 letters of objection were received)

Further comments 01/06/17: Members were unable to support the application for the following reasons:

- Members considered that the proposed houses would have an overbearing effect on neighbouring properties.
- Members considered that the proposal would adversely affect the amenity of neighbouring properties.

Members requested that the number of votes be recorded with 4 members voting to not support the application and 3 members voting to support the amendments as they were of the view that the amendments proposed were sufficient to alter their previous views. One member abstained.

Further comments 13/07/17: Members were unable to support the new application for the following reasons:

The amendments to the proposal were not considered sufficient enough to alter the Committee's previous views:

- The proposed design would have an overbearing effect on neighbouring properties.
- The proposed design would be detrimental to the street scene and was contrary to the policy of local design and distinctiveness.
- The proposed design was out of keeping with the character of the area due to massing and was incongruous having regard to neighbouring properties.

Other Representations

Objections have been received from 19 local residents raising the following concerns:

Overlooking
Dominance
Design out of keeping
Impact on wildlife
Impact on trees and hedges
Management of surface water run-off
Noise

One letter support has been received commenting that:

The development would enhance the local area and restore the garden.

Technical Consultations

DCC Flood Risk Management Team

We have received some flood risk concerns via Cllr Stuart Hughes relating to a planning application for 87 Sidford High Street. This would not come under our statutory consultee role but I would like to highlight the flood risk issue at this location for you to consider.

County Highway Authority

The application site is accessed off of Sidford High Street (A3052) which is subject to 30MPH. The site has an existing access that leads to a single dwelling. There is a footway running along the A3052 which narrows down to 800mm when it meets Manstone close. As shown in Manual for Streets one, 800mm width is acceptable for single file walking.

The proposed application is for the construction of two dwellings. It is shown that the access is to be moved slightly to the west as shown on drawing 14-2600-12D. Drawing 14-2600-12D shows 2.4 x 45 metres visibility can be achieved in each direction.

Turning areas have been shown for each of the dwellings with a 3.5 metres drive way connecting the two turning areas.

Recommendation:

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

1. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram 14-2600-12D where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 45 metres in both directions.

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

2. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 10 metres back from its junction with the public highway

REASON: To prevent mud and other debris being carried onto the public highway

3. The site access shall be constructed, laid out and maintained thereafter in accordance with the attached diagram 14-2600-12D.

REASON: To provide a satisfactory access to the site and to protect the pedestrian priority on the footway

4. 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.

EDDC Trees

08.11.16. I have concerns over this proposed development

- The Arboricultural report does not contain enough information to satisfy the tree related issues, it is report on how to develop the site rather than to protect the trees sufficiently
- The required level change for the new entrance will seriously affect the rooting system of the Copper Beech (T603) and the Cedrus atlantica (T633), there are number of major roots close to the surface, and the suggested pruning would be excessive. The two trees to be removed, T635 and T637 are healthy trees and suitable for retention.
- The new garage for house one will have significant impact on the retained trees and the suggested pruning would be classed as excessive.
- The proposed no-dig drive under trees T620-T624 is lacking details and appears excessive due to the surface roots from these trees
- More detail on the no-dig drive is required to include cross section and longitudinal sections showing how it will protect the roots
- The level changes for both houses near to trees requires clarification

Further comments 13.06.17. I have a few concerns over the new proposals for this application:

- The proposed site plan PP_100 and Tree Protection Plan TPP_87 Sidford High Street of 15/5/2017 does not match on either the retained trees nor the trees for removal trees are shown on one but not surveyed in the report, there are additional retained trees and trees that are shown in the Arb report for retention and are being shown for removal on PP_100 - this requires clarification
- The Garden House, although it was agreed to allow the footprint to encroach into the RPA on previous site meetings when the garden level was as existing there is now the excavation of a further 2m which is not acceptable
- The proposed driveways to the north of the site appear to require excavations as well as a no-dig driveway which again is not consistent between plans, further detailing and cross-sections are required.
- The removal of the trees to the North West of the site was agreed with the proviso of suitable replacement planting, there is no detail of this which should include location, species and size of the new trees.

Further comments 11.08.17: The new submission of the revised driveway and planting (PP_100 rev E) is now acceptable on tree terms, there will be a required revised TPP and AMS to reflect this, this can be conditioned.

PLANNING HISTORY

Reference	Description	Decision	Date
12/0899/OUT	Demolition of existing dwelling and construction of 4 no. single storey dwellings (outline proposal with details of appearance and landscaping reserved)	Approval with conditions	10.12.2012

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 26 (Development at Sidmouth)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

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

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The site is just under an acre in area (0.37ha) and is located on the south side of the A3052 within the Built-up Area of the town. Access is from the north east corner of the site directly from the A3052 and leads to a parking area and garage (now demolished). A two storey dwelling is located on the upper part of the site and has been empty for a number of years.

There are some significant trees in the west and north of the site, most of which are protected by a tree preservation order.

Immediately to the west is a plot with planning permission for a single dwelling. To the east is Bramble Close where there are four bungalows which share a rear or side boundary with the site. To the south and south west there is a relatively new development of bungalows and houses, known as Coombe Hayes.

Proposal

Planning permission is sought to replace the existing dwelling at 87 Sidford High Street and to build a second dwelling in the garden. The existing access would be retained to serve the second dwelling at the bottom of the site and a new access would be created in the centre of the road frontage to serve the replacement dwelling.

ANALYSIS

The main issues in the determination of this application are

- The effect on the character and appearance of the area
- The relationship with the neighbouring properties
- The effect on the protected trees
- Highway safety
- Surface water drainage

Character and appearance

Strategy 6 of the Local Plan requires development within Built-up Area Boundaries to be compatible with the character of the site and its surroundings. This is reinforced by Policy D1 which supports proposals that

Respect the key characteristics and special qualities of the area in which the development is proposed and

Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.

Back garden development is not a characteristic feature of the area but the site at no. 87 is considerably larger than any of the neighbouring plots and each of the two new plots would still be comparable to those in the surrounding area if the site is developed in the manner proposed.

There are few properties accessed from the A3052 in the immediate area but an additional access would not significantly change the character of the road in this location.

In recent years there has been some significant development along the A3052 to the west of the site with the construction of nos. 10-27 Samspon Close and 91 Sidford High Street. To the east there is more established two storey development beyond the two bungalows at the top of Bramble Close. In this context the construction of a large replacement dwelling would not appear incongruous. While the properties to the east and south are bungalows, the proposed development would not be accessed from Bramble Close or Coombe Hayes and would not interrupt the distinctive pattern of development in either of those roads.

In design terms the upper house would be a high quality construction which may be viewed as an asset to the area. The dwelling would appear rather more formal and imposing than typical properties in the area but it is not unusual for there to be variety in a townscape. A smaller scale building or more bland appearance would not necessarily be an improvement and the NPPF advises that we should not impose unsubstantiated requirements to conform to certain development forms or styles.

The development proposed is larger and more intensive than existing but it would result in a development density which would be compatible with the surrounding area. The retention of trees and vegetation on the road frontage and the position of the upper house would conserve the established character of the streetscene. In the absence of any identified harm to the character and appearance of the area, the proposal is considered to satisfy the requirements of Strategy 6 and Policy D1.

Neighbour amenity

The upper house would replace the existing house but would be taller (by about 1m) and more bulky. It would also be closer to the eastern boundary, although not as close as the demolished garage was.

The distance between the eastern wall of the proposed dwelling and the side of 7 Bramble Close would be about 15 metres and the distance to the rear of 5 Bramble Close would be about 19 metres. The side of the upper house would be aligned with the side garden of no. 5 and the front garden of no. 7. Although the proposed dwelling would be on higher ground than the neighbours and more prominent than the existing dwelling, it would not dominate the gardens of nos. 5 and 7 owing to the separation distances and the spacious character of the area.

There would be no windows in the side elevation of the upper dwelling but there would be bay windows on the rear in which the side panes would be angled towards no. 5 Bramble Close. The nearest window would be at least 20 metres from the windows in no. 5 and this would provide adequate separation to conserve the amenity of the occupiers of that property and those further down the hill in Bramble Close and Coombe Hayes where the separation is much greater.

For similar reasons the relationship with the permitted property at the side of 89 Sidford High Street is acceptable.

The lower house would be smaller but still a two-storey, 4-bed house. Again, it would have no windows in the side elevations but in this case the bedrooms would be on the ground floor and the living rooms would be on the first floor to take advantage of the distant views. Also at first floor level there would be a rear terrace with a timber screen on the east side. From the terrace to the rear boundary there would be a separation of about 16 metres. Beyond this boundary there are two properties, 18 and 19 Coombe Hayes, both of which are at a lower level. The rear elevations of these two properties face onto a bank and elevated boundary fence. There would be a distance of about 25 metres between the rear of the terrace and the rear of nos. 18 and 19 and a difference in levels of about 6-7 metres. Owing to the topography and the intervening boundary fence, there would be no views from the terrace to the rear of the properties in Bramble Close. Furthermore, the site plan indicates that the boundary hedge would be maintained at a height of 3 metres.

Between the side of the lower house and the rear of 3 Bramble Close there would be a distance of about 20 metres which would be sufficient to ensure that the dwelling would not dominate the outlook from that property. The balcony would also be screened and there would be no side windows in the dwelling so privacy would be maintained.

Although there would be no screen on the western edge of the balcony, the distance to the boundary with 17 Coombe Hayes would be 14 metres and the bungalow itself is a further 12 metres away. These distances would be sufficient to avoid an intrusive effect. Further relief will be provided by existing and proposed hedging on the boundary.

The separation between the opposing elevations of the two new dwellings would be about 22 metres. While there would be direct views from the upper house to the lower house, the main accommodation in the lower house would face south and therefore would not be overlooked by the upper house.

For the above reasons it is considered that the two new dwellings would have an acceptable relationship with the neighbouring properties and each other.

Trees

There are several protected trees on the site which would be retained and a number of others which would be removed. To compensate for the losses, some new trees would be planted elsewhere in the site.

In respect of the protected trees, the main area of concern is the construction of the driveway adjacent to the Cedar in the north west corner of the site. This is situated close to the road and therefore it is assumed that the roots are more extensive away from the road where conditions are better. Consequently there is some doubt that a circular root protection area is appropriate in this case. To address the uncertainty, the proposal has been amended so that there is no excavation to create the driveway between the tree and the house. This means that the floor level inside the garage has been raised slightly to match the driveway but externally there has been no change in height.

Subject to tree protection conditions, the dwellings are considered to have a sustainable relationship with the trees.

Highway safety

The existing access would be retained to serve the lower dwelling but a new access would be created to serve the upper dwelling. This access would be centrally positioned between the protected trees and would use a no-dig construction in their root protection areas. The speed limit at this point in the road is 30mph and adequate visibility splays would be provided.

Within the site there is sufficient space on both plots for two cars to turn and park.

Surface water drainage

Surface water flooding maps indicate concentrations of water at the rear of 7 and 8 Bramble Close and along the length of Manstone Lane. According to representations, water flows from the fields on the north side of the A3052 and across the road. Concerns have been raised that this development would affect the flow of surface water but there is no reason to think that development would divert water away from the site. If there is any effect it may be that the increase in hard surfaces on the site affects run-off to the properties below.

A drainage strategy has not been submitted but there is adequate space within the site to accommodate measures to control the rate of run-off. Given the increase in hard surfacing on the site, submission of these details should be secured prior to any works taking place to ensure that suitable provision is made.

Other matters

Ecological surveys have been submitted indicating use of the site by bats such that a licence would be required from Natural England for the demolition of the house. Measures to mitigate for the loss of habitats, such as the provision of roosting boxes, can be put in place and these can be secured by condition.

The proposal included cattle grids across each of the driveways but these have now been removed following the concerns from neighbours and Ward Members about noise.

CONCLUSION

The site is clearly large enough to accommodate two dwellings and can be developed without causing harm to the character and appearance of the area. The design and scale of the dwellings is to the specification of the applicants and, while different to others in the area, would not appear incongruous. The design has also taken into account the relationship with neighbouring properties and has resulted in a proposal which is appropriate for a built-up area where close but unobtrusive relationships between properties are common.

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 above foundation level until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to 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. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.
(Reason - To protect water quality and minimise flood risk in accordance with Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013-2031.)
5. Prior to the commencement of any works on site (including demolition and site clearance or tree works), a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details.

The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process. Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

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

(Reason - To ensure the continued well-being of retained trees in the interests of the amenity of the locality in accordance with Policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031.)

6. No development shall take place above foundation level until a scheme of mitigation for impacts on wildlife described in the ecological assessments dated 26 September 2016, 10 August 2016 and October 2014 has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - In the interests of the conservation of wildlife and habitats in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031.)
7. The lower dwelling, known as 'The Garden House', shall not be occupied until the timber balcony screen shown in the east elevation drawing (drawing number PP_204) has been provided in accordance with the approved drawings. The screen shall thereafter be retained in perpetuity.
(Reason - In the interests of the privacy of the occupiers of neighbouring dwellings in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.)
8. Prior to first use of the new access to the upper house (known as 'Sidford House'), visibility splays shall be provided, laid out and thereafter maintained for that purpose in accordance with drawing number PP_109 where the distance back from the nearer edge of the carriageway of the public highway shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway shall be 45 metres in both directions. There shall be no obstruction in the visibility splays above a height of 0.6 metres above the adjacent carriageway level.
(Reason - To provide adequate visibility from and of emerging vehicles in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)
9. No development shall take place above foundation level until details of the hard surfacing of the site access roads for a distance of not less than 10 metres back from their junction with the public highway have been submitted to and

approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the site access roads have been surfaced in accordance with the approved details.

(Reason - To prevent debris being carried onto the public highway in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the 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:

D	Other Plans	12.07.16
PP204	Proposed Elevation	04.05.17
PP203	Proposed Elevation	04.05.17
PP202	Proposed roof plans	04.05.17
PP201	Proposed Floor Plans	04.05.17
PP-102 B	Proposed Floor Plans	27.06.17
PP-103 B	Proposed Floor Plans	27.06.17
PP-104 B	Proposed roof plans	27.06.17
PP-105 B	Proposed Elevation	27.06.17
PP-107 C	Sections	27.06.17
PP-108 D	Sections	27.06.17
PP-109 A	Proposed Site Plan	27.06.17
PP 106C	Proposed Elevation	02.08.17
PP 101C	Proposed Floor Plans	02.08.17
PP 100E	Proposed Site Plan	02.08.17
14-2600-LOC A	Location Plan	11.11.16

List of Background Papers

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

Ward Sidmouth Town

Reference 16/3055/FUL

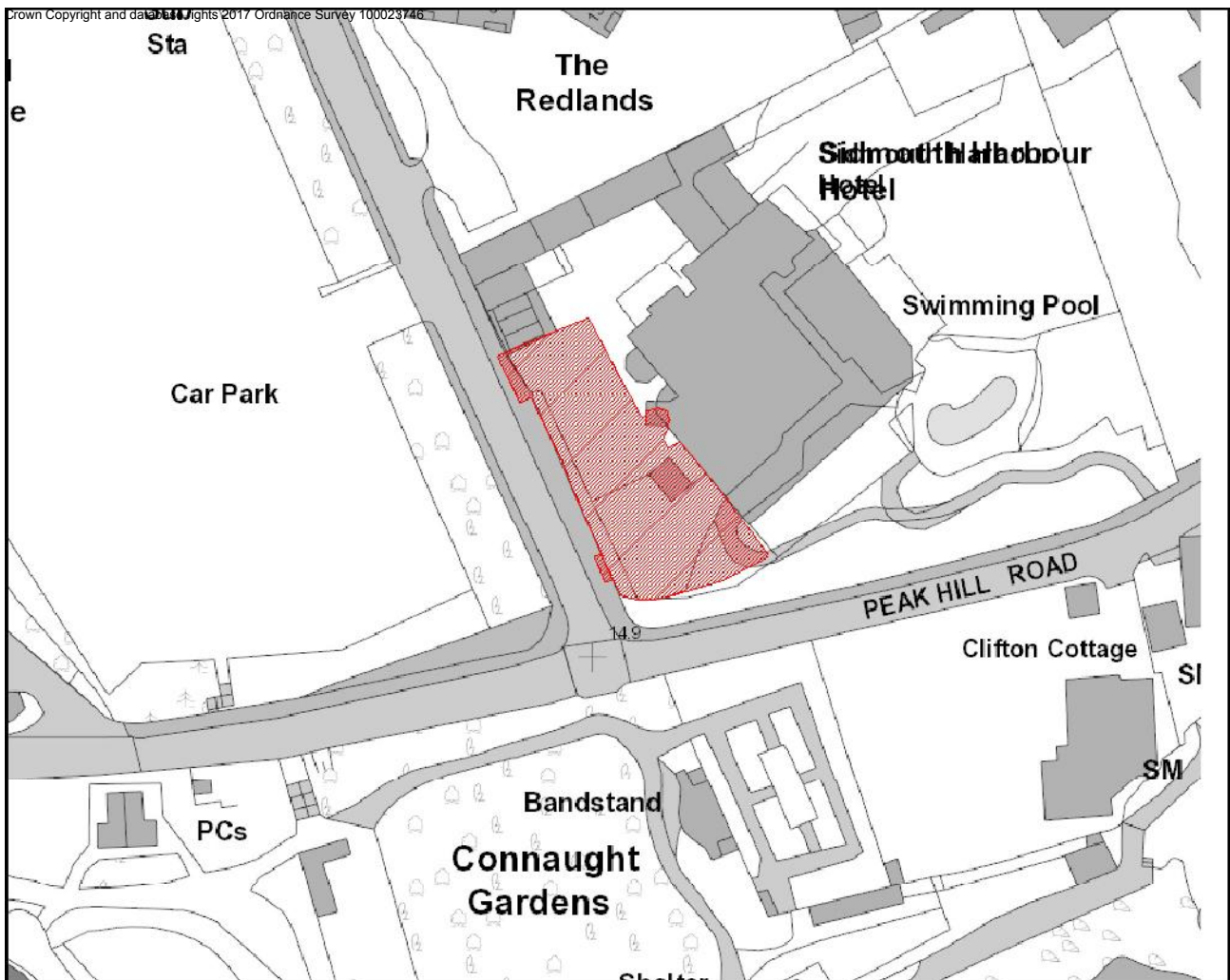
Applicant Sidmouth Harbour Hotel

Location Sidmouth Harbour Hotel Manor Road Sidmouth EX10 8RU

Proposal Erection of four storey building to accommodate 8 apartments with associated car parking (revised design to extant approval 11/1521/FUL)



RECOMMENDATION: Approval with conditions



		Committee Date: 2nd October 2017	
Sidmouth Town (SIDMOUTH)	16/3055/FUL	Target	Date:
Applicant:	Sidmouth Harbour Hotel		
Location:	Sidmouth Harbour Hotel Manor Road		
Proposal:	Erection of four storey building to accommodate 8 apartments with associated car parking (revised design to extant approval 11/1521/FUL)		

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application was deferred at the 5th September 2017 Development Management Committee for a Site Inspection.

This application is brought before the Committee as the officer recommendation differs from the view of the ward members.

The Sidmouth Harbour Hotel occupies a large, prominently located and sensitive site on the corner of the junction of Manor Road with Peak Hill Road bordering the designated Sidmouth Town Centre Conservation Area. It is also in part located in proximity of other designated heritage assets in the form of Connaught Gardens, a Registered Park and Garden of Special Historic Interest, and a significant group of Grade II listed properties extending along the southern side of Peak Hill Road to the east.

Planning permission (ref. 11/1521/FUL) exists for a development of eight open market residential apartments in the form of a four storey (including lower ground floor level) extension on the south western side of the hotel premises in addition to an extension to the hotel to provide annexe accommodation.

It succeeded a previous permission originally granted in 2007, which was renewed in 2010, for a different scheme relating to the same development.

The residential accommodation has been approved as a form of enabling development to support investment in the hotel so as to maintain its viability and the contribution that it provides towards the wider tourist offer of Sidmouth and East Devon.

The hotel annexe accommodation has been constructed pursuant to the approval of the 2011 application and, as such, the permission remains extant in relation to the residential accommodation element.

The current application seeks permission for a further revised scheme for the approved apartments. They incorporate a number of significant design modifications. Principal among these are: the omission of distinctive Dutch-style gable elements reflecting those on the existing building and their substitution for regular gables; the introduction of a more contemporary lower ground and ground floor treatment in the form of a render and stone-faced flat-roofed projection (to form a continuation of the recent restaurant extension to the hotel to which it would be attached) on the key south elevation with a more traditional brick finish above incorporating detailing that references the permitted 2011 application scheme; the presentation of a subservient double gabled elevation to Manor Road in place of a wall and roof running parallel with it, and a less busy north elevation backing towards the parking area for the development.

The scheme as now presented represents the outcome of negotiations with the agents to secure a more appropriate design solution for the development (given the sensitivity of the site) to that originally submitted which proposed a rendered wall finish with a largely featureless and poorly detailed elevation treatment that was considered to be wholly unacceptable in design terms.

Notwithstanding the suggested arguments that the level of investment given to the development and improvement of the hotel since the grant of the previous permission means that enabling development in the form of the proposed apartments is no longer required, the principle of an apartment development has been firmly established by the previous permissions. In addition, the fallback position represented by the extant permission for an alternative scheme also carries significant weight in this regard.

In any event, it is considered that the negotiated revisions to the current proposal have resulted in a development that would compare favourably in terms of design quality with that subject of the 2011 application. Indeed, in some respects, it is felt that it would exceed the standards set by that scheme. As such, whilst the objections raised to the proposal are duly acknowledged, it is not thought that there are any material grounds upon which to resist the proposed development.

CONSULTATIONS

Local Consultations

Parish/Town Council
Support.

Note: Councillors were concerned by information received which indicated that the applicant was not the Sidmouth Harbour Hotel but a private developer and that the proposed apartments would be sold for private ownership. Members had previously supported the application on the basis that the development was for the benefit of the

hotel and tourism. As such Councillors were of the view that they may have made their previous decision based on inadequate and misleading information and were they to be consulted on the proposal again they would be unlikely to support it.

(3 letters of objection received)

Sidmouth Town - Cllr C Gardner

As a ward member for Sidmouth Town I object to this planning application, I trust you can add my comments to those from others?

The site is very visible and is an important part of the character of the town, being visible as you go up to Peak Hill as well as when driving down, when the vista of the town and coast is in front of you. In fact this part of town is highly significant in its appeal and must be protected.

Development as described here will have a detrimental impact on enjoyment of the whole area as well as the award-winning Connaught Gardens. The open character of Peak Hill will be destroyed: existing hotel buildings are set back from the road (although it must be noted that this hotel has already crept closer to the road). The site overlooks the conservation area, is close to a lodge built in the 1840s and will be seen from the Area of Outstanding Natural Beauty.

I agree with other comments made that this proposal will seriously damage the charm and character of this area which, with similar areas of the town, contributes to the attraction of Sidmouth as a year-round tourist destination. The style is inappropriate, the size is excessive.

The Local Plan "Vision for Sidmouth" (14) states that "the historic character of Sidmouth will be conserved and enhanced with sensitive development adding to the commercial vibrancy of the town." This proposal also contradicts Strategy 26 (Environment) which states "Sidmouth's outstanding natural environment is a key asset and conservation, enhancement and sensitive management of the landscape, heritage and wildlife of the area is critical". I urge all decision-makers to consider this sensitive site carefully when they consider this application.

Sidmouth Town - Cllr M Booth

Dear Planning

I wish to register my objection to this application - 16/3055.

The application contravenes the Local Plan "Vision for Sidmouth" (14) states that "the historic character of Sidmouth will be conserved and enhanced with sensitive development adding to the commercial vibrancy of the town." The site overlooks the conservation area, is close to a lodge built in the 1840s and will be seen from the Area of Outstanding Natural Beauty. Contradicts Strategy 26 (Environment) which states "Sidmouth's outstanding natural environment is a key asset and conservation, enhancement and sensitive management of the landscape, heritage and wildlife of the area is critical". I urge all decision-makers to consider this sensitive site carefully when they consider this application.

The proposed development would seriously damage the charm and character of this area which contributes to the attraction of Sidmouth as a year-round tourist destination. The style is inappropriate, the size is excessive. It would be overbearing across a number of landmarks in Sidmouth including Connaught Gardens, The Esplanade, the cricket club, and the thatched cottages at the foot of Peak Hill.

I ask that all concerned consider this very carefully when assessing the application.

Technical Consultations

Conservation

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

The West Cliff Hotel is indicative of other late Victorian and Edwardian hotels in the area. It is probable that it may have been designed by local architect Sampson who had a profound influence upon architecture in Sidmouth over a twenty or so year period. While the hotel site is presently excluded from the conservation area its prominence has a significant impact the street scene, the registered park and garden opposite and to a lesser extent the setting of listed buildings overlooking the beach. In addition to close up views of the site from Manor Road the more significant aspect of the site is from the east where the hotel is read in the context of the other two large hotels and the listed cottage ornes.

Although the existing building is of smaller scale than the neighbouring Victoria Hotel its elevated position gives it almost equal prominence when viewed from the eastern approach. The position of the hotel in the street scene is significant in that its frontage is more or less in line with that of the Victoria and Belmont. It is therefore considered that the space to the front of the hotel is important, particularly as this also provides much needed space between Connaught Gardens and the listed buildings to the south. The land immediately to the west is important to the setting of the building framing the hotel from Manor Road and serves as a point of entrance and arrival.

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

Views relating to this site on previous applications in 2007, 2011 and 2015 have been consistent in terms of concerns over the development of this corner part of the site, see previous comments by SMG. It is still considered that the revised scheme will have a significant impact on the setting of the Conservation Area and the setting of close by listed buildings. With regards the overall design of the apartment block, a contemporary approach is not necessarily unsupported. However, the large gabled frontage and oversized fenestration dominates this prominent corner site and the street scene.

Further comments 18th August 2017:

Comments offered on the previous draft plans/additional information relating to the dormers and the hierarchy of fenestration appears to have now been addressed. No further comments.

Historic England

SIDMOUTH HARBOUR HOTEL, MANOR ROAD, SIDMOUTH, EX10 8RU
Application No. 16/3055/FUL

Thank you for your letter of 22 February 2017 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Further comments 21 August 2017:

Thank you for your letter of 4 August 2017 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

WW Utilities

Wales & West Utilities acknowledge receipt of your notice advising us of your planning application.

Please find enclosed a copy of the requested plan and our general conditions for guidance. The plan must be printed in A3 size and will also need to be produced in colour. A hard copy is available upon request.

Gas pipes owned by other GT's and also privately owned may be present in this area. You must not build over any of our plant or enclose our apparatus.

Other Representations

At the time of writing 10 representations of objection have been received. These include representations from the Chairman of the Sid Vale Association's Planning and Conservation Committee and the Chairman of the Management Company of The Redlands, a development of apartments adjacent to the site.

Summary of Objections

1. A speculative residential development, which appears to be independent of the adjacent employment site and the application is contrary to Strategy 32 in the Local Plan which resists the loss of employment land.

2. It contravenes the Local Plan "Vision for Sidmouth" (14, page 85) which states that "the historic character of Sidmouth will be conserved and enhanced with sensitive development adding to the commercial vibrancy of the town."
3. It contravenes Strategy 26 (Environment) of the Local Plan which states "Sidmouth's outstanding natural environment is a key asset and conservation, enhancement and sensitive management of the landscape, heritage and wildlife of the area is critical".
4. The application has no interaction with the hotel for which the original application was granted.
5. It would overlook a conservation area which contains early 19th century cottages and is a short distance from a lodge built in the 1840s. It would be prominently visible from Connaught gardens and from the Area of Outstanding Natural Beauty on Peak Hill.
6. The proposed apartments will, by their mass, height and intrusion, seriously damage the charm and character of this area
- 7., The previous application was, based on comments in the officer's report, reluctantly given approval by EDDC.
8. It is clear from the comparative floor plans between the approved application flats and those now proposed that far from being reduced their footprint is now to be both larger and again moved southwards by between another 3 and 5 metres into the very corner of the site so that they will dominate the view up Peak Hill Road from the town and down Peak Hill Road from the west. There would be only about 1.7 metres between the pillars on Peak Hill Road at the south western corner of the site and the edge of the sunken courtyards of the flats; an unacceptable increase in footprint and size.
9. A dining terrace was added along the entire southern frontage of the hotel without permission but gained a retrospective approval in October 2016 (16/0880/FUL). This clearly demonstrates that the applicant, (including the current private application), has a very "flexible" approach to Planning requirements.
10. Incremental increase in size which if repeated would in total represent a substantially enlarged development.
11. Development unnecessary for the purpose of developing a successful hotel.
12. Lack of adequate publicity.

PLANNING HISTORY

Reference	Description	Decision	Date
11/1521/FUL	Erection of extensions and alterations to hotel comprising additional hotel accommodation, 8 Apartments with associated car parking and hotel car parking (revised scheme to Planning Permission 10/1953/FUL)	Approval with conditions	06.02.2012

10/1953/FUL	Alterations and extension to hotel including the provision of 8 no. apartments and the erection of a replacement building to create hotel annex accommodation together with car parking area (renewal of 07/2288/FUL).	Approval with conditions	23.12.2010
07/2288/FUL	Alterations and extensions to hotel including the provision of 8 no apartments and the erection of a replacement building to create hotel annexe accommodation together with car parking area	Approval with conditions	12.12.2007

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 26 (Development at Sidmouth)

Strategy 43 (Open Space Standards)

Strategy 47 (Nature Conservation and Geology)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

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

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

ANALYSIS

Site Location and Description

The Sidmouth Harbour Hotel (formerly known as the Westcliff Hotel) is located on the corner of the junction of Manor Road with Peak Hill Road to the west of the town centre beyond the western end of the Esplanade.

The site occupies a prominent and sensitive location within a part of the town that has the greatest concentration of its larger hotels, namely the Victoria, Belmont and Royal Glen, as well as the Sidmouth Harbour itself, together with a number of significant attractions, including Connaught Gardens, a Registered Park and Garden of Special Historic Interest, and Jacobs Ladder beach. Whilst not within the designated Sidmouth Town Centre Conservation Area the southern and eastern site boundaries, with Peak Hill Road and Manor Road respectively, abut part of its boundary.

There are also a number of fine Grade II listed properties in close proximity to the site, principally a group on the southern side of Peak Hill Road extending to the east, most notably Clifton Cottage and The Beacon nearest to the site. However, the group also includes Rock Cottage and the cottages of Clifton Place.

The site is also located within the Principal Holiday Accommodation Area as defined in the adopted Local Plan.

The main body of the hotel building itself comprises a three storey brick core with some attractive and distinctive detailing, including feature Dutch-style gables. However, it has been significantly altered and extended over the years through a series of additions. Most significantly in the context of the current application, these later extensions include a two storey wing to the rear (north) of the original building extending along a significant length of the northern site boundary that provides additional hotel annexe accommodation.

One of the main features of the site is the attractive landscaped setting of the hotel that is provided by its extensive grounds that, as already stated, extend to the conservation area boundary on the east and south sides. Car parking and ancillary facilities occupy both the western side, between the existing hotel and the Manor Road frontage, and north eastern portions of the site. Vehicular access is off of Manor Road at a position towards the north western corner of the site and directly alongside one end of the comparatively modern hotel annexe accommodation.

Proposed Development

As will be evident from the Planning History set out above, the site has since 2007 had the benefit of a series of planning permissions relating to two projects of particular significance, namely the construction of the additional hotel annexe accommodation referred to above and a scheme comprising the provision of eight open market residential apartments within a four storey building between the entrance (west) elevation of the hotel and the Manor Road boundary.

The original planning permission for both of these developments (application 07/2288/FUL refers), granted in December 2007, was renewed in December 2010 under application ref. 10/1953/FUL. A further permission relating to a revised scheme (application 11/1521/FUL refers) was subsequently approved in February 2012 since when the hotel annexe accommodation element has been constructed and completed. Whilst the development of the residential apartments has yet to be commenced, the extant status of this most recent permission has been maintained owing to the construction of the holiday annexe accommodation.

Separate permissions have also since been granted and implemented in respect of schemes involving the enlargement of the hotel restaurant, the provision of a spa and gymnasium and external operations to provide modifications to the existing pool and lounging areas/terraces.

The current application proposal involves a further amended scheme for the residential apartment's component previously approved.

The submission before Members is the result of extensive and detailed negotiations with the applicants' agents to secure improvements to the overall quality of the design approach since submission and achieve a scheme that responds more appropriately to both the sensitivity and visual prominence of the site within the townscape and the approved proposals under application 11/1521/FUL.

They show four duplex flats occupying the basement and ground floor levels of the development with pairs of flats on both of the first and second floors, the latter partially accommodated within the roofspace of the building with access to roof terraced areas above. This is in place of eight duplex apartments as approved. The duplex apartments would be accessed from the rear (north) of the building via the existing parking area attached to the hotel with entrances at ground floor level although the lower ground floor would incorporate rear access to sunken private rear courtyard areas attached to each apartment on the south side of the development that would in essence be screened from public view, in part from being excavated into the site and also by way of a stone-faced retaining wall with balustrading above that would be mainly enveloped by proposed remodelling of the landscaped area around it.

The principal design modifications to the building itself from the approved scheme to which the extant permission shows the accommodation of parts of the lower ground and ground floor levels of the duplex apartments within a flat-roofed two storey element on the south elevation, albeit that the lower part would be screened as described in the preceding paragraph. They also show the substitution of the previously approved Dutch-style gable forms from the main south-facing elevation for

more conventional gables in the form of two on each of the south, west and north elevations. It does however show the retention of dormer elements on the north and south elevations as well as ground and first floor level balconies to the south elevation, both integral features of the previous proposals. However, owing to the modified nature of the accommodation internally, an approved communal balcony walkway along the north elevation at first floor level (serving the four upper floor duplex apartments) has been omitted in favour of a series of four bridged ground floor level entrances over a narrow open basement void (providing light wells to north-facing windows at this level), one of which would provide access to an internal communal staircase serving all three ground, first and second floor levels within the building. The upper storeys would be slightly cantilevered over the light wells and provided with rendered column supports with a cast stone architrave and cornice with lead dressings above.

Another main variation in the design of the amended scheme by comparison with the 2012 approval, as negotiated, involves the introduction of a revised elevation treatment at ground floor level in the form of a continuation of the contemporary design and appearance of the constructed hotel restaurant extension to which it would be attached. In detail, this shows a series of dark grey glazed sliding doors and windows set within a white/light coloured painted render external wall finish with stacked bond brick columns between each set of windows/doors. Below this, at lower ground floor level, openings of similar proportions and design (allowing for access to the sunken courtyard garden areas) would be set within a stone wall finish.

At first and second floor levels, it is intended that the architectural composition and external finishes would take more references from the design approach to the previously permitted scheme insofar as it incorporates brick-faced walls under a main natural slate roof and a pair of bay elements with similar French window and door detailing to before at first floor level. Lead lean-to roofs would be added over both bay windows with a similar feature also incorporated over a balcony link between them. Brick-faced lintel detailing is also added over the majority of windows as previously. At second floor level on the south elevation, and elsewhere on the west and north elevations, it is proposed that all fenestration take the form of sliding sashes with vertical glazing bars to each sash. All doors and windows above ground floor level on the south elevation and throughout all of the remaining elevations would be of timber construction and painted white.

The details also show brick header and stretcher feature courses to the gable verges and brick dentil courses below the eaves elsewhere in addition to ogee profiled guttering. Balcony/walkway balustrades are to be glazed with either timber or aluminium handrails.

Considerations/Assessment

The main issues that are material to consideration of the proposal in this case are discussed in turn as follows.

Principle of Development

The principle of residential development on the site has been firmly established through the previous planning permissions that have been granted by the Council. In so doing, the Local Planning Authority has consistently given considerable weight to the provision of the open market apartment accommodation as a form of enabling development to facilitate investment into, and improvement of, the hotel in order to ensure its ongoing retention and in broader acknowledgement of the contribution of tourism to the economy of both the town and the wider area. Permission has been granted on the basis that by permitting a limited amount of general residential accommodation, the refurbishment of the existing hotel and the up-grading of the accommodation being offered could be facilitated.

Indeed, in countering concerns expressed in relation to the proposals subject of application 11/1521/FUL regarding the viability of the hotel in the event of the additional accommodation not being constructed (owing to the need to close the hotel whilst the apartments are built), the applicants submitted a unilateral undertaking setting out an obligation to invest £450,000 in the refurbishment of the hotel prior to the first occupation of any of the apartments.

Evidence has been submitted with the current application to demonstrate that the level of financial commitment directed towards the improvement and development of the hotel since the grant of planning permission 11/1521/FUL in 2012 has actually been considerably greater than this figure. This is reflected by the investment that has gone in to the development of the restaurant, spa and outside facilities referred to above in addition to the considerable upgrading and modernisation of the interior of the premises throughout.

In response to objections raised in respect of the current revised proposals, it has also been advised that the land ownership of the hotel and the application site for the apartments has always been split. Indeed, it is noted from the unilateral undertaking that was submitted in 2012 that there are two different parties that are signatories to it.

However, it is suggested that this is not relevant in any event as the obligations of the unilateral undertaking in relation to the capital sum invested in to the hotel have been met, and indeed exceeded. As such, the matter is not material to consideration of either the principle or the detailed merits of the current scheme.

In such circumstances, and in the light of both the previous recognition given to the principle of enabling appropriate development and the 'fallback' position represented by the extant status of the current permission for apartments on the site, it is considered that the principle of the scheme in this case remains acceptable. Furthermore, the suggested position that there is no longer a requirement for enabling development on the site in view of the investment already made in the development and improvement of the hotel is not considered to be one that could reasonably be used to now oppose a revised residential development proposal for the site in view of the previous commitment on the part of the applicants, with the understanding and approval of the Council, that investment in the hotel would precede occupation of the apartments. It is not considered that the fact that the applicants now wish to amend

the approved scheme should be used as an opportunity to try and resist the development now that the investment that was previously committed has been made.

With regard to matters of ownership, it is agreed that this is not material. The key objective of the previously accepted obligation was to ensure that an appropriate scale of investment in the hotel was made before the apartments were developed to ensure that some planning gain, in the form of an enhanced tourist offer for the town, was realised. This has now happened and it is not thought that it would now be reasonable to resist an amended scheme for the apartment's element as a matter of principle, particularly in the light of the 'fallback' position of the existing extant permission.

Design/Appearance and Impact upon Character and Appearance of Area

As stated, these latest proposals have been the subject of considerable discussion and negotiation with the applicants' agents in the light of significant concerns with regard to the overall design quality of the scheme as originally submitted and its perceived failure to reflect and respond to the sensitivity of the site and its context and constraints given its proximity to the designated heritage assets listed in the preceding section of the report.

As a result, it is now thought that the amended scheme bears reasonably favourable comparison with that subject of the extant 2011 proposals in terms of its quality, detail and materials, most notably the greater use of brick in place of an entirely rendered and painted finish originally envisaged. In addition it is thought that the incorporation of more detailed elements, each individually quite subtle but which it is to be anticipated would collectively result in a more visually and architecturally pleasing composition and appearance, represents an enhancement of the overall quality of the design over that previously submitted.

Whilst the loss of the distinctive Dutch-style gables is considered slightly unfortunate, given that this would have provided the strongest architectural reference to the existing hotel building, it is thought that the superior design, form, appearance and elevation treatment of the west (Manor Road) and north (rear) elevations compensate to some extent for this. In particular, the proposed double gabled form, slight angle and subservient height of the part of the development extending towards the Manor Road frontage and the manner in which it steps down from the main body of the building is a better architectural solution than the rather more rigid and largely symmetrical approach previously taken.

Equally, it is felt that the general solid to void ratio and the reduced number of openings within the north elevation, together with the omission of the balcony, presents a more 'informal' impression that more effectively masks the complexities of the internal floor plan and the numbers of units within the building. This also applies, to a lesser degree, to the treatment of the Manor Road elevation which, in spite of now featuring a greater number of openings than as previously approved, is thought to directly address the street scene more sympathetically, particularly in view of how close this elevation would be to the Manor Road boundary (whichever scheme is implemented).

The proximity of the development to the Manor Road/Peak Hill Road junction and its localised prominence in views along both roads from the west, east and north, as well

as the more distant views that are available from the Esplanade to the east, emphasise its importance to this part of the townscape. Although bringing the built form slightly nearer to the Peak Hill Road boundary of the site and the Manor Road junction it is not anticipated that this should result in any harm to the character or appearance of the immediate surrounding area provided that appropriate landscape treatment of the corner of the site adjacent to the junction is carried out. To this end, any grant of permission should carry a landscaping condition.

In terms of the overall scale, bulk, massing and height of the development, detailed comparison shows that this compares closely with that of the approved scheme. Indeed, the ridge height of the highest part of the roof would be essentially identical, although this would be reduced where it steps down towards the Manor Road boundary. Although of a slightly different footprint area and configuration, with a marginal increase in depth and width as a result, this and the loss of the regularity of the approved scheme are considered to be acceptable.

In light of the above the proposal is not considered to cause harm to the nearby listed buildings or Conservation Area.

Impact upon Neighbour Amenity

The principal implications arising from the proposal in this regard involve the repositioning of the development slightly nearer to the Peak Hill Road site boundary than the approved scheme. This would be largely the case only at the lower ground and ground floor levels where they are to be partially accommodated with the proposed flat-roofed element, the lower ground floor level of which would in any event be screened. Above these, the extent to which the building and the balconies proposed at first floor level would be nearer to the same boundary would be reduced.

In addition, it is not anticipated that the use of the proposed roof terraces by prospective occupiers of the second floor level apartments would be unduly detrimental in terms of privacy. Although these represent an additional element to the proposals to which the extant permission relates, it is not considered that they would result in any unacceptably greater overlooking impact that would justify an objection on privacy grounds.

As such, taken together with the separation provided by Peak Hill Road itself and the extent of the proposed balcony and terrace areas that would be comparable with the scheme subject of the extant permission, it is not considered that the development would result in any materially greater or more harmful overlooking/privacy impact upon Clifton Cottage (the nearest residential property opposite the site) or any other properties in Peak Hill Road than the already permitted apartments development such that objection on this ground could readily be supported.

Furthermore, and again in comparison with the approved 2012 development, it is not thought that it would cause any other harm to the living conditions of either these properties or any others nearby through being sufficiently physically overbearing, dominating or intrusive as to cause undue loss of light, aspect or outlook from them or their garden areas.

Highways/Access/Parking

As with the approved scheme, the present vehicular entrance off Manor Road that serves the hotel would be retained as a shared entrance for the proposed apartments. Parking spaces at a ratio of one space per apartment would be laid out to the south of the entrance alongside the Manor Road frontage boundary bank.

Although this level of provision would be slightly less than might ordinarily be required for an out of town centre location, the proximity of further hotel parking nearby together with a public car park on the opposite side of Manor Road from the site is such that it is thought that objection on this ground could not reasonably be sustained.

Equally, whilst it is the case that the shared access into the hotel grounds and the site has previously been identified by the County Highway Authority (CHA) as being slightly substandard in respect of pedestrian/vehicular inter-visibility, addressing this would require relocation of the existing piers to either side of the entrance which is considered to be disproportionate to the extent to which there is a shortfall.

The width of the existing footway along the Manor Road frontage was previously considered sufficient to ensure that visibility both from and of vehicles emerging from the entrance is acceptable. There have been no alterations to the entrance since and there is therefore no reason to justify taking a different stance on this issue at this time.

At the time of writing, no consultation response had been received from the CHA.

Conclusion

Planning permission exists for a development of eight open market residential apartments in the form of a four storey (including lower ground floor level) extension on the south western side of the hotel premises in addition to an extension to the hotel to provide annexe accommodation.

The hotel annexe accommodation has been constructed pursuant to the approval of the 2011 application and, as such, the permission remains extant in relation to the residential accommodation element.

The current application seeks permission for a further revised scheme for the approved apartments. The scheme as now presented represents the outcome of negotiations with the agents to secure a more appropriate design solution for the development (given the sensitivity of the site) to that originally submitted which proposed a rendered wall finish with a largely featureless and poorly detailed elevation treatment that was considered to be wholly unacceptable in design terms.

The fallback position represented by the extant permission for an alternative scheme carries significant weight but in any event, it is considered that the negotiated revisions to the current proposal have resulted in a development that would compare favourably in terms of design quality with that subject of the 2011 application with no harm to the nearby listed buildings or conservation area.

As such, 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. No development shall take place above foundation level until a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the existing building and the character of the setting of the adjacent designated Sidmouth Town Centre Conservation Area and Registered Park and Garden of Special Historic Interest in accordance with Policies D1 (Design and Local Distinctiveness), EN9 (Development Affecting a Designated Heritage Asset) and EN10 (Conservation Areas) of the adopted East Devon Local Plan 2013-2031.)
4. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the adopted East Devon Local Plan 2013-2031.)
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order, with or without modification), no development of the types described in Class A of Part 2, of Schedule 2 to the Order shall be carried out (unless forming part of the approved landscaping scheme for the site required by condition no. 4 of the permission hereby granted) without a grant of express planning permission from the Local Planning Authority.

(Reason - To enable the Local Planning Authority to retain control over works or operations that would not ordinarily require a grant of planning permission in the interests of safeguarding the character and appearance of the development and the surrounding area which forms part of the setting of the adjacent designated Sidmouth Town Centre Conservation Area and a Registered Park and Garden of Special Historic Interest and in accordance with Policies D1 (Design and Local Distinctiveness) and EN10 (Conservation Areas) of the adopted East Devon Local Plan 2013 - 2031.)

6. No part of the development hereby permitted shall be brought into use until the vehicle parking spaces for the apartments shown on drawing no. 4037-(12)01 Rev.11 have been laid out, surfaced and completed. Thereafter, these spaces shall not be used for any other purpose unless an alternative and equivalent area of land within the site is provided, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority, and kept available for vehicle parking purposes.

(Reason - To ensure that adequate and safe provision is made and retained within the site for the occupiers of the apartments hereby approved and in the interests of highway safety in accordance with Policies TC7 (Adequacy of Road Network and Site Access) and TC9 (Parking Provision in New Development) of the adopted East Devon Local Plan 2013-2031.)

7. No development shall take place above foundation level until satisfactory details of all new external lighting have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.)

(Reason - In the interests of the character and appearance of the development in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013-2031.)

8. No development shall take place above foundation level until satisfactory details of a strategy for the accommodation of flues and vents within the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To enable the Local Planning Authority to consider the details of means of ventilation in the interests of the character and appearance of the development and the surrounding area which forms part of the setting of the adjacent designated Sidmouth Town Centre Conservation Area and a Registered Park and Garden of Special Historic Interest in accordance with Policies D1 (Design and Local Distinctiveness), EN9 (Development Affecting a Designated Heritage Asset) and EN10 (Conservation Areas) 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:

4037-(22)01 REV 6	Proposed roof plans	01.08.17
4037-(22)00 REV 10	Proposed Floor Plans	01.08.17
4037-(32)01 REV 10	Proposed Elevation	01.08.17
4037-(32)02 REV 9	Proposed Elevation	01.08.17
4037-(12)01 REV 11	Proposed Site Plan	01.08.17
4037-(32)05 REV 4	Other Plans	01.08.17
4037- REV 5	(10)01 Existing Plans	Combined 10.01.17

List of Background Papers

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

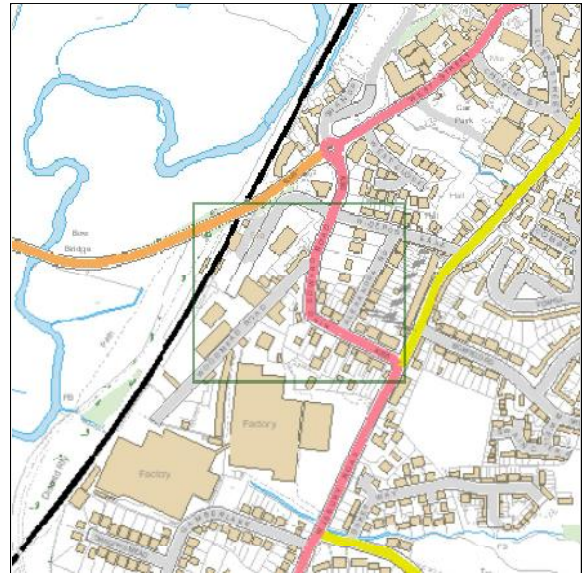
Ward Axminster Town

Reference 17/1485/OUT

Applicant Mr Josh Dufield (ACL Properties Ltd)

Location Land At Allwood King Edward Road Axminster EX13 5PW

Proposal Outline application for 6 no. dwellings with associated parking provision (all matters reserved except for access)



RECOMMENDATION: Approval with conditions



		Committee Date: 03.10.17
Axminster Town (AXMINSTER)	17/1485/OUT	Target Date: 28.08.2017
Applicant:	Mr Josh Dutfield (ACL Properties Ltd)	
Location:	Land At Allwood King Edward Road	
Proposal:	Outline application for 6 no. dwellings with associated parking provision (all matters reserved except for access)	

RECOMMENDATION: Approval with conditions, and subject to the completion of a S106 agreement.

EXECUTIVE SUMMARY

The proposal seeks outline planning consent for the creation of 6 dwellings, on the site of an existing bungalow and residential garden in Axminster. This application follows the withdrawal of a previous planning application for 8 dwellings on the same site. The planning application is referred to Members of the Development Management Committee as the officer recommendation differs from that of the Ward Member.

As the proposal is within the built up area boundary of Axminster residential development is acceptable as a matter of principle subject to site constraints being addressed. The plot is a triangular shape with sloping topography with ground levels that fall toward Woodmead Road. The plans as submitted are indicative but illustrate three blocks of semi-detached dwellings with allocated parking at a ratio of one space per dwelling.

Taking into account that there are examples of high density housing nearby the proposal would not be out of character within this context. A suitable separation distance between the adjacent properties and the proposed development would prevent any significant loss of amenity to neighbouring occupiers. The number of houses proposed within a designated Rural Area (as defined within the Housing Act) means that an offsite contributions towards affordable housing would be required.

As such the proposal is recommended for approval, subject to the completion of a legal agreement to secure the appropriate contributions towards off site affordable housing.

CONSULTATIONS

Local Consultations

Axminster Town - Cllr A Moulding

I still retain my previous opinion that this site should only accommodate 2/3 bungalows.

Houses would not be suited to the street scene in King Edward Road.

I would trust that the application should come to committee.

Further comments:

I still maintain my objection to this application and request that this is dealt with through the DM Committee.

Axminster Town Council

AXMINSTER TOWN COUNCIL IS OPPOSED TO THIS APPLICATION. THE AMENDMENTS FAIL TO ADDRESS THE OBJECTIONS PUT FORWARD PREVIOUSLY REGARDING AN APPLICATION WHICH WAS WITHDRAWN. THE FOLLOWING OBJECTIONS WERE RAISED REGARDING THE PRESENT APPLICATION:

1. SIX DWELLINGS ON THIS SITE STILL CONSTITUTES GROSS OVER DEVELOPMENT. THE APPLICANT APPEARS TO BE DRAWING HIS TOWNSCAPE FROM RAILWAY COTTAGES ON WOODMEAD ROAD AND IGNORING THE FACT THAT THE SITE BEING DEVELOPED IS ON KING EDWARD ROAD AND THE TOWNSCAPE IN THIS CONTEXT IS ONE OF BUNGALOWS, RESPONSES TO THE NEIGHBOURHOOD PLAN QUESTIONNAIRE INDICATE THAT THERE IS A DEMAND FOR SUCH HOUSING.

2. THE PREVIOUS PROPOSAL, TO HAVE THREE PARKING SPACES ACCESSED FROM WOODMEAD ROAD (A PRIVATE ROAD IN POOR CONDITION) AFTER A VERY AWKWARD 'BLIND' LEFT HAND TURN FROM KING EDWARD ROAD, WAS NOT ACCEPTABLE IN TERMS OF ROAD SAFETY ' AND TO INCREASE THIS NUMBER TO SIX SEEMS INCOMPREHENSIBLE.

3. ALL VEHICLE MOVEMENTS RELATING TO THIS SITE SHOULD BE ACCOMMODATED WITHIN THE SITE (REQUIRING NO REVERSING ONTO OR OFF THE SITE) AND THE SITE SHOULD BE ACCESSED ONLY FROM KING EDWARD ROAD VIA ONE SHARED ENTRANCE. AN ALLOCATION OF ONLY 1 PARKING SPACE PER DWELLING IS COMPLETELY INADEQUATE AND CONTRARY TO THE LOCAL PLAN. MOST FAMILIES NOW HAVE AT LEAST TWO (AND, IF ADULT CHILDREN ARE STILL LIVING AT HOME, OFTEN MORE) CARS, LET ALONE THE NEED FOR PROVISION FOR PARKING FOR VISITORS. THIS PART OF AXMINSTER ALREADY EXPERIENCES CONSIDERABLE ON-STREET PARKING PROBLEMS BOTH AS A RESULT OF DEMAND FROM RESIDENTS' PARKING AND 'OVERFLOW' PARKING FROM THOSE WHO CANNOT FIND SPACE AT THE STATION CAR PARK OR ARE NOT PREPARED TO PAY THE CHARGES THERE. THESE PROBLEMS WOULD BE AGGRAVATED BY THE

INADEQUATE PARKING PROVISION PROPOSED. THIS IS A 'NEW BUILD' DEVELOPMENT AND EVERY OPPORTUNITY SHOULD BE TAKEN TO ENSURE THAT IT GENERATES NO DEMAND FOR ON-STREET PARKING.

4. THE CONSTRUCTION OF THE PROPOSED DWELLINGS WOULD RESULT IN SIGNIFICANT LOSS OF LIGHT FOR SUNNYDENE IN KING EDWARD ROAD AND RAILWAY COTTAGES IN WOODMEAD ROAD AND ALSO RESULT IN EXISTING PROPERTIES BEING OVERLOOKED. FOR THIS REASON THE APPLICATION SHOULD SURELY BE ACCOMPANIED BY AN ENVIRONMENTAL IMPACT ASSESSMENT.

5. ALTHOUGH THE ACCOMPANYING SECTIONS DO HAVE A HORIZONTAL SCALE IT IS NOT CLEAR WHETHER THE VERTICAL SCALE IS THE SAME.

6. THE PROPOSALS WOULD RESULT IN A COMPLETE CHANGE IN THE CHARACTER OF THE TOWNSCAPE IN THIS PENINSULA SITE BETWEEN KING EDWARD ROAD AND WOODMEAD ROAD, WHICH IS CHARACTERISED BY LOW RISE, LOW DENSITY BUNGALOW DEVELOPMENT. IT IS INTERESTING TO NOTE THAT IN 1987, THE THEN OWNERS OF THE EXISTING BUNGALOW APPLIED FOR PERMISSION TO BUILD A SECOND BUNGALOW IN THE GARDEN AND WERE REFUSED PERMISSION LARGELY ON THE GROUNDS OF LACK OF ADEQUATE PARKING PROVISION WITHIN THE SITE. IF THAT REASON WAS RELEVANT 30 YEARS AGO IT IS EVEN MORE RELEVANT TODAY WHEN CAR OWNERSHIP IS GREATER THAN EVER.

7. THE EXISTING PROPERTIES AT RAILWAY COTTAGES EXPERIENCE FLOODING IN THEIR FRONT GARDENS WHENEVER THERE IS HEAVY RAIN AND THIS MAY BE AGGRAVATED BY THE PROPOSED DEVELOPMENT.

8. THIS SITE WOULD APPEAR TO BE PART OF THE MUCH LARGER AXMINSTER CARPETS SITE AND ANY REDEVELOPMENT OF THAT SITE WOULD BENEFIT FROM A ' MASTER PLAN' BEING PUT FORWARD RATHER THAN THIS PIECEMEAL, AREA BY AREA APPROACH.

AS AN ADDITIONAL COMMENT, GIVEN THE LOCATION OF THE SITE TO BE DEVELOPED, IT WOULD BE PREFERABLE IF ANY APPLICATION FOR THIS SITE WERE TO TAKE THE FORM OF A FULL APPLICATION SO THAT ALL IMPLICATIONS OF WHAT IS PROPOSED CAN BE CONSIDERED AS AN ACTUAL ENTITY.

GIVEN THAT THIS IS AN OUTLINE APPLICATION, AXMINSTER TOWN COUNCIL WOULD URGE THAT SHOULD EAST DEVON DISTRICT COUNCIL BE MINDED TO APPROVE THIS APPLICATION THEN THE OPPORTUNITY WOULD BE TAKEN AT THIS STAGE TO IMPOSE CONDITIONS REGARDING RESERVED MATTERS, FOR INSTANCE THAT THE RIDGE HEIGHT OF ANY DWELLING BE RESTRICTED TO THE PLANE BETWEEN RIDGE HEIGHT OF THE BUNGALOWS ON THE FURTHER SIDE OF KING EDWARD ROAD AND THAT OF RAILWAY COTTAGES IN WOODMEAD ROAD.

Technical Consultations

Contaminated Land Officer

I have considered the application and do not anticipate any contaminated land concerns.

Devon County Council Education

Regarding the above planning application, Devon County Council would need to request an education contribution to mitigate its impact.

The proposed increase of 5 family-type dwellings will generate an additional 1.25 primary pupils and 0.75 secondary pupils.

East Devon District Council have set out that they intend school facilities to be funded through CIL. Devon County Council will seek a contribution towards the provision of primary school infrastructure with regard to these proposed dwellings. The primary education contribution is £17,065 (based on the current DfE extension rate of £13,652 for Devon). There is currently capacity at the nearest secondary for the number of pupils likely to be generated by the proposed development and therefore a contribution towards secondary education would not be sought.

These figures have been calculated in accordance with the county council's education infrastructure plan and s106 approach and takes into account existing capacity in the surrounding schools. It is anticipated that these contributions would be provided for through CIL.

Other Representations

To date there have been 16 letters of objection raising the following issues:

- Road safety and parking issues
- Loss of light
- Loss of privacy
- Lack of parking
- Not in keeping
- Overdevelopment - too many dwellings
- Noise
- Drainage
- Visual impact and change to townscape
- No screening or scoping process has been carried out
- Lack of parameter plans

PLANNING HISTORY

Reference	Description	Decision	Date
17/0236/OUT	Outline application for the construction of 8 no. dwellings with associated parking provision (all matters reserved except for access)	Withdrawn	10.04.2017
87/P2510	Bungalow	Refused	16.02.1988

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

Strategy 20 (Development at Axminster)

EN14 (Control of Pollution)

H2 (Range and Mix of New Housing Development)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 6 (Development within Built Up Area Boundaries)

EN5 (Wildlife Habitats and Features)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The property of Allwood, Axminster is a detached bungalow with a detached garage. The property is surrounded by residential garden with a mixture of hedging and post and wire fencing around the perimeter. The property has an existing access onto Kings Edwards Road.

To the north of the site is a row of terrace red brick cottages known as 1-8 Woodmead Road and large commercial units. To the south and east are detached rendered bungalows and to the south west is another commercial building (a telephone exchange). The ground levels fall away towards Axminster Station to the north west of the site. The site is bounded by hedgerows on all sides and the garden largely laid to grass, however there are no mature trees on the site.

Proposed Development

The proposal seeks outline planning consent for the creation of 6 dwellings on land at Allwood, Axminster. All matters have been reserved for future consideration except for access.

The submitted indicative layout shows a row of housing with parking to the rear accessed directly from Woodmead road, at a lower level. There would be pedestrian access on to King Edward Road.

It should be noted that a previous planning application was submitted for the creation of 8 units. This planning application was subsequently withdrawn following discussions with the applicant.

ANALYSIS

The proposal is situated within the built up area boundary of Axminster where residential development is acceptable as a matter of principle, subject to site constraints.

Therefore the main issues concerning this outline proposal are;

- The design and impact on the character of the area;
- The impact upon the amenity of occupiers of adjacent properties;
- The impact on highway safety;
- Pollution;
- Affordable housing requirements;

The design and impact on the character of the area

Although layout is a reserved matter an illustrative plan has been presented. This shows three blocks of semi-detached two storey houses fronting on to King Edward Road, Axminster. This, in principle, would provide a suitable active frontage which would maintain the character of the area which is predominantly dwellings fronting onto the main road.

It was noted that there are a variety of types of existing buildings which can be viewed around the application site. These range from two storey terrace houses to detached bungalows and the commercial form of the telephone exchange and depots beyond. The erection of two storey houses on this site would not appear out of character with this mixed character surrounding the site.

With regard to the quantum of development the illustrative plan shows that 6 dwellings can be accommodated within the site without it appearing overly cramped or resulting in pressure on the site boundaries. The proposal would result in a density approximately 55 dwelling per hectare which is generally not held to be excessive. Therefore the proposal is not considered to be overdevelopment within the confines of the plot.

Relating this to its wider context there are high density residential developments nearby and so the development would not be out of keeping in this regard. The proposed dwellings would no doubt be prominent but again many dwellings can be seen within this context. It should be noted however that due to the gradient of the ground, which slopes away to the north the road fronting dwellings would partially obscure the public views within the road of the rolling countryside surrounding

Axminster. However, within a built up environment the development would maintain the predominantly urban and residential feel of the area.

Due to the drop in levels across the site it will be difficult to provide disabled access to the proposed dwellings, however this is a detailed design issue for reserved matters stage. Overall the proposal is considered to comply with policies D1 of the local plan.

The impact upon the amenity of occupiers of adjacent properties

The position of nearby properties have been noted and generally there is a high level of passive surveillance due to the tight grain of development. Whilst the details and position of the windows are not for consideration at this stage there is no reason why a sympathetic design, to take into account privacy cannot come forward under the reserved matters.

There would also be suitable distance between properties so as to avoid the houses appearing overbearing or result in an oppressive impact taking into account that any proposed properties fronting King Edward Road are likely to be at a higher level than the properties at 1-8 Woodmead Road. There is no doubt that the proposal would lead to a loss of view for the properties in Woodmead Road opposite the site who currently look out over the open garden of Allwood but this is not in itself a planning issue. These properties face south east and so any loss of sunlight would be limited to the very early part of the day. Adequate separation distances can be maintained to prevent excessive overlooking.

The closest property to the site is a detached bungalow known as Sunnydene that lies due south of the site. On the side of the property facing the site is a car port under which is secondary window to living accommodation. There is also a small window under the eaves serving the roof space. The close proximity of the proposed development would again lead to a loss of view but there would be no significant impact in terms of sun light as the development would be due north of the existing windows. The indicated separation distance is sufficient to prevent an overbearing impact. Accordingly under consideration of the proposal as an outline application the proposal accords with policy D1 in this respect.

The impact on highway safety

Paragraph 32 of the National Planning Policy Framework (NPPF) states that decisions should take account of whether safe and suitable access to the site can be achieved for all people. It also states that development should only be prevented or refused on transport grounds where the residual impacts of development are severe.

Along Woodmead Road it appears to be common for cars to park adjacent to the application site (where there are no double yellow lines) meaning that this road is effectively of single car width along this section. If parking bays were to be situated as suggested on the illustrated plans then these existing on road parking spaces would be lost. Whilst there is sympathy for the potential loss in parking of residents of the terrace on the road, as this is currently unallocated parking there was no permanent guarantee that such parking would be retained in perpetuity. In any event Woodmead Road is a private road and so this is a private matter.

Many of the local concerns stem from the lack of available parking and high frequency of vehicle movements due to nearby commercial activity. There is a sharp bend at the junction of Woodmead Road and King Edward Road and the use of commercial vehicles conflicting with the increase in residential use could occur. At present there are informal private highway signs directing HGV's to use the A358/B3261 roundabout to the north to access and leave Woodmead Road. However, these signs are not regulatory and are therefore not enforceable under the Highways Act. Under the previously withdrawn planning application the parking spaces were positioned in close proximity to this substandard junction and this formed an objection from the Highway Authority. The parking spaces, as illustrated, are now set further away from this junction meaning that such conflict between vehicles turning into Woodmead Road and vehicles leaving the parking bays is unlikely to result in severe harm.

At the time of writing there has not been a formal consultee response from the Highway Authority and so this will have to be verbally updated at the Development Committee meeting.

Pollution

Due to the nearby commercial activities the application site is highlighted as potentially contaminated. A comprehensive report has been submitted which illustrates that the ground conditions do not pose a threat to health. Furthermore, the Environmental Health department has been consulted on the proposal and have not raised any objections to the proposal.

Given the frequency of traffic on the surrounding highway network, the likely need for cut and fill operations to occur in order to provide suitable levels to accommodate the development it is both reasonable and necessary to impose a condition requesting a construction management plan.

Affordable housing contribution

The national planning practice guidance states that in a rural area affordable housing and tariff style contributions can be sought from developments of between 6 and 10- units in the form of cash payments which are commuted until after completion of units within the development. This council has previously decided to collect contributions towards the provision of affordable housing in such circumstances under strategy 34 of the Local Plan. As a result a financial contribution towards affordable housing is due in this case. The applicants have not submitted a mechanism to secure off site affordable housing in the form of a legal agreement in this case and so any recommendation of approval would be subject to the completion of a S106.

Other matters

Devon County Council Education department have requested a monetary contribution towards mitigation for increased pupil numbers arising from the development. However, education contributions form part of strategic infrastructure and so will be part of the Community Infrastructure Levy (CIL) calculated at reserved matters stage.

An ecology survey has been carried out during the appropriate season. This survey found that the site did not contain any protected species and had low habitat potential. Accordingly mitigation and remedial measures are not required and the proposal would not represent harm to ecology.

Conclusions

Under this outline planning application the principle of the site accommodating 6 dwellings is considered to be acceptable. These dwelling could be accommodated within the site without harming the character of the area, the amenity of nearby neighbours or without severe impact to the highway network. As such the officer recommendation is one of approval.

RECOMMENDATION

APPROVE subject to the completion of a S106 agreement to secure an off-site contribution toward affordable housing and the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).
2. Approval of the details of the layout, scale and appearance of the buildings and the landscaping thereof (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline with one or more matters reserved.)
3. The 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.)
4. Before any development commences details of finished floor levels and finished ground levels in relation to a fixed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that adequate details of levels are available at an early stage in the interest of the character and appearance of the locality and neighbouring amenity in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan and Government guidance contained within the National Planning Policy Framework 2012 (NPPF)).
5. Any landscaping scheme approved as part of a reserved matters application shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority

and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the adopted East Devon Local Plan and Government guidance contained within the National Planning Policy Framework 2012)).

6. No development shall commence until details of the surface water drainage scheme for the development and details of the mechanism for the maintenance of any such scheme, have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with details as agreed.

(Reason - To protect third parties flooding and water quality interests, in accordance with Policy EN22 (Surface Run-Off Implications of New Development) of the Adopted East Devon Local Plan 2013-2031 and guidance within the National Planning Policy Framework).

7. Development shall proceed in accordance with the following restrictions:

(a) There shall be no burning of any kind on site during construction, demolition or site preparation works.

(b) No construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays and not at all on Sundays or Public Holidays.

(c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.

(d) No high frequency audible reversing alarms shall be permitted to be used on any vehicle working on the site.

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

8. No development shall commence until a Method of Construction Statement has been submitted to and approved in writing by the Local Planning Authority, such statement to include: details of parking for vehicles of site personnel, operatives and visitors; loading and unloading of plant and materials; storage of plant and materials and a programme of works including measures for traffic management. The development shall be carried out in accordance with the approved details.

(Reason - To ensure the free flow of traffic on the highway in accordance with Policy 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 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:

2781-PA-02-01 A	Location Plan	03.07.17
-----------------	---------------	----------

List of Background Papers

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

Ward Budleigh Salterton

Reference 17/1278/FUL

Applicant Mr Steve Clark

Location 20 Clinton Close Budleigh Salterton EX9 6QD

Proposal Demolition of existing single storey side extension and construction of two storey attached 3 bed house with shared access to onsite parking.



RECOMMENDATION: Approval with conditions



		Committee Date: 2nd October 2017	
Budleigh Salterton (BUDLEIGH SALTERTON)	17/1278/FUL	Target 27.07.2017	Date:
Applicant:	Mr Steve Clark		
Location:	20 Clinton Close Budleigh Salterton		
Proposal:	Demolition of existing single storey side extension and construction of two storey attached 3 bed house with shared access to onsite parking.		

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

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

The proposal involves the sub-division of the curtilage of no. 20 Clinton Close, a semi-detached two storey dwelling located in a residential area within the built-up area of Budleigh Salterton, to form a broadly triangular plot for the development of an attached two storey three bedroom unit.

The plans have been amended during the course of the application to show a dwelling with a two storey core of identical proportions to the existing dwellings to which it would be attached to form a terrace of three properties. Subservient single storey lean-to elements attached to the side and rear elevations would provide for additional ground floor accommodation. External wall and roof finishes would mainly match the existing.

The objections raised by the town council, ward member and interested third parties on the ground of overdevelopment are acknowledged. However, it is considered that the proposed development would be compatible with the character and appearance of the area insofar as the scale and design of the dwelling and the layout of the site would reinforce the established characteristics of Clinton Close without appearing unduly cramped or restricted. Although of differing configuration to the neighbouring dwelling plots, it is thought that the size of the site would be sufficient to accommodate the scheme with adequate private garden space whilst enabling the retention of a sufficient garden area for the host dwelling.

It is also considered, notwithstanding the objections received, that the proposed access and parking arrangements for both the existing and proposed dwellings would be satisfactory. In any event, the site is located towards the end of a cul de sac within proximity of a large parking and turning head with unrestricted on street parking also available.

On balance therefore it is thought that the proposal, as amended, is acceptable.

CONSULTATIONS

Local Consultations

Clerk to Budleigh Salterton Town Council
17/1278/FUL

Proposal: Demolition of existing single storey side extension and construction of two storey attached 3 bed house with shared access to onsite parking

Observations: This Council is unable to support the application for the following reasons:

1. Over-development of the site.
2. Lack of amenity space for the residents of the proposed dwelling.
3. Likelihood of problems with access and parking.

Budleigh - Cllr T Wright

I have strong objections to this. It is shoehorning of an extreme kind and the new dwelling will have no amenity space. The concept of a shared driveway will now work. There are already vehicle parking problems in this location which as at the 'hammerhead' end of a cul de sac where there is supposed to be provision for vehicle to turn. Another home squeezed in will add to those problems. It is overdevelopment of the site.

Budleigh – Cllr S Hall

Please accept apologies for not being able to attend Committee meeting.

My stance is that I'm unable to support this application in line with the Town Council's views.

Budleigh – Cllr A Dent

Regrettably I will not be able to attend the DMC meeting on 2 October.

I would like my comments on this application to be noted please.

In line with the Town Council I remain an objector to this proposal and the grounds given for objection by the TC are - in my opinion - sound and based on local knowledge.

These are:

- Over development of the site
- Lack of amenity space for the residents of the proposed dwelling
- Likelihood of problems with access and parking

To emphasise these points:

The proposed site is some 15 feet lower than the adjacent Norman Crescent and the high bank would dominate the small garden that the application proposes.

As pointed out by another objector, the applicant has three vans and two cars connected to his plumbing business and these would cause - together with any vehicles owned by the residents of the proposed new property - severe congestion at the end of Clinton Close. I find it strange that this aspect has been overlooked in the officer's report.

Please ensure these comments are presented to the Committee.

Technical Consultations

County Highway Authority
Highways Standing Advice

Contaminated Land Officer

I have considered the application and do not anticipate any contaminated land concerns.

Other Representations

A total of six representations of objection and one further 'neutral' representation have been received with two of the four original third party objectors having also subsequently objected to the amended plans.

Summary of Objections

1. Building will result in an overdevelopment of the site and look completely out of place on the estate and at odds with existing buildings, all being semi-detached of similar design with equal spacing.
2. Owner has three vans and two cars connected with his plumbing and heating engineer's business which, along with delivery vans and lorries and a secretary's car, already creates a lot of stress in the close; lorries and vans associated with building work would worsen this situation.
3. Drainage is already inadequate and would be unable to cope with additional loads.
4. Overlooking of back garden and into landing window of no. 22 resulting in loss of privacy.
5. Reduction in area of visible sky, reducing ability to grow plants/grass and necessitating artificial lighting during the day.
6. Risk of structural damage to boundary and workshop walls during construction.
7. Comparisons with a similar project at no. 2 Clinton Close subject of application ref. 13/0411/FUL which was refused and dismissed on appeal.

8. A lower ridge and setting back of the front elevation would appear as less of a terrace and improve the visual aspect from the road rather than trying to look as the original build.

9. An extra dwelling will only add to existing problems with lack of on road parking spaces for residents and visitors.

PLANNING HISTORY

Reference	Description	Decision	Date
06/2026/FUL	First floor extension to side and single storey extension to rear	Approval with conditions	05.09.2006

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 21 (Budleigh Salterton)

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)

EN16 (Contaminated Land)

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

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

No. 20 Clinton Close is a semi-detached two storey dwelling located in a residential area within the built-up area of Budleigh Salterton approximately 1 km. to the north west of the town centre. It is one of six largely similar properties arranged in three pairs of semi-detached properties that front a short offshoot of the main cul de sac and face towards an area of public open space. It is accessed from the corner on the outside of a right angled bend in the road.

The property occupies the western portion of a broadly triangular plot that also has a rear/side frontage with Norman Crescent which occupies more elevated ground to the east/north east and serves more recent residential development.

Attached to the side of the main two storey element of the building is a flat-roofed single storey element that bears the appearance of additional accommodation that has been formed from the conversion of a single garage. Vehicle parking is on a gravel driveway at the front of this part of the property.

Proposed Development

The application proposal involves the sub-division of the curtilage, including the demolition of the single storey element attached to the side of the host dwelling, to create a plot approximately 0.022 hectares in area for the development of a two storey three bedroom dwelling that would be attached to the side gable elevation wall of no. 20. It would therefore result in the creation of a terrace of three units.

The submitted details show a two storey core of identical proportions to both nos. 18 and 20 to which it would be attached with single storey lean-to additions to the side and rear to provide for increased ground floor accommodation and a flat-roofed element housing a front porch and toilet. The proposed rear addition would take the form of a continuation of an existing lean-to that extends along the entirety of the rear of nos. 18 and 20.

The main body of the building would also take the form of a straightforward continuation of no. 20 itself with the main two storey front and rear elevation walls and roof eaves and ridge levels marrying into those of the host dwelling.

External wall and roof finishes would comprise face brick with brown profiled concrete tiles respectively to match the existing. A metal seam finish is proposed for the single storey lean-to elements (in contrast to the existing matching tiled roof finish of the single storey lean-to along the rear of nos. 18 and 20).

The present gravelled driveway would in effect be retained and extended alongside the plot boundary with no. 22 to the south in order to provide a pair of parking spaces in a tandem arrangement with the majority of the remainder of the front garden of no. 20 surfaced in grasscrete in order to retain an off-road facility for the host property.

The scheme has been amended from the original submission which envisaged a dwelling of greater width over two storeys that did not match the overall proportions of nos. 18 and 20. The proposals as now presented to Members therefore follow negotiation to secure what are perceived by officers to be improvements to the scheme.

ANALYSIS

Considerations/Assessment

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

Principle of Development

The site is located within the Built-up Area Boundary of Budleigh Salterton as defined in the adopted Local Plan within which Strategy 6 (Development Within Built-up Area Boundaries) permits development provided, among other things, that it would be compatible with the character of the site and its surroundings and would not impair highway safety or traffic flows.

Although these issues are considered in greater detail below, the fundamental principle of a dwelling on the application site is acceptable in strategic settlement policy terms.

Design and Impact upon Character and Appearance of Area

These issues have formed the basis for much of the parish council, ward member and third party objection that has been received in respect of the proposal.

Policy D1 (Design and Local Distinctiveness) requires, among other things, that proposals should: respect the key characteristics and special qualities of the area; ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context; avoid adversely affecting the urban form, in terms of street patterns, groups of buildings and open spaces; avoid adversely affecting the amenities of occupiers of adjoining/adjacent residential properties, and ensure that the amenity of occupants of future residential properties, with respect to access to open space and storage space for bins, bicycles, etc. is considered.

Whilst the observations made by the above parties are duly acknowledged, it is considered that the scheme would be largely compatible with these main policy objectives. Although extending the present semi-detached pair of dwellings into a terrace of three units, it is not thought that this would unduly compromise the established character or pattern of development of this part of Clinton Close, particularly given its position off-set at the end of the cul de sac. The scale, form and design of the proposed dwelling would largely reinforce the established characteristics of the immediate surrounding area, including the scale and proportions of the existing pair of semi-detached dwellings to which it would be attached.

Furthermore, it is considered that it would do so without appearing unduly cramped or restricted in form to the extent that it would appear as an overdevelopment of what is in effect a corner plot within the street scene of this part of Clinton Close. Although the objections raised to the proposal on the grounds of the inadequacy of the size of the plot to accommodate the development satisfactorily are noted, and there is an acceptance that it would be of a slightly different configuration to those of neighbouring dwellings, including that of the retained garden area that would be attached to no. 20 itself, the plot would be of sufficient area to allow for a reasonable sized garden with acceptable levels of privacy being made available to the prospective occupiers. It is

already well screened along its southern boundary from the rear garden of no. 22 by both a fence and established planting, both within the site and the garden of this neighbouring property. It is also screened from Norman Crescent by a relatively high timber fence that, taken together with the drop in level between this road and the plot, would ensure that the amenities and privacy from which the prospective garden of the dwelling would benefit would be acceptable.

Although it is conceded that the introduction of a development of detached form would appear as an inappropriate intervention in the existing space between nos. 20 and 22, it is considered that the provision of a further unit in the form of an extension to the existing semi-detached pair would be acceptable in spatial terms, especially in the light of the matching proportions of the principal two storey part of the dwelling and largely sympathetic arrangement and proportions of window and door openings in relation to the existing properties in Clinton Close. Moreover, whilst it would result in a degree of closure of the present gap between the this dwelling and no. 22, which as stated is at right angles to no. 20, it is not thought that this would be to the detriment of the wider character or appearance of the street scene of this part of Clinton Close.

Significantly, owing to the screening effect of boundary treatments, neither the size/area nor configuration of the plot itself would be readily apparent from view from the public domain of either Clinton Close or Norman Crescent. Indeed, from view from Norman Crescent, although extending the built form such that the rear north eastern corner of the two storey main body of the development would be only within 2 metres of the Norman Crescent boundary, the already oblique spatial layout of nos. 20 and 22 in relation to the Norman Crescent boundaries is such that it is not considered that this would itself result in any material harm to the character or appearance of this part of its street scene. There are no other closely neighbouring residential properties along the southern side of this part of Norman Crescent and, as such, the rear and side walls of the proposed dwelling would not be viewed within the context of any adjacent dwellings or built form. Its proximity to this frontage boundary would not therefore result in any harm or detriment to the character of its street scene.

The scheme also makes appropriate provision for the accommodation of bin storage facilities within the plot and there would be more than enough curtilage space available for bicycle and other storage facilities and uses as necessary.

Owing to its generous size and area, the sub-division of the existing curtilage would also enable the retention of sufficient private rear amenity space for no. 20 itself without any significant reduction in the amenities enjoyed by the occupier(s). The plot size itself would also continue to compare favourably with that of the neighbouring and nearby properties in the vicinity.

The proposal refused at number 2 Clinton Close was a much smaller and narrower piece of land that did not allow the construction of a dwelling of similar proportions to the existing dwellings. In addition the proposal had a much closer relationship to neighbours being refused due to its dominant and overbearing impact upon its neighbours.

Impact upon Neighbour Amenity

It is thought that the principal issue for consideration in this regard is the impact of the proposed dwelling upon the living conditions, mainly privacy, of the occupier(s) of no. 22 and its rear garden. The relationship with number 20 being acceptable and there being an adequate distance and relationship with number 39 Norman Crescent (approximately 15m at a lower level and on the opposite side of the road).

In this regard, it is thought that the negotiated reduction in the width of the development from that originally submitted moves the first floor bedroom window nearest to the front corner of the dwelling to the west so as to result in the outlook towards the rear garden of this property being sufficiently oblique as to avoid any material overlooking/privacy impact. Taken together with the level of screening provided by semi mature trees within the garden of no. 22 immediately alongside the boundary with the application plot, it is now considered that the level of impact would not be so harmful as to form the basis for a ground for refusal.

The separation provided between the development and other nearby properties in both Clinton Close and Norman Crescent is also sufficient to prevent any overlooking/privacy impact issues from arising elsewhere. These would also prevent any significant impact upon current levels of light, outlook or aspect available to or from these properties as a result of the development appearing unduly physically dominating, overbearing or intrusive.

Highways/Access/Parking

Although the submitted layout necessarily provides for a shared vehicular access arrangement with the host dwelling given its position at the very corner of the road carriageway where it deviates at right angles to the south, it is not considered that the proposed parking arrangements for either the existing or proposed dwellings would be impractical or unworkable to the extent that they would be likely to result in greater pressure for on-street parking within Clinton Close itself or cause undue loss of amenity to the occupiers of either property.

The road serving the site, as stated above, is essentially an offshoot of the close that terminates in a wide turning/parking head to the south of the site in close proximity to it. Furthermore, it has no on-street parking restrictions. Coupled with the present availability of off-road parking facilities for the majority of existing properties in the vicinity, it is not anticipated that the scheme would give rise to problems associated with increased parking on the highway to the extent that these, again, could reasonably form a sustainable ground upon which to oppose a grant of permission in this case.

Other Matters

Appropriate separation between the foul and surface water drainage disposal systems would be maintained with the former to be discharged by way of a mains sewer connection and the latter by way of a soakaway.

The submission includes the requisite form to determine liability for the payment of CIL from the development together with the appropriate legal undertaking that secures the payment of the required financial contribution towards the non-infrastructure element of mitigation of the effects of the development upon the Pebblebed Heaths and Exe

Estuary Special Protection Area in line with the obligations placed upon the Council through the Habitat Regulations.

Conclusion

Given the location of the site within the Built up Area Boundary, the principle of further residential development in this location is acceptable.

With the proposed design of the dwelling amended, it is considered to no longer be harmful to the appearance of the area with suitable relationships to surrounding properties.

Finally, with adequate amenity space and car parking proposed, the development is 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. Notwithstanding the submitted details, no development above foundation level shall take place until a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the adopted East Devon Local Plan 2013 - 2031.)
4. The dwelling hereby permitted shall not be occupied until the access and parking spaces shown on the approved plan for both the existing and proposed dwellings have been provided in accordance with the approved details. These shall thereafter be retained and kept available for those purposes at all times.
(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with the requirements of Policy TC7 - Adequacy of Road Network and Site Access of the adopted East Devon Local Plan 2013 - 2031.)
5. No development shall take place above foundation level until a scheme of hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees,

hedges, shrubs, herbaceous plants and areas to be grassed and hard surfaced. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the adopted East Devon Local Plan 2013 - 2031.)

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

(Reason - To avoid pollution of the environment in accordance with the requirements of Policy EN14 - Control of Pollution 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:

1710-100C	Combined Plans	26.07.17
-----------	----------------	----------

List of Background Papers

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

Ward Exmouth Halsdon

Reference 17/1304/FUL

Applicant Mr S Towers

Location 9 Littlemead Lane Exmouth EX8 4RE

Proposal Alterations to roof to allow the construction of dormer windows to front and rear, construction of single storey rear extension and detached summerhouse/store



RECOMMENDATION: Refusal



		Committee Date: 2nd October 2017
Exmouth Halsdon (EXMOUTH)	17/1304/FUL	Target Date: 18.07.2017
Applicant:	Mr S Towers	
Location:	9 Littlemead Lane Exmouth	
Proposal:	Alterations to roof to allow the construction of dormer windows to front and rear, construction of single storey rear extension and detached summerhouse/store	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

The application is presented to Committee as the applicant is a close relative of an officer of the Council.

The applications proposes constructing hip to gable extensions and adding front and rear dormers above an increased floor area of the bungalow which is located to the north of the town within a residential area with mixed styles of development.

Whilst there is no objection to a single storey extension proposed as well as a building in the garden, officers have concerns about the effect of increasing both the width and height of the bungalow across the width of the plot. The resulting appearance is considered out of character with the 4 similar bungalows alongside adding more bulk at first floor level and re-orientating the façade of the bungalow, which would be harmful to the appearance of this group failing to respect the characteristics and key attributes. The proposal would therefore be harmful to the visual amenity of the area.

Whilst officers have negotiated in an attempt to arrive at an alternative proposal, the applicant has elected to keep with this design and as such the application is recommended for refusal.

CONSULTATIONS

Local Consultations

Exmouth Halsdon - Cllr J Elson

23/06/17

No Objection

Include in conditions that it should not be detrimental to the rear garden boundary of the property in Roundhouse Lane as I notice it abuts the boundary.

Further comments 09/08/2017:

I am concerned that the very large dormers will be overlooking number 7 Littlemead lane. They are extremely large and on one side near the neighbouring property.

The dormer windows will overlook the rear gardens of both neighbouring properties reducing their privacy.

Parish/Town Council

Meeting 19.06.17

No Objection

Further comments:

Meeting 14.08.17

No Objection to the amended plans

Technical Consultations

None received

Other Representations

No third party comments have been received.

POLICIES

Policy D1 – Design and Local Distinctiveness

Relevant Planning History

There is no previous planning history on this bungalow.

Site Location and Description

9 Littlemead Lane is a bungalow facing onto the lane within a mostly residential area in the north part of Exmouth. There is a mixture of styles of dwellings in the area; 9 Littlemead Lane is one of a group of 4 of similar style in a line along this part of the street; this bungalow design is ubiquitous in this part of the town.

Elsewhere along the lane there are chalet bungalows with first floor accommodation as well as some that have had hips extended into side gables. There are also full 2 storey dwellings and blocks of flats close by.

The site has a relatively long garden to the rear which joins onto the rear gardens of dwellings fronting Roundhouse Lane.

The site is not subject to any particular designations.

Proposed Development

The application seeks permission to extend the existing bungalow at first floor level raising the overall height by approximately 700mm, replacing the existing hips to the side with gables and adding flat roofed dormers to the front and rear within the expanded roof space. Additionally a single storey rear extension is proposed.

Amended plans have been received which have reduced the width of the proposed extension of the building to the North West.

Additionally a summerhouse / store building is proposed in the rear garden.

ANALYSIS

Considerations

The matters to consider are the design and materials, amenity of neighbouring properties; the character of the area; any highway and other matters arising.

Assessment

On the main issue of the design of the proposal, it is considered much at odds with the design and appearance of this group of 4 similarly styled bungalows within this part of the lane. This style of bungalow - a higher front element with lower 'tail' element behind - is generally positioned in narrower width plots with more generous garden space to the rear; this is illustrated on the location plan.

Whilst the width of the enlarged floor area has been reduced moving it further away from No 11 to the north west, the resulting emphasis of width across the front elevation facing the highway as well as more bulk and massing at first floor level from turning the existing hips to gables would change the existing orientation to the detriment of the appearance of the existing bungalow, the immediate group of 4 dwellings and the wider character of the area.

Additionally the positioning of the dormer to the enlarged and re-orientated front roof slope would also be out of character with the appearance from the street of the 2 bungalows to the south east and the bungalow to the North West. The proposal is considered to over develop the available width of space across the elevation facing the highway.

It is acknowledged that Littlemead Lane at this point contains a variety of styles of homes but it is not considered this would outweigh the concerns from the harm to the character of this group of bungalows and immediate street scene from the development. As such it is considered the proposal would not meet the requirements of Policy D1 in respect of the key characteristics of this group of bungalows set out at point 1 and 3b) of this policy that requires development to respect the character of its area, its urban form, street patterns and groups of buildings.

With regard to the outbuilding the revised plans show this at the rear of the garden adjacent to a group of conifers within the applicant's garden. Notwithstanding the Ward Member's comments, given the modest single-storey height of this building and its proposed use, it is not considered it would have a significantly harmful effect either on the boundary or the amenity of the neighbouring property.

Turning to the issue of amenity of the neighbouring occupiers, the gable walls proposed as part of the change from a hipped to gable roof form would be facing onto the two properties to either side. Though these two neighbours have windows facing the site, the distances, location of these windows at ground floor to the side elevations, and existing relationships, are not considered to be harmful enough to justify refusal of planning permission, whilst acknowledging there would be some effect from the extended building form. The dormer windows to the front would overlook the public highway whilst those to the rear are a sufficient distance (well in excess of 30m) from the properties to the rear on Roundhouse Lane. The rear dormer windows would create some overlooking of neighbouring properties rear gardens but this would be at an angle and would not result in an uncommon relationship.

A window within the proposal at first floor facing No 7 would serve a bathroom and could be conditioned to include obscure glazing to protect the amenity of the adjoining neighbour. As such again acknowledging there would be some effect it is not considered it would be significant.

There is no objection to the single storey extension to the rear; this element would not be visible from public viewpoints. Given the position of proposed windows and the height of the single storey extension it is not considered the character of the area would be harmed; nor would the amenity of neighbouring properties be significantly affected from this element.

Finally, no comments have been received from County Highways despite the proposal removing on-street car parking provision. Whilst adequate space would be available to the front of the dwelling for the parking of a car, use of the front garden would necessitate engineering works and require planning permission given levels differences. Despite this, it is considered that adequate on-street parking is available to serve the dwelling.

Conclusion

The proposal is considered to be harmful to the character of the area but substantially amending the form of the bungalow through the creation of an enlarged footprint, provision of gable ends in place of the hipped roof form and introduction of a large

dormer window to the front roof slope resulting in a dwelling of differing design and proportions to the immediate group of bungalows within which it is viewed. It is not considered that the proposal would be harmful enough to the amenity of neighbours to justify refusal and the rear extension, outbuilding and car parking arrangements are considered satisfactory.

Despite officers seeking to negotiate further changes to the design, the applicant wishes for the current proposal to be determined and given the poor design of the extensions out of character with the area, the application is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposal by reason of the enlarged footprint, hip to gable extension and addition of the dormer to the created front roof slope, would over develop the space available resulting in a top heavy appearance and re-orientation of the appearance of the bungalow to the detriment of its individual character and to the detriment of the character of this part of Littlemead Lane. The proposal is therefore contrary to Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031.

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

Location Plan 22 May 2017
Drawing 2 Combined Plans for house
Drawing 3 Combined Plans including outbuilding

List of Background Papers

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

Ward Honiton St Pauls

Reference 17/1120/FUL

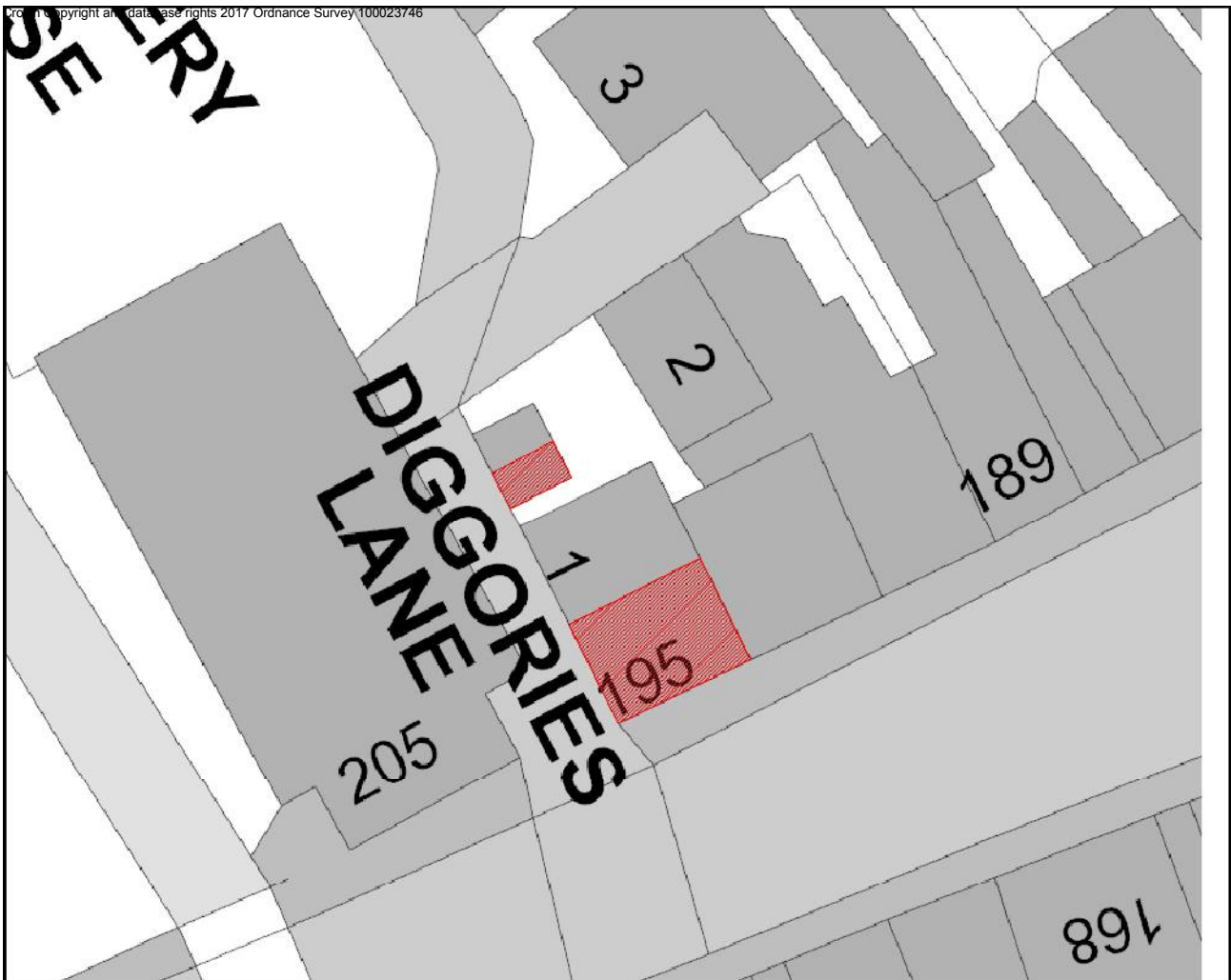
Applicant Mr N Channing

Location The Chiropody Practice 195 High Street
Honiton EX14 1LQ

Proposal Retention of existing UPVC windows and doors



RECOMMENDATION: Refusal



		Committee Date: 2nd October 2017
Honiton St Pauls (HONITON)	17/1120/FUL	Target Date: 17.07.2017
Applicant:	Mr N Channing	
Location:	The Chiropody Practice 195 High Street	
Proposal:	Retention of existing UPVC windows and doors	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

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

The proposal is for the retention of some upvc windows in the front face of the building, which require planning permission given the location of the site within the Conservation Area and as the premises are used commercially and as such do not have permitted development rights for such an alterations. The property is an end of terrace in Honiton High Street and the proposal is very similar to an application refused under delegated powers early this year due to the design of the windows causing harm to the character and appearance of the conservation area.

The main issue concerning this planning application is the impact on the character and appearance of the conservation area, with Section 72 of the listed building and conservation area act 1990 requiring the decision taker to give special regard to preserving or enhancing the character and appearance of the conservation area.

The windows installed are not considered to conserve or enhance the character and appearance of the conservation area. They have thick profiles, storm-seals and use top opening fanlights, which are not characteristic of this type of property. There is evidence that suggests that the previous windows were upvc units (of a more faithful design) and there is therefore no reasonable objection to using upvc again.

However the design of the current units is considered to be harmful to the character and appearance of the conservation area and given this, and given the special regard this must be given to preserving or enhancing the conservation area, the application is again recommended for refusal.

CONSULTATIONS

Local Consultations

Honiton St Pauls - Cllr J O'Leary

This application although retrospective should be allowed as it shows how the high street has evolved over the years, although it is in a conservation area if you look at the remainder of the properties in this part of the High Street there are a total mismatch of window design they include critter, plastic, aluminium, UPVC, and wooden, there styles include plate glass, patio, casement, side and top opening to name just a few, every property is different and I think it should go before the DMC Committee if the officers are not of the same opinion.

Honiton St Pauls - Cllr D Barrow

I would like to support this application as the windows do not detract from the building or surrounding buildings in the area. We should support local businesses and something as minor as this should be accepted.

Parish/Town Council

The Town Council objects to this application on the following grounds. The point by another consultee that there are various styles in the Conservation Area is accepted, however this property is readily visible due to its end of terrace location and is considered to detract from the appearance of the terrace and have an adverse impact on the character and appearance of the Conservation Area. It is believed that the style of the former windows could have been replicated. The suggestion by one consultee that the application should be supported as it is a business could apply to many of the properties in the Conservation Area.

Other Representations

None received

Technical Consultations

County Highway Authority

Does not wish to comment

Conservation

The property is included on the Local List as a building of local architectural or historic merit and is located within the Honiton Conservation Area adjacent to Gissage Brook. However, within the important features map this building, unlike the rest of the terrace, is omitted and is not described as a largely unspoilt frontage retaining significant period detail. Here the buildings form a tight group, mainly two storey with street frontages of modest proportions. No. 195 is two storey, rendered with slate roof and a central door

and 4no. windows on the front elevation, all upvc. The property is located adjacent to Diggories Lane and the only openings on this elevation relate to No. 1 Diggories Lane

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

The property is within the Honiton Conservation Area and contained on the Local List and as such has a valuable role to play in the overall appearance of this historic town. Works have already been carried out to replace all of the door and windows (4no.) on the front elevation with white upvc.

Looking at StreetView, in 2009, the property had 4no. upvc windows and a central door. The windows at that time were designed to replicate a sliding sash window divided into two horizontally, with an internally fixed glazing bar located in the centre, dividing the window into 4 panes. These have now been replaced with the existing upvc windows, divided with a central vertical mullion and 2no. top hung fanlights.

It is unfortunate that the windows, within this prominent High Street building have been replaced with upvc as originally it appears that those on the front elevation, were multi-paned sliding sashes (possibly 10 or 12 over 10 or 12), see photograph from 1965 below, and were a significant feature of the overall character and appearance of the property. In view of its location and contribution to the streetscene as a locally listed building within the Honiton Conservation Area, encouragement would have been given to retain these particularly significant windows. Failing this, timber would still have been a more preferable alternative and many large manufacturers now produce timber double glazed windows that incorporate the traditional elements of the window, for example the vertical sliding sash method of opening, and glazing bars. The pressure treated timber frame is also likely to last longer than upvc.

However, it appears that the original timber windows were lost some time ago and replaced in 1990 with the windows indicated in the 1998 Polaroid photograph. As previously stated timber would normally be the preferred option for any replacement window in a Conservation Area. In view of these circumstances it seems unreasonable to expect the windows to be replaced in timber, but the existing incongruous design featuring thick glazing bars and top hung openings does not replicate any traditional style in terms of period features such as opening method, number of panes, glazing bars, etc. It is therefore considered that in view of the fact that the windows were previously upvc, this might be an acceptable material in this instance, but the design of the window itself is unacceptable and needs revision.

The original windows appear to have been multi-paned sliding sashes and this would be difficult to replicate authentically in upvc. Failing the use of timber, either a good quality vertical sliding sash with some vertical division (glazing bars) or a simplified side hung casement, removing the top hung fanlight would both be suitable alternatives.

In its current form, it is considered that the replacement of the windows with upvc in conjunction with their overall design and style has been harmful to the building itself and the wider overall character and appearance of the Honiton Conservation Area and this application should therefore be refused and an alternative solution sought.

PLANNING HISTORY

Reference	Description	Decision	Date
17/0341/FUL	Retention of existing upvc windows and door	Refusal by reason of the incongruous design of the windows causing harmful to the character and appearance of the Conservation Area.	10.04.2017

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The application site is an end-of terrace property that sits along the High Street in Honiton and occupies a prominent corner plot (on Diggories Lane). The road frontage in the location is dominated by terraced buildings and is designated as a conservation area. It is in commercial use as a Chiropody practice. It does not have permitted development rights to replace its windows as it is in a conservation area, hence the requirement for planning permission.

Proposal

The application seeks retrospective planning permission to retain the UPVC windows and door.

The application is almost identical to an application refused in April this year.

ANALYSIS

The main issue concerning this planning application is the impact on the character and appearance of the conservation area, with special regard needing to be given to the duty under Section 72 of the listed building and conservation area act 199 to preserve or enhance the character and appearance of the conservation area. The application should also be considered against Policy EN10 of the adopted Local Plan that states that proposals should only be permitted where they would preserve or enhance the appearance and character of the area.

Members will note that this is the second application made this year to retain these windows. The first application was refused and a recommendation was made that enforcement action should be taken to seek the replacement of the windows with something more appropriate within three months. The present application was lodged inside that period however and so no further enforcement action has yet been pursued and is on hold pending consideration of this application.

In terms of this latest application, nothing physically has changed in terms of the windows installed. No significantly different supporting documentation has been submitted save for a covering letter from the applicant stating that the previous windows were fixed pane windows, not sliding sash as previously assumed in the last delegated report. The letter goes on to state that they were over 25 years old and letting in water. The new units were designed and required for ventilation, with limited opening angles due to proximity to the pavement and for security. The applicant was advised that the window design could not be replicated as it was obsolete and technically impractical.

Much of the historic core of Honiton straddles along the main high street. Honiton is the first settlement within Devon to have had a flourishing woollen industry with the built form reflective of a market town. The conservation area comprises of the two main frontages of the High Street and part of New Street towards the former parish church.

The application site sits along the High Street, which the conservation area appraisal recognises as playing a continuing role in the subsequent importance of the town. Today the town centre has the appearance of a late 18th and early 19th century market town. The appraisal states that the High Street has suffered somewhat from the loss of historic shopfronts and some overbearing signage, but the overall scale and appearance of the town centre today remains largely unspoilt with only a few jarring notes. 195 High Street is classified within the appraisal as a building on a local list, but unscheduled. These buildings are referred to in the statutory list by virtue of their group value, the character of which it is important to retain. However, within the important features map this building, unlike the rest of the terrace, is omitted and was not described as a largely unspoilt frontage retaining significant period detail.

The applicant has confirmed that the former windows were fitted in 1990 by the previous occupiers and that the previous windows were also upvc. If this were the case this would fit with the analysis of the conservation area appraisal which omitted it from the important features map. On balance it is conceded that upvc materials have been previously used on the building for a significant period of time and therefore there can be no objections to the use of upvc material once more. Further it appears that the door has not changed, or if the door has changed the difference is so marginal that there are no objections to the door in situ.

It would appear that the former windows, based on the photograph submitted and the latest letter from the applicant, were fixed pane sliding sash with centrally placed glazing bars with narrow widths giving a lightweight traditional appearance. The windows installed have much thicker cills, with top hung openings (with no centrally placed glazing bars). This thicker and clumsier style of windows detract from the traditional style of sash window, which results in harm to the historic interest of the

building. Such harm is easily viewable within the street scene, which has a significant footfall. It is considered that less than substantial harm has therefore occurred.

Taking the conservation area as a whole, the design of the windows would produce harm to a restricted area which is considered less than substantial harm to the significance of a designated heritage asset (in accordance with paragraph 134 of the NPPF).

In accordance with established case law, the consideration of less than substantial harm arising does not equate to less than a substantial planning objection when taking into account the special attention to be had to preserving or enhancing the character and appearance of the conservation area. Paragraph 134 of the NPPF advises that *'Where a development proposal will lead to 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.'*

In this particular case it is not considered that there are any public benefits in moving from one type of upvc window to a different but more inappropriate upvc window. There is little material evidence to suggest that a more suitable design of upvc windows (such as sliding sash) could not be installed and there are many such units available on the market, some used by volume housebuilders. There are no other merits to consider.

Although it were noted that there were other examples of recent upvc windows within the conservation area some of these have no record of planning consent, with other examples viewed within a different context of the conservation area. These do not therefore set a desirable precedent. This recommendation is based on the impact of the new windows on the conservation area.

Conclusion

Permission was refused in April of this year for the retention of the windows due to their harm to the character and appearance of the conservation area. Whilst the retention of the door was acceptable, the design of the windows was considered to fail to preserve or enhance the character and appearance of the conservation area contrary to Policy EN10 of the Local Plan and the guidance within the NPPF.

Given that the current application is almost identical to the previous proposal, and given a similar assessment of the impact with no public benefits to outweigh the harm to the conservation area, the application is again recommended for refusal.

RECOMMENDATIONS

REFUSE for the following reasons:

1. The development, by reason of its incongruous design featuring thick glazing bars and a top hung openings does not have a traditional appearance and does not preserve or enhance the setting or character of the Conservation Area. Further, the development directly results in the loss of sash windows which were considered to be more sympathetic to the character of the Conservation Area.

Therefore the proposal would conflict with the duty under Section 72 of the Listed Building Act, 1990 and contrary to Policies D1 (Design and Local Distinctiveness), EN9 (Development affecting a Designated Heritage Asset) and EN10 (Conservation Areas) of the East Devon Local Plan 2013-2031 and guidance in National Planning Policy Framework.

Plans relating to this application:

C	Photos	22.05.17
D	Existing Elevation	09.05.17
E	Block Plan	09.05.17
	Location Plan	09.05.17

List of Background Papers

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

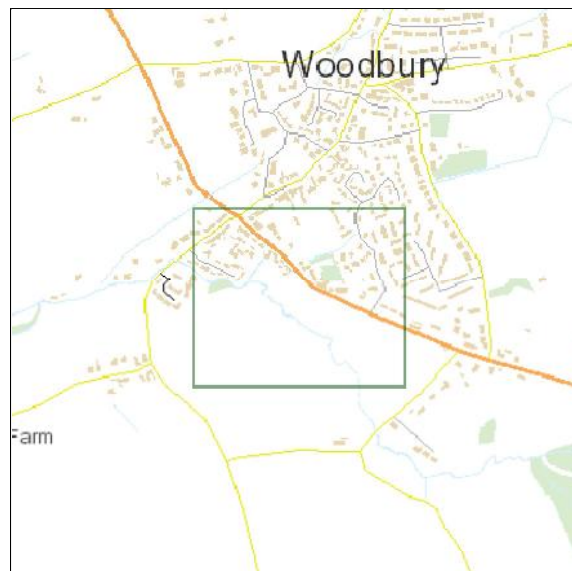
Ward Woodbury And Lymptone

Reference 16/1062/V106

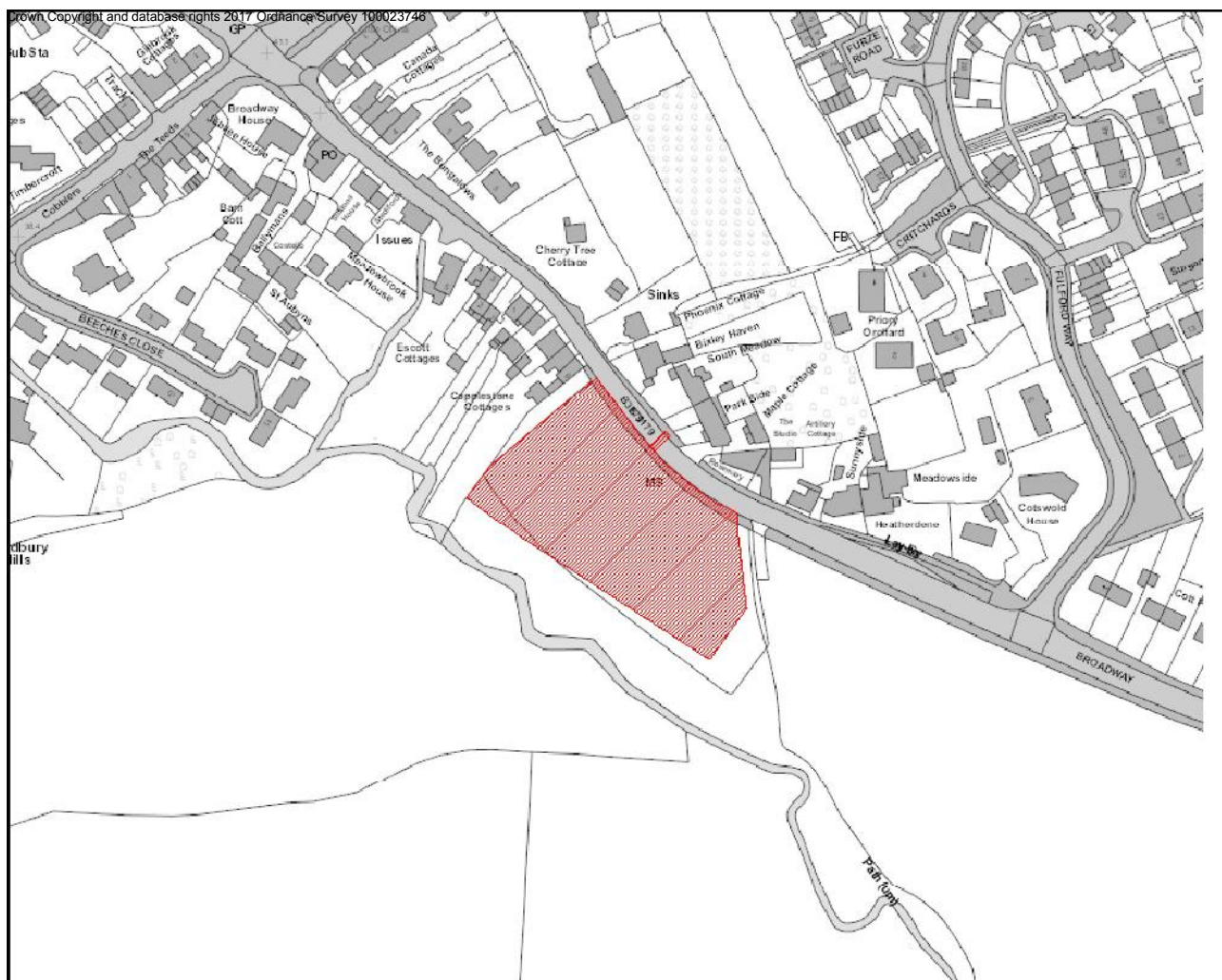
Applicant The Cavanna Group

Location Land To South Broadway Woodbury

Proposal Variation of requirement for affordable housing in Section 106 Agreement pursuant to application 13/1231/MOUT



RECOMMENDATION: Approval with conditions



		Committee Date: 2nd October 2017
Woodbury And Lympstone (WOODBURY)	16/1062/V106	Target Date: 27.05.2016
Applicant:	The Cavanna Group	
Location:	Land To South Broadway	
Proposal:	Variation of requirement for affordable housing in Section 106 Agreement pursuant to application 13/1231/MOUT	

RECOMMENDATIONS:

- 1. Amend the affordable housing schedule within the original Section 106 to allow for seven units of Discounted Market Housing at a 25% discount, as fall-back, if the RentPlus Units cannot be secured using best endeavours; and**
- 2. To allow a delayed overage clause that only applies if the development is not completed within 12 month of the completion of the legal agreement.**

EXECUTIVE SUMMARY:

This application is before Development Management Committee having been referred by the Chairman at Chairman's Delegation for consideration given concerns from Ward Members to the application regarding whether EDDC and East Devon residents would be better off from this proposal and as the previous application was considered by the Committee.

Outline planning permission was granted in 2013 (ref 13/1231/MOUT) for the construction of 20 dwellings with access off Broadway. An application 15/0982/VAR for the removal of Condition 6 (temporary car park) of approval granted under 13/1231/MOUT was approved at Committee in December 2016. This was accompanied by a further application (16/1062/V106) which sought a Variation of requirement for affordable housing in Section 106 Agreement pursuant to application 13/1231/MOUT. This application was under the (now repealed) Section 106BA regulations which enabled applicants to secure a reduction in affordable housing contributions where they presented an issue for viability. The application was granted at DMC for the affordable housing schedule within the original Section 106 agreement to be amended to provide 7 Rentplus units, or similar.

Cavanna Homes have written formally to EDDC requesting the inclusion of an alternative tenure option within the Section 106 agreement to the Rent Plus units. Their letter expresses a continued commitment to use reasonable endeavours to

secure a Rentplus (or similar) units, but if this fails they have requested the option of the 7 non-market units becoming discounted sale.

If Rentplus were not in a position to purchase the completed units, there would be seven completed units with no final purchaser and this is to be avoided. The fall-back proposal for 7 discounted units is a different scenario to the eight discounted market units that were found to be viable in the Section 106BA viability testing. However, in recognition of this Cavanna are offering to sell these units at an increased 25% discount from open market value rather than the 20% that was offered for the eight units.

Housing colleagues have indicated that this would be acceptable from their perspective, as the higher level of discount would make the units more affordable to prospective purchasers. The houses would also still be subject to a local occupancy clause giving priority to future purchasers with a local connection to Woodbury.

In addition to the fall-back position for 7 discount market units, the applicant is requesting a delayed overage clause on the basis that the development is proceeding on site and as up to date viability information has been submitted that will not change substantially. Whilst this is at odds with our Policy and the guidance within the Planning Obligations SPD, this is a unique situation whereby we have up-to-date viability on a proposal that is currently substantially under construction. As such, it is considered acceptable in this instance for the overage clause to only apply if the development is not completed within 12 months.

In light of the above, it is recommended that the 7 discounted market units be agreed as a fall-back to the provision of the Rentplus units, and that the overage clause be delayed for 12 month.

CONSULTATIONS

Technical Consultations

Housing Enabling Officer

Housing have been working with Cavanna and the Council's Development Enabling and Monitoring Officer to ensure that the 7 Rentplus units can be delivered. Rent to buy is a new affordable housing product and this is to be the first site in East Devon to provide this tenure. Rentplus are the main providers of this tenure in Devon and as a result of their funding they have strict requirements which we have been trying to work through and accommodate. The addition of the 7 discounted market units is very much a back-up plan to ensure the completed units do not sit empty in the event that rentplus or another provider do not enter contract to purchase the units. Cavanna have provided viability evidence which shows that 7 units at 75% is actually marginally less viable than 8 units at 80%.

From an affordable housing perspective having 7 units at 75% of Open Market Value makes these units more affordable to prospective purchasers. Woodbury is a high

value area and this level of discount (75%) would see a discount in excess of £55,000 each. We would ensure that purchasers have a Local Connection to Woodbury or failing that surrounding Parishes and finally East Devon. We would also ensure that this discount is applied to future sales so the affordability is not lost. Given the high values in the area we would prefer to see purchasers get a greater discount to make these units more affordable rather than have the additional 8th unit but all at a lower discount and less affordable.

Development Enabling and Monitoring Officer

Strategy 34 requires an overage clause to be sought when affordable housing levels fall below policy targets.

The Outline Permission secured 40% affordable housing, equating to eight of the twenty units, reflecting the policy target at the time.

As set out in the deed of variation committee report the acceptance seven units of RentPlus would reduce the number from eight to seven units necessitating the application of an overage clause, as the numbers falls below the policy target .

Likewise the new 'fall back plan' proposal would also only secure only seven units of Discounted Market Housing, not eight, which is also below policy target.

The applicant is offering the seven Discounted Market Sale at a 25% discount, rather than eight at a 20% discount. They have re-run the viability for this scenario and this demonstrates it is marginally less viable. Therefore the value of the total discount in £ is comparable between these two scenarios.

In light of the fact that the development is already on site, and that the impact of various scenarios on viability have only recently been assessed (including the 7 DMS option) the applicant is suggesting a delayed clause overage should be applied.

They are proposing that the Section 106 includes a clause that requires a re-assessment and overage if the development is not complete within 12 months from the signing of the DoV. The applicant's offer for delayed overage will ensure compliance with Strategy 34, although our recently adopted Planning Obligations SPD seeks immediate overage. It is also worth noting that overage would be payable on only the one lost units, and so the maximum overage payable would only be £22,346.

There is therefore a need to balance overage/immediate overage discussions, against the need to find a solution for the delivery of this site.

The applicant has submitted comprehensive viability information in support of the original DoV application, and additional information submitted in support this additional request. Since the original DoV approval concerted efforts have, and continue, to be made to secure RentPlus units, a new product for East Devon. Perhaps, unsurprisingly, the discussions around the wording of the S106 agreement have proved complicated and detailed, and this has created further delays, which in themselves would impact on the viability and delivery of the scheme. The applicant, RentPlus and its partner Housing Association Cornerstone remain committed to

finding solutions to these challenges and delays in finding a workable solution for this scheme. Added to this the development is on-site and making good progress. These factors must be weighed against the fact that although a delayed overage clause would comply with Strategy 34, but not strictly with the guidance provided in the recently adopted Planning Obligations SPD. On balance, in my view, acceptance of the suggested delayed overage clause would give the site the best change of remaining deliverable and the Rent Plus (or other non-market housing) actually being delivered.

PLANNING HISTORY

Reference	Description	Decision	Date
13/1231/MOUT	Outline application (layout, scale, appearance and landscaping reserved) for the construction of 20 dwellings with access off Broadway	Approval with conditions	23.12.2013
15/1370/MRES	Reserved matters application for the erection of 20 no. dwellings (approval of appearance, landscaping, layout and scale)	Approval with conditions	09.12.2015
15/0982/VAR	Removal of Condition 6 (temporary car park) of approval granted under 13/1231/MOUT (20 dwellings with access)	Approval with conditions	08.02.2017

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
 Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 2 (Scale and Distribution of Residential Development)

Strategy 3 (Sustainable Development)

Strategy 5 (Environment)

Strategy 6 (Development within Built-up Area Boundaries)

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

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset)

EN10 (Conservation Areas)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2012)

National Planning Practice Guidance

OFFICER REPORT

Background:

Outline planning permission was granted in 2013 (ref 13/1231/MOUT) for the construction of 20 dwellings with access off Broadway.

An application 15/0982/VAR for the removal of Condition 6 (temporary car park) of approval granted under 13/1231/MOUT (20 dwellings with access) for Land to South Broadway, Woodbury was received in April 2015. This suggested that the delivery of the temporary car park was problematic for health and safety, and viability, reasons.

A further application 16/1062/V106 was received in April 2016 which sought a Variation of requirement for affordable housing in Section 106 Agreement pursuant to application 13/1231/MOUT. This application was under the (now repealed) Section 106BA regulations which enabled applicants to seek a reduction in affordable housing contributions where they presented an issue for viability.

The viability information supporting both applications indicated a range of viable options, with more non-market housing being possible if the temporary car park was not provided. The viability report was found to have satisfactorily demonstrated that if the provision of the temporary car parking area during construction was still required then the scheme only could deliver 4 discounted market units sold at 80% of market value (20%), or 3 Rent Plus Units (15% non-market housing). If however the variation application was approved then the viability modelling in the report demonstrated that the scheme could support:

- 8 discounted market units, sold at 80% of market value (40% AH) OR
- 7 Rent Plus units (35%) OR
- 4 Affordable Rent Units (20%)

The Section 106BA application and the Section 73 applications were considered in tandem at the Development Management Committee of December 2016. The officer's report recommended that the 15/0982/VAR application was granted to remove the requirement for the temporary car park and that the affordable housing schedule within the original Section 106 agreement be amended to provide 7 Rentplus units.

On the day of the Committee decision the developer, Cavanna Homes, expressed concerns about being limited to working only with Rentplus. In an attempt to address these concerns the Committee agreed to add reference to RentPlus 'or similar' to the decision. It is considered that the 'or similar' could cover the possibility of the units being secured by 'Heylo' a for-profit registered affordable housing provider with a model called 'Let's Share'. This model enables properties initially let at Affordable Rent to be converted into shared ownership. The Heylo model is NPPF compliant affordable housing and is being considered by the applicant and EDDC Housing.

Proposal

There are two elements to this report that require decisions. The request to have a fall-back with the S.106 agreement to allow the provision of 7 discounted market units if an agreement with Rentplus (or similar) cannot be reached; and a request to include a delayed overage clause within the legal agreement. These are considered in turn below.

Request for additional non-market housing option(s) to be included in the Section 106 agreement:

Development has started on site and Cavanna Homes have written formally to EDDC requesting the inclusion of an alternative tenure option within the Section 106 agreement. Their letter expresses a continued commitment to use reasonable endeavours to secure a Rent to Buy tenure through Rentplus, but failing this they have requested the option of the 7 non-market units becoming units for discounted sale. This is a different proposal to any of the options previously tested for viability.

There is a possibility that Rentplus will not purchase the 7 units and/or that the final legal agreement will not allow them to proceed with the site. This would obviously put the applicant in a difficult position with 7 completed units with no final purchaser.

Whilst Rentplus and the applicant are using best endeavours to reach an agreement on this site, with the help of Housing, there is no guarantee that Rentplus will proceed with the site.

Should best endeavours not result in Rentplus proceeding on this site, the applicant has requested that the legal agreement be worded to allow those 7 units to be provided as discounted market units at a 25% discount.

This is a different scenario to the eight discounted market units (sold at a 20% discount) that were found to be viable in the Section 106BA viability testing. However, in recognition of this Cavanna are offering to sell these units at an increased 25% discount from open market value rather than the 20% that was offered for the eight units.

Housing colleagues have indicated that this would be acceptable from their perspective as the higher level of discount would make the units more affordable to prospective purchasers. The houses would also still be subject to a local occupancy clause giving priority to future purchasers with a local connection to Woodbury.

Given the possibility that Rentplus, or similar provider, may not be able to proceed with this site despite the best endeavours of the applicant, it is considered that a fall-back of the provision of the 7 units as discounted market units at a 25% discount be agreed and included with the legal agreement.

Delayed overage clause

In addition to the fall-back position for 7 discount market units, the applicant is requesting a delayed overage clause on the basis that the development is proceeding on site and as up to date viability information has been submitted that will not change substantially between now and completion of the development in a few months.

Whilst this is at odds with EDDC Policy and the guidance within the Planning Obligations SPD, that requires overage on all proposals that are not policy compliant, and therefore an assessment at the end of the construction/sales phase, this is a unique situation whereby we have up-to-date viability on the proposal that is currently substantially under construction.

As development is substantially underway and we have up to date viability, it is considered that this is a unique situation where a departure from our usual approach can be taken.

The applicant is not asking for the removal of the viability clause, simply that the clause only applies if the development is not completed within 12 months. This is on the basis that should a further 12 months pass, then the current viability could change.

Whilst it is appreciated that this is a departure from our usual approach, we do not usually have up to date viability information for a development that is already underway and due to complete within the next few months.

Given this key difference, officers recommend that the delayed overage been agreed in this instance.

RECOMMENDATIONS

1. Officers recommend that the developer's request to include alternative non-market housing tenures in the Section 106 agreement is agreed and that the Section 106 be drafted so that it ensure best endeavours are used to secure the 7 Rentplus (or similar) units and that failing this, with the agreement of East Devon, the seven units be provided as Discounted Market Housing at a 25% discount.
2. That an overage clause included within the S.106 agreement but that this be a delayed overage clause that only applies if the development is not completed within 12 months of the completion of the legal agreement.

List of Background Papers

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